

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

The regular Session of the 89th General Assembly will come to order. Will the Members please be at their desks. Will our guests in the gallery please rise. Our prayer today will be given by Reverend Ernest L. Gerike, retired from Trinity Lutheran Church, Bloomington, Illinois. Reverend Gerike.

THE REVEREND ERNEST GERIKE:

(Prayer given by the Reverend Ernest Gerike)

PRESIDING OFFICER: (SENATOR MAITLAND)

...Gerike, thank you very much for being here today. I'm honored that you're here. The interest of the Body, Pastor Gerike is my home church pastor, and it's a privilege for me to have him here today. Would you all please stay standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR MAITLAND)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 18th; Friday, May 19th; Sunday, May 21st; and Monday, May 22nd, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, it is so ordered. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR DEMUZIO:

Last night after Session, after reviewing the roll calls on House Bill 955, it indicated that I had voted No. I inadvertently must have hit the No switch when I meant to vote Present. I would like the record to reflect that this morning.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, the record will show -- indicate your intent. Committee Reports.

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 3 to House Bill 32 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment -- or, Senate Bill 435 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 447 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 619 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 721 - the Motion to Concur with House Amendments 6, 7, 8, 9, 10 and 15 Be Approved for Consideration; and Senate Bill 838 - the Motion to Concur with House Amendments 4, 5, 6, 7, 8, 9, 10 and 11 Be Approved for Consideration.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendment 2 to Senate Joint Resolution 21 Be Adopted.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 433 - the Motion to Concur with House Amendment 2 Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Amendments 2 and 3 to House Bill 1523 Be Adopted.

And Senator Cronin, Chair of the Committee on Education, reports Senate Bill 130 - the Motion to Concur with House Amendments 5 and 6 Be Adopted, Senate Bill 141 - the Motion to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Concur with House Amendment 1 Be Adopted, and Senate Bill 150 -
the Motion to Concur with House Amendment 4 Be Adopted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that
the House of Representatives has concurred with the Senate in the
passage of a bill of the following title, to wit:

Senate Bill 934, together with the following
amendment, which is attached, in the adoption of which I am
instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1.

We have like Messages on the following Senate bills with House
amendments: 405, with Amendments 1, 3 and 4; 412, with Amendments
1 and 2; 637, with Amendment 1; 711, with Amendment 1; 788, with
Amendment 1; 818, with Amendment 1; 977, with Amendments 1 and 2;
1026, with Amendment 1; 1094, with Amendment 1; 1200, with
Amendment 1; 1202, with Amendment 1; and 1208, with Amendments 1,
2 and 5.

All passed the House, as amended, May 22nd, 1995.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 76, offered by Senator Severns and all
Members.

Senate Resolution 77, offered by Senators Severns, Demuzio and
all Members.

They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Ladies and Gentlemen, our first order of
business will be on page 5 of today's Calendar. We'll be going to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the Order of 3rd Reading. So for those of you who have not yet reached the Chamber, I would advise you to -- to arrive very quickly. Today is an important day for bills on 3rd Reading. So, I encourage all Members to be in their seats as quickly as possible.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Madam President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR DUDYCZ:

Ladies and Gentlemen of the Senate, with us in the President's Gallery on the Republican side, we have some special -- very special guests from my district. We have the Resurrection High School Science Team, who recently won an award for the outstanding science project at the University of Illinois this year, and they are being led by their teachers, Vincenza Guisti, Paula Nicolau, and Aurelia Skiba. And my daughter, Nadya, is among the attendees there, and I would like to have the Senate welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

We'd like to have them rise and be recognized. Welcome to Springfield. Senator Maitland, for what purpose do you seek recognition?

SENATOR MAITLAND:

Point of personal privilege, Madam President. I was, today, privileged to introduce to the Body my home pastor, Pastor Ernest Gerike from Trinity Lutheran, Bloomington. And in the gallery directly behind you, Madam President, is a group from Trinity Lutheran who are down here today, some thirty-five or thirty-six men and women. They are from the Over Fifty-five Club at Trinity Lutheran. I'm just delighted to have them here in Springfield.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

And would you please stand and be recognized by the Senate?

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be welcomed? We're glad to have you with us. Ladies and Gentlemen of the Senate, I would like to at least inform you that we are going to 3rd Readings. We are on our last day for passage of bills on 3rd Reading. So I'd like you all to please be in your seats, be alert. Senator Butler seeks recognition -- leave of the Body to return House Bill 32 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 32. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler, on Amendment No. 3.

SENATOR BUTLER:

Thank you very much, Madam President. Amendment No. 3 is a agreement worked out with the -- by EPA <sic> and the Plumbers' Union, and I see no opposition to this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Hearing none, Senator Butler moves the adoption of House Bill -- Amendment No. 3 to House Bill 32. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other further Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. On the Order of 3rd Reading is House Bill 32. Senator Butler. Mr. Secretary, read the bill.

SECRETARY HARRY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

House Bill 32.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. This bill started out as a measure to regulate the plumbing installations on mobile homes and on manufactured homes. That was stripped out of the bill. This bill now cleans up some of the language that the EPH <sic> has had -- some of the problems they've had with the language in their bill. I know of no -- no opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you telling us, Senator, that the objection that the licensed plumbers had to the installations in these made-up homes, where they didn't have to have licensed plumbers do the plumbing, has been cleaned up?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Senator, there is no opposition from the Plumbers' Union.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 32 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 32, having received the required constitutional majority, is declared passed. Senator Karpiel, on House Bill 41. Senator Karpiel. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 41.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. I want to thank whoever fixed my mike. I appreciate it. House Bill 41, as amended, amends the Public Utilities Act. It authorizes the Commerce Commission to promulgate certain rules to apply to -- competitive -- to promulgate certain rules to apply to competitive telecommunication rates and services. The affected subjects include standards for the accuracy and measurement of the services provided, the payment of refunds and interest on overcharges, and health safety standards for employees, customers and the general public. With the other amendment, it replaces seven commissioners of the Illinois Commerce Commission with five commissioners and reduces the number of commissioners that can be of the same political party from four to three. Reduces the number of full-time assistants from three to two. Amends the Open Meetings Act to reflect the reduction of the number -- in the number of commissioners so that a quorum will -- or a meeting shall mean a gathering of a quorum of three. And that's what the bill does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Yes. Thank you, Madam President. This is the bill that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

requires all of the Commerce Commission members to resign effective January 1 of next year. After they resign, they'll be reduced to five, and that will allow a pay raise to go through for the five members who get reappointed. This bill is an attempt to redesign the Commerce Commission to go along with the Governor's ideas on utility regulation and to reward those who supported him in the election. I think it's pretty obvious what this bill is going to do: It's a pay-back bill. It's going to be one that's going to be very controversial. It will be brought up in everybody's re-election campaign, so I would urge you now to inoculate yourself against the negative ads in the future and vote No, and save the government some money. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Any further discussion? Senator Karpziel, to close.

SENATOR KARPIEL:

Yes...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Karpziel. I apologize. Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Lauzen.

SENATOR LAUZEN:

Would you agree with -- to the sponsor, would you agree with the comment that's been made - I guess it was in a Chicago Tribune article, a quote of an opponent to the bill - saying that getting three out of five commission votes is phenomenally more easy than getting four out of seven?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

It depends -- I would think it would depend on if they're right on the issue, or what the issue is, or -- not always.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I understand that Martin Cohen, CUB's executive director, says that if a smaller commission could reduce the diversity of opinion and independent innovative thinking on the panel. Would you have any reaction to that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel.

SENATOR KARPIEL:

Well, Senator, I think part of the reason for this reorganization, or the cutback of the number, has to do with the -- the changes in a lot of the industry now - the deregulation of the trucking industry, which they no longer will have to be handling, and the possible -- the changes that will be coming in the telecommunications industry. I think they're thinking that the workload is going to be cut down and that five commissioners can handle that as well as seven, and there is a savings to the -- to the State by doing so.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Could you help us understand, what is the -- what's the amount of the savings?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel.

SENATOR KARPIEL:

Well, the number that I have, Senator, is four hundred and twenty-six thousand dollars savings: two hundred and sixty-six thousand five hundred in public utility fund, and a hundred and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

fifty-nine nine in GRF.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, just put your light on.

SENATOR LAUZEN:

I -- I would say that if that's the amount of the savings, that we ought to then, perhaps -- if that's what it -- what it saves us to eliminate two, perhaps we ought to eliminate more. But another -- a final question on if -- if the workload is going down for the ICC, who is it who will be doing all of the work - the regulation work - on the electrical utilities rewrite of what's going on and the telecommunications? Isn't that in the ICC?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Who's going to be doing the work?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

The regulatory work for the telecommunications and also the electrical - when we go into the wheeling and all that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Well, I think, you know, the -- I don't think eliminating two commissioners and two assistants is going to -- they'll still be doing the work, and -- and we're going into a competitive business here so that we won't have as much regulations in the future with those -- with those deregulations of those industries.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Then just to the bill: I would -- if this is a good idea, I would suggest that it would be better to postpone this until we're through the -- the deregulation process, because rather than the workload on this agency going down, I would say that it's at least going to stay the same or increase. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR KARPIEL:

Well just to say, again, that what we're doing is just cutting the number of commissioners from five -- seven to five. The savings that I mentioned includes the elimination of the two commissioners, their staff assistants, the overhead and travel that's associated with those two commissioners and that with the deregulation of many of these industries, it is projected that there will be less regulation necessary and less work necessary, and I think it's a good bill. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 41 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 19 Nays, 1 voting Present. House Bill 41, having received the required constitutional majority, is declared passed. If I could have your attention one more time, Ladies and Gentlemen. I'm going to just make one point: If you want to seek recognition in your questioning, all you have to do is put your light on. Don't assume that the Chair is going to know that. So, just put your light on when you want to seek recognition, and you will be recognized. On the Order of 3rd Reading is House Bill 90. Senator Karpriel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

House Bill 90.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. House Bill 90, as amended, requires that the budget and tax levy of the DuPage Airport be approved by the county board before the tax levy may be certified to the county clerk, and that's basically all it does to present law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President. This is a reform that is long overdue, and I -- I commend the sponsor for taking care of some of the real problems with this bill. And I would just hope everyone on this side of the aisle will also support the bill at this point.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Seeing none, Senator Karpiel, to close.

SENATOR KARPIEL:

Just to say, what a difference a day makes. I appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 90 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 90, having received the required constitutional majority, is declared passed. Senator O'Malley, on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

House Bill 207. Senator O'Malley, on House Bill 226. Senator Petka, on House Bill 301. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 301.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. House Bill 301, which passed out of the House 107 to 0, was amended in the Senate to provide a compromise to help older, un-reimbursed detention facilities receive compensation for some of their security personnel. The underlying bill, which passed the House, in which I seek adoption, would permit the Department of Corrections to build and operate regional juvenile detention facilities to hold minors awaiting trial as adults. Please understand that this is not a mandate. This is a -- it's permissive legislation, and the Department, if they choose to go forward, would recoup their costs by simply allocating fees to be paid by the counties who would be using this juvenile detention center. Because of that, Madam President, I seek its adoption and will answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Any discussion? Seeing none, the question is, shall House Bill 301 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. House Bill 301, having received the required constitutional majority, is declared passed. Senator Cullerton, on House Bill 320. Read the bill, Madam Secretary.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

ACTING SECRETARY HAWKER:

House Bill 320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. House Bill 320 passed the House by a vote of a 115 to nothing and came out of the Executive Committee. It authorizes a revolving loan fund at the Illinois Facilities Fund. This would be to make below-market-rate real estate loans to child care agencies that will be called upon to expand as the welfare reform is implemented in Illinois. This also creates a Child Care Capital Advisory Board <sic>, which is appointed by the Governor, to advise the Illinois Facilities Fund on implementation of the capital fund. Any funds that are -- that come into this -- this State fund then would be used to leverage private investment from banks and foundations. Child care agencies in low-income neighborhoods in Illinois rely upon government contracts for the majority of their revenues, and they are unable -- generally unable to obtain traditional bank financing. Because improved or expanded facilities are necessary to serve more children, there's a credit gap. This fund would help solve that problem. The Illinois Facilities Fund is a not -- nonprofit statewide tax-exempt corporation that -- that right now makes below-market real estate loans to over eighty human service organizations in Illinois. They actually built and own seven large child care centers through a partnership with the Department of DCFS, and they have a close working relationship with them. The -- as a result of Senate Bill 10, we do expect, obviously, that there will be welfare recipients who will be in need of child care. The child care industry across

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the State is already burdened with a long waiting list, and the lack of child care is often cited by poor single mothers not in the labor force as one of the reasons they're not working. So this loan program will help keep costs of child care low by making possible the necessary capital investment at reasonable and stable rates. Be happy to answer any questions. Urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. -- Madam President. Senator Cullerton, I'm a little confused by -- by the language of this quite lengthy staff analysis on your bill. This creates the Child Care Capital Development Fund Advisory Council to provide guidance to the Illinois Facilities Fund. What is the Illinois Facilities Fund?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLETON:

Yes. The Illinois Facilities Fund was created in 1990. It's -- has approved over seventy-nine loans, totaling over thirteen million dollars. It's a nonprofit statewide tax-exempt corporation that makes below-market real estate loans to over eighty human service organizations in Illinois. And what they do is that every dollar in this loan program leverages four dollars in private investment. And the reason -- the need for this organization and this fund, is that traditionally these facilities that need to be built would not qualify for a bank loan program. So, a traditional bank would not give a traditional loan. So you have this Fund that provides the -- the credit, and then it's -- the money is repaid, and then once it's repaid, it's loaned out for -- for more -- for more projects to be built.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR DUDYCZ:

Is this the only such organization -- I mean, this is not a State agency. This is not a State-funded organization, is it? It's a private -- private group, and we're creating an advisory council to -- to give guidance to this -- what is it 501(C)?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. They're in existence. They are a nonprofit statewide tax-exempt corporation who make loans now. Now, what this bill would do would be to focus specifically on the child care providers. Nonprofit child care providers are the ones that, as we said, will be called upon to -- as welfare reform is implemented, to build these facilities, and they are the ones that lack the credit needed to secure traditional bank financing. And so, what this panel will do is to advise the -- advise the Fund as to where the money should best be -- where these facilities would best be -- be set up, and -- and as I indicated, they do work with DCFS right now.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Cullerton, where is the funding supposed to come from for the Child Care Capital Development Fund for the -- for example, the -- the revolving funds? Where is this money coming from and how much are we talking about?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

There's absolutely no appropriation, and there's no appropriation needed. This Illinois Facilities Fund receives money from private foundations. There's certainly no reason to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

preclude the State if in the future, as we implement Senate Bill 10 -- if we implement that and we want to spend State money, that's a decision that future General Assemblies can make. But we're just setting up the fund. There's no appropriation and these monies can come from private foundations and -- and from private donations.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, that's my point. This year we're not providing any funds for it, but next year they will come to us and say that since we are providing this advisory council to the Child Care Capital Development Fund, I fear that they will be coming to us and asking us for a specific appropriation. This is -- this is specific legislation. I don't know if this is what we really want to do. We are creating a -- an advisory council through General Assembly action to provide guidance to a -- a private corporate fund. And -- and I fear that we're -- we're setting a dangerous precedent here. I don't think that we want to do that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam President. I rise in support of this bill. In my district, I have, in the short time I've been there, been able to visit many day care areas. There is a need because of the bill that we have passed with welfare, for not only day care centers, but quality day care areas, and I think this is a mechanism that can successfully be used for private funding to help us out with day care centers so women can go to work and can have confidence by -- going to work that they have quality care for their children. And that is one of the reasons why it does make them difficult to go out into the job market. And I think if

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

we are going on one end with welfare, that we have to provide the help and support at the other. This is a -- a nonprofit types of organizations, and I think this bill should be passed. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I stand in full support of this piece of legislation. The proponents of this is the Illinois Facilities Fund and the Day Care Action Council. These young people are affording their parents an opportunity to go to work, and the centers are very well supervised. And I think that we should help them to increase and make life more durable for our families who rely upon our day care centers for the survival of their child. And I offer that you all support this piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. I just would like to explain a little bit about what happened to this bill in committee and -- and how it got here at this stage and in this state. This bill passed out of the Executive Committee rather with the expectation and the direction actually to come up with an amendment which would clean up several parts of the bill. The sponsor did, in fact, have an amendment which did a lot of those things, but unfortunately, the amendment did not get adopted in committee, so we now have the bill as it was introduced -- or came over from the House with no amendment on. In its present state I feel it is a bad bill. The concept behind it is wonderful. If we're going to be passing a lot of laws, a lot of bills, to reform welfare and expect women to be going out and working, we need to have

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

facilities for their children, for day care for their children. There aren't enough facilities in the State to handle all the children that we now have; there's such a long waiting list. This bill -- the purpose of it, is to try to come up with more facilities, more space for these children and to work hand in hand with DCFS to implement the -- welfare reform bills and to provide the space for those children. However, the bill as it is now specifies a private -- one, single private organization doing this. I think that's not good policy. There is no money involved in it. It sets up a revolving fund. It sets up a huge advisory council within the -- DCFS. I really think that this needs to be worked out and perhaps come back in fall with a bill that will do what we want to do and yet not be getting involved in special legislation for one special private enterprise. And I would ask for a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. Thank you, Madam President. Senator Karpziel is correct; we did prepare an amendment which was drafted at -- at her suggestion and her staff's suggestion. And what that amendment would have done was to make the advisory council, I think, three people instead of nine people, and it would have taken the name "Illinois Facilities Fund" out of the Statute. And those were the two changes, but they were, unfortunately, not adopted by the committee. Those are not major changes to the bill. The advisory council has nine people; the suggestion was it be three. It didn't -- the amendment didn't pass. As far as the Illinois Facilities Fund's name not being in the Statute, they're the only organization that would qualify anyway. So if the Governor wants to take -- make those changes with an amendatory veto, that's --

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

that's fine with me; I would accept them. But to kill the bill is -- is not good public policy. This does not take any State dollars, and it makes the availability of child care more practical. And it's something which we have to do, in light of the actions that we've taken with regard to welfare reform. So let's be smart. Let's pass the bill, and I appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 320 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays, 1 voting Present. House Bill 320, having -- having received the required constitutional majority, is declared passed. Senator Karpziel, for what purpose do you rise?

SENATOR KARPIEL:

For a verification.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel has requested a verification. Will all Members please be in their seats? And the Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voting in the affirmative: Barkhausen, Berman, Bowles, Carroll, Clayborne, Collins, Cullerton, DeAngelis, DeLeo, del Valle, Demuzio, Thomas Dunn, Farley, Garcia, Geo-Karis, Hasara, Hendon, Jacobs, Jones, Molaro, O'Daniel, Palmer, Parker, Rea, Severns, Shadid, Shaw, Smith, Trotter, Viverito, and Welch.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel, do you question the presence of any Member?

SENATOR KARPIEL:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator Carroll on the Floor? He's in his seat, Senator Karpziel.

SENATOR KARPIEL:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo on the Floor? Senator DeLeo. He's in the back of the Chambers.

SENATOR KARPIEL:

Senator del Valle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle on the Floor? He's in the back of the Chambers, ma'am.

SENATOR KARPIEL:

Why don't you guys tell me who's not there. Or at least all go sit down in your seats. Senator Palmer.

PRESIDING OFFICER: (SENATOR DONAHUE)

She's in her seat, Senator Karpziel.

SENATOR KARPIEL:

Senator -- I think that's all, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are 31, the Nays are 27, there is 1 voting Present. Having received a required constitutional majority, House Bill 20 is declared passed -- House Bill 320 is declared passed. Senator Watson, on House Bill 330? Out of the record. With leave of the Body we're going to come back to House Bill 385. Senator DeAngelis, on House Bill 527? Senator Mahar, on House Bill 544. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 544.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President, Members of the Senate. This is the Brownfields legislation, which was debated extensively on 2nd Reading when we added the amendment, and received bipartisan support in that roll call. Principally it applies to -- two principal aspects of this bill is that the clean-up levels are determined based on a level of risk encountered at the site after considering the future land use, and also the liability provisions regarding cost apportionment are made compatible with current law. I'd be happy to try and answer any questions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Welch.

SENATOR WELCH:

Yes. This is -- we discussed this bill quite a bit the other day. I just wanted to remind the Members that this is the bill that shifts the responsibility for most of the clean-up funding to the taxpayer, because it has a proportional liability element to it. On the proportional liability, what's going to happen is, instead of a deep pocket paying to clean up property, it's going to be shifted to the little person who will more than likely file bankruptcy as opposed to your larger corporations. The end result is going to be your cities and your taxpayers at the State level are going to pick up the costs for cleanup. We should leave the law the way it is. It's worked for the last twelve years, although it's been attempted to be repealed, and I think that a No vote is the best vote to cast on 544. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question -- Senator Mahar, to close.

SENATOR MAHAR:

Thank you, Madam President. This is a vote -- if you -- if you listened to the previous speaker, this is something that has

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

not worked for the past twelve years. These sites remain vacant. They're not producing; they're not employing Illinoisans; they're not paying taxes so that we can education our kids. Without the risk element and the apportionment part of this liability -- apportionment part of the bill, there will be no. So if you vote No, that's voting for the status quo. If you want to make a change and redevelop these sites, then you would vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall -- Senator -- he was closing, Senator Trotter. The question is, shall House Bill 544 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question there are 42 Ayes, 16 Nays, 1 voting Present. House Bill 544, having received the required constitutional majority, is declared passed. Senator Parker, on House Bill 652. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 652.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 652 has been amended. It reenacts a law passed in 1988. This is being done in light of the Supreme Court ruling on a similar law in California. This enactment will allow the court to reconsider this prior opinion. I've become involved with this issue because of, and I'm doing this for, the victims' families. I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

question is, shall House Bill 652 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 652, having received the required constitutional majority, is declared passed. Leave of the Body we will come back to House Bill 820. Leave is granted. Senator Cronin, on House Bill 838. Senator Cronin, on House Bill 838. Senator Woodyard, on House Bill 965. Senator Cronin, on House Bill 999. Senator Mahar, on House Bill 1089. Senator Lauzen, on 1248. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. First of all, I'd like to thank Senator Carl Hawkinson and the entire Judiciary Committee for the hard work that's gone into Floor Amendment No. 1 to House Bill 1248. The underlying bill amends the Code of Corrections to revoke the hundred and eighty days of a prisoner's good conduct credit, if a lawsuit filed by the prisoner against the State is dismissed by the court on the basis of frivolousness. What the amendment does is works due process into the underlying bill by making the good conduct revocation conform to existing procedure between Corrections and the Prisoner Review Board. It adds Senate Bills 332, 344, 580, 582, 600, 721, 747, 812, 838, 1025 and 1173. All of the Senate Bills passed out of the committee unanimously and passed on the Floor. I'd be happy to defer to Senator Hawkinson for any questions.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. Will the sponsor yield or, Senator Hawkinson?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR TROTTER:

Yes. Senator Hawkinson, I understand...

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Trotter.

SENATOR TROTTER:

Yes. Senator Hawkinson -- was just waiting till -- he was conferring over there. What is your definition of "frivolous"?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

That's part of the underlying bill, Senator, and I think, as we explained earlier on the underlying bill, that -- bill would be a bill similar to one that would be subject to sanctions under Rule 11 of the Federal Rules, that it be without any -- any good faith basis in either law or fact. Senator Petka in committee gave an excellent example of that where a sheriff got sued for some totally frivolous -- reason that didn't affect health, without any basis in law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Thank you -- thank you, Madam President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR PALMER:

Senator Lauzen, I'm always leery about a bill that has -- where my analysis is fifteen pages long. Could you just say in every brief words what this bill is about?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer, Senator Hawkinson is the sponsor of many of this. Senator Hawkinson.

SENATOR HAWKINSON:

Senator Palmer, the reason this is happening, and I'll try and keep this history brief, but Senate Bills that are listed here - Senate Bill 118, 524, 747, 1025, 762 - these were Senate bills that passed virtually unanimously in the Senate, went over to the House. The House sent many criminal law bills over to the Senate. Senator Petka, the Chair of the subcommittee, made the wise decision, in my judgment, of not combining all the House bills. We decided that each House bill ought to receive it's own hearing and -- and not combine them up and deprive Members of sponsoring their own bills. Well, unfortunately, last week, without any notice to Senators or even the House sponsors, the House combined many of our bills. They also added, in some cases, some controversial provisions to some of those bills. It was felt that the noncontroversial bills, or at least the ones that had passed the Senate overwhelmingly, ought to be kept alive on this vehicle so that they could be subject to a concurrence, and given the deadlines this week, it might not get passed otherwise. So that's the reason we're doing it in this method, and there are, I believe, Republican and Democratic bills attached to this bill at the request of both Democratic staff and Republican staff.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Seeing none, Senator Lauzen, to close.

SENATOR LAUZEN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 1248 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 3 voting Present. House Bill 1248, having received the required constitutional majority, is declared passed. Senator Mahar, on Senate Bill -- or House Bill 1461. Senator O'Malley, on House Bill 1465? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. The -- we're -- there is an -- we want to take it out of the record. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Cronin, on House Bill 1470. Senator Cronin requests leave of the Body to return House Bill 1470 to the Order of 2nd Reading for the purposes of an amendment. Is there any objection? Hearing none, leave is granted. On the Order of 2nd Reading is House Bill 1470. Read the bill, Madam -- no. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Yes. I apologize, Madam President. May I ask leave of the Body... Please proceed, yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

On the Order of 2nd Reading is House Bill 1470. Madam

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Secretary, have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 1 to House Bill 1470.

SENATOR LAUZEN:

May I have leave to come back to this? No? Out of the -- pass then.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Weaver, on House Bill 1473? Senator Weaver, on House Bill 1474. Senator O'Malley, on House Bill 1523. Do you seek leave of the Body to return that bill to the Order of 2nd Reading? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1523. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senators Lauzen and O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 2. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Floor Amendment No. 2 to House Bill 1523 repeals the Retail Rate Law as to municipal waste incinerators. That's the purpose of the amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those... They weren't on then. Just went on, Senator Jacobs and Senator Shaw and Senator O'Daniel. All right? All right. Discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. I didn't hear what the sponsor said he was doing with this Amendment No. 2. Could he repeat that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

again?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

I did not hear Senator Shaw's question. Would you repeat it, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Would you tell us what you are doing with Amendment No. 2?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

I am -- I am offering Amendment No. 2 to the bill, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Would you explain to us what this amendment does?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, it repeals the Retail Rate Law as to municipal waste incinerators.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

To the amendment: I -- I believe that Amendment No. 3 nullifies Amendment No. 2, because Amendment No. 2 was adopted in -- in committee before Amendment No. 3 and Amendment No. 3 removes everything after the enactment clause. So therefore, I don't think that No. 2 should be adopted here today.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator O'Malley.

SENATOR O'MALLEY:

Yes. To clarify: Senator Shaw, that is a recommendation from the committee. It was not an adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw. Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President and Members of the Senate. I voted for this amendment in -- in committee, and I thought I had the understanding that Amendment No. 3 would not be called. So as a result of that, I'm going to vote against this amendment and also against the bill and all, even though the amendment did affect my area as far as wood burning incinerators where they could burn wood and paper and stuff. But I think I was misled on this. So as a result of that, I'm withdrawing my support for the amendment or the bill and everything.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. I think most of my comments will wait to see if it gets on 3rd Reading, but I would join with Senator O'Daniel. This -- this bill has been through just about every committee that there is here, and today the Senator happened to find a committee that at least give him a wink and a nod on this. I think this is a bad precedent that we're setting. There's some consequences that we'll get into at a later time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? There are no lights on. Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Madam President. My comments are really directed at Senator O'Daniel. And, Senator, I -- you and I have talked

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

briefly and there is a misunderstanding, and I can assure you, Senator, that regardless of what you do on this vote, I will not do anything to hurt your district. And you have my assurances on that. If there was a misunderstanding, it was not an intentional one. I consider you a gentleman and I will honor the commitment that you expect me to keep. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley moves the adoption of House Amendment No. 2 to -- or Senate Floor Amendment No. 2 to House Bill 1523. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 29 Nays, 1 voting Present. And the amendment fails. Senator O'Malley, for what purpose do you seek recognition?

SENATOR O'MALLEY:

I would like to verify the negative votes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley has sought recognition for a verification of the negative votes. Madam Secretary, will you please read the negative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the negative: Berman, Bowles, Carroll, Clayborne, Collins, Cullerton, DeAngelis, DeLeo, del Valle, Demuzio, Donahue, Thomas Dunn, Farley, Garcia, Hendon, Jacobs, Jones, Molaro, O'Daniel, Palmer, Parker, Rea, Severns, Shadid, Shaw, Smith, Trotter, Viverito, and Welch.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley, do you question the presence of any Member?

SENATOR O'MALLEY:

Senator Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton on the Floor? He is in the back of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

room.

SENATOR O'MALLEY:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo is also in the back of the room -- or in the front of the room.

SENATOR O'MALLEY:

Aha, he's a hider. Senator Garcia.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Garcia? He is also in the back of the room, sir.

SENATOR O'MALLEY:

Senator Rea.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rea on the Floor? Is Senator Rea on the Floor? Is Senator Rea on the Floor? Strike his name. Do you question the Member of any other present -- Member present?

SENATOR O'MALLEY:

Senator Clayborne.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne. He is in the back of the Chamber, Senator O'Malley.

SENATOR O'MALLEY:

No, I do not.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are 28, the Nays are 28, and 1 voting Present. The amendment fails. Are there any other further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senators Petka and O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka. Senator O'Malley, in his stead, on Amendment No. 3. Or Senator Petka, on Amendment No. 3. Senator Petka.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR PETKA:

Withdraw Amendment No. 3, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any other further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator O'Malley, would you like to have House Bill 1523 called on 3rd Reading? Senator O'Malley?

SENATOR O'MALLEY:

Madam President, I'm going to defer to Senator Lauzen, who is more familiar with the substance of this particular piece of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on House Bill -- 1523. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1523.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Okay. Madam President, House Bill 1523 amends the Use Tax Act, Service Use Tax Act, and the Service Occupation Tax Act, and the Retailers' Occupation Tax Act to exempt dental appliances. This bill is initiated by Illinois Dental Society, and it amends the Sales and Use Tax Act to completely exempt dental appliances, including but not limited to crowns, bridges and dentures.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR WELCH:

Yes. I have a -- I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Why would we do this? Why -- why do dentists need an exemption from the sales tax, and how much money is this going to cost the State?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Well, to answer your second question first, the Illinois Economic and Fiscal Commission has not been able to determine a fiscal impact to municipalities. It has no affect on the State. Where this basically -- where the problem that this is attempting to solve is that laboratories that use this material when it -- either they buy it from in-state or out of state, when they use this material, then they have to turn around and charge the dentists who then put it into the patient's mouth, then the dentists are required to -- to pay a sales tax also. I know from personal experience how complicated just the compliance with this law is. I'm sure that whatever municipalities are raising from this money the -- the burden of just complying with the law exceeds it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Senator, I've got Amendment No. 1 here, which says it replaced everything after the enacting clause, which is that exemption, and then goes on to state that every dental laboratory, et cetera, et cetera, shall apply to the Department for a certificate of registration under this Act. I don't see anything about a tax

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

exemption in Amendment No. 1. Is that still on the bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

In the amendment, it addresses what I refer to as the confusion between who pays the tax -- who has to register and who has to pay the tax -- collect and pay the tax. Right now what it is, is confusion between the -- the dentist's responsibility and the lab's responsibility. Some people consider that this is a double tax. What this amendment on this bill does is it places the responsibility for filing and collecting the tax on the laboratories.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 1523 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1523, having received the required constitutional majority, is declared passed. Senator Fawell, on House Bill 1587. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill is the bill that allows the coverage that presently the New Vehicle Buyer Protection Act covers to also include leased vehicles. It also has a couple of amendments. They're basically clean-up amendments that the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Secretary of State wanted, including of setting -- giving two more Merit commissioners -- adding to -- two more Merit commissioners. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1587 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1587, having received the required constitutional majority, is declared passed. Senator Petka, on House Bill 1654. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1654.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. House Bill 1654 would raise the penalty for criminal trespass to land from a Class C misdemeanor to a Class B misdemeanor. It also has an amendment on it which basically clarifies those situations whereby a person or a potential trespasser will receive notice. I don't know of anybody who's opposed to this. It is a product of the Will County Farm Bureau, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1654 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Nays, none voting Present. House Bill 1654, having received the required constitutional majority, is declared passed. Senator Palmer, on House Bill -- or, 1730. Senator Dillard, on House Bill 1853. Senator Philip, on House Bill 1900. Senator Madigan, on House Bill 2108. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2108.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 2108, as amended, represents the work of the Governor's Task Force on Horse Racing, and I'll attempt to go through this and try to hit the high points of it. As everyone knows, there's a lot of technical aspects of this bill. The Amendment No. 2 was a hundred and forty pages long. So, let me begin by first of all saying that tracks would now be able to have full card simulcast wagering to even that situation up, insofar as a neighboring state. Simulcast wagering is being able to receive pictures of racetracks -- of races from other states and also allowing them to broadcast their signal to other states. It authorizes the Racing Board to include live racing at the two State fairs in that mandatory simulcast program. It provides Fairmount Park with a separate fund distribution method, whereby any revenues derived at the Park shall remain local, and any revenues derived at the upstate tracks shall also remain local. That's kind of what everyone has understood as north-north and south-south agreement. Increases the number of authorized offtrack betting facilities from twenty-nine to forty-three and that would be if they -- if a track would so desire, and I don't know, at this point, of any track

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

that does have that desire, but if they would have that desire, they would be able to apply -- each track would be able to apply for two additional OTB licenses. Provides that the Race Track Improvement Fund shall be equitably distributed between frontside and backside improvements and authorizes the Board to monitor such expenditures and determine if the allocations conform to multi-year capitalization plans that would be submitted and completed by a licensee. That has been the practice as we've determined at the other tracks, insofar as that distribution method. So this puts that in statutory form. On that, it also extends it because the Race Track Improvement Fund does sunset. And each wagering location which conducts wagers on simulcast races may impose a surcharge of up to a half a percent on each winning wager and winnings from those wagers during that period from July 1st to December 31st of 1995. Also, pursuant to the agreement, it replaces Arlington's current two-and-a-half percent surcharge on winning wagers on its races at offtrack betting facilities with a one-percent surcharge on the handle from races run at or simulcast from Arlington until the end of December 1997. Finally, as far as the highlight, it changes the provision where one objecting registered voter can prevent the location of a wagering facility to a provision so that when fifty or more registered voters live within five hundred feet that a majority must approve the location of a wagering facility. Local zoning ordinances, of course, will continue to control the -- that particular location of a wagering facility. With that, Mr. -- Madam President, I would be available for questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I always catch a little devil from my

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

seatmate here, Pat Welch, whenever I get up and make comments one way and then vote the other, but I think that this -- this is one situation where I really have to do that. Let me tell you the reasons, first off, why I think we shouldn't vote for House Bill 2108. Number one, I had an amendment that I tried to put on which was the only reference in the whole bill to live racing. This bill does not deal at all with live racing. We're told that the harness horsemen are for this bill. My phone has been ringing off the hook today, including a call from one of the Board members who says half of the Board are opposed to this. But this was a case to where the skids were greased pretty well. The powers to be in the racing industry pushed this through. Regardless of that - regardless of that, Senator - I'm going to give you a Yes vote on this, and I'm going to tell you why I'm going to give you a Yes vote. I'm going to give you a Yes vote because there are jobs involved. There are a lot of jobs involved. Also I am going to give you a vote because the industry needs it, and I think that we need to protect all our industries in this State. In fact, I'm hoping to protect an industry later yet this week that is in trouble. So because of that, I plan on voting Aye, but I have some serious misgivings on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I have a conflict and will not be voting on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator, the Race Track Improvement Fund is due to sunset. This bill extends it. I've asked the folks at Arlington to tell me what their plans are for improving

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the -- the backstretch - the backside. As you know, stories have been written about the conditions, the living conditions of -- of the workers at Arlington, those that care for the horses. And if you visit Arlington, you'll find that when you look at the -- at the backstretch, it's like looking at two different worlds, being in two different worlds: one of luxury, when you enter the Millionaires' Club and the other areas; and then you walk down to the backstretch and you see that the living conditions are -- are atrocious. A recent article indicated - in the Chicago Reporter - that more money was spent on -- on shrubs and improving the front of Arlington - the facade of Arlington - than was spent in improving the living conditions and the living quarters for the families that work, that make it possible for Arlington to thrive. My question to you is, given that I've gotten no real good response from those representing Arlington, what in this bill, in this new language, is going to ensure that we take care of and that the track takes care of and deals with the atrocious living conditions that currently exists? What is in this bill to ensure that more money is put into the -- that area, rather than taking money to -- to put in more shrubs and -- and beautify the racetrack?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Well, Senator del Valle, I hope -- I hope that this addresses your concerns by the legislation in it which guarantees that the -- there will be an equitable distribution between the frontside and -- and backside improvements; that it will be on a fifty-fifty basis. I understand what your concerns have been, and there have been certainly some stories to support your statements there, in the past. Hopefully we will address that by guaranteeing that it will

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

be an equitable distribution, further guaranteeing, or saying, that the tracks will have to submit each year a capital improvement plan.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Senator, currently there are some unexpended funds that the track is eligible for. Can the track make use of these funds during this year to do some improvements, given that the overall Fund is -- is not all that big - it's statewide - so can this happen?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Well, thank you, Mr. President. Senator del Valle, this bill has an immediate effective date. So, I guess to answer your question is, yes, they can, up until the point where the Governor signs the bill.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Specifically with regard to the issue that Senator del Valle raised, I was on the -- the Governor's Task Force, and in that Task Force, suggested that we have language such as this. So, for

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the first time, the Racing Board will have the authority to tell the racetracks that when they ask for reimbursements from the Race Track Improvement Fund, they can look at where they're spending the money, and that the language "equitable distribution" was put in the Statute so that now, for the first time, the Racing Board can say to the track owners, "Look it, you're asking for" - in the case of Arlington - "over a million dollars for reimbursement. Where did you spend the money?" So, we think that this will be some kind of a -- of a handle on -- on the Racing Board. We should remember that in this bill we are removing a sunset provision. That sunset provision would have sent the Race Track Improvement Fund money back to the General Revenue funds. We are, in effect, giving the track owners about four million dollars a year to continue to use to improve their tracks. We are asking, in this specific language, that -- that they do that in an equitable manner with regard to the backside and -- and the conditions in the backstretch. Now, Mr. President, I have a question for legislative intent purposes of -- of the sponsor, and I am a cosponsor of the bill with him. Senator Madigan, on page 110 of the bill, there is language that purports to be a hold harmless for the State and for local governments so that they won't lose any fees or any taxes as a result of the bill. We also are keeping intact the ability of counties to impose an admission fee for an inter-track wagering location. I just want to make it clear that if a county -- and there are no counties, by the way, that impose this fee now, but if a county was to impose it, that that money could be additional money to that county and that the hold harmless wouldn't, in effect, penalize them for imposing that fee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you, Mr. President. That is correct, for legislative intent, that that hold harmless agreement would not prohibit them, and they would, if they so desired, be able to impose that additional amount.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I think this is a step in the right direction to help the racing industry, the horse breeders and -- and things, in this State. You know, our racing industry is -- they've been going downhill ever since we -- especially since we've had riverboat gambling. We aren't competitive with our purses with other states, and I just think this is going to be something that's very beneficial to the -- the horsemen, the tracks and everyone, and also the backstretch. You know, we passed some legislation a few years back that would entitle the backstretch to part of the breakage. And, you know, if we can enhance this industry, that should also help the -- the backstretch, and there's provisions in this bill to also help the backstretch. But I think this is a step in the right direction, to help the racing industry in this State which creates a lot of jobs. There's -- there's a lot of people employed. It's very beneficial to agriculture, to all of our people. And I think, you know, that this is something we should pass.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator, by increasing the number of offtrack betting parlors from twenty-nine to forty-three, are we expanding gambling by potentially fifty percent in the State of Illinois, potentially?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Well, yes and no. I suppose the correct -- the technical and correct answer to that would be no. However, at the same time, this does allow them, if they so desire -- although I don't see them doing that because the OTBs aren't doing that well, but if they would apply for those licenses and if they were granted, then your -- the answer to your question would be yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. I understand that the revenue raised from horse racing that goes to State and local tax revenue is going to remain at calendar year 1994 levels, and then the pool that -- of the first eleven million dollars that would have gone to the State and local governments will be allocated for purse money distributed in the succeeding calendar year. And I'm -- I'm wondering -- do I understand that correctly that -- that you're going to fix the tax revenues, and the next eleven million dollars that's produced by horse racing, that's going to stay for purses so it will not be going out to local or State governments?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

That's -- that's essentially right, but I think the correct definition for it would be capping, rather than fixing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR LAUZEN:

Finally, my understanding -- to the bill: My understanding is that this -- that the bill started out as a bill to help the horse owners and breeders, which I know that a lot of hard work has gone into helping them, and -- and I would support that. I've been told that it's ending up being a benefit primarily to the large racetrack owners, and I would think that in the mix of things that the benefit -- the primary benefit needs to go to the horse owners and breeders. Thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I rise to echo some of the concerns about the state of the horse racing industry in the State of Illinois and the fact that we need to do something to ensure that it continues to thrive and to do well, given the economic importance that it has to the State of Illinois. But at the same time, I would like to reiterate some of the concerns that have been raised by a couple of the speakers, and that is that the hardworking men and women at some of the most beautiful racetracks all over the State of Illinois should be treated with dignity. I am going to vote for this bill because I have a horse racing facility in my district, but I'm also going to do everything possible by visiting the horse -- horse track racing facilities to ensure that everyone who works there is treated with dignity. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of this bill. I don't know if I may have a conflict, because I have been known to bet a bob or two on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the horses, but I don't think that causes a conflict. We have the ethics people taking a look at it. However, there's nothing in this bill that anybody should be afraid of. I mean, in horse racing, sad to say, Illinois is not on the cutting edge. We seem to make changes two, three, four, five years after it's done throughout the rest of the country, and that's why we're always lagging behind. I think if we ever got a -- a new thought, and it was ever brought into law, I would be amazed, in horse racing. The good part about this bill is it does not stick it to the bettors, like the bills used to do in '85 and '86. Bettors in Illinois and people who bet on them, for some unknown reason, are not looked at as consumers. I guess people think if you're -- if you're going to bet on a gambling thing, well, the heck with you and who cares and you might as well gouge you. Well, finally, we came up with a bill that is not so bad to the consumers of horse racing industry in this State, and let's hope that continues. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I'd just like to congratulate and thank Senator Madigan and our staffer, Phil Draves, and Jim Reynolds from the Department of Agriculture, and the Task Force who's put together, I think, a -- a piece of legislation that's going to save a racetrack in my area. The economic viability of Fairmount Race Track located in Collinsville, in Madison County, has been threatened over the last several years primarily because of the -- the riverboat situation. In this last week, the racetrack is under water due to the elements. So it's -- it's had its tough times. There's some -- three thousand people that have -- that are associated in one way or another with Fairmount Race Track. Either they're horsemen and breeders, or they work in the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

track, or they -- they're farmers in the area that supply a lot of the -- the needed grain and hay or whatever for the track. There's a -- there's a lot of people that depend on the track for their own economic well-being. This is an -- obviously, an important piece of legislation to those of us who represent southwestern Illinois and are concerned about the continued viability of Fairmount Race Track, and I urge your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Madigan, to close.

SENATOR MADIGAN:

Well, thank -- thank you, Mr. President. Very briefly, let me just say that the -- the concern about the Race Track Improvement Fund and the backstretch was -- has been, in my opinion and everyone else's on the Task Force, adequately addressed by Senator Cullerton's efforts in that direction in his participation on the Task Force. Let me just say that, yeah, there's thirty-seven thousand jobs here. Horse racing is -- is being impacted by other forms of wagering that are available in Illinois. We do not feel, however, that the owners are coming out better than the breeders and owners, and the purse structure is better - much, much, much better - than it ever was. Yes, the industry does benefit from this as a whole, but I -- I truly believe and everyone else on the Task Force believes that this is of a greater benefit to the horsemen and owners and breeders than to the tracks. Let me just close by trying to establish a little legislative intent on Section 26 (g) (4), where it's dealing with net pool wagering and gross pool wagering and the word "shall". The word "shall" should only apply to gross pool wagering because of the different distributions of other states. And -- and in that, on the net pool wagering, the word "may" should apply. With that, I would just ask for a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

The question is, shall House Bill 2108 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 47 Ayes, 9 Nays, 1 Member voting Present. House Bill 2108, having received the required constitutional majority, is declared passed. House Bill 2226. Senator Cronin. Read the bill, Madam Secretary.
ACTING SECRETARY HAWKER:

House Bill 2226.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill or, House Bill 2226 was amended in committee, and the amendment became the bill. We had a good debate in committee. It extends the date for the phase-in of the Family Preservation Program. Currently the Department of Children and Family Services is mandated to do it right now. We're putting this off for five years. The option is either now or five years from now. We deleted language that the administration was seeking. We are putting that language in the Budget Implementation Act. We don't believe the fed match should -- is an issue. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2226 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 2226, having received

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the required constitutional majority, is declared passed. House Bill 2251. Senator DeAngelis. House Bill 2330. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2330 changes the screening requirement for blood lead screening of children ages six months through six years. It requires lead screening for all children who reside in a high-risk area as determined by the Department of Public Health. It also amends the Communicable Disease Report Act to require the confidentiality of reports made by medical practitioners or other persons concerning cases of injury, medical condition or procedure in sexually transmitted diseases. In addition to that, there are four amendments. Two of those amendments include Senate Bill 791, Senate Bill 746, which passed the Senate but were held in the House Rules Committee, and one of them closes the loopholes in the disclosure of AIDS information by the Department of Health. The third amendment recreates House Bill 1277, which passed the 105 to nothing, but was held in the Senate Rules Committee. It amends the Illinois Health Facilities Authority Act. The fourth amendment was formerly Senate Bill 905, which passed the Senate 57 to nothing. What it does is put the Cook County funeral directors in compliance with the other hundred and one counties of the State. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Molaro.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR MOLARO:

Yes. This is -- on the part of the bill, probably about maybe five parts of your bill are fine. I'd like to talk about what was considered Senate Amendment No. 4, which is the medical examiners. Do you have any idea where the Cook County Medical Examiner might be on this, if you would yield to that question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

I heard this morning where the Cook County Medical Examiner is after this bill had passed the House back in April, but I would refer the questions on this particular amendment to Senator Walsh, because this was his original bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

'Cause I'm told that it's not his original bill as passed; that it -- that added -- that language was added to your bill, Senator Walsh, when it was over in the House. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR WALSH:

Yes, it was. What we did is we -- we put an amendment on there that said that the funeral director, in the case where there was a -- a body had to be exhumed, that the funeral director would pay that cost, and the medical examiner would not have to pay that cost. So I would hope that that would be friendly language for the -- for the Medical Examiner. I want to point out also though that the Chicago -- I believe it's called the Chicago Department of Public Health, whichever Sister Sheila Lyne is in charge of, is -- is in support of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator Molaro.

SENATOR MOLARO:

Then just to the bill: Problem that got past us yesterday is that we take -- when -- when a Senator comes up and we start talking about adding amendments to House bills that were Senate bills, so it's the Senate bill that passed out of here, we have to make the assumption that it's the Senate bill unamended. If we're going to amend the Senate bill, then we have to -- we have to take a little notice; otherwise, you know we're going to have to take all day reading them. So I'm not saying it's anybody's fault; I'm not making an accusation. However, to the way your bill was amended: In Cook County - it's the only county that does it because of the sheer volume of burials - what we do now is when someone dies, you get a death certificate. The funeral director must take the death certificate down to the county building to get a burial permit. Well, now the funeral directors came up and said, "We want to stop that. We want to have our own burial permit issued without having to go to the county." Well, Cook County agrees to that and what they would do is they would get a death certificate seven days later. What was in the original bill and what the understanding was, that if, in turn, this funeral director - because he fills out these forms - buries someone and there is no death certificate issued, and a problem arises because of the funeral director's premature burial, so to speak, and there's a problem and the Cook County Medical Examiner has to exhume, which it costs anywhere to ten, fifteen thousand dollars, that because the funeral director is the one that okayed putting the body in the ground, that the funeral director should pay for this. Now that's what we thought. However, where -- where I read it, it says that if the funeral director just signs some letter stating that he -- he thought a -- he was getting a death certificate or the death certificate was coming, then he would be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

immune from having to pay for it, and therefore, the taxpayer would have to pick it up. And that was the little nuance that was stuck in in the House that passed us when this amendment hit the Floor. Now I don't know what we're going to do about it because we can't divide the question, I assume. And he's -- and he's answering yes. But I'd just like to point that out so maybe when the Governor gets this, he can do some amendatory veto. I'm not here to kill your bill. That's for sure. And I can't do it anyway, sad to say, but -- but I just wanted to point that out. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Walsh.

SENATOR WALSH:

Well, I understand what you're saying, Senator, and the -- the amendment that we put on the bill was put on there for the Medical Examiner. Now is it everything that the Medical Examiner wanted to be put on there? Maybe it isn't, but this was put on there for the Medical Examiner to make it a little bit friendlier, and it does say right here in the amendment that -- that funeral director or person acting as such is responsible for payment of specific costs incurred by the county medical examiner in disinterring or reinterring or re-entombing the dead body. I think that that's pretty plain and clear as to who's responsible for -- for the payment there, and I can't understand the opposition of the Medical Examiner. This, as I said, is done in a hundred and one other counties, and there are some other counties that are -- are fairly large, and there has been no problem. So I don't understand the -- the opposition to this bill, and I stand in support of it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator, in this bill we are redefining high-risk and low-risk areas under the Lead Poisoning Act. Can you explain the difference between this new definition and what is currently in the Statute?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

The high-risk areas are defined as those areas of the State which pose a high-risk lead of exposure for children through six years of age. Low-risk areas are those areas which pose a low-risk lead exposure for children through six years of age. When determining risk areas, the Department is required to consider the age of housing, percentage of housing, determined as rental or vacant, industry containing lead, percentage of population living below two hundred percent of the federal poverty guidelines, and the number of children residing in the area who are six years of age or younger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

So, Senator, is the effect of this redefinition to -- to broaden the category and to include more kids in the testing?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

The idea is to target those that are more susceptible to exposure, instead of requiring it for every single child who may be in a -- an area where there probably is hardly any exposure. We want to be able to target it to those and make sure that those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

children are taken care of.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, Senator Parker, to close.

SENATOR PARKER:

There is House Bill 2330. There are four amendments on this bill. It is a good bill and there are a lot of good amendments. If there is any concern with Amendment 4, I would prefer that that be done at the Governor's level, and I would ask you for a favorable vote on this bill. Thank...

PRESIDING OFFICER: (SENATOR MAITLAND)

The -- the question is, shall House Bill 2330 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 50 Ayes, 6 Nays, 3 Members voting Present. House Bill 2330, having received the required constitutional majority, is declared passed. House Bill 2338. Senator Cronin. Senator Cronin on the Floor? Senator Cronin? House Bill 2429. Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2429.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

House Bill 2429 includes two provisions. I'll start with the amendment first, which we discussed yesterday. It's the codification of CDB's procurement procedures that we worked on for quite some time. Question arose yesterday about impact to minority and female business participation. The Department and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

CDB feel there'll be a slight increase in access from the way the rules are written. There is no effect on the Preference Section of the Procurement Code as it's written in the Statute today. The underlying bill is a request form IDOT supported by the contractors to establish a cap on the Response Contractor Indemnification Fund at four million dollars. Any time that that Fund falls below four million dollars, they'll reinstitute a five percent assessment on contracts. There hasn't been any utilization of the Fund, I think, in over four years. This is an agreed bill. It's an administration IDOT proposal. I'd appreciate favorable support of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2429 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 2429, having received the required constitutional majority, is declared passed. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 358, together with the following amendment, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have like Messages on Senate Bill 368, with House Amendment 1; 528, with House Amendment 1; 560, with House Amendment 1; and 585, with House Amendment 1.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

All passed the House, as amended, May 23rd, 1995.

PRESIDING OFFICER: (SENATOR MAITLAND)

I'm sorry, Senator Geo-Karis. For what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR GEO-KARIS:

I'd like to congratulate Senator Dudycz, our Sergeant-at-Arms Tracey Sidles, and our Page Chris Kratzer, and all of their associates, for the very fine picnic they put forth to honor our very fine and capable staff on the Republican side. And I would like to thank -- and I mean thank very much -- our staff on the Republican side for having done such a great job for us in keeping us with our sanity. Congratulations to all of them and to you, Senator Dudycz, and to Tracey, and to Chris and your associates, for putting on such a fine picnic last night.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DUDYCZ:

Thank you, Mr. President. On a point of personal privilege, I don't see Senator Maitland here just -- just as I didn't see him yesterday at the picnic. He said he was going to be there, and I saved a hamburger for him. I meant -- I meant Demuzio. Pardon me, Senator Maitland. Senator Demuzio. I keep mixing the two of you up. Senator Demuzio said he was going to be there yesterday, and I saved a hamburger for him. So, Senator Demuzio, if you're within ear range -- earshot range, I -- I still have that hamburger. It's in the trunk of my car, and you can pick it up anytime you wish.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

On page 8, on the Order of Concurrence, is Senate Bill 46. Senator Mahar. Senator Maitland, on Senate Bill 50. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 8 to Senate Bill 50.

Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. This will be a -- a split motion. I would first move to concur with House Amendments No. 1 and 8 to Senate Bill 50.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator Berman.

SENATOR BERMAN:

This is a motion to concur. Could he explain what the -- what the amendments are, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. House Amendment No. 1 adds the contents of House Bill 445 that was held on 2nd Reading in the House and was referred back to committee. The -- the amendment contains a proposal on alternative schools. It provides that beginning with the '67 -- I'm sorry '96-97 school year, there shall be created a system of alternative schools for students who are suspended or expelled with at least one alternative school being allowed in each educational service region. That is -- that is Amendment No. 1, Senator Berman. And 8, Senator Berman, is language that was

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

suggested by Representative Churchill and Senator Geo-Karis. You want me to go through that amendment, Senator Berman? All right. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing none, the -- Senator Maitland moves to concur in House Amendments No. 1 and 8 to Senate Bill 50. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1 and 8 to Senate Bill 50. Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. I would now move to non-concur in House Amendments No. 4 and No. 7.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland now move to non-concur in House Amendment No. 4 and 7 to Senate Bill 50. Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Secretary shall so inform the House. WBBM TV-Channel 2 in Chicago requests permission. Is there leave granted? Leave is granted. Senator Klemm, on Senate Bill 67. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 63.

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President, Members of the Senate. House Amendment 1 to Senate Bill 63 allows the township electors to lease property for a nonprofit organization and allows them to use

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

a portion of that structure. It also allows the township electors to declare surplus property so that it could be donated by the town board to a nonprofit organization, and I do ask for your concurrence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

According to our analysis, the lease to the not-for-profit would be for up to fifty years - 50. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

It's not to exceed fifty years.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

I'm reading the series in the Chicago Tribune regarding the Chicago Board of Education where there were lease entered into ninety years ago, fifty years ago, that were, perhaps, competitive and remunerative when they were entered into, but time moves on and what was a fair return on the investment back then certainly isn't a fair return today. And even though it's a not-for-profit, we're still dealing with public property, and I'm -- I just question why we're allowing a fifty-year leases to be entered into. It seems like an awful long time, and if the situation -- justifies it, the lease could be, for example, ten years and renewable. But for a ten -- fifty-year lease, it just seems like it's a very questionable business practice. I would appreciate

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

your comments, Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you. Those are obviously concerns of many of us too, and original legislation that was enacted before through the Senate and died in the House was for ninety-nine years, which was a very long time. But this is for construction of facilities, and -- and for somebody to build a building, let's say, and then have it pulled away after five or ten years would be kind of not consistent with the expenses they're going through. What it does do, for the safety of the voters, the taxpayers, it does require public notices, and hearings are required, which doesn't happen for your example you gave for the City of Chicago. It also says that it must use a competitive bidding process, again opening up that process so that everybody knows what's going on - both the public and everyone else. And it did limit it to -- it would be fifty years, and that is the longest it could be. Now, the town board could determine that the facility would only be used for ten years, and that's the length of time they would grant. It's only for the period of time they feel that the expenditures would be involved in. I think the safeguards are there for the narrow scope that we tried to do, but I welcomed your questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, on that same line of -- of questioning, what happens when the nonprofit organization goes out of business, no longer

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

functional? Do they then have the -- the authority to sublet that property to someone else, a nonprofit organization, or does it go back to the original lessee? There is a problem with that in the City of Chicago, and I have one in my district where the Board of Education did enter into a long-term lease with an organization which does no longer exist, and the building just sit there because the -- they never really sublet the property to someone else and it wasn't clear as to whether or not the property then goes back to the Board or whether or not the termination of the -- the dissolving of the organization, in and of itself, nullified the lease agreement - the long-term lease agreement. So, is anything in this bill that would ensure that the lease is nullified if, in fact, the organization is either dissolved, or dysfunctional, you know, without being dissolved?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, we feel that would be covered in the lease. If the two parties are -- entered into an agreement and one goes bankrupt, obviously that lease is terminated and the township and the taxpayers would take over it all. So actually, they become the winner. But also, the lease -- and when I'm talking to the legal people, they said the lease obviously can be added to whatever provisions that that town board feels it needs for even extra protection. So that's the reason we allowed it this way, so that, one, if they go through bankruptcy, it goes right to the owners of the property, which are -- which is the -- the township. And if, in fact, they wish to have more stringent controls, they add that to the lease. So I think we're safe on it, and again, it's a question that we raised when this was first brought to us.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Klemm, to close. Do you wish to -- okay.

SENATOR KLEMM:

Just appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 63. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 63, and having received a required -- no -- constitutional majority, is declared passed. Senator Peterson, on Senate Bill 77? Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 77.

Filed by Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President, Members of the Senate. Amendment -- House Amendment 1 to Senate Bill 77 provides for quick-take provisions for the Grand Avenue Railroad Relocation Authority, the Village of Palatine, the City of Aurora, the Village of Romeoville, the Anna-Jonesboro Water Commission, White County and the City of Effingham. These are all quick takes that have a period of time from one year to thirty-six months. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Yes, Madam President. Sponsor yield?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Trotter.

SENATOR TROTTER:

Senator Peterson, are these for specific projects, this -- these quick-take provisions that you have in here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Yes, they're for specific projects. That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter. Senator Trotter.

SENATOR TROTTER:

Yes. And you said that they are just for a specific amount of time. What kind of time do you have on them?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

The time ranges anywhere from a year to three years, and they're all for specific projects.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Was there a -- a request for a fiscal note filed on this bill either in the House or the Senate, if you know?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Not that I'm aware of, but I do have one handy. I could get

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

it for you real quick, if you'll let me sign it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

And I bet that it would say that there's no fiscal impact. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

There's no fiscal impact to the State. These are all local government projects.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. I rise in support of this bill. There are a number of provisions in it that are very specifically drawn to address specific problems for various Members. There is one provision in this bill that -- that addresses a problem that has existed for twenty-five years in the Village of Franklin Park. Anyone who's traveled east or west on Grand Avenue in the west Cook County region is familiar with this. We have been trying to get an underpass constructed there, and we have run into innumerable problems over the years. We finally have crafted an agreement between all the respective parties. We've had extensive investigation and -- and we've resolved some environmental issues. Finally we've come to a point where we can now address a safety issue, an issue that has plagued the whole west Cook County area, and this is something that is extremely important to many, many people in the west suburban Cook County area. And I urge your strong support. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Further discussion? Further discussion? Seeing none, Senator Peterson, to close.

SENATOR PETERSON:

Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Ladies and Gentlemen, this is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 77. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 3 Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 77, and having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 114. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 114.

Filed by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you -- thank you, Madam President and Members of the Senate. Senate Bill 114, as amended, largely contains Senate pension bills that were held in Rules. First of all, it amends the Chicago Firefighter Article of the Pension Code to allow resumption of certain widows' annuities that have been suspended upon remarriage. It amends the General Provisions Articles of the Pension Code to bring those changes or those Sections under compliance with federal law. Amends the State Finance Act and the Illinois Pension Code as far as the definition of an "eligible employee" for purposes of calculating certain State funding requirements. Amends the Illinois Municipal Retirement Fund

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Article of the Pension Code to make administrative changes. Allows employee annuitants to designate a death benefit beneficiary. Further amends the Downstate -- Firefighter Article of the Pension Code in relation to survivors of deceased firefighters while being killed during duty. Amends the Illinois Pension Code to allow persons employed by the Office of the Cook County State's Attorney to transfer creditable service from the Chicago Police Pension Fund to the Cook County Pension Fund. It amends the Chicago Park District Article of the Pension Code to provide a package of early retirement incentives. It amends the Chicago Teacher Article of the Pension Code to require that one of the contributor trustees be a principal or school administrator. It adds an annuitant to the Illinois Municipal Retirement Fund Board of Trustee. It clarifies pension credits under the alternative formula for service in that capacity before '89, as far as the Attorney General investigators in the State Employees' Retirement System. It inserts language in the Chicago Police Pension Fund to parallel language that is in -- currently in place for the Chicago Firemen's Pension Fund, and it brings into line the survivors' benefit under the General Assembly Retirement System with the Members vesting time of service. I would be glad to answer any questions on Senate Bill 114.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you. Senator, I've been asked to ask a couple of -- or some questions with regard to one of the provisions, and that would be the one that affects the Chicago police, who's also

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

been a General -- General Assembly Member. Do you know how many people this provision affects?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

As far as I understand at this point, Senator, there could be two Members -- two people affected by this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Is there a contribution required to acquire this credit?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes, they do have to pay the contribution required.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

If you could have your staff double-check that. I have a few more questions. Can a police officer already acquire credit for time absent from his job?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, that's why this language is being put in, to put it on the same level as the Chicago firefighters, with regards to the Chicago police.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

No, I understand it's the same as the -- the firefighters, but my question was: Can a police officer already acquire credit for

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

time absent from his job, if he wasn't a Member of the General Assembly?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yeah. That would -- Senator, that would determine our -- I guess that question could best be answered by if we knew what the reasons for absence were.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Would the police pension be based on the salary the Member earned or the salary that would have been earned if he or she had been paid for the days absent?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

It would be based on a reduced salary, taking into account the absence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Do you -- could you tell us what the cost to the Fund would be for this benefit?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, Senator, we don't have a -- on the Chicago Police Pension, we don't have a pension impact note over here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Would -- how much would the contribution be if the service awarded under this provision required a payment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

I'm sorry, Madam President. If we could have a little -- I -- I didn't hear the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Can we have some order. Senator Cullerton.

SENATOR CULLERTON:

Yes. How much would the contribution be if the service awarded under this provision required a payment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Madam President, I -- it would be the normal contribution rate. I think it's -- I think it's nine percent, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Just to clarify a question I'd asked earlier - Is there a contribution required to acquire the credit? - on page 14 of the bill, it talks about this Section. It says, "In computing service for any of the purposes of this Article, credit shall be given for" -- "for any periods prior to January 9, 1997, during which a policeman who is a member of the General Assembly is on leave of absence or is otherwise authorized to be absent from duty to enable him or her to perform legislative duties, notwithstanding any reduction in salary for such periods and notwithstanding that the contributions paid by the policeman were based on a reduced salary rather than the full amount of salary attached to his or her career service rank." So he's paying it on the reduced

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

salary, is what the question is. Is that -- is that the way you understand it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yeah, the contributions would be paid based upon the reduced salary; the pension benefits would be based upon the reduced service.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

...more question then: Will a person who is eligible for this provision also be receiving General Assembly credit at the same time credit is being established in the Police Pension Fund, under this provision?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes, Senator. He's paying the -- he's making the contributions there, as he's making here, so, yes, he would be entitled to the service credit for the contributions paid into the system.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Bowles.

SENATOR BOWLES:

Senator Madigan, would you please tell me why -- what is the purpose of having an additional nonvoting elected annuitant on the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

IMRF Board? And...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR BOWLES:

And would that person be compensated?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, there is -- currently there is no member -- there's no annuitant member on that Board that's compensated, and this would be a nonvoting member to sit on the -- to sit on the Board.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

For what purpose? For -- for what purpose would this -- what purpose would this person be -- be serving as a nonvoting member of the Board?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR BOWLES:

I -- I fail to understand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Well, Senator Bowles, I guess, for want of a better description, that person could be a -- a watchdog and a voice for the annuitants on the -- on the Board. They would be entitled to their expenses, but, you know, they're more or less a watchdog for the annuitants.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you. Senator Madigan, you possibly might have answered this before, but would there be a pension impact concerned with this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yeah, I did answer that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Madam President and Ladies and Gentlemen of the Senate, I think the fact that we will have an annuitant, even though it's not a -- a nonvoting member, at least that annuitant can give some input into what may happen, and I think it's a wise thing to have an annuitant on there, even if he or she is a nonvoting member. And I speak for the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, are the provisions of Senate Bill 230, the five-plus-five provisions, in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you very much, Madam President. Can -- will the speaker -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator Madigan, I have a death duty fireman's widow, if you know what that means - he died from, in other words, fighting a fire - who has been receiving a pension for the last several years, and she has now reached the age of I believe it's sixty-five. There's thirty-three of them, I understand, who were not in the original lawsuit because they weren't old enough at the time when that lawsuit went through. Are they covered at all with this bill? Because I understand their pensions have been reduced by about fifty percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Fawell, the answer to that question is yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell. Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

I just wanted to ask and find out about this five-plus-five. Who does this affect? Teachers, or -- or who all does it affect?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. The five-plus-five provision in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

this Article -- in this bill is the Chicago Park District that we passed previously out, that Senator DeLeo sponsored.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Madigan, to close.

SENATOR MADIGAN:

I'd just ask for concurrence on Senate Bill 114, as amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Again, I would mention to the Members, this is final action. The question is, shall the Senate concur in House Amendment 1 to Senate Bill 114. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 3 Nays, 2 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 114, and having received the required constitutional majority, is declared passed. Senator Geo-Karis, on Senate Bill 158. Mr. Secretary.

SECRETARY HARRY:

I would move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 158.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam -- Madam President and Ladies and Gentlemen of the Senate, this is a bill that amends the Conveyance Act, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Again, I would suggest this is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 158. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill -- the Senate does concur in House Amendment No. 1 to Senate Bill 158, and having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 164. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I move we non-concur with House Amendment No. 3 on Senate Bill 164.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis moves to non-concur in House Amendment No. 3 to Senate Bill 164. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary will so inform the House. Senator Watson, on Senate Bill 165. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of Amendment No. 4 to Senate Bill 165.

Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Senate Bill 165, the original language of the legislation is now stripped, and the House Amendment No. 4 becomes the bill and it contains seven provisions. It provides that only those persons employed by school districts whose positions require administrative certificates shall be required to file an economic interest statement. It allows that regional boards of school trustees can cancel their regular scheduled quarterly meetings if they have no business to -- to conduct. It allows school districts to abolish their funds for leasing educational facilities and transfer any balance of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

such fund to other school district funds. It transfer the Christa McAuliffe Fellowship Program from the Illinois Student Assistance Commission back to the State Board of Education. And it creates an Early Intervention Service Revolving Fund to allow for some flexibility or greater flexibility, in the distribution of State funds. And it amends the Domestic Violence Act of 1986 to provide that after receiving a certified copy of an order of protection that prohibits a respondent's access to records, no school, whether it's public or private, shall allow such person to access to a protected child's record or release information in those records to such person. And the final provision adds a July 1st, 1995 effective date. I would ask for the consideration of the -- of the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action. And the question is, shall the Senate concur in House Amendment No. 4 to Senate Bill 165. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 4 to Senate Bill 165, and having received the required constitutional majority, is declared passed. Senator Syverson and Senate Bill 169? Sorry, Senator Syverson, there's no motion. Senator Burzynski, on Senate Bill 210, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 210.

Filed by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 210 now contains three provisions. One deals with the first issue of Senate Bill 210 as originally passed without any opposition. The second deals with the State Community College and the ability of a new board to levy, and I think there's no opposition to that. The third item deals with the Telecommunications Act, and certainly this is an area that's important for our universities and our community colleges and elementary and secondary education. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. And I would just like to reiterate the fact that this is a -- an excellent bill. This bill will reduce costs of education. It will allow students in the inner-city, as well as the rural communities, to have an opportunity to take classes from some of the experts across the State, as far as courses are concerned. And it also provides some stability and dollars for SCC for the tax levy, and I would urge a -- a affirmative vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Ladies and Gentlemen, this is final action, and the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 210. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 210. Having received the required constitutional majority, is declared passed. Senator DeAngelis, Senate Bill 388? Senator DeAngelis.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR DeANGELIS:

Thank you, Madam President. I move that the Senate non-concur in House Amendments No. 1 and 2 on Senate Bill 388.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis -- any discussion? Senator DeAngelis moves to non-concur in House Amendments No. 1 and 2 to Senate Bill 388. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Senator DeLeo, on Senate Bill 509. 509. Senator DeLeo.

SENATOR DeLEO:

Thank you, Madam President. I'd like to move to non-concur in House Amendment No. 1 and No. 2, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo moves to non-concur in House Amendments No. 1 and 2 to Senate Bill 509. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the -- motion carries, and the Secretary shall so inform the House. Senator DeAngelis, on Senate Bill 587. Senator DeAngelis. You're -- you're on, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Continuing my feisty mode, I move that the Senate non-concur in House Amendment No. 1 on Senate Bill 587.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, Senator DeAngelis moves to non-concur in House Amendment No. 1 to Senate Bill 587. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Senator Butler, on Senate Bill 623. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 623.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Ladies and Gentlemen, House Amendment No. 1 to Senate Bill 623 is the result of an agreement between the various Humane Societies and our Department of Agriculture which moves the responsibility to the Department of Agriculture, who will develop rules by which the guard dog services will be regulated. I know of no opposition to this bill, and I would urge your approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action, and the question is, shall the Senate concur... The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 623. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 623, and having received the required constitutional majority, is declared passed. Senator Mahar, on Senaté Bill 629. Senator Dunn. Senator Ralph Dunn, on Senate Bill 717. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of Amendment No. 1 to Senate Bill 717.

Filed by Senator Dunn.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- Senator Dunn.

SENATOR R. DUNN:

Thank you, Madam President, Members of the Senate. House Amendment 1 amends the School Code to expand the prohibition on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

smoking to include all school personnel in any events on school property. It authorizes the school board to grant exceptions or exemptions on the prohibition. I understand this brings Illinois in compliance with federal regulations. It also amends the Sale of Tobacco to Minors Act to limit tobacco products vending machines to factories, businesses, offices, private clubs and other places where -- that are not open to the public. It also places -- to -- in which places to which minors under eighteen are not permitted, places where the vending machine is under the direct supervision of an employee or where the vending machine is only can be operated by a remote control. I appreciate an Aye vote on concurrence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, if I look at the analysis correctly, what we are doing is saying no smoking anywhere - anywhere - on school grounds, whether it's outside or inside. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

That's -- that's correct, Senator Jacobs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Well, being a nonsmoker, or in spite, I guess, of the fact that I'm a nonsmoker, I think this is a tremendous infringement on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

individual rights, and I think we ought to take a look at this and perhaps vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Collins.

SENATOR COLLINS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

I may not have quite understood your -- your last response to the question. Are you saying that teachers or school personnel cannot smoke at all on -- if they go outside the building to smoke, as long as they're on the grounds of the school?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

That's -- that's -- that is correct, Senator Collins. It also authorizes, I should say, the school board to grant exceptions or exemptions to this prohibition. So this is a statement by the Cancer Society and people that are interested in good health. And I might mention that this -- someone asked me the other day whether this was -- why we were fooling with education. This really is a health matter, not an educational matter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Senator, but -- but we have to be real. You cannot -- while I don't smoke, and you probably don't smoke, and I don't think that you should smoke, not even here around other people, I do believe that there is some validity to the research that -- that second-hand smoke does have impact. But you cannot say that a good teacher or a good principal, simply because they smoke,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

should not be allowed to teach, because in essence, this is what you're doing. People who smoke, some of your better teachers and principals and school personnel, would not go to a school that they are not allowed to go outside and smoke. Now we have that privilege with State employees, and other people have the privilege to go outside of the building and smoke. And what you're doing in this bill is not even allowing them to do that. And I think it's-- you're taking this too far. Yes, you should not allow them to smoke inside of the school, but you shouldn't deny them that right to smoke outside.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A couple questions of the sponsor, if he would yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

Regarding the vending machines, is it my understanding that this bill says that anywhere where there are youth under the age of eighteen, that there can be no cigarette vending machines?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

So we're saying that hotels and restaurants that have -- that have vending machines, even -- even bar/restaurants that would have vending machines, those vending machines would be banned?

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator Dunn.

SENATOR R. DUNN:

Senator, if you look at the analysis again, it says places to which minors under eighteens years are not permitted. This it means for clubs, like factories, businesses, offices, private clubs and other places where minors under eighteen years of age are not permitted. But places -- the next line is places where the vending machine is under the direct supervision of an employee; that's for restaurants and stores and other places where the line of sight is so that an employee -- an employee can see a vending machine. So this is not intended to bar vending machines, and incidentally this is -- the industry is neutral on this. They -- the Illinois Retail Merchants support it, and -- and they would not do it had we not worked it out to their satisfaction.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

And also just -- I just want to follow up with the question that the other side have. So if a -- so if a teacher is -- takes a break and goes into her own car out in the parking lot, she's not allowed to -- she's not allowed to smoke?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

There is no smoking allowed on school grounds unless the school board grants exceptions. If the school board -- and this is compliance with the federal law now. Actually they're prohibited from smoking unless the school boards authorize it and make exemptions or exceptions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you. Let me make some comments, and I would appreciate the sponsor's response to this. As I read the bill, the school board -- I guess this is a question of the sponsor. I don't see where the school board can make an exception. Where -- where do you see that in this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Just a minute -- just a minute while my expert looks it over. ... (microphone cutoff) ... 1, line 17 through 19, I'm told.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Well, let me just read this to you, and as I read it, it says the school board may not authorize or permit any exception to or exemption from the prohibition at any place or at any time, including without limitation outside of school buildings, or before or after the regular school day or on days when school is not in session. Now that says that the school board may not make exceptions. Would you comment on that, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

As I understand it, that means without authorization, they can't do that, and the school boards can do it, as we read it -- authorizes the school board. It's not -- it's not something a principal can do, but it has to do by exemption and this complies with federal regulations, Senator Berman.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Well, here's -- here's what I am told and -- and I think -- I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

raised this question with -- with the teachers' unions, and the answer that the teachers' unions gave me - and I think this is very interesting, regarding micromanaging by legislative bodies - the federal government presently prohibits, under its legislation, teachers smoking on school grounds. So as I read this bill, whether we pass this bill or not, teachers cannot teach <sic> at any time on school grounds, by federal law. That's number one -- I'm sorry. They cannot smoke. Did I say "cannot teach"? Well, that -- that may be under the new -- new Congress, but the old Congress said. I'm kidding. Let me restate that for the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please do.

SENATOR BERMAN:

Federal law prohibits teachers from smoking, at any time, anywhere, on school grounds. So regardless of what we do with this bill, the feds have already made that rule. But just for the record further, as I read this bill, the school board has no power, if we pass this bill, to make exceptions. Now, whether I agree with this bill or not, the fact that the feds already have passed laws that prohibit teachers or other staff - adult staff - from smoking on school grounds, I'll let my congressman answer to that one. But it -- I just want you to -- to know that as I read this bill, if it weren't for federal law, I'd vote No on this bill because there's no permission for a school board to make exceptions. Now, you can decide what you want to do, whether you want to approve federal law by State law or whether you want to voice your objection to federal law, but that's where the federal law is. And my reading of this bill does not allow any exceptions. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, Senator Dunn, to close.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR R. DUNN:

Thank you very much, Mr. President and Members of the Senate. I'd urge adoption of the amendment to Senate Bill 717 and that we concur with it. It does bring Illinois into compliance with federal regulations for teaching and smoking both, I think, and it also does something about adolescents being able to get into cigarette machines. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 717. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 36 Ayes, 17 Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 717, and the bill, having received the required constitutional majority, is declared passed. WICS-TV requests permission to videotape the Senate. Is leave granted? Leave is granted. Senate Bill 721. Senator -- Senate Bill 831. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 831.

Filed by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I am moving to concur in House Amendment No. 1 to Senate Bill 831. Senate Bill -- the amendment places the stimulant drug ephedrine on the schedule for controlled substances list. It amends the Controlled Substances Act to better clarify who can prescribe

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

controlled substances. It reschedules several drugs under the Act to comply with federal guidelines, repeals the Controlled Substances Monitory Program, and amends the Pharmacy Practice Act to permit the use of fax machines for prescriptions. I'd appreciate a favorable vote on the amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you. Just to declare a possible conflict, but I'll vote my conscience. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? All right. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 831. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 831, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 948. Senator Klemm. Senator Klemm, on 948? Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 948.

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Members of the Senate. Thank you, Mr. President and Members of the Senate. House Amendment 1 to Senate Bill 948 takes care of the provisions that we had in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senate Bill 586, which was Tort Immunity Act. Some time ago, we had provisions that would account for and have the safeguards of the use of the Tort Immunity Act, and this provision is what we described to you when we passed it out of the Senate. This has met all the requirements, and I do think there are some comments for some legislative intent that may be needed for the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the Senator yield for some comments regarding legislative intent?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator Klemm, the proponents of this bill have indicated that it will have prospective application. Given that, how will this legislation affect two current lease-purchase arrangements undertaken by Carl Sandburg Community College?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Senator Hawkinson. The intent of this legislation is that it will have -- will not have an impact on those ongoing obligations for a number of reasons. First of all, the obligation was entered into prior to the effective date of this legislation, assuming that the funding source of the lease is included in the terms of the lease. Secondly, the arrangements of the lease were approved at the time by the local board of trustees, the State Community College Board, and the Illinois Board of Higher Education. Finally, it is not the intent of this legislation to impair an ongoing contractual obligation between a taxing district and another party.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? If not, the -- this is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 948. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 948, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 978. Senator Madigan, are you on the Floor? Senator Madigan. I'm sorry. 978. Senator Madigan. All right. Senator Madigan, on 978. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 978.

Filed by Senator Madigan.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 978 -- or, House Amendment 1 to Senate Bill 978 adds the mine subsidence legislation that we passed over to the House previously under Senate Bill 1191, which passed this Chamber 58 to nothing. It adds language prohibiting an insured from making claims on two separate auto insurance policies for the same language, and it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

removes the immunity language for employees of the office special deputy. I'd be glad to answer any questions on House Amendment No. 1 to Senate Bill 978.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 978. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 978, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1005. Senator O'Malley. Senator O'Malley, 1005. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1005.

Filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. House Amendment 1 to Senate Bill 1005 provides that, in addition to teachers and other certified employees, any other person who provides a related service for, or with respect to, a student shall assist in maintaining discipline in schools; shall stand in the relation of parents and guardians in all matters relating to discipline; and may use reasonable force needed to maintain safety for the other students or school personnel, or for the purpose of self defense or defense of property. The purpose of this language was to clarify the role of noncertified staff in disciplinary

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

matters in schools.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator O'Malley, in committee we asked for some clarification on -- on the definition of any personnel. Were you able to look at that? And are we only allowing school employees here who are not certified personnel to also administer discipline or are we opening it up for volunteers at the school, on the school grounds, to also be a part of this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President. Senator del Valle, you are absolutely right. We discussed that in committee, and we have looked into that. It is not the intent of anybody to extend it to volunteers. So what I intend to do to make sure it's clear in the record as a matter of legislative intent, we will so state that in the record. When we do debate the bill I would hope that -- that you assist me and make sure that we put that in the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

I believe Senator del Valle has another question. I think he wants to clarify something.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator del Valle.

SENATOR DEL VALLE:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Isn't this final action?

PRESIDING OFFICER: (SENATOR MAITLAND)

That was the reason I -- do you have a statement you want to make? Senator O'Malley.

SENATOR O'MALLEY:

Senator Maitland and Senator del Valle, yes, this is final action. So I think that we have clarified it for the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, again this is final action, the question is, shall the Senate concur in Amendment No. 1 to Senate Bill 1005. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in -- in Amendment No. 1 to Senate Bill 1005, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1066. Senator Klemm, do you wish to nonconcur? All right. Senate Bill 1111. Senator Rea. Senate Bill 1140. Senator Geo-Karis. Read the bill, Madam -- Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendments 1 and 2 to Senate Bill 1140.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I do exactly that. I move to concur with Amendments 1 and 2 to Senate Bill 1140, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

question is, shall -- shall the Senate concur in Amendments 1 and 2 to Senate Bill 1140. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in Amendments No. 1 and 2 to Senate Bill 1140, and the bill, having received the required -- all right. Senator Geo-Karis now moves to non-concur in House Amendments 3 to Senate Bill 1140. Those in favor, say Aye. Opposed, Nay, and the motion to concur -- non-concur is approved, and the Secretary shall so inform the House. All right. Senate Bill 1142. Senator Ralph Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1142.

Filed by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. Senate Bill 1142, as it left the Senate, amended the Barber and Cosmetology and Nail Technology Act to extend the grandfather clause for one year until December the 31st, 1995. The House added an amendment saying that the -- the grandfathering part was all right, but the nail technician should have received their education or been eligible for grandfathering-in before the effective date of the bill, which is January 1st, 1994. I would urge concurrence with Amendment No. 1 to Senate Bill 1142. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1142. Those in favor will vote Aye. Opposed, Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in -- in Amendment No. 1 to Senate Bill 1142, and the bill, having received the required constitutional majority, is declared passed. Senator Raica, for what purpose do rise, sir?

SENATOR RAICA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR RAICA:

Thank you for your courtesy, Mr. President. In the gallery to the Republican side we have the graduating class - the eighth grade class of St. Jude of New Lenox who are visiting Springfield today to spend the day with us, and I would just ask that the Membership welcome them to Springfield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. All right. Ladies and Gentlemen, on your desks is a Supplemental Calendar. I think everyone has it -- give you a chance to look for it and find it. First bill will be Senate Bill 169. Senator Syverson. All right. Supplemental Calendar. Senate Bill 169. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 169.

Filed by Senator Syverson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 169 -- we just clarified some of the technical changes that we had talked about in the Senate when it went over to the House. This is the front door referendum for a quarter cent sales tax to help public safety, and again, I know of no opposition for this and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 169. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 51 Ayes, 7 Nays, and 1 Member voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 169, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 231. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 231.

Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. House Amendments No. -- No. 1 and 2 contain the following: Creates the Commercial and Public Asbestos Abatement Act; provides for the Department of Public Health to license persons who contain or remove asbestos material for commercial -- from commercial and public buildings. The Department shall annually prepare a list of asbestos abatement contractors familiar with, and capable of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

complying with, all applicable federal and State standards for asbestos containment and removal. Contractors who wish to be placed on the Department's approved list of contractors shall provide a certificate documenting that the contractor liability insurance of at least one million dollars for work performed pursuant to the Act. This is requested by the Illinois Association of Environmental Service Companies. Secondly, it -- it amends the Geographic Information Council Act and reconstitutes that council. And this is suggested by the Department of Energy and Natural Resources. It amends the North Shore Sanitary District Act and Sanitary District Act of 1917. Prohibits the employment of an individual with a suspended or revoked certification of technical competency as a sewage works operator. This is requested by the North Short Sanitary District and the Association of Waste Water Agencies. Fourth, it amends the EPA Act. Exempts any facility which was in existence on January 1st of '88, as expanded on January 1st of '90, to included processing and transferring of municipal waste for recycling and disposal purposes from setback requirements. This is for a facility in Senator Shaw's district. And finally, amends the Radiation Act of 1990. Authorizes the Department of Nuclear Safety in response to an immediate threat to health to take possession of radiation sources, enter abatement orders directing certain responses; direct the Attorney General to enjoin immediate threats to health; requests the assistance of State and federal units of government and assume reasonable agreed-to assistance costs of other units of government, and this is -- this comes to us at the request of the Department of Nuclear Safety. Know of no opposition. And I...

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? Ladies and Gentlemen, let me ask you if -- Senator Shaw, I'm going to recognize you in just a moment. I know there are a lot of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

important conversations going on. It's necessary this time of the year, and I understand that, but please let's don't talk across the Chamber. Let's keep the conversations down to a low tone. I was very difficult to hear Senator Mahar, and -- and this is extremely important. So if you would, keep the conversations down, if you would please. Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I rise in support of Senate Bill 231. It does affect my district in terms of the -- the Crestwood out there, and I think it's a good bill and I urge the Aye votes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Further discussion? This is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 231. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 231, and the bill, having received the required constitutional majority, is declared passed. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: Referred to the Committee on Education - Conference Committee Report 1 to House Bill 206; to the Committee on Transportation - Motion to Concur with House Amendment 1 to Senate Bill 1026, and Be Approved for Consideration Senate Amendment 2 to House Bill 1465, the Motion to Concur with House Amendment 1 to Senate Bill 934, and Senate Amendment 2 to House Bill 1470.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, back on the Supplemental

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Calendar. Senate Bill 443. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 443.

Filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This has two amendments. House Amendment No. 1 recreates a provision in House Bill 1277, which was Senator Dillard's, which was held in the Senate Rules. It extends, for two years, the pilot project to contrast the Joint Commission on the Accreditation of Health Care Organization with the current regulations and licensing survey process. Amendment 2 is agreed language with the Department of Public Health and contains similar provisions in Senate Bill 616 -- Maitland -- Senator Maitland had, which passed the Senate 58 to nothing, but was held in the House. This amendment is designed to address the problem experienced by downstate hospitals who have merged into one health care network. I suggest we concur with Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I strongly support this piece of legislation. It did not -- we did not hear these two amendments in committee, but we are familiar with them, and we know that they are good and I ask that we support this by voting for it. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 443. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 443, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 566. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 566.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the House amendment added the provisions of Senate Bill 472 that had passed out of the Senate by a vote of 53 to 0, and it -- which relates to the -- requiring the local issuer of building and occupancy -- occupancy permits to notify the chief county assessment officer when a full or partial occupancy permit has been issued, and the other -- the other part of the amendment is -- was Senate Bill 985 that had passed the Senate by 57 to 0, and it provides that a county may sell a parcel with delinquent taxes that it has acquired in its role as a trustee for affected taxing districts to any party including a taxing district, and I ask for favorable concurrence on both sections of this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? This is final action. The question is, shall the Senate concur in House

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Amendment No. 1 to Senate Bill 566. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes and no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 566, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 265. Senator Garcia. Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Mr. President, I move that the Senate non-concur in House Amendment No. 4 to Senate Bill 265.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia moves to non-concur in House Amendment No. 4 to Senate Bill 265. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Secretary shall so inform the House. Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just rise for purposes of an announcement. The Senate Education Committee will meet today at four o'clock to consider House Bill 206. Four o'clock in A-1. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you. Ladies and Gentlemen, on page 8. The middle of page 8. Secretary's Desk, Resolution. Senate Resolution 19. Senator Raica. Senator Raica on the Floor? Senator Raica. Senate Joint Resolution 15. Senator Palmer. Senate Joint Resolution No. 21. Senator Mahar. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 21.

The Committee on Environment and Energy offered Committee

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Amendment No. 1 -- adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Amendment No. 2 becomes the resolution. Early in a debate -- when we talked earlier this morning about decreasing the number of members on the Commerce Commission there was some concern as to who was going to handle the -- the rewrite of the Public Utility Act and regulation -- and regulations involving competition in the electric utility industry, and the answer to that is this resolution, and the answer further is we are going to do that as Members of the General Assembly. This creates a Joint Committee on Electric Utility Regulatory Reform. It -- it consists of the members from both the majority and minority parties in the House and Senate who serve on the Senate Environment and Energy Committee, as well as the House Environment Committee. The co-chairs will be the chairmen of those two respective committees. It -- the joint committee also will establish a nonvoting technical assistance group from various companies, organizations and associations, and two representatives from the Illinois Commerce Commission. I know of no opposition to this, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar moves the adoption of Floor Amendment No. 2 to Senate Joint Resolution -- Senate Joint Resolution 21. Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, is there any specific language in the resolution that asks this joint committee to study the affect on residential rates?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

You know, I -- I don't know that there's any specific language, but we are certainly -- CUB is invited to the table. I think that we heard this in committee today, and your analysis on that side of the aisle is incorrect if it says that CUB is in opposition to this, 'cause they are not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

I -- I wasn't -- I'm a White Sox fan. The Cubs are in my district, but I wasn't interested in asking the question about the CUB. I was just curious to know if the -- if the language itself -- I mean, there's -- is this only -- is this joint committee only to look at the affect that all the changes would have on -- on -- on utility rates for corporate clients, or would it also cover residential? And I think you've said that you think it will. Right? And how many more people will be on this regulatory committee than will be on the new Commerce Commission?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Well, quite a few more, I think.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator Cullerton.

SENATOR CULLERTON:

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I rise in support of Senate Joint Resolution 21. It was discussed in committee this morning, and all parties have -- have agreed and -- to sit on -- at the table, and certainly I think it's a good resolution. It's a good start, and I urge for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Mahar, are you going to consider other sources of electricity, such as hydropower in the State of Illinois and whether that's a feasible source for us to use?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

No. The intent of this -- this group is to deal with the subject which you have been involved in for so many years, Senator Welch, and that is the -- bringing wheeling or the competition into the investor-owned utility industry in the State of Illinois. I -- I don't anticipate us getting into any other -- this is a big enough -- this is a big enough apple to take a bite of as it is. If it took us about six months just to work out the language in this resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Again, Senator Mahar

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

has moved the adoption of Floor Amendment No. 2 to Senate Joint Resolution 21. Those in favor, say Aye. Opposed, Nay. The amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Okay. Ladies and Gentlemen, on the resolution -- on page -- on page 8 of your Calendar is Senate Joint Resolution 21. Senator Mahar, you wish to consider this at this point? All right. Is there any discussion on Senate Joint Resolution 21. This is final action. If not, those in favor, say Aye. Opposed, -- a roll call has been requested. Those -- those in favor will vote -- those in favor, vote Aye. Opposed, Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present, and the resolution is adopted. Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

Thank you. For purposes of a revised announcement. The Senate Education Committee will be meeting at 4 p.m., but in deference to certain Members, we're going to have the meeting take place in Room 400. Room 400 so they don't have to walk way over to A-1. Room 400 at 4 p.m. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Page 5 of the Calendar is House Bill 385. Senator Maitland. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 385.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. House Bill 385 it purports to correct a problem that we have with one community college that was actually mandated to be formed by the State. It -- it fell after the original Act that -- or, took care of the distribution of the corporate personal property tax replacement money. And what this does is simply allocate a pro rata share to Heartland Community College, which again was created after the Act was passed. I would be happy to respond to any questions that any Member might have, otherwise would appreciate support of House Bill 385.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 385 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 4 voting Present. House Bill 385, having received the required constitutional majority, is declared passed. On the bottom of page 6 is House Bill 1470. Senator Cronin seeks leave of the Body to return House Bill 1470 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1470. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 1.

SENATOR LAUZEN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

I move to table Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen has moved to table Amendment No. 1 to House Bill 1470. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is tabled. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 2.

SENATOR LAUZEN:

I move to adopt technical Amendment No. 2, which places in an effective date while we continue to discuss among park districts, Department of Labor, Senators Garcia and Dunn -- will continue that process. We -- we do want our kids safe in the -- their work. We do want them in school when they're supposed to be, but we don't want the U.S. Department of Labor fining Illinois park districts thirty thousand dollars for employing kids in recreational activities, and we don't want unnecessary bureaucracy and paperwork so our kids can play and work.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 2 is adopted. Are there any other further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is House Bill 1470. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1470.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam -- Madam President, Ladies and Gentlemen of the Senate. This is technical in nature. We have -- we're asking -- I'm asking the Body to advance this for issues relating to Senator Lauzen's concerns and some others. It may be a very good bill, ultimately, in conference committee. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there a discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Cronin, I keep on hearing on the radio, you know, that there's these negotiations going on over workers' comp and there was a big fight at one point in time, and that it's been resolved, and you know, I'm only -- I only get to vote on this. You know, I'm mean, I'm not like a guy that could be invited to those meetings, but if -- could you just give us just a hint? Like a sneak preview as to, you know, what the -- what the fight's about and how exciting it is and where you're meeting and who's in the room, and you know, which one of the owners is winning, which one is losing? And also maybe -- I know we have an hour before we get to, you know, vote on this. Will that hour be like real late when we're tired, or will it be kind of like in the morning before we really are awake, or what's the plan?

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator Cronin.

SENATOR CRONIN:

Well, Senator Cullerton, I don't know whether it's a blessing or a curse to be the one that's involved in these meetings. Suffice is to say we're going to see a bill, or an amendment, very, very soon. There will be an opportunity to debate these issues. I don't think the issues that will ultimately -- will be debated will be any surprise to anyone. There's been a diligent effort for a matter of months to talk to all interested parties to come up with a fair, evenhanded bill that improves competitive business, competition and job opportunities and -- and so on and so forth. So you'll see something soon and I look forward to that debate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, the question is, shall House Bill 1470 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 10 Nays, 18 voting Present. House Bill 1470, having received the required constitutional majority, is declared passed. Senator O'Malley, House Bill 1465. He seeks leave of the Body to return House Bill 1465 to the Order of 2nd Reading for purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1465. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley, on Amendment No. 2.

SENATOR O'MALLEY:

Thank you, Madam President, Members of the Senate. Senate

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Floor Amendment 2 to House Bill 1465 address some technical concerns that were raised concerning Amendment No. 2 <sic>, and I would solicit your support for them. It will require, among other things, that available in the -- information available in the county assessor's office shall be -- also be made available to the Board of Review. It also clarifies that the board of review may make changes in the assessment books for any change, either taxpayer or board initiated, and it adds references to the county assessor to make it clear that the county assessor may also make decisions in subsequent years concerning assessments of property. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Carroll.

SENATOR CARROLL:

Question maybe to the Chair, or to the sponsor. It sounded like he was explaining an amendment, yet the board says 3rd Reading. Which might it be?

PRESIDING OFFICER: (SENATOR DONAHUE)

It's a recall, Senator. And the board is incorrect.

SENATOR CARROLL:

Okay. The board did not show it. Okay.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Senator O'Malley moves the adoption of Senate Floor Amendment No. 2 to House Bill 1465. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading. Excuse me. Senator Cullerton, for what purpose do you seek recognition?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR CULLERTON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR CULLERTON:

I'm very happy to introduce the Mt. Carmel Academy class, which is on the Republican side of the aisle in the gallery, and like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all please rise and be recognized. Welcome to Springfield. Now, on page 6 on the Order of 3rd Reading is House Bill 1465. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Madam President and Members of the Senate. House Bill 1465, as amended, is the Cook County Assessment Reform package that we have been working on. Some of the current -- some of the significant provisions include the following: Abolishing the current Board of Appeals, effective January 1, 1996; directs the Board of Appeals to maintain sufficient records to defend all actions and justify all decisions made by the Board of Appeals, and to transfer all records to the interim Board of Review on January 1, 1996. It also replaces the Board of Appeals with an interim board of review to be appointed by Members of the General Assembly representing Cook County by weighted vote; establishes a three -- establishes three election districts with boundaries to be drawn by the General Assembly no later than June 1, 1996;

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

creates a three-person board of review, members are elected in the November, 1998 general election for four-year terms. It also provides for the annual selection of a chairman at the -- in the Board of Review by lot, with no members serving for two consecutive years; grants to the Board of Review many of the same powers and mandates as all other boards of review, including the authority to review, change any assessment regardless of any action by any other assessing authority or in the absence of taxpayer complaint; if phases in access also to the Property Tax Appeals Board beginning with residential property six units or less for assessments made in 1996. That is the 1996 assessment year, adding all other classes of property beginning with the 1997 assessment year. There are also some statewide initiatives contained in the legislation that I would like to make sure that everybody appreciates. In particular, there are a number of objection reform initiatives statewide that are the product of the work of the Civic Federation Task Force on reform of the Cook County Property Tax Appeals Process. In fact, for purposes of intent, I want to make it clear that the provisions of this amended bill concerning tax objections are based on the legislative draft and commentary contained in the report of the Civic Federation Task Force on Reform of the Cook County Property Tax Appeals Process as adopted by the Chicago Bar Association. The report is dated March 2, 1995. The -- the Civic Federation report and commentary is intended to be treated as part of the legislative history concerning this -- this bill. Finally, the -- the concept, or the doctrine of constructive fraud is abolished statewide, and clear and convincing, as a level of burden of proof, for circuit -- circuit courts by all counties is established. That's a summary of the bill, and I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. There are some good points in this bill, and there are some points that I think justify a No vote. And let me point out to you that for those of you who are not from Cook County, you are increasing the costs of State government by the provisions of this bill. At the present time, the Property Tax Appeals Board handles only appeals from the hundred and one counties outside of Cook. Cook County has its own system of the Assessor and then the Board of Tax Appeals. This bill changes the Board of Tax Appeals and puts the Property Tax Appeals Board as a reviewing board, an appellate court, so to speak, of the decisions of the Cook County Board of Tax Appeals. Let me give you some numbers. The -- the current request for a budget from the Property Tax Appeals Board is seven hundred and thirty-eight thousand dollars. That's -- hears -- and they hear, at the present time, about nine thousand appeals per year. The Cook County Board of Appeals estimates that if the -- if the Property Tax Appeal Board is put in over them, there will be an increase at least ten thousand cases a year. The Board of Appeals in Cook County presently hears over sixty-six thousand appeals a year, and a ten-year average of over -- of almost forty thousand. If they were only fifty percent appeals you're talking about a doubling, tripling, perhaps quadrupling of the work load of the Property Tax Appeals Board, and that budget is paid for out of State dollars, not by Cook County dollars. So you are, by voting Yes on this, extending a substantial commitment of State dollars to do something which is presently being done within Cook County at the expense of only Cook County. I would also point out that you are substantially increasing the bureaucracy that's involved by increasing the number of members of the Board of Appeals and this process of appeals from the Cook

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

County Board of Appeals to the State Property Tax Appeals Board.
I think that a No vote is called for on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none,
Senator O'Malley, to close.

SENATOR O'MALLEY:

Yes. Madam President, there are a few remarks I'd like to make in closing. Primarily because of the prior speaker's comments, and I would point out to those of us who represent Cook County some facts that you should be aware of. I think most of the criticism is related to access to the Property Tax Appeal Board. This is a remedy that is available to every taxpayer -- property taxpayer in the State of Illinois other than those of us who live and reside in -- in Cook County. I checked on the statistics about the Property Tax Appeals Board and, lo and behold, what did I find out, that eighty percent plus of all appeals that are made to the Property Tax Appeals Board, are for homeowners, and I think it's only appropriate that we extend this level of due process, which is just one more level that's available to the citizens of Cook County if we take this step today. So I think that primarily addresses the previous speaker's comments, but he also mentioned, I think, that there would be additional expenses at the Board of Review level. I don't know where those estimates come from, but I can tell you that there is broad appeal in -- in Cook County to allow for a three-member board of review. A third member to the current two members, and to be consistent with the rest of the State of Illinois, which currently has a Board of Review process with three members. I would ask for an affirmative roll call. And, again, I urge everybody from Cook County who represents any home owner in Cook County to do what they can to support this important initiative to allow home owners the due process that every other citizen of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Illinois enjoys. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1465 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 25 Nays, none voting Present. House Bill 1465, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

I would -- I would request, Madam President, a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

That is always in order. A verification has been requested. Will all Members please be in your seats, and will -- Madam Secretary, will you please read the affirmative vote.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman, do you question the presence of any Member?

SENATOR BERMAN:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen's in his chair.

SENATOR BERMAN:

No further questions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you very much, Senator Berman. On a verified roll call, the Ayes are 33, the Nays are 25, there are none voting Present. House Bill 1465, having received the required constitutional majority, is declared passed. The middle of page 7 is House Bill 1853. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you Madam President, Ladies and Gentlemen of the Senate. This bill amends the State Treasurer's Act and the Deposit of State Moneys Act and requires the Treasurer to develop and publish and implement an investment policy for all funds under the Treasurer's control. The bill also requires the Treasurer to appoint an Inspector General to detect and prevent fraud and mismanagement in the Treasurer's Office. And finally, House Bill 1853 stipulates that if there is an agreement between the Treasurer and a bank or a savings and loan detailing the use of deposited State funds that that agreement may not require the gift of money, goods or services to a third party. This makes a number of positive changes we -- we put in the law, and a -- and a policy -- some type of investment policy for the State of Illinois, and it contains a couple of good, what I believe are, ethics and cleanup types of activity concerning the six billion dollars a year that are invested through the State Treasurer. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Collins.

SENATOR COLLINS:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, when this bill was in the Exec Committee -- Executive Committee we had some concerns about the appointment procedures of this -- of this bill, because the -- at that time the bill required -- called for the -- the Treasurer to actually do the appointment, and -- of the -- of the Inspector General and -- and basically we did not feel that that would provide the necessary autonomy for that person to be free and objective to actually provide the kind of advice that she would need in order to -- to -- to do her job in a more efficient way, and we felt that that Inspector General should follow the same course and procedure in terms of the creation as -- as the others and that it be, in fact, confirmed by the Senate. Has that changed in this bill at all?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

No, it has not, Senator Collins. The Treasurer of the State of Illinois, either Judy Topinka today or her successor, would in fact appoint their own Inspector General, and as I explained to the committee this is an elected constitutional officer of the State of Illinois, and I believe, and the law is drafted -- or, the -- the amendment that puts the Inspector General in here is drafted so that the Inspector General only inspects the Treasurer's Office, and I believe that is her prerogative.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. Just so the other Members of the Senate who are not members of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Executive Committee can be clear since they were not there during the debate, it's ironic that this bill proposes that we appoint a newly created Inspector General and Deputy Inspector General when, in fact, those appointments have already been made. The -- the appointment of the Inspector General was made on February 1st of this year, and that individual, although he might be qualified, happened to be the president of the 13th Ward Republican Organization in Chicago. So one might question the need for the legislation. But also it's unfortunate, as Senator Dillard knows, that we offered an amendment that could strengthen this bill that would have done something that many of us in this Chamber on both sides of the aisle would like to see done, and that's put the brakes on the deal that the Treasurer's made in the recent weeks. I think it's unfortunate that the sponsor - and I'm certain at the will of the Treasurer - decided to reject that amendment. I think it's unfortunate that we failed in making this bill a stronger bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

I'd like to know if this position, Inspector General, does that require Senate approval?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

No, Senator Shaw, it doesn't. And again, this is because the Treasurer's Inspector General, I believe, is limited just to her office.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Well, we -- DCFS and DPA, they require Senate approvals. What's so different about this office?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator Shaw, this is an elected constitutional officer, and DPA and DCFS are code departments of the Governor, and obviously we can control the Inspector General somewhat through the appropriations process in this Chamber.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

You know, that's a -- that's a very good answer, but so is the Governor and you know, the Governor gets -- get to appoint those -- those people, I believe, and I don't see why that the Inspector General from the Treasurer's Office would not have to have approval of the Senate here -- of this Body. And I think it's a -- it's a bad precedent when you set up a public policy -- set public policy like this where you're going to bypass people's representative here. And I think you should reconsider this and put an amendment -- accept the amendment that was offered where that this individual would have Senate approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. In the Senate Executive Committee I did offer an amendment to require confirmation of the Inspector General by the Senate and that amendment was defeated. As a result of that, and if this bill is approved, we're going to end

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

up with different procedures for different inspector generals, and as I said in the Committee, we're going to end up with a hodgepodge of inspector generals. We're going to reach the point where inspector generals won't mean anything because they all operate differently and they're all accountable to different people. Some to the Governor. Some to the department heads. Now to the -- to the Treasurer. I think at some point in the very near future we're going to have to stop and think about what it means to appoint an inspector general, because I think it's going -- the position itself, the title itself is going to lose credibility with the public, and it's not going to be able to accomplish what was originally intended with Inspector General's position, and that is to make sure that we build accountability into it. I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator del Valle.

SENATOR DEL VALLE:

In -- in this bill, Senator, regarding agreements between the Treasurer and eligible institutions that receive funds, deposits, there was language that concerned me regarding the possibility of the Treasurer's Office moving away from using funds to establish link-deposit arrangements that, I think, in the past have been used in very creative ways to stimulate the development of low-income housing and -- and help small businesses, et cetera. What, in this bill, is going to insure that that type of activity continues in the Treasurer's Office?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator, we can continue those types of endeavors on a voluntary basis, but in the past some gifts have been as high as seventy-five thousand dollars a year for these types of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

activities, and in Treasurer Topinka's eyes these gifts, in many ways, really basically have the appearance of some degree of impropriety, and all we want to do is make sure that this type of -- of link-up investment, which in many cases as you know work well, are done on a voluntary and not with a gun-to-the-head type of policy out of the Treasurer's Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Seeing none, Senator Dillard, to close.

SENATOR DILLARD:

I'd just appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1853 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 21 Nays, 7 voting Present. House Bill 1853, having not received the required constitutional majority, has failed. Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

I'd request Postponed Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Postponed. If I could have the attention of the Body, we are going to stand at ease for just a moment, and we'll have further instructions in a minute.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

I have an announcement: If there's any Senators that would like to see the worker's comp conference committee I have a copy over here provided by Lee Daniels, Speaker of the House, and if anybody's interested in looking at the provisions, I'll make copies.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

In response to Senator Cullerton: John, you should know better, that's not the latest version. It's completely different than that, but go ahead, study that one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. It's a bogus -- absolutely bogus document. Don't believe a word of it. It isn't true. They have no idea what they're doing. You all know that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, have there been any motions filed?

ACTING SECRETARY HAWKER:

I have a motion filed by Senator DeAngelis -- DeAngelis with respect to House Bill 320.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, the Chair requests that those motions be printed on the Calendar. So ordered. Messages from the House.

ACTING SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 377, with House Amendment No. 2.

I have a like Message on Senate Bill 1187, with House Amendment No. 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Introduction of bills.

ACTING SECRETARY HAWKER:

Senate Bill 1216, offered by Senators del Valle and Bowles.

(Secretary reads title of bill)

3rd -- pardon me. 1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement, Madam President. I'm making an announcement that I will make another announcement later. I apologize. The Senate Education Committee is not meeting right now. Contrary to our previous announcement, and we will let the Members know as soon as possible about the date and the time and the location. Sorry about the inconvenience, but we'll be meeting shortly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Thank you, Mr. President. I would like to request a Republican Caucus at 4:30. A Republican Caucus. 4:30 in Pate Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For all Members that -- that are within earshot that there will be a Republican Caucus at 4:30 in the Senate President's Office. Senator Cronin, what purpose do you rise?

SENATOR CRONIN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you, Mr. President. For purposes of an announcement. The Senate Education Committee will convene at 5:30. We will caucus for one hour and we will convene at 5:30 in Room 400 to hear an amendment to House Bill 206. 5:30 in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

Thank you, Mr. President. There'll be a Republican Caucus in Senator Philip's Office immediately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For all Republican Members there will be a Republican Caucus immediately in the Senate President's Office. The Senate will stand at ease until 5:30.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure assigned to committees: Referred to the Committee on Commerce and Industry - Senate Amendment 1 to House Bill 838.

PRESIDING OFFICER: (SENATOR WEAVER)

Commerce and Industry will meet at six o'clock. The Senate will reconvene after the committee meetings. Senate stands in recess.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. WMAQ-TV, WLS-TV, WBBM-TV request permission to videotape. Is there leave? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 1 to House Bill 838 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

On page 6 House Bills 3rd Reading is House Bill 838. Senator Cronin, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Cronin seeks leave of the Body to return House Bill 838 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 838. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Cronin and Butler.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin. For what purpose Senator Demuzio arise?

SENATOR DEMUZIO:

Mr. President, we'd like to request a Democratic Caucus.

PRESIDING OFFICER: (SENATOR WEAVER)

All right. How long? The Senate will then stand in recess for a Democratic Caucus. We'll reconvene at quarter till ten.

SENATOR DEMUZIO:

Whoa. We need more time than that.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

For what purpose Senator Jones arise?

SENATOR JONES:

Thank you, Mr. President. Unfortunately, these bills were presented to our Members at such a late hour. You had plenty of time on your side of the aisle to caucus. So, therefore, in order for our Members to have ample time to deal with it we would like to have ample time to deal with it. So what time is it? 9:20. So by the time we round the Members up we should be back at eleven. Had we had the bills and privy to it we could have discussed it in caucus like you did, but we never had such time to deal with it before it was introduced and sent to committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Jones, there's been a lengthy committee hearing. The Senate will stand in recess until the hour of ten.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

The Senate will reconvene. When the Senate recessed, Senator Cronin was discussing Floor Amendment No. 1 to House Bill 838. Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 to House Bill 838 contains -- Amendment No. 1 -- Senate Amendment No. 1 to House Bill 838 contains significant meaningful reform of the worker's compensation system in the State of Illinois. We heard a lively debate in committee. We heard statements and criticisms and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

observations about the proposal from each affected party. And there is one point -- there's one conclusion that you can draw about this bill after the debate here on the Floor is that this bill will improve the current system and will help. I'm going to make a motion, do adopt at the moment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Cronin has moved the adoption of Floor Amendment No. 1 to House Bill 838. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. Ladies and Gentlemen, top of page 6 on your Calendar is House Bill 838. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 838.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones, for what purpose do you rise, sir?

SENATOR JONES:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR JONES:

Mr. President, as we get ready to move, or deal with, Senate -- House Bill 838 or the proposed worker compensation bill, and we Democrats were in caucus, we requested time in the caucus, and the reason why we requested time, Mr. President, during all the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

deliberations and negotiations on either the school bill or the workers' compensation bill, not one Democrat was included in those negotiations. So when you recessed and went into caucus at 5:30 -- or 4:30 to 5:30 you had inside knowledge as to what the final product would have been when it's presented to the Members. Your prior knowledge -- while you were in caucus, Senator Weaver came out and said the Rules Committee is going to hear the workers' compensation bill in Rules, and kicked it out to the committee with the prior knowledge. This is a very important piece of legislation as relate to the people of Illinois as far as the working people, as far as the educators and children in the Chicago public school system. If you want to have a -- a -- a process whereby the representatives of the people who are elected to this Chamber to have an opportunity to intelligently discuss the issues, then you would not try to freeze them out. You would allow them ample time, as you have had ample time. Several weeks in putting this package together you had prior knowledge to it, so you would not have needed as much time as we have. And so it's very regrettable. I see Senator Philip over there, the presiding officer of this Chamber, but it's very regrettable that you choose to shut out debate, shut out the Members on this side of the aisle from acquiring the knowledge of a all important piece of legislation. It's very unfortunate that you are operating in that manner. If you were genuinely sincere in having good, honest open debate on this issue, then you would have opened the doors and said, "You Democrat Members, we all can sit down and discuss this." But I really regret, when I requested time to debate this issue in our caucus so we can read this thick piece of legislation that you worked on for several weeks without any input from this side of the aisle, and you knew what was in the bill, and you said we going to get back in here in less than forty-five minutes and deal with it. It's -- it's not right. And you -- and that is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

what I call an abuse of a power, an abuse of authority, and it's really not necessary.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip, for what purpose do you rise, sir?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, Senator Weaver gave you a caucus for over half hour. We told you we were coming back at ten. I called your office, talked to your secretary and asked her to put a message in. I was here in 1974, my friend, when you passed the largest -- not you, but your side of the aisle was in the Majority, and you passed the largest increase in workmen's comp in the history of the State of Illinois. In fact, you put us number one in fifty states. Well, you know, there was no public hearing. We never saw that amendment or that bill. It was plopped on our desks and we voted on it in ten minutes. So Merry Christmas.

PRESIDING OFFICER: (SENATOR MAITLAND)

On -- on House Bill 838. Senator Cronin. Senator Jones, for what purpose do you arise, sir?

SENATOR JONES:

Well, I didn't realize, Senator Philip, that this was an attempt to be punitive because of what has happened in prior years. As you indicated, I didn't sponsor the bill, nor was I the presiding officer. So what you're saying, in essence, is that you want to be punitive to the people of Illinois because of something that happened twenty-one years ago. And it's very regretful that you are treating -- using your power as President to abuse the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

On House Bill 838. Senator Cronin.

SENATOR CRONIN:

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

House Bill 838 proposes significant and meaningful changes in the workers' comp system in the State of Illinois. The -- the people that crafted this bill made a sincere effort to come up with a fair and evenhanded proposal. There was a protracted discussion, a lively debate in committee that evidenced the fact that all the parties that are affected by this bill are not thrilled about it. Business groups are not thrilled. Labor is very unhappy about it. Trial lawyers are unhappy. Doctors are not happy. We tried to be fair. We have a bill that has some meaningful and significant reforms. We have addressed the issue of managed care and health care cost containment by eliminating incidence -- eliminating incidence of doctor shopping by providing that an employee in this State may only choose one doctor. May only have a first choice of physician. We have a provision here that increases the maximum permanent, partial disability rate to four hundred and nine dollars a week. We have eliminated the employee second choice of physician, as I stated earlier, that helps the employers and the businesses. We've provided a credit for body-as-a-whole award. We've clarified the average weekly wage calculation. We've offered language that addresses the problem of repetitive trauma. We have language in here that prohibits venue shopping. We require an employee to notify an employer, in writing, within thirty days. We've improved workplace safety through strict anti-alcohol and drug language. We have comprehensive fraud language. There is much in this bill that the business community can look to and can suggest to their members that this is going to improve the economy; this is going to improve competitiveness and job opportunities. And yet on the other side of the ledger we have been very careful not -- not to harm legitimate and fair rights and benefits of the workers. We have prohibited the practice of balance billing against injured workers during the pendency of the claim and we believe that we've effectively

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

eliminated for after the claim. We have coordination of medical benefits in disputed cases where the health insurers shall pay first. We've created a prompt payment provision assuring payment of bills and thereby reducing administrative and litigation costs to chase these bills down. We've doubled the penalty against insurers who willfully halt TTD payments. We've increased the burial benefit from forty-two hundred to five thousand. We've provided a mechanism to guarantee timely benefits paid to beneficiaries of the Rate Adjustment Fund for three years. Comprehensive fraud language helps everybody: employers, employees, all those doctors in the system. I'll be happy to answer questions. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Senator Weaver.

SENATOR WEAVER:

I'd move the previous question, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves the previous question. There are fourteen speakers. Fourteen speakers. Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia, one moment, please. The Chair will announce that the timer is on. Each speaker will be given three minutes to speak. Please watch the lights. Please watch the lights. Please watch the lights. If the light goes red, I will ask you to bring your remarks to a close. And would ask you to do that. Senator Garcia.

SENATOR GARCIA:

Mr. President...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones, for what purpose do you rise, sir?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR JONES:

There are several Members on this side of the aisle who may have questions of the sponsor of the bill. Now, in the sponsor's action -- is the -- the answer of the -- the respondent -- is that part of the three minutes?

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR MAITLAND)

It is, Senator Jones. Senator Jones.

SENATOR JONES:

Then if -- if you want to deliberately shut out this side of the aisle, then, you know, I don't see why the Members on this side of the aisle should even participate. Just because you have the votes on your side of the aisle doesn't mean that you should use it to abuse.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further -- Senator Garcia.

SENATOR GARCIA:

Thank you...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

...Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Senator Cronin, I have several questions, but I will limit my

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

questioning since the strict rules have been invoked here. I'd like to call your attention to page 37 where the bill requires an injured worker to sign a record release form releasing all of his or her medical records, including mental health, alcohol and substance abuse, and sexually transmitted disease records. If he or she refuses to sign the release, are they barred from filing a claim? How can you explain such a harsh penalty?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

We -- we wanted to streamline administrative costs for access to medical records. We have been very careful to protect confidentiality, and we have specifically provided that irrelevant records do not go into evidence.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

What penalty is there on an employer if the employer makes those records public?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The Commission is authorized to revoke a license of an insurance entity to do business in the State of Illinois. Furthermore, on page 39, lines 28 through 32, it specifically provides that release of any mental health, alcohol/substance abuse, sexually transmitted disease records and communications only in accordance with applicable State and federal laws and rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

To the bill, Mr. President. Since we're so limited on time, I want to point out several things: First of all, that several million workers in the State of Illinois will be affected by this bill; that we've only had approximately an hour and a half to consider this sweeping proposal; that this proposal really doesn't consider workplace safety because it only purports to create a commission to study the issue of worker safety, and it turns the tables against workers. Have we asked workers and enabled them to come forth and testify on what types of workmen's compensation laws we ought to have in Illinois? The answer is a flat no. Essentially what we're seeing here is business ganging up on workers all over the State of Illinois, whether they are organized or not belonging to unions in the State of Illinois. It's also troubling that the proponents of this bill have not guaranteed that workers' compensation premiums will go down. If they don't believe and they know that they may not or will no go down...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia, bring your remarks to a close, please.

SENATOR GARCIA:

...why can't they tell us? For these reasons and because many workers throughout the State of Illinois will be hurt, I urge a No vote, because this is clearly an anti-worker proposal.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Molaro.

SENATOR MOLARO:

The part -- part that I want to get at, I mean, is this part about alcohol. I mean, did you guys understand what's going on? We have a part here that says that if any worker's injured, even if there's no smell of alcohol -- there's nothing in your amendment, Senator Cronin, that talks about -- and police, when you stop somebody, there's got to be erratic driving or smell of alcohol before you would ask somebody to submit to an alcohol

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

test. Here it's an implied consent. Just by the mere fact that you're injured, you have to take a sobriety test. You don't even have to have a smell of alcohol on your breath. You don't even have to show that anything arises. I see nothing there. You're saying that someone must do it, and if they don't submit to it, it's not like it is in the State of Illinois. You're not convicted of the crime of DUI, you just have your license suspended. You're saying if he refuses to submit to the test, he has no claim. I mean, you don't really want to do that. Come on, we talk about this all the time. You can't have it where some guy gets injured and you go up and say, "Well, you want to file a claim, buddy, you've got to submit to alcohol tests right now. And if you refuse -- you don't even give him time to talk to a lawyer to see what his rights are. If you refuse, you're barred from a claim. I mean, that's crazy. You don't even have a level in here of what intoxication is about. I mean, that's not fair. I -- you know, I don't know what you're trying to do with this bill, but this is one of many. We only have three minutes, so I -- I -- we could go on for forty-five minutes doing this. But this is one that's blatantly unfair. And -- and if I have time for a question, I would -- I would like to know why there is no -- no alcohol level here, or why there isn't something that would say that you have to have -- that you have to have at least a smell, an odor, of alcohol in it. Now, come on, Senator Cronin, you don't want something like this become the law of the land. If you're drunk or if you have alcohol smell on you, then maybe you could ask for the test. But just come up willy-nilly and say, "Hey, you're going to give blood," makes no sense. The guy's on the ground with a broken foot, and you're going to say to make a claim, you've got to give blood right here and now, or you're barred from ever making a claim? That makes no absolutely no sense.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin, that was a question. Senator Cronin.

SENATOR CRONIN:

I think it's really curious and ironic that the first speaker that gets up makes a point of inquiry about whether or not there's workplace safety provisions, and then the second speaker from that side of the aisle is concerned about protecting the rights of people who abuse drugs and alcohol on the job.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro. Continue, Senator Molaro.

SENATOR MOLARO:

I don't know if that was an answer to my question or not, but let's get this straight as you read this bill. Remember this, and I -- you know, everybody over there just -- just understand what this part says.

PRESIDING OFFICER: (SENATOR MAITLAND)

Your time is expiring, Senator...

SENATOR MOLARO:

Okay. You -- you are asked -- every time a worker is injured, whether there's any -- any -- even a scintilla of evidence that he had a drink, as he's lying on the floor -- because it doesn't make sense to take the drug or the alcohol test the next day -- you are forced to give an alcohol test or a drug test and give blood right there on the accident floor, or you are barred from making a claim. There is no way you want that in this bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. I just want to yield my time to Senator Cullerton. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. What -- the reason why this bill came out so late is because there's been some very long and tough negotiations. And you know who was in the room? The doctors and the business community. And they were fighting about how -- whether we could possibly save some money in the workers' comp system. And the issue is whether or not we're going to have managed care or not. And we had managed care, there would a lot of savings. They didn't invite the labor people, because they weren't willing to change. But I would suggest to you -- oh, and by the way, the results of the battle between the doctors and the -- and the business people was that the doctors took a little hit. They kept the real savings, though, out of the system. And that's why Senator Cronin said everybody's mad. The doctors are mad, the business community's mad, and labor's mad. Well, labor wasn't even invited to the -- to the meeting; that's why they're mad. The doctors are mad because they took a little hit, and the business people are mad because they didn't get to get their managed care. So that's -- that's the politics of the system that we came here to. This is a terrible bill. And this is going to get us back in the game, because this is going to be much more effective at waking up the people who may have voted Republican last time, to seeing that you guys are not on their side. This cuts benefits. No question about it. By capping the permanent, partial disability rates at a certain level and not even taking into account inflation, that's a cut. The average weekly wage calculation sticks it to construction workers. The way that this is calculated now takes into account if a guy shows up for work and it's raining, he doesn't get paid. You're saying that that -- he didn't -- you're pretending like he just didn't work that day, wasn't even willing

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

to go to work. It's an absolute cut. There's a carpal tunnel syndrome, which is a growing problem, especially among women who are working, this has a separate standard just for them, to make it more difficult for women and disabled people to -- to prevail in a workers' comp claim. The -- the release of unrelated medical records is phenomenal. You have -- to file claim, you have to sign a waiver. So if you're -- if you're a worker in McDonald's and you get a grease burn and you're a women, a young girl, and you go in and you file a claim, you file a release or you can't file the claim. Everything in your past, the fact that you went to see a psychiatrist, the fact you may have had an abortion - it's all open. And he says, well, there's confidentiality. There's -- you look at the language on page 40, it's a joke. You know what? We haven't even talked about this: There's thirty-five new patronage employees. The Personnel Code is removed from this bill. They fire all of the arbiters and hire thirty-five new people with no Personnel Code provisions, people who don't even have to know anything about the body, like the people who are there right now. The -- the fact that you eliminate the second choice of a doctor. Somebody's injured; they go to emergency room; they've got a doctor. Turns out the doctor's not so good; they want to go to a second doctor. Now they've got to take the -- the doctor that the employer has on the payroll. The -- the -- the idea of -- of -- if you are -- if you read this bill carefully and you want to do -- hire somebody to do some work in Illinois, you should go hire workers in Indiana. If you hire workers in Indiana and they're injured, they go under Indiana law and they're -- they're lower, 'cause they're the lowest in the nation. There's a -- a notification requirement. If somebody's injured on the work now, they've got -- on the job now, they've got forty-five days to orally tell their boss, "Hey, I was injured." Under this provision, it's down to thirty days,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

which is, I guess, not so bad, but it's got to be in writing. So now the worker, who doesn't know exactly what happened to him, but they -- they were injured, now they've got to write down on a piece of paper exactly what happened to them even though they're not themselves sure exactly what was the cause or what the -- what the true element is, by forms given to them by the Industrial Commission. And what is that for anyway? Who needs that? The -- the litigation explosion I'm told is going to come as a result of this bill is phenomenal. There's -- there's a thing in here called a wage differential award modification. I'm not even sure I know exactly what it means, but as a practical matter, it's going to mean that there's never any finality to any of the current cases. There's going to just be litigation galore. I know why you're calling it tonight. I know why you've got to get it out of here before you guys have a chance to really read it and hear from your own constituents. This is going to have tremendous political ramifications, much more so than the tort reform bill, because there's a lot of injured people who are on the job that are affected by this change who, right away, early on, are going to find out what you did to them, and it's going to have a very negative political ramifications for your Party. I urge a no vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I yield my time to Senator Tom Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Let me -- let me -- let me make a ruling right now. We -- we do not have a policy in this Chamber to do that. I granted that to Senator Cullerton. I'm not going to do that any more, so you'd better either use your time -- either use your time, Senator, now,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

because I will not -- I will not give six minutes to another speaker. Senator Jones, for what purpose do you arise, sir?

SENATOR JONES:

According to the rules, a Member is given five minutes. You went down to three minutes, without any waiver of the rule whatsoever. So therefore, I think in your recent statement that a Member cannot yield their time, I think, you know, if you're going to be fair and play according to the rules, let's be fair on all bases 'cause the rules does say five minutes. So therefore, I wish you would reconsider what you just stated and give the Member an opportunity to yield his time.

PRESIDING OFFICER: (SENATOR MAITLAND)

I think -- the Chair has rule, Senator -- Senator Jones. Senator Trotter.

SENATOR TROTTER:

...have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Trotter.

SENATOR TROTTER:

In Chapter 48, paragraph 138, this Section excludes any nonresident injured employees hired by nonresident employees -- employers from coverage under the Illinois Workers' Compensation Act. How does an Illinois contractor compete with an Indiana contractor for Illinois business?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

If a Indiana worker, working principally in Illinois, is injured, then they may proceed under the Illinois Workers' Compensation System. But if an Illinois company is doing business in Indiana and the worker is injured in Indiana, this bill provides that they shall pursue their remedy in Indiana.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Wouldn't this essentially force Indiana -- or, Illinois contractors to move to Indiana in order to compete?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

No. It would prohibit employees from seeking redress and stretching jurisdictional issues to get into the Illinois system because it's the most generous -- unfairly generous system.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

I'm not going to belabor the point. Senator Cullerton hit most of the issues here; however, this is a -- quite a very punitive issue that we're talking about and what we're doing to the Illinois workers. I believe at this time that we should take the vote. I think we should all vote this down, because as pointed out by the other Senators who have spoken before me, that this bill here once it reach the light of day, we will all be looking for jobs next year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I hope the workers of Illinois are listening tonight, because your permanent, partial disability rate will be frozen as of July of this year, and the next people to raise it will be the people that gave you this bill. The average weekly work week for a construction worker will change substantially. The benefits for construction workers will change. For women who are injured in the job due to cumulative trauma

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

disorders, you will have a higher standard than any other injured employee in the State of Illinois to prove your case. If you are an Illinois resident and you work in Indiana, and you are hurt, the Indiana Legislature is going to set your rate. And by the way, it just happens to be the lowest rate in the midwest. Clearly what's happened here is a missed opportunity occurred, a golden opportunity, if you will. When tort reform was done, this bill should have been done, but it wasn't. And now we're faced with another midnight, almost, bill - the kind of bill that we heard wouldn't happen anymore but now seems to be happening as we get closer to the deadline. There won't be any premium reductions in this bill. It was said so in committee basically, and what does that mean? It means in the marketplace, the competition that many people say will exist will not exist. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think it's time to thank the Republican Party. We know you took weeks, maybe months, to put this together, by yourself, as has been said, with a few doctors and a few from the IMA. Nobody who represented working people. Obviously no Democrats, I mean, we probably shouldn't even be on the Floor tonight. After you worked on it amongst yourselves, you still needed two hours to discuss it. Then came back and gave us a few minutes - a half hour, maybe forty minutes - to look it over, and said, this is what's here. And we've talked about a few of the items. What about the guy who's totally disabled and you say nine and a half years is enough? Twenty-five-year-old workman gets injured permanently. By the time they're thirty-five, let them starve to death. There's no public aid left anyway, so they won't get any workers' comp. They accidentally fall off the scaffold; there's no

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Scaffolding Act. So let them just expire nicely and let's not worry about it. They did increase, however, the benefits for the funeral directors when he dies so that those people can be compensated. I'm not going to claim it's any Member of the General Assembly who asked for that, Senator Philip, even though you're pointing, but I -- I don't believe he would have anything to do with that. We also talked about, as Senator Molaro, pointed out, boss takes his worker to lunch. Maybe it's his office manager. They have a sandwich and maybe a beer. Come back to the plant and -- and the office manager is checking the plant, standing there talking to another employee and an fork lift runs him over. He didn't do anything wrong; he was just standing there. Happened to have a drink at the boss's request at lunch. Deny him any benefits. So why do you say -- do I say thank you? I came up through the labor movement. My father was a labor leader. And I've been upset with his colleagues, those who succeeded him in life...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, your time has expired.

SENATOR CARROLL:

Let me just finish, Mr. President. Because the union people did not pay attention this last election. I will close by saying: You had a fast track. Watch this train coming down the road. This is the train that's going to roll you over.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. There's a provision in here that I think once it's made known - and I know that the employers will make it known to all employees - it will intimidate many, many employees to prevent them from making legitimate claims for being injured on the job. And that provision requires -- or allows, I'm

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

sorry, allows an employer to have the full and complete medical records of an injured employee. Once they make a claim for an injury, the employer can go back from day one and inquire regarding any past mental problems, which may not have anything to do with the injury; any kind of alcohol problems - may not have anything to do with the injury; abortions - may not have anything to do with the injury; any one of -- any one of a number of medical histories that have nothing to do with the injury, but that becomes open record. It violates the doctor-patient relationship, confidentiality, and it will intimidate every employee. What's the purpose? What's the purpose? Today, under existing law, if any past medical history has a connection to the injury, it can be introduced. This goes far beyond that. There is no purpose to this paragraph but to intimidate the employees.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to say that I'm so sorry this happened. When this was getting -- you were getting this bill -- package -- legislation together, I merely want to say to the sponsor, it would have been so nice if had a -- had a bipartisan committee and invited some Democrats in on this. You could have had just one or two. And then invite some of the people who are workers in our city, because they are the ones who are going to suffer. And I think that it's -- it's wrong that we have this bill. There's a lot of flaws in here, and they are not to the betterment of our citizens here in the State of Illinois. And so I merely wanted to say to you that I'm so sorry that we are doing this. I hope that we will vote it down. Thank you very kindly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Clayborne.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR CLAYBORNE:

Thank you, Mr. President. Senator Cronin -- will the -- excuse me. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Clayborne.

SENATOR CLAYBORNE:

Senator Cronin, as it relates to the notice provisions, you're reducing the notice provision by fifteen days as well as making it a written notice. Am I correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Yes. In the notice provision, we are requiring that there be a shorter period of time to streamline administrative costs. We are providing written notice so there is more certainty. Failure to give written notice is not a bar as long as the employer is not prejudiced on -- in one case, and then it's not a bar if the employee has good cause not to have given written notice.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. The problem with that, Senator Cronin, is the fact that if you're really looking for short notice and saving the employer money, a quick oral notice when a person is injured seems like, to me, would be more expedient. There's a -- there's a case that I was involved in, Senator Cronin, where a young man was at a steel foundry. He was up on a platform, Senator Cronin. Stuck his head out. A crane came by and crushed his head. He was twenty-nine years old at the time. He was in a coma for about forty-five days. Obviously, the employer was aware that this person had been injured on his job. The other problem, as it relates to the law and how it is changed in the State of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Illinois: This case was also prosecuted under the Structural Work Act, Senator Cronin, which basically means that if this young man had been hurt after tort reform, that if this bill passes, that this young man would not -- he would have had jeopardized in reading redress as it relates to his Workmen's Compensation Act; he would have problems getting redress as it relates to the Structural Work Act, Senator Cronin. The next point is that you change the language from -- from "reasonable and necessary" medical expenses to "usual and customary". Well, Senator Cronin, I'm sure you're not aware of the fact and the medical is not aware of the fact that there's a doctor right now who -- who a jury is out on because he practiced this same thing. Instead of charging what was reasonable and necessary, he charged what he thought was usual and customary. And right now he's being prosecuted by the U.S. Attorney's Office for that very reason, and I don't think you understand that, Senator Cronin. And it's -- it's to the point where if you're trying to save money, you would hold the doctors to the position of only charging what is reasonable and necessary, because the language of usual and customary is too broad. It's unfortunate that we will have many of Illinois' citizens, workers and laborers, who will be jeopardized for seeking redress, which will cause their families to -- to suffer loss of income, to suffer loss of support because of your interest of two entities. And that is the medical and the business.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would you bring your remarks to a close, Senator Clayborne, please.

SENATOR CLAYBORNE:

Yes. As -- as -- as history has shown since the founding of this country, is that those who have labored, those who have fought, those who have sweated and suffered, have no rights because it's all about those who employ. Thank you.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. You know, I hadn't intended to say anything, but after listening to all of the ills of this amendment here, I think that the people on your -- on the other side of the aisle, I don't believe that you want to do this. You know, there were some Democrats who voted for you in the last election. Those were working people. There were some Republicans who voted for you. Those were working men and women in this State. And they didn't send you down here to move the execution chamber from Joliet to Springfield, and that's what you're attempting to do in this legislation. And certainly the notice will go out to those people. There were many of those people who enjoyed workmen's comp so long till they didn't feel as though anything could -- like this would happen to them. They didn't feel as though that you would do this. They felt as though that you would be more humane than you are. But the other side of the aisle and the people who drafted this legislation are not humane. You're not thinking of the working men and women who -- the people who sent you here. You're not thinking -- some of the people that's a part of labor, they thought that -- they voted for you. They didn't think you would do this to them. I've had some to tell me, say, "They won't do that. They can't do that." This has been in existence for many years and they thought -- they didn't know how it got there. They just felt as though that it was an entitlement that would always be there. But when you attempt to do this in these -- in your own district, the people going to have some redress, and it's going to be some additional election come up. So I would ask you not to do this legal injection here in Springfield on the people of Illinois, working people of Illinois. You should let that happen down in Joliet somewhere, wherever they

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

do it, but not in Springfield. And maybe the sponsor of this legislation don't want to sponsor this legislation, but I know you all have good sense over there and some of you - most of you - are fine and decent individuals and have compassion for people, for working people, not just the big corporations. But think about it before you cast that vote tonight. Vote for the working men and women of this State, not -- and you need to vote No on this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill does have some flaws. We all recognize it. However, for the main part, it has a lot of good work in it. And I would like to call the attention to the sponsor when -- if it passes this House, when it goes to the other House, that some of these things that were enumerated here tonight be corrected. One is the position that when -- when a worker is injured in Illinois, he's entitled to be under the laws of Illinois. That's what's my understanding when it was explain to me earlier. The other part is the notice provision should be cleaned up, and I think that that can be done so that it be a far better way of notifying an employer when someone is badly injured. For the most part, it has some very good factors in here. It provides for a more prompt payment of the medical bills to the injured worker than we've ever had before. So I'm going to vote for this bill and hope that some of these concerns that have been addressed here tonight will be cleaned up in the other House. So I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. There is no

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

point in me speaking specifically to the points of this bill. My colleagues have been doing that quite well. I would just like to draw your attention to the irony of this bill. There was a book written some years ago, George Orwell's 1984, in which the centerpiece of that was a discussion about doublespeak. And this bill, interestingly, is called workers' compensation, when in fact, in practice, it is now corporate compensation. When it -- it is called impartial, when, in fact, in practice it will be punitive. And with this bill you are asking working families to agree to be punished for being injured on a job, where the work they do is the reason that Illinois is still economically viable. I am wearing black today because I am in mourning for families who thought their contribution to the wealth of Illinois gave them a place at the table. I am suggesting to you, as we say in my community, what goes around comes around.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think it's obvious from the questions that have been asked by Members of this side of the aisle, and even some comments made by a Senator on the other side of the aisle, that there are a lot of questions, there are a lot of flaws, there are a lot of things to still be accomplished in this -- in this bill. I think it's obvious that when you bring an item like this or an issue like this in the eleventh hour, it is not fair to not only the people of the State of Illinois that has no input in this eleventh hour, but to those that represent those people in the State of Illinois in the eleventh hour. Labor has not been invited to the table for input. Democratic Members, as was stated, was not -- or were not invited to the table for input. We have had a couple of hours to try and digest this very comprehensive, very damaging, in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

my opinion, amendment to this bill. I think that in all fairness to the people of the State of Illinois, all of the working millions of people in the State of Illinois, that we should hold this over. We should have some input by those that I had mentioned. I think that in fairness to -- to your Members that are inclined to vote for this, that they have a chance to look at it, see how it impacts the people that they represent in their particular districts. I think it's just a question of fairness. I've served on the Labor Committee both in the House and the Senate all my career here - some twenty-three years. And I am one of a handful of legislators here that voted for those workers' compensation changes in 1975. And I know that there were problems and there were changes that had to be caused from that year on. And that's how we came to an agreed bill process, where labor and management sat down and negotiated those changes. There were changes in 1977. There were changes in 1979. There were agreed bills that came out of negotiations by labor, by management, by business, by all of those that have a - a legitimate interest in -- in working men and women, and in business and the business climate, in this State. Mr. President, Ladies and Gentlemen of the Senate, I think this is a wrong thing to do at this time. I think this bill should be held. I think there should be further meetings and negotiation and further consideration. And at this time, I would suggest a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Petka.

SENATOR PETKA:

Senator Cronin, for purposes of legislative intent, on page

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

35, at lines 27 and 28, "usual and customary fee" is described as the amount charged. What does the term "charged" mean?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

On lines 28 and 29, on page 35, the term "charged" in this context means the typical fees paid for medical treatment: diagnostics, supplies or other services by private sector payors.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka. Further discussion? Senator Jones.

SENATOR JONES:

Thank you -- thank you, Mr. President and Members of the Senate. I won't ask the sponsor a question, because I know what the legislative intent of this legislation, and that is literally to stab one in five of the working people not in the back, but in the chest. The only reason you're getting away with it now, because the bill was called at such a late hour. And due to a question from one of the other sponsors on the other side, as it relate to what the House will do, let me say, Senator Geo-Karis, the House has either to accept or reject this amendment. They will not have the opportunity to amend it or change it, unless this bill goes to conference committee. A bill of this magnitude, which affects one in five of the working people in Illinois, should not be something that is rushed through on the eleventh hour. There was talk about what happened in 1975, but in all the years since that time, there have been what you call an "agreed bill process," where business, where labor, where legislators - Democrat and Republicans from all -- both sides - all came together to come out with a product. It was nothing rammed through, even though Democrats did control the House, even though Democrats did control the Senate. But the Democrats and the Republicans sat down and tried to work out the problems. As I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

listened to the learned colleagues on this side of the aisle, as we talk about the alcohol. I notice you had a party last night. And I'm quite certain that some of the Members may have had some alcohol beverages. And being good, studious workers, they probably came back here, some of them, and -- and worked on this piece of legislation. Now if they drank at the party -- if something was wrong here at the Capitol and they slipped and they hurt themselves, they're on their back and would have been ineligible for any workmen's compensation. It's terribly unfortunate. Policemen work on a twenty-four-hour-a-day basis. They could be out with their family; they could be drinking. And they could spot a robbery - a policeman. And in trying to stop that robbery, he gets injured. Automatically - automatically - he would be denied any benefits just because he happened to be drinking, he or she. It's very unfortunate, but this is the wake-up call to every working person in the -- in Illinois. And some of them made mistakes. Some of them mistakes. They even made contributions to you. They even voted for some of you, not knowing -- not knowing that you're -- were going to do what you're attempting to do to them. So the vote on this issue is the most political vote that will happen during this Session of the General Assembly. It will happen during this Session because what you are doing, you have told them, "We don't care what you think. We don't care how you feel. We don't care whether or not you're injured or whether or not you'll be treated fairly. All we want to show you is that we have the power. There's more of us than there are of them." And you're going to ram this down their throat. But it's dark outside. It's nighttime. But I -- I guarantee you, what is done in the dark shall come out in the light. And when the people of Illinois realize what has happened to them, they're going to soundly reject you come next year. I urge a No vote on this bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

That concludes our speakers. Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. There was an issue raised about drugs and alcohol, and let it be clear that what this legislation provides -- aside from the rhetoric, drugs and alcohol is a safety issue. We have established a policy here in this bill that drugs and alcohol have no place in the workplace. And in those limited circumstances that are pointed out in some of these rare events that may occur, we have provided that there is only a rebuttable presumption. There's just a presumption, and then the injured worker may provide that the alcohol or drugs had no connection to the injury. Yeah, we want to protect the worker that might be hit by the front-end loader driver, or the guy that sits below the -- the worker up high on the beam. Yeah, we want to protect the guy that may be hurt as a result of someone else who's under the influence of drugs or alcohol in the workplace. There's been some complaints about whether or not labor was invited and participated. Labor did participate. There is a very significant provision in this bill that is supported by the Laborers' International. It provides for a pilot program for a dispute resolution mechanism that provides that reasonable people may agree to resolve their differences outside the process that we have known. That's in the bill, and labor supported it, an important, significant labor organization. The cap on PPD - there's been a lot of rhetoric from the other side of the aisle. All of you know or should know that there was -- during the agreed bill process - the almighty agreed bill process - there was a freeze on the PPD rate in the '80s. There was a three-year freeze. The issue about the Indiana worker and what this provides for workers who should work or who are going to be attracted to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

work in Illinois or Indiana - if the Indiana worker works principally in Illinois and this is where the injury takes place, he may -- he may pursue his remedy in Illinois. But if an Illinois company doing business in another State and then injury occurs in another State, then they ought to pursue the remedies in that State. We think that's fair. The written notice - much has been said about it - I don't think there's a clear understanding of this. This is an effort to expedite the process for the truly injured people, and if they can't give notice, if they're unconscious, then they don't have to give written notice, and the bill says that. The remarks that were made by one of our colleagues from the other side of the aisle about the nine-and-a-half-year limit for the twenty-five year old, then he's on public aid - that couldn't be more incorrect and diametrically opposed to what is in the bill. He's talking about the five-hundred-week limit, and that five-hundred-week limit is only for partial disabilities. Permanent, partial disability is a lifetime benefit, for a hundred years. The medical records issue - complete medical records are available now. Anyone who practices in that environment knows that they can get those records, subject to a lot of litigation costs and administrative haggling. We think we've provided a mechanism to save costs and protect confidentiality. The bipartisan complaint - you know, we believe that the current system needs to be changed. It doesn't make a lot of sense to actively pursue input from people who don't want to change the current system. And the U and C definition, in response to one of my colleagues on the other side - the "usual and customary" fee is the amount charged for a service or supply that is medically necessary to diagnose or treat an injury or illness. The fee is determined by taking into account these amounts for similar services or supplies provided in that geographic area and shall be updated annually. That is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

codification of current law. We've taken it a step further to contain costs and we have established legislative intent that the term "charged" in this context means the typical fees paid. This is a fair bill, and I think it's fair as evidenced by the fact that nobody's happy. The management and employers' group didn't get everything they wanted. If there is a sin that was committed in presenting and drafting and negotiating this bill, the sin that I as a sponsor may have committed, is that we tried to do -- we tried to do something fair. Nobody's happy. I respectfully suggest to you that this is a fair bill. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 838 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 32 Ayes, 27 Nays, no Members voting Present. House Bill 838, having received the required constitutional majority, is declared passed. Senator Dillard, for what purpose do you arise, sir?

SENATOR DILLARD:

Thank you, Mr. President. Having voted on the prevailing side, I would move that we reconsider the vote...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator -- I -- I am very sorry. I -- Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Thank you, Mr. President. We'd like to have a verification of those who voted in the affirmative.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio has requested a verification of the affirmative vote. Will all Senators be in their seats? Mr. Secretary, read the affirmative votes, please.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hasara, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Daniel, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, do you question the presence of any Member?

SENATOR DEMUZIO:

Senator Dudycz.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz is in his chair.

SENATOR DEMUZIO:

Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson is in his chair.

SENATOR DEMUZIO:

Senator Donahue.

PRESIDING OFFICER: (SENATOR MAITLAND)

She is in her chair.

SENATOR DEMUZIO:

Senator Raica.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica? Senator Raica's in his chair.

SENATOR DEMUZIO:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis is in his chair. On a verified roll call, the Ayes are 32, the Nays are 27, no Members voting Present. And House Bill 838, having received the required constitutional majority, is declared passed. Senator Dillard.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR DILLARD:

Thank you, Mr. President. I'd like to renew my motion: Having voted on the prevailing side on House Bill 838, that we reconsider its vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. I move the motion to reconsider lie on the table.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley moves that the motion to reconsider be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is tabled. Ladies and Gentlemen, Supplemental Calendar No. 2 is being distributed to your desks. We'll be going to that order of business. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just to wish a old friend, an old-timer, a happy birthday. May 23rd is Senator Weaver's ninetieth birthday. He's getting meaner, more cantankerous, more obnoxious as he goes along, but he's a great guy. We all love him. He's running for re-election. I thought I would make the announcement tonight. He will be the oldest Member of the Senate. But, Stanley, it's great to have you here. Try to stay awake for the rest of the proceedings.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver, Happy Birthday. Messages.

SECRETARY HARRY:

A Message from the President.

Dear Mr. Secretary - Pursuant to the provisions of Senate rule 2-10(e), I hereby extend the deadline for final action on the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

following category of bills, with specific bills enumerated under this category, to May 26th, 1995:

Appropriations - specifically House Bills 803, 809, 1016, 1018 and 1083.

Filed, May 23rd, 1995, by President Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 100, together with the following amendments, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have like Messages on Senate Bill 465, with House Amendment 1; 484, with House Amendment 1; 485, with House Amendment 1; and 906, with House Amendment 1.

All passed the House, as amended, May 23rd, 1995.

PRESIDING OFFICER: (SENATOR MAITLAND)

Committee Reports.

SECRETARY HARRY:

Senator Cronin, Chair of the Committee on Education, reports House Bill 206 - the First Conference Committee Report Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, top of page 13 on the Order of -- of Consideration Postponed, is House Bill 2401. Senator Hasara. The bill has -- the bill has been read a third time. Senator Hasara.

SENATOR HASARA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Thank you, Mr. President. I think when 2401 was called, there was some misunderstanding about intergovernmental agreements with the Illinois State Police. These are only on request of another agency, and also I think some of the points with the Kickstart Program, hopefully, have been cleared up for some of the Members. Be glad to answer any questions and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, can you tell me where we are?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, I -- I did -- I did tell you where we are. We are on the top of page 13, Consideration Postponed, House Bill 2401. I made that announcement, sir. I will allow one -- one proponent and one opponent to speak on the bill. Senator Shadid, for what purpose do you arise, sir?

SENATOR SHADID:

Would the Senator yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Shadid.

SENATOR SHADID:

Senator Hasara, the last time it was brought up I asked you if this includes the opportunity for State Police to do contract policing with municipalities. Is that still in there?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

I -- I was told by the State Police that they cleared that up with you, Senator. No, it does not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

SENATOR SHADID:

Well if it's not in the bill, in the law, I was told it was going to be cleared up - the intention - and it was going to be very clear that the State Police could not be in the business of contracting police services with small communities. And if that's -- if that's not in there, I cannot vote for the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hasara, to close.

SENATOR HASARA:

I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2401 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 47 Ayes, 11 Nays, no Members voting Present. House Bill 2401, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we will be going now to the Supplemental Calendar. Supplemental Calendar No. 2 that has been placed on your desk. On Supplemental Calendar No. 2 is House Bill 1853. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We discussed and debated this bill earlier today and there were a number of Members who were working on the budget and other matters and were off the Floor, and it fell one vote short. Just very quickly, this is a bill that I believe brings sunshine and some good ethic -- ethics policy to the Office of the State Treasurer in the way we make our investments in the State of Illinois, and brings sunshine to link-deposit type of programs. It's a good bill, and I'd be happy to answer the one person on the other side's questions, if there is such a thing. It had a healthy

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

debate this afternoon. I'd appreciate a favorable roll call now that we're all here.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Yes, thank you. This bill was not a good bill when we voted on it and it was defeated, and it's not a good bill now. This bill still has the Inspector General in it, which does not follow the same process by which we select inspector generals for all of the other departments. And we just feel that we should not do this at a time. It also codifies an existing position that this particular officer has already taken upon herself to fill, and this is what we call pinstriped patronage. We ought not to do it. We're talking about downsizing government. We don't have the money. And I -- I'd just ask the people on this side of the aisle to vote against it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. Let's, again, let the people of the State of Illinois know what the investment policy for their six billion dollars of tax money happens to be, and let's bring a little sunshine and see, in a published fashion, whether gifts of money are made to the Treasurer's Office for link deposits and those types of services. I'd appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1853 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 33 Ayes, 20 Nays, 6 Members voting Present. House Bill 1853, having

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

received the required constitutional majority, is declared passed.
Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

I just have a parliamentary inquiry. We went to the Order of Motions in Writing to Reconsider the Vote. We never did reconsider the vote. We just voted on final passage of the bill.
Oh. I'm sorry.

PRESIDING OFFICER: (SENATOR MAITLAND)

We are now, Senator Demuzio, going to Motions in Writing to Reconsider the Vote. House Bill 320. Senator -- Senator DeAngelis. Read the motion, Mr. Secretary.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill 320 was passed.

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Having voted on the prevailing side, I move to reconsider the vote by which House Bill 320 was passed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, having -- having voted on the prevailing side, moves to reconsider the vote by which House Bill 320 passed. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 24 Ayes, 32 Nays, no Members voting Present. The motion fails. All right, Ladies and Gentlemen. Bottom of Supplemental Calendar No. 2 is Conference Committee Reports. House Bills 206. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

First Conference Committee Report on House Bill 206.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Conference Committee Report No. 1 to House Bill 206 is before the Body. I would -- as the cosponsor of this legislation, I would like to yield that the -- the beginning of the presentation of it be -- be done by Senator Watson, with your permission.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. All right. All right. Senator O'Malley has requested that Senator Watson join him in presenting the bill. The Chair will grant that privilege. They will indicate to me which one of the Senators will make the... Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President. I appreciate the courtesy, as always. Does that mean then that we can yield time and is this going to be the provision of the Chair? Since the Chair is allowing the yielding of time in one instance, will it be allowed in all instances?

PRESIDING OFFICER: (SENATOR MAITLAND)

The answer is no.

SENATOR CARROLL:

That's fair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is Conference Committee Report No. 1 to House Bill 206. We had a lengthy debate in the Education Committee hearing -- we had a lengthy discussion in the Education Committee in Room 400, about a two-and-a-half hour discussion in regard to the Conference Committee Report. We heard

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

from witnesses; we heard from committee Members. Everyone was given an opportunity to express their concerns and questioned those who witnessed or those who sponsored this particular amendment. We are abolishing the current fifteen-member Chicago Board of Education and creating a five-member Chicago School Reform Board of Trustees to assume control of the school system for the next four years. The Mayor must appoint what we would call the Super Board within thirty days of the bill's effective date. The Mayor should also designate one mayor <sic> of the Super Board as president. We give considerable power and authority to the Board. It directs them to improve the quality of the educational services, reduce the cost of noneducational services, develop a long-term financial plan, streamline and strengthen the management, direct accountability efforts, enact policies that ensure the system will operate in an efficient and ethical manner, establish within sixty days of the bill's effective date a Local School Council Advisory Board, establish organizational structures and provide for such other local school council advisory councils as deemed necessary. The powers and the authority of the School Finance Authority are suspended over the next four years. The School Finance Authority would remain in place to continue paying off the bonds; however, they would be suspended over the next four years. The Inspector General is -- is temporarily moved under the Super Board. After four years, the Super Board will then be replaced by a seven-member Board of Education appointed by the Mayor, and the School Finance Authority then would assume its full powers back again, and the Inspector General is transferred back. Subdistrict councils and superintendents are abolished under this provision. I'd like for the next portion of the legislation to be yielded to Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Senator Watson, and thank you, Mr. President. The educational management and accountability provisions of -- of this legislation include the following: Gives principals the authority to direct, supervise, evaluate, hire and discipline all employees of the school, including the authority to direct any third-party contractors assigned to the school, and they are given sole authority to set school hours and schedule staff. Principals are given exclusive authority to evaluate engineers and food service managers and those employees are not allowed to appeal unsatisfactory evaluations. The teacher dismissal process is streamlined. It allows the general superintendent, or CEO, to initiate charges against teachers, rather than the full Board. It establishes time frames for the completion of dismissal hearings but provides that the Board will not lose jurisdiction over the dismissal if those time frames are not met. It relieves the Board of the burden of issuing written warnings to teachers or principals whose conduct is cruel, immoral, negligent or criminal, or which in any way causes psychological or physical harm to a student. The remediation process is streamlined for teachers receiving unsatisfactory recommendations. Reduces the additional remediation period beyond the initial forty-five days from one year to six years. Requires evaluations to be completed no less than ten days after the conclusion of remediation. Reserve or supernumerary teachers are abolished. Allows Chicago to use noncertified staff for any library duties and for school-sponsored extracurricular activities. Requires the Board to create a Chicago Schools Academic Accountability Council to direct school accountability efforts. The budget for the Council is to be set by the Board and paid for out of available sources. Establishes a pilot program of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

intervention in under -- under-performing schools. Allows the Accountability Council to recommend intervention to the Board. Before instituting intervention, the Board must hold a public hearing and evaluate all employees at the school. After considering the evaluations, employees may be retained, reassigned, laid off, or dismissed. The system CEO or superintendent will appoint a principal who is empowered to select all staff. Five percent of the school's Chapter I monies must be used for employee performance incentives. At this time I would yield on the financial issues to Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. We appreciate the -- the Body's allowing us to present this jointly. It is a long narrative we have here, and it's a pretty substantial provision. But in the area of finances, we authorize Chicago for the next four years to -- to receive some of its State funding through two block grants instead of through categoricals. The following programs are collapsed into a -- what we would call a "general education" block grant. K through 6, arts planning, School improvement support, urban education, scientific literacy, substance abuse prevention, second language planning, staff development, outcomes and assistance, k through 6 reading, truant dropout optional education, Hispanic programs, agriculture education, gifted education, parental training, prevention initiative, report cards, and criminal background checks. All funds disbursed under this block grant may be used by the Board for any lawful purpose. The second educational service block grant will consist of the bilingual, pupil transportation, free lunch and breakfast, preschool education, special education, summer school, educational service centers, and administrators academy. Chicago is not

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

relieved of any obligation to provide the services required under the program included in this block grant. I think that's an important concept and some of the concerns that we have coming from the community of Chicago revolves around that mandate and that concern. Guarantees that local school councils receive no less than two hundred and sixty-one million dollars in Chapter I funds each year. This does not necessarily mean that -- that the Super Board could not raise that level. Chicago's property tax levies would be collapsed into one, single operating levy, and this would give Chicago a 3.07 percent operating tax rate by collapsing these various rates: education, which is 2.11; special education at .04; agriculture-science school, .02; textbooks, .11; playgrounds, .08; buildings, .45; pensions, .26. The State's appropriation to the Chicago Teachers' Pension System will continue. Now this is not a mandated nor statutorily requirement that is required of the General Assembly to make a sixty-two million dollar contribution to the Chicago Teachers' Pension System. We have done this in the past. History has proven that this is something we should do. We feel obligated, but we also feel that that should go directly to the pension system, and it will - sixty-two million dollars. We also put provisions in there that would allow the Chicago Teachers' Pension System to go to the ninety-percent funding schedule level that was established by the legislation we passed during this last Session, last year, in the other pension systems in this State. This protects the financial credibility of the system and will be done by the year 2045, just as the other systems are being asked. Senator O'Malley now will continue with the collective bargaining changes and privatization.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President and the Members of the Senate

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

for your indulgence. The collective bargaining changes and -- and privatization provisions of the legislation include the following: It places an eighteen-month moratorium on school strikes in Chicago, and -- and the Board would not be required to submit to a binding dispute resolution process. It prohibits certain subjects from collective bargaining agreements for educational employers in Chicago, including the Chicago public schools and the Chicago city colleges. Some of those areas that are in question would be decisions involving charter schools, decisions to determine class size, staffing and assignment, academic calendar, hours and places of instruction, pupil assessment policies, and decisions concerning the use and staffing of experimental or pilot programs. The Board will also be allowed to enter into collective bargaining agreements up to four years and privatization contracts up to five years. Various statutory language inhibiting privatization with the school system is eliminated. Allows the Board to lay off employees replaced because of privatization upon fourteen days' written notices -- notice, and allows for waiver of any provision in any employee contract, including salaries and benefits, upon a fifty-one percent vote of the affected employees. I -- again, I will yield to Senator Watson to complete. There are some miscellaneous provisions that remain.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. We change the fiscal year for the Chicago public schools to begin June -- well, actually they will from September 1st, 1996 to June 30th, 1997. This will mirror the other school calendars throughout the State. It authorizes the Inspector General to investigate Board and LSC members and public commission projects. It mandates three days of training for all new local school council members. This will be coordinated by the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Chicago Area Deans of Education, and there will be no cost to the State or to the Chicago public schools. It enacts whistle-blower protections. Prohibits former Board members from working for or contracting with the Chicago district for one year after they leave the Board. It directs the State Board of Education to develop strong conflict-of-interest and disclosure forms for the Board and local school council members. Provides for four-year staggered terms for local school council members, beginning with the election in the spring of 1996. Require principals to share internal audit information with local school councils and gives local school councils the powers to approve receipts and expenditure for all internal accounts. And it requires the Board to develop a policy to prevent nepotism in hiring of personnel and the selection of contracts. Mr. -- Mr. President, thank you for giving us the opportunity to make this presentation. We will now open ourselves to questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Once again, Ladies and Gentlemen, the timer will be on. I will be asking you to bring your remarks to a close, once the time has expired. Senator Weaver.

SENATOR WEAVER:

...previous question, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves the previous question. There are -- there are thirteen speakers with their lights on at this particular point in time. Senator Garcia. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Let me touch very quickly on a couple of points and really talk in summary about what the -- what the problem is with this proposal. All we're doing here is changing a structure. We are not addressing education. We are not

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

addressing the needs of children. We are not addressing the funding needs of the Chicago school system. What we are doing is changing a structure, and there is no guarantees at all that the structure is going to translate to better education. Senator Cullerton is going to talk about the impact to the pensioners and the pension fund in Chicago. What we are doing here is to change a system which will shift the power of appointment from the Mayor and the City Council to the Mayor only. And there's really no qualifications required of this new five-person Super Board. It could be anybody. And there's no limit or floor as to their salaries. There is no balanced budget requirement. For -- for fifteen years, Chicago has had a balanced budget requirement. That is eliminated by this bill. So what you find is that all the State money that comes in categorical grants is going to be put into two block grants. All the property tax levies are going to be merged together, and there's going to be no balanced budget. What does all that mean? It means that without additional money from the State, what you're going to find is that Chicago schools are going to get deeper and deeper and deeper in the red, and that at the expiration of four years, when they have again a balanced budget, when the School Finance Authority comes back in place, we're going to hear all this talk about how did they get into all this red ink. We're going to get into the red ink because the State is renegeing on its commitment to four hundred and ten thousand children. It's renegeing on its commitment to fund education. It's renegeing on its commitment to be fiscally responsible, and it's repealing these kinds of provisions in this bill. This bill is punitive - punitive - to the teachers and other workers in this system. Chicago hasn't had a teachers' strike for seven years. There's no many school districts that can say this in Illinois, but Chicago is being imposed with an eighteen-month teachers' strike ban. Why? Just to prove a point,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

not because -- based on any history. There are -- there's a -- a threshold regarding Chapter I. There is no guarantee that the required increases that are going to -- going to come about because of increased poor children is, in fact, going to be funded at the local schools. There's a floor...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman, bring your remarks to a close, please.

SENATOR BERMAN:

I thought I would have the same amount of time that was given to explain the bill, Mr. Chairman. I would ask for a little leeway, Mr. Chairman -- Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Proceed, Senator Berman.

SENATOR BERMAN:

Thank you. The Chapter I money is pegged at last year's appropriation. There are projections of twenty million dollars more next year. That's not guaranteed to the poor children. For another ten million dollars the following year, no guarantee to the poor children. So there's a floor which will really be a ceiling because there's no leeway, and those poor children are going to be denied their money. I've got a bill -- a letter here from the Civic Federation that points out that a change in the fiscal year is going to cost Chicago sixty million dollars. This is from the Civic Federation. It's not from the Chicago Teachers' Union; it's not from Democratic legislators. It's from the Civic Federation. But there were no open discussions, there were no open meetings, there was no involvement by Democratic legislators from either the House or the Senate in putting this bill together. The Governor's Office admitted that; the Members on the other side of the aisle admitted that. Shame on us. Shame on us. Is this the way that we carve legislation that's going to affect my constituents, their children, without any input from those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

people's elected legislators? I'm embarrassed by this process, as relates to the children in Chicago - four hundred and ten thousand of them - that affect -- that attend Chicago public schools. There was no input from any elected officials, neither legislators nor the Mayor. They weren't invited to the Governor's Office. None of us were invited to any of the discussions until 1 o'clock today, when we see this bill that isn't even allowed to be amended. That's just touching on it. The process is -- is irrational. It stinks. This bill doesn't address the educational needs of Chicago. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I'd like to start out by saying that this is the most irresponsible piece of legislation affecting education that I've seen come before this Body in the eight years that I've been here. Senator Berman said that there was no participation from our side of the aisle in this process. As a Member of the Senate Education Committee, I resent the fact that we were not allowed to participate and that we were handed this amendment today just a few hours ago. Now, for those that are saying, "Well, this is only for Chicago," and for those who are saying, "Yes, this does affect collective bargaining, but it only affects Chicago," let me tell you that one legislator, one Senator in the committee, said that his school district would kill for these -- for these provisions. And so I think it's no secret that we begin with Chicago and we move throughout the State after this. And I suppose it's all done in the name of flexibility. I heard that word used many times today. But I think you've added a new meaning to the word "flexibility". I think to you flexibility means escape from responsibility, because that's exactly what you're doing with this bill. You are attempting and you will

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

probably succeed in escaping from your responsibility to public schools in the State of Illinois, beginning with Chicago. This bill, once again, six years after we passed the last school reform bill for Chicago that was revenue-neutral, this bill, once again, provides not one, single cent for the Chicago public schools. This bill, once again, will affect Chapter I. Five, six years ago, we promised the schools that a year ago, they would end up with a hundred percent of the Chapter I funds, but we took thirteen million dollars last year and the year before, and now we're saying that they'll never - they'll never - see that money; yet, Chapter I has been the lifeblood of school reform in the City of Chicago. We are ramrodding a bill through, a bill that some of you see as the albatross around the Mayor's neck. Some of you see this bill as the rope - as the rope - that the Mayor of the City of Chicago needs to hang himself. Well, you know, I have my differences with the Mayor of the City of Chicago, but when the Mayor of the City of Chicago ends up hanging himself on this issue, he's going to take four hundred and ten thousand children along with him. And I will not have that on my conscience. And my kids go to a Chicago public school. And let me tell you it was just two weeks ago that my sixth-grader sat just feet away from a roof that caved in and injured two children, in school, but this bill says nothing about the capital needs of the Chicago public schools. It says nothing about the one billion dollar plus of reconstruction and rehabilitation needs that the school has. It doesn't say anything about the last time that the State provided pennies to the Chicago public schools: in '89 for renovation. This bill is silent on that. And we call it...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle...

SENATOR DEL VALLE:

...school reform; we call it school accountability. I call it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

irresponsibility.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

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TAPE 5

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I, too, have been in this Body for the last nineteen years now, and I have seen any number of so-called measures on school reforms for the Chicago school system, but none of which - none of which - I have seen that have been more negative and offered the greatest possibility for further erosion of the quality of education in the Chicago school system. Senator Berman mentioned the fact that this is about structural changes, and basically all that we've done here has been about structure changes that have very little or nothing to do with the quality of education. But there are two provisions in this bill that I would say that will probably have a greater possibility for impacting in a negative way on the quality of care, quality of education, and that is the use of the Block Grant Fund and the use of the consolidated taxes that was levied for special purposes in the City of Chicago. There's nothing so wrong with the consolidation of those levies, but there most certainly is something fundamentally wrong when you can take that money - this board of trustees who is not accountable, not elected by the people at all - and can use this money stated directly in the bill for whatever lawful purpose or for whatever means that they choose to -- to -- to use that money for. What this bill has

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

also done, what you've done to the teachers, have created an environment that at best is -- it is -- it is at best that you can expect out of it is insecurity and anxiety, and at worst, hostility, neither of which is conducive to positive -- a positive learning atmosphere for the children of the City of Chicago. And I heard the sponsor said that this bill was about children. No it isn't. This bill is about politics. This bill is about setting up the Mayor, as Miguel have said. This bill is to make Clinton look bad when he comes for the Democratic Convention. It has nothing to do with children, and you ought to be ashamed of yourself and join with us and defeat it. A rightful death is where it should be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I'm just going to talk about one Section of the bill. Brief background: We have two pension funds that provide pensions for retired teachers in the State of Illinois - one for the Chicago public school teachers, and one for the rest of the State. The rest of the State - the Downstate Teachers - the employer contribution comes from us, the General Assembly, and in the City of Chicago, the employer contribution comes from us, the General Assembly, and in addition to that, we have a property tax levy that goes directly into that pension fund. That's why the Chicago Teachers' Pension Fund is so strong, 'cause we have this additional money that goes in. It's -- the unfunded liability ratio in Chicago is about eighty-two percent. The Downstate Teachers' Pension Fund liability, I think, is at about fifty-eight percent. What this bill does is to allow for the next four years, a total diversion of that extra money that's going into that pension fund. Now, we did this a few years ago, and the Democrats

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

voted for it, and you voted against it. The Democrats voted for a slight diversion of the -- of the pension money into the pension fund. And you know what happened? The -- there was a diversion of less than sixty-five million. This bill allows for a diversion of sixty-five million for the next four years. The campaign literature that you guys put out against us was, you're taking money from the poor, little, old retirees and you're sending it into that rat hole: the Chicago public school system. Now the shoe is on the other foot. Now you're proposing a bill that does the same thing. And the ironic thing is, you know where most of these retirees live? They don't live in our districts. They've retired. They've moved out to the suburbs. They live in your districts, and when this bill passes, they're all going to be up in arms. They're going to say, "What are you doing to our pension?" And you can get up, Senator O'Malley, and you can say, "Well, it says right here by the year 2045, we'll back to full funding." They should live so long. What this -- what this bill says is this: We have a terrible problem in the Chicago public schools. There's a hundred and fifty million dollars short, and they're going to go on strike, and we'll have four hundred thousand kids out of school. What are we going to do? I got it. Why don't we just let 'em borrow a bunch of money so they can go into debt, and then on the strike part, I know, we'll pass a bill that says they can't strike. That's the solution to the Chicago public school problem for this year. I think it's a little shortsighted. I think that, once again, there's going to be some political ramifications with this bill just like the last, and I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. To the bill: This is the latest of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

this Body's, particularly the other side of the aisle, and the State's end run around its responsibility to its children who happen to live in Chicago. The tragedy of this is that when I first got down here, I watched and participated with Chicago's people as they came here in good faith seeking reform, and they worked especially with your side of the aisle. And what this bill has done is to take Chicago people's rightful effort to reform schools and turned it against them. Teachers and local school councils who were supposed to be the centerpiece of reform, are now the enemy, because there's going to be the whistle-blower feature of this. Then you've got an entire school staff that can be fired should the Academic Accountability Council decide that a school is not living up to its responsibility. But, ho-ho, you have a Super Board which has the authority, but without any revenue, and you have the Academic Accountability Council, but you have capped the Chapter I funds, which are the very lifeblood of how people -- the schools are able to have some accountability and to have some educational progress. So what we have here is a total reversal of all that people came down here to get from you, and it is a shameful and terrible thing. And what makes it even worse is that you had an opportunity to do better than this. We had a bill which had we passed it, would have funded schools. We had a referendum which had it passed, which had bipartisan support, would have funded Illinois schools. But instead, we have chosen once again to put a bull's-eye around Chicago's neck and to shoot everything that this Body has against it. This is boomerang politics, and I say again: What goes around comes around.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I must say, at best, I'm confused on who will be in charge of running the schools up there, the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Chicago school system. We have a chief executive officer, which doesn't really explain. We have chief fiscal officer. Does explain exactly who's in charge of the overall system. And we have a chief educational officer. Does -- it doesn't explain exactly whether he or she is in charge of the -- of the school. Or the purchasing officer, it doesn't explain that. But maybe in the next four years we can figure it out. But what I would like to say is that you call this reform, and you'll be back next year and talk about some more reforms in terms of the Chicago school system. I've been here for a number of years, and every year since I've been here, basically you have talked about reform for the Chicago school system. But most of the time you haven't given them a dime. In this bill, you haven't given them a dime. You didn't even -- you -- you haven't even raised the tax ceiling where that the Board could get the money in this bill. But you're handing the Mayor of the City of Chicago a bankrupt system and tell him, "You got it, and you run it, with no money." What is the -- what is the State's responsibility to the children of Chicago? What is the State's responsibility to -- to the children of Illinois? Aren't they entitled to some money to run these systems? But you're going to leave out of here and talk to your press people and -- and tell them to put a spin on it that we did something for the Chicago school system, when you know full well that you haven't give a dime to educate the children. What is the -- what is the teachers going to do when the principal -- under this bill, when the principal tell them, say, "Well you've got forty children in your class"? You've taken the voice of the teachers who's teaching the children, according to this bill. They have no say-so in working conditions, under this bill. This is a ridiculous bill, and you don't mean for the children of Chicago to get educated, as you don't mean for the children of anywhere in Illinois to be educated. You all should take this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

bill back to the drawing board, look at it again, and let's get some bipartisan support, and above all, you should have somebody that represents Chicago in the room with you when you write the legislation. I don't understand. I don't understand that all of the downstaters have the better ideas for what's good for Chicago, and good suburbanites who have great ideas, what's good for Chicago. If I attempted to do that to your schools, you'd probably want to run me out of this Senate. And I urge you not to do this to the children, four hundred and ten thousand kids of Chicago. Let's do it over again, and let's do it right. Let's put some money into the Chicago school system, where the children can be educated. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- further discussion? Senator Karpel. Further discussion? Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. I have some questions for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates they will yield, Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Watson, has there been adequate input for the Legislature to assess these -- all of these issues?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you for that question. We appreciate the opportunity to respond, because obviously, there are some that disagree. But the record clearly shows that there's been -- normal legislative process has been followed, and that the Legislature, the community and the reform groups are included, and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

numerous individuals and groups that were involved in the drafting and consideration of this legislation. Examples of this are Representative Mary Lou Cowlshaw's Chicago Reform Working Group and the Senate Education Committee hearings. Accordingly, the enactment of the Statute is responsible and rational.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Karpel.

SENATOR KARPIEL:

Yes. Thank you. Senator Watson, how do we -- or, how would you respond to the claim that employees of Chicago are being unfairly targeted?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

It cannot be said that this bill unfairly targets the employees of Chicago. The legislative classification here is clearly reasonable. The General Assembly finds that the state of emergency exists in the Chicago public schools. These statutory amendments are based on the attendance needs -- or, the attendant needs of the Chicago public schools are in accord with and the continuation of the 1988 Chicago School Reform Act, which by the way, Mr. President, was slammed down on our desk, in which we had an opportunity of just a few minutes to try to digest what was in that particular piece of legislation before it was crammed down the throats of the Minority Party at that particular time, which happened to be the Republicans.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I want to salute the Chair for allowing Senator Berman and Senator del Valle to go over their time, for that respect that you have shown to my two colleagues

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

there, I will waive my time. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Molaro. Senator Sieben.

SENATOR SIEBEN:

Well, thank you, Mr. President. I simply stand and support the legislation. As a Member of the Senate Education Committee for the past three years, just share with the Members that this subject of Chicago school reform has been the subject of our committee in many different hearings that we've had and many different issues that we've debated. So I'm a little surprised that the other side of the aisle wants to talk about this as some kind of a surprise that appeared on their desk at 1 o'clock today. The actual language may have just appeared, but the substantive contents of what we're talking about here tonight has been the subject of discussion for at least the three years that I've been a Member of the Senate Education Committee. I would also like to commend the sponsors for the work and the time that they've put in on this bill, and also the Governor's Office. As we heard in our committee hearing tonight for two and a half hours, Mr. Grosboll shared with us the type of input that they've had on this legislation. So, you may find room to criticize the process of putting the language together in the bill, but I really don't think there's any room for criticism of the opportunity to provide input on this legislation or the items that -- that appear in this legislation. There has been ample opportunity for input on this legislation. I'd also share that it's kind of amusing to listen to some of the complaints from the other side of the aisle. They're strangely reminiscent of many of the arguments that we made on legislation when I was over in the House for six years as a Member of the Minority Party over there. I think it sounds like somebody's just replaying some of the tapes from those Sessions that we spent over there under Speaker Madigan's leadership. I do

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

have -- Mr. President, I do have one question for Senator O'Malley for the purpose of legislative intent, if he would yield for a question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Sieben.

SENATOR SIEBEN:

Senator O'Malley, why does the bill's Section on prohibited subjects of collective bargaining apply only to the Chicago School Board, Chicago Board of Education and City Colleges?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. -- Mr. President and Senator Sieben for the question. The severe educational needs of Chicago students are well known to this Body. These needs are acknowledged to be among the most pressing and difficult faced in urban America, and both the Chicago Board of Education and City Colleges have the responsibility of addressing the needs of Chicago students. There are also significant educational and financial links between the two districts. Large numbers of pupils who attend Chicago public schools subsequently attend one of the City's community college, some after graduation from the Education Program. Additionally, in recent years, as the Board has faced severe financial and budgetary problems, City Colleges has assumed increasing responsibility for various adult education and vocational education programs previously provided by the Board of Education.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I just have one question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

Indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator Watson, does this bill -- or, does this conference committee report continue the primary focus of Chicago School Reform Act of 1988?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. The answer to that is, absolutely. The primary focus of the 1988 Chicago School Reform Act was school-based governance. Decisions as to the issues of special concern to individual schools were transferred to the school principals and to local school councils. The 1995 amendatory Act continues that focus, affording school principals the latitude in hiring they require to institute change at the local level. Despite these changes, employees' rights continue to be protected in many respects by Statute and will be further protected in accord with the rules and regulations of the Board of Education of the City of Chicago. The result is local autonomy and flexibility coupled with accountability. This Body has in its record a variety of educational authority supporting the soundness of this proposition. The authority was examined with the passage of the 1988 Chicago Reform Act and with the passage of this 1995 amendatory Act.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If it wasn't so funny, it would be ridiculous. To see these grown men, who live in the suburban area of the City of Chicago, out from Chicago, have nothing really of real monetary or logical or moral interest in the City of Chicago and its young people, stand

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

here on this Floor - this august Floor, this -- the Senate, the House of Lords - and play. Do you not know that you are dealing with the lives of young people, young people yet unborn, young people whom we are looking forward to, to fill these Chambers some day? And you are just playing. This is horrible that you would carry on like this. This is a serious matter, and you don't play with young people like this. And as it has been stated, what goes around will come 'round. The mills of the guards grind slow but exceedingly fine. Believe me when I tell you. And I -- I look to here, this -- how ludicrous this is. Even assistant principals will be removed from the Teachers' Union. What -- what's your rationale there? It doesn't make sense. And you leave out of here and laugh and have a big time, and didn't we do it to them, the City of Chicago. And these young people are begging for an opportunity in the City of Chicago, in the State of Illinois, and you don't care. You got together and put all of this stuff together, and it's sad. And anything is all right for us. Well, we are elected by the people of the State of Illinois, and we come here to represent them, and we're not playing. So until you give us something that's logical and sensible -- here you have here, that the -- let me see, what -- this LA <sic> members, they have to go to school for so many days and all of this, and then you have -- let me see, you have a - a head of the -- all these different heads here. Let me see here. You've got a chief operating officer, a chief fiscal officer. You've got a chief educational officer, a chief person. What is all of this? This is not children. This is not school. Then you talk about the incoming members of the LSC will be required to take a three-day training program within six months of taking office. This is ludicrous. We're dealing with young people. Nothing about the curriculum of them or how long that they -- what type of programs that you'll give them. You're talking about structure. And

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

56th Legislative Day

May 23, 1995

what's -- you just don't do things like this, sir. And you should be ashamed of yourself. You would not have it in your neighborhood where your school -- young people is going to school. And we don't want it for the City of Chicago. They may not have all that you have, but they're human beings and they're born in the image of God, and they're entitled to a good life. And we are here in this legislative Body to see that they get that, and that's what -- whereas you're standing up here playing. This is -- this is ridiculous. And this will go out in the newspaper. You should be ashamed of yourself. And I just have to say that to you, but I'm very sorry. Please, let's not play with the legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

And the final speaker, Senator Jones.

(MIDNIGHT)

DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 23, 1995

HB-0032	RECALLED	PAGE	5
HB-0032	THIRD READING	PAGE	5
HB-0041	THIRD READING	PAGE	7
HB-0090	THIRD READING	PAGE	11
HB-0206	CONFERENCE	PAGE	161
HB-0301	THIRD READING	PAGE	13
HB-0320	THIRD READING	PAGE	13
HB-0320	MOTION	PAGE	161
HB-0320	MOTION FILED	PAGE	121
HB-0385	THIRD READING	PAGE	104
HB-0544	THIRD READING	PAGE	21
HB-0652	THIRD READING	PAGE	23
HB-0838	RECALLED	PAGE	124
HB-0838	THIRD READING	PAGE	126
HB-0838	MOTION	PAGE	156
HB-1248	THIRD READING	PAGE	24
HB-1465	RECALLED	PAGE	108
HB-1465	THIRD READING	PAGE	27
HB-1465	THIRD READING	PAGE	110
HB-1465	OUT OF RECORD	PAGE	27
HB-1470	RECALLED	PAGE	27
HB-1470	RECALLED	PAGE	105
HB-1470	THIRD READING	PAGE	106
HB-1470	OUT OF RECORD	PAGE	28
HB-1523	RECALLED	PAGE	28
HB-1523	THIRD READING	PAGE	33
HB-1587	THIRD READING	PAGE	35
HB-1654	THIRD READING	PAGE	36
HB-1853	THIRD READING	PAGE	115
HB-1853	POSTPONED CONSIDERATION	PAGE	159
HB-2108	THIRD READING	PAGE	37
HB-2226	THIRD READING	PAGE	48
HB-2330	THIRD READING	PAGE	49
HB-2401	POSTPONED CONSIDERATION	PAGE	157
HB-2429	THIRD READING	PAGE	54
SB-0050	CONCURRENCE	PAGE	57
SB-0050	NON-CONCURRENCE	PAGE	58
SB-0063	CONCURRENCE	PAGE	58
SB-0077	CONCURRENCE	PAGE	62
SB-0114	CONCURRENCE	PAGE	65
SB-0158	CONCURRENCE	PAGE	74
SB-0164	NON-CONCURRENCE	PAGE	75
SB-0165	CONCURRENCE	PAGE	75
SB-0169	CONCURRENCE	PAGE	94
SB-0210	CONCURRENCE	PAGE	76
SB-0231	CONCURRENCE	PAGE	95
SB-0265	NON-CONCURRENCE	PAGE	100
SB-0388	NON-CONCURRENCE	PAGE	77
SB-0443	CONCURRENCE	PAGE	98
SB-0509	NON-CONCURRENCE	PAGE	78
SB-0566	CONCURRENCE	PAGE	99
SB-0587	NON-CONCURRENCE	PAGE	78
SB-0623	CONCURRENCE	PAGE	78
SB-0717	CONCURRENCE	PAGE	79
SB-0831	CONCURRENCE	PAGE	86
SB-0948	CONCURRENCE	PAGE	87
SB-0978	CONCURRENCE	PAGE	89
SB-1005	CONCURRENCE	PAGE	90
SB-1140	CONCURRENCE	PAGE	92
SB-1140	NON-CONCURRENCE	PAGE	93
SB-1142	CONCURRENCE	PAGE	93
SB-1216	FIRST READING	PAGE	122
SR-0076	RESOLUTION OFFERED	PAGE	3
SR-0077	RESOLUTION OFFERED	PAGE	3

DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 23, 1995

SJR-0021 ADOPTED

PAGE 100

SUBJECT MATTER

SENATE TO ORDER-SENATOR MAITLAND	PAGE	1
PRAYER-THE REVEREND ERNEST GERIKE	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	2
MESSAGES FROM THE HOUSE	PAGE	3
MESSAGES FROM THE HOUSE	PAGE	55
COMMITTEE REPORTS	PAGE	97
SENATE STANDS AT EASE	PAGE	120
SENATE RECONVENES	PAGE	120
MESSAGES FROM THE HOUSE	PAGE	121
SENATE STANDS AT EASE	PAGE	123
SENATE RECONVENES	PAGE	123
COMMITTEE REPORTS	PAGE	123
SENATE STANDS IN RECESS	PAGE	124
SENATE RECONVENES	PAGE	124
COMMITTEE REPORTS	PAGE	124
SENATE STANDS IN RECESS	PAGE	125
SENATE RECONVENES	PAGE	125
MESSAGE FROM THE PRESIDENT	PAGE	156
MESSAGES FROM THE HOUSE	PAGE	157
COMMITTEE REPORTS	PAGE	157
MIDNIGHT	PAGE	184