

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will come to order. Members please be at their desks, and the Members {sic} in the gallery please rise. The prayer today will be given by Senator Bob Raica.

SENATOR RAICA:

(Prayer by Senator Raica)

PRESIDING OFFICER: (SENATOR DONAHUE)

Remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR DONAHUE)

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Monday, May 20th, 1996.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Madam -- Madam President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler moves to approve the Journals just read. There being no objection, it is so ordered. Senator Butler.

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journals of Tuesday, May 21st; Wednesday, May 22nd; and Thursday, May 23rd, in the year 1996, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, it is so ordered. Messages from the House.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

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 refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 1260.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

We have a like Message on Senate Bill 1246, with the House refusing to recede from their Amendment No. 1.

Action taken by the House, May 23rd, 1996.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on Senate Bill 1440 {sic} (1414) and requests a Second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 1. Action taken by the House, May 23rd, 1996.

PRESIDING OFFICER: (SENATOR DONAHUE)

...objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - Conference Committee Report 1 to House Bill 22 and Conference Committee Report 1 to Senate Bill 1544; re-referred from the Executive Committee to the Rules Committee - House Joint Resolution 104; and Be Approved for Consideration - House Joint Resolution 104.

PRESIDING OFFICER: (SENATOR DONAHUE)

...have the Members' attention. We know we're, for the most

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

part, on our last day of our Session, and we will stand in recess until approximately 11 p.m. -- or, 11 a.m., sorry. 11 a.m. Stand in recess till 11 a.m. Senator Klemm, for what purpose do you seek recognition?

SENATOR KLEMM:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your announcement?

SENATOR KLEMM:

The Local Government and Elections Committee will be meeting at 9:30 in Room 212, on Second Floor. So, please, if you could be there. It's a short meeting. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Local Government will meet at 9:30 in Room 212. Senate is in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

...will come to order. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports House Bill 548, the First Conference Committee Report Be Approved for Consideration; House Bill 1249, First Conference Committee Report Be Approved for Consideration, and House Bill 3048, First Conference Committee Report Be Approved for Consideration.

Senator Klemm, Chair of the Committee on Local Government and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Elections, reports the First Conference Committee Report on House Bill 2695 Be Approved for Consideration, and Senate Bill 1278, the Motion to Concur with House Amendments 8 and 9 Be Adopted.

Senator Karpel, Chair of the Committee on Executive, reports House {sic} Bill 1664, First Conference Committee Report Be Approved for Consideration; and the First Conference Committee Report on House Bill 22 Be Approved for Consideration; also, First Conference Committee Report on Senate Bill 1544 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...turn your attention to Supplemental Calendar No. 1, which has been distributed on each Member's desk. We will be going to the Order of -- page 2, Secretary's Desk, Concurrence on Senate Bills, and then we will proceed to the Order of Conference Committee Reports. On page 2 of Supplemental Calendar No. 1 is the Order of Secretary's Desk, Concurrence. Senate Bill 1278. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendments, Amendments 8 and 9, to Senate Bill 1278.

The motion offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill has three additional items -- two additional items, which are all right with me. It adds that -- an amendment to -- where the corporate authorities of two municipalities can join to create an advisory joint plan commission, and it adds an amendment that Senator Bowles and Senator Clayborne wanted to convey certain property to -- City of East St. Louis. And I ask for a favorable...

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? This is final action. If not, the question is, shall the Senate concur in House Amendments No. 8 and 9 to Senate Bill 1278. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 8 and 9 to Senate Bill 1278, and the bill, having received the required constitutional majority, is declared passed. We will now go to the Order of Conference Committee Reports, on page 2 of Supplemental Calendar No. 1. On page 2 of Supplemental Calendar No. 1 is the Order of Conference Committee Reports. Mr. {sic} Secretary, do you have a -- on file a Conference Committee Report on House Bill 22?

ACTING SECRETARY HAWKER:

...Conference Committee Report on House Bill 22.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 22, the Conference Committee Report, includes clean-up and agreed-to language regarding both the reorganization bill that we passed about three, four weeks ago, as well as clean-up language to clarify some aspects of the medical -- academic medical provider program that we passed by -- on Senator Weaver's bill three days ago. I'd be happy to -- answer questions, if people have any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. In committee this morning, we spent

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

some time talking about the changes that are in this bill regarding the reorganization task force, and Members will recall that we passed a resolution out -- out of the Senate creating a reorganization task force. There were concerns expressed back then about the role of the task force and time frames and -- and -- and the makeup of the task force. We are now putting, in this bill, the task force that was in that resolution, but with changes. Some of those changes, I think, are positive. It does give the Task Force more teeth; it gives it more responsibility. And I think that is positive. But we've also added to the seven-member legislative task force that includes -- will include five Republicans and two Democrats, we've added three nonvoting Members appointed by the Governor that will probably be bureaucrats from -- from different agencies, and can include representatives from the constitutional officers. We've also added to this Task Force the authority to spend money, hire consultants. We inquired as to whether or not there will be a line item in the budget for this Task Force. That question was not responded to. We're not sure how much money the Task Force is going to spend, but obviously it will need resources in order to do the job that is dictated in -- in the -- in the legislation. And so we still have concerns. I'm glad there were modifications, but it'd be nice if we had a balanced task force. We've added a management audit for DCFS. We recommended and we filed a resolution calling for a management audit for all the agencies involved in the reorganization. That resolution was held in Rules Committee. This legislation does call for a management audit of only one agency. We'd like to see all the agencies looked at as we move to reorganization. So, in short, while the Task Force in this bill is an improvement over what was passed in the resolution, there are still a number of deficiencies, including the fact that we will have very little participation, even though, certainly, we

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

will have to act on all legislation and all appropriations that will follow.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. I, too, have some concerns about this House Bill No. 22 and the Conference Report. I want you to please note that the -- no Democratic Member in the Senate nor House signed this Report. Senator Palmer and I signed on as cosponsors on House Bill 22, and we have since removed our names. And this bill was sent to the House on a vote of 55 to nothing because it contained a provision of Senate Amendment 4 to increase the adoption subsidy which was reduced by Senate Bill 465 and became Public Act 89-21 -- the Budget Implementation of -- Act of 1995. I notice that this Conference Committee Report has the Senate receding from Senate Amendment No. 4, and I don't quite understand. And I want to know, why is this provision contained in the Report, and will there be any increase in the adoption subsidy? Could you give me that answer?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Smith, I share your concern, and I'd like to point a couple things out to you. Apparently, the technical language we drafted on the increase in the subsidy was a violation of federal law. We needed to make some changes in that. We have increased funding for DCFS through the supplemental and through the budget that I think later today you'll get a chance to examine, by nearly a hundred and eighteen million dollars in the last -- in action by this -- this Body in the last five weeks. I will promise you that, when we come back in Veto Session, I will bring a bill and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

allow you to cosponsor it that will deal with the adoption subsidy increase. It's my intention that we pass something on that before this General Assembly ends, but I apologize for the fact that that provision had to be removed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, I didn't -- I wasn't in committee, so I -- I don't have the benefit of the testimony. With regard to the academic medical centers: First of all, we did already pass a law - it's on the Governor's desk, I understand - concerning the academic medical centers, so this is a -- another version of that, and I take it, it's meant to supersede that. If you could describe to me the differences with regard to who the recipients -- potential recipients of any funds would be, what is the difference between this bill and the bill that we already passed and put on the Governor's desk?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Cullerton, for that question. This bill is intended to supersede the version that we passed earlier. There was a great deal of frustration expressed by the Executive Branch because no effort had been made to include the SIU School of Medicine in Springfield. The SIU School of Medicine, I think, is the number one producer of primary care physicians who locate in downstate Illinois, and the administration expressed strong reservations about the bill unless we found a way to -- to make it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

clear that SIU was also able to participate. The only other change prevents the medical centers that -- that qualify for this program from using their qualification in the program as a marketing tool. Otherwise, it is intended precisely what the previous bill was.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Is there any language with regard to the use of these funds for fetal tissue research?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The only -- the only provision which might raise that question is there is a specific reference in this bill, as I think was in the previous bill, saying that none of the funds may be used in contravention of State law, but there's no specific language dealing with fetal tissue research.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Can you tell me, or explain to me, once again -- it's my understanding that there's two different funds from which these institutions would draw from, and I wondered if you could tell me specifically whether Children's Hospital is eligible to draw from both of these funds or only one of these funds.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Cullerton. One fund deals with research centers that qualify at a certain level of NIH funding, and that is generally known to be limited to probably five or six such

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

research institutions currently, although there's another eight or nine that we would expect, over the next few years, could qualify if they focused on it because they're fairly close to the threshold. I don't think there are any children's hospitals currently that do the amount of research necessary to qualify for that pool. In the second pool, every hospital in the State of Illinois could qualify.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Then which fund are we making the Southern Illinois University Hospital eligible for? Are we making them eligible for the Research Fund, and if not, if it's for the other fund, weren't they included in the first bill that we passed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, they were always qualified for the second fund, which is the Post-Tertiary Fund. The -- the change requested, or -- by the Executive Branch and by some people that SIU be included in the research was driven by the fact that a downstate hospital that concentrates on primary care physicians would have a difficult time meeting the threshold necessary, so they were allowed in on a proportional basis into the research pool. The idea, again, is to help fund SIU's mission to -- to organize and find more physicians to -- to practice in primary care in downstate areas.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Okay. So we're -- we're changing the law to add in Southern Illinois for the reasons you just stated, but we're not changing the law to -- to make Children's Hospital eligible, even though it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

appears there's no other research -- children's hospital research program that's eligible. And maybe you could explain why we don't want to include Children's as well.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, you're absolutely correct. I wouldn't disagree. It's a matter of political priorities and the need to reach consensus with both branches of government.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you. For the -- for the record, I -- I would like to just put on the record some of the -- the concern that I raised this morning. I'm going to support this bill. My -- my concern was related to this Task Force. And, Senator, maybe you can answer this question, because I am very concerned that -- that this Task Force is able to go to work as the -- on the effective date, as originally planned. Now that you have improved and have clarified the responsibilities of this Task Force, I think we need to make sure that the appropriations for this Task Force is set forth in the budget, and I -- and I asked that question this morning. And, of course, the answer given was not satisfactory because this is, through legislation, a separate entity, a separate body, and I think the -- the sponsor indicated that monies would be there in other agencies to do the work of this Task Force. I don't even think that is within the -- the authority of any of these agencies, to transfer any money from their budget to contract out for the various kinds of audits that need to take place in order for this Task Force to do an effective job and actually to help structure that new created Department of Human Services that we voted out of here. It's a good idea. It has

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

improved, but unless the money is there and it is very clear where the money is going to come from, then this Task Force is not going to do nothing. Now, there's already a deficit with this Task Force in terms of the structure, and more so because it does not specify that there had to be any real service providers or people with any real knowledge about human services on this Task Force, so you're going to have to contract out the services. In order to do the audit, they have to be familiar with the administration of human services and programmatic audits. So they have to be familiar with the -- the necessary programs in order to determine whether or not they're effective. So there has got to be some more money appropriated, and I'd just like to know where is the appropriation, is it in the budget, and are you going to put it in there?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Collins. Maybe I can clarify that for you. Based on experience that was an experience of previous General Assemblies in years before I was elected, there's a great deal of resistance on the part of senior leadership to direct appropriations to legislatively created task forces and -- and committees. I don't know whether there were abuses in the past or whether they became more expensive than people anticipated. That -- the logic that we're pursuing here is that, for example, the DCFS audit would be funded out of the contractual lines already appropriated for the Department of Children and Family Services. The logic is that the staffing would come out of the existing General Assembly budgets for staff, as well as the Executive Branch has quite a bit of discretionary funding to use for staffing. As far as contractual services, we would try to either do that through CMS or relate them directly to the department that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

we felt benefited from the studies. We think that the -- the authority of the Task Force, the way it's constituted, is sufficient to draw appropriated monies without appropriating separately. It could have been done another way. As I said, it has more to do with historical perspective on directly appropriating to task forces, but I share your concern.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator, since this Task Force is charged with coordinating human service delivery in Illinois, is it also -- no, that is not its purpose? Okay. My question is, is it charged also with laying the groundwork for plans to receive whatever block grant monies will come to Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator. It's got a pretty broad mission, but it wouldn't be the delivery of human services; it would be recommendations on how to reorganize and streamline the intake system and the administration of human services. I would expect, somewhere along the line, as intergovernmental affair -- or, legislative agency on legislative affairs is working on, as Appropriation also reviews, the potential of block grants. I would hope that this Task Force would take up some preplanning to see if block granting would affect the way we organize the structure.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. I stand in support of this bill, and the support that I give is for this excellence in medical -- medicine. I think it's terrific. We've got to get to a point that every time someone gets sick in the State of Illinois and they have the resources, they want to fly out of here and go to Johns Hopkins or MIT or Mayo Clinic. I think it would be nice if we see throughout the country someone says "I'm going to run to the U of I" or "I'm going to run to U of C" or "I'm going to Loyola." And I think it's great that we could try to put some money to take Illinois to the forefront. So, I stand in support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there is no further discussion, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Thank you. I -- I would point out, and agree with Senator Molaro, the -- the money that's dedicated to the research hospital is -- those hospitals are all located for the most part in the City of Chicago, with the exception of the Springfield hospital. The focus is on city hospitals that -- that serve large numbers of Medicaid clients. It's -- it's an effort to reward excellence and to improve their infrastructure. The reorganization language, I think, is at least a good step forward. I'd urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 22. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, and 2 voting Present. And the Senate does adopt the Conference

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Committee Report No. 1 on House Bill 22, and the bill, having received the required constitutional majority, is declared passed. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

We have two gentlemen on the Republican side that have added another year to their lives. One of them is the Majority Leader of the Senate, none other than Stanley Weaver, who has attained the age of eight - seven plus one. And he hasn't put any weight on since he got out of the service, which frustrates some of us, and he's maintained his young, manly figure. Still looks younger than he is, and we'd like all of you to wish him a happy birthday. It was yesterday and we just got wind of it. Happy birthday, Stanley Weaver.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Senator Weaver. Senator Geo-Karis.

SENATOR GEO-KARIS:

The other gentleman is going to be twelve years of age - six plus six - and that gentleman is our Leader, our famous President of the Senate. And tomorrow is -- Sunday, rather, is his birthday, but he won't be here, I hope, to celebrate it. But we certainly wish Senator James "Pate" Philip, also, a very happy birthday because he doesn't look his age either, and he always is so photogenic. It just frustrates some of us because he has that nice-looking appearance, except when he wears that horrible cigar. But I'll tell you one thing: He's a terrific guy. We -- both fellows are terrific guys. And I wish him a very happy birthday. And let's wish Senator Philip a happy birthday too, in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

advance.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, President Philip. On the Order of Conference Committee Report -- on the Order of Conference Committee Reports, House Bill 548. Senator Cronin. Madam Secretary, do you have a -- Conference Committee Report on House Bill 548?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 548.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Conference Committee Report on House Bill 548, as you may recall, was a bill that came over here from the House, and it required the court to order all first-time defendants to work toward a high school diploma, GED, or voc training - vocational training. We made a couple of amendments to this bill when it came over from the House. One was, it required that these first-time offenders be over seventeen, in Cook County, and that they pay for their cost of the GED, high school diploma, or vocational training. We also changed the method of collecting Violent Crimes Assistance {sic} (Violent Crime Victims Assistance) funds. That was an amendment that was put on here and supported. We also incorporated a number of initiatives to permit the Department of Corrections to maintain more control over the gang population. You may recall that we created a category of electronic contraband - cellular phones, pagers - and we also included video cameras. That was Senator Dillard's legislation. That was all the amendments that we put on this bill, sent it back over to the House, and they non-concurred. We now have a Conference Committee Report that includes all of those elements and three additional proposals: Number one, it permits the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Illinois Attorney General to conduct more than one Statewide Grand Jury at a time; number two, it enhances the penalties of persons who solicit teenagers to commit murder; and number three, it imposes a number of measures to combat gang problems within the Department of Corrections, including the monitoring of unprivileged mail. I ask for your favorable consideration. This has bipartisan support. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just have a question of logistics here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

In the Conference Committee Report on House Bill 548, it states that, "The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. Segregate means the complete prohibition of visual, sound and physical contact, or communication." I understand all that. I think that's a good idea. But my question becomes, as that happens and you segregate a leader, you're going to form a new leader. So then we segregate that leader, and then you get a new leader. At what point do we have the general population, segregated from the followers, with the leaders?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Well, I -- I think that this is going to be left largely to the discretion of the Department of Corrections to identify those who are, in fact, leaders. And it wouldn't bother me at all if we continued to segregate all of these people and -- and proceed in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

that manner.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Cronin, I wanted to know because this seems to be coming up in a lot of legislation - you said that the inmates are to pay for GEDs: How are they to pay for them?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I -- Senator Palmer, apparently there are a number of ways that a -- an inmate can work and generate money and -- and income. They're also... They pay for it through prison industries. Once we segregate their leaders, then they can do productive work in prison industry, make money, pay for their education, and they can come out and truly be corrected.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

So it's your intention that this should be to help and not to punish.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Absolutely. Paying for their education is an important value that we want to instill in our inmates in the correction system.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Dunn.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR DUNN:

Question of Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Dunn.

SENATOR DUNN:

Senator Cronin, you're going to segregate gang leaders. I'm wondering why you didn't call this bill the "DOC Leadership Program".

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CRONIN:

I simply ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 548. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 548, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have a file on Conference Committee Report -- a Conference Committee Report on House Bill 1249?

ACTING SECRETARY HAWKER:

Yes, I do. First Conference Committee Report on House Bill 1249.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka. Out of the record. Senate {sic} Bill -- 2695, Madam Secretary.

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 2695.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2695, the underlying bill, created the Bond Issue Notification Act, which required that if a governing body issues a non-referendum bond, at least they're required to have a public hearing. Amendment No. 2 that we added to that provision was a technical clarification that the Illinois Municipal League wanted us to do, and we incorporated that. Amendment No. 1 was a bill -- amendment that would take care of an emergency nature where municipalities and governing -- local governing entities could issue bonds under an emergency nature. The Conference Committee Report clarifies that emergency nature and actually rewrites that Amendment No. 1, and what the Conference Committee basically uses is existing Statutes which require the definition of what an emergency is. That was the only change, otherwise the bill remains intact, which passed the Senate unanimously last time, and I'll answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, I apologize. It's very difficult to follow these bills as they come in so quickly. I'm told that there's some language floating around dealing with bonds and the White Sox stadium. Is there anything in here about the White Sox stadium?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR KLEMM:

No, there's nothing in that at all.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the -- the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 2695. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 2695, and the bill, having received the required constitutional majority, is declared passed. House Bill 3048. Madam Secretary.

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 3048.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. Senate Bill 1544. Senator Rauschenberger. ...Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

We're on Conference Committee Report No. 1 to Senate Bill 1544.

SENATOR RAUSCHENBERGER:

Conference Committee Report No. 1 to Senate Bill 1544 does three things: It makes the necessary clean-up changes to the Health Care Worker Background Check Act; it enhances the Department of Public Aid's ability to file actions to determine paternity; and gives ambulatory surgical treatment centers a representative on the Illinois Health Facilities Planning Board. These are all -- the first two provisions are one that this Body has heard and debated before. The last one simply adds an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

additional -- adds an additional representative to the Illinois Health Facilities Planning Board. I'd urge favorable approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I rise in support of this legislation. This bill not only brought forth those three good issues just mentioned by Senator Rauschenberger, but it brought forth some other issues as well. It brought the Parenting Act -- the Parentage Act, which is also included in this bill, and more importantly, it took out that onerous language of the Good Samaritan Transportation Act that killed the bill in the first place. So I commend the -- the Senator and the committee for working together and getting a good piece of legislation for this Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator, what are the particulars of the health care workers background check, and does the Service Employees International Union support the changes?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, I appreciate your question, but to the best of my knowledge, there has been no contact from that union regarding the -- the bill's provisions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Any further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 1544. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 1544, and the bill, having received the required constitutional majority, is declared passed. On the top of page 3 of Supplemental Calendar No. 1 is -- Mr. -- Senator Philip, what purpose do you rise?

SENATOR PHILIP:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR PHILIP:

I have here at my desk the outstanding Attorney General from the State of Illinois, resides in Bensenville, Illinois, DuPage County: Jim Ryan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to the Senate, General Ryan. On the top of page 3 of Supplemental Calendar No. 1 is the Order of Conference Committee Reports. Senate Bill 1664. Madam Secretary.

ACTING SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1664.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This piece of legislation, Senate Bill 1664, as it passed the Senate the first time, contained language that affected the Southwestern Illinois

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Development Authority. The language that was involved in that particular piece of legislation remains. It gives them the -- the ability to have their bonds that are used for public purpose tax-exempt, and this puts them into same consistent category as other bonding authorizations. It allows for an additional two years of quick-take, and that, of course, was in the original language and -- and we only grant them two years at a time, and the reason being is because of the -- our wanting to make sure that they don't abuse that particular power. The other provisions now that are new provisions in the legislation: One, again, which passed this Body several -- several different times, authorizes the Salem Civic Center Authority, located in my district, in Marion County, to impose a sales tax by front-door referendum to pay -- help pay for the maintenance and the upkeep of the -- of the Salem Community Center. The other provisions that are in here: Establishes a sunset for the income tax exemption on certain bonds' interest. It provides that gain on Illinois bonds is taxable. It limits the amount that any municipality may claim from the local government pool that is allocated by the Governor's Office. And it also establishes the Bureau of the Budget as the only State office authorized to provide any information to entities underwriting securities of the State. The final provision is one that creates a bond swap for IDFA - I-D-F-A. It allows for the reduction in bond authorization in the environmental bonds of the bond cap by nine hundred million dollars. That then would be shifted over to the Illinois -- or, I beg your pardon, industrial revenue bond and not-for-profit bond cap, and it would raise their caps by a total of nine hundred million dollars. It's just a bond swap. Basically it passed out of the Executive Committee this morning unanimously, and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 1664. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2 Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 1664, and the bill, having received the required constitutional majority, is declared passed. ...turn your attention to the regular Calendar. Turn to page 4 of your regular Calendar to the Order of House Bills in the Order of 3rd Reading. House Bill 2596. Senator Watson, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Watson seeks leave of the Body to return House Bill 2596 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2596. Madam Secretary, are there any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senators Watson and Maitland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Amendment No. 2 to House Bill 2596, commonly called the "quality first program", we've been negotiating with -- with the House and -- and others in regard to coming up to what we would consider an agreed language in -- in trying to promote a -- a reform of education and also a funding plan that -- that will certainly help our schools, and I think we've been able to do that. Just to go through what are many of the provisions in the bill: Creates -- it allows the -- prohibits the State Board of Education from spending Goals 2000 monies and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

acts as only a pass-through agency. In other words, they can only use that money for passing through, and they can take one percent of the money for administrative costs. We add some language in there that -- commonly called the Specter language, which was put on by Arlen Specter in Washington, that helps identify the fact that we are prohibiting the use of these funds for what would be known as outcome-based education and school-based health clinics. It is being prohibited from -- using the money in that regard. School holidays is in here - we've debated that on the Floor - that prohibits districts from taking the general election day off. Academic standards - the State Board of Education is currently developing academic standards, and within one year, it's -- February 1st of '97, we're asking them to report to us after public hearings, giving the public an opportunity to come in and be heard in regard to academic standards. We have several provisions in here that we identify as what we call safe schools, and that would be allowing the administration considerable ability to look at -- check into lockers, check an individual's gym bag, a purse, those types of things, and we expand the definition of weapon. We allow for expulsions. We're trying to get tough, is what we're trying to do, in the area of safety within our schools. We're allowing for school uniform dress code, and we're asking the State Board of Education responsibility for liability insurance on students in Education and {sic} (to) Careers program. And we are revoking - potentially revoking - the administrative and teaching certificates for those individuals who are caught cheating on tests - in other the words, the IGAP tests. We've had situations in this State, when the tests have been made available prior to the date in which they are to be given, individuals actually teaching off the test, trying to help their students with the test scores. If they're found that this is improper, then we're giving the ability of the State Board to -- to revoke administrating and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

teaching certificates. Block grants: We're asking that the State Board of Education report back to us on February 1st, 1997 with -- with a -- recommendations in the area of block grant. On the area of the Illinois Goals Assessment Program, the IGAP schedule, we are asking that third-grade students be tested in reading, writing and math; that's being done now. Fifth grade students would be tested in reading and writing and math. And we're asking that an exit exam be given in the twelfth grade. We allow for the State Board of Education then to develop a plan for the remaining grades, and they will come to us by December 1st, '96 to -- with recommendations. The remediation that would be identified by those individuals in the third and fifth grade -- we understand that there's -- that we need to identify kids at an early age if they have problems. Remediation will be required, but that type of remediation will be left up to the local districts, and we give them several options. The exit exam would be given for the first time in 1999 and 2000. We do have some provisions in here involving the flat grant approach to the funding of education. We establish a new line item called School Safety and Education {sic} Improvement Block Grant. And this would be distributed on a per pupil basis average daily attendance. And can be used only for school safety, textbooks, software, teacher training, curriculum, development, school improvement and remediation programs. We feel that by allowing this money to flow to the school districts that we will be paying for the remediation that will be -- they're going to be asked to do. So this is not an unfunded mandate. There is another provision in here that establishes a hold harmless provision, and this is important primarily to downstate schools. We receive -- out of the twenty-three million dollars that will be made available in a hold harmless, we receive almost twenty million of that, and that means that every school district in this State, regardless of where you are, will have the same

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

revenues -- flow as what they have during the current -- this current school year. So, basically, that's our program. I would ask for the support of the Body, but recognize, I'm sure, there'll be questions and be glad to answer any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he'll yield. Senator Welch.

SENATOR WELCH:

Senator Watson, this amendment creates this flat grant idea that you have. Senator Watson. Okay. Why -- or, is this better for downstaters than having the money put in the School Aid Formula, and if so, why?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

That -- that's a very good question, Senator, and you and I have had this conversation on -- on many occasions throughout the year. I'll have to admit that I was one who thought and -- and felt that downstate schools did better in the formula. And I, unfortunately - well, maybe not unfortunately, but I have been proven wrong here. The fifty-one million dollars that's being discussed now in the budget that would -- that the Governor made available out of the two hundred and twenty million dollars he allocated to education, he put a little over fifty-one million dollars into the formula. What we benefit, Senator, downstate out of that is about four and a half million - I mean, less than ten percent. So, obviously, there's a problem with -- with the formula as it reflects to -- to our schools. So we felt that the ADA -- using the average daily attendance and the printouts that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

we've been -- had available to us, shows that we do better - we, downstate - do better in the -- utilizing the average daily attendance. And you ask: Why does that happen? The assessed valuation in downstate Illinois has been on the rise and we've got reports that indicate over the last several years that the percentage increase has actually gone up downstate greater than it has in Cook County and in the collar county areas. We also have a situation by which the multiplier in Cook County dropped from 2.14 to 2.11. And that may not seem like a significant shift, but I understand it made a shift of some four hundred million dollars to various areas of the -- of the State. So with the assessed valuation in downstate increasing, a leveling off of -- of the assessed valuation increase in the collar county areas, and an actual drop in Cook County, makes that shift and that formula not effective, at least for our downstate schools.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, those figures are totally different than the figures I'm seeing here. I'm seeing the general State aid distribution for downstate is something like fifty-five percent; suburbs, twenty-three; and Chicago, 21.6. What -- and you say we would only get four million dollars out of a fifty-one-million-dollar total appropriation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I think what you're talking about is the current distribution. And the additional money that we're talking about that the Governor's putting in, the formula treats differently. And, unfortunately, if you look at the fifty-one million, take a look at that, and see what the distribution is, then what we find is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

that it's less than five million dollars goes to downstate schools.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Oh, yeah. Frank, this is a hold harmless, but it's only for 1996 to 1997. So, after this coming school year, then the -- the load that the downstate schools are going to have to burden falls on them a year later. Isn't -- isn't that correct? You're just postponing the inevitable here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I -- you're probably correct. We're trying to do -- I'll -- I'll tell you what we're attempting to do is add one million two hundred and sixty-one thousand two hundred and thirty-four dollars to Senator Pat Welch's district. That's what the hold harmless does. And I recognize the fact that there's an obvious glitch in the formula, and we're trying to address that with that -- with the hold harmless provision. We need to come back next year and look at this formula and make some changes that will, hopefully, not create the problem it does now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I would suggest that each of you take a careful look as to what this bill does, and I would suggest I'm not sure that you can just take a look and be happy to issue a press release that says, "My local school district is getting x dollars more as a result of this budget and this bill than they did last year", because next year we'll be standing here on the equivalent of this final day and, unless there is a substantial

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

shift or tax increase, you're going to have to issue a press release saying that you're going to have a big, big decrease. Now let me tell you about downstate. Under general State aid, downstate would get fifty-five percent of the dollars that is allocated to the formula. General State aid, downstate would get fifty-five percent. Under the flat grant, on a basis of allocation of a stated dollar amount based upon average daily attendance - in other words, each child gets an x dollar amount - downstate schools only get thirty-four percent. Now, if you remember, a lot of you took a look at the Speaker Daniel's plan when it came out of the House, and you were very upset with it. The reason it was stripped from the bill when it came over was because the downstate schools were being strongly hurt. That's not the word I was going to use, but you were being strongly hurt. That hurt is built into this bill by allowing - by allowing - the -- the flat grant allocation. Downstate schools are hurt by the authorization of a flat grant proposal in this bill. Now, in addition to that, you're talking about a hold harmless. And I would just ask the sponsor, Senator Watson, if you could explain to us -- if you could explain in your closing comments, why we should do a hold harmless. Now let me tell you the rest...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Berman. Just for the information of the Membership, we are debating Floor Amendment No. 2. You may -- the Members may wish to confine their remarks to 3rd Reading, which we'll be going shortly. Senator Berman.

SENATOR BERMAN:

Well, Amendment No. 2 is the bill. I mean, that -- that's what we're talking about. There's -- there's nothing unique. I will tell you that as to the hold harmless, let me give you, Ladies and Gentlemen, this example: The way the formula works is, if a school district gets an increase in property assessments, an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

increase in property tax revenue, there's a decrease in money under the formula. By giving a hold harmless, you're allowing school districts that have gotten increased revenue from property taxes to also get increased revenue from the State. Now, that's fine if you happen to live in that school district that gets both of those benefits. But it's a -- what you're doing is taking money away from school districts that didn't have an increase in local real estate taxes, that don't have an increase in local assessments; that if you properly allocated the money under the School Aid Formula, the schools that need it, that don't have an increase in local assessment, would benefit from it. You're taking away from the poorest school districts to give it to the school districts that have gotten increased local tax revenue by this hold harmless. I would suggest to you that that's not fair. If you want to be generous, increase revenue for everyone, not for those that are getting not only additional State dollars through a hold harmless, but are also getting increased revenue from local real estate taxes. That's -- this amendment, and the provision in here regarding hold harmless, is exactly contrary to every press release that we talk about, about reducing reliance on property taxes. You're grabbing increased property taxes and you're giving them a bonus by the hold harmless. And it's only - only - for one year. There's a couple of other things, just for your information. There's a provision in here that's contrary to the local control in Chicago, where it gives the Chicago board of trustees, the administration, power regarding uniforms. That is a decision that was made by Paul Vallas that should be determined at each school level. This bill gives that power to the Central -- Pershing Road Board. That -- if they would have asked us, it wouldn't have been in here because Vallas doesn't want that power at the Central Board. It's -- there was just a -- an absence of communication between the people around the table, so to speak,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

and any Chicago legislators. And just as one other item: There's a policy provision in this bill that says that a car parked in a school parking lot is subject to search. It says that if you have a -- that a pencil or a pen can be determined to be a "weapon" - quote, unquote - for purposes of expelling and prosecution. Now, I've just got to tell you, I know that's not the intent, but if you get yourself some mean SOB principal who wants to stick it to some kid, you're giving them a blank check here regarding what I think is really authorization far beyond what's necessary for the protection of our children in our schools. There was inadequate publication of this amendment. This was given to our staff at 10 p.m. the night that we were arguing the -- the pension bills. The public saw it maybe an hour or so before the committee. Again, it's a seventy-some-page amendment - seventy-six-page amendment. The public had virtually no notice of it. And again, there was no discussion about it. And I've just got to tell you that you better take a look, because I think that, for downstate, you're going to be hurt by the flat grant proposal; Chicago is going to be hurt in a couple of areas, when you take a look at a number of the things that are in here; and the suburbs I think are being hurt by the hold harmless. You put all those things together, I think they ought to get back to the drawing table, and talk to some of us that represent some of the school districts that weren't around the table. I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cronin.

SENATOR CRONIN:

...you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of this quality first plan. And I have to express some serious disappointment with some of the remarks from my -- from the other side of the aisle. You know, this is the nature of the issue of education: the politics of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

geography, the posturing, the stirring up of emotions, and misconception, and obfuscating the issues. You know, you look at this bill, and there's two hundred and eighty-eight million new dollars for education. That is a significant sum of money. We stood here in the beginning of Session and we listened to the Governor propose his budget, and he told us, when he proposed two hundred and twenty million new dollars, that seventy-three cents out of every new dollar was going to go to education. And you know what? We said that that's not enough. Now some of us had a little reluctance in taking that position, but we put sixty-eight million new dollars on top of the Governor's proposed budget. You're talking about a lot of money here. And you know what, Senator? Everybody wins under this bill. Everybody wins. Let me point out to the Members of the -- the Senate here, that this -- I think this represents chapter two in what started last year: reforming the Chicago public schools. We've taken -- we've taken a new step forward, just like the step last year that -- that none of you on the other side of the aisle took with us. I suspect that may be the position you'll take again this time. It's too bad that you didn't learn from your mistake last time around. This bill empowers local school districts to do some very, very meaningful things: assessments, remediation, standards. You know, we hear some remarks on the other side of the aisle that are defending the practice of the Chicago public schools that take election day off. I challenge anyone on that side of the aisle to offer an objective, reasonable, logical argument in favor of that. It just doesn't hold -- hold water. The uniforms issue: In case you're completely out of touch with how colors, and the wearing of colors, can create problems in Chicago public schools, there's a very real reason why Paul Vallas and the Chicago Board management team ought to have some say-so in uniform policy. The safety issues: You know, we hear from the other side of the aisle about,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

"Oh, jeez, there might be a mean principal." You know, I think the principals in the schools ought to get a little meaner, they ought to be a little tougher, with the drugs and the -- and the guns and the contraband. I think the real issues that real people care about when they send their kids to school in the morning, "Is my little Johnny or Mary, are they going to be safe? Are they going to be safe when they go to school?" Well, we're concerned about safety on this side of the aisle, and it's a shame that you aren't too. I urge all of the Senators to support this. Everybody's a winner. There's a lot of money here. There's no guarantees that we'll be able to -- to maintain this degree of funding next year. That's not the point. We have the money this year; let's do the right thing. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator del Valle.

SENATOR DEL VALLE:

Senator Watson, the plan proposed by Speaker Lee Daniels included property tax relief. Does this plan include property tax relief?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin. I beg your pardon. Senator Watson.

SENATOR WATSON:

We are allowing for more -- we are allowing for more dollars to flow to those school districts throughout this State. Obviously, it's up to those districts how they may want to allocate the local money that's been made available to them. If they would like to grant property tax relief from -- from their existing funds, that's the decision that would be made locally.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

So this gives them that opportunity, if they so wish, because we're giving them considerable more money.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

On the flat grants: Did the original plan designate the flat grants for the purpose of school safety and educational improvement?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Senator del Valle, we're not debating the -- the original plan. I don't know what all was in there and I'm sorry. But we can get you a copy of that -- the report that was made available to all of us. What I want to debate is the bill that's before us, and would be glad to do so.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, I -- and I, you know, it's a shame we're in a hurry here, because this is extremely, extremely important. And we're talking about increased funding for education, and I certainly support that, but I think it's ironic that we've designated block grants -- flat grants, which, by the way, are permanent. Unlike the hold harmless in the formula, which is for one year, the flat grants are permanent. So they will permanently - until we do something about the inequity in how public education is funded - they will permanently impact on that inequity. They would increase that inequity because -- the irony is that, while we're saying that these flat grants are for school safety and educational improvement, every school, based on an ADA formula, will get the flat grant. Now, certainly, that's great for the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

suburbs because the suburbs are going to get some of that money. And as Senator Cronin said, everyone's going to get that money. But the needs are not the same. The needs are not the same. Schools with serious safety problems and with the need for resources to improve academic achievement are going to get probably less, in some cases, because of the attendance formula, than schools that don't have the serious, serious problems and have high per-pupil spending. So we're contributing and we're making worse the inequities that already exist. And I don't think that's the step that we wanted to take this year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I just wanted to join with Senator del Valle in his remarks and to point out that this bill obfuscates what the real issues are in funding public schools in the State. And I know it's a difficult issue for all of us to confront, but I just want to remind you that the bottom line here is, and has been, adequate and equitable school funding. And to obfuscate that with this kind of -- what amounts to a -- a kind of windfall for the moment in some areas, a devastating loss in other areas, and the point that Senator del Valle made, that this is permanent. When it's -- when we make the call for -- this is final action, Senators, I think you should think very seriously that if you pass this bill, you're going to make it even more difficult to deal with the real problem of the inadequate distribution and collection of revenues to support our school system. Regardless of what difficulties may exist in the Chicago schools, regardless of what may exist in other school districts, this is not the way to go, and it will be hard to call it back if you vote Yes on it. I think we should reject this now and not put ourselves in a worse situation.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Okay. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator, could you, for those who were not in committee, basically give us a -- a -- just a brief analysis of what the flat grant would be directed to, what kind of -- of services that the -- the flat grant could be used for?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes, Senator. It's spelled out in the legislation, that it creates a new block grant called the School Safety and Educational Improvement Block Grant. And the money can be used for school safety, textbooks and software, teachers' training, curriculum development, school improvement, and remediation programs. And I -- and one thing that I want to add in response to Senator del Valle: You know, bilingual is permanent; special education is permanent; preschool is permanent; transportation needs are permanent. But it's up to us to fund it. And that -- so there's no dollars that flow in this particular piece of legislation. That's in another bill. And we hopefully fund these things at -- at the highest level we can, but that's a decision that we make here on the Floor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Illinois Information Service asks leave to videotape today's proceedings. Hearing no objection, leave is granted.

Senator Collins.

SENATOR COLLINS:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

So, now, let me be clear. The -- the other issues, like special education and -- and those other issues, are not a part of this flat -- this flat grant that you're talking about here?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, a lot of the decision making in regard to the extra money we're talking about through this block grant will be decided at the local level. And we give them plenty of options in which to make this money available to -- to their students, and to, hopefully, create a better program, better quality education at the local level.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Flat grant portion of the bill: I'm looking at a distribution from -- I guess it's from staff. And the percentage here of monies that's going downstate would be 34.6 percent; to the suburbs, 44.9 percent; and to Chicago, twenty-one percent. Now, is that -- that's based on their average daily attendance. Okay. In addition to losing money -- I mean, not being -- the money -- having the -- the greatest need, for example, as Senator del Valle said, in terms of -- of remediation, in terms of -- of life safety issues, then you base it on average daily attendance. There's no doubt about poor -- where there are poor children in a district, the average daily attendance is going to be poor. So how do you -- why did you make it based on average daily attendance rather than -- rather than on enrollment, because the same money would have to be spent, notwithstanding whether or not the child is frequently out of school?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR WATSON:

You know, Senator, I hate to tell you this, and I probably ought to -- I hate to admit it to the other fifty-eight Members, or fifty-seven that are present, but I did this for a very selfish reason. I did this because my schools do better using the ADA. Now, I know that in the past when we've been on this Floor, when other Members were present, and -- and certainly, sitting in a different party -- political party was sitting in the chair up front, your school districts -- your school district did extremely well, and it was always a matter of writing a bigger check. And I -- we're not doing that anymore. We're not going to provide a bigger check to one particular school district in this State. We feel everybody should be treated equally. As a result of that, and using the average daily attendance, we -- every school district is a winner, as you've heard before, and especially those school districts that are downstate. And I've told you once before, if you want to pump this through the formula, and many of you advocate that, as I did. I was a strong advocate for the formula, and many of you read the -- the quotes in the paper in the recent weeks. I was -- I said let's do it in the formula; we shouldn't be doing it in this manner. I was wrong. I was wrong, and I admit that. I'll stand here and admit it. Because I'm doing this for -- for the kids in my area, the schoolkids in the 55th District, who will get more money utilizing the average daily attendance than they would putting this money through the formula.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Collins.

SENATOR COLLINS:

Well -- well, Senator, I -- I do appreciate your candor here, you know, that you actually did this so that your district could get more money, but the question is, given that we have not come up with any adequate stabilized mechanism by which we will fund

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

education or distribute education, and -- and this extra money that you say is in the budget is going to go for it -- toward this particular grants, I would think that you would utilize it in the best way to help us reach, you know, toward that -- our real goals of -- of equity and quality in terms of education wherever there is the greatest need in this State. And -- and this is not doing this. This is really unfortunate that it is based on the fact that you may not, in wealthy districts, have been receiving as much State aid as some district that need it the most. And I think we've come to -- it's a sad commentary. I was going to vote for this until you said that. And -- and I -- at this point, I just don't think I can vote for it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank -- thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR JONES:

Yeah. Senator Watson, the more I listen to the debate, the more confused I get, so forgive me if I ask you some questions that may seem elementary. You indicated that you support this bill because it helps your district - more dollars for your district. Percentagewise what is the average increase you would get? How much increase in your district will you get for the next fiscal year over the current fiscal year?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I just -- I guess I don't look at percentages. I just look at the fact that my district does -- does extremely better under the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

hold harmless provision. Without the hold harmless, downstate districts are -- are wiped out, and many of them are your Members, Senator. And then when we use the average daily attendance, we do -- we do even better. I don't look at the percentage. And we -- we haven't -- by the way, there's no money in this bill. So for you to say a percentage, I'm not sure what you're referring to, because there's no money in here. It's a matter of how we fund it that determines the total amount. I would probably say that those districts who have done extremely well over the years in the formula will be receiving a considerably less percentage, possibly, than those -- those districts who haven't. And as a result, probably my district and other downstate districts would be somewhere in the neighborhood of maybe 3.5 percent. I -- Senator Demuzio shared that information with me earlier, and I would assume we're going to be down in the bottom somewhere. But I look at it as amount of dollars, and that's what my superintendents will do and that's what the people in my district will do. They'll ask, "How many more dollars have you made available for our young people?" And every single one of my districts is a winner.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR JONES:

Well, I'm taking you at your own word on this issue, because you're being very selfish, as you indicated, and all legislators are selfish as it relates to their district. So therefore -- and I'm selfish. One of things, as I look at this, Senator, without the hold harmless provision in here, based on the ADA, your school district will lose money; so, therefore, this is only good for one year. After that there is a big hole. And you say your percentages are based about three- or four-percent increase that you'll receive, coupled with the hold harmless. Well, I'm very

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

selfish too. But as I look at it, based on what you or Senator Cronin said about the two-hundred-and-eighty-eight-million-dollar increase based on budget projections, what -- I cannot see you being selfish, when I see some of the wealthiest districts will -- Parker will receive about a twenty-three-percent increase; Karpel about a eighteen-percent increase; Cronin - I can see him voting for it - with seventeen-percent increase. These are some of the most wealthiest districts in the State of Illinois, and you say you are being selfish protecting your district, but yet and still, how can you justify the most wealthiest school districts in the State receiving fifteen-, eighteen-, twenty-percent increase, and your poor little downstate district is getting around a four-percent increase. Actually, what you are doing, you're cheating yourself. You're not being -- if -- if you were getting the eighteen percent, I would say, "Yes, I'm in here fighting for my schoolchildren of my district." But your district receives a mere four-percent increase and you have needy school districts in your district, but yet and still, some of the most wealthiest school districts in this State receive fifteen-, sixteen-, seventeen-, eighteen-, twenty-three-percent increase, according to your own plan. And so, therefore, that's why I got so confused when you say you're fighting for downstate. If you were fighting for downstate, those figures would be reversed; they would get the eighteen-, fifteen-, and sixteen-percent increase because they need them. But for you to stand here, saying you're being selfish for your district and you're downstate, a mere four percent for your poor district, and the wealthier districts with eighteen percent, no, you're cheating the downstate schools with your own figures, with your own budget projections. You're not being selfish; you're actually cheating your own district. I think you should change this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Any further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

Senator Watson, how much money are we talking about here?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, as I mentioned earlier, we're -- we're not talking about any money. I mean, this is not a budget appropriation. This -- this is a means by which we want to see the money allocated, and we're asking that the hold harmless provision would be implemented, and if we do that, with the Governor's level of funding in the formula, we would be adding roughly twenty-three million dollars to the -- increase in funding education over the Governor's two hundred and twenty allocation. If we continue to do, and the dialogue that's taking place on the budget side, we're talking roughly another fifty-three million dollars being made available through this grant process. So that's roughly seventy-six million dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, Senator, could you tell me how much new... Senator Watson, could you tell me how much new money is going in here -- into the formula above what the Governor has talked about?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, I -- I'm obviously not making myself clear. This is I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

think the fourth time I've -- I've said this. We -- we are not talking about the budget here. We're -- we're not talking about how much money. We're talking about an allocation. And we're asking that the budget committee, which hopefully will be bringing forth some legislation later this afternoon or this evening, will have a provision in there that hold harmless all school districts to the current level of funding. If that happens, Senator, that's twenty-three -- roughly twenty-three million dollars. There is discussion going on now that would add an additional amount of money, and I -- as I just mentioned, of roughly fifty-two million dollars, through this block grant program that we're talking about for school safety and educational purposes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, do you feel as though that this bill is -- is rather premature, because we haven't seen the budget? Maybe you have, but those of us over on this side of the aisle don't -- how could we vote in good conscience and we haven't seen the budget? Don't know what's in the budget. We don't know whether any money is in the budget. Do -- do you feel as though that this bill is a little premature in light of -- that we haven't seen the budget?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

No, not at all. We on this Floor establish programs continually without funding. I mean, we're always debating different pieces of legislation that ultimately cost the taxpayers of Illinois dollars. And what happens then is the budget process comes along and hopefully funds those programs, and that's what we're asking here, that we're asking for budget considerations in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

an increased level of funding for education - a considerable increased level of funding.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Just a couple more questions. In this -- in this plan here -- and we've talked about funding -- setting up new programs and hiring additional teachers and so forth, is there any money in this -- when we put all of these youngsters out of school, the -- the mischievous ones, is there any money in here for alternative schools, or going to be in the budget for alternative schools, or what do we -- what do we do with those youngsters that we expel -- that we expel out of school? Do we just leave them on the street, or do we take them down to Stateville and put them in the penitentiary and lock them up? Or what do we do with them?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, you know, one thing that we're trying to do here with -- with this whole program is cut down on the number of, unfortunately, young people who end up going to Stateville, that -- that's for sure. That's what we're trying to do is create a quality education for young people to -- so that they can make something of themselves and become marketable. But this -- this bill -- and you're talking about the alternative schools, and that was a bill that was sponsored by Representative Winkel and -- and Senator Maitland, an excellent piece of legislation, and we have got, hopefully, in the budget money that will make that alternative school a possibility and certainly make it a potential for the City of Chicago, and I know that that's a concern that you have for your young people. And we want to do that all over this State, is provide a mechanism by which kids - problem kids - can

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

be able to go to -- continue their education. If it's in an alternative school, so be it and more -- more power to them. And I agree with you completely, Senator; that's something that we need to be funding and we need to continue our efforts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

This is the final question. I wasn't clear on whether you said that there -- there were money in the budget for alternative schools...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR SHAW:

...or there wasn't any -- or there wasn't any money in the budget for alternative school. Now, and I -- and I don't only represent the City -- and I don't only represent the City of Chicago; I represent the suburbs as well. But I'd like to know that. Maybe you don't have any in there for the City of Chicago, but maybe you have some for the -- for the suburbs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I beg your pardon, Senator. I was preoccupied and I did not hear the question. I beg your pardon.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

I was trying to find out -- I was pointing out that I not only represent the City of Chicago, I represent the south suburbs as well. And if you didn't have any -- any money in there for alternative schools in the City, do you have any in there for the suburbs? Giving this new power to the principals and the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

administrators, in terms of expelling students and getting those, would -- would we say, mischievous students out of -- out of the classroom where that other youngsters can learn, certainly we should have in mind that -- set up some program where that those youngsters would have a chance rather than at Stateville. That's the question I'm asking.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, the alternative school program was an initiative that we've passed previously. We in the budget negotiations, many of us, feel that there should be money made available for that. A lot of -- I think Chicago - now I don't know about the south suburbs, Senator - have already begun the process by which to establish an alternative school. It's an excellent concept. It needs to be -- needs to be funded. And I agree with you completely that that program in itself could keep the population in our prisons at a reasonable level and hopefully make an opportunity for young people to succeed in life.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't think that Senator Watson had to stand up and apologize, and I'm going to explain why. Frank has always been

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

sincere when it came to education in the State of Illinois and representing his district, but not only his district, but the districts throughout the State of Illinois, and, in particular, our districts. I -- I -- and I'm not trying to speak for -- for Frank either. I think the sincerity was truly in what Senator Watson said, but also in what Senator Shaw said. And I'm going to explain why. Out -- out of all the -- the comments that were made, it seems that the sincerity in -- in Senator Shaw was that of alternative schools. We heard comments about legislators that represent the City of Chicago schools, about going and adding money for enrollment and where they would much rather use enrollment as -- as a measure versus daily attendance because the enrollment is actually good in the City of Chicago, but the daily attendance is poor. But what I don't understand is, that's actually a punishment for the rest of the State of Illinois. If the suburban school districts and the school districts in this area have good daily attendance, why should the Members that - and I do represent the City of Chicago - use enrollment when the suburban communities and the daily attendance -- those teachers are truly wanting to teach their students. And the students really want to learn, because they're going to school. And the teachers make sure that they go to school. How can we use the -- that would be like saying, "We'll use the enrollment, because we'll get more funds." That would obviously hurt the suburban school districts and the rest of the State of Illinois. But if the schoolchildren aren't there on a daily basis in the Chicago school system - the money's still getting spent - where the hell is it going? That's what I don't understand. If Frank is using the daily attendance as -- as a means, we're actually helping them to teach these students in giving them additional dollars where they're needed, in the classroom, because the -- the students are there. I think a solution would be, the legislators that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

represent the City of Chicago go and see the aldermen and sit down with the city council and say, "Hey, listen, we're not going to use the money that we get from Springfield for security. Maybe you should do something in the city council to give Superintendent Matt Rodriguez additional funds and -- have him handle security in the schools, so that the money that we get from Springfield is used for education, the way the suburban schools use it, and not to make sure we can get our kids to go to school and then police our kids once they're in school." I -- I just think that that's wrong, and I don't feel that Senator Watson had to apologize. I was selfish also. As long as I represent both the city and suburban portions of the State of Illinois in my district, I can't punish my suburban community because -- and I'll tell you what, my alderman, Mike Zalewski, is excellent when it comes to making sure there's security in the schools and making sure that the schools are -- or that the students are being educated. And there's tough principals in the school district in my Chicagoland portion. That's what this is all about: getting tough principals in these schools to make sure we can get the kids in school to learn, not just trying to get money into the schools so we can spend it needlessly. I just hope we can get an Aye vote, and support Senator Watson's proposal.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I'm going to switch from the money for a second, 'cause I'm having a hard time understanding the money. I don't know if Senator Watson's still on the floor. Would the Senator yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield.

SENATOR MOLARO:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Well, on page 26 of your bill, this talks about the search and seizure, or search mainly, of personal items -- personal things. It says, to maintain order and security in schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, other school property. Parking lots, of course, are for cars. Can you search any car that's parked in a school parking lot -- is that subject to search?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

This debate came up in our discussion, and many of us felt, yes, that it could be an automobile search, precluded, we would hope, certainly on certain circumstances.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

You know, the -- the main reason I ask that is, not so much I don't want to get into students' cars, what if it happens to be a teacher's car? I mean, so we're going to be able -- it says in here -- and we're talking about public policy and -- and -- and also let me say this, it says, as a matter of public policy, the General Assembly finds that the students have no reasonable expectation of privacy in these areas. So, we are going to dictate our public policy, what a student can expect or not expect, and maybe we have to, because we have to go far enough 'cause of the violence and drug use in schools. But we got to be careful, because, I guess, if we say we can search any car, then we are saying, as a matter of public-private policy, teachers have no expectations of privacy in their vehicles or their desks when they are in school. So I want to know if that's your intent, to allow us to search teachers' cars and desks, and that they have no expectation of privacy. Is that your intention, Senator?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I guess maybe I should read from -- from line seven where it says, "As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas." So we're talking primarily, obviously, about students.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well then, I just want to make sure for -- for the record -- and I see you have Senator Petka there, so that's nice also - can help us in this -- this discussion. I want to make sure that -- when we have the first six or seven lines, until we get to line seven, I want to make sure that if -- if any of us or -- or any of our family go as visitors to school parking lots that our cars and we have this expectation of privacy. I don't want this to extend, because the first six or seven lines does not use the word student. I want to make sure that teachers, as well as visitors, have a right to privacy. Second thing that I just want to add and -- and -- and will -- will -- this is just a comment. You know, right now, with drunk driving laws, we have to have a -- reasonable grounds to pull over someone when they're driving, especially if we want to check them for drunk driving. We have, however, passed a law that we can have roadblocks. So, I guess, what I'm getting at would be, we don't have rules as to how you can now search students' lockers or student desks. I would like to say that if we go in there and we're going to say, "All right, every -- every locker on the third floor is going to be searched" -- I guess I don't have a problem with that. I'm not to happy about it, but we have to figure out a way to stop what's going on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

in schools. So if we're going to search all the lockers that seems to be fine with me, but I don't like the fact that we can go and, willy-nilly, without rules say, "Hey, Joe, come here; your collar's not up, we're going to search your locker today." We're going to pick out and -- and -- and just do it that way. I think that's inconsistent with the law of the State of Illinois, and I think we should think about that. So, I guess, in closing, if you can, Senator, just talk about those first six lines, and say whether or not I have a right to privacy if I pull into a school parking lot, or can, willy-nilly, my car or a teacher's car or desk be searched, because it certainly says that in those first six lines. So maybe you can make some legislative intent here and -- and get those out. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. The other night I told a story about my old roommate Swede. And Senator Hendon said, you know, that the end of that wasn't too cool, and he was right. And I think what I left out was that the man thought he had done something that helped him, when in reality it didn't help him at all by saying "I'm never going to call her again." Well, I hear the same discussion. Senator Collins, Senator Berman, and especially Senator Jones, I dare you to vote No on this bill. If you think, as my friend Swede thought he was by not calling this young lady again, that you are, in fact, doing for your people what is right by voting No, please do. Senator Berman, you are very astute. No hold harmless, cause your EAV went up. But since your EAV went up, if you would have taken the route through the formula, you would have got less money. Yes. The School Aid Formula says, the more you have behind every student EAV, the less you get from the State. So the flat grant helps you. Now, if you

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

want to give up, in the City of Chicago, about five million dollars to the Chicago Board, then vote No. In fact, you're actually giving up nineteen million, 'cause if we go back up to Governor Edgar's level, that's what you're going to get, 501 versus 520. You know, one statement was made here, and I was really surprised that everybody did not remember it. Senator Watson confessed that he was getting more. No, Senator Watson, that's very heroic, but you really don't, because Senator Cronin said, "Everybody wins." Now, anybody who doesn't want to win, vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Frank, on -- on this issue I'm -- I'm a little confused. I do understand allocation versus budget, and I think that's a point we should all consider. My question is this, and let me just use some numbers for the sake of argument and so I'll try to do it very closely. My '95-'96 GSA was fifty-six million for my district. My '97 -- '96-'97 GSA is fifty-six million dollars, but I have a hold harmless of a million twenty-seven. Now, my school districts are going to depend on that million twenty-seven thousand dollars. We'll call it a million for the sake of argument. Next year - next year - am I going back -- whenever they figure next year's budget, do we go back to the '95 -- I mean, the '96-'97 GSA, or do we go back to the '96-'97 GSA plus the hold harmless, when we figure next year's increase?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Watson.

SENATOR WATSON:

The -- the problem with the -- the formula, Senator, is it -- it changes every year. Maybe this is just a glitch. You know, maybe we are in a situation in which the property values will reverse themselves next year and we'll see an increase, obviously, in funding for downstate schools. Under the -- the hold harmless provision, Senator, which you ought to be adamantly supporting, you - as you have mentioned - you get an increase of one million twenty-seven thousand five hundred and three dollars. And that increase is a result of the fact that your school districts under the current School Aid Formula - now, you know, we need to understand that - the current School Aid Formula, you lose. We say -- our -- our position is that your school shouldn't suffer as a result of this momentary snapshot, we hope, or this glitch that's taking place in the School Aid Formula. And as a result, we want to pump one -- over one million dollars into your district and to your young people, and I would hope that you would think that that's something that you would support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Senator, thank you for that, and -- and that part of it I understand. But still, my question is, next year after we have impregnated our school districts by a million dollars, what happens next year?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Senator, I appreciate that; I'm concerned about what happens next year, too. And like I said, I just hope this is a -- a moment in time; that maybe, if, in fact, we come back next year

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

under the current School Aid Formula, that it will reverse itself. If it does not, then I'm prepared to sit down and discuss a means by which we change that formula so that we don't have to create these hold harmless provisions. If we do have to create a hold harmless provision next year to -- to save our schools, I'm willing to be at the table to do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, and I appreciate that. But beings we'll -- follow it on the lines of pregnancy here -- or, impregnation, what happens, however, if, between now and next year when we go to take care of this, we have a miscarriage, and this becomes that? My question really boils down to -- is very, very simple. Would you be willing to address the issue of making the hold harmless permanent?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Absolutely. Absolutely, and I mean I'm a strong advocate for that. Obviously, we'll need the support of the whole General Assembly to do that, but I would be very supportive. Now, I don't know about your Democrat friends that sit -- that represent the City of Chicago, because they get zero out of that, and that's why they're up here whining on the Floor so much about the hold harmless position, because their EAV went up and they get zero. That's why we're hearing so much from them, Senator. You should be a Yes vote. You ought to be representing the people that -- of your area that sent you here. You should be Yes and supporting more money for your schools.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR JACOBS:

And, Senator Watson, I would agree with your impassioned plea on that particular point if I was looking at just this year. But I am awfully, awfully concerned that what we are going to see with this, with the hold harmless, is a lower GSA next year from which to take any increase that this legislative Body may give. And I am concerned about not only this year, and you are correct in your -- in your comments, a Yes - for this year, I definitely should vote for this. But I still am not aware of what's going to happen next year, the year after, because of the hold harmless. And that's the only part of it, Senator, that really bothers me.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I'm glad this discussion has gotten back to money, because that's going to be my favorite subject - I'm warning everybody - in -- in the next year. Because as we discuss this whole education matter, more and more numbers are coming out, and I'm getting a little more and more peeved about the whole thing. Let me tell you one number, and I want everybody here to keep track of this number. The amount of GSA that goes into my district is two hundred and fifty-two dollars and twenty-five cents per pupil. Now, I wonder how many, other than some of the suburban, would be happy to trade that amount with whatever each of you are getting in your districts. Two hundred and fifty-two dollars and fifty-two cents -- or, twenty-five cents, I'm sorry. Senator Jones talked about percentages. Let me tell you, I'd like to have a hundred-percent increase. We should get a hundred-percent increase to come even close to what everybody else is doing. When we talk about equity in distribution, two hundred and fifty-two dollars and twenty-five cents, and I would like to point out that half of the districts in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

-- in my Senate district spend less money per pupil than do -- than does the City of Chicago. So let's have a complete open hearing; let's shed some sunlight on this -- on this whole matter of funding. As Senator Watson said, all of the whining about money, more money, more money, more money. I'm all for that; I want more money for my district so we can start to bring down our taxes. Senator Watson and his crew have done a great job. I'm totally supportive of them. I hope to heck I get a two-hundred-percent increase in my GSA, because we -- we will begin to feel a little bit of all the money we pump every place -- or, so many other places in this State. Let's support Frank. We're on the right track. We've got a long way to go. We've got twenty years of misuse to overcome. We can't do it in one year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Watson -- I have a question I might add, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

I'm looking at a House printout of my school district in the community that I live and I'm also looking at a printout of -- the Senate printout, both on hold harmless and putting money all in the formula. This indicates that I do better by putting all the money into the formula rather than putting -- going with your proposal. Now, I'm not trying to slow this process down, but I only have one copy here from the House. I'd like to have some time to verify this, because I'm, quite frankly, confused as to what I ought to be doing here at this moment. If you could give us a few moments, perhaps, to get some -- some -- some printouts here for everybody, showing the difference between hold harmless

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

-- your -- your -- your proposition and putting money in the formula, I think this would help us a great deal. And, again, I don't want to be dilatory and I'm not trying to purposely slow this process down; I'm -- I'm trying to -- to understand what -- better what I ought to be doing here, and there's a lot of other Members that are a little confused as well. Is it -- is it possible?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, I appreciate your concern and I -- and I understand that, and I know your interest in your district and that's -- that's fine. We've had printouts and -- and you've ask me for printouts, and I've never understood why those -- that information's not been made available to you, and I -- I would have thought the State Board of Education would give those to -- to everyone, if you ask for them. I -- I -- and I know you've -- you've been frustrated by that and I can appreciate that. But this bill's been out there for three days now, and we've been discussing it off and on in the news media. You've probably seen about it. So I think that the -- the discussion's there, the bill's before us, and I think we should proceed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, since we don't know what's in the appropriation bill this afternoon, what was your computer printout based on? What numbers did you use?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, it -- it -- hour by hour it changed. And I -- I've got

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

a folder here, I would imagine of some maybe fifteen different printouts. We are talking about -- and as you know and as you've mentioned, and I haven't seen the budget either, but we are talking about an additional twenty-three million dollars to hold harmless provision, which -- over and above the Governor's fifty-one million that he put into the formula. And then we're talking about an additional fifty-three million, based on the provisions that are in this legislation. That's where we're at now. Obviously, that could change between now and this evening when the budget message is brought before us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Senator, all I'm asking for is about twenty, thirty minutes, in order to get a printout for everybody. That's -- that -- that is not an unreasonable request. I may want to support your proposition. Why don't you give us the opportunity to -- to -- it's on 2nd Reading, why don't you give us an opportunity to do that? That's all I'm asking.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, then, two points to make. I guess, one, this isn't the budget bill. So we can't -- to get a printout -- an honest printout of what we're to do and the money that's going to be allocated, we honestly don't know. Secondly, we've been debating this bill now, I would assume, I don't know, time flies when we're having a good time, so it's been an hour, at least, probably longer. That -- that question should have been asked -- actually, that question should have been asked last Tuesday, when we passed this out of the Education Committee. I mean, we've had ample time to get the information together for all of us to make a decision

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

on what we want to do on this piece of legislation. I think we should move forward and I'd resist the effort to take it out of the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, again, you know, here's the -- here's the difficulty, I guess. You say you have printouts and printouts and printouts. I mean, we're trying to figure out what the number is ourselves. So we think that we have a printout, based -- predicated on the -- on the numbers that you just gave us. All it would be is to copy the printout for our Members. That's all we're asking for. We're not asking for another computer run. We have a -- one printout based upon the numbers that you gave us. All we want is time just to copy it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs, what purpose do you rise?

SENATOR JACOBS:

Call for a Democratic Caucus in Senator Pate Philip -- I mean, Senator Emil Jones' Office. Well, we know where the power lies right now. In Senator Emil Jones' Office immediately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request -- that request is in order. Senator Jacobs is asking for a Democratic Caucus in Senator Jones' Office. Senator Jacobs, could you inform the Senate how long you expect to be?

SENATOR JACOBS:

No more than thirty minutes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Senate will -- will stand in recess until the hour of 2. And we shall return promptly at the hour of 2.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

...Members please return to the Floor. Shortly, we will be going to the Order of Recalls, 2nd Reading. We were debating Floor Amendment No. 2 to House Bill 2596. ...Garcia, what purpose do you rise?

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GARCIA:

Mr. President, on the Republican side, gallery, we have a group of visitors. It's a group of visitors from the Manuel Perez Elementary School in Chicago, in my district. He was a Congressional Medal of Honor recipient. It's the graduating class of 1996. I would like to ask them to rise and be recognized by the Senate, and say welcome to Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Watson. On the Order of House Bill 2596 on 2nd Reading, on Recall, when we -- when the Democrats requested a Caucus, we were in the middle of Floor debate on Amendment No. 2. Is there any further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank -- thank you, Mr. President. I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

In the provision -- or, in this bill there is a provision to reduce the number of people on the State Board of Education, and I wonder if he could explain the numbers, how -- they came to that decision and let us know a little about that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes, thank you. As you recall, we reduced the size of the Chicago Board of Education from fifteen to five. We have -- we have made several changes in different commissions in the State, reducing the number. It seems to be more operational. We're actually asking that we reduce the number from seventeen to nine. Two of those members would be from Cook County; two would be from the collars; two would be from downstate; and three would be at large, creating the regional balance that we -- that I think is necessary for the State Board of Education. But that's primarily -- and the State Superintendent has -- Joe Spagnolo does not support the reduction, but this is an issue that we felt that was important to give some -- some credibility to the State Board. Maybe by reducing the numbers, it raises its prestige. We want quality people involved. And as a result, we think it's more operational with -- with a number of nine.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Jeremy Finley from WAND-TV has requested approval -- permission to videotape the proceedings. Hearing no objection, leave is granted. Any further discussion? Senator Berman, for a second time.

SENATOR BERMAN:

Thank you, Mr. President. My name was mentioned in debate and I thought it would be appropriate for me to respond. During our

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

caucus, we took the printouts and took a look at them. And according to the numbers that we took a look at, Senator Watson, just for your protection and information, the printouts that we saw, under this bill, your school districts are net losers. I just want you to know that. Now, maybe we're looking at two different numbers, but I've got to tell you, if I take the 133.8 million dollars... Well, then, let me back up a minute. Let me ask the sponsor: Is the total of the general State aid allocation, the hold harmless and the flat grant, is that 133.8 million dollars?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Senator, you've been around here a long time. I've -- we're trying to keep track of the number of times I've said this. It's well over -- we're in debt well over and well into double digits. The budget is another matter; that's a bill that will follow later. We don't have any clue as to what those final numbers are being -- will be. We do know that the Governor allocated 51.3 million into the formula. And we do know that if the hold harmless provision is put in in full force, that that's an additional twenty-three million. So, I don't know where you're coming up with those -- it's speculation, I guess, and that may be speculation that ultimately becomes fact. I don't know. But that's a different bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Well, let -- let me just tell you that it disturbs me that we are being asked to vote on a bill that authorizes a substantial change in funding allocation of State aid for schools and I am told that we don't know the number that we're using. Now, Ladies

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

and Gentlemen, I will tell you, and Frank is right - Senator Watson is right; I've been around here a long time - if there's one thing that is most of the time determined by -- your vote is determined by the computer printout, it is the school aid allocation. And let me tell you, the numbers that have been given to me is that the general State aid allocation is 51.3 million; the hold harmless is 23.2 million; and the flat grant is 52.6 million. That adds up to 133.8 million dollars. If that's -- assuming that's the numbers, and I've not been told that that's not the number - apparently nobody has the number; that's the one I'm using - I will tell you that if your school district -- if your school district is only able to spend an amount of money on their students which is below the State average of approximately fifty-five hundred dollars or so per student in the elementary schools, if you're below that average, taking fifty-two million dollars for a flat grant is taking money away from your kids. It's just that simple. If you're from a below-average expenditure district, you should be voting No, because -- Senator Butler's comments were the best argument that I have. He has high, high, high expenditure districts. God bless them. They went there; they've got high real estate taxes. They increase their -- their tax rate at the polls, and they're spending big money for their kids. Every one of the kids in those high expenditure districts is going to get dollars. Now, that's wonderful for Senator Butler to go home and issue that press release. But I will tell you that that money that's going to his district is coming out of the school districts like Calumet City that's only spending -- able to spend twenty-six hundred dollars a kid. And if we're talking about all the children in Illinois, allocating money for flat grant is discriminatory against children that live in poor districts. The hold harmless is taking money away from children that live in districts that didn't see a substantial increase in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

their real estate values. If we were sitting down and we had decided to reevaluate and redo the entire school funding mechanism with a substantial increase in revenue and a redoing of the entire State Aid Formula, these issues are fair debate. But we haven't done that. We're dealing with two hundred and some million dollars. It's only the increase in a good year. Next year, for our budget purposes, may -- will probably be substantially less than this year. You're hurting the children that need the most help. I urge an Aye -- I urge a No vote on this amendment. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

Well, can I ask a question of the previous speaker?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis, if you wish, you may walk over to Senator Berman and ask him anything you wish.

SENATOR DeANGELIS:

Well, Senator -- Senator Berman's argument is like the person that says -- could we have a little order? Could we either -- could we either have a little order or send the Democrats back to their caucus?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion?

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

It's like the argument that I saved fifty dollars when I bought a hundred-dollar coat for fifty dollars. No, I spent fifty dollars. Senator Berman, Calumet City didn't -- didn't lose

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

anything, 'cause they didn't get it. They didn't lose anything. We're not arguing about whether we put it through this way, or that way, and it isn't a hundred and thirty-three million dollars. So you got a false number and a false premise, and you -- which obviously comes to a false conclusion. The point is this, that there are many instances, and I can tell you they are in my district, where we have had school districts who have lost property taxes and State aid at the same time because their average EAV behind every student is probably higher than it is at some other place in the State. And to turn around and try to make this a rich-poor argument is wrong. It is not that way. You've got to look at some of these numbers, how they fall. The fact of the matter is this: The -- every school district in the State of Illinois wins, without a tax increase. Everyone of them wins. Now if you're worried about somebody winning a little bit more than you do, fine. But you know what? You don't have that already. You don't have that. You don't have any of it. So you're not losing anything if somebody else gets it, 'cause you don't have it to begin with. It's the old argument about the fifty dollars. I saved fifty bucks; I bought a hundred-dollar coat for fifty bucks. Bull. You spent fifty dollars, that's what you did. So let's quit looking -- looking at the thing in the -- in the wrong way. Every school district is a winner. And the reason that a flat grant system was used - and by the way, if you do, beside by each printout, analysis, you will find out it comes pretty close, because in the hold harmless situation, you bring those school districts who have lost up to par. And if you run them through the formula -- if you run them through the formula exclusively, as you indicated, they will recover some of that back 'cause you're putting more dollars in there. But a flat grant -- and -- and let's face it, we are a Body here that requires fifty-nine votes. Fifty-nine votes. And by george, Senator Watson should be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

commended for coming up with a bill that fifty-nine districts win. I have been in this General Assembly when we have played printout politics. And what happens? Huh, I lost. No. The other guy won. Yes. Didn't have a damn thing to do with whether the formula worked or not; it had to do with where the dollars went. Here's a case where everybody wins. I cannot understand that on this last day that we have debated a bill for so many hours that is so simple to understand and which is so mechanically misunderstood. Mr. -- Mr. President, I urge an Aye vote on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Senator Watson, just a -- I disagree, one, that this is a real simple bill. There are -- there are certain aspects of this bill that do bother me. So just for legislative intent: One of the those issues is the school search issue. I know it's been touched upon. But, in -- in this case, isn't it the law already that warrantless searches of students can happen in schools, but, at the very least, you need an individualized suspicion of that search? Seemingly what we're doing here is -- is we're overlooking the probable cause for those searches.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, I think the answer to that is that it's reasonable suspicion. And maybe this would be the appropriate time, Senator Trotter, to -- to clarify, I think, some concerns that you and Senator Molaro may have mentioned. In -- in the bill, on page 26,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Molaro had some concerns about who would be searched and the -- the possibility of an automobile would be searched. What we're talking about -- and it specifically says, "as well as personal effects left in those places and areas by students". I think it clarifies that -- that teachers, visitors, people visiting, possibly going to a basketball, football game -- I think that the protection is there, and I believe that the concern that you may have for the expansion of this ability to go into what you would consider a private matter is protected by our language, and we specifically say that students and it -- in regard to their personal effects.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Yes. In this case, where specifically in case law we had the Veronica {sic} (Vernonia) School District versus Wayne (Acton), in which we had a student that -- who did have a random drug test imposed upon them and -- and the school district lost. So -- so we're looking at here, isn't it certain that we should determine by trier of fact that these issues need to be addressed, 'cause we do have currently case law and what we're doing here is trying to circumvent that existing law. And I'm asking why -- why do we want to do that when it was already been proven.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

When you mentioned random drug test, Senator Trotter, I guess I could -- I lost it, because this has nothing to do with testing students in regard to drug usage or suspicion of drug usage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Just in closing. I mean there is already case law on the books. I believe that this is, again, circumventing the rights of -- of students. And I believe students as citizens of this -- of this United States and of the State of Illinois do have rights, and we should not be trying to treat them as third-class citizens, at -- at any regard. So this is an attempt to allow searches. So what we're doing here is an attempt to allow searches, for example, of a student's locked car in a parking lot, without even reasonable suspicion to that search. You wouldn't allow that to happen to your children, and I believe we as a General Assembly should not have that -- allow that to happen to anyone else's children as well.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there are no further -- if there's no further discussion, Senator Watson, to close.

SENATOR WATSON:

Well thank you. Thank you, Mr. President, and lengthy debate with a break in the action to try to confuse the issue, I believe. And, I think -- and I'm not sure what comes from the comments made by the Minority Spokesman. But just for -- so for those of you who -- who represent downstate Illinois, and I -- and I know that -- that many of you over there share the concerns of us and we -- we are concerned about our young people and equity and those kinds of things, and the hold harmless provision, which seemed to be of major concern to -- to many of you on that side. If we don't -- if we don't put the hold harmless provision in, Senator Jacobs, you lose one million twenty-seven thousand dollars. Senator Welch, you lose one million two hundred and sixty-one thousand. Senator Shadid, in fact you're the big winner, you lose one million six hundred and sixty-nine thousand. Senator O'Daniel loses four hundred and eleven thousand. Senator Rea loses three hundred and forty-nine thousand. What we're doing by putting the hold

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

harmless position -- situation in there, Senator Jones, which you got up and talked about and talked about my selfishness, I -- I agree that -- that I am, and I understand your selfishness also, because Chicago gets zip out of the hold harmless, nothing. This is an -- this is an issue that is for downstate schools. We generate twenty million dollars if, in fact, this is going to be fully funded and it's my intention, and certainly I'm working the Second Floor, as well as our appropriations people, to make sure that this money's in there. And that is important to us downstate and I would certainly suggest that if you think that by voting No on this you are helping your school districts, you are entirely wrong. Out of the fifty-one million dollars that's allocated in the Governor's budget, he puts into the School Aid Formula, downstate schools generate four and half million. Less than ten percent. So you can talk about the aggregate all you want; what I want to talk about is today - the snapshot today and how it impacts my young people. We lose by putting it into the School Aid Formula and the printout politics will bear that to be the fact. There's many other issues in here and -- and I'm sometimes concerned and appalled, quite honestly, at the -- the attitude that many people seem to have on this Floor about the protection of one's rights. And I -- I -- I understand that. I -- I can -- I understand why we should be doing that. But what about responsibilities? We're continuously talking about protection of their rights - what about the responsibilities of those individuals? Safe schools is a major part of this particular piece of legislation. Safe schools. Unfortunately, we send our young people to school today, we hope they get an education, sure, that's a big part of the process. But what a lot of people are worried about, will Johnny or Sally come home. We think we give the opportunity to our schools to do something about that. And we give them some additional authority. Let's say throw them out if

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

they're a problem, get rid of them. Send them to the alternative schools. Get them out of the process. Let the kids that are there to learn get an opportunity to learn. Kids that are creating problems, they shouldn't be there. That's what we're trying to do, give that authority to -- to those people at the -- in our schools. State Board of Education - reducing the number from seventeen to nine creates a more responsible board, and one that will be protected on a regional basis. The downstate funding, I can't say enough about. And I think you ought to understand that, those of you who live downstate, by voting No, you are making a big, big mistake. We also feel, and experts tell us - I mean, this isn't just a funding program; seems to me we're caught up in that - but experts tell us that we ought to be remediating young kids. In other words, we ought to identify at a very early age kids that maybe have a problem. So we say those kids who take the IGAP test in the third grade, those kids that take the IGAP test in the fifth grade, let's identify, diagnostically, kids that are having problems, and do something about it. I'd like to think that most schools are doing that. Maybe not. This says you're going to do it. And it gives you the authority at the local level to develop your own plan to remediate that young child and get them back in -- on the road to a good quality education. I think that's -- that's very much important, and I think that helps solve the problems of sending kids to Stateville, unfortunately, or to Pontiac, or to Vandalia, or to Centralia, or to the vast number of correctional centers we have throughout this State. We're trying to do something about it. We think it's important to reform the process of education. And I think that's what we're talking about here, Mr. President, and I'd certainly urge an Aye vote, and ask for the Membership to vote for it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

On Floor Amendment No. 2 to House Bill 2596, all those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 16 Nays, 2 voting Present, and the amendment is adopted. On the Order of House Bills -- any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of House Bills 3rd Reading is -- in House Bill 2596. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2596.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson. Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

Thank you, Mr. President. Would the Body give leave to Senator DeLeo to take pictures of the Body while we're working?

PRESIDING OFFICER: (SENATOR DUDYCZ)

That will require a voice vote. Hearing no objection, leave is granted. I think Senator Collins is seeking verification of the affirmative vote.

SENATOR COLLINS:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Collins, what purpose do you rise?

SENATOR COLLINS:

I'm sorry. I was interrupted and I -- and I was intending to punch my No button, and I -- and I punched down on the last bill, and I'd like to be recorded No.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record shall so reflect. Senator Watson.

SENATOR WATSON:

Well I have to congratulate Speaker Daniels, President Philip for their obvious concern for young people in this State, and would ask for a favorable Yes vote in regard to this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I think this bill has been very well discussed over a long period of time and I would move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There is one speaker. Senator del Valle.

SENATOR DEL VALLE:

I'll -- I'll be brief, Mr. President. But I -- I think it's important to -- to emphasize again that, in a year when the Governor finally did the right thing and came with a very good solid proposal that we agreed with, in a year when it was said that we would do something significant for education, once again what we have before us, on the last -- or what we hope will be the last day of Session, another quick fix that will leave us further -- further away from where we need to be in terms of finding real solutions on how we finance public education. And I say that because this flat grant and the authorization of a flat grant structure built into the finance structure is permanent. And while we will each year appropriate dollars for it, it's like adding a new categorical program. We will fund it every year, and every year we will have a fight over how much is going to go into the flat grant. And every year, every school district will be told, yes, you're going to get a little more. But every year we're going to see the inequity grow and grow and grow. So instead of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

moving towards equity, we're rapidly running away from it, and this, I tell you, ensures -- ensures that fewer and fewer Members of this Legislative Body will be able to be in a political position to support a real solution, and that's sad.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there's no further discussion, Senator Watson, to close.

SENATOR WATSON:

I welcome the same thirty-eight Members who voted Yes on that amendment to vote Aye here in a bipartisan effort for the young people of Illinois and thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 2596 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 14 Nays and 4 voting Present. And House Bill 2596 having received the required constitutional majority, is declared passed. ...go to the Order of Secretary's Desk, Resolutions. If you'd turn your regular Calendar to page -- to the middle of page 5, Secretary's Desk, Resolutions. House Joint Resolution 79. Senator Butler. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

House Joint Resolution 79.

There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I'll be -- I'll be brief. House Joint Resolution 79 asks the Congress to expedite their activity in trying to expedite the passage or the approval of various kinds of medical treatments, drugs, biological products, medical devices, et cetera. They are doing that. This merely urges the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Congress to -- to move -- move faster to bring about changes -- needed changes in -- in the way medical improvements are brought to the public. And I would urge passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler moves the adoption of House Joint Resolution 79. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Joint Resolution 133. Senator Dillard. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

House Joint Resolution 133.

There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This resolution creates a task force among a number of the Governor's Code Departments and a couple of members of the public to study the question under our new rules and Statutes dealing with landfill -- excuse me quarry blasting next to landfill sitings. There's a couple of these in Illinois, where there's a quarry next to a landfill, and we just want to make sure, for public safety purposes, that we are coordinated and know what the heck we're doing, and I'd move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Dillard moves the adoption of House Joint Resolution 133. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present, and the resolution is adopted. Senate Joint Resolution 94. Senator Cronin. Out of the record. ...Syverson, what purpose do you rise? Messages.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

ACTING SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment of a bill of the following title, to wit:

House Bill 3380, together with House -- with Senate Amendment No. 1.

Non-concurred in by the House, May 23rd, 1996.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 1037.

I am further directed to inform the Senate that the House of Representatives requests a First Committee -- Conference Committee on Senate Bill 1037.

Action taken by the House, May 24th, {sic} (8th) 1996.

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 1516, together with House Amendments 1 and 6.

Passed the House, as amended, May 24th, 1996.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Leave is granted.

PRESIDING OFFICER: (SENATOR WEAVER)

...will be in order. Committee Reports.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - Conference Committee Report 1 to Senate Bill 1246, Conference Committee Report 1 {sic} (2) to Senate Bill 1414, House Joint Resolution 81; and Be Approved for Consideration - the Motion to Concur with House Amendments 1 and 3 to Senate Bill 1258.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose -- for what purpose does Senator Karpiel seek recognition?

SENATOR KARPIEL:

Thank you, Mr. President. There will be an Executive Committee meeting in Room 212 at 4:15.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will be at ease.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

...will reconvene. On Supplemental Calendar 2 is a non-concurrence motion. Senator Philip, on House Bill 3380.

SENATOR PHILIP:

Thank you -- thank you, Madam President. I refuse to recede on Amendment No. 1 to House Bill 338 {sic} (3380).

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Philip moves that the Senate refuse to recede from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

the adoption of Senate Amendment No. 1 to House Bill 3380, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. Senator Karpziel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Madam President. Just to announce that the Senate Executive Committee will meet in five minutes. Five minutes in Room 212. Please be there promptly.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Senate will please come to order. On Supplemental Calendar No. 3 is Senate Bill 1246. Senator Donahue. Read the bill, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1246.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President and Ladies and Gentlemen of the -- of the Senate. This is a very important issue for people across Illinois, for women across Illinois. Access to health care is changing. And Conference Committee Report on 1246 allows a woman to choose...

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Donahue. Senator Donahue, could you hold on for a second? We would like to interrupt this for Committee Reports.

SECRETARY HARRY:

Senator Karpel, Chair of the Committee on Executive, reports Senate Bill 1246, the First Conference Committee Report Be Approved for Consideration; Senate Bill 1414, the Second Conference Committee Report Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue, you may continue.

SENATOR DONAHUE:

Thank you very much. I'll start over just so -- people are coming to the Floor. As I indicated, this is a very important issue, because health care across this country is changing. Conference Committee Report, 1246, allows a woman to choose an obstetrician or a gynecologist as her principal health care provider within a management care -- a managed care plan. She's still going to have a primary care physician who will direct her overall care, but when she needs to see her OB-GYN, she isn't going need to have a referral, and that's what this is so -- why this is so important, what's the whole point of this Conference Committee. For twenty years of my life, the only doctor I had was my gynecologist. It's the only doctor I needed. And it's a little different kind of an issue because women start going to a gynecologist at a very early age and they go for life. And not to have that referral is very important. And I think -- it seems unreasonable to me that, every time I want to go to a gynecologist, I have to have a referral. It's a cost-saving measure in my mind and I think it's very important. Some of the concerns that have been raised that if you make your OB-GYN your primary care physician that others aren't -- that they're not really qualified to take care of all your health. Well, I disagree with that in some regards, because, first of all, you

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

still have a primary care physician. And I don't think a gynecologist is going to treat a shoulder. They know better, and they will either refer you back to your primary care physician or they will refer you within that network to another physician that could take care of it. Your vote for this Conference Committee is very important. It's important for the women in Illinois, and I ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any questions? Any discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR PARKER:

In the Public Health and Welfare Committee, we had a lot of discussion on this and there were discussions from various sides, including HMOs. And I was wondering, how have they been as far as negotiating with this bill, as far as agreeing and working with the committee and those concerned?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Senator Parker. Actually, everybody has been very good to work with, but, yes, the HMOs have disagreed on this issue and have some concerns, but in the negotiations, they worked very well with all of us.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

To -- to the bill: I rise in support of this bill. Today, under many managed care health plans, a woman must obtain

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

permission from her insurance company before she may even visit her obstetrician or gynecologist. According to a 1993 Gallup Poll, women who had a physical examination within the last two years were more likely to have been examined by an OB-GYN than any other doctor. The majority of these women consider them to be their primary care physicians and it's certainly important for them to have that choice and that opportunity. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. The definition -- let's see, just a comment for the -- for the sponsor. What you're saying makes a lot of sense. "the -- the definition of managed care entity in the Conference Report to Senate Bill 1246 is intended to cover self-insured employers and labor unions. However, I'm under the impression that Section 514(a) of ERISA provides, quote: The provisions of this title and Title IV shall supersede any and all State laws as they may now or hereafter relate to any employee benefit plan. The concern that I have is that -- and I intend to vote for this legislation, but I understand that the result of this is going to wind up in a court in litigation and I would wonder why we haven't resolved the -- the conflict with the federal law as we've gone through the negotiations of this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is that a question, Senator Lauzen? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I just wanted to compliment the sponsor and all of those who had the foresight and insight to bring this bill to the Floor and -- for us to vote on it. I'm sure that everyone will vote Yes on this bill since it is of such primary importance to women across the State of Illinois. It's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

logical. It's cost-effective, and as you pointed out, the gynecologist is a woman's physician for life, and it speaks to so many of the illnesses, so many of the preventive care measures that we are all in support of and this is a way to support all of that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1246. Those in favor will vote Aye. The opposed will vote Nay. The voting is now 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, none voting Nay, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1246. And the bill, having received the required constitutional majority, is declared passed. On Supplemental Calendar No. 3 is Senate Bill 1414. Do you wish your Conference Committee Report to be called, Senator Geo-Karis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

First -- or, Second Conference Committee Report, Mr. President, on Senate Bill 1414.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Chair recognizes Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this Conference Committee Report reverted back to the way it came out of the House. Senator Shaw was -- is my cosponsor on it. And under current law, the aggregate prize limit under Bingo License and Tax is about twenty-two hundred and fifty dollars. And there's just -- and certain areas of the State have had it already, in Madison County and St. Clair. We want to make it statewide, with prizes going up to five hundred dollars each, and there's so many senior citizens in our State that take busloads --

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

go with busloads over to Indiana on the south and to Wisconsin on the north. And we would like to keep the people and the veterans happy, so they can have their bingo games - and the senior citizens. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR CULLERTON:

Two questions. Is this statewide? And number two, how many votes did your Lake County bingo bill get over in the House?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

With the amendment that is there now, it had about ninety-seven, and without the amendment, it had three. Do you want to hear anymore?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes. I -- I -- I heard you the first time. Thank you very much. This is statewide. The groups that have bingo in my area seem to think by increasing this huge per-day prize that -- going to be a lot of folks who are -- who are not going to continue to participate, that they're going to go to the larger games. Perhaps you could address yourself to that.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. But I rise in support of Senate Bill 1414, because this is a bill that will help seniors. That's all seniors have to do, and certainly in my district, and -- abutting Indiana. It's important to -- to the seniors to have this type of bill. Certainly they don't have to travel long distance by bus and car and go into Indiana and other bordering States to enjoy themselves to have a little fun. Here is people in their golden years, not only in my district, but across Illinois, and this is all that they have to do. This is a good bill, and certainly I would urge all Members of this Body to -- let's do something for senior citizens who want to have a little fun in terms of bingo, and this is a good start at it. I urge its adoption.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

I ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question is, shall the Senate adopt the Second Conference Committee Report on Senate Bill 1414. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 13 voting Nay. Conference Committee Report on Senate Bill 1444 {sic} (1414), having the required constitutional majority, is declared passed. We'll now return to Senate Supplemental Calendar No. 1, and on Senate Supplemental Calendar No. 1 is House Bill 1249. Senator -- Conference Committee on House Bill 1249. Senator Petka, do you wish that called? Read the bill, Madam Secretary.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 1249.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Well, thank you, Mr. President and Members of the Senate. The Conference Committee Report on House Bill 1249 contains eighteen separate provisions. Many of these provisions, Mr. President, we have discussed; in fact, we have passed out of this Chamber. I will discuss some of the newer provisions that have not been -- some of the newer provisions, which were added to this legislation after it left the first time. We -- we've added provisions which require that a person who is convicted of solicitation for murder will have the penalty raised, provided the one who is soliciting is above the age of eighteen and who solicits a minor below the age of seventeen; the penalty will be enhanced. The hate crime Statute has been modified to allow prosecution of persons who victimized someone because of their associations with members of a specific class. We extended the Truth-in-Sentencing Commission deadline to March 1st, 1997. We created an immediate effective date for no curtains within Department of Corrections. And we also permitted the Prisoner Review Board to conduct hearings on early release every three years, rather than every year. There are other provisions which have been discussed in the past, Mr. Chairman, but would -- I would simply defer to the Members of this Body for any questions they might have on it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR LUECHTEFELD:

Senator, when this bill originally left the Senate, the confiscated funds from the prisoners was supposed to go into an employee benefit fund. Now I see that it goes into the General Fund. Is there a reason for that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

That's an excellent question, Senator. Sometimes, when we are in conferences, there is a series of give-and-take in connection with proposals. We basically backed off of our position, because if we did not, the House conferees indicated that this legislation would not move forward. In a sense, we deferred to their wishes. I -- I personally wish it was something different, but the whole bill would have went down, in my opinion, if we didn't defer to the House.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Senator Petka, I believe there's a provision in -- in this bill - if I can find it here - that permits the State Appellate Defender to award contracts to lawyers to represent indigent defendants in non-death row cases under a competitive selection procedure. Could you advise me, is that in there, and if so, what kind of competitive selection procedure are you talking about?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator, it will be set up by rule. What it basically will involve is a situation where people will -- or, lawyers will submit bids in packages of five cases, ten cases, and -- and as few as one. And under those circumstances, following a bidding procedure, with -- the rules will be prescribed, they will -- awards will be made.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, I'm curious as to who the committee -- who will -- who will make up the committee, and secondly, is the budget that we're going to get in a couple hours going to have any money in it to pay for these lawyers?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

The State Appellate Defender will -- will make the decisions in connection with the awarding of those contracts, and will promulgate the rules. The answer to your second question, Senator, at least from my perspective, still is unclear.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I have two questions of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

Senator Petka, there are some very good provisions in this bill. There are two points that concern me, and I wish you would clarify them for me. My analysis says that, in all criminal cases, evidence of a statement made by a witness is not made

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

inadmissible by the hearsay rule if a witness is ordered by a court to testify and refuses if other -- certain other conditions are met. If you could speak to that, please. And secondly, the analysis says that a person commits the criminal offense of hate crime if the victim has an association with, is married to, or has a friendship with a member of the specific class of people. If you could just clarify those for me. Appreciate it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

In answer to your first question, what we are doing with the legislation dealing with the hearsay exception is tracking exactly current federal law. Your second question, what we are dealing with is a situation where there may be a biracial dating arrangement to where the hate is directed towards a member who is not a member of the minority class, but yet, under this legislation, they would enjoy the same protections.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson. Senator Syverson. Senator Collins.

SENATOR COLLINS:

Senator, I -- I assume that Senator Palmer was satisfied with your answer to that question, and -- and I am not. So, maybe I didn't understand it - your answer. So could you specify again what you really mean when you said if that person is associated with, or is married to, or has friendship with... The same question. Could you answer it again? What does that specifically mean? Because what you said, it was tracking some federal law, and I'm -- I'm not sure of that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator Collins, under federal law, and what this proposes, is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

that once a person testifies before either a -- in a Grand Jury proceeding or where he is required to testify, under those circumstances, that testimony, which is given under oath, can be used at a subsequent proceeding in the event that the witness who had previously testified simply decides not to testify. Those circumstances ordinarily would involve a situation where a person, between the time that he has been -- testified under oath, becomes the target of an intimidation or in some -- some manner or some way feels that there is a threat to himself should he continue to testify.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins, if you wish to pursue this further, please hit your light. Senator Collins. Senator Jacobs.

SENATOR JACOBS:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR JACOBS:

Let me ask you a question in regards to DUI on this thing. Is a DUI considered a felony?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

The answer is that a DUI can be a felony.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

But under normal circumstances is a DUI considered a felony?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Under -- in most circumstances, a DUI is a misdemeanor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Do we normally send to the State Police fingerprints of misdemeanor cases?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Prior to this legislation, the answer is no.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Then that, I guess, poses my question. Is, why are we sending fingerprints of misdemeanor cases, or starting to send them, to -- to the State Police? I know that you probably have a reason for doing that, but I'm just curious inasmuch as we have the license procedure and the summary suspensions and everything else in regards to the drivers' licenses, with DUI it becomes a little bit curious, at best, to understand why we want to send the fingerprints of misdemeanor cases of DUI to the State Police. Can you respond to that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, the answer to this involves a -- technical operations of the way that we identify criminal offenders. When a person has been fingerprinted and it's entered into the -- our base, it is easier to track a person who has a prior DUI by using their fingerprint than a -- than a name check. Most specifically, this would probably impact more directly in the Cook County court system than it would in most -- almost all other jurisdictions

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

throughout the State.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Has this been requested then, beings it mainly affects Chicago? Has this been requested by the City of Chicago and/or the Chicago court systems?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

This was requested by the State's Attorney's Office.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rea. Senator Rea.

SENATOR REA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR REA:

I notice in here that it requires the Department of Corrections to track the gang activity of inmates and to segregate the gang leaders. Does this mean that if you -- you've got the gang leaders that are identified, that then they are all moved into a cell together, and then if there's a replacement -- somebody tries to replace them out there as a leader of that particular gang, that they will be moved in also?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

END OF TAPE

TAPE 3

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR PETKA:

If the distinguished Senator from Cook County, John Cullerton, would answer that question, perhaps it would speed up the process.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. This amendment that's included in this Conference Committee was the subject of amendment that we've adopted and passed out of the Senate earlier. The -- it gives a lot of discretion to the Department of Corrections. We don't want to micromanage the Department, but we certainly want to do something about the fact that it's -- it's become evident that there are gang leaders within the Department that seem to be functioning as gang leaders. So we simply ask the Department to segregate gang leaders. We don't get into the details as to how they want to accomplish that goal.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rea.

SENATOR REA:

So, Senator Cullerton, this means then that they have the discretion of doing this and that we're not really mandating, even though we -- they may know who the gang leaders are, and do know who they are. What's your -- would be your response?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

No. It mandates that they segregate gang leaders, but we don't tell them exactly - in the detail in which your question was originally posed - as to how they're to go about doing it. They -- they have to segregate the gang leaders. If they know who they are, they have to segregate them, with the goal, implicitly, that they would stop functioning as gang leaders and stop communicating

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

with the outside world and -- and operating their gangs, which are in the outside world.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rea.

SENATOR REA:

Another question on this, Senator Cullerton: Does this mean that -- that they may very well be segregated together as gang leaders, or would this be separately?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, I -- all -- all the Statute says is segregate the gang leaders. So I think that that's where I've indicated it's really up to the Department of Corrections to accomplish the goal that we, the Legislature, are trying to set for them.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rea.

SENATOR REA:

Why don't we go a step further here and why don't we segregate the gang leaders together? It seems that this might eliminate some of the problems that we do have in our correctional facilities.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, I'd like to segregate them to New Mexico, myself, and do a trade. And we'll take their gang leaders and send them our gang leaders, and that way it'll be more difficult for them to operate. I think that's a serious suggestion the Department ought to take, but we're not going to tell them in this bill exactly how to do it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR SHAW:

Would you take us -- let's go back to the DUI portion. Are -- a person who's arrested under a -- for a DUI today, is that person printed today?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, could you repeat your question? I was fumbling through papers here.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

What I'm trying to get at here, is the person -- a person that's arrested today for a DUI charge, is that person printed today?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Well, why do -- why do we need to do this, and -- and why are we doing it?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator, in response to a question that came from another Senator, I had indicated at that time that this came out of the Cook County State's Attorney's Office. It involves the attempt to try to track a -- a misdemeanant offender of DUI using fingerprints as opposed to a name check...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka, are you done? Senator Shaw.

SENATOR SHAW:

The -- are you aware that -- let me ask you this: Will these prints be -- once this person is booked for a DUI, will these prints be sent to the Department of State Police and the FBI, like they do now with most all other fingerprints? And...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

The answer is yes, and if I can just expand on something, Senator. We have already passed the identical provision - the identical provision - in a bill 52 to nothing.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Well -- well, it might be the law, but it's a bad concept. Because what you're doing here - to the -- to the bill - is you -- you're clogging up the -- and I'm not opposed to locking up DUIs now. I think that they should be arrested, people who get behind the wheel of a car and drive under the influence. But at the same time, what you are doing, in Chicago you're going to tie up police officers in -- possibly in Cook County, plus the fact you're going -- that person is going to remain in custody for as much as, sometimes, seven to eight hours. And I was just informed that the other bill had passed the Senate. But there's no quick way of getting these people out. The only way that you can do that is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

you have to get, probably, one of the local police commanders to waive the prints, and that takes action of the Legislature to do that. I think that is a bad concept, and I think you're going to tie up more police officers with this concept and tie up space that we need to put some real criminals in jail. I think this is -- the bill is fine. I -- I guess as long as it passed the other -- the -- as long as this concept has already passed, I guess I'll have to vote for it, because of what else -- what other legislation is in the bill. But I think it's a bad concept.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka, do you wish to close?

SENATOR PETKA:

Only to respond to the Senator that the fingerprints that will be lifted will not be done by beat officers. There are people who are there who process that who are not on the streets. And, you know, again, this was a request from the prosecutor in -- in Cook County. The bill has been discussed adequately. I would just ask for a -- an affirmative roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the First Conference Committee Report on House Bill 1249. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is now 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, none voting Nay, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1249. And the bill, having received the required constitutional majority, is declared passed. Senator Carroll, why do you wish recognition?

SENATOR CARROLL:

Just to say hello to you. But aside from that, if the record would reflect, I happen to have been off the Floor when Conference Committee Report No. 1 to Senate Bill 1246 had been voted on. Had

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

I been on the Floor, I would have voted Aye.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The record will so indicate. We have a matter of paperwork to go through. We will go to Supplemental No. 4. 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 the House of Representatives has refused to concur with the Senate in the adoption of -- an amendment to a bill of the following title, to wit:

House Bill 3696, together with Senate Amendment No.

1.

Non-concurred in by the House, May 24th, 1996.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 135.

Adopted by the House, May 24th, 1996.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Woodyard seek recognition?

SENATOR WOODYARD:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR WOODYARD:

Well, Senator Cullerton, night before last, welcomed my seatmate back, and I wish to do that again this evening. Bob Madigan and I have -- have been together as seatmates for over ten years, and I'm certainly glad to see him back here this evening.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

And I've missed his advice and counsel in the past couple of weeks, and I've cast some really bad votes, Bob. And so, I'm tickled to death to see you back, and -- and -- and I think all of our colleagues and your colleagues are glad to see you back and going again. Congratulations.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger, on House Bill 3696.

SENATOR RAUSCHENBERGER:

...President. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Oh! Just a second. Read the -- read the motion, Madam Secretary. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to move that we refuse to recede from Senate Amendment No. 1.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3696, and that a conference committee be appointed. All those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Executive Committee - Conference Committee Report No. 1 to Senate Bill 1037, Conference Committee Report No. 1 to House Bill 3380, House Joint Resolution 135, and a Motion to Concur with House Amendments 1 and 6 to Senate Bill 1516; and Be Approved for Consideration - House Joint Resolution 81.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

On Supplemental Calendar No. 1 is House Bill -- there's a Conference Committee Report on House Bill 3048. Do you wish that called, Senator Dillard? Read the -- read the Conference Committee Report, Madam Secretary.

ACTING SECRETARY HAWKER:

...Conference Committee Report on House Bill 3048.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This Conference Report contains five items. The first regards frivolous lawsuits which are drafted by inmates and takes away good time should they be found frivolous by a -- a court of law first, following a hearing by the Prisoner Review Board. There's also language in here regarding escape and aiding escape of those people who are on probation. And there is language dealing with a Statute related to what's called SHOCAP, a multidisciplinary interagency program dealing with juvenile offenders, and permits SHOCAP to be implemented at the circuit level -- or subcircuit level in Cook County. But the major provision in this bill is something that a number of people - not myself - but a number of people - Senator Hawkinson, Representative Turner, and Representative Black - have worked on long and hard, along with our staff, and that's language permitting juveniles from the ages of twelve to seventeen to be held in adult jails separated by sight and sound for up to seven days with monitoring and training standards and after seven days with programmatic and training standards. The Juvenile Justice Authority, Probation Association and Illinois Sheriffs' Association are now supportive of this provision. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question -- sponsor says he will yield.

SENATOR PALMER:

Senator Dillard, I know you've worked long and hard on this and brought it back several times and worked with the Illinois Juvenile Justice, but I'm still concerned, and if you could just clarify, I'm still concerned about juveniles of such a young age incarcerated in adult prisons, and you say they will be separated by sight and sound, whatever. When we have such overcrowded prisons, how is this possible in practice?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Palmer, I think we have more of a overcrowding situation in Illinois, especially in downstate Illinois, with respect to juveniles than we do adults, although adults are a problem. But the overcrowding is even worse among juveniles, and I do want to point out to you, ma'am, that it is -- it is ages twelve and above. So while it's juveniles, you've still got to be twelve or above.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Just one last question: Are we looking to see more money to put together whatever facilities or accommodations have to be made to carry this out?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Palmer, there is going to be joint hearings between

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

the House and the Senate over the summer to really look at the issue of juvenile justice, and funding will be part, I am sure, of those hearings in what recommendations we would make to ourselves and to the Governor of Illinois. So we're going to look at the funding issue very carefully, from a number of perspectives, this summer.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Senator Dillard, I -- I have mixed emotions on this bill. The -- and I'm sure it's going to pass, so I'll be okay, because with regard to your frivolous lawsuit language, if we have to have language like that, your language is much better and tighter than the language in the conference committee which we just passed that Senator Petka was the sponsor. And I would hope that the Governor would do whatever it takes to make sure that your language becomes the law, as opposed to the language that we just passed in Senator Petka's. Now, with regard to the other provisions, with regard to juveniles in -- in the county, I personally think that if there was no change in the federal law and we were to pass this law, which goes into effect, I understand, January 1st, 1997, if there was no change in the federal law, that we -- we could potentially lose some federal dollars, even though, admittedly, the groups have signed off. And it seems to me that it would have been better for us to have waited for the Veto Session, seen what the changes in the federal law were, and then gone ahead and made -- made our change. Instead, what we might have to do is we might have to come back in the Veto Session and undo this, even though it hasn't gone into effect yet. So it's -- I just -- I mentioned this in committee. I'd just like to state it again on the -- on the record. I'm -- I'm going to vote Present, and I am sure that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

the bill will pass, but I just think it's -- it's worth noting.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard, do you wish to close?

SENATOR DILLARD:

Very briefly, Mr. President. I do want to assure the Members of this Body that we have studied the potential loss-of-federal-funds issue very carefully and believe, along with the experts - the Juvenile Justice Authority - that there'll be no loss of federal funds here. This addresses a problem, a very real problem, of where we house these juveniles. We can't turn them back out on the streets. This saves substantial dollars of sheriffs, especially in downstate Illinois, of having to transport juveniles two and three hours away from their counties. It's not a perfect world, and this is the best we can do at this hour. This is long needed, and we're going to work on this problem even further and refine it over the summer. And I would urge an Aye vote. This is very important.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the First Conference Committee Report on House Bill 3048. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, none voting Nay, 4 voting Present. The -- the Senate does adopt Conference Report on 3048, and the bill, having received the required constitutional majority, is declared passed. On Supplemental Calendar No. 3 is House Joint Resolution No. 81. Senator Dillard, do you wish that called? Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

House Joint Resolution 81.

There are no committee or Floor amendments reported.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Moving right along with the crises potential in the State of Illinois, this resolution is to be sent to Secretary of the Energy O'Leary, and states that in the process of having the federal government look where they are going to store nuclear waste, that we do not want nuclear waste from out of the State of Illinois stored at Argonne National Laboratory near Lemont. Primarily, it's not a NIMBY syndrome as much as it is two things: There is a -- a floodplain that is a potential problem at Argonne, and Argonne has seven million people within forty-five minutes of it. And we want to make sure that those bureaucrats in Washington understand seven million people live within a few minutes of this, and it has potentially hydrogeologic problems. And I would urge its passage.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Senator Dillard, has the federal government been looking at Argonne or any other place in Illinois to store high-level nuclear waste?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Welch, you know, we had a hearing just recently in -- at Argonne that had about twelve hundred individuals in one day,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

and there were representatives of the Clinton administration out looking to store nuclear waste in southwest suburban Chicago, and we just want to tell the Clinton administration that they ought to look to store this waste somewhere where there aren't hydrogeologic problems and seven million people in our backyard.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, then, why don't you change the resolution to say it shouldn't be anywhere in the State of Illinois? Why are we selecting your community as to be the place to be avoided? If you're so afraid of the Clinton administration landing this turkey in Illinois, I think the amendment should read, we don't want it to be placed anywhere in this State.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is that a question, Senator Welch?

SENATOR WELCH:

Yes, it is.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Well, Senator Welch, I'd be happy to -- to tell the Clinton administration to keep their nuclear waste elsewhere, but this is a potential pending problem, where members of the administration in Washington have been out looking at this particular fifty-year-old national laboratory, and we've had hearings. And all I'm trying to do is address a problem near Senator Raica's, Senator Petka's, Senator O'Malley, our southwest -- either side of -- southwest suburban area. And I'd be happy to work with you on a resolution telling them to keep nuclear waste out of other places in Illinois, but this is just a particular problem, very potential and very real, for my area.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Yes. I'd just like to clarify the record. This high-level nuclear waste problem just did not crop up during the Clinton administration. It isn't the Clinton administration problem. In fact, President Bush, during his administration, had the opportunity to land this in Nevada, and because of election politics, he promised he wouldn't send it there. So now he dumped this problem on the President's shoulders, and I haven't heard anybody say, at all, that they're going to try to put high-level nuclear waste here in Illinois. In fact, the State of Nevada has been passing resolutions saying that they don't want it there, and that's where I think it should go. So this seems to me to be just, you know, let's make a lot of noise so that we won't have Bengal tigers roaming free in Illinois. Well, we've made a lot of noise and when it doesn't land there, we can claim victory. This is kind of the same theory. If we -- if we pass this and it doesn't happen, I guess we can say, "Well, we told them." But, actually, we probably should have done this during the Bush administration, when they had the opportunity to land this in Nevada, where it should be.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is not my district, but it adjoins my district and it happens to be my brother-in-law, Congressman Fawell's district. What Senator Dillard said is exactly true. They have, indeed, started looking at Argonne to do some -- dump some of this stuff there. We don't want it in the State of Illinois, but we -- this is a -- a problem that is looming in front of the citizens in that -- this section of the State right

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

now. I think this is a good resolution. It would back up our congressional delegation, who are trying their very best to make sure that this does not happen, and it's a bipartisan congressional delegation that is trying to stop this. They need our support. We ought to all be on board.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard, to close.

SENATOR DILLARD:

Please let the board glow with nuclear green lights. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard moves the adoption of House Joint Resolution 81. Those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted. We'll now return to the regular Calendar, and on page 6, under Conference Committee Reports, is Senate Bill 1490. Do you wish that called, Senator Dillard -- Senator Lauzen? Read the conference committee report, Madam Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1490.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. This legislation has two parts in Conference Committee. As debated earlier this week, Senate Bill 1490 codifies the Illinois Supreme Court decision of Krasinski versus United Parcel Service regarding legal protection provided to employers in providing references for employment. As I mentioned in debate then, and for purposes of this Conference Report I would repeat, that this language does not go beyond what the current law does in protecting employers in providing references. An employee's rights or ability to sue and have an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

employer held liable for their comments relating to a job reference are in no way diminished. The second part of the bill also contains provisions that for the -- for nearly a year beneficiaries of the Workers' Compensation Rate Adjustment Fund have severely suffered due to the inability of the Fund to pay its obligations. Dependents of those killed on the job, and working men and women who have been totally disabled, have not been receiving their benefits due to a lack of funding. Those benefits are only paid through April of '95 - that's thirteen months ago - and 3.8 million dollars is owed. By increasing the premium or assessment on workers' compensation insurers and self-insured employers - which is different from what I've heard circulating, that this is to be paid by small business; it's paid by insurers and self-insured employers - from one-half of a percent to three-quarters of one percent, and allowing the Fund to borrow in the short term from GRF to cover interim shortfalls until the -- the increased assessments replenish the Fund. The Industrial Commission estimates -- estimates that we will pay back the General Revenue Fund within nine to eighteen months and then provide a funding solution for beneficiaries of the Rate Adjustment Fund until the year 2006. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR GARCIA:

Thank you. Senator Lauzen, did the Rate Adjustment Fund portion of the Conference Committee have anything to do with the difference between the two houses on Senate -- on Senate Bill

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

1490? Because, as you'll recall, Senate Bill 1490 failed in the Senate because there -- had been amended in the House. If not, why is the provision in the Rate Adjustment Fund included in this Report?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. I believe that the House had a different view of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

I think that's rather obvious, but my question is: How were these two bills commingled in this Conference Committee Report? Did the Rules Committee rule that an emergency existed? Because I'm not sure that one bill was germane to the other.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Senator Garcia, I think that both of these issues deal with employment issues and so are obviously connected to each other.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

I guess if you put it that way, you can really stretch a definition or the concept, but that's neither here nor there. I do want to point out that in case an emergency is perceived to exist, you know, we've been floundering here for three years and not addressed the issue of the Rate Adjustment Fund, and I'm glad to see that we're doing so today. I have one more question for you, and then I will address the bill. What is the annual cost? Could you repeat that again? I think you may have stated it in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

your description of the Conference Committee Report. What is the annual cost to employers affected by this bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I believe that the amount that's being authorized for the borrowing goes to seven million, which is an increase of about three point -- maybe 3.6... The increase is from 2.5 to seven million, and that's paid by workers' compensation insurers and self-insured employers, not, as I've heard reported about, by small business.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

Well, to the bill: I just want to make a couple points. First of all, this bill gives us some good things, in that we're addressing the Rate Adjustment Fund that deals with workers' compensation and benefits to survivors, et cetera. And secondly, it gives us some bad aspects of the bill, and that is the Employment Record Disclosure Act. As you know, organized labor is opposed to the bill due to the lack of definition of what we have come to define as the truth - and I say that quote, unquote, "truth" - the determination of who a prospective employer is, and what really affects a person's job performance. The Act could allow an employer to traffic in rumors and gossip at the expense of the employee or former employee. The Management Association supports the Act because it will allow employers to provide "truthful", quote/unquote, information to prospective employee -- employers about employees or former employees without the threat of being sued by the employee. Prospective employers will want the truth to avoid hiring problem employees. Commonly known as the widows' and orphans' fund, the -- the Rate Adjustment Fund -

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

I've already addressed that. I simply want to say that organized labor is neutral on the bill; however, they would urge the Members to give a Present vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR JACOBS:

Senator, I'm going to ask you a question that probably isn't fair, but I think this is the fourth time I have addressed pretty much what Senator Garcia has addressed with the Rate Adjustment Fund, otherwise known as the widows' and orphans' fund. When are we ever going to quit borrowing to get employers out of their box? When are we going to take care of this Rate Adjustment Fund so people don't stand the possibility of losing their home, of losing a lot of things that they have because they're behind in their payments six, nine, twelve months? It varies as we go along. That's not fair to anybody in this State, and I think it's time that we take care of this permanently, and I know it's not a fair question to you, but I think that beings it's being addressed, I just had to make the statement again.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen, to close.

SENATOR LAUZEN:

Let -- let me answer my esteemed colleague's question in the closing. I believe that you have an opportunity tonight to put the funding mechanism in place that the Industrial Commission estimates will be good through the year 2006. But I'll only take a moment in closing that, well, of course, the widows' and orphans' fund is a -- a good thing about this bill, also the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

truthful references. You know, I've thought about it and the well-intended opponents in the past are seeking to protect some interest, and I've tried to figure out what that interest is. And the conclusion that I've come to is that I think that they're -- they've elevated the protection of -- protection from an evil, which is a previous employer telling a lie about an employee, and that is -- that's -- certainly to protect from an evil is a good, but they're elevating that protection over truth and personal accountability. The problem in the past in actual practice is that the price that they pay is silence, less accountability, and then not being able to have the free exchange of truth. So I -- I would just ask that you vote Yes on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill -- Senator Woodyard, your light went on after he started closing. Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1490. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. 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, none voting Nay, 20 voting Present, and the Senate does adopt the Conference Committee Report on Senate Bill 1490, and the bill, having received the required constitutional majority, is declared passed. ...now proceed to the Order of Resolutions on Consent Calendar. With the leave of the Body, all of those read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

ACTING SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

If not, the question is, shall the resolutions on the Consent

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Calendar be adopted. All those in favor, say Aye. Opposed, say Nay. The Ayes have it. The motion carries, and the resolutions are adopted. ...reason does Senator Raica seek recognition?

SENATOR RAICA:

Thank you, Mr. President. I've just been informed by the Secretary -- I'm sorry, by the Sergeant-at-Arms that there's a car with legislative plates in the drive with its windows open.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Would you like to tell us what the number of the plates are?

SENATOR RAICA:

Just has legislative plates. Whoever that might be.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz sitting in Senator Madigan's...

SENATOR DUDYCZ:

Somebody told me it was a van with the number "40" on the license plate.

PRESIDING OFFICER: (SENATOR DeANGELIS)

What reason does Senator Karpziel seek recognition?

SENATOR KARPIEL:

Thank you, Mr. President. For the purposes -- purpose of an announcement, and I best bet no one can guess what I want to announce. That's why we're having this huge storm out there; it goes along with the miracle. Actually, I am announcing an Executive Committee meeting in Room 400. Room change. 400 at 9:15.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I'd like to announce two things. At 9:15, or so, in Room 212, immediately following what I expect to be caucuses by both Parties, we're offering a bipartisan briefing on the budget with some handouts and information before

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

the Appropriation Committee will meet at 9:45 in Room 212. So 9:15 for a bipartisan briefing; 9:45 for the Senate Appropriation Committee to hear testimony on the budget.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

Well, thank you... Thank you, Mr. President. I would like to announce a Republican Caucus immediately following the Rules Committee, which is going to meet very shortly. So a caucus in -- in Pate Philip's Office very shortly.

PRESIDING OFFICER: (SENATOR DONAHUE)

...Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Appropriations - Subject matter hearing on Conference Committee Reports to House Bill 3696 and Senate Bill 1260; to the Committee on Executive - Conference Committee Report 1 to House Bill 431, subject matter on the Motion to Concur with House Amendments 1 and 3 to Senate Bill 1258; re-referred from the Executive Committee to the Rules Committee - House Joint Resolution 135; and Be Approved for Consideration - House Joint Resolution 135, Conference Committee Report 1 to Senate Bill 1260, and Conference Committee Report 1 to House Bill 3696.

PRESIDING OFFICER: (SENATOR DONAHUE)

There's a Republican Caucus immediately in Senator Pate Philip's Office, and the Senate will stand in recess until the call of the Chair.

(SENATE STANDS IN RECESS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

...will come to order. Senator Berman, for what purpose do you rise? Senator Berman, for what purpose do you seek recognition?

SENATOR BERMAN:

Thank you, Madam President. I would respectfully request a Democratic Caucus in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

That request is always in order. The Senate will stand in recess till the hour of eleven o'clock. Senator Jones, for what purpose do you rise?

SENATOR JONES:

Madam President, we just received this budget and in order to round the Members up so they can have adequate time to deal with a proper caucus, I know you had a caucus that lasted about forty-five minutes, we just request the same to do -- to go over the budget before we proceed.

PRESIDING OFFICER: (SENATOR DONAHUE)

That's quite all right, Senator Jones. We will recess till the hour of 11:15.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Karpziel, Chair of the Committee on Executive, reports House Bill 431, the First Conference Committee Report Be Approved for Consideration; House Bill 3380, First Conference Committee Report Be Approved for Consideration; Senate Bill 1037, First Conference Committee Report Be Approved for Consideration; and Senate Bill 1516, the Motion to Concur with House Amendments 1 and 6 Be Adopted.

Senator Weaver, Chair of the Committee on Rules, reports the following bills are, pursuant to Senate Rule 3-9(b), exempt from the automatic re-referral provision of that rule: Referred to the Agriculture and Conservation Committee - Senate Bill 1331; to the Committee on Environment and Energy - Senate Bill 638 and 1058 {sic}; and re-referred from Secretary's Desk to the Senate Rules Committee - Senate Joint Resolution 3.

PRESIDENT PHILIP:

Supplemental Calendar 5, Secretary's Desk, Resolutions. House Joint Resolution 135. Senator Watson, do you wish the resolution considered? Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 135, offered by Senator Watson. There were no committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, thank -- thank you, Mr. President. This resolution establishes a task force that's to submit to the General Assembly, no later than January 1st, 1997, a report containing specific recommendations regarding regional coordination of the air transportation in southwestern Illinois. There will be a task force appointed, composed of seven members. The task force shall hold public hearings in the area, formulate possible legislative proposals, and discuss the long-term air transportation planning

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

in the southwestern Illinois, one of the fastest growing areas in the State, and one in which we have a considerable number of airports. I would ask for your consideration.

PRESIDENT PHILIP:

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDENT PHILIP:

Indicates he will. Senator Clayborne.

SENATOR CLAYBORNE:

Clayborne.

PRESIDENT PHILIP:

Clayborne. I'm sorry.

SENATOR CLAYBORNE:

Clayborne. Senator Watson, are you familiar with the Southwestern Illinois Leadership Council?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, very much so. Outstanding regional organization that does a great job for us down there. Absolutely.

PRESIDENT PHILIP:

Senator, put your light on. Senator Clayborne.

SENATOR CLAYBORNE:

And, Senator Watson, this is a regional program -- I mean, regional organization that is made up of various business interests: industry, education, labor and government. Am I correct, Senator Watson?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, you are.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

And, Senator Watson, do you know what their position is as it relates to this resolution?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

I was told earlier in the day that I was going to be getting a letter from them, and -- and if I did, I didn't see it, but you obviously must have one there, and I do not...

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Watson, their position is, is that they're against this House joint resolution because of -- of various reasons, and those reasons being that this will take away local control and this is, I guess, the old -- what has tried to happen with the Chicago airports - metropolitan airports - where there will be other people from outside the area making a determination as it relates to what has basically been a local project, funded, basically, by the local taxpayers. Yet, in this instance, this task force is set up to bring people -- from outside the community, where this is locally funded. And we've brought -- we've brought legislation here to clarify different tax assessments and so forth for the local people, car dealers. We work together. However, on this task force, you want to appoint people that are outside the community, people that have no direct contact with the community and to make decisions for those people in the community who have determined that they want to finance and operate this Mid-America Airport locally and with the St. Clair County and Madison County transit districts. Senator Watson, what

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

is the real purpose for this -- this House joint resolution?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you. It's the -- to study the feasibility of creating a regional airport authority. It doesn't say anything about doing it. It's just studying it, and then getting back to us with their thoughts.

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

Senator -- Senator Watson, isn't it correct that we already have other airports in -- in -- in that region?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

That is correct.

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Watson, you being in this Body longer than I have and you knowing of these airports longer than I have, because of age, why haven't -- why haven't we developed or started a task force on other regional authorities? Why haven't you brought a bill forth to make sure that Parks College, Parks Airport, is a viable interest, because it's leaving, Senator Watson? Why are you waiting to -- to bring something against -- start a task force against Mid-America Airport when we have other airports in that region, when we have Parks College that is about to leave? Why haven't you issued a -- presented a task force, or presented some kind of recommendation to study that and to resolve that problem? Why haven't you come forth in this Body -- last year we passed

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

legislation to implement a program -- a suggestion as it relates to creating a hundred-and-ten-thousand-dollar study to determine how we can maintain Parks College and make that viable? Why haven't you brought something forward, and not to bring -- and just bringing this forward, Senator Watson?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, Senator Clayborne, I -- I -- I guess you haven't read the resolution, because that's exactly what we're doing here, is we're looking not at, necessarily, Mid-America. That's not necessarily what we're focusing on. We're -- we're focusing upon the air transportation needs of southwestern Illinois. And I understand your needs and concerns about Parks. I -- I have expressed the same desire. That could be very well a legislative proposal that comes from this task force. I think that this is something you should be supporting, because we are concerned about the air transportation needs of the southwestern Illinois, and that's what we're trying to do.

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

So you're telling me, Senator Watson, that this is not -- this was not created because of Mid-America Airport. Is that what you're telling me, Senator Watson?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

There's several regional authorities that handle airports in our area. The St. Clair County has the Mid-America Airport; the Madison County Transit District is now involved in the airport near Troy; and then the Bethalto -- City of Bethalto has an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

authority for the St. Louis Regional Airport. So all of those are encompassed in what we're doing. But I'd be less than candid, Senator, if I didn't think that a good portion of this is, of course, the development of Mid-America Airport, and the need for, as you said, local control, regional input. It just -- the -- that's basically what this is for.

PRESIDENT PHILIP:

Senator Clayborne, for the thirteenth time.

SENATOR CLAYBORNE:

Thank you. I -- I may need to go even further, Mr. President, to make sure that the Body understands this. But -- but, Senator Watson, as it relates to this resolution and Mid-America Airport, why isn't there people that have planned -- planned this airport -- St. Clair County, the -- the different administrators, government officials and so forth -- why aren't they a part of determining who will be on this task force, and not people that probably have never even been to Scott Air Force Base, where this airport will be stationed?

PRESIDENT PHILIP:

Senator Watson, I'm not sure that was a question or a statement, but be my guest.

SENATOR WATSON:

Well, the -- what you need to understand, I guess, is that the people that are appointed, the seven members, I -- my -- my interpretation, and my understanding, and my recommendation to my Leader is obviously going to appoint people from the area that do know the problems. I don't want someone coming in from outside of our area trying to tell us how we should run our airports. I think that's -- a decision that should be made locally, and -- and that's the input that I will have to my Leader, and I'm assuming that's the input that you and others would have to your Leader and hopefully the same from across the hall here. So it is a local

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

issue, and it is something that I think local people should be involved.

PRESIDENT PHILIP:

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, and just to close. Obviously, last year and -- and part of this year, we've dealt with this and we've dealt with this issue on a different -- I guess, further upstate dealing with Chicago, and I would say to my side of the aisle and the other Senators who -- who are planning on -- even on the other side of the aisle, who are planning on different projects, that they maintain control, they maintain guidance over who will determine the -- the fate of their projects. This is clearly another mechanism by which I think is very partisan, in that people will come into this county who have not been involved, who've not been in the decision-making process and will try to take control over how this airport is -- operates. And I do -- would request a roll call vote on this -- on this resolution.

PRESIDENT PHILIP:

That's always in order, Senator Clayborne. Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Senator Watson, I find this very amazing that all of a sudden we have Mid-America Airport. We've had the St. Louis Regional Airport for a number of years. It's a very successful enterprise, has been functioning very, very well under the administration that exists in that area. They've had the industrial parks come in. There -- there's just been a purely successful enterprise. All of a sudden we have an airport coming to an existence and all of a sudden we need a task force to examine, to understand, and to investigate Mid-America Airport. I find this very, very interesting, and I find it totally and completely unnecessary, because we do have the people, we do have

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

the expertise, we do have the capability in our area to continue with a Mid-America Airport and see it to its completion, and to a successful completion, as has happened with the St. Louis Airport. And I agree with -- with Senator Clayborne. I think that the energy and the interest and -- and the investigation of continuing Parks Airport should be one of the -- the issues that should be addressed, rather than going into successful enterprises and those that appear to be on the base of -- basis of -- of success. Thank you.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege. I...

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

My point is this: The hour is late, and even though we go past 12 o'clock, we still -- only need an ordinary majority to pass or defeat any bill or resolution. And since some of us have to fly home when we get through here, in all kinds of weather, I wonder if I could prevail upon my colleagues on both sides to cut the rhetoric short, vote up and down, whatever you want to do, and let's get moving.

PRESIDENT PHILIP:

Thank you, Senator Geo-Karis. Further discussion? If not, Senator Watson, to close.

SENATOR WATSON:

Okay. Thank you very much, Mr. President. I appreciate the debate and I'm sorry that we're having a problem - a partisan problem - with those of us who represent southwestern Illinois. That generally doesn't happen. We generally work for the good of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

the district as a whole, and I've appreciated that, and we've done quite well. And certainly one of those projects is the Mid-America Airport, and it's in my district. And I -- I appreciate St. Clair County and the -- their ability to -- to get it to the point that it is, but this has nothing to do with one particular airport. It's a regional concept, a local control issue. We're not trying to go after anybody. We just think that we ought to study this, and that's all it is, is asking for a study and maybe some recommendations for change. That's all, Mr. President. I would appreciate the support of at least thirty-three Members of the -- of the Senate.

PRESIDENT PHILIP:

Senator Watson moved the adoption of House Joint Resolution 135. All those in favor will vote Aye. All those opposed, vote Nay. The voting is open. Have you all taken a -- have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. There are 33 Ayes, 23 {sic} (22) Nays, 4 not voting. The resolution is adopted. House Bill -- Conference Committee Reports. Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Inadvertently I pushed the wrong button and I voted Yes when I should have -- absolutely wanted to vote No, and I would appreciate the record showing that.

PRESIDENT PHILIP:

Senator Bowles, I've done the same thing myself. The record will so indicate. All right. Conference Committee Reports. House Bill 431. Mr. Secretary, do you have the file on Conference Committee Report on House Bill 431?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 431.

PRESIDENT PHILIP:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Conference Committee Report No. 1 to House Bill 431 contains five provisions. Three of those provisions were in House Bill 431, as it was amended here in the Senate and left the Senate. And I'll explain those briefly and then I'll spend a little more detail on the -- on the remaining two. The first three are as follows: The first one makes a correction in the Property Tax Extension Limitation Law to address a problem that exists in the Village of Oak Lawn. Although dissolved TIFs count as new property if done after January 1, '94, an Oak Lawn TIF that was dissolved early to accommodate the needs of the local school district ended up with leaving the increment in limbo with no way to assess it as new property. The provisions in this Report that are relevant to that issue correct that problem. The second item allows taxing districts to abate property taxes - allows, does not mandate - allows property tax -- taxing districts to abate property taxes on parcels devoted entirely to senior occupancy with restrictions as to income levels. The aggregate amount for all taxing districts shall not exceed three million over a fifteen-year period. The third item applies only to Cook County and provides that the time limitation for a certificate of error should -- shall not apply to a certificate correcting an assessment to one dollar, under Section 10-35, on a parcel that a subdivision or planned development has acquired through adverse possession if, one, the parcel is used as common area and, two, the application is made prior to December 1, 1996. This is to address a specific problem in Lake Park Estates in Senator Fitzgerald's area and it's doubtful that this language would apply to any other situation. Again, this is to correct a -- a dilemma that the Lake Park Estates in Senator Fitzgerald's area faces. The other two provisions that are new to House Bill

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

431 are the following: The first one I'll share with you accelerates collection of home rule sales taxes. This language would help those municipalities that missed the October 1st deadline, but file on or before April 1st, by starting collection the following July 1st. For those municipalities currently waiting for collection to begin the Department shall begin collecting three months after the effective date of this Act. The second provision that is new to House Bill 431 creates a sales use tax exemption for food and beverages sold for human consumption by a not-for-profit 501(c)(3) educational institution in which the students of the institution produce, prepare, or are directly involved in the transfer of the food and beverage as part of the curriculum of that school. I'd be happy to answer any questions there are.

PRESIDENT PHILIP:

Further discussion? Senator Palmer.

SENATOR PALMER:

Mr. President, a question of the sponsor.

PRESIDENT PHILIP:

Indicates he'll yield. Senator Palmer.

SENATOR PALMER:

Senator O'Malley, a very simple question: Since this deals almost exclusively with revenue, why was it shifted to the Executive Committee when I think we heard this bill three times in Revenue?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator. That's -- that's a good question, and -- and one that you've asked before. Basically, we have a scheduling problem this evening, as we're trying to deal with adjournment.

PRESIDENT PHILIP:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Palmer.

SENATOR PALMER:

To this side of the aisle, I suggest that you look at your analysis on this bill, because -- has some -- a whole list of tax relief areas and tax abatement and so forth. I think it'd just be a good idea to read it carefully before you vote on it.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Will the sponsor yield for a short question?

PRESIDENT PHILIP:

Indicates he will. Senator Klemm.

SENATOR KLEMM:

Senator O'Malley, I -- I have some concerns with - and maybe you could clarify that - for the food and beverage exemptions that will be granted to a few colleges for off-the-street purchases, I guess, or people who come and use the cafeteria that are not students and not staff, that have a student working in the kitchen as part of the circular requirements of that educational institution, such as restaurant management, that all those sales would be exempt from sales tax. Is that correct?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Senator Klemm, that is correct.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

So the problem I would have then is that all universities that don't happen to have students working in the cafeteria, such as, say, the Rockford School of Engineering or something, could never allow their senior citizens who use their cafeteria or something

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

to get the credit or get the advantage of not having the sales tax abated for them, because they don't happen to have their student working there that would be part of the curriculum. Would that be correct?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Senator Klemm, this applies to not-for-profit educational institutions with 501(c)(3) status, in which this -- the -- this operation is related to the instruction associated with the school.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Well, that's exactly my point. The -- they say the Rockford School of Engineering does -- is a not-for-profit organization and a 501(c)(3). It's an institutional -- educational institution. It does not, however, have students in a food service program that works there. Let me give you an example. Joliet Community College has their students, as a part of their curriculum, work at the Renaissance Hotel. Under this bill, any food service that -- you and your family go to the Renaissance Hotel, would be exempt from paying sales tax because of this provision. Now, I have no problem with that, but I'd like to have it extended to my senior citizens and my taxpayers in my district for my community college that may not have those problems. I'd like to offer it for all of us, and I just think it needs to be either tightened up or rewritten someplace so that we either give it to those that have specifically for that purpose. Because as I read this and as I've had others ask this question, since I'm in the food service business, we read this as being an exemption for anybody who's in there, and even the deliveries. So if I have summer school as

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

credits, if you work at Burger King or anyplace else, those people get exempt from having to -- charge sales tax to their customers. I think it's a little bit open on that, and I'd like you to maybe see if you could answer it and clarify it.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President. I want to take -- pick up where Senator Klemm left off. I think that what -- according to our analysis, the institution that is going to get this special, very particular windfall exemption from sales tax sells its food to the general public. Now, that, to me, is exactly the point that generates the sales tax. In fact, I am advised that the Department of Revenue did an audit of the institution that is being favored by this bill and determined that sales tax is, in fact, owed. So now we're being asked to pass a bill to overrule an audit of the Department of Revenue, to give one institution that sells food to the general public an exemption from -- from sales tax for that -- for those food sales. I'm not going to vote Yes on this kind of a bill, because I'm going to read about it in the Evanston Review because every other institution in Evanston is going to scream that this institution that sells food to the general public doesn't have to collect sales tax and every other institution in Evanston has to. I'm voting No, and I'd like to see the person who's pushing for this stand up and defend it on this Floor, because they're going to have to do the same thing in the press.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

Well, thank you, Mr. President, Members of the Senate. And boy, it's -- it's 11:45 now, so I'm not going to ask the sponsor

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

any questions, but to follow up just an instant with Senator Klemm and Senator Berman. I think this goes far beyond this one institution in -- in the sales tax break, and I'll show you why. This -- this particular institution does not pay sales tax on the food that they bring into the culinary school. Now they want to not pay any sales tax on the food that -- that they actually sell in a restaurant open to the public. Well, if that's true, what about the McDonald's down at Eastern Illinois University or what about the Hardee's at one of the community college? I -- I think it really opens up a -- a can of worms. And to show you where I'm coming from - you talk about a bad penny - when this bill came over from the House, I was the sponsor of it. And we did not need this bill for some of the things, and -- and so we kept it alive in case there were some other Chapter 35 issues that needed to be addressed. And now it's back to us in a conference committee report with the same language in it that I think is -- is going to create a lot of problems in the future.

PRESIDENT PHILIP:

Further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Well, I appreciate the comments about the culinary school, but I will just say this: I can assure Senator Klemm - and I think his remarks were directed at seeing what could be done to tighten this up - this is legislation that I'm -- you know, I have not previously sponsored or been interested in. To Senator Berman, this doesn't apply to a single institution; it applies to, I -- I understand, approximately seven colleges that operate culinary schools, and those are the only ones to which the exemption applies. I am familiar with the Moraine Valley Community College, and the area where I serve has expressed some concern in this particular area. But I think the points that have been made are good points, and I'm sure that we can come back and -- and try and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

tighten up your concerns. I'm not sure I can address all of them, but certainly they should be addressed. So I'd appreciate your assistance in -- in a positive roll call.

PRESIDENT PHILIP:

The question is, shall the Senate adopt Conference Committee Report on House Bill 431. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 14 Ayes, 36 Nays, 1 voting Present, 8 not voting. The Conference Report is not adopted, and the Secretary shall so inform the House. Senate Bill 1037, and, with leave, Senator Peterson will handle the bill. Mr. Secretary, you have a file on Conference Committee Report on Senate Bill 1037?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on Senate Bill 1037.

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. Conference Committee No. 1 on Senate Bill 1037 has two items in it. One, it deals with retired plumbers regarding the license and classification of a retired -- for a retired license. As a retired licensed plumber, they would be prohibited from practicing plumbing or supervising apprentices. This was suggested by the Plumbers' Union. I believe we've passed this out on other legislation previously. The other part of the Conference Committee Report deals with the Illinois Business Brokers Act to exempt Realtors from having to become licensed and regulated under this Act when they conduct business broker transactions on an incidental basis. I'd be more than happy to answer any questions regarding the Report.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

PRESIDENT PHILIP:

Further discussion? If not, Senator Peterson, to close.

SENATOR PETERSON:

Ask for a favorable roll call.

PRESIDENT PHILIP:

The question is, shall the Senate adopt Conference Committee Report on Senate Bill 1037. All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 58 Ayes, no Nays, no Present, 1 not voting. The Senate does adopt Conference Committee Report on Senate Bill 1037, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Supplemental Calendar No. 6 has been distributed. It is on the Members' desks. If you turn your attention to Supplemental Calendar No. 6, page 2, to the Order of Secretary's Desk, Concurrence on Senate Bills. Mr. Secretary, on Senate Bill 1258, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 1258.

The motion by Senator Parker.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman and Members of the -- the Senate. Senate Bill 1258 was changed. The mental health checkoffs are not on there any longer. There are two amendments. The first one makes a technical change in the Illinois Income Tax Act. The second one exempts a refueling barge from the three-tenths-cent-per-gallon gas tax, and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

sixty-dollars-per-tank-load environmental impact fee that are the funding sources for the Leaking Underground Storage Tank Program. This exemption was requested by Economy Boat Store of Wood River. They sell diesel fuel to vessels that are afloat on the Mississippi River. The refueling barge is used to transfer fuel to tugboats while they are moving down the river. This company does not have any underground storage tanks and is not contributing to the underground storage tank problem in Illinois. They do pay the Coast Guard a hundred and twenty-five thousand a year, if there is any environmental concerns. Midway and O'Hare Airports and railroads are already exempted from these charges. I would answer any questions, and ask a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I, too, would like to ask for a favorable vote on this. It's a unique situation and I think that Senator Parker has presented the situation very, very well. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 1258. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 5 Nays, and none voting Present. And the Senate does concur in House Amendments No. 1 and 3 to Senate Bill 1258, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1516. Senator O'Malley. Out of the record. On the Order of Conference Committee Reports, Senate Bill 1260. Senator Rauschenberger. Mr. Secretary, do you have a file on Conference Committee Report No. 1 to Senate Bill 1260?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

SECRETARY HARRY:

...Conference Committee Report on Senate Bill 1260.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Conference Committee Report on Senate Bill 1260 represents the budget for the State of Illinois. The bill before you is ninety-nine and one-quarter percent precisely the same as the introduced level that the Governor gave us three months ago, and that you've had ample time to review. The changes to this budget represent about two hundred and forty-eight million dollars or three-quarters of one percent. We've briefed people in -- in hearings on it and in committee, and we've had numerous questions. I'd be happy to discuss them, but let me tell you just a little bit about the spending priorities of this budget. This budget is a budget I think we can all go home and be proud of. It's a budget that's good for the State of Illinois. Back in -- FY 1993, when I first came to Springfield, the payment cycle of the State of Illinois was about a hundred and forty days for Medicaid providers. Today, as we leave Springfield, it's -- it's about thirty-five days. When I was first elected and came -- took my seat in Springfield, our commitment to the children of the State of Illinois was seven hundred and two million dollars in the Department of Children and Family Services. Today, as we leave Springfield, this budget commits more than 1.3 billion dollars to the children in need in the State of Illinois. In the Department of Mental Health in -- FY 1993, the State of Illinois committed eight hundred and seventy-two million to the Department of Mental Health and Developmental Disabilities. This budget where we're leaving this -- Springfield, we have committed one billion four hundred and forty-eight million dollars to the people of Illinois

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

who need our help. In FY 1993, our commitment to the State Police was a hundred and twenty-three million. Today, as we leave Springfield, we're -- we've committed to safety and -- and the progress in that Department a hundred and seventy-four million dollars. At the same time, this budget deals with the payment cycle and the -- the bills of the State of Illinois prudently and fiscally sound. We've made progress on the billing cycle. The -- the debt of the State of Illinois has been reduced. As we leave Springfield today, we're two billion dollars less in debt from a bonded indebtedness. We've made commitments to the schoolchildren of the State of Illinois. This budget includes the largest single increase in funding for primary and secondary education in any budget year without a general tax increase. We've made commitments to schools. We've made commitments to safety. I'd be happy to try to answer questions on this budget. And I appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any -- any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First, I do want to congratulate Senator Rauschenberger on an excellent job in the budget briefing. That was the first time we got a chance to see anything. That was the first time we got a chance to do anything. In fact, to start with, even when they asked us to sign the Conference Committee Report, they didn't bother to show us a conference committee report. All that was shown to us was the signature page, and even that was an improvement from what we've been able to see all year. That's the first time we saw anything, and it was just blank lines, for us to sign our name. So we appreciated the fact that you were willing to take us through a little bit of it, unlike prior years, by the way, whether it was Republican- or Democratic-controlled, where

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Senator Maitland, prior to Senator Rauschenberger being there, other Senators who had served in that capacity - House Members likewise - everyone was able to sit around and discuss the budget up in Senator Maitland's now office for weeks on end. And, in fact, many of you remember, each side, in addition to having these twenty people around the table, each side designated what became called the "budgeteer" to meet in 205, the Governor's Office, to work through the harder problems so that at least everyone knew what was going on while it was going on. And everyone had a chance to understand the budget. I guess last year, which I thought was bad, was by comparison very good. Last year you gave our staff about six, eight, ten hours to review the budget so that they could at least advise us, since we had not been invited to attend any meetings. And we weren't sure that that was really enough time for a thirty-plus-billion-dollar budget. This year, prior to Senator Rauschenberger's briefing, we had about fifty-eight minutes to go through thirty-three billion dollars. So it makes it a little difficult for us to go into any detail. What we did ask, though, from looking at that which he presented to the press and the public -- you talked, for example, about seventy million dollars in cuts. Yet we asked, "Is there a list of where these cuts came from?" These were cuts from the budget presented by the Governor. There has to be a list, 'cause somebody sat around the table and said, "Let's cut this car. Let's cut this job. Let's cut this typewriter." The budget was presented. Someone had to make up a list of cuts, but we're told, at least in any one form, there are no such lists available. Our staff in the, maybe, two hours now that we've had to look over it has found some interesting ones, some of which, I must admit, were identified in the summary that Senator Rauschenberger gave us. They included, for example, a cut of 7.3 million dollars for the Chicago School Teachers' Pension Fund. Now, some may say that's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

discretionary, but that's all they get. Downstate Teachers' Pension Fund is funded. About eighteen percent of the money spent on teachers' pension funds are spent for Chicago teachers. Chicago's done pretty well. It's actually done a lot better than the other systems, apparently, in investing its money. But now the taxpayers of Chicago will have to pay another 7.3 million dollars to fund the Pension Fund. They reduced drug abuse and violence prevention funding by thirty-three percent. I haven't seen a decline in drug abuse in the communities I represent - not only not by thirty-three percent, but, in fact, it's been an increase. Violence, Mr. President, with all due respect to a member of the police force - I wasn't even asking for order; I don't care if they listen - but to a member of the police force, has -- I won't ask a question of the Chair, but has violence gone down? I think the answer from our constituents is no. But we can cut those funds, they say. They eliminated the violence prevention initiative. Now, maybe they're minor items. Violence prevention is not a minor item to the people on the streets of my district, and I don't think there -- it's a -- a reduction in the -- to the -- in the minds of the people on the streets everywhere else. We can talk about some of the other cuts that happen throughout the budget process. There have been cuts of eighteen new guards at Stateville, the Metropolitan Children and Adolescent Center in Chicago, maintenance of vital record systems at Public Health, seven juvenile correctional agents in Sangamon County, Jacksonville Developmental Center. Things within our prisons - my God. Even if you're saying the prisons aren't opening as fast as they expected, there is no lack of need for guards or, more importantly, for supervision in the prison system. We said, take down the curtains. We saw the Speck tapes, but we're not willing to put our money where our mouth is. And where is the money coming from? A goodly portion is coming from Cook County

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Hospital. Say what you want about what County is getting, but how dare you look a gift horse in the mouth. The Governor said to the President of the United States, "We are not spending enough money to take care of poor people in the County of Cook." And the President said, "Governor, you're right." And they said, "Here is some extra funding, for that purpose." And Cook County will put in the bills and some four hundred and fifty-three million dollars will be flowing up and back that the Governor told the President was for Medicaid care, for care for poor people, because they need to go to Cook County Hospital, and if not, they're diverted to other institutions, and if the other institutions don't handle them, they go back to Cook County Hospital. How much of that money is not being spent on costs for poor people, for people on Medicaid? The vast majority of the gift to the State that the Governor said to the President of the United States would be used for medical care is not. It's being used for pork barrel projects, General Revenue funded pork barrel projects that is probably to the tune of at least forty-five million dollars, and if you add the rest of the pork, it seems to go over a hundred million dollars just from what we could identify. And we asked for a list, and didn't get it. What else did we not fund that could have been there? Last year you took out optional medical services - a gross figure of about thirty-seven million dollars, net about eighteen, nineteen million dollars: dental, optometric, podiatric, chiropractic. What did you put in? Two hundred thousand dollars for emergency dental. That need is there. The Governor told the President the need is there. Where's the Governor and the Republican Party when it comes time to take the money that was given to it, and spend it on that need - not two hundred thousand dollars, but about eighteen, nineteen million dollars? On and on and on. And you talk about when you came here, Senator Rauschenberger, and when you are still here. The

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

112th Legislative Day

May 24, 1996

Governor said, "My God, we have a crisis; we're not paying our bills." The bond houses in New York said, "Your rating is going down; your interest is going up; your taxes are going to have to go up to pay this interest, because you're not paying your bills." Are we doing a better job? Sure. But have we lied to the people again? Yes. Because instead of paying the bills as the Governor said and being down to the twenty-two-day level that the money is there for - and for every dollar we use to pay a bill, we get fifty cents back from the federal government - instead of bringing it down, this budget takes it backwards.

(MIDNIGHT)

MAY 24, 1996

HB-0022 CONFERENCE	PAGE	5
HB-0431 CONFERENCE	PAGE	124
HB-0548 CONFERENCE	PAGE	16
HB-1249 CONFERENCE	PAGE	85
HB-2596 RECALLED	PAGE	25
HB-2596 THIRD READING	PAGE	73
HB-2695 CONFERENCE	PAGE	19
HB-3048 CONFERENCE	PAGE	100
HB-3380 REFUSE TO RECEDE	PAGE	78
HB-3696 REFUSE TO RECEDE	PAGE	99
SB-1037 CONFERENCE	PAGE	131
SB-1246 CONFERENCE	PAGE	79
SB-1246 OTHER	PAGE	97
SB-1258 CONCURRENCE	PAGE	132
SB-1260 CONFERENCE	PAGE	133
SB-1278 CONCURRENCE	PAGE	4
SB-1414 CONFERENCE	PAGE	83
SB-1490 CONFERENCE	PAGE	107
SB-1544 CONFERENCE	PAGE	21
SB-1664 CONFERENCE	PAGE	23
HJR-0079 ADOPTED	PAGE	75
HJR-0081 ADOPTED	PAGE	103
HJR-0133 ADOPTED	PAGE	76
HJR-0135 ADOPTED	PAGE	116
HJR-0135 RESOLUTION OFFERED	PAGE	98

SUBJECT MATTER

SENATE TO ORDER-SENATOR DONAHUE	PAGE	1
PRAYER-SENATOR RAICA	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNAL-APPROVED	PAGE	1
JOURNALS-POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	2
COMMITTEE REPORTS	PAGE	2
SENATE STANDS IN RECESS	PAGE	3
SENATE RECONVENES	PAGE	3
COMMITTEE REPORTS	PAGE	3
SENATE STANDS IN RECESS	PAGE	62
SENATE RECONVENES	PAGE	62
MESSAGES FROM THE HOUSE	PAGE	77
COMMITTEE REPORTS	PAGE	78
SENATE STANDS AT EASE	PAGE	78
SENATE RECONVENES	PAGE	78
SENATE STANDS IN RECESS	PAGE	79
SENATE RECONVENES	PAGE	79
COMMITTEE REPORTS	PAGE	80
MESSAGES FROM THE HOUSE	PAGE	98
COMMITTEE REPORTS	PAGE	99
RESOLUTIONS CONSENT CALENDAR-ADOPTED	PAGE	112
COMMITTEE REPORTS	PAGE	114
SENATE STANDS IN RECESS	PAGE	114
SENATE RECONVENES	PAGE	115
SENATE STANDS IN RECESS	PAGE	115
SENATE RECONVENES	PAGE	115
COMMITTEE REPORTS	PAGE	116
MIDNIGHT	PAGE	139