

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

113th Legislative Day

May 25, 1996

(MIDNIGHT)

SENATOR CARROLL:

We would be at twenty-two days, twenty-four days, according to the Governor, this year, Fiscal '96, using the money from the intergovernmental transfer, using the lesser utilization of Medicaid funds. Instead, you're going fifteen days above that, back to thirty-seven days, a reversal of trend, flying in the face of the warnings of the bond houses, flying in the face of the commitment to the President, flying in the face of the commitment to the people. A hundred and ninety-five million dollars of federal dollars available to us, instead of taking our taxpayer dollars that are not going to be paid now. So, basically, what you're saying is, you don't care what the pension costs are, you don't care what bond costs are. You're going on and on in a reversal of trend, to destroy the credit of Illinois, to pay for projects for certain select Members. What do you find important? Instead of increasing general State aid -- first time - first time - that at the end of Session, when more money was found for education, nothing went into general State aid. Instead of that, we have identified a grouping of projects, and I won't read the long list: an increase in the Union County grandstand, General Revenue funds; a Kendall County Fair Association, General Revenue funds; Village of Oak Lawn police training center - not bad - General Revenue funds, a half a million dollars; Southwest Dispatch in Palos Hills, five hundred thousand dollars, General Revenue funds. Just a short piece of these: a million dollars for design and demonstration of a Benetech Sodium Enhancement (sic) (Enhanced) Sorbent Injection Process. I can't even say that twice. That's -- that's more important than medical services. That's more important than keeping prison guards on. You took money out

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of State Police. You took money out of State Police. You took money out of all these other programs in order to provide half a million dollars for the Central Area Agency for a building addition. Not for Meals on Wheels that has a three-million-dollar waiting list, but you spent a half a million dollars for a building addition. Wouldn't it be better to feed the seniors than build another building for the bureaucrats? I can honestly go on, and on, and on, with this list and I know you don't want me to, and I, honestly, am too disgusted to do so. Let me just say that while this was an interesting effort in self-aggrandizement for election purposes, people will notice the difference. People will notice the priorities you have chosen and the priorities you have not. You can say you're spending more. More than what? Not more than the Governor allocated, and not more than was available, and not more than we had suggested, had we been allowed to be there, could actually be spent. And, yes, time was spent on this. I would presume that hours and hours and weeks and weeks were spent on it. Why, since 2:30 in the morning on Thursday, over fifty-two conference committees have been created, called and passed into law. And while you're underfunding teachers' pensions, any one of those conference committees since 2:30 in the morning, Thursday, could have been called for the pension bills for State employees and teachers statewide. There was plenty of time to do it. It wasn't done. Instead, the time was spent identifying projects in and around Springfield for its Senator, in and around other Republican districts for those Senators. Instead of spending the money that's available - we're not talking tax increases; we're not talking funny money; we're talking real money available for medical needs, for health care needs, for education needs, for crime and safety needs - instead of that, you cut the Departments, the treatment programs and everything else to fund this pork, and I think that's ridiculous.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

...morning, Ladies and Gentlemen. It is now Saturday, May 25th, 1996. Is there any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Dudycz, I have a parliamentary inquiry, if I might. It's my understanding, in looking at the Rules of the Senate, that we cannot consider conference committee report, particularly this one, because Senate Rule 84-b {sic} (8-4(b)) states that no conference committee report may be considered by the Senate unless it shall first be reproduced and distributed on the Members' desks for one full Session day. The Conference Committee Report that's before us has only been on our desks since, oh, a couple hours, I suspect, and therefore, it seems to me that, under our rules, we cannot take any action. Therefore, I would ask the Chair to rule as to whether or not we, in fact, can be considering this Conference Committee Report under our rules.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard, what purpose do you rise?

SENATOR DILLARD:

Thank you, Mr. President. Just to -- to -- I guess, to help you with your ruling. Kind of anticipating what Senator Demuzio, the old fox - and I mean that in a nice way - on the other side of the aisle, has pointed out here. I've been around here a long time and worked in this budget process probably longer than I'd like to admit as a young man, but it's always been the custom and tradition of the State Senate that -- to get us out of here, to get us home on time, and more importantly, I think, to save the taxpayers' money, not only -- not necessarily in the cost of printing such a lengthy document - you can see it on Mr. Harry's desk there - but also to save the per diem that might require us to go through the - for lack of a better word, I guess - charade of adjourning. And I would point out that it is now a new day.

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It's 12:15 a.m., and physically we have changed Calendar dates. So I think, Mr. President, that both the custom and tradition, our willingness to want to save the taxpayers another per diem, as well as what Senator Rauschenberger pointed out, and that's that ninety-nine percent of the budget document has already been seen since the month of March when Jim Edgar introduced it, as the Governor of the State of Illinois, we're arguing over less than one percent of the State's appropriation - and I think we have followed all of the appropriate Senate Rules, and the custom and tradition of the State Senate has been met here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, let me just suggest that you have readily made the point that it is now a new day, and that, in fact, every Member in here is entitled to a -- a different per diem. It seems to me that we would do ourselves well to honor both our rules, as well as affording us the opportunity to really look at this budget. And therefore, Mr. Person -- Mr. Chairperson, I would ask for a ruling from the Chair on my -- on my inquiry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...further discussion? Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

We'll get back to you, Senator Demuzio. We'll get back to you. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. It's nice to hear that Senator Rauschenberger is proud of the fact that we've increased funding for Department of Children and Family Services. It's unfortunate that it took a judge's order to get us to do that. But here we

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are with a budget that's been crafted. It's very appropriate that we're voting on it after midnight, after the -- it becomes very dark at night, because that's the way this budget was crafted, and that's what most of us have been kept in, is kept in the dark. If you look at the Republican budget against what we Democrats proposed, and proposed in the open months ago, you can see the differences that could have happened had we been let into the process. We proposed four hundred and forty-two new -- million dollars in new funds for elementary and secondary education. And my friends, we were topped by Speaker Daniels, who came to our elementary and secondary Education Committee and promised five hundred million dollars. He just had to figure out how he was going to distribute five hundred million dollars. And today, after midnight, what do we see? Not the five hundred million. Not even the four hundred and forty-two million we Democrats proposed, but two hundred and eighty-eight million dollars. That's all. Little bit more than the Governor proposed and not much more. In spite of all the rhetoric and all the press releases from the House of Representatives and Republicans, just a little bit more. The next thing we proposed: We proposed five hundred million dollars for school construction bonds for capital construction needs for our schools. This was really radical. It was so radical, Governor Edgar agreed with us. But what did the Republicans come up with? Nothing for school construction bonds for our schools. We proposed middle-class property tax relief. Did we get that? No, but we did get a lot of pork barrel projects in this budget. And coincidentally enough, they just happen to be in those districts where House Republicans and -- and Senate Republicans are targeted districts. It's pretty obvious what we have here. When you have government in the dark, you have poor government. That's what we've got with this budget. It's a bad deal and we should all be voting No, and ask that everybody be

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allowed to contribute their opinions as to how the money of the State of Illinois should be spent. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. And Senator -- Mr. President, I wish you would get back to my colleague on that ruling, because it's very interesting as to how you have avoided that ruling thus far. But the issues that have been laid out by our spokesperson on -- as relate to the budget and what has been in and what has been out is quite evident. I listened to Senator Dillard talk about custom and tradition of the Illinois Senate. Well, if you follow custom and tradition, then you would have provided this side of the aisle a budget whereby they would have had ample time to analyze and see what's in the budget. But it's crystal clear as to why you hid the budget. You want -- you wanted us and the public to know that you didn't want us to know that you had all this pork in there to take care of pet projects in your districts. At the same time, you wanted to cheat the children of the State of Illinois. Sure, we, on this side of the aisle, estimated easily that we could have come up with at least four hundred and forty-two million dollars in new dollars for education. But you chose to -- to put pork over pupils. That's what you've done. You chose to put pork for your pet projects in your districts at -- at the expense of not putting enough dollars into education. Why put only two hundred and eighty-eight million dollars when you could have put four hundred and fifty, or your colleague on the other side of the aisle {sic} wanted to even top that even better? You talk about property tax relief. You talk about doing something permanent for Illinois. You even defied your own Governor. He wanted to try to equalize education across Illinois, but you did not want to even debate the

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issue in this Body. Custom and tradition, it's the custom and tradition of that side of the aisle to do things behind closed doors, to pretend you want to do something. Because if we and the public had time to scrutinize this budget, you would be so ashamed that most of you on that side of the aisle wouldn't even vote for it. It's a sad day in Illinois. A sad day when you decide at a very late hour - very late hour - to come up with a thirty-three-billion-dollar budget, where most of you don't even know what's in it yourselves, just a few persons, maybe the Senate President, maybe the Chairman of Appropriations. And you were huddled into a back room and given this document. But if you are really sincere about openness in government and following the tradition of inclusion, following the tradition of fairness, then you would have not -- you would have said, "We do not want to put the pork over the children of Illinois." I urge the Members on this side of the aisle to vote Present or No on this budget, because we don't know what's in it, you don't know what's in it, and in fairness to the people of the State of Illinois, we shall not vote in the blind and vote for something that's not in the best interests of the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio. The Chair rules that the Conference Committee Report on Senate Bill 1260 has met the appropriate constitutional requirements, and is, therefore, properly before this Body. Any further discussion? If not, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Just -- just a couple of quick responses. I -- I certainly appreciate the -- the exciting discussion...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Rauschenberger. Senator Jones,

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what purpose do you rise?

SENATOR JONES:

Mr. President, we were talking about the rules, not the Constitution. So perhaps you can tell the Body where in the Constitution does it talk about the Conference Committee Report being allowed this. Just refer to it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones. Senate -- the Conference Committee Report on Senate Bill 1260 is properly before this Body. Senator Rauschenberger, to close. Senator Jones.

SENATOR JONES:

You said before the public that had -- it met the constitutional requirements. Could you quote for the Body in what Section of the Constitution did it meet? That's all. Just give us a quote, 'cause I never saw it in the Constitution.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones, do you wish to question the ruling -- challenge the ruling of the Chair? Senator Jones.

SENATOR JONES:

I know you have the votes on your side of the aisle, but I just want to check and see how intelligent they are going to vote. I do appeal the ruling of the Chair, because I want to know whether we are voting on the Constitution, or the rules of this Body. And there is nothing in the Constitution, to the best of my knowledge, as relate to conference committee reports. So, therefore, I respectfully, Mr. President, I -- I appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. The question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the ruling will vote Aye. All opposed to sustaining the ruling will vote Nay. And the voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 24. Having failed to receive the necessary three-fifths negative votes, the appeal fails and the ruling of the Chair is sustained. Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Again, let me say that I appreciated some of the illuminating debate that we've had tonight, and some of the points you've raised. Senator Carroll, you spoke about considering the budget for weeks on end. You're right and those weeks used to drag into July sometimes. While the school districts of the State of Illinois struggled to figure out what the budget was going to be, you sat up in your room and you -- you dragged it into July and -- and massaged this document. We didn't do that this year. The politics of the '80s, when you presided, maybe was add, add, add to the budget, and that gave us a Medicaid cycle that sometimes was three and four months' past due bills. The Medicaid debt at times stretched to 1.5 billion dollars. The spending priorities of this budget are listed in the bill. The Chicago Pension is currently funded at eighty-one percent. To make a decision to keep level funding for that pension contribution is still more than we're required to do by Statute. The new money that goes to Chicago schools is discretionary to that Board of Education. They can make those spending priority decisions. The violence prevention program that you were concerned about was a transportation initiative. I certainly hope that the politics of this Senate and the politics of this budget aren't what the State Board of Education calls a program, but what programs really do. To the Corrections questions that you raised: there are no reductions in head count in the Department of Corrections. The eighteen staff members that you were concerned were being laid off were to be -- to staff a

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wing in a building that is not going to be built because it came in -- in the -- in the bids over budget. We've chosen the Department of Corrections' budget to reallocate commodities to priority capital projects within the Department of Corrections for the safety of the guards. We had to make those reallocations because we have not had support from this Body or from the House on -- on capital budget decisions. I want to remind everybody that the intergovernmental transfer does not come from Cook County. It's a federal program. Those are federal revenues. We're certainly happy that Cook County Hospital helped participate in them, and Cook County Hospital was -- was a gracious recipient of sixty-two million dollars in -- in each of the two fiscal years for their trouble. There was never any requirement from the federal government that the money be spent on -- on health care for the poor, either by Cook County or by the State of Illinois. The federal government specifically chose not to oversee the spending in the way the document was -- was derived and approved. This budget is not full of pork. This budget contains some Member initiatives. I think we all should defend the right of the Legislature in the State of Illinois to make decisions. I'll finish quickly, Senator Jacobs. Roll call. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 on Senate Bill 1260. 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 33 Ayes, 14 Nays, and 10 voting Present. And the Senate does adopt the Conference Committee Report No. 1 on Senate Bill 1260, and the bill, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 6, page 2, on the Order

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of Conference Committee Reports, House Bill 3696. Mr. Secretary, do you have a file on a Conference Committee Report on House Bill 3696?

SECRETARY HARRY:

First Conference Committee Report on House Bill 3696.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. The Conference Committee Report to House 3696 contains the Court of Claims awards. Traditionally we do it in a separate bill. These are -- I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

We agree.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 3696. 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 -- 54 Ayes, 1 Nay, 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 3696, and the bill, having received the required constitutional majority, is declared passed. Middle of page 2 of Supplemental Calendar No. 6. In the Order of Conference Committee Reports is House Bill 3380. Mr. Secretary, do you have a Conference Committee Report on House Bill 3380?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 3380.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. This is the Budget Implementation Act. I might add for the the Members of the Body, it's the smallest one in memory. Does not contain any hidden things. Hopefully, you've had enough time to review it. I'd appreciate a favorable roll call. Be happy to...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there...

SENATOR RAUSCHENBERGER:

...answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 3380. 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 56 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 3380, and the bill, having received the required constitutional majority, is declared passed. ...your Calendars to the top of page 2 of Supplemental Calendar No. 6. We will be going to the Order of Secretary's Desk, Concurrence. Senate Bill 1516. Mr. Secretary, read the motion.

SECRETARY HARRY:

I -- I move to concur with the House in the adoption of their Amendments 1 and 6 to Senate Bill 1516.

The motion by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

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Thank you, Mr. President. Senate Bill 1516, Amendments 1 and 6, were made in the House. I have moved to concur with them. Let me -- let me explain them, briefly. First of all, when House Bill 1465 was -- was passed last year, and abolished the Cook County Board of Appeals. At the same time, all of the references are only to assessment appeals from either boards of review or interim boards of review. This amendment adds language referring to boards of appeals. House Bill 1465, allowed affecting -- affected taxing bodies in Cook County to appeal assessments. However, language needs to be added to -- to state that these taxing bodies may only appeal assessments while the township books applicable to the affected parcel are still open. This limit already applies to property owners in Cook and to all interested parties, including taxing bodies in the rest of the State. These are the -- these are provisions of Senate Bill 1313 that previously passed the Senate. Also included in -- in the House amendments is a removal of all Statutory references to the interim board of review. Members of the new board of review in Cook County may -- may review an assessment on the motion of any of its member. This report limits that to the time period when the books for a particular township are open. Also includes, in Cook County, requires a written complaint from a taxpayer or taxing district to review an assessment as opposed to merely a request. And finally, under current law, Cook County taxing districts have the right to appeal or intervene an assessment on -- assessment appeals pending before the State's Property Tax Appeal Board. This report grants the right to complain before the board of appeals immediately. If there's any questions, I'd be pleased to answer them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this bill.

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The problem with this is that every taxing body -- could I have a little attention, Mr. President, please? The problem with this proposal is that we are imposing upon the tax -- taxing process in Cook County the Property Tax Appeals Board, which has never had application in Cook County. Now, because of the recent court decision, the existing board is to finish out its term until December of 1998. Not only are we imposing a Property Tax Appeals Board in Cook County while the other board is still going to be in existence, but what we're doing, or what we have done with the budget that we just passed, was to reduce by a half a million dollars the requested budget from the Property Tax Appeals Board. What that all translates into is that every taxing body is going to probably wind up having to issue more bonds and pay interest because the tax bills in Cook County will be stacked up and not processed because of the backup -- because of the backup in the appeals that will be going to this agency in just six months from now. We're not ready for it. We've not given them the adequate money. Every one of your taxpayers and taxing bodies are going to be unduly burdened with this bill. I strongly urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Berman pretty much said it all. The Cook County Assessor's representatives were in committee this evening and expressed their concern with the -- the fact that this would be put in place in six months. They felt that a more timely decision should be made, as far as extending this, so that they can train and -- and make sure that -- that when this does take place that the -- the people that are doing it will be properly trained and there wouldn't be any of these things that Senator Berman mentioned. So therefore, Ladies and Gentlemen, I would also

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suggest a No or Present vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR O'MALLEY:

Mr. President, thank you. I would just be short and brief. We have seen this legislation in 1313; it has passed previously. We have seen the -- the subject matter and the balance of the bill in committee, and it's been thoroughly discussed. I'd appreciate affirmative support throughout this -- the Chamber. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 6 to Senate Bill 1516. 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 33 Ayes, 24 Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 6 to Senate Bill 1516, and the bill, having received the required constitutional majority, is declared passed. Senator O'Malley, what purpose do you rise?

SENATOR O'MALLEY:

Thank you, Mr. President. I'm requesting a second conference report on 431.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley requests a second conference committee report. House Bill 431. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 109, offered by Senator Weaver.

(Secretary reads SJR No. 109)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 109. All those in favor will say Aye. Opposed, Nay.

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The Ayes have it. The rules are suspended. Senator -- Weaver has moved for the adoption of Senate Joint Resolution 109. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, just want to tell you that the jerseys were retired not only for Senator Raica and -- from the baseball team, but also from Senator Barkhausen. I want to wish all of you a very pleasant summer, and those of you who are running again, good luck and Godspeed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There any further business to come before the Senate? If not, Senator Philip moves that the Senate stands adjourned until noon, Thursday, November 7th, 1996.

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