

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

65th Legislative Day

November 15, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Pastor Bill Davis, Lakeside Christian Church, Springfield, Illinois. Pastor Davis.

PASTOR BILL DAVIS:

(Prayer by Pastor Bill Davis)

PRESIDENT PHILIP:

Please rise for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that reading and approval of the Journal of Tuesday, November 14, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Geo-Karis moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. WAND requests permission to videotape. Any objections? No objections. So granted. Committee Reports.

SECRETARY HARRY:

Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 2 to Senate Joint Resolution 60 Be Adopted.

PRESIDENT PHILIP:

...(microphone cutoff)...Perlman from the AP has requested permission to take photographs. Is permission granted? Permission is granted. Resolutions.

SECRETARY HARRY:

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Senate Resolution 123, offered by Senator Philip and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...(microphone cutoff)...1st Reading.

SECRETARY HARRY:

House Bill 2517, offered by Senators Bomke and Luechtefeld.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...the Calendars to page 2 of today's Calendar. We will go now to the Order of House Bills 3rd Reading for the purpose of an amendment. House Bill 965. Senator Woodyard, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR WOODYARD:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard seeks leave of the Body to return House Bill 965 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 965. Mr. -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. I would like to move to suspend a -- a rule on this amendment. Due to the lengthy and revisionary nature of this amendment, I move to suspend Senate Rule 5-4(d),

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which addresses the distribution of Floor amendments. And, Members of the Senate, the reason for this -- for this motion is that this is about a seven-hundred-page revisory amendment, and we do have copies of it over here if somebody would like to spend the night reading a seven-hundred-page amendment, but anyway, Mr. President, I -- I do move to suspend those rules.

PRESIDING OFFICER: (SENATOR DUDYCZ)

You've heard the motion. All those in favor, say Aye. No -- Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Thank you very much, Mr. President. Senator, I heard part of the explanation and I understand that this is an amendment that deals with the Department of Natural Resources, I guess, and that consolidation that recently took place and that most everything that is covered in this amendment is simply technical in nature, in order that it all conforms, and that's fine. What -- what about the other amendments that are to follow? Is this the only one?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Senator Demuzio, there is one other amendment at this time, and that deals with snow geese. It would be my intent to hold this bill on 3rd Reading till January, when I intend to put an amendment on that Senator Rea will have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

You've heard the motion. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Woodyard, to explain your amendment.

SENATOR WOODYARD:

Yes. As -- as Senator Demuzio indicated, this is basically the clean-up language in dealing with -- the new Department of

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Natural Resources that we folded Department of Mines and Minerals, Bureau of Waterways, Energy and Natural Resources into this new Department. There were areas of the Statutes of reference to some of these other agencies and now this bill does the clean-up language of that. The underlying bill started out as a companion bill to what was signed into law, which was Conservation 2000. All of that language, it's my understanding, is gone and -- and been replaced by now this Amendment No. 3. And I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 5, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. As I indicated in my opening remarks, this amendment was requested by Department of Natural Resources because of the possibility of -- of the snow goose season, I guess, has now been extended into March, and we have some Statutes in which you can't carry a firearm or something in a boat during that period of time. Well, that would almost eliminate the possibility of -- of extending the snow goose season. That's, as I understand it, what this amendment does, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senator Severns, what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SEVERNS:

It's my honor today to have joining us in the Visitor's Gallery the Consumer Education Class from Meridian School, led by teacher, Mr. Hite. And I'd like the Senate to join in welcoming them today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized. Welcome to the Senate. Senator Syverson, what purpose do you rise?

SENATOR SYVERSON:

A point of privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SYVERSON:

Last week we were not here, but we had a -- a very special birthday on this caucus. I think it was on the 7th. It's hard to believe that this individual is only thirty-six years old. But Senator Cronin had a birthday last week and he wasn't here yesterday, so we'd like to wish the Senator a happy birthday, and there will be cake served over on the Republican side. Just -- just cake. It's left over from last week when he didn't have... Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

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For the point -- purpose of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm delighted to have as my guest today Mr. Billie Furst F-U-R-S-T - from Barrington Hills, and her daughter, Mrs. Kathy Powles - P-O-W-L-E-S - from Waukegan, Illinois. Mrs. Furst, I believe, is served by Senator Peterson and possibly Senator Klemm, and Mrs. Powles is my constituent. And they're here today to observe us and spend a day with us to enjoy our company, and I'd like you to welcome them here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized. Welcome to Springfield. We'll now go to Executive Session for the purpose of advise and consent. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of February 10th, 1995, reported back the same with the recommendations that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I move the Senate resolve itself into Executive Session for purpose of acting on the Governor's appointments set forth in his Messages of February 10th, 1995, October 19th, 1995, and November 3rd, 1995; the Secretary of State's Messages of November 7th, 1995; and the Comptroller's Messages of September 19th, 1995 and October 16th, 1995. Mr. President, with respect to the Governor's Message of February

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10th, 1995, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be Director of the Department of Lottery for a term ending January 20th, 1997, Desiree Rogers of Chicago.

And to be Director of DCFS for a term ending January 20th, 1997, Jesse McDonald of Springfield.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? The question -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of information, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Is the Senator going to read the names of all of the salaried appointments?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Yes, we will. They'll be read according to the Messages in which we received them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, does the Senate advise and consent to the nominations just made. 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, the Ayes are 57, Nays are none, those voting Present is none. And the majority of Senators elected concurring by record vote, the Senate

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does advise and consent to the nominations just made. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you...

PRESIDING OFFICER: (SENATOR DUDYCZ)

One moment, Senator Burzynski. Mr. Secretary.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of October 19th, 1995, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Governor's Message of October 19th, 1995, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be the Assistant Director of the Department of Central Management Services for a term ending January 20th, 1997, Stephen Riedl, of Springfield.

To be the Director of the Department of Insurance for a term ending January 20th, 1997, Mark Boozell, of Chatham.

To be the Assistant Director of the Department of Labor for a term ending January 20th, 1997, James McGrath, of Springfield.

To be the Assistant Director of the Department of Public Aid for a term ending January 20th, 1997, Linda Baker, of Springfield.

To be the Assistant Secretary of the Department of Transportation for a term ending January 20th, 1997, Joseph Banks, of Chicago.

To be members of the Prisoner Review Board for terms ending



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January 15th, 2001, Victor Brooks, of Batavia; Anne Taylor, of Champaign; and Donald Yost, of Charleston.

To be the Chairman of the Property Tax Appeal Board for a term ending January 15th, 2001, Max Coffey, of Charleston.

To be a member of the Property Tax Appeal Board for a term ending January 15th, 2001, Sharon Thompson, of Dixon.

To be the Chairman of the Illinois State Toll Highway Authority for a term ending May 1st, 1999, Julian D'Esposito, of Winnetka.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. 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 majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Governor's Message of October 19th, 1995, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments does so recommend that the Senate do advise and consent:

To be Chairman of the Capital Development Board for a term ending January 18th, 1999, George Fleischli, of Springfield.

To be members of the State Board of Education for terms ending January 15th, 2001, Doreen Crewe, of Palos Park; Deborah Miller,

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of Hoffman Estates; Sandra Pellegrino, of Peoria; Julia Walsh, of Arlington Heights.

To be a member of the Illinois Development Finance Authority for a term ending January 18th, 1999, Jan Grayson, of Chicago.

To be the Chairman of the Illinois Gaming Board for a term ending July 1, 1998, J. Thomas Johnson, of Park Ridge.

To be a member of the Illinois Gaming Board for a term ending July 1, 1998, Robert Vickrey, of Peru.

To be a member of the Illinois State Medical Disciplinary Board for a term ending January 11th, 1999, Robert Hambrick, of Burr Ridge.

To be a member of the Medical Licensing Board for a term ending January 18th, 1998, John Holland, of Springfield.

To be a member of the Advisory Board to the Department of Natural Resources for a term ending January 18th, 1999, R. C. Davidson, of Golconda.

To be a member of the Illinois State Police Merit Board for a term ending March 19th, 2001, Kenneth Schloemer, of -- of Moline.

To be a member of the Quality Care Board for a term ending September 18th, 1996, Jerome Blakemore, of Aurora.

To be a member of the Illinois Sports Authority for a term ending June 30th, 1998, Richard Grad, of Orland Park.

To be a member of the Waukegan Port District Board for a term ending May 31st, 2001, James Ness, of Ingleside.

Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?  
PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. 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

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all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of November 3rd, 1995, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Governor's Message of November 3rd, 1995, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be the Inspector General of the Department of Mental Health for a term of four years, or until the Act expires, whichever occurs first, Patricia Curtis, of Springfield.

To be the Director of the Department of Revenue for a term ending January 20th, 1997, Kenneth Zehnder, of Springfield.

To be a member of the Chicago Transit Authority for a term ending September 1st, 2002, Milton Holzman, of Northbrook.

To be the Chairman of the Civil Service Commission for a term ending March 1st, 2000, George Richards of Danville.

To be members of the Illinois International Port District Board for terms ending September 1st, 2000, Anthony DeAngelis, of Flossmoor, and Roger Keats, of Glencoe.

To be members of the Board of Review for terms ending January 20th, 1997, John Cashman, of Elmhurst; Rolland Lewis, of Mt. Vernon; Stanley Mucha, of Burbank; and Jon Walker, of Moro.

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To be members of the Illinois State Toll Highway Authority for terms ending May 1st, 1999, Roger Claar, of Bolingbrook, and Robert Turner, of Belvidere.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator del Valle.

SENATOR DEL VALLE:

Senator, on the position of Inspector General of the Department of Mental Health, my understanding is that that position sunsets. Now, there's a statutory sunset at the end of this year. I heard that the appointment is for four years. What exactly are we doing with this position if it sunsets at the end of this year?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Senator del Valle, there has been some discussion also of extending that particular Act prior to the first of the year. Let me explain again: This appointment is for a term of four years or until the Act expires, whichever occurs first. So if it does sunset first of next year, this appointment will no longer be in place.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle. Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President and Ladies and Gentlemen of the Senate, my understanding is that Patricia Curtis is being nominated to be Inspector General for Mental Health. I know Mrs. Curtis. Mrs. Curtis used to lobby at one time for the ARC group, which feels that all disabled people should be put out on the -- in the community whether they're capable or not. I hope that if she undertakes this position, that she will be mindful of the good care that some of our State institutions are giving to our mentally disabled, particularly my institution in my county, which is the Kiley Developmental Center. And I hope that she will keep in mind that it is most important that those most unfortunate people who are nonverbal and who are profoundly retarded should be given the best of care without shoving them off and not caring where they go. So I hope that she will keep this in mind, and I certainly will keep an eye on it myself because I feel I have to for the people who are less fortunate than myself because they can't help themselves, but maybe we can. And I'm not going to object to her appointment at this time; I'm going to wait and see and hope that she does what I feel would be a credible and equitable job, fair to those disabled people, as well as to the -- the State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator -- Senator del Valle, for a second time.

SENATOR DEL VALLE:

Thank you, Mr. President. I apologize for rising a second time, but given Senator Geo-Karis' comments, I'd like to also add that I'm extremely, extremely concerned about this position not because we don't need it, but because we need to expand its authority. And there is legislation that has been pending that would expand the authority of the Inspector General to look at DMHDD community-funded facilities. I have a couple facilities

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right now that are really guilty of neglect, and because they are privately funded, utilizing DMHDD funds, they're private facilities that are not being looked at by the Inspector General. I want that to change. Now, the legislation that's pending both establishes this position permanently within the Department and allows the Inspector General to look at the private facilities when there are complaints filed. I hope that that happens. If it doesn't happen, then I think we're going to be hearing from a lot of clients and families about abuse and neglect in some of these private facilities.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis, for a second time.

SENATOR GEO-KARIS:

I apologize for speaking a second time, Mr. President and Ladies and Gentlemen of the Senate. The -- the bill - I believe it's Senate Bill 388 - does provide that if -- that the Inspector General can go to a private-duty home if there's a complaint about it. And because it's in there, I'll go along. But I certainly concur with Senator del Valle, that the private-duty homes that are getting tax money should be just as responsible for the care and well-being of these mentally disabled people as the State facilities. And I'm looking forward to working with you, Senator del Valle, if it isn't being done - if the inspection isn't done.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, does the Senate advise and consent to the nominations just made. 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 majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Burzynski.

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SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Governor's Message A of November 3rd, 1995, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be members of the Illinois Development Finance Authority for terms ending January 18, 1999, Diane Cullinan, of Peoria; Courtney Munson, of Galesburg; and Michael Zavis, of Northbrook.

To be a member of the Illinois Health Care Cost Containment Council for a term ending September 5th, 1996, Elena Butkus, of LaGrange.

To be a member of the Illinois Housing Development Authority for a term ending January 13th, 1997, Reverend Rudolph Shoultz, of Springfield.

To be members of the Illinois Housing Development Authority for terms ending January 11th, 1999, Michael Breslan, of Chicago; Nick Striglos, of Decatur; and John Viera, of Des Plaines.

To be a member of the Low-Level Radioactive Waste Task Group for a term ending when notification of site is made, Colin Booth, of DeKalb.

To be the Public Administrator and Public Guardian of Bond County for a term ending December 7th, 1998, Chester York, of Greenville.

To be the Public Administrator and Public Guardian of Edgar County for a term ending December 7th, 1998, Steven Garst, of Paris.

To be the Public Administrator and Public Guardian of Fayette County for a term ending December 1st, 1997, Michael Meyer, of Vandalia.

To be the Public Administrator and Public Guardian of Fulton County for a term ending December 1st, 1997, C. Eugene Taylor, of Canton.

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To be the Public Administrator of LaSalle County for a term ending December 1st, 1997, Joan Eiberger, of Mendota.

To be the Public Guardian <sic> of Macoupin County for a term ending December 1st, 1997, Kelly Heyen, of Dorchester.

To be the Public Administrator and Public Guardian of McDonough County for a term ending December 7th, 1998, William Chadderson, of Bushnell.

To be the Public Administrator and Public Guardian of Putnam County for a term ending December 1st, 1997, Kimrey Alleman, of Magnolia.

To be the Public Administrator and Public Guardian of Scott County for a term ending December 1st, 1997, Rose Marie Evans, of Winchester.

Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?  
PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. 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 majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of November 3rd, 1995, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Governor's Message B of November 3rd, 1995, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments recommends the Senate do advise and consent:

To be members of the Board of Trustees of Chicago State University for terms ending January 18th, 1999, Mary Denson, of Chicago; Gary Edson, of Chicago; Elizabeth Hollander, of Chicago; Niva Lubin, of Chicago.

To be members of the Board of Trustees of Chicago State University for terms ending January 15th, 2001, Jacoby Dickens, of Olympia Fields; Peggy Montes, of Chicago; Felicia Norwood, of Chicago.

To be members of the Board of Trustees of Eastern Illinois University for terms ending January 18th, 1999, Nathaniel Anderson, of Rock Island; Susan Gilpin, of Park Ridge; Thomas Johnson, of Rockford; Carl Koerner, of Effingham.

To be members of the Board of Trustees of Eastern Illinois University for terms ending January 20th, 1999, Keith Branson, of Mattoon; Mark <sic> (Mack) Hollowell, of Charleston; Betsy Mitchell, of Savoy.

To be members of the Board of Trustees of Governors State University for terms ending January 18th, 1999, Maria D'Amezcu, of Chicago; Kristi DeLaurentiis, of Homewood; Fran Grossman, of Chicago; William McGee, of Hazel Crest.

To be members of the Board of Trustees of Governors State University for terms ending January 15th, 2001, Bruce Friefeld, of Mokena; Sally Jackson, of Chicago; and Barbara Peterson, of Beecher.

To be members of the Board of Trustees of Illinois State University for terms ending January 18th, 1999, Jaime Flores, of

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Berwyn; and Nancy Froelich, of Hudson; Diane Glenn, of Chicago; and William Sulaski, of Normal.

To be members of the Board of Trustees of Illinois State University for terms ending January 15th, 2001, Thomas Andes, of Belleville; Thomas Huggins, of Peoria; and Carl Kasten, of Carlinville.

To be members of the Board of Trustees of Northeastern Illinois University for terms ending January 18th, 1999, Keith Brown, of Naperville; Daniel Goodwin, of Oak Brook; Luz Solis, of Chicago; Willie Taylor, of Chicago.

To be members of the Board of Trustees of Northeastern Illinois University for terms ending January 15th, 2001, Carole Balzekas, of Chicago; Edward Dykla, of Barrington; and Nancy Masterson, of Barrington Hills.

To be members of the Board of Trustees of Northern Illinois University for terms ending January 18th, 1999, Susan Grans, of Rockford; James Myles, of Chicago; David Raymond, of Glen Ellyn; Myron Siegel, of Deerfield.

To be members of the Board of Trustees of Northern Illinois University for terms ending January 15th, 2001, Robert Boey, of DeKalb; George Moser, of Barrington Hills; and Manuel Sanchez, of Lisle.

To be members of the Board of Trustees of Western Illinois University for terms ending January 18th, 1999, Marjorie Bordner, of Canton; Lorraine Epperson, of Macomb; Charles Leininger, of Springfield; Maureen Schuering, of Quincy.

To be members of the Board of Trustees of Western Illinois University for terms ending January 15th, 2001, Daniel Webb, of Chicago; Gretchen Winter, of Chicago; Dexter Yarbrough, of Chicago.

Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on a roll call. And,

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Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

I'm just curious, because this represents by appointing these people as members of boards of trustees of each of these State universities, it spells the end of the system that we had in place before and the beginning of a new one. Was there any input in choosing these people or is this strictly the Governor's choice?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. That's a very good question. I know that in many, if not all, of the universities, there was a considerable amount of discussion by not only administration, alumni associations, foundations, as far as who should be serving on some of these boards. Those recommendations -- people were screened very carefully - recommendations made to the Governor's Office. And in addition to that, I do know that we encourage the Governor's Office to also include discussion with Senators who had those facilities in their districts.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Again, I see my name on things. I know nothing about this. It's not that I object to the person who's on here; it's just that I was never consulted. And if that's the process, it would be a very good idea if we at least could be participants in this

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process. It's just not clear to me what the process is, and this is a very important -- putting a board of directors in place is a very important step. And I would just think that it would be wise that we have some sense of what our process is and that that be something that is true each time this occurs, rather than just a willy-nilly decision.

PRESIDING OFFICER: (SENATOR WATSON)

Any other discussion? Senator Burzynski, to close.

SENATOR BURZYNSKI:

Thank -- thank you, Mr. President. You've raised several very good questions. That's exactly what we're trying to do, is to put some rhyme and reason into the process. If you were not notified or -- or contacted regarding your appointee, I apologize for that. I do know that we made every effort to at least notify the Members on our side of the aisle who we were -- who was being under consideration for some of those appointees in their districts. So I -- I do apologize for that, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Opposed, vote No. 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 voting Yes, no voting No, no voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Secretary of State's Message of November 7th, 1995, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Secretary of State's Message of November 7th, 1995, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be Commissioners of the Merit Commission for the Office of the Secretary of State for terms ending November 7th, 2001, Sharon Roberts, of Flossmoor, and Charles Summers, of Kankakee.

Mr. President, having read the salaried appointments, I now seek leave to consider the appointments on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Opposed, vote No. 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 voting Yes, no voting No, no voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Office of the Comptroller's Message of September 19th, 1995, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you, Mr. President. With respect to the Comptroller's Message of September 19th, 1995, I will read the unsalaried appointment to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be a member of the Merit Commission for the Office of the Comptroller for a term ending January 19th, 1998, Donald Adams, of Springfield.

Mr. President, having read the unsalaried appointment, I now seek leave to consider this appointment on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nomination just made. Those in favor, vote Aye. Opposed, vote No. 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 voting Yes, no voting No, no voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Executive Appointments, to which was referred the Office of the Comptroller's Message of October 16th, 1995, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. With respect to the Comptroller's Message of October 16th, 1995, I will read the unsalaried appointment to which the Senate Committee on Executive

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Appointments recommends the Senate do advise and consent:

To be a member of the State Mandates Board of Review for the Office of the Comptroller for a term ending January 19th, 1998 <sic> (June 30, 1997), Betty Coffrin, of Charleston.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any -- any discussion? Any discussion? Senator Burzynski, to close.

SENATOR BURZYNSKI:

Mr. President, having read the unsalaried appointment, I now seek leave to consider this appointment on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

We certainly will, after asking if there is any discussion. Any discussion? Seeing none, the question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Opposed, vote No. 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 voting Yes, no voting No, no voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Burzynski.

SENATOR BURZYNSKI:

Mr. President, I move the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR WATSON)

You've heard the motion. Those in favor, say Aye. Opposed, Nay. The motion carries. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1242, offered by Senator Butler.

(Secretary reads title of bill)

Senate Bill 1243, offered by Senator O'Malley.

(Secretary reads title of bill)

Senate Bill 1244, by Senators Parker and Berman.

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(Secretary reads title of bill)

Senate Bill 1245, by Senators DeAngelis, Philip and Butler.

(Secretary reads title of bill)

And Senate Bill 1246, offered by Senators Madigan, Luechtefeld and others.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WATSON)

Messages from the House, Mr. Secretary.

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 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 20.

Adopted by the House, November 2nd, 1995.

PRESIDING OFFICER: (SENATOR WATSON)

Resolutions.

SECRETARY HARRY:

Senate Resolution 124, offered by Senator Shaw.

Senate Resolution 125, by Senator Carroll.

And Senate Resolution 126, offered by Senators Jones, Carroll and others.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar. ...reason we are waiting is, we're waiting for the Rules Committee to conclude their business, and that should come in very short order. So I would appreciate all of you holding -- holding your place. ...(microphone cutoff)...Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports



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that the following Legislative Measures have been assigned to committees <sic>: Be Approved for Consideration - Conference Committee Report No. 1 to House Bill 41, and Senate Amendment No. 3 to House Bill 1124.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Mr. President. Just to recognize a former Member of the Senate has joined us on the Senate Floor. Well-respected colleague of ours who is in, apparently, good physical condition, or enjoying his retirement. I would like for the Senate to welcome former Member of the Senate, Cal Schuneman.

PRESIDING OFFICER: (SENATOR WATSON)

It's the intention of the Chair to call on Senator Donahue for an announcement, and then for us to recess until 1:30, and we will have, at that time, various committee reports and documentation that will be necessary on our desks to proceed with the order of the business of the day. So, Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I would like to call for a Republican Caucus immediately in Senator Pate Philip's Office.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator. We will stand at ease until 1:30.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Messages.

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SECRETARY HARRY:

A Message from the President, November 15th, 1995.

Dear Mr. Secretary - Pursuant to Rule 2-10 of the Rules of the State Senate of the 89th General Assembly, I have attached hereto the schedule of Session days and deadlines for the 1996 Spring Session of the Illinois State Senate. Those days indicated on the attached as "Session" shall be regular Session days.

Sincerely, James "Pate" Philip, President of the Senate.

PRESIDENT PHILIP:

The Members that are in their office, if they would please proceed to the Floor, I would appreciate it. We're going to start with resolutions. So it's kind of important. On the top of page 4, Motions in Writing, Override Total Vetoes. House Bill 1810. Senator Peterson. Read -- read the motion, Mr. Secretary.

SECRETARY HARRY:

I move that House Bill 1810 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Peterson.

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 1810 deals with health care deductibility for self -- for the self-employed. Currently self-employed are at a disadvantage in providing health care for themselves and their families. Whereas large corporations are able to treat all their health insurance costs as nontaxable business expenses. House Bill 1810 will finally provide the fairness in the Tax Code for all businesses. And as it is written, that portion that's not deductible at the federal level would be deductible at the State level. The fiscal impact would be approximately 4.7 million if all eligible people would take advantage of the deduction. And the House overrode -- on their

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override motion voted 113 to 1, and I ask your vote to override the Governor's veto on House Bill 1810.

PRESIDENT PHILIP:

Senator Peterson has moved that House Bill 1810 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I've got some rhetorical questions to ask about the bill. Normally I would give the sponsor the opportunity to answer them, but I think the answers to most of these questions are going to be yes. But let me run through them very quickly, because I think you need to understand this bill and what it is you're voting for. This bill applies, as far as I can tell - and will give the sponsor a chance to answer this afterwards - only to self-employed persons, partners in partnerships, shareholders in Subchapter S corporations. If an individual is employed by a company that does not have health insurance and he or she purchases coverage for their family, they would not qualify for the deduction under their bill. So this only applies to people who are, again, self-employed, partners in partnerships, or shareholders in Subchapter S corporations. And what you need to understand is any partner or partnership, any Subchapter S corporation or any self-employed person could elect to become a C corporation under Illinois law and be allowed to deduct their insurance costs. Now the question comes: Why wouldn't they incorporate to get this wonderful benefit that we're going to try to move in this bill? Well, the reason is, is a difference in the income tax rate

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between corporate and -- and personal rates. As an individual, you pay a three-percent rate. That privilege is also extended to Subchapter S corporations, self-employed people and to partners in partnerships. The -- in fact, there is no clear equity argument here, because people who want to deduct their insurance can incorporate to do it. The differential tax rate reflects the differences between insurance deductibility. Currently, Illinois is a flat-tax State. The logic in a flat -- flat-tax State is you have a low rate with a simple plan and a flat tax. The low rate and the broad base account for the -- the varied benefits and deductions which you might use if you used a higher or graduated rate. In Congress today, they're debating the merits and the -- the benefits of going to a flat tax that's simple, not full of deductions; yet, in Illinois, we seem to be confused and seem to be proceeding along a path which would lead us to a whole -- opening a whole door to possibilities of additional deductions. I mean, today it's health insurance. Tomorrow it probably should be child care. Perhaps long-term care insurance should be considered next Session. If we want to stay consistent, we need to support the Governor's veto, rethink our position with the -- our friends who have maybe suggested that this is a good bill. I can understand their needs and their desires, but as the Senator pointed out and as the Chamber has endorsed, the -- the entire effect of this deduction for someone who could claim it, which I think is eighty thousand potential people based on the -- the Chamber's numbers, is a sixty-dollar tax benefit. For a sixty-dollar tax benefit only allowed to Subchapter S corporations, to partnerships and self-employed people, we're going to pierce our low-rate, flat-tax Code here and begin a -- a whole trip down a -- a whole consideration of all these wonderful and important things that should have deductibility under Illinois law, for a sixty-dollar-per-person benefit. So I'll give the

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sponsor a chance to kind of respond to some of those things. I just think we ought to think twice about this. I think we can explain this to our friends in the lobby. This is not good tax policy.

PRESIDENT PHILIP:

Senator Peterson, I'm not sure that was a question. It sounded more like a statement, but have at it.

SENATOR PETERSON:

Thank you, Mr. President. In reply to your -- your statement, Senator, I would like to point out that in the individual Income Tax Code that we have in Illinois, the Legislature, in its wisdom several years ago, decided to let people deduct their property taxes. Now, are you saying, "Go out and buy a house because you're discriminated against because you're renting"? That's a differential in how we treat people and how we deduct things. So, yes, we do make exceptions in the Tax Code. I could probably illustrate a few more, but I think that this is something that should be dealt with. It's going to help the small businessperson. And as I said before, it's a good bill, and I think that we're looking at figures as cost to the State if everybody takes advantage of that particular deduction, and we know that everybody won't, for various reasons. Thank you.

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

Thank -- thank you, Mr. President. You know, we have an opportunity here. I -- I rise in favor of the motion to override the veto. We have a chance to -- to at least give a symbol. As my esteemed colleague, Senator Rauschenberger, mentioned, all a person has to do who's one of these sole proprietors is just to incorporate. Well, the folks who take care of that kind of incorporation usually charge anywhere from five hundred to fifteen

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hundred dollars. And people say, "Well, this is just sixty-dollar effect." Well, where I come from and the clients that I serve, and the people who provide the employment on Main Street in Illinois - those people - sixty bucks makes a big difference. I think we passed a couple of bills yesterday that, in my opinion, benefit the big guys. We have a chance to give a small symbol of support to the little guy in Illinois. The people -- the groups supporting this legislation are the Illinois Chamber of Commerce, Illinois Retail Merchants Association, the Management Association of Illinois, National Federation of Independent Businesses, American Institute of Architects, Illinois Association of Realtors, Professional Independent Insurance Agents, Illinois Lumber and Material Dealers, Illinois Home Builders Association. The list goes on. This is a chance to help the little guy in Illinois that's providing the employment. Please vote Yes to override the veto.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill is designed to help the small corporations. The Chapter <sic> (Subchapter) S means that they can deduct their profits and losses like a partnership. And this does -- this does not give such a big advantage to the small corporations, but it is a big help to them. When you stop and figure the big corporations, they're not down as Chapter S corporations. They're regular corporations, but then they can charge their high salaries and everything else. But when you have a small corporation, you don't have the high salaries that you can take from as much. I think it's a good bill, and I think -- since the backbone of business in this country is the small businessman, let's support the small businessman and vote to override this veto.

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PRESIDENT PHILIP:

Congressman Palmer.

SENATOR PALMER:

Thank you, Mr. President. Senator Peterson, just a question. This deduction is allowed to the self-employed head of the small business, or is it also allowed to those who work for that business? How far does this go?

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

If the person works for the business and the business does not provide health insurance, then -- and they buy it out of their own funds independently, they do not get a deduction.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Mr. President, you didn't say "Congressman" Hendon. You know, there's an opening in the 7th on the west side.

PRESIDENT PHILIP:

You know what? I apologize. I didn't know you were a candidate.

SENATOR HENDON:

Oh, okay. Thank you very much, Mr. President. I rise in support of this excellent legislation from my esteemed colleague, Senator Peterson. This gives the small businessperson an opportunity to -- to get a little break. And what's wrong with that? So I would urge everyone to vote Aye on this very good legislation. Thank you.

PRESIDENT PHILIP:

Senator Peterson, to close.

SENATOR PETERSON:

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

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I think the override motion has been very well debated. Both sides. And I would ask for your Yes vote to override the Governor's veto on House Bill 1810.

PRESIDENT PHILIP:

The question is, shall House Bill 1810 pass, the veto of the Governor to the contrary notwithstanding. 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. On the question, there are 54 Ayes, 1 Nay, 1 voting Present. House Bill 1810, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR FITZGERALD:

Yes. Mr. President, on that last vote I was trying to punch the Yes button, but my key was locked, and I looked up there and I was listed as not voting. I intended to vote Yes, and not No with Mr. Rauschenberger.

PRESIDENT PHILIP:

Senator Fitzgerald, the record will so indicate that you meant to vote Aye.

PRESIDING OFFICER: (SENATOR DeANGELIS)

We'll now move to page 4 on the Calendar, Motions in Writing Accepting Specific Recommendations for Change. And on that order of business is House Bill 1202. Senator Woodyard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor



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as to House Bill 1202, in manner and form as follows:

Amendment to House Bill 1202

Filed by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard has moved to accept the specific recommendations of the Governor as to House Bill 1202. Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of -- of the Senate. If you'll recall this bill -- and I do apologize for holding off on -- on calling this bill on the motion, but if you'll recall the bill as it was originally introduced, it dealt with the -- the bridge formula change of length internally on the truck without -- on the semi-trucks without changing the overall length. The Governor's veto, which is what we're dealing with here, said that local units of government - meaning municipalities, county boards and townships - could impose their own restrictions. That way we're not mandating something in this bill on -- on units of local government. And I know that this bill has had quite a bit of controversy, but I can tell you it's been a lot more fun than potbellied pigs. So, with that, I'd be -- I'll try to answer some questions; although, I will tell you, I don't -- I don't have all the expertise that I should have in this entire matter, but it would allow these trucks with a longer axle spacing to go onto what we call Class II roads.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

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Senator Woodyard, in the Governor's veto message he states that "House Bill 1202 increases the length of tractor-semitrailers allowed on all roads in the State of Illinois." How much longer will these trucks be?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard.

SENATOR WOODYARD:

These trucks will be no longer than the present lengths, and if you'll read the entire veto message, I think you will understand that. But it's my understanding, from talking to the Department of Transportation, who, as a matter of fact, are neutral on this, and the trucking industry itself, that you're not really increasing the length. Class I roads, at this point in time, which are interstates, have no length restrictions on them now. And this would apply these trucks -- to allow these trucks -- to come off onto a Class C -- Class II road, but still and all, the local units of government could prohibit movement of them.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, Senator, then apparently our Governor is wrong. The second sentence after he says that this bill increases the length of trucks, he says, "Most State routes can accommodate this increased length, but many local intersections do not have the same capacity." So I don't -- I don't know where in this veto message you're reading that it doesn't increase the size of trucks. The Governor apparently misread the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, again. That was one of the reasons that I didn't call this veto message a week and a half ago, because I didn't

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understand his veto message, quite frankly. But it seems, at least working with members from the -- the Governor's Office, yes, I do think that that is probably wrong, and I -- I have been told that the Governor's Office has no problem with this bill whatsoever.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, a week and a half ago the bill was in the House, so I don't know how you could have called it, Senator Woodyard. But I don't know, I guess -- I guess the Governor is just wrong on this -- on this amendatory veto, and somebody should go down to the 2nd Floor and -- and give him the right information. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you. In answer to the last question, my understanding is that the linchpin is about six or seven inches behind one another. So it's -- it's a matter of just a couple of inches.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Butler.

SENATOR BUTLER:

Will the Senator yield, please? Senator Woodyard, I think we ought to state the legislative intent is that the -- this bill is not intended to increase the lengths of trucks by one -- even one inch. Am I correct? And that is your legislative intent.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard.

SENATOR WOODYARD:

Yes. It is my intent. And as I understand it from the trucking industry, this really does not increase the overall length of -- of these semi-trucks, but it does increase the length

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of the internal part of it. And I will tell you up front: Some of these trucks will not be able to turn in the same radius with this axle spacing -- or with the bridge formula - kingpin-to-axle - that they did previously. That is spelled out in the fiscal note. And -- and the estimate there -- what it was that it would cost on maybe two hundred intersections, ten million, or whatever, dollars to upgrade those intersections over a period of twenty years. So it's not really going to impinge that much on -- on those intersections.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Just a comment, that I'd like to apologize to the sponsor. Although it's not the sponsor's fault, I think because of the veto message of the Governor's Office, it kind of like puts a lot of people in a -- in a predicament, only because if there is a misconception about the length of the actual trailer or -- versus the length of the hookup between the two trailers, it would put a lot of individuals, such as myself, who have or proposed waste incinerators for their district -- it'd increase truck traffic up to two hundred semis a day. I don't want to be a part of anything that may seem like I'm encouraging anything that's going afoot in my district; therefore, I'm going to have to vote No on this legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard has moved to accept the specific recommendations of the Governor as to House Bill 1202. The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1202, in the manner and form just stated by Senator Woodyard. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted -- have all voted who wish? Have all voted who wish? Have all

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voted who wish? Take the record. On that question, there are 46 Ayes, 10 voting Nay, none voting Present. House Bill 1202 -- with the specific recommendations of the Governor as to House Bill 1202, having received the required constitutional majority, is declared accepted. We'll now move to page 2, House Bills 2nd Reading, and on that, we have House Bill 1124. Senator Cronin, you wish the bill called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1124.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Have there been any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell, to explain your amendment.

SENATOR FAWELL:

Thank you very much. This basically guts the bill, and -- and it is a bill that the towing industry has requested that has been agreed to by everyone. There is a little bit of clean-up language that will be coming up in a later amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...there any discussion? If not, Senator Fawell moves the adoption of Amendment No. 3 to House Bill 1124. Those in favor, say Aye. Opposed, say Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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3rd Reading. We'll now move to Supplemental Calendar No. 1, which has been distributed. And we will move to the Order of Conference Committee Reports. Senator Karpziel. Mr. Secretary, do you have on file a conference committee report on House Bill 41?

SECRETARY HARRY:

First Conference Committee Report on House Bill 41.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Conference Committee Report No. 1 to House Bill 41 amends the Public Utilities Act and reduces the number of commissioners on the Illinois Commerce Commission from seven to five. It provides for the termination of the current commissioners, for their terms to be -- for the -- I'm sorry -- for the termination of their terms to be effective immediately and creates new terms for new appointees. It reduces the number of full-time assistants for each commissioner from three to two.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I would rise in opposition to the bill. There's approximately three good reasons to vote No. Number one, it's a pay raise, and it's always good to vote against a pay raise these days. Number two, there's a provision in here which allows for the Governor to reappoint the entire five members that are there now. There's -- there's got to be a hidden agenda. I don't know exactly what it is. I've got my own suspicions. There's no reason why that needs to be in here. If they want to go from seven to five, they don't have to give the Governor the ability to reappoint the five. And if -- if I was from downstate - which I'm not - but if I was from downstate, I would be against this because there's no way you're

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going to get fair representation downstate when you're going from seven to five. So, I don't think you should vote for a pay raise at this time. I don't think the Governor should be allowed to replace five members on the Commerce Commission just because he doesn't like the way some of them are voting, and if you're from downstate, I don't think it's a very good vote. Urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I appreciate the comments of my colleague on this side of the aisle. I happen to be a downstater. I think in the long run that the reduction of seven to five is going to make for a more efficient operation, and it is a true reduction in cost, which I know that my taxpayers are asking for. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel, to close.

SENATOR KARPIEL:

Well, thank you, Mr. President. Just to answer the -- the statement about the pay raise. It is not a pay raise, and I think that's really stretching to call it such. Under the terms of the Compensation Review Board's recommendations, the two vacancies were they reappointed would be getting the new pay raise at any rate, and the third -- a third one is up for appointment in January and would be also receiving that new pay increase salary. So they'd be receiving the same amount of money as the three, perhaps, new appointees of the Governor. So I mean, that really is stretching, I think. Two of the sitting commissioners are from downstate. I think that's also a red herring, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference

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Committee Report on House Bill 41. Those in favor will vote Aye. The opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 voting Aye, 17 voting Nay. The Senate does adopt the Conference Committee Report on House Bill 41, and the bill, having received the required three-fifths majority, is declared passed. On the bottom of page 2 on Secretary's Desk, Resolution is House Joint Resolution 38. Senator Dudycz, you wish that called? Read the bill -- Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 38, offered by Senator Rauschenberger. The Committee on Executive adopted Amendment No. 1. There are no Floor amendments.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. House Joint Resolution 38, as amended, creates the Task Force on Equal Opportunity to study and to investigate all programs and policies currently authorized by State law, rule or executive order which grants any preferences based on race, color, ethnicity, gender or national origin to any individual or group in public employment, education and contracting. The task force shall try to determine the rationale for each program that they find, as well as its objectives and whether these objectives have, in fact, been achieved. The task force, as described in House Joint Resolution 38, shall have ten members: two Senators appointed by the Senate President; one public member appointed by the Senate President; and one Senator appointed by the Minority Leader; and one public member appointed by the Senate Minority Leader; the same makeup in the House, as far as representatives being appointed by the Speaker and the



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Minority Leader. And the Governor shall have three ex officio nonvoting members representing Central Management Services, Department of Transportation and the Department of Human Rights. All appointments shall be made within two months of the adoption of this House joint resolution by both Houses, and the task force shall report its findings and recommendations to the General Assembly on or before December 1, 1996. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President, Members of the Senate. Senator Dudycz, this resolution came out of the Executive Committee yesterday, and on a partisan basis, and the reason being, it is not that we are opposed to the idea of the establishment of a task force to continue to look at the various affirmative action programs around the State, but our objection is based on the fact that this should be a bipartisan effort. There should not be any real interest given the fact that that side of the aisle put forth the bill to eliminate affirmative action in this State. I think it is fair to say that many of you are opposed to affirmative action. However, throughout the hearing process, the majority - overwhelming majority - of people that came before that -- those committee hearings were in favor and -- of affirmative action and very seriously opposed to the Senate bill before the committee that you introduced, Senator Dudycz. Given that fact, we would hope that this committee is balanced so that it can -- the Democrats can have equal voting power, because most of the members on here are not voting members. But the way this committee is stacked, it is stacked in favor of the opposition to affirmative action. And if you think that it has no impact on what we do in the future with affirmative action, one can clearly

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look at the committee -- the so-called subcommittee report that was issued by the Chair of the subcommittee yesterday. It is a subcommittee report that is supposed to reflect the recommendations and the findings of that committee, but as Minority Spokesperson on that committee, I have never seen the report. I had no input, and to my knowledge, no Member on this side the aisle -- Senator Miguel <sic> (del Valle) is on that committee, Senator -- even Senator Jones served in one of the -- in capacity as a member of that committee in the Chicago hearing. None of us saw anything or had any input in that report, but yet it was issued as a subcommittee report, and published as a subcommittee report, of this subcommittee on affirmative action. It speaks to a lot of issues and recommendations that I disagree with, in terms of the findings and concerns of that -- of the people who came and testified on affirmative action. It does, in fact, reflect the Chairman's ideas and wishes and concerns about affirmative action, and he should have, as a fact, issued that report not as a subcommittee report, but as the Chairman of the subcommittee's individual report and reflections and recommendations on affirmative action. That did not happen. And so I'm afraid that unless we balance this committee, and -- and add at least one more Democrat in the House, Democrat in the Senate to that committee, that we will not have an opportunity to actually come up with the recommendations to -- to reform the existing affirmative action program in -- in Illinois and make it effective. There's no chance for us to do that, and I think it -- it undermines the integrity of the whole process of the hearings that we have conducted around the State on affirmative action. And so I would just ask this side of the aisle to -- not to vote for it, and that we go back -- come back in January and we -- then if we want to continue to study this issue, that we put forth a resolution with balance in the spirit and intent, I think, of all

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the people who worked over this past summer to bring about some closure and some fairness and equity to the affirmative action program in the State of Illinois. So I vote No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what reason does Senator Demuzio seek recognition?

SENATOR DEMUZIO:

Thank you, Mr. President. I -- pardon me for interrupting the debate. What I would like, to acknowledge the -- the lady who was sitting in my chair over here. A former Member of the Illinois Senate, former Member of the "Crazy Eight", Vivian Hickey is with us today.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Let's welcome our former Senator, Vivian Hickey. Welcome. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I served also as a Member, along with Senator Collins, on the Subcommittee on Equal Opportunity, and as Senator Collins indicated, a report was issued. It was a report that we discussed in the Senate Executive Committee yesterday at length, because the report was not issued by the subcommittee but, rather, by the Chairman, Senator Dudycz. And it's a report that we did not see until the day that it came up for discussion in the Senate Executive Committee within the context of the consideration of this -- this resolution. I am really, really disappointed with how this whole matter of affirmative action is being handled by my colleagues, my friends, on the other side of the aisle, particularly Senator Dudycz. Certainly a task force is not necessary, number one. We can continue to review this matter within the subcommittee. The subcommittee conducted two hearings. It could certainly continue to operate, and we can certainly take more testimony and ask agencies to come in and review more documents and just continue

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the work, and maybe complete the work within the next few months. But instead what we have is a report issued by one individual, one Senator, recommending the creation of a task force, a task force that will operate for the entire year next year, and that will have a reporting date of December of 1996. And I don't think that it's by coincidence that the reporting date of this task force is a date that takes us through the General Election - the Presidential and the Legislative races - therefore keeping the affirmative action issue, which many certainly feel is a hot-button issue, keeping it on the front burner and utilizing the issue, in my opinion, for political purposes. And I think that's wrong. I was one of those who from the very beginning said -- when the offer was made to review affirmative action, I said, "I'll welcome the review, and I want to be part of that process." But my motivation is very different from that of some of my friends on the other side of the aisle. I want to review affirmative action policies in the State of Illinois for the purpose of strengthening those policies, not for the purpose of dismantling those policies. And so we welcomed the review and we felt from the very beginning that that review should be conducted in a bipartisan manner, and yet here we have a task force makeup -- a task force called the Task Force on Equal Opportunity that from the very beginning does not provide equal opportunity to this side of the aisle for participation. So from the very beginning, the task force contradicts itself just merely because of its makeup, and yet we're being asked to support this. And it's strictly politics. It may have started out as a genuine concern, an intent on the part of the sponsor to look at this, but it has been transformed into a political game that is going to be used to influence the outcome of the elections next year in the State of Illinois, and I think that's sad.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. I just wanted to clear up something I think that -- probably don't care about, but just to clear it up and set the record straight. Senator Collins was talking about the report, and I know that in committee several Members were very upset about this report. The subcommittee was comprised of Senator Dudycz, as Chairman of the subcommittee; Senator Watson and myself; and then Senator Collins and Jones slash del Valle at different times on that side of the aisle. The report that came out was not a report of the subcommittee, and I did not see it until yesterday myself. So it was nothing that was a subcommittee report that we put together and just, you know, hid the recommendations or hid the information in it until the last minute. This is the Chairman's report, the Chairman of the subcommittee, and it is marked as such and signed as such. And it is simply the Chairman's report and recommendations, not that of the rest of the subcommittee. The issue here is the task force, and I think it's a good idea to set up this task force, because what we found through about twenty hours of hearings - and I sat through all of those hours - what we found is that there are a lot of programs in the State for equal opportunity in education, in employment, in contracts. We found some abuses. We found some areas of weaknesses. I think we all, on the subcommittee, recognize and realize there needs to be some tightening, perhaps some combining. Nobody has said anything about getting rid of, or changing. And I -- and I think that it's unfortunate that the assumption over there is that everyone on this side of the aisle wants to repeal. I also find that it's rather ludicrous that Senator del Valle thinks that we want to keep this going as a political issue. Senator, you better -- I mean, just believe me, I don't find this very good political issue for me to be running

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on for the next year. This is not political for me. This is hard work. We sat through many hours of testimony, but we did find some areas that really need further study, and I think this task force will do it. The makeup of the task force, I think, reflects the makeup of our committees, the makeup of the Senate. Those of you that were here when you were in the Majority remember that all committees and task force always had a percentage difference in -- in the number of members. That's nothing new or unusual. I think it's a good idea to form the task force, and I ask for your Aye vote.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor said he will yield.

SENATOR PALMER:

Senator Dudycz, what is the mandate to the tax force? What will be their responsibilities?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Palmer, the -- the instructions that the task force is receiving by the House joint resolution is to study all affirmative action programs, all preferential treatment programs,

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in State government, dealing with contracts, education and employment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Senator Dudycz, I'm reading from the language of the resolution, beginning with lines 22 on page 2, and I see here that preference is listed as based on race, color, ethnicity, gender or national origin. From my knowledge, I believe there are other categories of preferential treatment in the State of Illinois - for example, veterans - and I certainly applaud this Body for giving veterans some extra benefits. So, why is this limited to these particular categories and not the full body of preferential treatment in the State of Illinois?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Palmer, just as was stated in debate when I introduced Senate Bill 1184 in -- in the Executive Committee, the veterans, I believe, have a unique situation where their service to our country goes beyond partisanship, goes beyond race, goes beyond gender, and this is a -- a -- a privilege which I believe we owe to the men and women who have served our country, defending them from outside evil.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

To the legislation: I am for a task force not because I think it makes any difference, but because -- and I'm not voting for this bill <sic>; I want that very clear. In reading this language, just scanning it, I find the word "preference" so often that I don't think the instructions to the task force are going to

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lead us to be enlightened any more than we are now. I think this is very biased. To say that veterans have contributed to the country but to imply that by creating an environment in which young people, who by history and by every other means in this nation and this State, have not been in higher education, is, I think, a wrong message. And when I look at the questioning of the contracts that were given, I would wonder how much three hundred million dollars is, what percentage that is of all the State contracts awarded to businesses in this State. So the word "preferential" and the instructions to this task force are too narrow. If you want to look at preferential, then -- let's look at the whole thing. Let's look at preferential when it comes to corporations versus small businesses. Let's look at "preferential" when it comes to all the categories in the State of Illinois. But to limit it to race, gender and ethnicity is narrowly to define this and, I think, to set us on a path that leads us backward in a hurry.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the first president to espouse affirmative action, to encourage it, was President Johnson, but the president who made it even stronger was a Republican by the name of Richard Nixon. I have supported affirmative action, but I also have known that there have been some parts of it that have not been properly done. And I, for one, had wanted to have hearings all over the State. I don't think it's a political thing at all, because you're darned if you do and you're darned if you don't. So, the fact that it's going to be -- the report comes in after the November election should really wake us all up and realize that these hearings should be taken seriously. I would like to have one of these hearings in my



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county. I live in the third-largest county in the State. I would not -- I want to see how it's going to affect the people in my area. I feel that affirmative action if it is restructured to be fair to all, is a good thing. So, you're talking to someone here who supported affirmative action, and I still will support it as long as it is fair to all. There have been some vicissitudes in the system, but we can correct them after we get some decent hearings all over the State. And -- calling it a political football, I think it -- I think you're very wrong, because actually, as I said, you're darned if you do and you're darned if you don't. But I think the people of the State of Illinois are entitled to express themselves in the various parts of the State, and I support this resolution.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon. Senator Hendon. Why don't you use Senator Smith's microphone.

SENATOR HENDON:

Thank you, Mr. President. I reluctantly rise to speak on this issue because it is the wrong thing for us to even be talking about. Yes, there are some things wrong with affirmative action, but I said to the sponsor that all he has to do if he wants to solve this is to sit down with some of us. Take us a couple of hours - that's all - and we will tell you what's wrong with it, and you can tell us what you don't like about it, and we could fix it. But to create another task force, another branch of bureaucracy, flies into the face of everything that the Republicans are supposed to be about: less government. Wasting the taxpayers' money - this is a waste of the taxpayers' money, to have a task force, when I can sit down with Senator Dudycz over a Budweiser and tell him everything that's wrong with it, and many of us could do the same thing. And in a few hours - and I've said this to Senator Dudycz - we could perhaps come up with something

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that would work. The problem is that no one trusts the sponsor on this side of the aisle on this bill because it's clear - even though some of you Members of the committee and some of -- the Members of the Senate are sincere - it is clear that the sponsor wants to eliminate affirmative action. So, since it's so clear because the sponsor is -- is very blunt and bold like I am - you know, he fears nothing; he'll tell you where he's coming from - that's the problem. There's also a problem with this resolution. It is flawed. It is flawed. How is it flawed? Well, it talks about the hearings that we have, but it does not tell you, my Republican friends, about the black Republicans, who supported Governor Edgar, who supported our -- our Secretary of State, how they - black Republicans - came in there and asked Senator Dudycz: What the hell was he doing? Black Republicans who support the Republican Party had a serious problem with what Senator Dudycz is attempting to do. Why do we need another layer of bureaucracy? Why do we need another year of study? We don't need that. We don't need that. I'm saying to all of you that we could sit down in a room; it won't take but a good hour to work this thing out, instead of dragging it out and spending a whole lot of money and having someone ahead of the debate who is clearly in opposition to any affirmative action programs whatsoever. And I just have to ask him, because I read the bill: Senator Dudycz -- will the sponsor yield for question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR HENDON:

And I hate to ask this question, because the last thing I want to discuss in this General Assembly is race and racism. I hate it. Don't want to talk about it, but if you want to put this out here, I've got to ask you. You say that you gave a preference to veterans because they did a extraordinary service for this

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country. Well, let me ask you: Did slaves do an extraordinary service for this country since they worked for free? That is a question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Geo-Karis, for what reason do you rise?

SENATOR GEO-KARIS:

I apologize for rising a second time. It's not a matter of race. I supported minority contracting all the way through - all the way through. It's not a question of race at all. It's a matter of being fair. And you know me better than that. Forget about race. Let's not inject race in everything just -- just because we don't agree with it. Forget about race. We've had enough race. Let's be fair to all -- all races, colors and creeds and individuals. Just remember: I have supported minority funding and help all the way through, since my twenty-three years that I've been here.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Hendon, I don't know how to answer your question. That question was never put to me before. When I was serving in Vietnam for twelve months in a unit that was majority African-Americans, and I slept, ate and fought with these men, nobody asked that question of me. When I worked as a Chicago police officer with an African-American partner for two years in a community called Cabrini Green, I was never asked that question. And when I worked in 1981 with an African-American female partner downtown in the City by the lakefront, that question was never asked of me. And I've been working as a detective on the west side of Chicago in your district, Senator Hendon, as a police officer with both African-American, Hispanic and white police officers in the community that you represent, that my mother and father live

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in, and which I love dearly. I have not been asked that question, so it's very difficult for me -- since 1978 in that community, working there, it's very difficult for me to try to understand that question and -- and find an appropriate answer.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Well, first to -- to -- to my distinguished and beloved friend, Senator Geo-Karis, and you know, Adeline, I love you. I will always love you, and you know I always listen to you. I have toned down because you advised me to do so. And I -- and I did it because you were doing it out of sincerity of your heart. Your heart is good as gold. If you were the sponsor of this bill, maybe we wouldn't look it -- be looking at it with such a jaundiced eye. However, you're not the sponsor of this bill. My friend, Senator Dudycz, is the sponsor of this bill, and even though you have not been asked that question before, you're being asked it now because you're carrying this bill now. And let me -- let me -- let me -- let me tell you something, my friend: This is very dangerous ground of which you tread. If you think those of us who are going to be negatively affected are not going to fight, fight, fight, all the way, and divide this State down racial lines over this issue, you are badly, sadly mistaken, my friend, because we are going to do battle. Be prepared to do battle. And I do not want to do battle with you. I do not even ever want to hear race brought up in this Chamber, because it has no place. It should not. But if you want to inject it in here, then we're going to have to deal with that. Let me ask you another question: Do you -- since we gave...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Well wait a minute. Sponsor will yield.

SENATOR HENDON:

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We gave -- this country gave the Japanese community that was affected negatively in the war, because they were interned, reparations. Now, do you feel that black people who -- whose ancestors were slaves here in America, do we deserve reparations - forty acres and a mule, or forty acres and a Chevrolet, since here we're going into the year 2000? Do you believe that we deserve that for the free work that we gave to this country?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz. But, Senator Hendon, let me admonish you, if you could bring your comments to a close. Okay? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Hendon, I -- again, another question I -- I thought it was a rhetorical question, because I don't know how to answer it, Senator Hendon. We're dealing with the subject matter of House Joint Resolution No. 38, dealing with the investigative task force. As far as the history of our country, we have many, many men and women of color, of gender, of -- of ethnicity that have contributed greatly to -- to our wonderful country and they should all be given credit for it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

In conclusion then, let me answer it for you, Senator Dudycz, and for the rest of the Members of this Senate, and -- and please, both sides of the aisle, if I could, 'cause I haven't made a lot of speeches this year, but you're going to hear this one. I -- I will wait till you get some decorum in this place. You're going to hear what I've got to say today. Thank you, Mr. President. A lot of us African-American leaders do not scream and holler about reparations because we have affirmative action, Senator Dudycz, because we felt that, yes, President Nixon did see the need to try to help out those who had been held back, who had been enslaved,

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who had been brought over here on slave ships, beaten, hanged - whatever you want. President Nixon: yes, he did see that vision, and he did strengthen, as Senator Geo-Karis said, affirmative action program. That's why we're not screaming about reparations, because we have this little affirmative action. And the numbers that you put in here, these numbers sound like big numbers, but these -- this is no money. This is no money. So if you want to bring up this debate, then you're going to have to face up, my friend, because I -- I respect you and, yes, you do serve in my district as a lieutenant. Then some of us are going to begin to say, "Well, okay, let's have a hearing about 'Mark Fuhrmanism' in a police department. How prevalent is it? How bad is it? What about racism on the police force? What about racism on the fire department?" You don't want to hear that. You don't want to be drug through that. We don't want to go there. But if you want to go there, if you want to direct our attention to race in this Chamber by passing this resolution, I'm saying to all of you who sincerely want to fix this, vote No on this. We can sit down in an hour, hour and a half, and I guarantee you those of us who are involved in affirmative action programs, such as myself, admit that there are problems and will work those problems out with you, and then we could come out of here with a resolution that everybody can agree with. And it won't take all year, it won't waste all the taxpayers' money, and you won't have to hear Rickey Hendon screaming and hollering about reparations and the Mark Fuhrmans on the police department and the other things that's wrong with this country.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Ms. Patty Culhane of Channel 20 asks leave to videotape the proceedings. Leave is granted. Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I share the concerns of

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-- of many of the Members of this -- of this esteemed Body, in -- in, one, the definition and also the determinations of -- of those who are going to be considered for preferential consideration: the veterans versus the gender and the -- the race determinations. I also stand because I share the concerns of many Members of this Body who -- who actually feel that the present affirmative action statutes need to be changed, that we need to be tightening up some of those loopholes whereas individuals have benefitted - wrongly have benefitted - versus those who need to be benefitting by the legislation when it was initially proposed. So with that -- and I think that we should have some quick resolution to those, by tightening up those -- those loopholes. So I -- I ask the question: Why -- if I may, if the sponsor will yield. Why December 1st, 1996, and not May 1st, 1996, June 1st and so on and so on? Why did you pick this date, which is -- does look like it's going to be a political football, or used for your own self-aggrandizement, and not for the benefit of the people that this legislation is supposed to be dealing with?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is that a question, Senator Trotter?

SENATOR TROTTER:

I did ask him if he would.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Mr...(microphone cutoff)... Senator Trotter, when I introduced Senate Bill 1184, as you're familiar with, it was introduced earlier this year. It was to have a hearing at the Senate Executive Committee, and when it was brought before the committee, there were many, many witness slips that were filled out. Senate Executive Committee at that time determined that they were not going to spend the many hours as an Executive Committee

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reviewing the -- the statements, listening to the witness -- witnesses give their oral testimony, because they had many other bills and legislative initiatives before them. So they created a subcommittee, which I was placed under. The chairman, Senator Karpel, created a subcommittee. Over the summer we did hold two hearings. At those two hearings, we had seventy-three witnesses -- witnesses who provided testimony - oral testimony - over nineteen and one-half hours. In addition, we had six hundred and one witness slips submitted by citizens and special interest groups who had given their opinions on the -- the issue brought up by Senate Bill 1184, as well as four hundred and eighty-six pages of written testimony were submitted for the subcommittee. While we were having these -- these hearings, it -- it became clear to me... Yes, Senator Hendon, Senator del Valle, you're right. I -- I admit that with my introduction of Senate Bill 1184, I believe that there should be no discrimination or preferential treatment given to individuals in State government or other local governments based upon race, gender and so forth, as given in -- in the proposed legislation. But during these hearings and -- and witnessed by the statements of some of my colleagues today, it was very clear to me that we were not going to get a consensus, even from our subcommittee, on this issue. With all this testimony that was given to us, why do we need a lengthy hearing? Well, to get the -- to get the input that was brought out by the Legislative Research Unit when they come out and -- and come up with their preliminary report that said that in higher education alone there are over seven hundred programs for underrepresented students and faculty at the institutions of higher education. We're talking about over seven hundred affirmative action programs in higher education alone, costing in excess of eighty-three million dollars. And then their -- they talk -- the report says that approximately three hundred million dollars of State contracts



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have been awarded to businesses - this is in the previous year - to businesses owned by minorities, women and persons of -- with disabilities, in effect making male white companies ineligible to even bid on these three hundred million dollars. I think it was very appropriate and proper for the General Assembly to create a committee of -- of General Assembly Members - not just a Senate subcommittee, which was criticized today, but of -- of General Assembly Members, both House and Senate, Majority and Minority, and citizen -- citizens giving input to be able to study this. And plus, they don't even have any statutory authority. We decided -- I decided that they would be given enough time to be able to absorb, to analyze and to recommend to us, as a General Assembly, their findings so we would be able to deal better with it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

If -- if I may. I'm not questioning the need for a task force. Certainly there's some more dialogue that is needed. But by your own admission, you have received volumes and volumes of information and seemingly already our legislative review board -- or Legislative Research Unit has also data that's already in the system. So again, the real question: Why is it going to have to take this whole year? It's not even December 1st, 1995 yet. Why are you taking the -- the whole twelve months? To alleviate the perception that this is being done just to make it a -- for your own political aggrandizement, then why don't you do it and have the findings by October 1st? Seemingly we have enough information, we have the resources, that we can come up with a good consensus of ideas or legislation which we can put into the hopper and which can initially become a bill. So why we have to wait for the whole twelve months and not October 1st?

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, as a subcommittee, we did receive, like I said earlier, seventy-three witnesses who were not solicited to give us input. We barely scratched the surface of the issue dealing with what we believed was a thorough analysis at the time. But when the Legislative Research Unit came up with their preliminary report stating that they have the hundreds of -- of programs that we haven't even been aware of, I felt it was necessary for us to -- to -- to see what those programs consist of, what they are doing and how they are spending taxpayers' dollars. Personally, Senator Trotter, if I see a program -- just as my own personal opinion, if I see a program which is -- which can be defined as affirmative opportunity, which gives people an opportunity to better themselves, I could support that. But when you're taking some kind of program, which under the guise of affirmative action is, in fact, a discriminatory program out there, which is discriminating against some segment of our State, some segment of our society, that's something which should be scrutinized thoroughly and -- and see if it, in fact, is necessary.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. And I am winding it up. I don't believe my question was adequately answered, 'cause I -- I believe this is something that with the data that we have already, with the information that we've -- we've received from -- from multitudes of groups throughout this State, we can come up with a determination, we can at this particular time even come up with legislation in which everyone can be happy with. I do believe that this is being -- being used and utilized -- this -- this

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particular initiative utilized for someone's own self-aggrandizement, for lack of a better word. And because of that, I think this is a bad issue, and I think we should vote it down.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer, for the second time.

SENATOR PALMER:

Thank you, Mr. President. And I apologize for rising a second time. I would like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

Senator Dudycz, I heard you say that you are for affirmative opportunity and you are concerned about tax dollars spent. With those two in mind, are you -- why not withdraw this and rewrite it so that we can look at the entire situation in the State of Illinois and include, for example, income as one of the categories? Let's look at how the tax dollars are spent on all -- in all categories where there is preferential treatment, and let us then define a policy in the State of Illinois that is for affirmative opportunity for those who have been left out of the system on all levels and therefore take us in a direction that will improve the quality of life for people, instead of this proposal which narrowly defines whom we're talking about and, I think, sets us on a very bad direction in giving the appearance of targeting people of color and women and to do so, ironically, on one of the days when we were just upstairs celebrating the seventy-fifth anniversary of women's right to vote in this country. I think that we need to rethink this and not do it this way. Are you willing to change it?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

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SENATOR DUDYCZ:

Well, Senator Palmer, I -- I support legislative initiatives that are inclusionary; but when you're talking about including people, we cannot talk about excluding people. Now, if you're talking about including people based upon their economic abilities to -- to raise money or -- or their -- their personal finances because they are at a lower threshold, I support helping people but not when you're talking about excluding others. When you're talking about including people of color, women, other minorities or -- or any handicapped or anyone else who may be defined under affirmative action programs, you -- I can support that if it does not exclude those of us who just happen to be male whites. I support a program which is a "hand up" not a "handout".

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Just a few brief comments. Senator Dudycz, you introduced Senate Bill 1184 and you indicated that you held this bill up due to the volume of testimony and you wanted to study the issue. But on the national level, I see Senator Dole want to wipe out affirmative action, Senator Gramm want to wipe out affirmative action, Governor Pete Wilson want to wipe out affirmative action. The concept as you're putting forth as it relate to doing a in-depth study, I have no problems with that, and perhaps Members on this side of the aisle could go along with that if they had the equal opportunity to sit down in a bipartisan manner to discuss this issue. But since all the attempts to abolish such has come from members who represent your Party, then it becomes rather suspect as to whether or not it would be fair and impartial. I agree with Senator Geo-Karis 'cause she did -- along with myself, sponsor the -- the Minority and Female Business Act, even did the extension. But since you put the bill in and

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since you issued a report, which -- called a chairman's report, without any input from anyone on this side of the aisle, everyone is suspect. You have an opportunity, you have a great opportunity, to become a statesman. You could become a statesman by saying we all want to sit down collectively and come up with solutions to some of the problems. But when you do it on a partisan basis, in view of the fact that not only you but members of your Party have indicated they wanted to wipe it out, then only thing that we can suspect in November or December of next year, that we would have a very partisan, narrow view on affirmative action. And I don't think that's what you really want. Perhaps you may want to hold hearings. You may want to bring in Senator Gramm next summer for those hearings. You may want to bring in Senator Dole. But it's tantamount to having the doggone barracudas watching the baby fish in the -- in the -- in the ocean, and I don't think that's what you want. I think you would want to have a bipartisan report that the Members on both sides of the aisle would be willing to sign, rather than have a partisan report. And if you would consider taking this back and make it partisan, I'm quite sure you -- nonpartisan, you would get a lot of cooperation on this side of the aisle. But I don't think you want a partisan report coming out that only the Republicans send. And you've already indicated in the report that you put forth that that is the way it's going to be, and I don't think that's in the best interests of the people.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz, to close.

SENATOR DUDYCZ:

Thank you, Mr. President. I'm just questioning how many of you in this Body have, in fact, taken that sixty-eight-page document and read it. Senator Jones, if you have -- you may have read it. I don't know. But if you didn't, I would suggest you

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read it, because what I'm suggesting -- just suggesting in this report is exactly what you're asking for: that we have a task force - a bipartisan task force - of both Houses with input from the citizens and from the Governor's Office to look at, to scrutinize and to evaluate the affirmative action programs in Illinois and to see what they can come up with, before we can deal with it legislatively. I'm holding Senate Bill 1184. I'm not going forward with it. I'd like to, but I'm holding it because I'd like to see what this task force comes up, as far as those three hundred million dollars in contractual dollars that the male white contractor has no access to. I'm going to wait and see what the seven hundred programs or affirmative action in higher education say. That's what I'm going to wait for, and that's what I'm going to be eagerly awaiting, for the task force to come out with their report so that we can come back here next year and deal with this issue as -- as an informed General Assembly. And I would seek your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz moves the adoption of House Joint Resolution 38. 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 32 voting Aye, 25 voting Nay, none voting Present. The resolution passed. Bottom of page 2 on the Calendar is House Resolution -- House Joint Resolution 43. Senator Hawkinson, do you wish that called? Read the bill <sic>, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 43, offered by Senators Hawkinson and Dunn.

There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This House Joint Resolution 43, sponsored by myself and Senator Dunn, comes to us from the Juvenile Justice Task Force, and it simply extends the life of that task force until the end of 1996. We thought we'd done that by an earlier Senate resolution, but because of a typo in that resolution, it wasn't done by the House, and we need to get this done because the current reporting deadline is -- is December 1 <sic> (15) of this year.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson moves the adoption of House Joint Resolution 43. Those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted. We'll skip over to page 3 on Secretary's Desk, Non-concurrence, and we will return to the Order of Resolutions after this next piece of action. On the Order of Secretary's Desk, Non-concurrence, House Bills, is House Bill 2349. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2349, with Senate Amendment 2.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I move that the Senate refuse to recede from Senate Amendment No. 2 and that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Burzynski moves that the Senate refuse to recede from the adoption of Senate Amendment No. 2 to House Bill 2349 and that a conference committee be appointed. All those in favor, say Aye. Opposed, say Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. We'll now return to the

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Order of Resolutions, and on page 3 is Senate Joint Resolution 60. Senator Cronin. Read the bill <sic>, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 60, offered by Senators Cronin and O'Malley.

No committee amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any Floor amendments?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Floor Amendment 2 to Senate Joint Resolution 60 deals with the waivers process that was developed under Senate Bill 22 previously this year. Specifically, the amendment provides that the General Assembly deny the following waiver requests: First, with respect to Benton 47 and DuQuoin 300, those being school districts, as to their request for corporal punishment waivers; as to St. George 300 <sic> (258) and Lemont-Bromberek, their -- their waiver request concerning sprinkler systems; a denial concerning Chicago's change of the fiscal year to September 1; a denial of Cook Consolidated School District 168 as to the reduction in instructional time, and also as to Washington Community High School District, the same thing; and as to Robein School District 85, their proposal for a waiver from the consolidated election laws; and finally, five separate waiver requests concerning waivers from the school accountability law. The requests come from Brimfield 309, Belleville 118, Wood River-Hartford 15, Northbrook 28 and Wolf Branch 113. In addition, this amendment sets forth certain directives to the State Superintendent and the State Board



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of Education with regard to the school accountability process. And if -- if you'll allow me, I'll briefly state what those directives are: that the State Superintendent and the State Board accelerate their efforts to improve the accountability process by, one, making it less time-consuming and bureaucratic; two, making it -- more focused on student performance and school improvement and less on paperwork; three, reducing the time teachers are forced to spend outside their classrooms; and four, providing clearer and more consistent directions from those administering the process. Also, the State Superintendent is directed to submit a report with recommendations to improve the process to the General Assembly by February 1, 1996 and to inform school districts of his recommendation. In the event the State Superintendent fails to submit a report or if the proposed changes in the process fail to generate the expected improvements, the General Assembly pledges to take appropriate legislative action. Be happy to answer any other questions there may be.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Are we going to -- if this is adopted, then we're going to address SJR 60 immediately following this. Is that my understanding? If so, then I'll reserve my comments for -- because the SJR 60 is a shell bill <sic>, so I'll -- I'll reserve my comments for SJR 60.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley moves the adoption of Senate Joint Resolution Amendment No. 2 to Senate Joint Resolution 60. Those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted -- the amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin, do you wish the resolution considered now? Mr. Secretary, read the resolution. Mr. Cronin -- Senator Cronin, to explain the resolution.

SENATOR CRONIN:

Thank you, Mr. President. Mr. President, Senator O'Malley explained the components of this resolution, and everyone's been pretty well apprised of those specifics. I'd like to add a few thoughts, if I may, in asking you to support this resolution. First of all, all of you know that we passed a law recently that set up this procedure - this waiver procedure. And that law has worked, for the most part, quite well. This is the first year that we have dealt with the -- the procedure that was set out in the law. There have been over a hundred and some requests for waivers of administrative rules that have been granted by the State Board. There's been over sixty requests to waive State law. Of the sixty requests to waive State law, we are dealing here with essentially five separate issues among various school districts. We have been painstakingly careful to look at the merits of each request and to try to strike the right balance between local control and state compelling reasons that the State should intervene. This bill, we believe, I believe and I urge my colleagues to support, strikes the proper balance, and I urge your favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman. Senator Berman? Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. Well I guess I reluctantly rise in opposition to Senate Joint Resolution 60. I voted against this in the Education Committee this morning and -- and continue to persist in what I think is an excellent concept that we have

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adopted to allow for the ultimate in local control and local decision making being made by those elected at the local level for -- in regard to their school districts. A couple of these provisions, just to me, defy common sense. One in particular that I have to mention is -- is unfortunately the Lemont School District and -- and their waiver request, and they're asking for consideration to delay of up to one year - but actually it's just a few months, from what I understand - the requirement to hook up water sprinklers in their -- in their school. And what has happened in -- in Lemont is that there's an old facility and they've added on, and the new facility is -- has sprinklers in it but the city water supply has not been brought forth to the school. And as a result, there's no capacity to turn the sprinklers on. As a result, if they are to utilize the building, the -- they will have to spend up to eighty thousand dollars for a tank and pumps and all to -- to put in a temporary facility to allow for the utilization of the building. This is not an unreasonable request that they're asking. It's a local district. It would cost them eighty thousand dollars to comply. I talked to the fire district people when they were here testifying. I've talked to the local school officials. The facility that was -- the new facility that is currently built is -- has -- is built under a new fire code. It has fire resistant materials in it. It has access doors to the outside from each room. In all practical purposes, it is safer than the older facility. So we're going to say now that they cannot use the new facility because the sprinklers don't work, when they have an older facility which has no sprinklers at all. We're going to require them to stay there. To me, that kind of concept and philosophy defies common sense. That waiver should be granted, Mr. President. In the area of the school accountability - and I know that most of us on this Floor have heard from teachers and educators in our district who have

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spent countless hours and time and -- out of the classroom and -- in trying to comply with the school accountability provisions. And -- and I appreciate the State Board of Education's recognition of -- of this problem and concern of the paperwork and the time and the bureaucratic nightmare that most districts are having to experience just to -- to comply to this accountability law and I appreciate the fact that they are taking some positive steps, but we've got some school districts here who have applied for a consideration under the school accountability provisions that are one of the -- are some of the finest school districts in this -- in this State. And we're asking them to -- just to reinvent the wheel locally to do something that they're doing well right now. I see no reason for us not to allow for some sort of consideration in regard to those school districts whose test scores and from all accountable provisions are doing a quality, quality job. So as a result of that, and -- and there's some in here that I would like to vote for, but -- but there's many that I would just as soon allow -- like to see the local control and local decision be -- being made by districts' school districts, by school boards, administrators, teachers, parents who've had an opportunity to know their problems and know their concerns and respond. So I respectfully encourage a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what reason does Senator Jones seek recognition?

SENATOR JONES:

Thank you, Mr. President. Earlier on I had a conversation with the Senate President, and at that time, I indicated that when we get to this issue, we were going to go to a caucus. But subsequent to that, I -- I realize, after talking to my educational spokesperson, that there had been some sort of agreement as to what the procedure shall be, so we decided not to. But in light of the fact that those things have changed, I wish

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you would recognize our caucus chair, 'cause he has a request.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. We would request a Democratic Caucus immediately in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Do you have any idea how much time?

SENATOR JACOBS:

Would say a half hour.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Half hour. Okay. Senator Philip.

SENATOR PHILIP:

That was my only question, what time you going to come back. Four o'clock?

PRESIDING OFFICER: (SENATOR DeANGELIS)

That's what looks like a half hour to me. The Senate will reconvene at 4 o'clock. For what purpose does Senator Donahue seek recognition?

SENATOR DONAHUE:

Well, thank you, Mr. President. I, too, would request a Republican Caucus in Senator Pate Philip's Office.

(SENATE STANDS IN RECESS)

SENATOR JACOBS:

Democratic Caucus has returned - to those in earshot.

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will reconvene, and when we recessed, we were on the top of page 3, Senate Joint Resolution 60. The Chair recognizes Senator Sieben.

SENATOR SIEBEN:

Well, thank you, Madam President and Ladies and Gentlemen of the Senate. I think we all have spent quite a bit of time struggling with how to implement Senate Bill 22 that created the mandate waiver process. And I serve on the Senate Education Committee, and because of that, I've had a tremendous amount of input from everybody from local school districts that requested mandate waivers to people on the State Board of Education that have concerns and various associations that represent school interests that have a concern in this process. I think what's important for us today is to send a message to the education community that we are doing a conscientious job of reviewing these mandate waiver requests and that we show that we have given some thoughtful deliberation to which -- which waivers do make some sense and which waivers maybe we should give some further consideration. I think we also need to realize that we will have an opportunity again in six months to act on waiver requests. And I think if we look at what we're doing here today and look at what this first set of waivers represents, we find that a hundred and fifteen -- a hundred and fifteen different waiver requests were submitted to the State Board of Education. Now, five of those were withdrawn by the school districts themselves. The State Board of Education returned ten of those waiver requests, because there were some flaw in the waiver requests. So out of the hundred and fifteen that were submitted, a hundred of them were in a position to be acted on. The State Board of Education acted on thirty-nine of those, and they granted those thirty-nine requests and sent sixty-one of them to the General Assembly for our action.

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And we've considered these; the House has been considering these; the Education Committees have been working on those. In Senate Resolution <sic> 60 that we're talking about now, the actual waiver requests that we're recommending be denied at this time are only thirteen. There's an actual listing of thirteen different waiver requests that we would be denying. So, has the process worked? I submit to you that we are granting eighty-seven of the hundred waiver requests either through the State Board of Education or the State Senate, through our action in Senate Resolution <sic> 60. I think that shows our sense of responsibility in trying to work with local school districts, trying to recognize their need for some flexibility. I think it shows a responsible action on our part in listening to the concerns of various groups that said they had reservations about waiving corporal punishment, or waiving a requirement for sprinklers that might endanger student safety, or shortening the school day. So I think this is a very good resolution. I think it's a very good first step that puts us in the right posture as we consider the next set of mandate waivers that will come to us the first of May. So I encourage Members on both sides of the aisle, even though you may have individual differences with specific waiver requests, and certainly all of us would like to vote for or against a certain waiver request as it impacts somebody in our district, I think this represents a -- a good -- good first step in our responsible role in -- in acting on mandate waivers. So, eighty-seven percent of the waivers that were submitted would be approved, or would go into effect and be granted. Only thirteen out of the hundred that we're acting on are being denied. I would ask for a Yes vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Berman.

SENATOR BERMAN:

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Thank you, Madam President. Ladies and Gentlemen of the Senate, this process is a very frustrating one, and I think that there isn't anybody on this Floor that won't agree with that. It's the kind of thing that probably no one is getting everything that they want, and very few of us are probably getting much of what we want. But like the legislative process many times evolves, we have to address what is available and make the tough decision as to whether a half a loaf, or a quarter of a loaf, or one slice of bread is better than none. Within that context, I stand in support of Senate Joint Resolution 60, but it's a qualified support. And let me address some of the particulars: Corporal punishment - I think it would be outrageous for a school district to reinstate paddling, spanking and - I want you to understand what this allows - restricting a student into a physically restrained position. What does that mean? It means you can tie their hands and feet together for an unlimited period of time; you can put them into a closet which is two feet high and three feet wide for an hour or two or three. That's what these two school districts are asking to be allowed to do. And one of the things that we failed to detail in the spring was the kind of public information the public hearings would require back home, because I doubt, regardless of how strong a feeling a parent has, that if that parent thinks that their child ought to be spanked, that parent ought to do it, not assign it to some faceless, nameless member of a school board and let anybody inflict physical punishment on my child. So I'm going to vote Yes, because I don't think that we should reinstate corporal punishment in any school district in our State, and that position was supported by a very impressive list of organizations that stood by me at a press conference two weeks ago to disallow corporal punishment reinstatement. Sprinkler systems - let me tell you the problem with the sprinkler system waivers. The school -- one of the two



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school districts that wants to reinstate -- put their kids into a school that doesn't have sprinklers is building a million-and-a-half-dollar school. The cost of sprinklers is thirty thousand dollars, and they want to put the kids in because they can't reshuffle their resources to pay thirty thousand dollars to protect those kids. And they want us to allow that to -- to happen. God forbid you have a catastrophe like you have over at a railroad crossing three weeks ago; that there's a fire at one of these two school districts. I don't want to be responsible for one injury or, God forbid, one death in those schools. And accountability - I just want to point out to you that there's five school districts that are asking for an accountability waiver. Ladies and Gentlemen, one or more of those school districts are high-achieving school districts, but I would point out to you that even in those high-achieving districts, there are one or two school buildings that are doing a great job or have very talented kids. But there are other school buildings in those school districts that aren't achieving at that same level. If you allow that waiver of accountability, you're writing off a State accountability standard for those kids in the less-than-top school buildings in those districts. Don't we, as a State Legislature, have the responsibility of setting standards for all the children in Illinois? And we are inviting every school district, other than those five - another nine hundred and eight - to come in and say, "Ah, it's too much paperwork." "Oh, I don't want to give the IGAP tests." "Oh, I don't want to have a school improvement program." And there we go, Ladies and Gentlemen. So much for educational standards statewide to be set by an Illinois General Assembly. Shame on us. Shame on us. Now, those are just three of the issues that are included in SJR 60, and based upon those three subjects, I'm going to vote Yes and I'm going to ask everyone on this Senate Floor to vote Yes. But let me add another

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item. I don't know what's going on between the Leadership of the House and the Leadership of the Senate. I'm not in those discussions. Maybe in 1997 I will be. But in 1995, I'm not. But, it disturbs me when we passed out Senate Joint Resolution 59, which was a shell resolution, and that resolution still resides in the House Rules Committee. Shame on the House. But we have ten resolutions of which five have passed the House and are sitting in our Senate Rules Committee. Those five resolutions were approved last night and are included in Senate Joint Resolution 60. I don't want to go home tomorrow and allow corporal punishment to be reinstated, to void State standards for accountability and to allow children to be put in unsafe, unsprinkled <sic> school buildings so that I can point a finger at the House or the House can point a finger at the Senate. So, Senator Philip, Senator Weaver, other Members of the Rules Committee, I plead with you, please, in -- in recognition of my urging of a Yes vote for SJR 60 on this side of the aisle, please, please, release from Senate Rules the following House Resolutions <sic> (Joint Resolutions) - 67, 68, 72, 74 and 76 - so that we can take a vote on the Senate Floor. If they don't pass, so be it, but let's not allow finger-pointing and backroom squabbling to prevent effective action by this Body - this Body - to impose responsible action by our school districts. That's my plea - sincere plea - to the Leadership and to the Rules Committee. Allow us to do what's right and vote individually on the same issues that SJR 60 contains. So I'm asking for a Yes vote on SJR 60, and I want the opportunity to vote Yes on those five House joint resolutions. Thank you -- thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. I just wanted everybody to be aware of exactly what this accountability process entails for a school district. I intend on supporting this resolution, but I do have a school district in my area that is outstanding that has requested a waiver. But I do understand that we have to relook at this process, and I am bringing you this information to remember when we relook at this in the spring. In my school district in Northbrook, for example, there are thirty-four State goals that must be developed. Two learner outcomes for each of the State goals, which means that they must develop sixty-eight learner outcomes. For each of the sixty-eight learner outcomes, they must -- they must develop two different assessments for each of the learner outcomes. Therefore, they must develop a hundred and thirty-six assessments. This must be done at two grade levels in order to meet the standard; therefore, in a district where they have a hundred and sixty-three fourth graders, you multiply a hundred and sixty-three times a hundred and thirty-six assessments and you get twenty-two thousand one hundred and sixty-eight assessments for one grade. Add the second grade - you have a hundred and seventy eighth graders at the Northbrook Junior High. Now multiply a hundred and seventy times a hundred and thirty-six assessments and you get twenty-three thousand one hundred and twenty assessments for that second grade level. This translates into forty-five thousand two hundred and eighty-eight assessments for three hundred and thirty-three children. That's a long paper trail. And I bring this to your attention because the State Board of Education has promised us that they are going to be coming with a new study on how we do the process on accountability, and we need to keep this in mind because the paper trail is onerous for these school districts. Accountability is important; we need to keep on that, and that's why I will support this resolution at this time. But we need also to be flexible. Where you have outstanding school

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districts, we must look at them individually and be flexible so they can put their time in the classroom and not on the paper trail. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. I'd like to pose a question of the sponsor, if I might.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

First of all, let me associate myself with the remarks that have been made by Senator Berman on this side. Senator Cronin, in the Act itself - the school waivers Act - waivers -- it says waivers may not be requested from laws, rules or regulations pertaining to special education, teacher certification, or teacher tenure and seniority. There were at least five such waivers that had been filed that are not included in your amendment, in Amendment No. 2 to Senate Joint Resolution 60. What is the posture of those?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

My short answer to your confusing question, with all due respect, Senator, is -- is, if we don't take any action, the waiver request becomes law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the -- let me clarify then, perhaps. I notice, for example, in Palatine, the waiver was filed that would allow the district to require nonadministrative health aides to administer

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medication. Not in here. Ludlow, in Champaign, would allow district to assign teachers with a grade six-through-twelve certificate to teach grade five for up to one-half time. These clearly are those that are certification measures, and therefore, it seems to me under the Act as I've just indicated, waivers may not be requested from laws, rules, regulations pertaining to special ed, or teacher certification, or teacher tenure and seniority. I'm just asking what -- those seem to me to be out of order, illegal and what have you. And what is our posture here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

If we take no action, then by that action, they are complying with law. That make sense?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I -- I won't belabor the point other than to suggest that this is really a confusing piece of legislation that we have crafted. I would probably suggest to you that, most likely, lawsuits would be filed with respect to those that clearly do not meet the -- that clearly are exempted from the waiver Act. So, unfortunately, since we haven't dealt with them, I wouldn't want the record to reflect that this General Assembly would want to be in the position -- at least I would not want to be in the position to suggest that my Yes vote on this without the other six that I've just mentioned, somehow or other I -- I wish to -- to -- to waive them as well. So, my answer is probably as confusing as your answer was, but I -- but I don't want to associate myself with the six that I feel that are clearly -- that have been filed that clearly should -- should never have been filed with the Legislature. Now, I don't know if that's the State Board's fault

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or who, but somebody has to make that determination before they get here and I'm sure that's the State Board.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I think this is a very interesting resolution because it points out that what we had said last year about local schools and local individuals knowing best is not true. In the aftermath of the election a year ago this month, it seemed that we wanted to send local control -- send issues back for local control. Local school boards knew best. They're closer to the voters; they're closer to the problem; they're closer to the people than we are here in Springfield. And so we passed this bill allowing for waiver of State mandates, under the impression that everything we had mandated down here was somehow wrong. And today, a year later, the chickens have come home to roost. What has happened is we are now acting as a super school board, reviewing school board policy on a case-by-case basis - something none of us intended to do. Had we intended, we probably would have run for the school board ourselves, instead of running for the State Legislature. But it seems to me that once again we've taken a good idea too far. A little bit of local control was good. Total local control, obviously, is bad, as this resolution to deny some of these waivers is being sponsored by Republicans themselves. So I think that perhaps we can think twice before we come up with these grandiose plans to reverse decades of what we have done down here in Springfield. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR CRONIN:

Thank you. This has been debated pretty thoroughly. The only

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thought I would offer in closing is that, yes, we on the Republican side of the aisle have promoted local control, and I think it is genuine. But in this case, as was pointed out by one of my colleagues, I think local control is the way to go eighty-seven percent of the time. So if you want to say yes to the waiver requests, vote No. If you want to say no, vote Yes. I ask you to vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin has moved the adoption of Senate Joint Resolution 60. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 Nays, 1 voting Present. And the Senate Joint Resolution 60 is adopted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: Referred to the Committee on Environment and Energy - Conference Committee Report 1 to House Bill 901; to the Committee on Higher Education - Conference Committee Report 1 to House Bill 122; to the Committee on Insurance, Pensions and Licensed Activities - Senate Bill 1246 and Conference Committee Report 1 to House Bill 32; referred to the Committee on Local Government and Elections - Conference Committee Report 1 to House Bill 211; and the following bill is, pursuant to Senate Rule 3-9(b), exempt from the automatic re-referral provision of that rule - Senate Bill 1246.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis, for what purpose do you seek recognition?

SENATOR GEO-KARIS:

For a point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Please state your point.

SENATOR GEO-KARIS:

In our gallery up to my right, the Republican side, is a very eminent workers' compensation lawyer by the name of Louis Atsaves A-T-S-A-V-E-S. He is Senator Barkhausen's constituent, but he offices in my town, and I'd like you to welcome him.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized. Senator Karpziel. Senate <sic> Karpziel, for what purpose do you seek recognition? All right. Senator Hawkinson, for what purpose do you seek recognition?

SENATOR HAWKINSON:

For purposes of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR HAWKINSON:

The Judiciary Committee will be meeting in Room 400 at 8 a.m. tomorrow morning. That's 8 a.m. tomorrow morning. Senator Geo-Karis has a bill. Is it -- Senate Bill 1140, and hopefully the conference committee report, which is being circulated now on Senate Bill 721.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. Just to make an announcement that the Committee -- the Environment and Energy Committee will meet tomorrow morning at 8:30 in Room 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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



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

Senate Bill 946, together with House Amendment 1.

Passed the House, as amended, November 15th, 1995.

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 71.

We have a like Message on House Joint Resolution 75.

Both adopted by the House, November 14th, 1995.

PRESIDING OFFICER: (SENATOR DONAHUE)

Just for the understanding of the Body, we will leave the Chambers open for the sake of being able to accept paper from the House, but for all practical purposes, our business is concluded for the day. We will recess until the hour of 9 a.m. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Madam President, I'm under the impression that the Public Health -- Local Government will be meeting tomorrow, is my understanding, at approximately 8:30. We're waiting for a confirmation on a room. If you keep the Chair open, we'll be able to announce that at least to the people who are in their offices, or else the Members should just be aware that are on Local Government, that around 8:30 tomorrow morning, check that there will be a meeting.

PRESIDING OFFICER: (SENATOR DONAHUE)

Does anyone else have any further business? We will be adjourning until 9 a.m. tomorrow morning. Although the Chamber will be left open. All right? Senate stands in recess.

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(SENATE STANDS IN RECESS)

PRESIDING OFFICER: (SENATOR WEAVER)

...be a Rules Committee meeting in five minutes in the Anteroom.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure assigned to committee: Referred to the Committee on Judiciary - Conference Committee Report 2 to Senate Bill 721.

PRESIDING OFFICER: (SENATOR WEAVER)

If there's no further business, the Senate will stand adjourned until 9 a.m., Thursday, November the 16th. Senate stands adjourned.

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