

85TH GENERAL ASSEMBLY

REGULAR SESSION

July 2, 1988

AFTER RECESS

PRESIDENT:

The Senate will please come to order pursuant to the recess. Reading of the Journal, Madam Secretary.

SECRETARY:

Senate Journals of Thursday, June 16 and Friday, June 17, 1988.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that the Journals just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDENT:

You've heard the motion as placed by Senator Vadalabene. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. I move that reading and approval of the Journals of Tuesday, June 21st; Wednesday, June 22nd; Thursday, June 23rd; Friday, June 24th; Monday, June 27th; Tuesday, June 28th; Wednesday, June 29th; Thursday, June 30th and Friday, July 1...July 1st, in the year 1988, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Vadalabene. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. (Machine cutoff)...of the Body, we'll move to page 3 on the Calendar on the Order of House Bills 3rd Reading. There's been a request to go to the Order of House 3rd, 3543, Madam Secretary. Senator Carroll. Sena-

tor Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that we suspend the appropriate rules so that House Bill 3543 can be returned to the Order of 2nd Reading for purposes of an amendment.

PRESIDENT:

All right. Senator Carroll has moved to suspend the appropriate rules so that House Bill 3543 can be moved to the Order of 2nd Reading for purposes of an amendment and otherwise considered. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. On the Order of House Bills 3rd Reading is House Bill 3543. Senator Carroll seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3543, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Carroll.

PRESIDENT:

Senator Carroll on Amendment No. 1.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The amendment has been distributed, I believe, with copies of explanation. Basically, what this amendment does now is to take and absorb the last two remaining items of appropriations before the General Assembly and that is the appropriations for the common schools both in general State Aid Formula and categorical grants. We have by this methodology provided an additional one hundred thirty-five million dollars of spending for the common schools of Illinois, elementary and secondary. We have split...we have provided for the pensions up to the forty-four percent level.

We have divided the remaining monies, a hundred and five million, equally between the formula and the categorical lines. They have been identified in each, special ed. et cetera, et cetera and that is how we are dealing with the education component, an additional hundred and thirty-five million approximately five percent. The second basic element of it is the appropriations for the Department of Commerce and Community Affairs at approximately couple hundred thousand dollars of general revenue funding below the House level. We then took most of the House amendments and/or Senate amendments that were general revenue funded and changed those we could to other sources of funds if available and try to eliminate the general revenue ones on which there could be no other way of funding them but general revenue in our effort to keep the general revenue funding down to the level that was, in fact, available under our guidelines. The identification has been given to every one of the members. It is again a level of general revenue that I'll explain later that is within our resources. We have made the general add-on...I'm sorry, add-in type allocations within lines where we did not add to the bottom line. This is the effort of the ten-member conference committees that met with the unanimous support of the ten members of the conference committee. I would be willing to answer any questions and would move adoption of Amendment No. 1.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 1. Discussion? Senator Lechowicz. By the way, if I can have your attention, Channel 20 has requested leave to tape from the gallery. Without objection, leave is granted. Senator Lechowicz.

SENATOR LECHOWICZ:

Three questions, if I may, Mr. President.

PRESIDENT:

Sponsor indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Eighteen million dollars for the White Sox Sports' Facility, where's that money coming from?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Lechowicz, consistent with the legislation passed two days ago, we have created, as you know, the...we have readopted the...or reaffirmed the new contract, that is the funding that comes from basically the hotel-motel tax. What happens is it's fed into the account, this is in the authority under the new contract to spend that account. As you know, approximately eight, eight and a half million comes from that extra two cents generated from the Chicago hotels and motels, another five million comes from the state portion of the hotel-motel tax and another five from the Chicago portion of the Distributive Fund. That's set up by formula, it goes into that fund, this is the authority then to spend it out of that fund.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

And the waste water treatment program...bond program formulating three hundred million. Now is this the...for bonds?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

This presumes if, in fact, that the allocation of that new sales tax Act that will be funding...or whatever the source is that will be funding the waste water compliance grant and loan program that's been discussed the last several days, if, in fact, something ultimately passes, this is the

authority to spend it out of that newly created body. This does not feed it in, it spends it out. The other bill will feed it in.

PRESIDENT:

(Machine cutoff)...Lechowicz.

SENATOR LECHOWICZ:

Where's the other bill at on the bond program?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

I'm...I'm not really aware, Senator Lechowicz, I know that the...that issue has been floating around the waste water treatment...

PRESIDENT:

That's...1859, Conference Committee Report. It will be on Supplemental No. 1, I believe, yes, just been filed. Further discussion? Senator Brookins.

SENATOR BROOKINS:

Will the...will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Yes, the waste water treatment program, how much is that...and what waters are treated?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Well, the program itself is handled in the other bill that Senator Rock just mentioned in conference committee. The...this would be those special bond funds and grants. If that bill passes, and it has passed the House, the Conference Committee Report, that monies are fed into this newly created agency or...or account. There are matches to that account. It's...if I remember, it's a nine for one match with some

federal funds and this would then be the appropriation authority out of that fund to retire bonds with interest and to pay the grants.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Thank you. So we're...we're...we're appropriating monies for a project that...with no substantive language, is that...can we do that?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

You cannot have substantive language in an appropriation bill. This presumes that the Conference Committee Report that creates that bond and grant fund will pass. The impact that it...as I said, it did pass the House, the Conference Committee Report. The impact is, if it does not pass, no money moves; because we didn't use general revenue funds or any other existing fund if, in fact, the substantive language fails, there is no such B-I-B-R-I-F account so nothing would transfer out of it. This is the transfer out of that fund if this General Assembly creates the fund and feeds the fund.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

(Machine cutoff)...of the Chair.

PRESIDENT:

Yes.

SENATOR BROOKINS:

Can we pass appropriations bill when there is no substantive language that...that...

PRESIDENT:

Direct answer to a direct question is, yes, and then the appropriation is either vetoed or it is...languishes because

there's nowhere to spend it. Further discussion? Senator Zito.

SENATOR ZITO:

Question of the sponsor, Mr. President.

PRESIDENT:

Indicates he will yield, Senator Zito.

SENATOR ZITO:

Senator Carroll, can you explain a little bit in more detail Section 50.29, the Martwick...reappropriation from SEB...SBE?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes, that was basically a request of the administration when we, in fact, changed the law to require Chicago teachers to be recertified by the regional superintendent. All else in the state, the regional superintendent is the certifying agency for teachers. In Chicago...or in Cook County that have been bifurcated...in the suburbs, the regional superintendent, whoever it happens to be, does the certification. In Chicago, until yesterday, the Chicago Board certified. A year ago we passed legislation that said effective July 1, 1988, the regional superintendent must once again recertify. In...excuse me, in...Fiscal '88, we provided the monies so to do; they were not all spent in Fiscal '88, they could not have been, so we had to reappropriate sixty-five thousand to finish off the recertification which is taking place this coming week. It is not fresh money, it's a reappropriation. It was just something that apparently the...the Governor had forgotten to put into the SBE bill.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Carroll, you wish to close?

SENATOR CARROLL:

Just to remind you that this is the annual appropriation for elementary and secondary schools, for the Department of Commerce and Community Affairs including all of its training grants and for those other areas of crises need in Illinois, and I would ask for adoption of Amendment No. 1.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 1 to House Bill 3543. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senators Etheredge and Ralph Dunn.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and members. I have a second agreed amendment. This amendment would appropriate ten thousand dollars to the CDB from this money coming from the Capital Development Fund. This money to be used for planning and design of a correctional work camp at the DuQuoin State Fairgrounds. I'd be happy to respond to any questions.

PRESIDENT:

Thank you. Senator Etheredge moved the adoption of Amendment No. 2 to House Bill 3543...discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. And we will get...Senator Carroll asked leave to get back to that bill after intervening business. (Machine cutoff)...call your attention. We will now...ladies and gentlemen, there is light at the end of the tunnel. We

have about six items remaining. The House has cleared their Calendar awaiting two more items. So I presume we're all prepared to proceed in good faith and attempt to get our business completed. Bottom of page 6, if I can call your attention to the Order of Conference Committee Reports. There will obviously be a supplemental Calendar coming out, but at the bottom of page 6 is found 3216, Senator Berman. All right. Madam Secretary, on the Order of Conference Committee Reports, there's a Conference Committee Report on House Bill 3216.

SECRETARY:

First Conference Committee Report on House Bill 3216.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you...thank you, Mr. President, Ladies and Gentlemen of the Senate. The First Conference Committee Report on House Bill 3216 includes the following. We have the provisions regarding college student immunizations, a provision regarding the...notice of...to educational support personnel to be sent by certified mail rather than registered mail, a provision regarding the allowance of those who successfully complete alternative education programs to take the GED test. I know of no opposition to the report. I solicit your Aye vote.

PRESIDENT:

Senator Berman has moved the adoption of the Conference Committee Report on 3216. Any discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3216. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that...on that question, there are 57 Ayes, no Nays, none voting Present. The Senate does

adopt the Conference Committee Report on House Bill 3216 and the bill having received the required constitutional majority is declared passed. Senator Etheredge on 3464. That's a hold. Senator Savickas on 3705, Madam Secretary. Top of page 7, ladies and gentlemen, on the Order of Conference Committee Reports, there's a report with respect to House Bill 3705. Madam Secretary.

SECRETARY:

First Conference Committee Report on House Bill 3705.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Conference Committee Report No. 1 on House Bill 3705 is a new concept...or not a new concept to say, a whole new provision in the bill. We asked...in it that the Senate had recede from Senate Amendments 1, 2 and 3 which deleted everything. This would allow DCCA and...to grant exemptions to a mail service business. According to DCCA, the business will relocate most of its fifteen hundred employees from Chicago on Bedford Park facilities to Willow Springs facility. This exemption is similar to a current sales tax exemption for machinery located in enterprise zones and to qualify...for the report's exemption, a business must make an investment of at least one hundred and fifty million dollars, create at least one thousand new jobs and be certified by DCCA. We have a opportunity out in Willow Springs area to bring a plant in that will employ approximately twenty-five hundred people, one thousand from present facilities and fifteen hundred new jobs and this legislation is needed to expedite that. I would appreciate your concurrence.

PRESIDENT:

All right. Senator Savickas has moved the adoption of the Conference Committee Report on...House Bill 3705. Is

there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3705. Those in favor will vote Aye. Opposed 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. The Senate does adopt the Conference Committee Report on House Bill 3705 and the bill having received the required constitutional majority is declared passed. Senator Philip on 3946. Madam Secretary, on the Order of Conference Committee Reports, there's a first report on House Bill 3946.

SECRETARY:

First Conference Committee Report on House Bill 3946.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I believe the House has defeated this Conference Committee Report. So I'd ask that we dump this one and hopefully come back with a corrected report.

PRESIDENT:

All right. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3946. Those in favor vote Aye. Opposed vote Nay. The voting is open. Take the record. On that question, there are 24 Ayes, 7 Nays, 4 voting Present. The Conference Committee Report is not adopted and the Secretary shall so inform the House and Senator Philip requests the appointment of a second conference committee. (Machine cutoff)...D'Arco, for what purpose do you arise, sir?

SENATOR D'ARCO:

Yeah, Mr. President, it appears my...my light is not working. If we could have somebody look at it or...

PRESIDENT:

Will do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...7 is House Bill 4220, Madam Secretary.

SECRETARY:

Second Conference Committee Report on House Bill 4220.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Yeah, thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Second Conference Committee Report. It deals with flood control and includes a variety of largely technical clean-up provisions that was amended in House Bill 998 of last year. It allows the county to set a minimum standard for floodplain management, clarifies how a member of a county storm water management planning committees are to be selected, allows IFDA to make loans to units of local government which are counties which have appointed a storm water planning committee, and it increases the...bond authorization for IFDA for flood control from ten million to twenty million. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the Conference Committee Report on House Bill 4220. It applies specifically to the County of DuPage and a small portion of the County of Lake, and I would urge my members on this side to please lend their affirmative support to this effort.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the Second Conference Committee Report on House Bill 4220. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who

wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 18, 1 voting Present. The Senate does adopt the Second Conference Committee on House Bill 4220 and the bill having received the required constitutional majority is declared passed. All right...we'll go back and pick up the appropriation bill now. House Bill...page 3 is House Bill 3543, Madam Secretary. (Machine cutoff)...Carroll. I...I'm sorry,...Madam Secretary, 3543.

SECRETARY:

House Bill 3543.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. First I would ask...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Carroll.

SENATOR CARROLL:

...that we waive Rule 5C which is the deadline rule so that we can...take final passage action on House Bill 3543.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion of Senator Carroll to...to waive the rules, Rule 5C, so that we can take the appropriate action. Is...is...all those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are waived. Senator Carroll. Senator Carroll. Chuck...representative of the Chicago Tribune has requested leave to...to take photographs. Is leave granted? Leave is granted. Senator Carroll.

SENATOR CARROLL:

Wait, let me get...okay. Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3543 is now

the appropriations for elementary and secondary education in Illinois. It is the appropriation for the Department of Commerce and Community Affairs and its training funds. It is the appropriation for various other items of state government as we discussed during the amendment stage. While the bill started out at a dollar, it is now at four billion forty-four million three hundred five thousand four hundred dollars of which two billion six hundred two million nine hundred fifty-five thousand dollars is general revenue, one billion four hundred forty-one million three hundred and fifty thousand dollars of other. I couldn't even gather to give you...it's a four billion percent increase. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There's no doubt that there's important issues in this appropriations such as economic development in Marine College in my district and...and so on, but had the elementary and secondary education been on a separate bill, I probably would have voted differently just because of the...the way the school formula is made up and accounted and my district is going to receive 4.5 million dollars less. But I'm going to give my support to this anyway, but we still need to come back and do something with that formula so they can help all of us out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and members. Since this is the last appropriation bill that we will have the opportunity to vote on this spring...I certainly hope it's the last time we'll have that opportunity. That's right,

one...one...you're right, Senator, I...I am reminded that there is one more. Well, this is the next to the last appropriation bill then, and I think it's an appropriate time to say something about where we have ended up this spring as we've worked our way through the appropriations' process particularly from the perspective of the folks over here on this side of the aisle. I think, as Senator Carroll has pointed out, there are a number of things that we can hold our heads high about. We have provided increases in the area of mental health and alcoholism and substance abuse program support to the tune of twenty-five million dollars. We're able to provide in the budgets which we are sending to the Governor's Desk an additional two hundred million dollars in support of higher and elementary and secondary education. We can be proud of that. We're going to provide for waste water loans and grants to some of our units of local government. We can be proud of that. And we have begun to address the very severe problem with respect to the...providers of health care to our needy citizens that we have made wait for extraordinary lengths of time to be paid for the services that they are rendered. We're going to be able to shorten the time, we're not going to be able to eliminate the delays but we're going to be able to shorten the time that those folks have to wait to be paid for their services. The bottom line as we see it is that the budget going to the Governor's Desk is going to be approximately forty million dollars...within forty million dollars of the amount of revenue that's going to be available during this next year. So I think that overall we've done a good job and we've probably come closer to the true amount of available revenue than we have in a number of years, but there are problems with this budget and I think it's fair to point some of those out right now, because since they are problems, we're going to be getting back to them and we're going to be facing them when we meet in future months.

For one thing, we have not appropriated the necessary money to the Ag. Premium Fund which supports our state and our county fairs and our agricultural extension programs. We need to do that. I think that we have seriously underfunded the Department of Corrections and I think that we're going to revisit that budget and we're going to end up having to put more money back into that budget. We have not provided merit compensation pay raises for some of our state employees. So we have given...inequitable treatment to different classes of state employees, I think that's wrong. Particularly, our scientific survey staffs have been provided no pay increases at all. There have been some other reductions in the Department of Revenue, we've not given them enough money for postage. So I think that we're going to have to come back and deal with that. So I think we should while...as I said at the beginning, there are some things about this budget...many things about this budget we can be proud of and be happy with. There are parts of it that do need some reworking, so we should not be surprised when we come back in the fall...we're going to be asked to rework portions of it. Thank you.

PRESIDENT:

Sorry. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, members of the Senate. I, first of all, too, want to thank my colleagues on the other side of the aisle in the appropriations' process. It has been a...a difficult year for us working with limited revenue and...and obviously not funding a number of the state agencies to the level which they deserve. But let me comment with you, Ladies and Gentlemen of the Senate, briefly on elementary, secondary and higher education, and I feel at ease to do this because I have been one who has for sometime supported the need for new revenue for this state, not

because a tax increase is popular because it is not but it's something that this Body is going to have to address and we can't continue to allow it to go on like this. Senator Etheredge mentioned the fact that we'd increased the funding for elementary and secondary, higher education by two hundred million dollars and we did and that's good. They did a better job...they did an excellent job this year of gaining the revenue at more than...more revenue than other state agencies did but they deserved it, but the fact of the matter is, my friends, we simply have underfunded those three areas of education now for this the third year. In 1985, we left this General Assembly having passed educational reform. We were hailed around the nation as a premier state in educational reform. We went home and we issued our news releases and we were very proud of what we had done. We funded that at its proper level just one year and now we have underfunded educational reform to the point that we make a mockery of this system. We can't permit this state to fall further and farther behind in the funding of education. We are this year, as we have the last two years, once again, placed an additional burden upon our local taxing districts, upon local property owners, make no mistake about it. We simply have. We have not addressed properly the problem of funding higher education. The brain drain as we call it in this state is critical. They're not getting our real young people, they're not getting our people that are close to retirement, we're getting the people...they're taking the people from us who are in the prime of life, who are experts in their field. They're the best and the brightest and going to other states, and if any of you want documentation on this, we can show you and prove it to you. It's critical and we can't allow it to happen. In conclusion, Mr. President, let me also say to those groups that lobbied and worked very diligently for additional revenue, among them the education people, elemen-

tary, secondary and higher education and the health care people, you did a super job of trying to make your case. I think we have failed you but we've done the best that we can. Thank you, very much.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank...I just got the word to make it short. Mr. President and Ladies and Gentlemen of the Senate, I personally want to congratulate everybody who served in this General Assembly this particular Session, those who worked on appropriations and the long hours on both sides of the aisle, along with the members of the House when we went through those tireless hours. And as a results of this, you see what can be done when you look at each other's eyes and you see a man or a female when you look. My congratulations to everybody and I want to say a job well done.

PRESIDENT:

Further discussion? If not, Senator Carroll may close.

SENATOR CARROLL:

I would, once again, ask for a favorable roll call for adoption on...for passage of House Bill 3543.

PRESIDENT:

The question is, shall House Bill 3543 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 3 Nays, 2 voting Present. House Bill 3543 as amended having received the required constitutional majority is declared passed. While we are awaiting, again, the flow of paper, I would just ask the members to take a look at Supplemental No. 1. The reports are being printed and we are moving as rapidly as possible and will be on your desks prior to these reports being called. (Machine cutoff)...Raica, for

what purpose do you arise, sir?

SENATOR RAICA:

Just as long as there's a lull, a point of personal privilege, if it's okay.

PRESIDENT:

State your point, sir.

SENATOR RAICA:

I know there was some question about the baseball game that I was unable to coach yesterday, but...my son's team and my team was in playoffs and we beat the second place team...never beat them before, we beat the second place team yesterday. My son pitched the last two innings, got a triple, a single, struck out the last five batters and we won 7 to 4 and we're in playoffs this Tuesday. So, hopefully we're home so I'll be able to coach third base again.

PRESIDENT:

(Machine cutoff)...Kustra on 3203, top of page 6. Top of page 6, on the Order of Secretary's Desk Nonconcurrency is found House Bill 3203. Madam Secretary.

SECRETARY:

Senate Amendment No. 2 to House Bill 3203.

PRESIDENT:

By the way, Channel 7 has requested leave to shoot some film. Without objection, leave is granted. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Mr. President, I move that the Senate recede from Senate Amendment No. 2 to House Bill 3203. That would bring this bill...the general revenue funds in this bill in line with available revenues.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate recede from Senate Amendment No. 2 to House Bill 3203. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all

voted who wish? Have all voted who wish? Take the record.

On that question, there are 52 Ayes, no Nays, none voting Present. The Senate does recede from Senate Amendment No. 1 to House Bill 3203 and the bill having received the required constitutional majority is declared passed. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Having now completed the budget for Fiscal 1989 and pursuant to Article VIII, Section 2, Subsection B of the Constitution of the State of Illinois wherein it says, "The General Assembly by law shall make appropriations for all expenditures of public funds by the state. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year." I am pleased to report, as we had indicated on June 30th we would think we would do, and with the very sincere thanks to the help we received...as I said before, Senator Hall and I thank Senator Etheredge, Senator Maitland and all the members on both sides of the aisle of this Chamber and the other Chamber. The Governor had indicated in his Budget Book of March that there would be eleven billion eighty-eight million available for spending. On May 27th, the Bureau of the Budget added to that an additional sixty-five million dollars of revenue. That left eleven billion one hundred and fifty-three million available if we had an ending balance in the bank of two hundred million dollars. We, in fact, had an ending balance of two hundred forty-six million dollars at the close of business June 30th. That gave us spending authority not using Economic and Fiscal as the Constitution indicates but rather using the lower numbers of Doctor Mandeville of eleven billion one hundred ninety-nine million dollars. We have sent to the Governor by our actions of this week spending requests of eleven billion one hundred ninety-two million dollars. We have therefore not only met

HB 1859
e.c.r.

our constitutional mandate, met it within the available revenue limits as set by the Bureau of the Budget a hundred and forty-two million less than those created for us by the Economic and Fiscal Commission, have sent to him a total budget of twenty-three billion eighty-seven million of which eleven billion one hundred and ninety-two million is general revenue funds. If the Governor signs every bill that went to his desk, every line, every dime, it will be within his projections of revenue and still leave in excess of two hundred million dollars in the bank. We have, Mr. President, met our constitutional mandate and I congratulate the members of the General Assembly for their allocations. As Senator Etheredge mentioned before and we had said on Thursday, we did this while recognizing the needs in human services, the needs in elementary, secondary and higher education within available resources. While there are many who believe that much more could have and should have been spent in those areas, even within limited resources, we were able to find enough to allocate five percent to seven percent growth in all those critical areas of need for which people give us taxes to spend. So, again, Mr. President, we have met our constitutional mandate and I thank the members of the General Assembly for their cooperation.

PRESIDENT:

Ladies and gentlemen, if I can have your attention, with leave of the Body, we'll move to Supplemental Calendar No. 1. (Machine cutoff)...the Order of Conference Committee Reports, there's a Conference Committee Report with respect to House Bill 1859.

SECRETARY:

(Machine cutoff)...Conference Committee Report on House Bill 1859.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1859 deals with two of the most important subject matters I think we'll deal with this year, sales tax reform and waste water. I have been afforded the opportunity of being a minor player in the negotiations. Senators Poshard and Senators Welch and Senators Jerome Joyce and I have been afforded the opportunity to...to convey our thoughts on these two programs, but far and above, the most important people that contributed to this especially in the case of the sales tax was Senator Dawn Netsch and I would like to have her explain that portions of the bill. But I'd like to begin with Senator Demuzio who has contributed I think the most to the solution of the waste...waste water problems that we have in the State of Illinois. So, Mr. President, I would at this time like for Senator Demuzio to explain those provisions in the bill.

PRESIDENT:

All right. The gentleman yields to Senator Demuzio.
Senator Demuzio.

SENATOR DEMUZIO:

Well, thank...thank you, very much, Mr. President, Ladies and Gentlemen of the Senate and I'm appreciative of Senator Luft in his comments. Let me suggest that it is perhaps the most important issue that we have remaining before us for downstate Illinois for our communities and we're fortunate, indeed, to have had the expertise and the work of Senator Dawn Netsch over a two-year period with respect to the sales tax reform, because it had...did, indeed, afford us the opportunity for the...financing mechanism for this program which Senator Schaffer and I had put on by virtue of the Senate amendment. This also culminates I think a three-year effort on both sides of the aisle to...between Senator Schaffer and myself and the members that Senator Luft had mentioned to bring about some reasonable public policy with

respect to the two hundred and thirty-six communities that still have as of this day yet to meet the federal compliance. As a matter of fact, as of today, those two hundred and thirty-six communities are in noncompliance and I am told this morning by Aurelia Pucinski, who is a commissioner of the Metropolitan Sanitary District, the hundred and six of the IICAP communities in the Chicago and suburban Cook area also are in noncompliance and what this bill will, in fact, do will give us a program that equals about seven hundred and twenty-two million dollars in bond authorization. The...the amendment that Senator Schaffer and I put on this bill contains the sales tax reform for the funding of a three hundred million dollar waste water grant and the revolving loan program, seventy million dollars of the revolving loan program and for three hundred million dollars for a grant for the program to those two hundred and twenty-six noncompliance communities. There was some comments with respect to the...the...out of the two hundred and twenty-six, about seventy of those communities that have already begun work without any financial assistance at all from either the federal or the state government. The EPA director...the agency will be charged with the administration of this program under this legislation has indicated to me that every one of the communities that are on this sheet that I had passed out yesterday by legislative district will be able to come back in and still qualify for seventy percent matching grant, seventy-thirty percent and I think that's on every member's desk. In addition to that, there is also to be passed out shortly the March 1988 financing Illinois waste water facility...needs with the waste water compliance grants and the...revolving loan programs, and in this document it will not only list the two hundred and twenty-six but it will list also all of those communities that are immediately eligible for the revolving loan program in order that they too may

face and...and meet compliance. I'll tell you how important this is to me, there are fourteen projects in my district and I know there are other members in here that have equally the...the same amount of numbers. I have a community of Jacksonville, Illinois, for example, that's facing the issuance of twenty-four million dollars in bonds in order to complete their project...or...to begin their project, and if they don't receive any money whatsoever from either federal or state sources and without this legislation, the ratepayers in that community are facing an additional fifty dollars per month for the next twenty years to retire their bonds. Their minimum bill now is somewhere in the area of around thirty-five dollars, it was recently doubled; and without this legislation, it faces to be doubled again. As a matter of illustration, I have another community, for example, like Benld, Illinois, which had a water problem this past year, borrowed about a million and a half to have an assessed valuation of less than three million, can't borrow a nickle from...to meet their waste water needs. So this program...and I'm sure that every one of us in this room can describe the...similar kinds of communities that we have in the...in...our...respective districts. The interesting thing about this is that...well, I should point out also that for the members that are interested in the IICAP, it's the Infiltration Inflow Corrective Action Program. There are a hundred and six such communities, I guess, in...in...in the city and suburban Cook. All of those mandated sewer projects that are not connected to...to their own waste water treatment plants, ninety-seven of those are approximately are not in compliance. Every one of those communities will qualify under this legislation in order to be...eligible for a revolving loan fund...under the Revolving Loan Fund. This is essentially what we are faced with this morning. I want to express my gratitude to all of those that have been previ-

ously mentioned, especially to Senator Netsch who afforded us the opportunity to leave Springfield with this kind of a program; Jack Schaffer and I...participated and among others in many meetings downstairs in the Governor's Office over the last two years talking about...funding mechanism. I think it's three years of good work and I think every member of the Senate is to be congratulated for their perseverance and for the opportunity to make good public policy out of a...an area where the federal government has mandated and then has left the communities to increase their own property taxes and their rates in order to pay for the respective sewer projects in order to meet compliance. At this point, I will...I've stayed away from the funding mechanism. It's a little complicated and I will now, Mr. President, yield to the person who is probably best...able to explain that program and that is Senator Netsch.

PRESIDENT:

All right. If I can have your attention, Channel 5 also has requested permission to tape the proceedings. Without objection, leave is granted. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1859 originally started out as sales tax reform, that is not this bill but its predecessor, Senate Bill 1862, and then it subsequently, I think it's fair to say, took on a life of its own and became not only the funding mechanism for waste water but a number of other things as well. This Body...the Senate has already passed Senate Bill 1862 which was the basic sales tax reform measure as it is known, and I think it is important that we note the differences relating to that part of the Statute which are now incorporated in the Conference Committee Report on 1859, and I might start out at the beginning by saying that sales tax reform is a critical matter in and of itself. It is not the sexiest issue in this legislative

Session but it is a reform that has been long overdue, and down the road as it is put into place and becomes effective it is going to be good for the businessmen in the state, it's going to be good for the taxpayers, it's going to be good for our communities and I think it's going to be good for our revenue base in general. So it is a very important issue in itself. It also makes possible the additional revenue that is to be the fundamental funding mechanism for waste water treatment, that is, the additional use tax which it will be possible for the State of Illinois to collect as a result of having not a five percent statewide sales tax but a six and a quarter percent statewide sales tax. It...it is that extra one and a quarter percent. Funds that originally were to go directly to cities and counties through the Local Government Distributive Fund, now, part of the funds from that extra quarter and...one and a quarter percent will be used to fund the waste water program. But by adding the photo processing tax to this package, we will get enough revenue stream into it that within a few years the cities will, indeed, be getting the full amount of what they are expected...were expecting originally to capture under the sales tax reform bill so that we get waste water covered and we still get a very substantial sum of money to the cities and counties and, indeed, that was one of the important issues at the outset. Let me mention probably the two significant changes between this version of sales tax reform as...as it's come to be called and the bill that was earlier passed by the Senate and both of them really have to do with the relationship to home rule units. As all of you know, the basic structure of the sales tax reform is that once it becomes effective in 1990, there will be a single statewide sales tax of six and a quarter percent on a uniform base throughout the state. Food and medicine will be in that base but will be taxed only one percent statewide plus RTA and Metro-East, the two transient

districts that are...that have a local sales tax. From that day forward, that is, from...originally from 1990 forward, home rule units will not be able to put food and medicine into their home rule sales tax base, that is so that we can maintain the uniformity of that base. The...that was in the bill as it passed this House. The difference as it comes back to us is that we have extended for one year that element of preemption, so that it is now 1991. That gives the home rule units that do have food and medicine in their sales tax base one extra year to make an accommodation and that is I think quite important for them. The second part of the change, really...the second, most important part of the revision that was made by the House has to do with the scope of preemption, a matter that was of considerable controversy to begin with and, to be honest, I accepted a degree of preemption which I was not entirely happy with at the time. That has been adjusted so that all that is preempted from home rule units is the power to impose a sales or use tax measured by gross receipts involving the transfer of tangible personal property. It does not...in any way preempt the capacity of home rule units to impose hotel taxes, real estate transfer taxes, lease taxes, alcohol taxes which, indeed, can be measured in any way that home rule units are now measuring them; cigarette taxes measured by units and so forth, and most importantly for some of your communities, a restaurant tax may be imposed by a home rule unit. That has not been preempted. What it means is that home rule units are left in exactly the position that they are right now with respect to the scope of their home rule taxing powers save for the one preemption; that is, they cannot impose a tax on the transfer of tangible personal property when it's measured by gross receipts and that is necessary in order to accommodate our uniform base for the state sales tax. In most other major respects, the bill is as we initially passed

it in a different bill number. It is an extremely important piece of legislation both for the state as well as for our communities and an important source of additional funding for our communities. I would be happy to answer any questions about that part of the bill.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, very briefly, I rise in support of the bill. Like much of the stuff we do down here, it is a compromise, I think it's a responsible one. I'd certainly like to compliment Senator Netsch who handled the by far most difficult part of this bill, the sales tax reform, but it is a compromise and I think it's one that merits our support.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I have three questions. I don't know which wants to respond to them. One, what is the total amount of the bonds?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

The total amount of the bonds is...is seventy million dollars which is for the revolving loan program that matches three hundred and fifty million dollars of federal money. There is three hundred million dollars worth of additional bonds which is for grants, total, three hundred and seventy million. On bonds, when you add in the three hundred and fifty million dollars for federal revolving loan money, you get a total program of seven hundred and twenty. The bonds are only three hundred and seventy million dollars.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Who sells the bonds?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

(Machine cutoff)...Build Illinois project and I would refer you to the second floor, I can't give you a name.

PRESIDENT:

Senator Lechowicz, I'm sorry.

SENATOR LECHOWICZ:

Thank you. It's Build Illinois, it's not the Illinois Development Finance Authority, is that correct?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

No, it is not. It is the Build Illinois, it's being administered by the EPA.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

And now back to the sales tax question, maybe Senator Netsch.

PRESIDENT:

Senator Netsch, if you might...

SENATOR LECHOWICZ:

Sales tax...did I hear you correctly that starting in 1990, we're going to impose a sales tax of one and a half percent statewide for food and medicine?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

No, that is not correct. Beginning with the effective date of...of that part of the bill, which is 1991, there will be a seven and...I'm sorry, a six and a quarter percent

statewide sales tax. One percent will be extended to food and medicine. That is comparable to the one percent that is currently extended to food and medicine for the MROT, which is the Municipal Retailers Occupation Tax and the County Retailers Occupation Tax. That will be continued but no more than that. Again, putting the transit districts aside, they have a...their own tax which does include food and medicine, but the...except for the two transit districts, there will be only a statewide one percent, that is precisely what we have right now.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

What does that generate then? What do you anticipate it generating on food and medicine?

PRESIDENT:

(Machine cutoff)...Netsch.

SENATOR NETSCH:

I don't have that figure right in front of me. My recollection is it's about a hundred and thirty-five million.

PRESIDENT:

All right. Further discussion? We have nine additional members who wish to be heard from. Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Question of Senator Netsch.

PRESIDENT:

Senator Netsch, if you will, please.

SENATOR KELLY:

This...on the sales tax again.

PRESIDENT:

Indicates she will yield, Senator Kelly.

SENATOR KELLY:

Senator Netsch, on the initial proposal that went through

here, I received a letter from the Village of Homewood indicating they would lose five hundred thousand dollars, Village of Hazel Crest had concerns about losing hundreds of thousand dollars on the food and medicine. Under this concept, you're extending the dates to make it a little bit easier for a few years, but what do you do to make up for them lost revenues when the year 1991 arrives? Are they going to be sitting there with a loss factor going into the hundreds of thousands or what...what are you doing to cover their problem for these towns that are already struggling without federal revenue sharing funds?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

First of all, I should make the point that the...all of the organized municipal associations, the Municipal League, the Conference of Northwest Mayors and so on and so on, are all in support of the bill now, by the way. Now, do...answer your question directly. The few communities that will lose food and medicine from their home rule sales tax base now have three years in which to make some adjustment with one...well, really, with no exceptions, with one temporary exception. All of those communities are taxing...imposing a sales tax at less than one percent. Some of them at three quarters, some of them at one-half, some of them only at a quarter percent. I think that most of them recognize that one of their options is to add, for example, the other quarter percent which in many cases would just about even out the loss from food and medicine in the sales tax base. And as we suggested to a number of those mayors, we think that would be a very popular move in their communities if they could tell their people that they were going to eliminate the rest of the sales tax on food and medicine in return for a quarter percent on the general sales tax base.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

I'd like you to explain to me this quarter percent. Are you talking about the six and a quarter that we're talking about for uniformity? Where are they going to get this one-quarter percent and how do they go about it? I'd just like you to explain that issue to me briefly hopefully.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

No, Senator Kelly, the six and a quarter percent will be the statewide rate when this becomes fully effective. That basically covers the five percent sales tax that we now have which belongs to the state, the one percent which all the cities or counties...virtually all of the cities and counties now impose and the quarter percent extra county supplemental. That is six and a quarter, that will be statewide. Basically what we are now talking about, that is the question that you have asked, relates only to home rule units. Home rule units, of course, have taxing powers which they are allowed to exercise without specific legislative authorization and some of them have imposed local sales taxes. What this says is that you may continue to impose a local general sales tax, the only limitation is that it must be on the state base, it must be in quarter percent increments and the state will collect it for you from this date forward.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Well, the two communities I mentioned previously are not home rule municipalities. They have less than twenty-five thousand, you know, population.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Well, if they're not home rule communities, then they do not have the power to impose any form of sales tax right now except the statewide authorized MROT, Municipal Retail Occupation Tax. So the home rule sections don't affect them at all.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

(Machine cutoff)...you. I...Mr. President and members of the Senate, I rise in support of the Second...Conference Committee of 1859. And I, too, would like to commend Senator Netsch for all of the long hours that she put on this bill and which I consider to be one of the most productive efforts that was put forth during this General Assembly. I rise in favor of the bill for several reasons but primarily because Chicago will get an additional...about thirteen million dollars right off the top; in addition to that, the RTA will receive something like six and a half million dollars. In addition to that, they will be eligible to participate in the grant program and that seem to be where some of the confusions are. The program proposed by Senator...to my understanding, proposed by Senator Demuzio, is the downstate portion of the money that will be going based primarily into that program rather...and we...our monies will be taken directly off the top. So I see that as not being a real, real problem. In addition to that, Chicago will most certainly benefit in several other ways because the sales tax is different in Chicago than they are in many of the surrounding areas. For that reason, I vote Yes and I would hope that all of...the...the members from the City of Chicago will consider voting Yes on this measure.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of this Conference Committee Report. I will not speak to the merits of the sales tax reform, Senator Netsch has explained that very well, but only the waste water portion of the bill. This has been a longstanding concern of many of us from downstate because it's one of the greatest needs of local governments. For the most part, these are multimillion dollar projects that our local cities and towns have to afford. They simply do not have the money, they can't pass a local property tax referendum to upgrade or renovate these sewer systems to the federal standards. They certainly cannot triple or quadruple the sewer rates and put that on the back of their citizens. The federal government while making some of the most stringent regulations in regard to a waste water treatment in the facilities at the same time has abandoned these local communities and their ability to pay for these. So while they may have abandoned them, we certainly cannot and this bill speaks to that. It's...it's a good bill not just for the two hundred and twenty-six communities that are currently in noncompliance and under the threat of fines and penalties but for other communities that will be coming on line that will have need of these monies to help them do what the law requires but what they cannot at this present time do for themselves. So I rise in strong support of this measure.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Will the sponsor yield for a few questions?

PRESIDENT:

Sponsor indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Can I ask how much money is raised total amount on the photocopiers...photo processing?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

...eighteen million dollars.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Yes. How much of that money is raised in the City of Chicago?

PRESIDENT:

Senator Netsch indicates she...

SENATOR NETSCH:

We do not have that kind of a breakdown.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

How much of the money would Chicago receive back from the monies...raised on the photocopier process?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Well, this is the money that is going into the whole financing package which includes not just waste water but the ultimate return of...of general funds to the cities through the use tax. So Chicago's share is approximately twenty percent of that and I think it's a minimum of about fourteen million dollars a year for sure.

PRESIDENT:

Senator...

SENATOR NETSCH:

...and then it will also be sharing in...in waste water

grant...loan fund subsequently.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Senator, I'm clear that fourteen million dollars will return to the City of Chicago right off the top from the sales tax and we will gain that fourteen million dollars. I'm also clear that we will gain additional revenue going into RTA and I think Senator Collins used the figure six million, whatever that is, I'm clear on that and I'm happy and proud and...and pleased as punch. What I'm unhappy about is that they're taking additional monies out of the City of Chicago on the photo processing system which we're not going to receive very much of, and I think that percentage is...it's lower than the twenty percent which you're talking about. Here again and what is happening, ladies and gentlemen, is that we were going into the City of Chicago, what has been deemed and characterized down here in Springfield as a...tax eating body, we're going to take more money like we took yesterday, the five hundred thousand dollars from the museums, they're going to take more money on this process from the City of Chicago, send it down to our downstate brethren to help them with their waste water situation. I'm clear on it. I understand it and I understand that's the gain that has been worked out down here. So I understand that we're going to gain some money, and for that reason, I will have to vote Yes on this bill, but I just make it clear that I understand it, I'm clear that we're using...losing revenue that should go to the City of Chicago that is not going to the City of Chicago that has been worked out in compromises and deals and whatever you want to call them.

PRESIDENT:

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, members of the Senate. To Senator Netsch and to all parties who have worked long and hard to make this bill come about, I think the General Assembly owes all a great thanks because this bill that contains the compromises in the sales tax reform element makes it a good bill for those cities that were most concerned about it, the home rule cities. It's a good bill providing...uniformity throughout the State of Illinois, and for those communities strapped without the necessary resources to meet the federal guidelines that were due yesterday on waste water compliance it provides a solid funding mechanism to meet those guidelines without further strapping those smaller communities further into debt. Finally, I think that once in a great while as we consider thousands of pieces of legislation in this Body, once in a great while that which should happen does and it has with Senate Bill 1859. I urge its adoption.

PRESIDENT:

Further discussion? Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. I do have one question I think that has to be answered.

PRESIDENT:

All right. Senator Netsch, if you'll yield. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. There's been some...some concern has been expressed regarding the effect on outstanding bond issues and other agreements pursuant to which units of local government have pledged or assigned their local sales tax revenues. Has this concern been addressed in 1859?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes. The...the amendment very specifically addresses that concern. It provides that the agreements are to be construed so that references to the local taxes shall be deemed to include the replacement revenue to be distributed to units of local government by the Department of Revenue so that there should be absolutely no question about the security of any bonds issued or the transfer of the obligation to the funds that are now to be collected by the state. The bond holders will be fully protected.

PRESIDENT:

Further discussion? Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. I just ask for a favorable roll call.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee Report on House Bill 1859. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? (Machine cutoff)...all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 1859 and the bill having received the required constitutional majority is declared passed. 3470, Senator Rigney. Supplemental Calendar No. 1, there's a Conference Committee Report on House Bill 3470, Madam Secretary. (Machine cutoff)...right. Senator Rigney having voted on the prevailing side moves to reconsider the vote by which the Second Conference Committee Report to House Bill...Senator Rigney.

SENATOR RIGNEY:

Mr. President, that was not what I was about to do.

PRESIDENT:

All right. What...what...

SENATOR RIGNEY:

We adopted...I just wanted to make a brief announcement. We adopted the Second Conference Committee Report last night that was agreed to by the conferees between the House and the Senate. I want to tell you what's happened since that time. They drew up a so-called second corrected report that took out several of the things that we were vitally concerned about here in the Senate, and without talking to the Senate conferees, with the exception of one, they put that thing through and adopted a so-called second corrected in the House. I visited with our other Senate conferees and, frankly, we don't intend to do anything with it.

PRESIDENT:

That is certainly within your right. All right. The report on the final bill on Supplemental 1 has not been passed out. The Chair will not call any report that's not been distributed. So, with leave of the Body, we'll move to the Order of Consideration Postponed, Senator Jones. We have three items...three items remaining plus the adjournment resolution. On the Order of Conference Committee Reports, page 8, Conference Committee Report on House Bill 253.

SECRETARY:

First Conference Committee Report on House Bill 253.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Most of the items in this bill have been discussed. One issue that was raised by my minority spokesman of the Insurance Committee, the African Development Bank, and that bank is part of the International World Bank located on the African coast and in the United States in 1968 began giving technical assistance to that bank and in 1983, the United

States Government became a member of that bank. And if you want me to, I'll read you a letter from your President who commend that bank for the job that they are doing, President Reagan. "On behalf of the...of the United States of America it gives me great pleasure to accept membership in the African Development Bank in accordance with the Board of Governor's resolution." Signed President Reagan. So all that does basically is...all that does basically is to confront them and know that the bank does have support of this government. Many states in this country, thirty-nine in total, has mapped a similar legislation and I ask for a favorable vote on House Bill 253.

PRESIDENT:

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Once again, Senator Jones, for the record, in regards...in regards to the agreement between the City of Chicago and the four pension funds, after the ten-year period the fifty percent obligation of the city to fund the pensions for all their annuitants terminates but the obligation to provide a plan for those annuitants still remains. Is that correct, Senator Jones?

PRESIDENT:

Senator Jones.

SENATOR JONES:

That is correct.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...thank you, very much. Then, for the record, I would say that I would declare that on this...on House Bill 253 Conference Committee Report No. 1, I may have a conflict and will be voting Present.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 253. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 5 Nays, 5 voting Present. The Senate does adopt the Conference Committee Report on House Bill 253 and the bill having received the required constitutional majority is declared passed. Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCYZ:

For a point of personal privilege, Mr. President.

PRESIDENT:

State your point.

SENATOR DUDYCYZ:

Mr. President, Ladies and Gentlemen of the Senate, it is 3:22 p.m., July 2nd, 1988, and I have just been handed the Second Conference Committee Report on Senate Bill 1839. I just want the record to reflect that it is apparent to me that this is not the document that was agreed to last night.

I have seen this document for the first time at three-twenty-two and I will begin reading it now. I do not know if we will have enough time to scrutinize it, to be able to vote intelligently on it, whether it is the same document that was agreed upon, that was worked at by all the conferees, but I'm going to begin reading it right now. I just want the record to reflect that I don't know if this is fair to those of us who are just receiving it or seeing it for the first time.

PRESIDENT:

On the Order of Conference Committee Reports, there's a Conference Committee Report on Senate Bill 1581, Madam Secretary.

Page 42 - July 2, 1988

END OF REEL

REEL #2

SECRETARY:

Second Corrected Report on Senate Bill 1581.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This is the...the bill that we have dealt with a few times here, it's the Kankakee Airport Authority, and I would move for the adoption of Amendment...well, I would move for the...the...the adoption of the Conference Committee Report...the Second Conference Committee Report. This also has the...it increases the bonding for airport noise pollution for hospitals, schools and dwellings wholly or partially in Cook County. It also defines Kankakee County as...or gives them the ability to set up an airport authority. And I would be happy to answer any questions.

PRESIDENT:

Discussion? Senator DeAngelis. All right. Once again, I'm going to have to ask the staff to take their conferences off the Floor. Senator DeAngelis.

SENATOR DeANGELIS:

Question of the Chair first, Mr. President.

PRESIDENT:

...yes, sir, state your point.

SENATOR DeANGELIS:

What was the Conference Committee Report that we voted on last night...on 1581, what number was that one?

PRESIDENT:

Well, I'll have to...I'll have to ask the Secretary to check the record. Will you please check the record? This will give Senator Dudycz time to read. (Machine cut-

off)...the Secretary informs the Chair that yesterday we voted on the Second Corrected Report, at the conclusion of which vote the sponsor asked that further consideration be postponed. We are back on that order, on...on Senate Bill 1581, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I think this has been debated frequently enough, I have some serious difficulties with it 'cause it might jeopardize a third airport. I'm not going to speak out on it any more than that because we've heard it enough. I would just like to urge a No vote on the Second Corrected Conference Committee Report...

PRESIDENT:

All right.

SENATOR DeANGELIS:

...on Senate Bill 1581.

PRESIDENT:

Further discussion? If not, Senator Joyce may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Well, I want to clarify a few things that have been floating around here. Number one, DOT is neutral on this bill. Senator DeAngelis has said that the July 22nd date that the report is going to be coming out on these airports is...this bill is going to cause a problem for that, and for that reason, all of you folks who have money that would be available for your schools and...and hospitals, I want to tell you what I'm going to do. I'm going...I...publicly ask Senator Rock to hold this bill and not sign it until July 30th. That is well past the date, the 22nd of July, that seems to be the big hang-up with Senator DeAngelis. Now, I don't care what the Governor does with it after that, but the bill will still be here in the Senate until after that deadline. I would hope that that would alleviate any problems that any of you are having dealing

with this bill, because I know a lot of you would like to vote to give this twenty-five million dollars to your hospitals and schools. So I think knowing that the Department of Transportation doesn't object to this bill, and if they did, I am sure we would all know it, there would be letters, and they are very capable of talking to all of us, so I just want you to be aware that...I will ask Senator Rock to hold this bill till July 30th so that it is past that deadline and everyone should be able to vote for this because it...it should have no effect, I don't believe it would have anyway, but this way will have no effect on anyone. So, with that in mind, I'd ask for an Aye vote and...and I hope that you...you all...your schools and your hospitals can use the...the quiet. Thank you.

PRESIDENT:

The question is, shall the Senate adopt the Second Corrected Conference Committee Report on Senate Bill 1581. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 21 Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1581 and the bill having received the required constitutional majority is declared passed. Senator DeAngelis, for what purpose do you arise, sir?

SENATOR DeANGELIS:

Verification, Mr. President.

PRESIDENT:

The gentleman has requested a verification. That request is in order. (Machine cutoff)...Senator DeAngelis has requested a verification. If the members will please be in their seats, Madam Secretary, read the affirmative roll.

SECRETARY:

The following members voted in the affirmative:

Alexander, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Dudycz, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Kustra, Lechowicz, Luft, Madigan, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Raica, Savickas, Severns, Smith, Topinka, Vadabalabene, Welch, Woodyard, Zito and Mr. President.

PRESIDENT:

Senator DeAngelis, do you question the presence of any member?

SENATOR DeANGELIS:

First, I would like to tell Senator Alexander I had no intention of verifying her 'cause I was aware she was here, and she would like to return.

PRESIDENT:

I think on behalf of all of us, Ethel, welcome back.

SENATOR DeANGELIS:

Senator Jacobs.

PRESIDENT:

Senator Jacobs is in the aisle.

SENATOR DeANGELIS:

Senator Jones.

PRESIDENT:

Senator Jones is in the Chamber, back row.

SENATOR DeANGELIS:

Senator Netsch.

PRESIDENT:

Senator Netsch is here.

SENATOR DeANGELIS:

(Machine cutoff)...Kustra.

PRESIDENT:

Senator Kustra on the Floor? Senator Kustra on the Floor? Strike his name, Madam Secretary.

SENATOR DeANGELIS:

Senator Topinka.

PRESIDENT:

Senator Topinka on the Floor? Senator Topinka on the Floor? Strike her name, Madam Secretary. The roll has been verified. On that question, there are 35 Ayes, 21 Nays, none voting Present. The Conference Committee Report is not adopted and the Secretary shall so inform the House. On the Order of Supplemental Calendar No. 1 is a Conference Committee Report on Senate Bill 1839, Madam Secretary.

SECRETARY:

(Machine cutoff)...Conference Committee Report on Senate Bill 1839.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

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

PRESIDENT:

Senator Geo-Karis...pardon me...Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, I rise for the purpose of calling a Republican Caucus immediately in Senator Philip's Room.

PRESIDENT:

That request is...that request is always honored. The Senate will stand in recess. Republican Caucus immediately in Senator Philip's Office.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will please come to order. Resolutions, Madam Secretary. Senator Demuzio.

SECRETARY:

Senate Joint Resolution 164.

(Secretary reads SJR 164)

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 164 is the adjournment resolution. It calls for us upon adjournment today to return November the 10th at the hour of twelve noon. I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 164.

PRESIDENT:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 164. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Joint Resolution 164 calling for this Session to reconvene on November the 10th. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Madam Secretary, have any objections been filed to the Resolutions Consent Calendar?

SECRETARY:

There have been no objections filed.

PRESIDENT:

No objections having been filed, Senator Demuzio moves the adoption of the Resolutions Consent Calendar, Senate Resolution 1253, 1254, 1255, 1256, 1257, 1258, 1260, 1261, 1262, 1264, 1267, 1268, 1269, 1270, 1271, Senate Resolution 1273, 1274, 1275, 1276, 1278, 1279, Senate Resolution 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, Senate Resolution 1289, 1290, 1291,...1292, 1293, 1294, 1295, 1296, Senate Resolution 1297, 1299, House Joint Resolution 210 and House Joint Resolution 212. Is there any discussion? If not, all in favor of the adoption indicate by saying Aye.

All opposed. The Ayes have it. The Resolutions Consent Calendar is adopted. Senator Vadalabene, for what purpose do you arise, sir?

SENATOR VADALABENE:

Yes,...before we get into the other business, earlier today I heard some complimentary remarks about different committees and so forth...Senator Etheredge complimented the Appropriations Committee and the staff and he complimented Senator Maitland, and Senator Maitland complimented Senator Etheredge, and Senator Hall, he complimented the Appropriations staff, and Senator Carroll complimented Senator Etheredge and Senator Maitland and Senator Hall, and Senator Luft complimented Senator Demuzio on the waste water plan, and Senator Demuzio complimented Senator Netsch. And I felt as caucus chairman that I should compliment somebody myself. And so I...Mr. President, I want to take...thank to...to...to you, President Rock, and all the members of the Democratic Caucus for their prompt and full attendance and how you stayed for the whole time. And I want to thank you for your congeniality, your cohesiveness and your cooperation. Everybody was always friendly, willing to hold on to each other and we always left the caucus in agreement, understanding each others needs. So, Mr. Chairman and members of the Democratic Caucus, I really want to thank you very, very much from the bottom of my heart for how you've made my job so easy. Thank you, Mr. President.

PRESIDENT:

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

SENATOR GEO-KARIS:

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

PRESIDENT:

State your point.

SENATOR GEO-KARIS:

SB 1839
2nd c.e.R.

I want to thank Senator Sam Vadalabene for thanking you for fulfilling all his needs but no one has fulfilled all of my needs. But anyway,...and I want to thank our Minority Leader, Senator Philip, who has been feeding us quite often the last two weeks. And I want to thank all the members of the Republican Caucus for being as attentive and as interested and caring for people as they've tried to be. And we want to thank you, Mr. President, for many things, but a few things I cannot thank you for, but anyway, we still love you.

PRESIDENT:

Thank you. On the Order of Senate Calendar Supplemental No. 1 on the Order of Conference Committee Reports there's a Conference Committee Report on Senate Bill 1839, Madam Secretary.

SECRETARY:

Second Conference Committee Report on Senate Bill 1839.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, ladies and gentlemen. I will try to touch on the highlights of this very important piece of legislation. This is the bill that deals with the proposal for reform of the Chicago Public Schools. It...this bill is virtually the same bill that we voted on on June 30th and on which received twenty-nine votes. Let me just quickly mention the changes that are in here from that bill so that there...I cannot say that it is exactly the same, let me mention the...where there were changes. We put a limit...of thirty hours of training for local school councils, we had clarifying language regarding the role of the city council regarding the tax levy which we have removed but that was in the bill before, and we've added language requested by the state superintendent to bring a closure to the submission of the reform plans to the oversight authority. Those are the only substantive changes to

this bill from the way we voted on it on June 30th.

PRESIDENT:

Pardon me, Senator Berman, Channels 9, 5, 7 wish to videotape the proceedings. Without objection, leave is granted. Senator Berman.

SENATOR BERMAN:

Thank you. Let me touch on some of the highlights of this bill. It makes a substantial shift of power from the central board at Pershing Road down to the local school level. The controlling body at the local school level will be a local school council. It will be made up of eleven persons, six of whom will be elected as parents from that school building population. That's a majority of the local school council will be parents. Two people will be teachers elected by the staff of that school, two people will be community representatives elected by community representatives in that school and the principal. They will be elected for two-year terms. We mandate that they be trained in budgeting, educational theory and personnel selection. They will develop with the principal a school improvement plan. They will have the power to name the principal if they...if that nominee receives seven votes of that local school council; if that nominee does not receive seven votes, the local school council will submit a list of three names from which a principal will be chosen to the subdistrict superintendent for him to choose one of those three. They will participate in the negotiations of a performance contract for the principal. Principals are given extended new powers under this bill. The engineer in charge and the food service manager are accountable to the principal and the principal must carry out the orders...I'm sorry,...those people must carry out the orders of the principal. After September 1 of 1990, new staff will be hired without regard to seniority by the principal. It, in fact,...it, in effect, eliminates the process

of bumping which we have lived with for so many years. Principals are the key persons in that building and we have given him responsibilities in accord with that key person role. Teachers are critical and we have...recognized the role that they play. What we have tried to do is to encourage efficient remediation of those teachers that are lacking in some quality of their profession. We have lowered the...the remediation period which under present law is...allows one year remediation in class, we have lowered that to forty-five days, that is nine school weeks. If, at the conclusion of nine school weeks, the principal and the consulting teacher feel that that teacher can be further remediated, it can be extended up to the present one-year period, but if not, then dismissal proceedings can be commenced after the forty-five days. The assistant principal is empowered to be trained for the evaluation of teachers. One of the complaints that we hear time after time after time is that we don't properly get the bad teachers out or remediate the...the poor teachers. This expands the power. We've increased powers of principals, we have to alleviate some of their duties, we have authorized assistant principals to be trained in evaluation and so that they will have the role of evaluating teachers. We have maintained in here the preference given to supernumerary teachers, these are teachers of longstanding who have been in the school system but for too limited reasons have lost their positions either because of a reduction in...in class...in student body in their building or a shift in programs that they will not be subject to the free will of the principal in choosing, they will be subject to the collective bargaining process which may include seniority but may also impose other restrictions regarding replacement of supernumeraries. The bureaucracy, we have heard about this time and time and time again. We do dramatic things regarding the reduction of the bureaucracy. The School of

Finance Authority is required to ensure that administrative costs are reduced. We have imposed a formulary in this bill that requires Chicago to reduce its bureaucracy so that it is no higher than the average of administrator to pupil that exists in...in school districts outside of Chicago in Illinois regarding that administrator-pupil ratio. It is...estimated that this reduction in bureaucracy can result in a savings of forty-six million dollars. We have imposed a strong oversight authority. This oversight authority under this bill will consist of seven members, four to be appointed by the mayor of the City of Chicago, three to be appointed by the Governor. They will have the responsibility of overseeing the reform measures and their implementation. They have the power if there is noncompliance with the board's required reform plan to fire, suspend, discipline people that are employed below the board member level throughout the...throughout the system. We require reports from the oversight authority. We have...allocated, as we had previously, a fifty-dollar per student discretionary fund to be utilized by the local school council. And for my downstate colleagues, let me again restate, as we restated a month ago when we passed this bill in essence and again on the other evening, there is...this is not subject to the State Mandate's Act, it is out of Chicago funds, all of it internal money within Chicago. Because of the lack of the votes that were available on the other evening, this bill, regrettably, but the process requires, that instead of taking effect immediately will take effect on July 1, 1989. I regret that fact, but let me...you know...when...sometimes when you are stuck with a lemon, you try to make lemonade. And I have discussed with many of the people that are involved, and have been for ten months now since the close of the October strike last year, what this means. Although there's a delayed effective date of this law, it does not

mean, ladies and gentlemen, that the incumbent board or the incumbent administration or the political leadership or the people of Chicago must wait a year to implement what this bill calls for. And this is one of the pluses, although there's a delayed effective date, everyone will know what we, speaking for the people of the State of Illinois, are requiring as far as reform is concerned. And I suggest to you and I suggest to them that many of these steps in this reform plan can begin immediately, they don't have to wait for the law. And I and I know the parents and the business community and the political leadership and each of you will be looking for that kind of movement. I'll be happy to answer questions regarding this bill.

PRESIDENT:

Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Well, Senator Berman, I guess you hit the highlights and I have to hit the low lights. I'm really relieved to hear that all those folks are going to get working on this right now, we don't have to wait for the implementation date of the bill. You know, we've been talking about this subject now for the last two or three months and...around this Chamber folks have been buzzing with all kinds of discussions about what to put in and out of this bill, and it's not very often in the last few weeks that I've heard much mention...probably heard more mention in the explanation of the bill on what it does for kids than I've heard in any discussion of any of the groups that have been out here talking about the program, not much about kids learning in the classroom. I hear and see adults protecting the backsides of adults, that's what has been going on around here for the last two or three months. Instead of talking about kids, we've been talking about jobs and we've been talking about seniority and contracts and

training grants. The one nice thing this particular time at this particular moment of rising on this side of the aisle, because it's a proud moment for me to rise on this side of the aisle, is that we have from the beginning focused on one single issue, how to help kids in the classroom. We don't need seniority, we don't need any of your jobs, we don't need any of your contracts, we need nothing from the City of Chicago. We wanted only to make sure that the children of that city received a decent education and there isn't anybody in this Chamber that can doubt that. We don't have any contracts with the Board of Education, we don't do legal work for the Chicago Teachers' Union. We are absolutely removed, impartial, objective on this issue of Chicago school reform, and because we don't want any of the goodies...the goodies that have been fought for over the last few weeks, we were eminently qualified to stand up for this time anyway and speak objectively about what was good for the people of the City of Chicago and we did that well. We started with a system that we wanted...handed the system to the people of the City of Chicago and said it should be their school system and let them elect their school boards, it's the way it's done across this state, and that wasn't good enough; in fact, at one point, we were told in one of our conferences, "Chicago is not ready for the electoral process." Those were the words...that was the quote. We didn't see any reason why the people of the City of Chicago weren't ready to vote for their school boards. Senator Carroll thought they were, he sponsored the bill long before I did and some of you joined with us, fourteen votes, and we sent the bill over there to the House and it died the death that I don't need repeating one more time. But the fact is that after negotiating over and over again we finally agreed with the many groups that came down from the city, we agreed that something had to be done and we couldn't wait and so we sat down and we put

together a decent, basic agreement. It was conference committee report that we thought was going to appear on our desks today; we waited for it and we waited for it, there was silence on the other side of the aisle. Senator Berman couldn't talk to me or to Representative Hoffman, all bets were off, apparently, and we waited to see what had been done to the children of the City of Chicago. And let me tell you what was done to them, because it's absolutely critical that everybody understand the difference between the agreement that was reached by the Democratic and Republican leadership of this Chamber and what now lies before you. There was a true compromise on the oversight authority, a true compromise. We wanted four appointed by the Governor and three by the mayor, and you know why we wanted that one more time, if you'll excuse me, we wanted that because one-half of the Chicago school budget comes from the State General Revenue Fund, ladies and gentlemen. We being responsible to our taxpayers who put into that fund have a responsibility to make sure that those dollars are used appropriately and not wasted away, that's the stake that we have in this system. We didn't get our...four from the Governor and three from the mayor and, of course, you wanted it the other way around, we compromised, okay, three appointments by the Governor, three by the mayor and the last appointment, who would be chairman, the mayor and the Governor will jointly agree on them. That's reasonable. And if they can't agree in thirty days, into the hat, we do that when we pick the Reapportionment Commission member. A lottery, that's reasonable too, but that wasn't...wasn't good enough because it didn't allow the fox to keep a close enough eye on the chicken coop. WBBM reported this morning all over the City of Chicago the Mayor of the City of Chicago had won, he had stalled action on the bill. The entrenched interest of that city, the people who control City Hall didn't want an evenhanded approach to

Chicago school reform. They want to be able to watch the chicken coop and that's exactly what you get with this bill. And we said from the beginning that principals...principals ought to be able to control their buildings and hire their staff. How many times have we heard the experts tell us that? And, then, somewhere in the eleventh hour, as we're all set to make this agreement, along comes the Chicago Teachers' Union telling us that there's this special breed of teachers, they even had to dream up a name that none of us could even figure out, supernumerary, and a supernumerary is a tenured teacher who has been rified. And we figure, why shouldn't that teacher go on the list with all the other teachers of the City of Chicago and pick the ones that are qualified? You don't give a job to somebody just because they've been around for twenty years, the parents told us that, by the way, it was the parents from the City of Chicago who told us that. What do we care? We're looking out for those kids and we said, okay, fine, you've got it. We should base the choosing of staff on merit. You don't have that in this bill, that was removed. Now you've got a situation where the supernumeraries, however many of them there are...and every year they're going to come up, okay, so once you pass this bill, every year there's x number of tenured teachers who are going to roll into that system and principals are going to be forced to take them, and if you ask me, bumping continues and, finally, the effective date. What you folks have had to do to get a bill on this subject. You've had to water it down so badly that you present us with a bill that has an effective date of July 1st. It's just in time for the November election, no doubt about that. It'll look good out there in certain areas of Chicago, I can't believe you downstaters are going to go home with this bill, but it'll look good in certain areas of Chicago, I suppose, right in time for November. But let me tell you what it's

going to do. Come January, we're coming back in Session. We've got another six months between January and the effective date of this bill and it allows every scavenger who's been out there around this Chamber the opportunity to pick away next Session, item by item, pick away at the school kids of the City of Chicago and render this bill helpless by July 1st. You have delivered zero to these kids of the City of Chicago, where's the school reform? They get nothing. Senator Berman, give me a break, don't tell me that you're going to convince the Chicago Board of Education and all those folks to get with it. You think their emissaries down here have worked as feverishly as they have for nothing, they were trying to kill this bill. I can just see them now tripping all over themselves wanting to get in on the act. My...we'll probably have it by September, well, you know we won't have it by September. We may never have Chicago school reform, not the way you've done it in this particular bill. This is difficult for me, because I'll tell you, I don't give many...real partisan speeches and I don't like to do that because there's too many issues, especially education, where we do not differ as Democrats and Republicans. But today I look at this aisle that runs up and down this Senate, it's a little wider than the rest of our aisles; well, ladies and gentlemen, I suggest to you today that that aisle is a mile wide today and on the one...hand on that side of the aisle, on the Democratic side, sits some people who got it stuck to them today. You had to cave in to what the folks back home call special interest, that's what you had to do, and I know...I'm not pointing a finger at everybody 'cause I know how difficult this is for some of you. As of last night, we talked, individual members, from downstate, some of you from Chicago, we talked. I know you wanted the bill that we had last night and I know that for partisan reasons you can't do that now and I find that unfortunate. On this side of that

mile-wide aisle stood a group of people who once again...I have to say it for the people of Chicago if no one else, I want somebody to stand up and tell me what our conflict was, tell me what we had in the system other than looking out for the kids of the city. What was in it for us? Was there political gain? What kind of political gain? You've sat with me on the Education Committee, those of you that are on it, what would be our motive if it wasn't to improve the quality of education of the City of Chicago? And we haven't done that today, ladies and gentlemen, we failed them. You fooled the people, you failed the kids. You've given them less than they deserve and you ought to be embarrassed by it and you ought to vote No.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, Ladies and Gentlemen of the Senate, many of us probably have agonized on this issue for a long period of time. And I don't believe that anybody whether it's the...Chicago School District or a downstate school district wants to have a product that completes the school system that drops out that is not...being able to compete competitively in our society. And initially when school reform...the subject came up, it was my hope and understanding that the business community, the people within the City of Chicago, within the board of education will work for a product in conjunction with the teachers' union, the principals in having a student participate to their fullest, to their best, being able to absorb and compete in our present day society. We had a number of hearings, we had a number of participants in order to try to accomplish this goal. Unfortunately, I do not like what I see here today, whether it be Senator Kustra's version and his bipartisan...speech or this version where we discussed yesterday...couple of days ago, we got twenty-nine

votes and I said I would vote for it at that time with the understanding that on the second version I'd like to have some of my concerns addressed. And I asked the sponsor of the bill if there was any...and they told me this is the Lechowicz version. Well, it is not. I have a few questions I'd like to address to the sponsor before I'm going to vote on this issue.

PRESIDENT:

Sponsor indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

One as far as the training program. Well, I would like to know the extent of the training program, who's all involved, where it's going to be conducted, subject matter that's going to be discussed and who's going to pay for it?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

We call for two training programs. One will be a training program that is required of the new board of education, the other training program involves the training for the members of the local school councils. We have set forth in here that the local school council can request training either from board staff or, if they wish, they can request outside persons to be hired. We have limited the extent of that training to a thirty-hour training program. We have set forth that the training shall be in the areas of...personnel, educational responsibilities, the kinds of budgeting problems that they will be faced with. The purpose of that is to try to encourage that the people that have been given power at the local school level will have some training in those powers.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. You didn't answer my question. Training program number one, how many people are involved and who's paying for it and what's the subject matter?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Of the central board? That's not spelled out, they would be...that would be determined by that board as to what they want to undertake; we have not limited or gone to those kinds of specifics but we said that we want new board members to be trained. Now, downstate, as a matter of fact, most of the board members participate in a Illinois Association of School Board process for their own training.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

(Machine cutoff)...thank you, Mr. President, that has not been defined, central board. What's point number...training board number two then?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's the one I previously explained regarding the local school council, that's the thirty-hour limit.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

How many are there?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

One for each local school council.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

How many schools are...in the City of Chicago?

PRESIDENT:

...Senator Berman.

SENATOR BERMAN:

Five hundred and ninety-two.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

And where is that money coming from?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

The board's resources.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Or...are the board's resources located in the Conference Committee Report on 1839 under...is that contained in here someplace?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

The board's resources is the total budget of the Chicago Board of Education.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Second question then, because I can see I'm not getting an answer on the first one. Page 14, lines 24 through 35, "For a school district operating under a school reform...created by under this Act 34C, stated otherwise payable to district under this section under state...state...Chapter 1." We're providing the five hundred

thousand dollars? Are there any restrictions as far as for what purpose they can use the five hundred thousand dollars for?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's the...that's the cap of the...of the budget that can be spent by the reform authority, that's the same language that we had on June 30th that you voted for.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I'm aware of that but I never had the opportunity to raise the question. What's the breakdown on the five hundred thousand? Can they hire a staff? administrative assistants? furniture? the whole bit, what...what's the breakdown on the five hundred thousand?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

We have outlined their responsibilities and that...those funds can be used to carry out their responsibilities.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well,...thank you, Mr. President. I don't think I'm going to be supporting this fine issue. I really don't care for the training program and the definition of it, nor do I care for the five hundred thousand dollar open-end authority, nor do I...I really care for the effective date. Thank you.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Question of the sponsor.

PRESIDENT:

Indicates he will yield, Senator Joyce.

SENATOR JEREMIAH JOYCE:

I would like to have you elaborate a little bit on this training program for these local school councils. Approximately how many members of each local school council will be participating in this training program?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

On page 39, line 7, it is intended that the ten members of the council, that's everyone except the principal, would participate in these training sessions.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

So, we are talking about approximately a hundred and fifty thousand training hours if it is assumed that there is an election to participate fully in this process. Is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

If that's thirty times five hundred and ninety, yes.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

It's actually closer to a hundred and eighty thousand hours. Who is going to be doing this? Maybe Senator Kustra could help us with this, he seems to have all the inside information. Who...who is going to be doing this training? Who's going to be paid for it? Where is the money coming from? You know, I don't understand...we...for two or three days now, we've had all these little rumors around here that

there's something hidden in this and...you know, there's...contracts, there's business, that no one really cares about the kids, that the whole thing is to try to put some money into the pockets of some people who...have...kids' concerns as a secondary purpose. Could you tell us some of those things or maybe Kustra can tell us?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

There has been no discussion regarding contracts. The purpose of this is so that the people who have been given substantial new power at the local school level will understand what their responsibilities are. The...the subjects of the school budgets is school budgeting, educational theory pertinent to the attendance center's particular needs, personnel selection. These people are given the power to negotiate a performance contract with the principal. They're given power to prepare a...improvement plan for their school. We don't want them to fly by the seat of their pants, we want them to understand what their responsibilities are.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well,...that's somewhat insulting and if...if you believe that. You know we have private parochial schools all throughout the City of Chicago that have councils, that have boards. People come forward and say, I'd like to listen to the process, I'd like to get involved, I'd like to help run the school, I have a student in there, and we require that that be part of this, and I am concerned. But then to try to trot in here...I don't know what we're talking about, two, three million dollar contract that's going to go to someone to sit here and go through some show and tell process with these people who want to get involved in this and, you know,

now I don't think this is necessary and I don't think there's been enough discussion on it. And I...and I don't know what else is in here, if this thing has been just pointed out to me in the last day or so. Now who is going to do this? Where is this school? Is it modeled on something else? Why is...maybe the PTA, could we put some language in here and say the PTA should conduct this school, or maybe the state should conduct it?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

We...if you'll look at line 7 through 19,...okay...it says, "At the request of the local school council," now if you have a local school council that thinks that they know everything, they don't even have to do it, "the board," meaning the board of education, "shall provide training to the local school council. Pursuant to board guidelines, a local school council is authorized to...to direct the board of education to contract with personnel or not-for-profit organizations not associated with the school district to train council members. If training is provided by contract with personnel or organizations not associated with the school districts the period of training shall not exceed thirty hours. Persons shall not be employed on a continuous basis longer than said period and shall not have been employed by the Chicago Board of Education within the preceeding six months." Now let me tell you where all of those came from. The restrictions...the restrictions as to limited hours, the type of personnel was put in as a result of our discussions at the summit table yesterday. The provision regarding training of the local school council has been in Senate Bill 1839 since we passed it here four weeks ago. It was a item that has been discussed, it's been in our analyses. Many people felt that because of the powers that you're giving to these people

they ought to have some training.

PRESIDENT:

(Machine cutoff)...Joyce.

SENATOR JEREMIAH JOYCE:

Well, I had read that before you read it to me, but thank you anyway, maybe someone else here hasn't. I don't understand how that addresses what I just said. I don't understand why we can't put some language in here controlling this or limiting this. What do you envision the cost of this to be? How much would you pay someone to train a council member for one hour?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Well, Senator Joyce, let me suggest to you that because of the delayed effective date, I'll be happy to work with you regarding language that we can introduce in January that could further limit this language so that we have response to your concern as far as this being a...a blank check or a hidden contract or some other boondoggle which is certainly not my intent nor the intent of the groups that recommended this.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I...I don't know, maybe I'd like to hear if Kustra has anything to say about this or if someone else. If..if that's your...if that's your response, maybe we could trot out an amendment right now and so limit it.

PRESIDENT:

Senator Kustra indicates he will yield. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. I don't care to defend or get into a discussion on Senator Berman's bill, certainly. I

think I've made my position clear. I...I don't understand...interesting, I just got finished saying that what is going to happen is next January this thing is going to be opened up again, and Senator Berman just told us what's going to happen. We're going to go in now and start amending it already. And once you introduce an amendment which you think is going to take care of one problem, Senator Berman, there's going to be a dozen more to strike whatever good things you have in the bill. As far as the training language is concerned, we've been concerned all along about just what was going to happen with those training dollars. As a matter of fact, in the conferences there was an attempt to get some protections. Remember, you're taking forty-six million dollars out of the central board according to this bill, twenty to twenty-five of it, as I understand it, is money that then goes back to the local school councils at fifty dollars per student. That leaves a big hunk of change that you haven't accounted for, and I'd look real carefully at where you think that money is going 'cause there's no place in this bill that tells you that.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, Ladies and Gentlemen of the Senate, two days ago on Conference Committee Report No. 1 on Senate Bill 1839, I decided to vote Present 'cause I was convinced that we would have a second chance to vote for true school reform. We could have made it stronger and we could have made it better for the children of Chicago. Summit meetings were held, an improved bill was hammered out by our leaders. The Governor and our four legislative leaders got together and they had a deal that was worked out, everybody was in agreement. This morning's Tribune, I'm going to quote, "After twelve hours of little or no action in either Cham-

ber,...Senate President Philip Rock called the Senate to order at 9:45 p.m. and announced that an agreement had just been reached on the controversial measure but that several more hours would be needed to circulate copies of the bill to all Senators and Representatives." That was last night. What a difference a day makes. At three twenty-three this afternoon I first saw Conference Committee Report No. 2, as we all did, and it was a step back. Ladies and gentlemen, we have wasted two days...we have wasted two days. We were waiting for these legislative leaders of ours to put together a package that we can all agree on and they did, and then somebody sold us out. Who's pulling our chains? Who are we going to put first? Are we thinking about those children back in Chicago or are we thinking about those special interests on the other side of those walls? Why can't we not put the politics aside and put the children first? Why must we cave in to the special interests? Chicago Senators, let's not abandon our children, let's put them first. Let's all vote Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Difficult day for some of us in this General Assembly because the record of this General Assembly as it regards children is absolutely dismal. I'm in my twenty-first year in this Body, I've been on education committees for twenty-one years. I chaired Higher Education for ten years. I chaired something else for ten years...for eight years rather, and that was the oversight committee for all the social services in this state. And if you want a vista to see what kind of destruction can be reeked by the absence of an education, that vista was the chairpersonship of the legislative advisory committee on Public Aid, oversight for all the social services, for Public Aid, Children

and Family Services, Mental Health, Public Health, all of them. And in all those institutions the disconnection between education and the problems that arose was absolute. What we're talking about today is children, yes, but we're talking about the future of this state, and the question that we have to ask ourselves is, are we going to bring along another generation of largely tax consumers or are we going to create tax producers? It's as simple as that. The rolls of the tax consumers are increasing and each one of us knows it and we proliferate committees and studies in order to attack a problem that is fundamentally clear. We cannot have economic development without having children who can learn, who can think and who can rationalize. For the first of the twenty-one years that I've been here, the business community came down to this General Assembly and said, we need education for our children. A culture shock. The business community was unremittingly hostile to education for twenty years, and most of you know it, unremittingly hostile. Oh, the cover was tax increase, but education suffered for each of those twenty years. We sit here today talking about children and immediately erasing any possibility of the kind of change that's necessary for this...this state to survive. For partisan purposes? I don't know, I can't fathom the reasons for this kind of a discussion. You say children and immediately turn your backs. The facts of life are clear and they're here before us. There are several things that need to be pointed out. First of all, education in the City of Chicago has taken a back seat to every conceivable interest in this General Assembly...every interest in the state...every interest, it is last. But that is where the majority of the children in public schools are and that's going to determine what happens in this state tomorrow morning. Who is going to buy the grain that's grown by the farmers downstate? The children in Chicago who are going to

consume it. With what? MBA 1, says if you have a business with customers who can't pay, you do not have a business. (Machine cutoff)...talking all around the real issues here and we all know it. For whatever reasons, we all know we're talking around the issues. Who's going to control? What difference does it make? Are you saying to us in Chicago that Chicago authorities...that Chicago...the...people of that city cannot...cannot control their own school system and that we have to have a Governor in charge of the Chicago Public School System? There are nearly a thousand school systems in this state, not one of them...not one of them has anyone ever deign to ask that somehow the real chief executive of that school system, that local body should be the Governor of the State. We go on and on and on about bringing government to the people, about the local control, and at the last minute, the eleventh hour here, we're talking about a system where the Governor is going to tell me in Hyde Park and Kenwood and Woodlawn and Grand Boulevard, areas he's never been to, that he knows better what my children need than we know? Come on, you would not dare to force that argument on anyone in a rational time. You know it, we know it. I don't know what's going to happen here, it's a complete puzzle. I know that all kinds of interests, the unions; yes, there's a problem and we need to solve that problem. At the expense of the children? Are we going to say one more year of diseducation, one more year of the absence of education, is that what we're going to say? Is that our solution, that the children suffer by virtue of the fact that we, down here, who presumably...who presumably have the resources to make decisions, who have the management experience, who are elected to represent people, that that's the kind of decision making we go through? Shame...shame. Well, Mr. President, I...I thank you for the time to vent my complete frustration and I think that frustration is

reflected by the people of my city. When have we ever had the kind of demonstration that we've had during this period of people who came down here by the hundreds to sit at our elbows for hours on end and to say to us, these are the things we think ought to be in a bill that you construct, and to the best of our ability, that was done. Of course, there were compromises; and, of course, there are going to be areas that we can't plug at the moment right now. We can't plug every loophole. We can anticipate that they're going to be some problems. We can anticipate that the profiteers are going to be there, we can't stop them all. But if we don't start...if we don't start, nothing is going to happen. I would suggest to you that if we don't get something out of this Session of the General Assembly, that we're going to spend the money on the negative side anyway; build more jails, make a new industry of incarceration and corrections, of mental health; run those bills up in the Social Service Department because the social service problems are creeping over into the schoolroom and about to inundate them. They're not going to decrease as a result of what we're doing, they're going to increase. I'm not saying anything during this time that every member in this General Assembly doesn't somehow already know. Why we're in this death grip struggle, I cannot tell. It's a disservice, an absolute disservice. I would suggest we ought not leave this General Assembly without putting together some kind of rational program to take back to the City of Chicago to save not just our children but the State of Illinois. The State of Illinois cannot...cannot tolerate increasing numbers of tax consumers. We ought not be in the position of making a self-fulfilling dream of such negative consequences come true. This is not a perfect bill, it is far from it. It is, however, a bill in which an awful lot of people participated. It is a bill in which an awful lot of people have some confidence that per-

haps they can help make this system what it ought be. It is the largest system in the State of Illinois, you can come on...you...you can challenge that in the sense that you might say it ought to be broken up. We can talk about...we can talk about all these things. But if we walk out of here during this Session of the General Assembly and don't bring a better message of hope to our children than we have brought, then all of us ought to be ashamed to come back down here again. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would, first of all, like to compliment Senator Lechowicz. I've respected him for the...serving with him on various committees and for the position that he's taking and the questions raised by Senator Joyce this afternoon. We tried to make a...a bad bill better by putting the effective date of next year and, hopefully, fly out of here with only thirty votes. Mrs. Ray and Mr. Ray and her kids are here from my neighborhood, I coached them in baseball, slept in my office the last couple of days. We talked about education for hours and days. Senator Newhouse seems to think we're going to get better jobs out of this package here. (Machine cutoff)...Berman feels to see that already we're trying to change this package, we; we didn't even count the people outside the door that are going to come in and try to do it for us. Senator Newhouse states that the...didn't feel the Governor should have all the power. Just gave the mayor all the power, is that any better? We're back to where we're at again, and then we have the point about the elections in November. The elections in November, I guess, that seems to be the real issue here. Are we going to appease the people back home? I have three kids I've been away from it seems

like for a long time. I'm willing to stay here a month to get this package ironed out for those kids back home; and all you people that are up for election in November that they brought up, if you're going to lose, lose for the kids, don't lose for the politicians. I'm not voting for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I guess we can all stay here a month, you know, if you want to. I go to the Y every morning from about six to eight and I work out there, so I invite all you guys to participate and we can conduct workout sessions there every morning and then come to work and have lunch and go home at night, if you like. It's up to you guys, I'm willing to do that. But...huh? You're a young guy, you...you can do that. The point I'm...I'm trying to make I think is that we had somebody on the other side get up and say that he is...eminently qualified to know what goes on in the Chicago School System because he's not involved in the process and, therefore, he can be objective about it, and since we have a vested interest in it, we don't know what we're talking about and we should listen to him because he has all the answers and he understands the process because he's removed from it. Well, that's great...that's great. He said that one-half of the Chicago budget comes from the State of Illinois so the Governor should control the Chicago School System. The state has the primary responsibility in the Constitution of Illinois for educating Illinois children; the state, not the City of Chicago. One-half is not enough money. The state has never met its obligations under the law. We all know that. Who's kidding who? He also said that these tenured teachers are a terrible and vicious sore on this system because they want their rights for being around for a long time. That's really funny, that's

hysterical. How do we select chairmen in this Body? How do we select who gets on committees? How do we even select our seats? We get in a room and we say, I've got more seniority than you do, I'm entitled to this seat. Who's kidding who here? People are people no matter what area or endeavor they're involved in. You want to take the system away from the City of Chicago and give it to the Governor? That's a wrong and wrong and wrong idea. We want to run our own school system, we want to have the right to make decisions about the children in our school system. This is a bill that has been worked on for many hours by many interested and concerned people, not particularly special interest but people that are concerned about the children in the City of Chicago and what happens to them. Don't deny us the right to educate our children the way we see they should be educated. Vote for this bill, even if it hurts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Sometimes I've been very proud to be part of this Body and sometimes less proud, this is one of those times. We stand here about to be...about to make a decision which is going to impact on several hundred thousand children. Four hours ago we had an agreement. Let's analyze the two things that appear to be the hang-up on the agreement. On this side because of or not because of the funding from the state and, Senator D'Arco, many of us were prepared and continue to be prepared to discuss that but because of our cynicism on the past track record of the authorities we've seen in the City of Chicago that run the Chicago School System, and that cynicism is well distributed among many of the people from the City of Chicago, we wanted to have an objective oversight board; and I would point out to you that that Governor is a resident of the City of Chicago with a child in the City of

Chicago public schools who is a product of the public schools of the City of Chicago. If we were talking about a Governor from Kenilworth who went to Dartmore, I might say, hey, you had a point. The Governor happens to be a product of your school system. We wanted an objective board. We put in the law, at our suggestion, at least I believe it was, that the oversight board should be residents of the City of Chicago. I talked to Senator Newhouse earlier, on this side of the aisle, I don't think we have any objection to using the Senate confirmation part of that Act to guarantee that those board members reflect the racial makeup of the City of Chicago. That's certainly not our agenda. The other item that we seem to be hung up on is this supernumerary thing which most of us had never heard of two days ago. We're told there's two hundred and forty teachers that the union is worried about. I'm prepared for the good of the four hundred thousand students of the City of Chicago to give them their pensions, to guarantee them jobs somewhere if they aren't qualified, but I don't want to hurt those two hundred and forty-five people, but for God sakes, I don't want to delay the reform of the City of Chicago School System for a year on those two trivial issues. I want to go home; we all want to go home. I'm certainly prepared to commit two or three more hours of my life for the good of the four hundred and some thousand students in the City of Chicago and the children that will follow there. My God, are we that tied to the vested interest that elect us that we can't devote two or three more hours of our lives to work out a compromise? Four hours ago we were unified, the reform package was bipartisan. Most of us on this side of the aisle were prepared to support it despite the fact that virtually everything that our original proposal...well, a good part of what our original proposal was not in it. Four hours ago many of us were prepared to vote for...to give you the authority to gather more local

resources to finance that school. Now I'm told we aren't even going to discuss it. Four hours ago many of us were feeling a little better about raising additional state revenues to send into that system which, frankly, we view with much cynicism. All that is gone, all that has been changed for these two trivial issues. How can we succumb to the vested interest groups? God, we all ought to be ashamed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

END OF REEL

REEL #3

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise, Mr. President and members, as have others, in strong support of the second conference committee on Senate Bill 1839, admitting that it no way pretends to be nor is it a perfect document. But let's look back at history just a little bit, particularly those of us who are from, born and raised and still represent the people of the City of Chicago and their school districts. I attended, I suppose, between September and October of last year during the strike as many or more meetings with parents and district advisory council members as did every other member representing people in Chicago, and as a matter of fact, when the...when the...when the kids went back to school, I had the opportunity, as did many others, to meet individually and collectively with the Mayor of the City of Chicago and I said, Harold, you know what, I said, I've never seen or felt such frustration, literal anger by the parents and the members of that district advisory councils that I visited with, I said, we've got to do something. And if you'll remember, we came down here that November and argued about money, as we always do under many different circumstances, but the Mayor of Chicago made a request publicly, please, don't tinker with the system, yet; give us, in the City of Chicago, an opportunity to find out what's out there and what the parents think is important. And we did that, and the mayor put together a group called the Education Summit and they gathered people from all over the city and virtually representing every different group and they started to meet. And Senator Berman and Senator Collins and Senator Lechowicz and

everybody from Chicago met with them and they started to hammer out a consensus, and that's never easy particularly when you have so many dispirit groups as we do in Chicago, and so the summit then started taking...splitting up into little committees like we do and tried to make and put some recommendations together as we do, and they came down and I can remember that when the Education Summit had its report, it was received as one of about...and Senator Berman can correct me, twenty-six or twenty-eight different documents that I received and my office received concerning about what we can and should be doing for District 299 that we are not doing or not doing well enough, and so then it came to us. And the Senate Education Committee, as I recall, had a number of public hearings, both in Chicago and here, and we had a Committee of the Whole here and I think there was a genuine discussion and dialogue and there were genuine differences of opinion as there always will be in this Chamber. But we attempted to hammer out a consensus and, in fact, this Senate passed two different bills, not radically different in terms of probably eighty-five percent of the substance, because if you laid them side by side, as we did, lot of overlap, lot of consistency. There were some fundamental differences; decentralization was an obvious fundamental difference and...decentralization had been talked about at almost interminable length up in the summit among the parental groups and, in fact, was rejected and they said, no, we don't really think that's...that's going to work, we don't really want to do that; we know some think it'll work, but we don't really want to do that, and as a matter of fact, the mayor's Education Summit said, no, we don't really want an oversight authority. That was voted upon in the mayor's Education Summit and was rejected because the majority didn't think it was the right thing to do. If you're going to appoint a board and a board member and ask them to be responsible and

then say at the same time, however, once you're appointed, once you accept this responsibility, I want you to know that I have somebody looking right over your shoulder because I don't trust you, we need an oversight board. And then we started visiting with all the groups that came down here, God bless them, they all came down, parents, community activists, professionals, CEO's of some of the biggest corporations in Illinois came to express their concern and say, for goodness sake, if you do nothing else, help us to reform the Chicago School System. And to a man and a woman in both Chambers, both sides of the aisle, I dare say not one of us would raise our hand and say, I'm not for reform in Chicago schools. Who's not for reform in Chicago schools? I dare say no one. Who determines reform? That's a little different. Reform, I guess, to a great extent is like beauty, it's in the eye of the beholder. So, what did we...what...how could we come to grips with this? I sat in my office, as did Senator Philip, and was visited by virtually every one of those forty-three CEO's who took the time out of their schedule to come to Springfield to express their concern, and I sat there and was visited by the community activist, whether it was SON SOC or others from Senator Lechowicz' neighborhood, I said, tell me what it is that...that...what's...what does reform mean to you? Now, we're all after the same goal. We want every kid in this state to have the opportunity to fully develop educationally, to be able to read and write and function and be a contributing member of society, that's a given, but we're confronted with a system that's broken. We have an old saying around here, if it ain't broke, don't fix it. We all admit it's broke and we have to fix it. How do we get there? What does reform mean to you? Well, you talked to the community people and they said, we're not going to have any serious real reform, in our opinion, unless we have parents and community people that have some input, some power, some

decision. That's what they have, right in this bill; that's what they had in Senator Kustra's bill, that's what they had in Senator Berman's first bill, and I said, as did Senator Philip, to the CEO's, what's the definition of reform? What does reform mean to you? Two of them sat there, flat out and said, if there's no oversight board, we're going to decry this as cosmetic, whatever you come up with. We want an oversight board. And I gave them the same argument that I made early on. I said, how would you like it, Mr. Businessman, if I were the mayor of Chicago and I said to you, you are truly an outstanding citizen, community-minded, committed, a lovely person, how 'bout serving on my school board to look out for the interest of those four hundred thousand plus kids that we're all concerned about? And the businessman said, gee, Mr. Mayor, I'm really flattered, that's very nice, thank you, very much, I'll be happy to accept that responsibility, and as the CEO of a major corporation in Illinois, I know I can do a good job. And I say, fine, thank you, very much; however, this guy is going to be looking over your shoulder 'cause we don't really think you're...you can do it; and they said to me, if you don't provide an oversight authority, we're going to write the whole effort off. And I said, as I have said before, many times, being a practical, pragmatic, realistic politician, if that's what it takes, you got it. No argument, you got it. How do you want it appointed? Mayoral appointment? Fine. How many? Seven? Fine. You got it. And I can remember calling Senator Berman, who's been working on this thing for months, and I said, Art, guess what? I just signed off on an oversight authority. He says, you what? I said, don't worry, everything will be all right. Then on Thursday night of this week, with the obvious knowledge, a knowledge obvious to anyone who has spent any time in this Chamber, everybody in the world, I think, knew that two of my members were sick, and so

we presented what we thought and still think is legitimate, honest to God, basic reform and I guess you can say to me, how can you say that? Because after about sixty-five hours in the Office of the Speaker of the House, talking with, listening to, persuading and being persuaded, a document came out, and let me just quote from the statement made by, I guess, a consensus of those who have been working on this thing for eleven or twelve months, a document...I wasn't present, it was down in the Blue Room, I guess, and it was Tuesday or Wednesday of this week. The statement goes something like this, true, basic reform, real reform of Chicago schools is within our grasp. Let there be no doubt about Senate Bill 1839 being real and powerful reform and if we had the slightest doubt, the statement says, we'd be here denouncing it. Instead, we're here lobbying legislators of both parties to approve it. Approve what? Approve the bill crafted by the community organizations and business leaders under the auspices of the Speaker. And then they give kind of an outline, what's their view. What does reform mean to them? Says, strong important powers have been given to locally elected improvement councils. And Senator Berman told you who's on that, that's the parents and the community groups and that's what they wanted and that's what's in here. We've given the principals unprecedented powers, it says and that's what's in here. We've got equity provisions for underachieving and low-income schools far beyond expectations, even the expectations of somebody as vocal as Senator Jones, and that's in here. There's a cap on the spending by the bureaucracy that's going to allow the school system to reallocate forty-six million dollars and that's in here. And we've enhanced the role of the teachers by opening positions on the school council and by creating a teachers advisory council. We have a transition authority with teeth and that's in here. And let me go on to tell you what they

say when I asked the question, is this reform, is this really reform in your opinion? They said, we are not just pleased, we're excited 'cause control moves to the local level, to the people, to the parents, to the principal, and if there's one message, they go on to say, that we can deliver to the parents and to the children of Chicago, it's this, if Senate Bill 1839 passes, we've won the battle. It's now up to the legislators to enact it, it said, and we tried. God, we tried on Thursday night and we were two members short, and I suppose if one would play the game as some play around here, I could have said to the Chief Executive of this state or to my friend, the minority leader, why don't we just hold up on the White Sox until you afford me a member or two to pass this bill that is so important to those of us from Chicago. And I...didn't do that, wouldn't do that, never have done that, although some around have suggested that I should have or could have. The Governor and the Mayor of Chicago wanted to keep the White Sox in Chicago, as did Senator Philip and Senator Rock, and I thought that was, frankly, much, much too big to be fooling around in a partisan battle, and as Senator Schaffer says, over what...over what? Some months ago, I was one who publicly first said, we need additional revenue and I'm supporting the call for increased taxes, and when about a week ago the Chief Executive said, it's dead, dead, dead. I said, that is really too bad, that's unfortunate because we are not going to be able, in my judgment, nor have we, in my judgment, met the real needs of the people of this state in every school district. But I also said, I'm not leaving here nor are we adjourning until we obtain Chicago school reform, responsibly...answer the call from the two hundred and plus communities in downstate to afford them some relief from a federal mandate and send to the Governor a budget that's not only balanced but that reallocates what we can reallocate to provide more money for education. And I'll tell you

I'm...I'm prepared, I was prepared then, I'm still prepared, and if we don't get substantial school reform you can guarantee, Senator Raica, we'll be here as long as it takes. Because what I did say then, when were all celebrating and feeling a little heady about having saved the White Sox...yes, I talked to my friend, Senator Philip, and he is my friend, and I said to him, Pate, for God's sake, I can't adjourn, I won't adjourn this place until we get Chicago school reform, and the document that's been hammered out by the Speaker and by Senator Berman and with a lot of help appears to me in the view of the parents and the business leaders and everybody from Chicago to be reform, and I said, what will it take to pass it? And he said to me, this, this and this. And I said, if that's what it takes, I'll do it. (Machine cutoff)...late Thursday night, as a matter of fact, it was early Friday morning. Now you don't have to be much of a student of politics to understand that once Thursday midnight came and went, the balance of power shifts and in order for something to be immediately effective it takes an extraordinary vote, and on my best day around here, I don't have an extraordinary number; as a matter of fact, on my best day around here, I don't have an ordinary number, but...that's a subject for a later discussion. So, I said on late...or early Friday morning as we left the building, I said, why don't we get together tomorrow, this morning, Friday, July 1st, hammer out what we have to do, you tell me what you want, I'll tell you what I want and we'll get it done, and I said, but we're not leaving here, trust me now, we're not leaving here without Chicago school reform, waste water and a finalization of the budget. I said, I simply won't do that. Okay? So, we met Friday morning, the four leaders and the Governor, and I thought we had a nice, pleasant conversation going on because we started going through the Calendar recognizing that we didn't have a lot of time

left and recognizing that there isn't a member on either side of the aisle in either House who likes to sit around and wait, and I said, why don't we try to speed this up? So, Senator Philip and I, in our inimitable fashion said, what do you need help with, what do I need help with? And we ticked them off and wrote them down and everybody said, fine, and then we got to the...what I call the main event. We went through this whole list of bills that were important to one member or another, one side of the aisle or another, and I'm not gainsaying their importance, they are important, but I kept urging, I said, let's get to the main event and find out where we are. So, we finally started talking about the main event, being Senate Bill 1839, and all of a sudden, recognizing that the Democratic majority whose responsibility it is...whose responsibility it is to craft and fashion the work product that comes out of the 85th General Assembly, recognizing that the majority was really no longer the majority because they couldn't vote anything by themselves to be immediately effective, I was handed a piece of paper with what I felt were unconscionable, unrealistic demands, not requests, not proposals, demands, and the conversation darned near broke down, I can tell you, but I said, as Senator Berman said earlier, you get...get a lemon, try to make lemonade, so I said, we'll work on it; and you can remember what Friday was like, we must have spent twelve hours back and forth and in and out and in and around attempting, again, attempting again to bring this Session to closure recognizing that we had some very, very weighty matters unresolved. I finally said, get a conference committee report together. I asked Senator Berman, Marsha Thompson, from my staff, I said...then I was confronted with a second short list, which I hadn't seen before. They said, oh, yeah, we've been working on that. I said, fine. I said, get a conference committee report together and circulate it for signature, and I said,

(

before it's laid on the desks we will all have to have a caucus anyway. Let's do it. Fine. Now understand, this is a...now in my view, a proposal that really was as a result of, at least in a couple of what I consider to be relatively insignificant areas as...as a result of some serious Republican demands, and I'm a serious Democrat, so serious Republican demands don't offend me. Sometimes we take them and sometimes we don't. What I was a little chagrined about was that I heard on television that the Governor said, oh, I'm not worried about the oversight board, I'm not worried about the control of it, we want substantial reform. And I said, good. Then I'm confronted with the demand...our board, and I said, well, that's going to be tough. So, we worked on two or three different configurations. How 'bout if the mayor appoints two, the Governor appoints the chairman and the four leaders each get an appointment? How will that work? And that one kicked around for quite a while. Then we finally decided, naw, that's no good. Three, three, one, let's try that. Let's try anything to get the job done. And then we broke for caucus at one o'clock this morning, I guess it was, somewhere around there, and I said to the young people who were circulating the report, how are we doing on signatures? And I was told, much to my consternation and everlasting pique, that the Republican minority in the House refused to sign their own report, and I said, oh, boy. I'm supposed to go to my caucus and sell this turkey and they're not even signing it. I got here this morning, earlier than some, and talked to the Speaker and I said, lookit, if we're not going to get signatures on that report, let's put together a report we can get some signatures on. That's what's before you and there is no significant difference between this one and the one Thursday night or, as a matter of fact, between the one that was talked about. Big difference, obviously, is the effective date, but I, too, live in the real world, immediate

effective...date takes thirty-six; and maybe, Senator Kustra, I'm not afraid of amendments coming because the one amendment that the Speaker and I talked about and pledged to all concerned is that when we come back in January, as we always do to end the lame duck Session, we're going to pass a bill to make it immediately effective, 'cause after January 1, it'll only take thirty and sixty and we can do that and we will do that, and I'm not afraid of further amending this. This thing isn't carved in granite, there will be amendments, there will be attempts to weaken, there will be attempts to strengthen, there will be attempts to accommodate concerns, as well there should be. We'll sort it out, we always do, but in the meantime, let's live in the real world. It's July 2nd and I'm prepared to stay tomorrow and I can certainly afford to miss the parade on the fourth, but I don't see any movement, none. We're at gridlock 'cause the people on my side wouldn't...my conferees would not sign that other report, nor would Speaker Madigan sign that other report, and so it never gets to you, you can't vote on it because there aren't enough signatures under our rules, and so I present to you today and stand in favor of a report that we can vote on and so that we can, as Senator Newhouse so eloquently said, show the people and the parents of...Chicago, that, yes, indeed, we care and we're sorry we couldn't do it faster, we tried, but we do care. It seems to me if we turn this down, and I would plead with my own members, some of whom have some misgiving, apparently and perhaps justifiably, this is our opportunity. As that document so well said, real reform is right here, right in our grasp and let's don't get hung up about whether it's the mayor or the Governor who has the fourth appointment on an oversight board and, in my judgment, isn't necessary in the first place. Senator Schaffer, this is one for the kids and I urge you to reconsider, as I urge all members, and vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. From the time this country was formed, the very first building the new settlers built was a school for their children. They hired a teacher. They bought some textbooks. The school became the center of the community. We live in a democracy and in a democracy we have a definition of schools. What is the definition of public schools but schools built and managed by the people, schools belong to the people and when the people speak, the schools, historically, listen. That's why they are public schools and why they change according to the ebb and flow of public opinion. The people of Chicago have said these are the changes we want, help us to make these changes. The people of Chicago have felt disempowered, unable to access their central board office. They want permission to reform their schools. The people of Chicago have hammered out a plan with the help of some of you at no added expense to the rest of the state. I'll be watching and praying to see how it works, but let's give the people of the public schools of Chicago their chance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And, quite frankly, after sitting here and listening to all the speeches, I hadn't intended on speaking, but after listening to Senator Rock, there might be somebody in this Chamber that has the impression that myself or our party are at fault or are the bad guys. I've been a member of this institution for almost twenty-four years and I've been very proud to be a member of this honorable institution. I've been a leader for...going on...seven years, and I might say

this, that the four leaders and the Governor have been able together to work out some very sensitive subjects. In those years we have negotiated the RTA, class act, sales tax reform and it can go on and on. We have been working on this for at least three weeks, downstate people, Chicago people, union people, teachers, members of the General Assembly and we had come to an accord last night; the Governor thought we had an accord, Leader Daniels thought we had an accord, Senator Philip thought we had an accord. I went home smiling and happy. I came in this morning, had breakfast with my friend, Senator Rock, had one meeting with Senator Rock. I thought we had a deal. I thought it was done. I was happy. Then the rumors start to circulate and I've got my members coming over...talking to me, I've got the press coming over to talk to me, there's a second conference committee. The one you agreed on, you're not going to vote on. Isn't that funny? Everybody knows it but me. The Governor doesn't know it. Daniels doesn't know it. I don't know it. It would appear the other side of the aisle knows it, so I go up and ask my friend and find out that something has changed; overnight or this morning, something has changed and I want you to know that we are for reform, we have been there, we have no conflict. I don't have a contract with the City of Chicago schools. I don't...even know a teacher that works there. I don't have any kids there. There's nothing in it for me politically. There's nothing in it for me period, but I'll tell you one thing, I'm sick and tired of looking at the T.V., reading the newspapers and having the Secretary of Education say it's the worst school district in America, the worst. Fifty-seven percent of the money for the Chicago school system comes from the State of Illinois. We appropriate it. You mean to tell me, we shouldn't have any input, we shouldn't have any influence? Now, the mayor has been appointing that school board for as long as I can remember,

and what does Secretary Bennett says, it's the worst school system in America. So, we're going to sit here today and allow him to once again appoint the majority of the school board and it's business as usual, the jobs will be there, the patronage will be there, the contracts will be there and everybody will get their goodies, nobody on this side of the aisle is going to get any goodies. And who gets the short end of the stick? The kids. The real issue is the kids. We want to help those kids. Our experts tell us one of the most important issues is allowing that principal to choose a teacher on the basis of talent...talent, not seniority, not time and rank, because that teacher is good and well-qualified and will teach those kids. That's the one thing we needed on this side of the aisle, the one thing we really felt strong about. What happened? That's out. Flush it down the toilet. Business as usual. What do we care? Well, here we are at the eleventh hour of the eleventh day. We have negotiated in good conscience, all along. I think you know me. I like to think that I have a reputation of a man of my word. I was there in the beginning, I was there in the middle and I'm there now. This isn't school reform. This is a joke. It's an absolute joke and you know it. We should defeat this, come back and do what's right and do it for the kids for a change, not the politics, the politicians, the jobs, the contracts, the goodies, do what's right for the kids for a change. Let's vote our conscience and not our pocketbooks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I'd like to take this opportunity to thank the President of the Senate, Senator Phil Rock, and also to thank a Senator that worked hard and worked hard on putting this together to...Senator Berman. I, during

the course of the negotiations, would come in and out of the Speaker's Office where community organization and activist was there from all over the City of Chicago. Most of them I know 'cause most of them are my friends and I said to Senator Berman, say, Senator, you got a lot of patience; I say, I know you've been beat up, and he smiled and say, well, it goes with the territory. I want to begin by saying that I strongly favor, and I think everyone do, the reforms of the Chicago board of...school system, accountability and increased accountability and also the community participation. We all have expressed that and I don't think no one expressed it no more eloquent than...than the President of the Senate and the leader of our caucus, Dick Newhouse. But I could not go back to the City of Chicago, I should not...I could not go home where my neighbors do attend them schools that...that Pate Philip talked about...that Senator Philip talked about, where my nephews, my great-nephews, my relatives and, I, myself attended those schools, my kids attend those schools. So, we are, yes, we are the ones that will have to live with them. I know...I know that this is a good bill. I know that we need to pass it. I know that we should have passed it two days ago but we couldn't. I'm saying to you, this is a good bill; yes, it could be better but it's good. Let's pass this bill.

PRESIDENT:

All right, further discussion? Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate, and I apologize for raising...rising the second time but I think it's important enough to explain to this Body my thoughts...my reservations on this matter and to also commend the President of the Senate for not only explaining the work product on this conference committee, the work product of

Senator Berman and the number of hearings that were held in Chicago and Springfield and the participation of the CEO's and the business community from Chicago, the labor groups from Chicago, the principals from Chicago, the school teachers and, most importantly, the parents of the children who attend the public school system in Chicago, but the President also detailed to each and every one of us exactly how he tried to put this package together in conjunction with the rest of the legislative package. The reservations that I mentioned earlier as far as the training costs, the reservation as far as the cost of the super board, the reservations as far as the effective immediate date, the reservations that I had as far as transferability within subdistricts, I have been assured by my leader, the President of this fine Body, and by Senator Berman that this matter will be addressed in January and...to his response of Senator Joyce. Based upon his statement on this Floor, his statement to me personally, I will be supporting this package and working...looking forward to working with him and Senator Berman in January to correct the idiosyncrasies that I have. Thank you.

PRESIDENT:

Further discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you. Question.

PRESIDENT:

Senator Berman. Senator Berman indicates he will yield, Senator Degnan.

SENATOR DEGNAN:

Senator Berman, on page 88, I'm trying to read the language that seems to me to indicate the board is authorized to levy all taxes as provided for in this article. It seems to me we now have a step called the city council. Can you explain that to me?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

This...this language in here is in response to the request of the city council. As you are very well aware, the city council must go through the motions of approving the levy of the Chicago Board of Education; in fact, there is a court order...court case that has said that they have no discretion but to approve the levy of the Chicago Board of Education. They have had great dilemma in being a rubber stamp where many of them have felt great differences regarding those budgets from time to time. In response to their request and in response to the realities of the situation, we have researched the subject, we have removed that rubber stamp process from this bill.

PRESIDENT:

All right, any further discussion? Senator Raica.

SENATOR RAICA:

Mr. President, I apologize for standing a second time. Can I ask the sponsor a question, please?

PRESIDENT:

Sponsor indicates he will yield, Senator Raica.

SENATOR RAICA:

Senator Berman, just in response to Senator Degnan's question, are we now saying if this bill passes the...the Senate that the responsibility of this tax is lifted off the city council and we're automatically giving this Body...or by our vote today, we'll be giving this authority to the...to this council to give it...to levy a tax...

PRESIDENT:

Senator Berman.

SENATOR RAICA:

...to the board?

SENATOR BERMAN:

The language in this bill does not change the facts or

the law. The city council must rubber-stamp the budget of the Board of Education. That means the Board of Education determines its own tax levy, that's what it has always been. We have removed...removed the...the facade of city council approval. They have none. They must approve it. We have taken them out at their own request.

PRESIDENT:

Senator Raica.

SENATOR RAICA:

So then what you are saying, that if this bill passes here...today, that it automatically gives this council the...the authority to levy whatever percentage of a tax that they wish to levy. Is that true?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

The Board of Education levies its own taxes, the same as every district. The only difference is that in Chicago and in Lake Forest, the boards are appointed rather than elected. This makes Chicago the same as every other...school board, they levy their own taxes.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr...thank you, Mr. President. Also a question for the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Could...Senator, could you please clarify that for me...what you're saying that in the past the board was allowed to levy their property taxes but the city council had to give its approval. Now, with this bill, you're saying that the Chicago Board of Education will be able to levy

their property taxes and they won't even give the...or the city council will have no right, no authority to veto this power?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

The city council does not have the power today to veto the levy of the Chicago Board of Education.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Well, then, Senator, what power does the city council have today that they will not have tomorrow?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

We're making the process honest. They don't have to stand up and rant and rave and then vote Yes. They're out of the picture. They requested this.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

I'm sorry, Senator, but just for clarification, you are removing the city council's authority to approve property taxes and you are leaving it up to the Board of Education to levy the property taxes and you're taking the city council's authority completely out of the picture. Is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

I'm not sure how many more times, Senator...Senator Dudycz, I'll...I see you both vote so much the same on my bills, I get you confused. Let me read this, "We, the...the city council of the City of Chicago, by court order, by court

interpretation has no discretion regarding the tax levy of the Chicago Board of Education." We have removed them from the process because they had no discretion.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

I get it. Now we're taking the authority from the elected officials from the City of Chicago and we're giving it to the appointed Board of Education to levy the taxes to the...property owners. Is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

This bill does not affect the tax rates or the process, except it removes a false...a false approval system. The city council does not have any power to disapprove the levy, we've taken them out. You don't believe me? I'll say it five more times.

PRESIDENT:

All right, further discussion? Senator Davidson...Davidson. Not working.

SENATOR DAVIDSON

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Berman, you're correct, city council couldn't change the budget or the levy, but unless your city council and your school board is different from any other tax levying body which must bring their levy to the county board to adopt at their annual budget, and please tell me whether I'm wrong or right, they can't change it but if they don't approve the levy, it cannot be levied against the property. Is that not correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Very respectfully, Doctor Davidson, you are wrong. Your school board levies its budget, levies its taxes and doesn't go through the city council at all.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

We're talking about apples and oranges. My school board is elected. You're saying, under the present system, and came off...had been a chairman of a county board that had to adopt levies for other facilities, we couldn't change it, but the county board, or in this case, if the city council doesn't approve the levy and the budget, you don't have any levy. They...they have no right to change it but they can disapprove it if they got the guts to do it. Is that right?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

No, that's not right. The city council does not have the power to disapprove the budget of the board...the levy of the Board of Education. In fact...in fact, when they attempted to do it, the Board of Education ran into court, the court issued a writ of mandamus ordering the council to approve the budget as submitted.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. What Senator Berman is saying is correct, Senator Dudycz, Senator Davidson. It's...it's...it's a quirk. When I served in the city council, if you don't vote for it, they simply walk across the street, they go into court, the court orders it. It's a

facade and that's why it's being taken out.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, sobeit. Then why bother to take it out? Why bother to take it out if it doesn't mean anything? All you've done is raised a red flag and some of us served on other elected boards that had the right...or had the obligation to approve the budget and levy of other appointed taxing bodies, but if we didn't approve it, they didn't get a levy. Unless your court is different than any other court in the land, apparently it is, you just now gave...or the court gave, whichever way, but if we pass this legislation, we now have given to however members...many members, seven, nine or eleven, appointed people who have no obligation to the electorate the right to levy a tax, and you got nothing to say about it and they can tell you, kiss my foot. Now we downstaters hear this all the time in relation to public building commissions. I wasn't here when you did that, but I want to tell you, ladies and gentlemen, you're going to rue the day that you change it unless you elect the board.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I apologize for speaking a second time but this is a...an important issue and the Senate is, obviously, not focusing on it anymore. I...I...I am just absolutely frustrated by what's going on here. We are at loggerheads over two issues that are so trivial, such minor parts of this bill that this would be a cheap comedy if it wasn't the real world here today. The most important part of the bill which we aren't talking about is the one-year delay, albeit there is a mechanism to make it a six months delay, but we miss an entire year. We have forged, for better or for worse, a sword of

Damocles that alleged...is alleged to remove a high percentage of bureaucracy, shake up the entire school system. We are now going to hold that sword over the city for a year because we...and let the school system, if it's possible to get deeper in trouble, get even deeper because they don't know what's going on, the morality system has got to go completely down the chute, all of those bureaucrats have got to figure this is their last year, the teachers don't know what's going on, the parents aren't going to be able to organize. Why are we doing this over two trivial issues? For crying out loud, can't the political leadership get together and solve this and make this reform effective immediately? The only people that can win on this thing...if I voted for this, I'm voting for a one-year delay. How can I vote for a one-year delay that puts off reform of the worst school system in the state or the country if you want to? Can't we get together and solve this problem? My God, what an abrogation of our responsibilities.

PRESIDENT:

Further discussion? Senator Geo-Karis. All right, I'd ask the members to please...staff take the conference off the Floor.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we're here pontificating how great this bill is and yet this bill, unlike the conference report that we thought were going to get, takes the right away from the oversight authority to direct the central school board not to spend funds if the central school board does not comply with the...the oversight authority's directives. I think that's wrong. Number two, I'd like to ask a question of the sponsor of the bill, if he will yield.

PRESIDENT:

Senator Berman indicates he will yield, Senator Geo-

Karis.

SENATOR GEO-KARIS:

Senator Berman, there were a number of articles in the Chicago Tribune which show that many people's relatives of the school board had many contracts, very lucrative contracts, legal contracts, food contracts, all kinds of contracts. What guarantee would we have under this bill that those contracts would be eliminated and they be given on the basis of fairness and not who you know and who's related to who?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Senator Geo-Karis, this bill is reform and we expect a new school board, power in the parents to...to revise all of those transgressions.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, considering that the state pays over fifty percent toward the Chicago School District, considering the fact that the school board...the oversight board should have been made up three appointed by the mayor of Chicago, three appointed from the...Governor and the...the seventh member by a joint appointment of the Governor and the mayor and that hasn't been done in this conference report, I think that's not fair, because after all my taxpayers from Lake County are paying a portion of that school bill in Chicago and they're not going to be happy with this bill because this is not true reform, this is reform only in name; and I submit that the...we should go back and have another conference report and make it fair because when...if you only used your own money in Chicago, that's fine, but you're using my taxpayers' money

and my schools are getting less money 'cause your school is getting more. I submit that this not a...good bill.

PRESIDENT:

All right, Senator Berman may close.

SENATOR BERMAN:

Thank you. Let me make a...an offer to my good friends on the other side of the aisle. It's now July 2nd. I will not go into the bill. I could not improve upon the eloquence of the President of the Senate. If there's more than thirty-seven...thirty-six votes up there, we'll bring it back and amend an effective date so that the two "minor" differences won't stand in the way...trivial, that's the word, that's right, Senator Schaffer's word, trivial, won't stand in the way of this package of meaningful reform. I invite the votes there. Senator Joyce, thank you for explaining what I was trying to explain. You're a good lawyer. I appreciate that help. Senator Lechowicz, thank you for your courtesies. I want to thank the members on this side of the aisle, in particular, Senators Netsch, Newhouse, del Valle, Savickas, who spent endless hours in trying to craft what was the basis of this bill when we passed it a month ago, it was June 2nd. It's better today. It's not perfect but it's meaningful reform for the children. I ask for your Aye vote.

PRESIDENT:

Question is, shall the Senate adopt the conference committee...I beg your pardon, Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Parliamentary inquiry.

PRESIDENT:

Yes.

SENATOR FAWELL:

If we put thirty-six or thirty-seven votes on, that's final action, isn't it?

PRESIDENT:

Thirty votes is final action.

SENATOR FAWELL:

But, as my good colleague said, if we put thirty-six or thirty-seven on, that's the ball game. Am I right?

PRESIDENT:

You are correct unless there is a motion to reconsider and we can hold it while we spend a little time redrafting. Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1839. Those in favor will vote Aye. Opposed vote Nay. The voting is open. (Machine cut-off)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays, 2 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1839 and the bill having received the required constitutional majority is declared passed. Senator Berman.

SENATOR BERMAN:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill...Senate Bill 1839 passed.

PRESIDENT:

All right, Senator Berman having voted on the prevailing side has moved to reconsider the vote by which this Conference Committee Report was adopted and the bill was declared passed. Senator Newhouse moves to lie that motion...

SENATOR NEWHOUSE:

I move that motion lie on the Table, Mr. President.

PRESIDENT:

He moves that motion lie on the Table. All in favor of the motion to Table indicate by saying Aye...the Ayes have it and the motion to Table prevails. Ladies and gentlemen, I thank you all, we have concluded our business. The House should finish shortly. I'm just going to keep it open to wait to see what the House does. Senator Philip, I'm sorry.

SENATOR PHILIP:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, the Governor has the mansion open. There's food and spirits and it'll be open to the members and the staff after we adjourn.

PRESIDENT:

All right, the Senate will stand at ease for a few moments awaiting the final action by the House. (Machine cutoff)...Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I rise to...pursuant to Senate Joint Resolution 164, I move that the Senate stand adjourned until the hour of noon, Thursday, November 10th.

PRESIDENT:

Heard the motion, all in favor indicate by saying Aye. All opposed. The Ayes have it. Senate stands adjourned.

DAILY TRANSCRIPTION OF DEBATE INDEX

JULY 02, 1988

HB-0253	POSTPONED CONSIDERATION	PAGE	39
HB-1859	CONFERENCE	PAGE	21
HB-3203	NON-CONCURRENCE	PAGE	19
HB-3216	CONFERENCE	PAGE	9
HB-3543	RECALLED	PAGE	1
HB-3543	THIRD READING	PAGE	13
HB-3705	CONFERENCE	PAGE	10
HB-3946	CONFERENCE	PAGE	11
HB-4220	CONFERENCE	PAGE	12
SB-1581	POSTPONED CONSIDERATION	PAGE	41
SB-1839	POSTPONED CONSIDERATION	PAGE	50
SJR-0164	ADOPTED	PAGE	47

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT ROCK	PAGE	1
JOURNALS - APPROVED	PAGE	1
JOURNALS - POSTPONED	PAGE	1
RESOLUTIONS CONSENT CALENDAR - ADOPTED	PAGE	48
ADJOURNMENT	PAGE	103