

85TH GENERAL ASSEMBLY

REGULAR SESSION

DECEMBER 1, 1988

PRESIDENT:

The Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Our prayer this morning by Reverend Robert Literal<sup>†</sup>,<sub>^</sub> First Christian Church, Shelbyville, Illinois. Reverend.

REVEREND ROBERT LITERAL:

(Prayer given by Reverend Literal)

PRESIDENT:

(Machine cutoff)...you, Reverend. Reading of the Journal, Madam Secretary. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that reading and approval of the Journals of Thursday, November 17th; Tuesday, November 19th and Wednesday, November 30th, in the year 1988, be postponed pending arrival of the printed Journals.

PRESIDENT:

(Machine cutoff)...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. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1429 offered by Senator DeAngelis.

Senate Resolution 1430 offered by Senator Woodyard.

Senate Resolution 1432 offered by Senators O'Daniel, President Rock and all members.

They're all congratulatory.

PRESIDENT:

...Consent Calendar.

SECRETARY:

Senate Resolution 1433 offered by Senators Netsch, Macdonald, Rigney, Ralph Dunn, President Rock and all members.

Senate Resolution 1434 offered by Senators Lechowicz, President Rock and all members.

They're both death resolutions.

PRESIDENT:

Consent Calendar. Senator Davidson, for what purpose do you arise, sir?

SENATOR DAVIDSON:

At the appropriate time, Mr. President, I'd ask permission to give up the sponsorship and Senator Philip be the sponsor of 3769...House Bill 3769.

PRESIDENT:

All right, if you'll turn to page 3 on the Calendar, on the Order of House 3rd is House Bill 3769. The gentleman seeks leave to remove himself as the sponsor and...show...the Senate sponsor as Senator Philip. Without objection, leave is granted. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

I'm not going to object to that, obviously, I...I...I am extremely interested in the...what may be the content of that bill and I'm just curious about why you are giving up the sponsorship, Senator Davidson, although I realize that's a privilege that we all have.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

The same reason you give up sponsorship; when your leader speaks to...to you, you listen; when my leader speaks to me, I listen.

PRESIDENT:

That's a very good rule. If I can have your attention, ladies and gentlemen, if you'll bear with me, page 2 on the Calendar. We have four bills on the Order of 3rd Reading that are in a position to move if the sponsors so wish. Those bills are sponsored by Senators Berman, Philip,

Marovitz and Jones. That's on the Order of House Bills 3rd. On the Order of Secretary's Desk Resolutions is Senate Joint Resolution 175. Senator Macdonald has requested that we get to that order. And there are two Conference Committee Reports that have been filed and distributed, I'm told, Conference Committee Report on House Bill 2102 and a Conference Committee Report on Senate Bill 378. There are two additional motions in writing and there's a motion in writing to override an item veto and there are three motions yet remaining to override specific recommendations. The Chair has been informed that the school reform bill is at the printer and will be with us in about an hour. Good move. Committee reports.

SECRETARY:

Senator Lechowicz, chairman of the Committee on Executive Appointments, Veterans' Affairs and Administration, to which was referred the Messages from the Governor dated April the 7th, 1988, A, and November 17, ...1988, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDENT:

Ladies and gentlemen, with leave of the Body, all our friends from the media are again in the gallery, WBBM, WLS, WMAQ, WLFD, WGN, Fox 32 and...unless there's objection, leave will be granted for these gentlemen to shoot some film. Leave is granted. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I move that the Senate resolve itself into Executive Session for the purpose of acting on Governor's appointments set forth in his Message of April 7, 1988 and November 17th, 1988.

PRESIDENT:

All right, you've heard the gentleman's motion that the Senate resolve itself into Executive Session. All in favor of

the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate is now in Executive Session. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message "A" of April 7, 1988, I will read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends that the Senate do advise and consent.

To be a member of the Illinois Commerce Commission for a term expiring January 18th, 1993, Paul G. Foran of Danville.

Mr. President, having read the salaried appointment, will you put the question as required by our rules.

PRESIDENT:

Missed one, Channel...TV-20 also requests permission to tape. With leave of the Body, permission is granted. Question is, does the Senate advise and consent to the nomination just made. 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 54 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message of November 17th, 1988, I will read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends that the Senate do advise and consent.

To be a member of the Chicago Transit Authority for a term expiring September 1st, 1995, Mr. Milton Holzman of Northbrook.

Having read the salaried appointment, will you put the

question as required by our rules.

PRESIDENT:

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

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message of November 17th, 1988, I'll read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends that the Senate do advise and consent.

(Machine cutoff)...member of the State Board of Education for a term expiring January 21st, 1991, Robert Carroll King of Chicago.

To be a member of the Guardianship and Advocacy Commission for a term expiring June 30th, 1991, Senator Jack Schaffer of Cary.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call unless some Senator has an objection to a specific appointment. Mr. President, will you put the question as required by our rules.

PRESIDENT:

There any objection? Any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. 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 57 Ayes, no Nays, 1 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I now move that we arise from Executive Session.

PRESIDENT:

You've heard the gentleman's motion. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The Senate does now arise. Also, Mr. Berman, from the Chicago Tribune has requested permission to take some photographs. If there's no objection, leave is granted. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1435 offered by Senator Holmberg.

Senate Resolutions 1436 and 1437 offered by Senator Topinka.

They're all...they're all congratulatory.

Senate Resolution 1438 offered by Senator Newhouse.

And Senate Resolution 1439 offered by Senator Lechowicz.

They're death resolutions.

PRESIDENT:

Consent Calendar. Senator Demuzio, it's been suggested we might want to adopt the adjournment resolution so that we can get it over to the House. Resolutions, Madam Secretary.

SECRETARY:

Senate Joint Resolution 182.

(Secretary reads SJR 182)

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the...adjournment resolution. When

we adjourn finally today, it calls for us to come back for...on January the 9th and the 10th. I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 182.

PRESIDENT:

All right, Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 182 which is the adjournment resolution. When we conclude later today, we will be called upon to return next year, January the 9th, at the hour of noon. 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 182. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right, ladies and gentlemen, as I indicated, we have four bills in position on...on the Order of House Bills 3rd Reading. If the sponsors wish, we can call those bills. Senator Berman. (Machine cutoff)...Order of House Bills 3rd Reading, Madam Secretary, with leave of the Body, we'll move to page 2 on the Calendar. On the Order of House Bills 3rd Reading is House Bill 1279, 1-2-7-9. Read the bill, please.

SECRETARY:

House Bill 1279.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is not the Chicago school reform. This is a...a bill that has incorporated three bills that were previously submitted to the Legislature, two of which were acted upon by the Governor and are...are incorporated here in this

House Bill 1279. The first one was House Bill 917 which was the Fire Equipment Distributor and Employee Regulation Act. The Governor made amendatory changes in that bill including a reduction in the fees and a delay in the effective date for licensure provision to October 1, 1989, to allow the State Fire Marshal time to promulgate rules to implement the Act. Also included in the provisions of House Bill 3273 which dealt with the fire protection districts to remove a two-year limit on assignments of property, coverage fees for permanent assignments and clarifies appointing authority in townships outside municipal boundaries. The third provision was dealt...extends until January 15th, 1989...the period of time for a person who holds both a private detective license and a private security contractor license to apply for a private alarm contract or license. I'd be glad to respond to any questions and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will...

SENATOR SCHUNEMAN:

...he will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I think what's...I'm...I'm trying to bring myself up to speed on what's happening here, but a part of...of this bill now, I think, has been changed so that it includes an earlier bill which the Governor vetoed which was the Fire Equipment Licensing Act. Am I correct about that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

The Governor amendatorily vetoed that bill. He made two changes in effect. One was reducing the license fees, which I think was one of your concerns, and the other one was to delay the effective date for licensure. That bill got hung up in the House, wasn't called on the amendatory veto and is here. The Governor did not apply a total veto to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, then is the effect of your bill to override the action of the Governor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No, sir. It incorporates the Governor's changes in here as is the same with the...with the other bill that I referred to dealing with the fire protection districts. So there...I am not...I'm...end running anything as far as the Governor's changes. The Governor's changes are...are in 1279. The amendatory veto on both the bills in...in this one weren't called in the House. I don't know why.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I thank you for that information. I...some of us opposed this part of the bill originally on the strength of the argument that we thought that some small businesses might be put out of business because of the licensing law. The bill did, however, pass the Senate with about forty votes, and...but I just want the members who supported our effort at that time to know that...that this bill now incorporates that licensing law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in support of Senator Berman's bill. Just to really clarify what it is, these bills have passed, they've passed by comfortable margins. The Governor amendatorily vetoed them. We were perfectly willing to accept the amendatory veto but, as you know, in the House machinations sometimes it's hard to figure out why things get called and why they don't. These bills are ones that are not particularly controversial and just simply did not get called. I would appreciate it if you would continue to affirm your support for them and support Senator Berman's legislation. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. I would like to declare a conflict on this and I'll be voting Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, Mr. President, thank you. Ladies and Gentlemen of the Senate, I rise in strong support of this bill. Without going into a lot of detail, this bill is going to make it a lot easier for those of us in downstate rural areas to form fire protection districts which we need badly for insurance purposes and other things, and I would just appreciate an affirmative vote on the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1279 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 3, 1 voting Present. House Bill 1279 having received the required constitutional majority is declared passed. Page 3 of your Calendar is House Bill 3498, Madam Secretary.

SECRETARY:

House Bill 3498.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 3498 as amendment would...as amended would put Illinois in compliance with the federal requirements in regards to the detention of minors. If we're not in compliance, it could cost Illinois over two million dollars. Be happy to answer any questions and would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not,...I beg your pardon, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I have a question of my illustrious leader.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Your illustrious leader indicates that he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. Is this the juvenile detention idea that's

been kicking around here for some time and has never been approved by the Legislature?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman...Senator Philip.

SENATOR PHILIP:

I...I think you mean Senator Philip. You know what? I, quite frankly, do not have the historic background of this bill. I...I picked this bill up from Senator Barkhausen, but I think it has been rambling around at least this past legislative session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, obviously, that establishes your purity, Senator, on this issue, but there...there has been a continuing controversy about this issue, and while on one hand I think the people within the agencies of state government would like to get their hands on some federal money, there is also the problem that around the state there are a lot of counties for whom this would...would be a tremendous increase in cost and my county happens to be one of them. So,...some of those downstate counties, I think, that have problems with this ought to be aware of what...what this bill would do and...ought to be alerted to the fact that this an old idea that's come back to us from a different source.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. I also have a county that would be affected adversely by this legislation, and I...I don't know, Senator Philip, perhaps you can't answer the question but maybe Senator Barkhausen can or someone else. I'm wondering how many other counties are...are affected. In...in our own case, in McLean, we have

a...a...a new facility but does not meet, as I understand it, the criterion that is required in this federal mandate, and I know our cost would be over a hundred thousand dollars a year if this bill passes, and I would suggest that there are other counties that are affected adversely as well and I...I'm just wondering how many other counties are affected adversely as ours is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. Let me say this, we in DuPage County have...have passed the bond issue, had built a juvenile delinquent home and when we have young kids...they end up there, not in our regular jails. Most of the...the...how should I say it...larger counties have done that on their own. Some of the smaller counties, for whatever reason, probably have not been able to have the money to do it, but I think most all of us would agree we shouldn't be putting minors in with hardened criminals. Now, whether you like it or not, it's not a good idea. My sheriff will tell you that. My state's attorney will tell you that. We are continually taking from other counties, not from the County of DuPage from other counties, that do not have a juvenile detention facility their kids. We do it all the time. We're happy...we're not happy to do it because we're a little overcrowded occasionally, but, you know, we ought to be doing the right thing. Now there is federal money available. If we're not in compliance, I am told, we won't receive any federal funds whatsoever.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. Senator, I'm...I'm not suggesting that we put juveniles with hardened criminals.

I...you know, I think that's almost perhaps an overreaction. In...in our case, we do have a very modern facility but it...it does not quite meet, as I understand it, the...the mandates here and I renew my question of someone...if nobody else is concerned about this in your own county, fine, I am in my...I want to know how many other counties are going to be affected adversely by this, if someone would happen to know the answer to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Poshard. I'm sorry, Senator Maitland...Senator...

SENATOR MAITLAND:

I...I...I don't think I've completed. I asked another question and I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, I beg your pardon.

SENATOR MAITLAND:

Yes. Thank you, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You...you haven't concluded. All right, Senator Philip.

SENATOR PHILIP:

Yeah, I...I will try to attempt to answer the question. I have been told by reliable staff there are about...possibility of about forty counties that may be affected, and, of course, you know, those counties if there is a facility close by can take those juveniles and put in...ask to put them in another facility. Now, that's what happens in the collar counties all the time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. My final question. Does the State Mandate's Act apply?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip. Senator Maitland, we have about eight or nine additional speakers. Why don't we proceed and come back to you...all right. Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. With all due respect to Senator Philip and to the humanitarian aspects of this bill, this bill as it stands now would create tremendous problems for many of the counties downstate who, in my district alone...in the 59th Legislative District, seven of the eleven counties which I represent are presently out of compliance with state and federal standards for their jails. They simply cannot pass a property tax referendum because the people won't pass it to come into compliance. Now this is one more additional mandate that we will be putting upon the backs of the counties to do something which they simply do not have the money to do. Absolutely, we need to separate our children from hardened criminals in our jails and most of us try to do that. We need better schools. There are a lot of things we need with additional money, money which cannot be raised at the local level which this bill would mandate raising. That's the problem with the bill and...and I just don't understand how we can put this on the backs of so many of the counties in this state. It was my understanding about six months ago when we were dealing with this that over half of the jails in the state were out of compliance now, and...and that means many counties are going to have to deal with this...the nature of this problem if it's presented. So, I stand in opposition to the bill simply because of the fact that the money isn't available at the local level to do what this bill requires them to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Is there a tax increase in...in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

I'm sorry, I didn't understand the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is there a tax increase set forth in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

There is no tax increase in the bill whatsoever and the...State Mandate Act does apply.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I'm glad to see that Senator Philip, who's a Republican, is taking a position contrary to some of...of his Republican colleagues who think that because you're for a proposal that involves juvenile delinquents, you're soft on crime and that's not what this proposal is all about. It's not whether you're soft on crime or you're really a tough crime advocate. This proposal says you have to segregate minors from adult criminal defendants and there's a logical reason for that and we all know what that reason is. Now what the problem is, as Senator Maitland seems to think, is that this is going to cost those local sheriffs and counties more money by applying the federal mandate, but that is not true; because if there is no juvenile

detention center within the county that is applicable, there is federal grant money under the mandated law to transport that juvenile to a...to a juvenile detention center outside the county. That's what the money is going to be used for. It's not going to cost any more money to implement this program. This is a program that is good for everybody because it's going to say to all of our sheriffs, all of our county and all of our police officials that you've got to take a juvenile where he belongs and you got to take him to a facility where he's going to be treated accordingly. This is a good proposal and everybody in this Chamber should vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Just to follow up what Senator D'Arco said, yes, Senator Poshard, there are quite a few counties that are out of compliance; and I'll tell you what, they will always be out of compliance because what would happen if they're out of compliance, it would be as if somebody came and inspected my house and found out that my house was faulty and then they shut down your house because my house is faulty, because what happens if they violate the mandate, it isn't the county that gets punished, it's the state and they will remain forever out of compliance because nothing happens to them if they're out of compliance. What happens is the state gets punished and in terms of people being out of compliance, they are...those who are out of compliance, not all of them are in opposition of this bill. My understanding, and I talked to some people from the Sheriffs' Association yesterday, that the two outspoken sheriffs happen to be sitting side by side over there, one in McLean County and the other one in Whiteside,...and...and a lot of the...the counties that are out of compliance are not in

opposition to this bill. But I got to tell you, Senator D'Arco hit the nail on the head. Someday when you get that phone call from somebody who said their sixteen-year-old daughter was put in a facility for a long period of time and suddenly happened...I hope you never get that kind of phone call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I have a question or two. I...I'd like to know if this is...are we setting public policy here or is this political? I just went through one of these campaigns and I...all I...I guess I want to know is if Pat Welch votes Aye on this, is he soft on crime or if he votes No on this, is he soft on crime? That just...you know, that's all I need to know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, you want to handle that? Senator Philip.

SENATOR PHILIP:

I...I would...suggest one thing, don't vote Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I think part of the problem for some of the downstate counties is that the Department of Corrections along with their group of sheriffs throughout the state set up certain criteria for these facilities. I don't think anybody...argues the point that there should be segregation of these criminals...or the juveniles with the adult inmates, but I think we could solve the problem if the Department of Corrections would review some of the standards that are now in effect that downstate, smaller counties cannot meet and don't have the finances to bring them up to standards. So, I have no objection to the legis-

lation, but the Department of Corrections and Illinois Sheriffs' Association and other groups set these standards and they can certainly adjust these standards or give these other counties...smaller counties time to...to come up to...to standards. So, the problem could be solved if the Department of Corrections so chose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

My understanding is that...that the juveniles can be held for six hours before they are put into a detention hall. Is that right? So,...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip. I beg your pardon, Senator Fawell.

SENATOR FAWELL:

Well he shook...he said...I mean, he shook his head, yes, so I assume the answer is yes. Is there any reason why, for instance, down in southern Illinois they could...could...couldn't the counties combine...put up one detention hall...have that six hours to get that juvenile to that detention hall, so, in other words, every county would not have to come up with an...with a new juvenile hall?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

...that's a very good suggestion. That's the practice now, Senator, they're already doing it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

So,...for...in other words, what we're really talking about is making sure that...that juveniles that are kept after six hours are put into a safe place where they will not be molested and...and...and abused. I think everybody on this Floor obviously wants that for their children. There is no reason why in the world a county such as yours, Senator Poshard, could not go together with other counties in the area. They've got six hours to transport the children there, and I do not understand why anybody in...on this Floor would possibly even consider voting No when, obviously, what we're concerned about is the safety of the children. You, of all people, Senator Poshard, and I know you're going to talk now because I mentioned your name,...is one of the kindest persons in the world and you wouldn't possibly want your child molested. I think we all ought to vote Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Poshard.

SENATOR POSHARD:

Senator Fawell, believe me, I don't want anybody's child molested anywhere, period. But...can somebody tell me where these juvenile detention facilities are that we're going to transport our children to if they're picked up off the street for some minor offense instead of putting them in the local jail overnight where we're going to transfer them to? I'll tell you, there <sup>YRE</sup> are not anywhere. Where are they? Somebody tell me where they're located all over this state. Exactly. You're absolutely right. There's...there's a juvenile detention facility in my district and it's a minimum security prison. Is that where you want these children to go to wait for two or three days while we're trying to decide their fate? Where are these places we're going to transport them to? They don't exist, folks, come on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? If not, Senator Philip may close.

SENATOR PHILIP:

I would just like to make two points. I think almost everybody here would agree we shouldn't be putting juveniles with hardened criminals, under any circumstance. And I'll tell you one thing, Senator, I would have no objection to them going to a minimum security facility if those kids were segregated in a certain portion of that facility away from the hardened criminals. The second thing you ought to think about, if that facility is not in compliance, something happens to that juvenile, you can rest assured some lawyer will find a way of suing that city or that county. Now who's going to pay for that suit if you're not in compliance? So, you ought to think about that, and I...I know it's a controversial thing, but I'll tell you one thing...occasionally we ought to think about the kids and I ask for a positive reaction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3498 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, 2 voting Present. House Bill 3498 having received the required constitutional majority is declared passed...House Bill 3510, Senator Marovitz. House Bill 3510, Madam Secretary.

SECRETARY:

House Bill 3510.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is a bill also involving kids, like the last one. It's been found that the courts can award custody to people with violent tendencies because they cannot consider unrelated violence, and this legislation says that in custody cases would...it would allow the courts...allow the courts to consider acts of violence which have been perpetrated outside the presence of the child to determine if there is a propensity toward those violent acts by a parent or custodial individual. It allows a finding of unfitness after two findings of physical abuse of a child and requires that only the second such finding be substantiated by clear and convincing evidence. I don't know of any controversy about this legislation. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, yesterday I may have misheard but I thought you indicated that it did three things and you've described, I believe, two of them. The two instances of...of abuse as a prerequisite for a finding of unfitness and the second thing involving the admissibility of acts of violence outside the presence of the minor. I may have missed the third thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The third thing has to do with the Parentage Act and would give the court the permission to allow the awarding of fees in a...Parentage Act in order to support orders of

enforcement or a...orders of support. Similar to the...to the domestic...to divorce proceedings.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I take it then the first two parts that you explained come under the Marriage and Divorce Act. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The third part you said comes under the Parentage Act. What chapter are we referring to? Perhaps Mr. Widen can tell you there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I think it's also Chapter 42. It just mirrors the Marriage and Dissolution Act which allows for fees and there is a loophole in the Parentage Act so that if a...attorney went in after a...after there was an order of support finding a parent was liable for support of a particular child that they could go in and...and...to try and enforce that support order. That's all this is...that's all this does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The Parentage Act...are you...is that part of...you mean Chapter 40 is the Marriage and Divorce Act. Is that what you're talking about? And this gives the fees, you say, to enforce any judgment that's based on the violent acts of someone. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

This allows the judge to award fees for...to...to enforce their...their support orders.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I do support this concept and I urge favorable passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

A question of the sponsor, please. Senator, and...and clarify me if...if I heard you wrong, did you say that...you are now saying that there should be two findings of physical abuse? Would you...would you explain that part again, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, we're...we're not changing the law at all. Currently, a parent can be declared unfit...this is current law...currently a parent can be declared unfit when two findings are made of physical abuse of a child. The reason that this legislation is necessary is that in February of 1988, there was a case decided by the Illinois Supreme Court in re Enis, E-N-I-S, and in that case the court interpreted the Statute to require that both findings had to be made by clear

and convincing evidence which, I'm sure you know, Senator, as a standard of proof greater than the ordinary civil standard of a preponderance of...evidence and lower than the criminal standard of beyond a reasonable doubt. All this does is...this legislation is in response to that case that the...that the last act of physical abuse be by clear and convincing evidence. This doesn't change the law in regards to how many acts of physical abuse, that's current law. This doesn't change that at all. It just has to do with clarifying the law pursuant to a Supreme Court decision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Just solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3510 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3510 having received the required constitutional majority is declared passed. All right, with leave of the Body, we'll go to the page 5 specifically for Senate Joint Resolution 175. Is leave granted? Leave is granted. Page 5, Secretary's Desk Resolutions, Senate Joint Resolution 175, Madam Secretary.

SECRETARY:

Senate Joint Resolution 175.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock. 175. Senate Joint Resolution 175. Whose is that? Oh, Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Joint Resolution 175 really relates to the future of the Illinois Displaced

Homemaker Services. Frankly, this program over the ten years that it has been in existence has been almost in a crisis condition since the very beginning. It has been woefully underfunded and...and we are really in...in great need of finding some resolution to keeping this...program open. This resolution merely asks that Governor Thompson be requested to consider the inclusion of displaced homemakers in the state's Title 3 definition of displaced worker and so I ask for your Yes vote on this particular resolution. The Department of Commerce and Community Affairs, I might say, was opposed to this...resolution initially. They are now supporting it but they are concerned and that's why we...would like to sit down with the Governor. They are concerned about the funding issue but they are supporting the resolution, and if this passes, we will sit down with the Governor and see what we can work out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Macdonald, the Parliamentarian indicates that this will take a roll call. All right. Is there discussion? If not, the question is...on the adoption of Senate Joint Resolution 175, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Joint Resolution 175 is declared passed. Senator Brookins, for what purpose do you arise? Your light is flashing. Oh. (Machine cutoff)...on your Calendar, page 5, Secretary's Desk Concurrence. Page 5, Secretary's Desk Concurrence is Senate Bill 1255...Madam Secretary,...

SECRETARY:

House...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senate Bill...Senate Bill 1255.

SECRETARY:

...House Amendment No. 1 to Senate Bill 1255.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. There...there's been a request to move this bill into a conference committee...I would move that we nonconcur with House Amendments 2 and 3 to Senate Bill 1255 and request a conference committee, and I would further request leave of this Body to substitute Senator Thomas Dunn as the sponsor of Senate Bill 1255 in my place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Rock has requested Senator Thomas Dunn to be the sponsor of Senate Bill 1-2-5-5. Is leave granted? Leave is granted. Is there discussion on Senator Rock's motion to nonconcur with Amendments No. 2 and 3 to Senate Bill 1255? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Motion carries and the Secretary shall so inform the House. Senate Bill 1290, Madam Secretary.

SECRETARY:

Senate Amendment No. 1 to Senate Bill 1290.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Again, this is a request to form a conference committee. This is an amendment to the General Assembly Article, and Senator Philip and I are still negotiating with our colleagues across the Rotunda, but I think it would behoove us to put this in place, so that I would move to...that the Senate nonconcur with House Amendment No. 1 and request to the House that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock has moved to nonconcur with House Amendment 1 to Senate Bill 1290. Those in favor of the motion will indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. There seems...(machine cutoff)...turn your...page now on your regular Calendar to page 6. Page 6 on Conference Committee Reports. Page 6 Conference Committee Reports is House Bill 2102. Page 6 of your regular Calendar, House Bill 2102, Madam Secretary.

SECRETARY:

First Corrected Conference Committee Report on House Bill 2102.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. The Secretary just said the First Correct Conference Committee Report. I'd like to have the Secretary read the LRB number, if at all possible, to make sure we're on base here with the right report.

SECRETARY:

LRB8502945RCMBCCR3.

SENATOR WATSON:

That's right, thank you. In your Calendar it makes reference that this particular piece of legislation is involving Enterprise Zone Acts and that's no longer the case. The First Corrected Conference Committee Report makes several changes, all of which, I understand, are agreed to by both sides of the aisle and the individuals involved. The first provision provides that pure review documents are exempted from the employee's general right to inspect his or her personal records. House Bill 3379 which was passed by the General Assembly and approved by the Governor made changes in the Employee's Access to Personal Records Act and the rewrite of the Act inadvertently left out this particular provi-

sion...the University of Illinois and the employee groups both support this particular addition. Another provision says that the Illinois State Toll Highway Authority Advisory Committee, the legislative members will be increased from ten to fourteen members. The report also contains language requested by the Department of Commerce and Community Affairs which will conform Illinois Statutes with the federal changes in the Job Training Partnership Act, and we have to do this by January 1st of next year in order to comply with those federal changes. One of the provisions increases the members of the Illinois Job Training Coordinating Council from forty-five to fifty members, and another provision simply makes some changes in regard to the JTPA Dislocated Workers' Program and the Title 3 Program in regard to the decisions that are made which will no longer be a state mandate but locally controlled. Finally, the report has some provisions which delays the repeal of the section creating the Illinois Forestry Development Council until December 31st of 1993. I know of no opposition but be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Corrected Conference Committee Report on House Bill 2102. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Corrected Conference Committee Report on House Bill 2102, and the bill having received the required constitutional majority is declared passed. Page 7 on your Calendar. Page 7. Middle of page 7 is Senate Bill 378. Senate Bill 378 on page 7. Madam Secretary, Senate Bill 378.

SECRETARY:

First Conference Committee Report on Senate Bill 378.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is an important Conference Committee Report, as I believe all of you know. It is...and I will generically describe it first as the cleanup of the Sales Tax Reform Act that we passed this last session. You have, I believe, two things on your desk; one is the entire text of the Conference Committee Report, and a second is a couple of page summary of most of what the bill does that was prepared by the Department of Revenue. I should point out that this is the draft...not the draft, this is the version that was prepared for us by the Department of Revenue. Hopefully, it has now been examined by five or six staff people and, hopefully, there are no mistakes left in it at all. It does a couple of things; one is that it clarifies the photo processing tax along the lines of what I think most of us believed we were doing when we passed 1859 last spring. That language is...on, among other places, for example page 6, and it...attempts to make it clear that we are talking about what is in a sense a manufactured process; that is, the actual photo finishing and that we are not trying to apply the tax, as the Department of Revenue erroneously stated for awhile, to all of the peripheral costs that go into the taking of photographs. Now I do not mean to suggest that everyone is absolutely ecstatic about this revised language. There are still those who would like to have no tax at all applied to photo finishing, and I know there are professional photographers who would like to be eliminated altogether and others. This is, however, the language that was worked out by the Department of Revenue and legal representatives of large numbers of...of these interested groups over a period of the last couple of months. That language is that agreed upon version. Secondly, the...Conference Committee Report

does reconcile this with the TIF reform bill that was passed also last session. Third, it does what the Department of Revenue would describe as primarily technical cleanup in this...the basic sales tax reform itself. Some of that is a little more than just purely technical, it's substantive; for example, they allowed credit...memos to extend from state to local tax liability. We had already provided sometime ago for the extension of them from local to state. So, that is really substantive but, in a sense, it is really conforming to practice. The fourth thing it does, and I know this is what most of you are...are primarily interested in now, it takes the language of the...the transfer of the local sales tax portion; once this becomes effective in 1990, and the state is collecting all of the sales tax money for municipalities, for counties, as well as for home rule units, it provides that none of that money will be subject to annual appropriation. We have put the language back in the form in which...or close to the form in which it passed here originally. In other words, the transfer of the municipal and county share of sales tax revenue collected by the state beginning in 1990 will be automatically transferred through just as MROT, municipal retailers occupation tax, and county retailers occupation tax funds are currently automatically transferred through. They are not subject to annual appropriation now. They will not be subject to annual appropriation in this version of the bill, and just so that some of you can be able to point to it, if you'd look, for example, on page 326 of the Conference Committee Report, and I realize you're all rapidly reading it right now, but on 326 you will see several examples of where we have eliminated the language "subject to annual appropriation to the Department of Revenue" and substituted the word "distributed." So, that is what your municipalities wanted. That is what we did when we passed it out of the Senate. That's what we thought we had

done in the...in 1859. That is now restored as far as we are concerned. I would be happy to answer any questions; otherwise, I would certainly...strongly solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm looking on page 326, as you said, and I just want to make it clear for the record, when we voted for the sales tax bill, 1859, I think it was, one of those, we were under the impression that the one percent sales tax would go to the municipalities like it always did, automatically, and then when the bill came through, it made it subject to appropriations. Now are you saying, for the record, Senator, that under this bill...I want this very clearly stated and I may have a conflict but I am stating it now but I going to vote my conscience, that from now on it'll be distributed the same way it was before the sales tax bill that we voted for indicated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Don't worry about your conflict on this. This is a...matter of major public policy for all of us, I think. The answer, for the seventh time, Senator Geo-Karis, is, yes, it will not be subject to annual appropriation if we are successful in passing the Conference Committee Report on Senate Bill 378 all the way through both Houses. It will be automatically transferred through the process just as MROT and CROT funds are right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, since that...item has been corrected, I support the bill.

PRESIDENT:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

For those of you on our side of the aisle who might have some concerns about this piece of legislation, let me point out that there were only really two controversial issues that were a part of this process. This is really a nuts and bolts kind of a bill, some things that the department needed in administering that, frankly, I think most of us are not that knowledgeable about nor do we need to have a great concern. The photo processing thing. I think we're going to have most people, at least, reasonably happy with what we have done under that particular part. In other words, the charge will now only be on the photo processing charge for those studio operators. So, in other words, the sitting fees and all those things that they wrote to you about, that is now out. The other point I think has been made here several times over already, it will be a continuing appropriation. I had the word earlier this morning that maybe our friends in the House are going to sit on this thing now and maybe they're not going to take any action on it until January. Well, that's fine. Let all of those mayors call all of our friends in the House and complain to them but at least we will have done our part.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDENT:

Sponsor indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator, on page 322 of the bill, you're creating a...a new fund it appears, the Regional Transportation Authority Occupation and Use Tax Replacement Fund. Is the money that's going into that fund money that would be solely going to the County of Cook or is that money coming out of any general revenue?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

No, it is their share under the existing formula. It in no way increases or otherwise changes that. The...the special fund was set up by request of RTA. They want their additional funds that will be available to them, as it will be to all other units of government when this becomes fully effective, in a separate fund for their own accounting purposes. I'm not sure I can tell you why they need to...to look at it separately but it was their request. In no way does it affect the amount of money that RTA would be able to receive other than what is provided in the basic bill itself. It is an accounting device that they requested for their own purposes.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

That applies to the language on page 323 as well which talks about the 6.25 percent general rate on sales subject to the tax paid to the County and Mass Transit District Funds? This is only going to be Cook County mass transportation district funds, not Metro-East transportation funds or anywhere else in Illinois?

PRESIDENT:

(Machine cutoff)...Netsch.

SENATOR NETSCH:

Thank you. My understanding is, this is the formula for distribution that was part of the original bill. I believe that this paragraph is there underlined in part because...and I...I may be wrong about the exact paragraph, but there was one very critical paragraph that was inadvertently left out of 1859 which had to do with the whole distribution formula. I believe this is the restoration of that language. So, that it...again, it...it doesn't change anything. There is no substantive change from what we originally passed in this paragraph. RTA gets some of the extra money, the City of Chicago does, all the local governments do, but there...we are in no way changing that in this Conference Committee Report.

PRESIDENT:

(Machine cutoff)...concluded, Senator Welch? Senator Welch.

SENATOR WELCH:

Senator, you're also creating the State and Local Sales Tax Reform Fund in this new amendment. What...what will the money in the Reform Fund be used for, for more reforms or what?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yeah, the creation of that fund was inadvertently left out, I gather also, of 1859, and if we're reconstructing this properly, that is the...the extra use tax money that will ultimately be collected when all of this goes into effect. It goes in there first and then it has a...a distribution formula, part of which goes into the Local Government...Distribution Fund for redistribution to cities and counties, but that had to be created in order to get that money into someplace where it could then subsequently be

transferred into its proper allocation. Again, this is nothing new in terms of the basic structure or allocation of any of the monies to be collected under here. It was just correcting an inadvertent omission of that fund which is necessary to receive the new revenues.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Question of the sponsor, please.

PRESIDENT:

Sponsor indicates she will yield, Senator Watson.

SENATOR WATSON:

Thank you. Senator Netsch, on the photo finishing part of the provisions. If an individual brings a roll of film into my drugstore, we send that film out to have it processed, film comes back in an envelope from the photo finishing people and then we in turn sell that to the individual, they come in and pay a price for it. How is that going to change? Are they going to now have to break down as to what the service aspects of that...that charge is or will it be just a...a sales tax on the total sale or just how will that be handled now?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

That will now be a retail transaction. They won't have to...to keep separate accounts as you've just described. The tax will be applied to the retail price.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

So, the only people then...that are affected by the language that you mentioned earlier is the professional group.

The retail sales such as drugstores and the Fox Photo and those type of people aren't really affected by this other than that they have to pay the full amount of the sales tax that's collected in that particular area.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes. The...that part of the photo processing tax is not really affected as you have described by this Conference Committee Report. I don't think there was ever any question about the impact of the photo processing tax that is in 1859 on the kind of transaction you've just described. The problem was that the Department of Revenue had read so broadly the scope of what should be taxed when it was part of either, you know,...a sitting portrait photographer or commercial photographers and a whole lot of others. They had included all of the creative work, the fees, the...everything else that went into it. That is clearly not what any of us thought was the case. But your transaction, you are quite correct, is...was treated here exactly as we thought it was initially.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield, Mr. President?

PRESIDENT:

...indicates she will yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator Netsch, I had a telephone call yesterday indicating that we had created some problem last June when we passed the sales tax reform legislation that had an impact on the one-quarter cent county sales tax. Is this...bill correct that problem?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

I believe what you may be referring to is...as I had mentioned earlier I think in response to Senator Welch's question, there was, it was learned subsequently, a rather critical paragraph that was left out of 1859. No one, of course, had time to read 1859 before we all had to vote on it so that there were a lot of things that were discovered subsequently, and my understanding is that the paragraph that was left out was the paragraph that authorizes the...authorized the one-quarter county supplemental...rather critical provision, you're quite right. The Department of Revenue assures me...they have assured me six times that that has been corrected in this Conference Committee Report.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and I apologize...if I didn't understand the answer to Senator Welch's questions, but let me...let me just ask Senator Netsch, if I may, on page 322, lines...starting with lines 5 through approximately 15, is this true now we're going to be allocating twenty percent of the money paid under the State and Local Sales Tax Reform Fund for...affordable housing?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

This paragraph is the...what we call the so-called excess use tax money that ultimately we will be able to collect as a result of having an extra one and one-quarter percent state sales tax. Remember, that was estimated to be perhaps in the neighborhood of sixty-five million dollars. A large part of that extra money instead of going directly into the Local Government Distributive Fund for redistribution to the cities

and counties was...and I don't mean this word unkindly, but was siphoned off to help pay for the waste water treatment program, but in the process of doing that, because the County of Cook did not...or was it Cook or Chicago...I'm sorry, strike Cook, because Chicago did not need the waste water funds, the...it was set up so that Chicago's share of that money would be set aside automatically to begin with and then the rest gets allocated out to the various groups that need it for waste water treatment. Again, that is basically...there's nothing different there from what was in the original bill that was passed last June.

PRESIDENT:

Senator Lechowicz.

END OF REEL

REEL #2

SENATOR LECHOWICZ:

Based upon the same thing then, now are we putting aside ten percent for the RTA Occupation and Tax Replacement Fund? So,...we're allocating thirty percent right off the top, one...twenty percent for affordable housing and ten percent for the RTA, is that right?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Let me go back. I'm sorry, I didn't complete my answer, I think, because you had asked about the affordable housing part of it. One of the compromises that I gather was struck when 1859 was put together in the House was that Chicago could use its portion of this extra money for affordable housing if it so chose, and that's why you have a reference to affordable housing in here. This is nothing on top of or in addition to what would have been Chicago's share of this new money made possible by the extra use tax. All this says is that if Chicago wants to it can use its portion for affordable housing. That was true in 1859 which we passed last June.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

What about the RTA, ten percent for them? That's lines 13 through 15.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No. I'm answering two questions at once. There is no increase in anyone's share of the available funds in this

Conference Committee Report. I repeat once more. We have in no way changed the formula for distribution of the amount of extra money that will be available. What this does is to take into account that RTA wants its share, which we had already authorized, in a special fund for reasons which have to do with their internal bookkeeping, and I...I cannot explain what they are. They asked that it be put into a separate fund so that they could just track it and keep...keep tabs on it. It does not increase the amount that the original bill authorized any of them to have. We haven't changed that formula one wit. We have just said that, okay, RTA, if you want your share of the...waste water money, I guess is what you could call it, yes, put into a fund that is designated the Regional Transportation Authority Occupation and Use Tax Replacement Fund, fine; if that's the way you want it set up, we'll put your money into that fund, and that's all that that does. It is a bookkeeping transaction. Again, we have not changed the formula or the amounts for distribution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Two other questions and then I'll complete it. How much money is anticipated to be generated for these...two...two funds,...affordable housing and RTA? How much extra money are...do we anticipate in receiving?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

That goes back to the original bill, and so we're having to reach back into the recesses of our memory. The department's original estimates...estimate, I emphasize, for the additional use tax money was approximately sixty-five million dollars. The formula...and this would be true with...with that amount of money from the state tax, the for-

mula made it possible for Chicago to get twenty percent of that, and...so twenty percent of whatever that amount is but approximately sixty-five million dollars. Again, that remains exactly as it was in 1859...as it originally passed. The only difference with Chicago's money is that it did not want waste water money designated, it wanted them...just to have the money free and clear and then added the affordable housing authorized use.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

...I hate to rise a second time, but I want to be clear on this transfer of funds on page 322. What you've done on this bill is crossed out "Public Transportation Fund" and inserted "Regional Transportation Authority." The Public Transportation Fund, who can draw out of the Public Transportation Fund? Can't more groups than the RTA draw out of the Public Transportation Fund?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

...the money would...RTA's share would have gone into that other fund if we had not made this language change on their behalf. I...I don't how I can explain it any more clearly. We are not increasing...I mean not increasing RTA's share. What we are doing is putting it in a different...fund because they said as a matter of their internal procedures they wanted it in a different fund. And if anyone finds anything in here that somehow changes that, I mean, I will absolutely tell you that it is...not only unintentional, it's not there. I mean, we're just changing the name of the fund out of which RTA will get its share. (Machine cutoff)...I am told...it was just whispered in my ear that the reason why RTA asked that their's go...went, excuse me, that their share

go into this designated fund was that they didn't trust the state not to shortchange their authorized allocation and they want to be able to, you know, see it up front so that they can make sure that they will eventually get what they are entitled to. But we have no way changed the amount to which they will be entitled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, Senator Netsch,...if it was on a different bill than this one, I'd be inclined to agree with you, but this bill has had such a checkered career in the past two years that I...I'm not sure I believe any explanations on this bill anymore. What the bill says is that the money goes to the Public Transportation Fund prior to this change. Now you're saying that that Public Transportation Fund somehow was required to give ten percent, the exact same money that was transferred in because of this Act, to the RTA. I don't remember agreeing to that. I don't remember saying RTA gets ten percent out of the Public Transportation Fund. It would seem to me the Public Transportation Fund is available to everyone. It seems to me it's an extra ten percent being nicked out of this fund. I remember the twenty percent; I don't remember the ten percent going to the RTA though. So, I...I think this bill which has been confusing for the last twenty-three months goes into the twenty-fourth month of the Session still confusing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is,...Senator Netsch may close.

SENATOR NETSCH:

Well, let me just repeat. I...I am absolutely certain, Senator Welch, that there is nothing in here which in any way changes any of that formula because there was no intention to

do anything of that sort. It is a...a language change to accommodate their bookkeeping, that doesn't kick in until a later time anyway. If there is anything that is ambiguous in that section, we will have plenty of time to correct it. I really do not believe it is there. The bill is intended to do only a couple of things; one, to clean up some technical problems in the original Sales Tax Reform Act to conform to the TIF language, to...to put into statutory form the revised language on photo processing that confirms our original intention that we had a much narrower range of tax and, most of all, to make it clear that the money that goes to the cities and counties in 1990 from the state's collection of...of sales tax for them will be automatic, it will not have to be subject to appropriation process. This is an extremely important bill and I would add only one last comment. I am not my brother's keeper, I cannot help what the House does. We have an obligation to pass this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 378. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 378, and the bill having received the required constitutional majority is declared passed. The Associated Press has requested permission to take photographs. Is leave granted? Leave is granted. Senator Vadalabene.

SENATOR VADALABENE:

Yes,...thank you, Mr. President and members of the Senate. There...be a Democratic Caucus immediately in Room 212.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Rock.

SENATOR ROCK:

Thank you, Mr. President. Pursuant to that request, which is in order, I would suggest that we stand in recess until one-thirty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, there will be a Republican Caucus immediately in Mr...in Senator Pate Philip's offices for all Republicans. Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Republican Caucus in Senator Philip's Office; Democratic Caucus in, Sam, 212? in 212...Senate will stand in Recess until one-thirty. The Senate will stand in recess until the hour of one-thirty.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. Messages from the House, Madam Secretary.

SECRETARY:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on Senate Bill 2185 and request a second committee of conference to consider the differences between the two Houses in regards to Amendments 2 and 3. Action taken by the House December 1. John F. O'Brien, Clerk of the House.

PRESIDENT:

Senator Berman will accede to the request of the House that a second conference committee be appointed.

SECRETARY:

A Message from the House by Mr. O'Brien, Clerk.

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

Senate Bill 1214.

Together with the following amendments; House Amendments 1, 2 and 3 to Senate Bill 1214. Passed the House as amended December 1, 1988. John F. O'Brien, Clerk of the House.

PRESIDENT:

Senator Demuzio will move to accept...or accede to the request of the House. Oh, Secretary's Desk.

SECRETARY:

Message from the House by Mr. O'Brien, Clerk.

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

House Joint Resolution 225. It is congratulatory.

A Message from the House by Mr. O'Brien, Clerk.

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

House Joint Resolution 226, and it's a death resolution.

PRESIDENT:

Consent Calendar. With leave of the Body, we'll add those to the existing Consent Calendar. Resolutions.

SECRETARY:

Senate Resolution 440 offered by Senator Keats.

Senate Resolution 441 offered by Senator Lechowicz.

Senate Resolution 442 offered by Senator Macdonald.

Senate Resolution 444...1444 offered by Senator Macdonald...pardon me, by Senator Watson.

Senate Resolution 1445 offered by Senator Etheredge.

They are all congratulatory.

Senate Resolution 1443 offered by Senator Hall. It's a death resolution.

PRESIDENT:

(Machine cutoff)...Calendar. (Machine cutoff)...Schaffer, for what purpose do you seek recognition?

SENATOR SCHAFFER:

Mr. President, while we're at a lull, I would appreciate leave to go to the Order of House Bills 3rd to consider House Bill 3241.

PRESIDENT:

We're not in that much of a lull.

SENATOR SCHAFFER:

We would like an opportunity to get to that bill.

PRESIDENT:

There...I've assured Senator Philip there will be that opportunity. Madam Secretary, while we're on the Order of Resolutions...if I can have the members attention, we have a couple of congratulatory resolutions that I think the members will be interested in. Resolutions.

SECRETARY:

...Senate Resolution 1432 offered by Senators O'Daniel, President Rock and all members.

(Secretary reads SR 143<sup>2</sup>) ✓

PRESIDENT:

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, members of the Senate, I...first, I would...the thing I would like to say is that I want to set Senator Sam and...and Senator Hall and myself's mind at ease. We've been very concerned about...Senator Poshard's perfect voting record, we feel like that we've had played a little part in that; and we were very...we were very concerned when he goes to Washington, but I want to set their mind at ease. I've now talked with Congressman Dick Durbin and Congressman Terry Bruce that can't push his switch but they will see that he is...he is there on time and he is present and he isn't tied up with some of his constituents. So, I want Senator Sam and Senator Hall to rest at ease that that's been taken care of. Now, more on...on a serious side, you know, as I travel around through southern Illinois, I'm always very happy and very proud to tell the people that Senator Poshard is...is my seatmate and also my officemate, but more important, I'm always very proud to tell people that he is my friend and my neighbor and our families have very close ties. And he's...he's a very special individual. He's following in the footsteps of one of the most colorful, effective congressmen that's ever been elected in...in southern Illinois, Congressman Ken Gray, who served twenty-four years. He's also following in the footsteps of...of our great U. S. Senator, Paul Simon, who served...ten years in...in the same...same Congressional district. But I'm here to tell you now that this man is more popular than either one of those...those two very...very famous individuals from...from southern Illinois. You know, every so often there's a bright star surfaces on the political horizon and this man is one of them. He's one of the most dedicated, capable individuals I've ever met in...in government. I think he has a...a very bright future and I think this is just the very beginning of Glen Poshard's future. I think he's...he'll be a tremendous loss to the...to the Illinois Senate, but he'll be a tremen-

dous asset to the U. S. Congress. We love this man all...in southern Illinois. I wish him well. I'm sure this is just the beginning of a...a very bright and illustrious future. Glenn, we love you, and thank you very much for having the opportunity to serve with you.

PRESIDENT:

Senator O'Daniel has moved the adoption of Senate Resolution 1432. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Congratulations, Congressman, you wish to say something in your own defense? Congressman Poshard.

SENATOR POSHARD:

Thank you, Senator O'Daniel, for those very kind words. I just might say one thing, I...referring to my predecessor, Congressman Gray. Someone told me the other day...for those of you that know Kenny, he wears his polka-dot suits and ties and all that sort of thing, someone told me the other day that you're going to be following one of those colorful, flamboyant congressmen on Capitol Hill. And I have a college degree but I had forgotten what the word flamboyant meant, and I got out the dictionary and I looked it up and there were no words beside it, there was just a picture of Kenny Gray. So,...I have appreciated so much being able to come here on behalf of the people of the 59th Senate District and represent them in the Illinois State Senate over the past four plus years. I just want you to know personally, President Rock, how much I appreciate you and how much I appreciate the kindness and the friendliness that you've shown me. To my, secretary, Susan Painter, who has done all of the work, really, and I think all of you know what I mean when I say that our secretaries and office managers do that work, I appreciate her, I can't tell her how much, to all the staff people that's helped me; but, more importantly, I just

want to tell each one of you, as my colleagues here, that I really have appreciated your friendship, I've appreciated your advice, you've helped me grow and learn. And I just think I'm going to be a pretty decent congressman because of what you've given me here. I really love you and I really appreciate you, and I thank you for allowing me the opportunity to share the past four and a half years with you here in this Senate. I still look up at that board and see my name up there sometimes and can't believe that I'm an Illinois State Senator, but I'm sure proud of it and I'm glad of it. And I feel like I'm a better person for having served with all of you. I appreciate you, you are my friends. Thank you.

PRESIDENT:

(Machine cutoff)...resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1402 offered by Senators Vadalabene, President Rock and all members.

(Secretary reads SR 1402)

PRESIDENT:

Senator Sam.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. It...it is going to be very difficult for me to say what's in my heart for losing a secretary of eighteen long years as Merv Montgomery. I do hope that you girls and fellows have as loyal a secretary as I have. In all my sicknesses and in all my problems, I never had a letter or a phone call less than one to two days late in those eighteen years. I have never seen a dedicated public official have a secretary as I have had. She's leaving me at the end of this year...and going into retirement, so...I guess, Merv, so you can smell the roses, as they say. And you don't know what you have done for me. All of my successes and all the awards that I

have received, you are sharing them with me, because without you, I never could have accomplished what I have. I wish you God speed. President Rock, how do I finish this, I...

PRESIDENT:

What you said was already beautiful, Sam. Congratulations, Merv.

MERVIN MONTGOMERY:

Thank you, Senator, you have been the greatest and you always will be.

SENATOR VADALABENE:

Merv has also been a secretary for our buddy, Senator McCarthy, Ted Swinarski, Don Swinarski, and our buddy, Frank Savickas, in all those other years too, so she has more than eighteen years' dedicated service to the Senate.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, when I first came down and Merv was secretary to both Sam and I, being a poor boy from Chicago we were only here one or two days a week; Sam was here every day of the week. And little by little not only did he move my desk out of the office, he took Merv...over as his personal secretary. So, I lost my office and I lost Merv and I now wish her a...a wonderful...wonderful life in retirement and...I missed her all those years myself.

PRESIDENT:

Senator Vadalabene has moved the adoption of Senate Resolution 1402. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Merv, congratulations. One final congratulatory resolution, ladies and gentlemen. Madam Secretary.

SECRETARY:

Senate Resolution 1403 offered by President Rock, Senator

Vadalabene and all members.

(Secretary reads SR 1403)

PRESIDENT:

Everett, will you join us up here, please? Senator Philip and I would move the adoption of Senate Resolution 1403. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Everett, congratulations, and on behalf of the members from both sides of the aisle, Senator Philip and I want to present you with a little going away present. We truly appreciate your friendship and courteous service all these years.

EVERETT KINCHELOW:

Well, I have enjoyed being here, enjoyed my time I was here working with all of you, and I appreciate to the highest, and I want to thank every one of you. Thank you.

PRESIDENT:

Ladies and gentlemen, if I can have your attention, we will begin on the Calendar. On the bottom of page 9, there's a motion in writing to override item veto. Senator Carroll. Pass. Top of page 10, there's a motion in writing to override the specific recommendations, 3-7-3-5, Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Very briefly, I will not call the motion. Representative Ewing, who was the principal sponsor of the bill, and I met with Dr. Mandeville and others and discussed some ways of refining this legislation. And at Senator Ewing's request and with my concurrence, we will not move to override, and we have Dr. Mandeville's word that he will attempt to work out more satisfactory language for next Session. Thank you.

PRESIDENT:

All right. Top of page 10, 4-0-7-5, Senator Donahue. Madam Secretary, on the Order of Motions in Writing there's a

motion to override the specific recommendations of the Governor as to House Bill 4075. Read the motion, please.

SECRETARY:

I move that House Bill 4075 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Donahue.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. The need for the passage of this override motion for House Bill 4075, it's a very important piece of legislation to the nursing home industry and to people they serve. It established a pilot project for the Department of Public Health to study an alternative method for licensing and accrediting nursing homes. We must go for the override because of the action of the House. And I would hope that you could support this override attempt.

PRESIDENT:

Is there any discussion? Discussion? If not, the question is, shall House Bill 4075 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 58 Ayes, no Nays, none voting Present. House Bill 4075 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. 4116, Senator Poshard. On the Order of Motions in Writing there's a motion filed on House Bill 4116. Read the motion, please, ...Madam Secretary.

SECRETARY:

I move that House Bill 4116 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Poshard.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Several measures in this bill have passed previously in a bill sponsored by Senator Marovitz. The remaining measure in the bill I will explain to you as briefly as I can. House Bill 4116 is a technical measure relating to child custody matters and inheritance questions for disabled persons. The Governor approved this bill with the exception of the provisions relating to the estates of disabled persons. Two weeks ago, the House overrode the Governor's amendatory veto by a vote of 107 to 6. I now move that we do the same. Let me explain to you the problem here, and it's a very narrow problem indeed. Let's say that you have a child who suffers some injury and becomes permanently physically and mentally disabled. That child will never be competent to make a will, and under the current law, in the absence of a will, the child's assets by intestacy laws half go to the father and half go to the mother. That's the current law in this state, regardless of the contact either has had or does not have with the child. Such a child may have substantial assets, maybe from a lawsuit judgment, and those monies on the child's death by current law go equally to both parents. That result is simply not fair or right when in some circumstances...in many circumstances only one parent for many years has cared for the disabled child. The fair result is an equitable distribution to account for all the effort and the care by the custodial parent. Everybody agrees that the current law does not address this situation, that some changes are needed. This bill, I suggest, is a workable and fair solution. It allows the court to award a gift from the estate of a disabled person to a relative caring for that person to be disbursed upon the death of the disabled person. The relative

who cared for the disabled person can make a claim against the estate of the disabled person based on any lost employment, lost lifestyle opportunities and emotional distress and that would be in addition to any claim for nursing care. So, I think it's a fair and equitable measure here, and I would move that we join the House and override the Governor's amendatory veto of House Bill 4116.

PRESIDENT:

All right. Senator Poshard has moved to override the specific recommendations with respect to House Bill 4116. Discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Poshard, there was some opposition from the bar associations and probate judges, according to my analysis. Has that been...that opposition been removed?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

...I think that opposition is mixed; I don't think it's been entirely removed, no.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

I'm curious as to how this would work. If a disabled child dies, they have a will and the...well, if they have a will, there's no problem. How...how does it kick in that it goes before a judge and it's determined that one custodial parent gets a greater share than...than another parent or a sibling? How is that determined and who files that motion with the probate court?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Well, first of all, Senator Welch, it's only applicable if they do not have a will. Okay? And the court is allowed to award a gift to the parent who has kept that child, taken care of them and assumed the cost and everything else and the responsibility for that child during that illness or during that disablement.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

How does the court determine that there was the intent by the disabled decedent to make a gift? And if there's a dispute among the custodial and noncustodial parents...the noncustodial parent who may have taken care of the child, how is it determined...how are the percentages determined and how...what do the siblings do? The siblings, I would imagine, would be there to oppose, perhaps, a share of the will going...not...a share of the intestate estate not going to them but going to someone else. How is that...how is this going to happen in court?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Based upon the petition by the guardian to the court and then it is up to the discretion of the court in terms of the gift that is made, but in the legislation itself there has been established minimum dollar amounts for claims based upon the degree of disability and those are spelled out in the bill. I'd be happy to go over...go over them, if you wish.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Once the court awards the gift, does there have to be a gift tax filed...gift tax return?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

My understanding is that...it is exempt, but that's a...that's a federal matter and I'm not totally sure of that.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, I...you know, this...this sounds like it's going to be a heck of a lot of complications for the probate court to me. That's...that's...I have no further questions.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. With...in all respectful deference to the fine sponsor of this bill, I...I stand in opposition to this. I'll try to keep this simple. This bill requires that from this estate a gift is made to the person who has cared for a disabled person. There is no requirement of any proof of any kind as to the extent of that care. The...either the facts or the law are not spelled out in here that would justify that kind of a gift. And in the case, for example, of a person who is totally disabled, the minimum gift provided in this bill is a hundred thousand dollars. Now,...that care may be worth a hundred thousand but it may also be worth only five thousand, and, yet, this bill sets the price tag of the gift. I have discussed this bill with the presiding judge of the probate division of Cook County, he is strongly, and that's a soft word, strongly opposed to this bill, and I am reluctantly forced to ask a No vote in spite of the excellent sponsorship of this bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, what the prior speaker said might be true but it's still discretionary upon the court and it will take care of these hardship cases of parents who take care of a child who's been disabled by a crippling accident and should be entitled to a little more consideration financially because they've put up with that child who cannot speak, cannot walk. And I think it's a humane bill and I ask for your favorable consideration.

PRESIDENT:

(Machine cutoff)...discussion? Senator Poshard, you wish to close?

SENATOR POSHARD:

Thank you, Mr. President. Ladies and gentlemen, this bill is just simply a matter of fairness. It seems only right that that parent who has had to keep this disabled child, for a number of years perhaps, ought to have more claim upon the estate of that child than a parent who perhaps has never had anything to do with the child whatsoever. It's just a matter of fairness; it's a matter of fairness that the court ought to be able to decide what the equitable situation is here in terms of awarding the parents in this situation a portion of that child's estate. I think it's fair, I think it's humane. I would ask for your positive vote for this bill. Thank you.

PRESIDENT:

All right. The question is, shall House Bill 4116 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 49 Ayes, 8 Nays, 1

voting Present. House Bill 4116 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. All right, ladies and gentlemen, if I can direct your attention to Supplemental Calendar No. 1, on the Order of Secretary's Desk Concurrence, Madam Secretary, Senate Bill 1214.

SECRETARY:

(Machine cutoff)...1, 2 and 3 to Senate Bill 1214.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to nonconcur with House Amendments 1, 2 and 3 and ask for a conference committee.

PRESIDENT:

All right. Senator Demuzio has moved to nonconcur in House Amendments 1, 2 and 3 to Senate Bill 1214. All in favor of the motion to nonconcur indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Madam Secretary, on Supplemental Calendar No. 1 on the Order of Conference Committee Reports is a report with respect to Senate Bill 1840.

SECRETARY:

First Conference Committee Report on Senate Bill 1840.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is Chicago school reform, Senate Bill 1840. First, let me make a statement that I have made innumerable times over the past fourteen months that this bill has been in preparation, and that is that this is not an education

bill. We passed an education bill in 1985 under...or near unanimous vote of this Body, Senate Bill 730. This bill is a school district reorganization bill, and to refresh your memory, let me tell you why it is here. In October of 1987, the ninth strike in eighteen years that took place in the Chicago Board of Education School District 299 came to a close. There has never been in the history of that city the kind of uprising by the citizens of Chicago of the frustration that they felt regarding their school system. (Machine cutoff)...are concerned and frustrated and at their wits end with school stopages, with astronomical drop-out rates with totally inadequate student achievement, with a system that the parent of a child in the Chicago public school felt was unresponsive to the needs of that child. This Senate, along with the House, held some hearings following that strike settlement, and in response to the request of then Mayor Harold Washington we waited until the mayor's summit process took place, and that process went into the communities of Chicago to get the input from Chicagoans regarding what they wanted to see done regarding the structure of their school system. And, ladies and gentlemen, fourteen months later, I am pleased to tell you that Senate Bill 1840 embodies most of the structural changes requested that came out of that mayor's summit process. Even though the process itself, the summit process, didn't reach closure, this bill is the product of the input of those citizens of Chicago. And many of us in this Body had made a commitment to the citizens of Chicago that within our power this bill, if a bill was going to be passed, would be a bill that reflected the will of the people of the City of Chicago regarding their school system. Let me touch on, quickly, this bill is substantially Senate Bill 1839 that we passed on July 2nd with changes that were recommended under the Governor's amendatory veto to Senate Bill 1839 but with a couple of exceptions that I wish to go

into in some detail, and there's only a few of those points. The Governor's amendatory veto for the most part addressed shortcomings of 1839 that most of us agreed with. However, this bill today has in essence four new parts or corrected parts when we look at 1839 and the Governor's amendatory veto. First, let me address the issue of supernumeraries, and we are now all experts in the use of that word which probably fourteen months ago most of us had never even heard of. Supernumeraries are defined for the first time in this legislation, they are teachers who have been found satisfactory in their performance, they are usually teachers of long tenure, they find themselves out of a position because of either a change in curriculum or a reduction in the population of their particular schools. We were confronted with a dilemma as a result of the original 1839 as we passed it, which allowed their fate of the supernumeraries to be decided through the collective bargaining process. The Governor amendatorily vetoed that by saying that the provision in the original bill dealing with the right of principals to select all of their new staff should not be modified by the collective bargaining agreement as affects supernumeraries. So the problem that we were faced with, following the Governor's action, was allowing principals to maintain their own total right of selecting their new staff versus job security for supernumeraries, teachers who are found to be out of a position through no fault of their own. What we have done in this bill is to provide that the supernumerary shall obtain a list of vacancies and submit their credentials through interviews to principals of the schools that they wish to teach in. The...the decision of accepting or rejecting those...those supernumeraries is in the hands of those principals. The principal can hire that teacher or it can reject that teacher. If the teacher is rejected by a number of principals, this bill still provides job security for those

teachers by requiring that the board provide a...another position for those teachers. The salaries, benefits, seniority and tenure remain intact. We have also addressed in the heart of this bill to a great extent is the question of State Chapter I financial monetary allocation. And what the intent of this bill is is twofold; it is to require that the forty percent of State Chapter I money which has previously not been designated as targeted to poor children shall in a phase-in period be targeted to those children so that after the next four years a hundred percent of State Chapter I money will, in fact, be spent on the children that generate those funds. In addition, there is a more detailed requirement enforceable to require that Chapter I funds be supplemented...supplemental funds to basic programs and not supplanting the funds necessary for those basic programs. We have built into this bill an enforcement mechanism by...enlarging the powers of the existing School Finance Authority. We have been specific in enlarging those powers so that the Finance Authority has the power to make sure that the bureaucracy is cut, as spelled out in this bill, and the bureaucratic overhead is maintained in accordance with a formula which places Chicago on a comparative basis with other schools in this state, that the Chapter I requirements are, in fact, carried out; that lump sum budgeting is carried out at the local level and that the reform...specific reform requirements are carried out by the Board of Education. And...inasmuch as I mention the Chicago Board of Education, let me...further make it very clear that it is our legislative intent that the day-to-day operations of the Chicago School System are still maintained by the Chicago Board of Education. It is not supplanted or substituted for by the Finance Authority. The Finance Authority is a check and balance, but the initial obligations and responsibilities of everything dealing with that school system are to be carried

out by the Chicago Board of Education. Because of the frustration regarding the board, all of the present members are removed from office, they may come up for reappointment through a grass-roots up to the top appointment process, a nomination process, but they are removed from office. The fourth item that we've addressed in here is the question of the principals. The principals are put into a very unique position, they, beginning half of them on July 1, 1990, and the other half on July 1, 1991, will enter into a performance contract negotiated between themselves and the local school council. That is the heart of this bill. Every school, five hundred and ninety-two buildings, in Chicago will be controlled by a local school council; eleven persons, six of whom are parents elected by parents, two of whom are teachers elected by the school staff, two of whom are community representatives, meaning people who may not have children in that school but reside or work in that community, and the principal. Those ten people, other than the principal, on that local school council negotiate and enter into a school improvement plan and a performance contract tailor-made for the needs of the children in that particular school. That contract will be four years in length. At the end of the four years, that principal's contract is up to renewal or nonrenewal based upon the vote of that local school council. To assist the principal, we have required that there will be evaluations of those principals on an annual basis by the district superintendents who are professionals so that the principal has a professional evaluation in which to urge his retention or her retention at the end of his contract, but the ultimate authority is still in the local school council. We are shifting the power from downtown to each local school. I have touched, ladies and gentlemen,...I have touched on what I believe are the highlights of this bill. I would be glad to respond to questions and be allowed to make some

closing comments at the appropriate time.

PRESIDENT:

All right. Senator Berman has moved the adoption of the Conference Committee Report on Senate Bill 1840. Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. We've come a long way, it's been a long semester, I guess you could say. When we left here on...in early July, we left here a divided Senate; a bill passed all right but, as we all know, it was a partisan roll call and it did not reflect the concensus of this Body. It did not reflect the concensus of the Illinois General Assembly. And as we all have come to learn, we really can't conduct business in a forthright manner and an effective manner unless we can somehow all come together. The Governor recognized what I think were the flaws in that piece of legislation we passed out of here in early July, and he applied his amendatory veto. That's history, of course, but I think it's important to recognize that he applied that veto in an effective and in a very efficient manner. He corrected what we saw in early July as some major problems. I'm not going to go into all of them but I will certainly point to two of them. The first thing he did is restore the balanced approach to the appointment process which was housed in the oversight authority. We thought that was critical; we still do. The School Finance Authority which now has the oversight powers, which Senator Berman discussed, is appointed, three members by the Governor, three by the mayor and one jointly decided. That makes sense. It makes sense because we can never forget in this Illinois State Senate, we can never forget that each and every one of us has a responsibility to the children of the City of Chicago. The fact is, one-half of that Chicago school budget comes from state taxes. So, people around the state count on

their Representatives and Senators to make sure those dollars are spent effectively. With an oversight authority, call it the School Finance Authority in this case, balanced in terms of its membership from all over the state, from both sides of the aisle, as we say, we get fair and effective oversight. The Governor also restored another important principle, the right of the school principal to select the teachers he or she wants based on merit. That...that is absolutely critical, and I think we missed this in our debate last spring. We forgot that in most Chicago schools the teachers are in place, there won't be any mass turnover of people. A principal may be only able to make one appointment to replace a teacher who has resigned or retired, and in that one appointment that principal has the chance to redirect the efforts of a classroom teacher, to strengthen his faculty. And it is absolutely imperative that we not let the principal deal with anything but merit. Of course, we want to recognize that seniority is an important factor to take into consideration, but, as Senator Berman has explained, we've come up with a solution to deal with that. But in the last analysis the principal gets to choose the teachers he or she wants based on merit, and that's one of the sections I'm proudest of in this particular legislation before you. Those two features are right here in the bill before you today. We can walk out of here today cognizant to the fact that we have preserved these two important factors in this entire school reform debate. As I listened to the discussion in the aisles, one of the common questions is, well, is this real reform? Is this real reform? That's what everybody wants to know. Well, it's not the reform that I would have liked, we had to do some compromising. We passed a bill out of here with forty-one votes; forty-one votes to take the Chicago school system and decentralize it into twenty school districts. In fact, I've heard from some people lately who are wondering if

maybe in creating five hundred and ninety-three school districts, which is, in effect, what we're doing, we might have created a few more than you folks are going to need in Chicago. But you didn't like our plan, so we tried to find another avenue. Well, again, we compromised. We wanted the principals to have total control of the buildings. They don't under this bill, and we regret that; but, again, since they can at least appoint principals on merit, it's one step that takes us a lot farther than we were in May and in June. Basically what this bill does is give the tools to Chicagoans to make their schools work. That's really what this is all about at this stage of the game. This approach in creating five hundred and ninety-three school boards across the City of Chicago places tremendous responsibility on parents, on community members. When it's all said and done, we, in the Illinois General Assembly, cannot legislate parental involvement. We, in this General Assembly, cannot legislate community participation. We have done what we can do for the school governance of Chicago schools but that's it. The job now lies with Chicago parents; the job now lies with Chicago taxpayers and community members. I'm confident that if folks in Chicago who have kids in those schools and folks in the community who want to become involved on these school councils get involved, they can make a difference, they can turn their schools into fantastic learning opportunities for their children. But if they sit by the wayside and expect business to be conducted as usual, the way it was when a monolithic labor union and a Chicago school board had...had all the power and was afraid to give any of it to parents and teachers and community members, they'll get nothing. And so I think in the last analysis what we should recognize today is that while we have gone a long way or part of the way in trying to accommodate the kids of the City of Chicago and help them out, we can only do so much and the rest is for

Chicago and its people. I urge all of you on this side of the aisle to vote Aye on this Conference Committee Report in the interest of the children of Chicago. And we will do so knowing...and we will...we will vote Aye knowing that we have come this long way and we have this effective reform because the Republicans on this side of the aisle hung in there and did not give in to an easier and simpler solution but instead a solution which is going to work for kids if those parents get involved. I urge a Aye vote on Conference Committee Report No. 1 to Senate Bill 1840.

PRESIDENT:

All right. Ladies and gentlemen in the Gallery, I would just admonish you that expressions of approbation or disapprobation are not encouraged or allowed under our rules, and we have ten additional members who have indicated they wish to be heard. Further discussion? Senator del Valle.

SENATOR del VALLE:

Thank you, Mr. President. In 1985, this Body took the first step, the first step towards education reform. It was the first step because it was the first time that the Chicago Board of Education acknowledged that there was a high drop-out rate, that there was a high truancy rate, that reading scores were too low, that ACT scores were too low. In fact, it was the first time that the Chicago Board of Education admitted that it wasn't doing the job; and as a result of that, this Body passed legislation. It was an important first step. Today is not the first step, that first step was taken back in '85. But '85 set the stage for the second step, and today we have that second step. And it's a second step that I hope will lead to the third step, a step that I feel that we ought to deal with in the next Session, a step that I feel should not take three more years to get to, a step that will address overcrowding in many districts, school districts, subdistricts in the City of Chicago. This bill is

a bill that ensures much needed structural change, but it is a bill that does not ensure that overcrowding will be addressed. It's a bill that does not ensure that we will have sufficient preschool programs to begin to work with the youngsters early on so that they don't fall behind and they don't become the academic failures that we have today. It's a bill that doesn't make more drop-out prevention programs available. It's a bill that does not provide vocational options for the many youngsters that are desperately...looking for those options but can't find them. That is a step that has to be taken, and so we cannot call this education reform, we must call it a step toward education reform. We must vote Yes today for a continuation toward education reform, not just in the City of Chicago but throughout the State of Illinois. We must next year begin to look at all the school districts in the State of Illinois that are in dire need, that have the same kinds of problems, the rural districts that are suffering from the same kinds of problems that Chicago is suffering. We must finally get to the point in the State of Illinois where we are practicing what we preach. We must put substance behind the words that are mouthed year in and year out in this Body that education is the top priority of the State of Illinois. Let's make it real, let's make it happen and let's make sure that that step occurs next year. If not, then we will be back here a few years from now talking about the failures, talking about the failures of parents, talking about the failures of another school board, of an interim board, talking about the failures of the general superintendent and the lack of leadership that we have. We'll be talking about all those failures, but we will probably...probably not point the finger to ourselves and say that we also have to assume our share of the responsibility for those failures. So, let's take this big step. And I say to the groups that are here that we have

seen over the weeks that you lobbied hard, you lobbied hard for this bill and now you will go back and you will get involved in training parents to be more active. But the same way you lobbied for this bill, I want to see you back here next year lobbying for more resources for not only the Chicago public schools but every school district in the State of Illinois.

PRESIDENT:

Further discussion? Senator Schaffer.

END OF REEL

REEL #3

SENATOR SCHAFFER:

Mr. President, I rise in support of this motion. I have to admit that many of us here would have done a great deal more. I'm not sure this bill is going to solve the problems that many of us perceive in the Chicago school district but it's a beginning. If I thought that the General Assembly was capable of passing a better bill, I might argue that we try. The last year has convinced me that perhaps we are not. So, even though it may be flawed, I would suggest we begin. I have but one reservation about the passage of this bill and that is that the passage of this bill which will be, I believe, quickly signed into law will probably take from the mayoral race in the City of Chicago an issue that should be discussed and discussed by those who would be the mayor of the City of Chicago. My guess is that the pat answer for all the candidates will be, well, about Chicago schools, the Legislature just passed this sweeping bill, we need to have time to get it implemented to see if it's going to work and now let's talk about the next issue. And I don't think the mayoral candidates ought to get off that lightly, and I hope that the parents in the Gallery and the press here won't let them get away with that because the mayor has to be, ...whoever that person is has to be a major player or this bill or any other attempt to improve the Chicago schools will not succeed. But even with that reservation, I am still prepared to support the bill. It also saddens me that we are at this stage at this date in December when we could have been at this stage in July, and early July, when the school board and the various groups that want school reform could have had all this time to implement this reform. I hope that we, the

members of this Body, have learned a lesson about partisan snits and slamming things down and adjourning without solving the problems. I hope that that was...that incident in July will be the last time that this Body will walk away from its obligations, adjourn and go home. This issue is, at least, solved for the moment, but there are other issues that I think need to be...solved before we go home today. I'll mention CHIPs, I'll mention Correction, I'll mention the IDOT situation where we stand to jeopardize projects and money from the federal government. We should have learned that lesson; I hope we have. In this case, here we are many months later than we should be, but we should still pass this bill.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDENT:

Senator Berman indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Senator Berman, in this bill the Finance Authority can bypass the board and actually fire principals, teachers and staff, is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

We...we have required that they make a...a statement of intent, in other words, sort of a...a warning or a...indication as to what the...the Finance Authority finds has failed to be done, but once that statement is issued, yes, they have the power to suspend, discipline or fire any employee of the...of the Board of Education.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Senator Berman, is it not our intent that the board has the authority to fire once that person has been identified and in that we will attempt to amend that so that the board will actually have the day-to-day management, and if the board do not act, then they too can be fired? Is that our intent?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes, first, let me just clarify the...the answer I gave you, I...I spoke too broadly, let me be more specific. In the bill it says that the Finance Authority shall direct the board to fire the person who doesn't carry out the reforms, so that's...that's an important difference. But, yes, the board and...let me say this, not only specifically as to the question raised by Senator Brookins, but the Chicago board has discussed with many of us their desire to clarify their role to do what I said in my opening comments, to carry out their obligation to run the schools in the first instance. And I and Senator Brookins and others stand ready to explore with them that if there is a responsibility that they should have that is not properly spelled out in this bill, we will be happy to look at those issues in the spring and...along with many other issues that people are itching to bring to our attention, and we will look at those in hearings in the spring.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Senator Berman, and to the bill. It always been my intent that the mayor of the City of Chicago who is responsible for all the citizens of the City of Chicago and

it is his responsibility that education is in...in a quality form. And I would say to you, Senator Schaffer, that his election, reelection in the future will hinge on the quality of education that is provided by him. And that is why I have fought so hard never to let this asset of the City of Chicago be taken from his control. I do not believe that this bill completely takes the control from the mayor of the City of Chicago and from his citizens in the City of Chicago, and, therefore, I now can support this bill and will be voting Aye and urge my colleagues to do the same.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President, I guess there has to be one voice out there that's in dissent of this bill and...and I have to tell you that my dissent is rather benign. And I know that this bill is going to fly out of here and there isn't going to be much that anybody can say to change anybody's mind, because by this time most people are fatigued into compliance. I have never seen a bill in which so much time has been spent and so little done with so much attention. And I have been down here long enough to know that frequently whatever we do is the product of a compromise. In fact, Senator Berman, I'm going to tell you, if I hear you say that word one more time, I'm going to rise on a point of personal privilege because everytime I've turned on the radio and they've asked you why this wasn't in there, you immediately mention that this is a product of a compromise, and that doesn't bother me either 'cause I'm realistic enough. In fact, when I first came down here somebody asked me, how do you take life down in Springfield? I see...I said I've got a very simple philosophy, if something makes something better, I'll vote for it; if it keeps it the same or makes it worse, I'll probably vote against it, and it's real simple.

But what I am afraid here is that...even I can live with the fact that we have raised expectations in this bill that are not going to be fulfilled, 'cause we do that frequently around here also, but what what I am really afraid of is we are making some changes that we can never come back and improve, even if they are wrong. Let me give you a couple of examples. We are first going to go ahead and fire the current board, and then we're going to create another board and then we're going to fire them, and then we're going to create another board that's going to be created out of confusion and these people are going to be the overseers of this project. And if I add my numbers up correctly, correct me on this Senator Berman, there will be thirty-two board member...board members in the next two or three years to oversee this project. In the meantime, we have infused into the community this thrust to go forward with this program without any adequate supervision. Because it's been the intent, and I'm glad to see we are not using the word "reform" today, because we are, in fact, going to infuse this parental involvement. Well, let me tell you, I don't live in Chicago but I have some kids that do, and I have spent some time studying the Chicago Board of Education. And I'll tell you frankly, the problem with the Chicago Board of Education is not so much the parents, it's the fact that the majority of the community doesn't care about the Chicago Board of Education, because a great part of that community does not send their children to those schools. So, now we're asking those people exclusively...and I'm not against people running schools because I advocate an elected school board, but I want to tell you, you don't have an election here, you have a rigged election, because you're saying the only people that can serve on this are the people who have kids in school and that's fine. But you know what? That's the preacher talking to the choir. What you really need is those people whose kids aren't going

to the school to be involved also because they're the ones where you're going to have to get the resources to do the real true reform. And what you're going to do is having people talk to each other, and what you're going to do is create five hundred and ninety-two of these councils. Now what if that is wrong? Do we come back and create a thousand nine hundred and four because we don't think enough people are involved, and we come back...create thirty-eight hundred? Because I'm going to tell you something, if you create five hundred and ninety-two, don't come back here two years from now and try to knock it down to two hundred and fifty, 'cause that ain't never going to happen. Right, Senator Brookins? You know that it's not going to happen. So, if we have erred, we have created a catastrophe of great proportions. We had a plan...we had a plan that was manageable, because we've all learned that if a problem is real big, you break it up into smaller pieces. But, my Lord, you don't blast it to smithereens, and we rejected that plan. And I hope that two years from now that everything I've said today is wrong, I really do. Because I'll tell you, if I am correct, there is no solution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President and to my fellow colleagues. This is my first opportunity to speak to the school issue 'cause I was not here during the original drafting of the bill. To the sponsor, may I ask a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ALEXANDER:

Thank you. Senator Berman, in this piece of legislation it does not bring any fresh money of operational or management money into the system, am I correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

You are correct. This is what is called a revenue neutral bill. It's...whatever changes are being done out of Chicago's...Chicago schools' own resources.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Alexander.

SENATOR ALEXANDER:

Thank you. First let me clear the record...I do intend to support the concept of this bill, but I do want to be on record saying that this bill does cost money, quite a bit of money. So I say to those parents and those who have said, don't come home without it, there has got to be some money raised somewhere in order to effectively put into training some six hundred local school councils in the district councils so that they can operate efficiently, hopefully. And that...that this bill as it presently stand that there is no maximum cap on the cost of the Financial Authority's expanded new roles which will cost money. And may I further state for the record that the bill that is laying out here in this Chambers, the differentiallevy taxes, which normally this General Assembly has passed every year which, in effect, allows us to effect some of these programs and keep them moving lays dormant here in these Chambers. So those of us who are looking for better and greater things through these mandated programs without the necessary money, let us beware of what we have just done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I rise in support of the First Conference Committee Report on Senate Bill 1840. Actually, in support of this piece of

legislation, looking at the situation in retrospect, we really should not be here doing this. Local control has been the...the issue across the state as to whether or not this Legislature grant the authority to local school boards to run their schools. But...find ourselves caught in this situation simply because there have been so many abuses over the years, failure to implement those nine cost items in the 1985 school reform, failure to admit that we have a problem as it relate to education of our young people, such as a high drop-out rate, low reading scores; failure...failure at the assistance of some parents at the local school councils that the budget and program be changed at those schools, failure, failure, failure. Now, here we are on December 1, 1988, after...nearly a year after the late Mayor Harold Washington called for a summit to bring about some change. And still today we have those individuals who says there is nothing wrong, we don't need to change. If a system has a fifty percent drop-out rate, if the system consistently year after year after year our students are graduating with reading scores far below the national norm, we have a problem. And that problem is, what are we going to do about the education of our young people. To those legislators from downstate, some of your schools have the same problem, and the question has been raised as to why are we doing this in Chicago. We want parents involved. This is a school structural reform. The education reform passed in 1985. The mechanism in this bill was set up...so that the school whereby...it would be...be conducive for young people to learn. And I say it time after time after time, if you're going to talk about reform, you first must reform the resources that is sent from the State of Illinois. That is a reallocation of the funds to the children who need it the most. And from time after time after time, after this Body passed legislation more than ten years ago, and after talking to administration super-

intendents in the Chicago school system about this problem, even today, not one extra dime is spent on the children who need it the most. Every proposal that come down from the Chicago board to this Body, they say, yeah, we're with you, just give us more money, but not one of the proposals have indicated that they intend to put the money where it's needed the most. So, what we have here is a piece of legislation to deal with an educationally bankrupt system. And when...and when those individuals in charge with the responsibility, the trustees of the future leaders of...of this country, will not admit that, then we must take action. So, I rise in strong support of this bill and it is not a perfect bill. We will be back next year to correct some of the inequities that I see exist in the bill, but we must start somewhere. So, I'm voting not for the administrators, not for the teachers, I'm voting for the little children, the munchkins, if you will; they are the ones that this bill is intended to help, and I'll be the first person, as I have in the past, if necessary, to sponsor the...necessary tax revenues to see that many of the programs that are needed in the system be carried out. I think this bill should receive a unanimous vote of everybody in this Body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, first of all, I think a lot of people deserve a lot of congratulations on this bill, most notably those people in the audience and around the Capitol who have devoted so much time in the spring, fall being down here, taking time off of their jobs, getting babysitters for their kids and really showing and expressing their concern for a problem that has too long gone...gone on without affirmative action in the City of Chicago and I think they're the real

heroes in this entire process; also the...the legislators and the staff that have put this together and worked so many hours on this, Senator Berman and Representative Cullerton and a lot of...lot of other people who spent so much time on this legislation. I think they deserve all of our plaudits. I have seen and all of you have seen these buttons around and there's a lot of people in the audience wearing these beautiful, big, yellow buttons, "Don't come home without it." Like most of you, I have made a lot of speeches to the groups in the gallery and people around the Capitol Complex, people back in the district who are wearing these buttons and I have asked every one of them a question and...and I said, "What is the 'it' on here? Don't come home without it." What is the 'it'? And all of them answered me, school reform...school reform. I am one hundred percent for this package but let nobody in this audience or within hearing distance be deceived. This is not school reform. Don't go home and believe this is school reform. Don't go home and believe that when we pass this bill, as we will, that the reading scores of John and Mary in the classroom are going to change. This is not school reform and I don't think that the press should refer to this as school reform. This is management reform and certainly...certainly anything that changes that current ridiculous, deplorable situation on Pershing Road is a step forward. This is definitely a step forward. There is no question about that. If they bomb Pershing Road, it would be another step forward, but this is not school reform. We've got a lot to do to get to school reform. I got a copy of an article and I think most of my colleagues did from a concerned citizen of the...of Chicago, a fellow by the name of Joe Kellman, a...I got a copy of a Tribune article detailing the problems with this bill. I read that article, as I'm sure most of you have done, and am very concerned about the problems that are brought up in that bill and the

deficiencies that will still be left after we pass this bill. I represent the district where Goudy School is, comes from the area where the Governor happens to...to live also. I'm very concerned about Goudy School and the other schools like Goudy School around the City of Chicago where perhaps we'll be back here in two years or five years and find, unfortunately, that some schools, some school councils are for sale, that politics is pervasive throughout those school councils. I'm afraid of that but I have confidence in the parents and, hopefully, the number of schools where that will occur will be a minimum, but I am afraid of that. The business community was very involved in the drafting of this legislation. They cannot leave us now and say our work is done because it has just begun and they need to oversee, as we all need to oversee, as the parents need to oversee that there's a lot more changes that are going to occur, that the Board of Education...that the school board will not allow politics, contracts, favoritism to jeopardize what we are beginning today; and let there not be any mistakes, there will be politics, there will be contracts, there will be special interest, and those of you up there, I hope, will make damned sure that we know and that the media knows where those politics, special...special interest and those contracts are lying. We need to oversee that as well. We are trying to manage the turnaround of a two billion dollar system. That management requires specific skills, management and full-time leadership...full-time leadership. I would hope that this Body will be back here in a couple of years and realize that perhaps that school board needs to be full-time, well-paid CEOs with expertise in this area who have managed the turnaround of corporations, failing corporations, failing businesses and can help us manage the turnaround of a deplorable, failing system; and let there be no mistake about it, there's a lot of people who talk about the City of Chicago and what's wrong

with the City of Chicago and why people are leaving the City of Chicago. The biggest reason why people are...leaving the City of Chicago is our school system. That is the biggest reason, and if we don't realize that and take affirmative action...tough affirmative action regardless...regardless of where that action...the results of that action lie, shame on us. Whether it lies with the unions, with the teachers, with the principals, with Pershing Road, with the parents, it really shouldn't make any difference if we can...if we can ultimately have a positive impact on those kids and that's the most important thing. We're trying to break a monolithic control of a system by Pershing Road. I hope this is a beginning but we've got to come back. There's a lot more to be done. A lot of people have touched about early childhood education, smaller class size. When we...when I hear and I see, as a former school teacher in the City of Chicago, classrooms in the hall, classrooms in the lunchroom, kids without books, classes without teachers, what do we expect? This is a beginning but it's incumbent upon all of us to oversee that it's just the beginning and that much tougher measures that will, in fact, impact on John and Mary in the classroom will be taken next session, not five years from now when we come back here and find out that, yes, schools and school councils are for sale and that there are wars going on in the schools as a result of this legislation...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yeah. Senator Collins.

SENATOR MAROVITZ:

...I hope this doesn't happen. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Thank you, and I will try and be brief because I think everything has been said. I rise in support of this bill but

would also not without expressing my sentiments to most of the remarks that I've just heard from the last speaker. For those who have worked over the years and...and even before...the summit that was put together by former Mayor Washington to reform the school system, the struggle has been going on for a long time and it was never focused as it was when Mayor Washington called together the summit after the strike two years ago. But the problem was there and there were people concerned and no one was listening to what they had to say. I heard someone say that this bill is all that we can do, and God help us if it is. I would hate to think that those of us who are charged with the responsibility of the welfare of the people of this great state is laboring under the illusions that the...change in the administration of the Chicago school system will have any real impact upon the quality of education in the school. And I know that most of us realize and recognize that this is not school reform, this is, in fact,...I mean education reform, this is structure reform, it is basically a shift in power and control, who does what and how. Nothing is really going to change here. However, I'm supporting this bill because at least it gives to those people,...people that have never been thought of or listened to before a rare hope that this Body is beginning to recognize the severity of the problems of the schools in the City of Chicago. That's all this bill is about. It also offers a possibility, not a probability...I mean a possibility that the new structure will be better than the existing structure, and that alone provides some hope. But the most positive aspect of this bill and probably the only reason that I will support it is the distribution of the Title I Fund. It is for the first time provides an opportunity for and a mandate that the intent of the original Title I law that was passed sponsored by Senator Jones and myself in the early 80's will become a reality for the first

time, that the monies...that...that the Title I money, the children who generated that money, will, in fact, eventually within the next four years get that money and maybe...and just maybe, we can begin to address some of the severe problems that the children have in dealing with addressing learning disabilities in the school. But if we're talking about seriously addressing the problems of education in the Chicago school systems and not just in Chicago but in most urban areas across this country, there is no way for us to do that unless we face up to the reality and make a firm commitment to address some of the critical social...and economic problems that is destroying the moral and social economic fibers of not only the City of Chicago now but the future of this state and the future of this country and the future of the...the status of this country throughout the world. We have a serious problem in education, and God help us if we stand here and salute ourselves and say that this is all we can do. It is a ray of hope and a small ray of hope, a beginning, a ministep. And I hope that this commitment lasts so that we can come back and begin to seriously address the real problems of education.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I'll be very brief. We spend fifty percent of the taxpayers' money in Illinois to help the Chicago school districts. This bill is a step in the right direction, and I want to congratulate Senators Etheredge, Senators Maitland, Senator Schaffer and Senator Kustra who worked together with the Democrat Senators who were mentioned earlier to work and get some kind of a meaningful compromise. Just remember one thing, parents, you are going to be in a position to keep an eye on your various school boards and take an interest in them so

that your children can read and write and spell and count, because, for sure, that has not been done up till now. This is important, we're spending fifty percent of their budget, we're putting it in, my tax money, everybody else's tax money, let's hope the parents will take it upon themselves to take an interest and be at their meetings, be there and see what they're doing, if they're not doing it right, let us know. I think it's a step in the right direction, and I call for the previous question.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have a couple of questions, if I might pose to the sponsor, Senator Berman, if I might.

PRESIDENT:

Senator Berman, if you please.

SENATOR DEMUZIO:

Senator Berman, is there anything in this bill that would affect any non-Chicago school employees' rights granted under the education...under the Illinois Education Labor Relations Act?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

No. The language in this bill only applies to employees of the Chicago public schools. The rights of non-Chicago school employees are not affected.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

So there is nothing in this legislation to alter any right such as the appointment and the retention of employees for non-Chicago school employees?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's correct.

PRESIDENT:

Further discussion? Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I'm on. Thank you, Mr. President. Mr. President, I'd first like to begin by congratulating my colleagues who put in countless hours trying to put together something that would be passable in this Legislature, and I think that they deserve a round of applause for that but let's withhold it for the moment. This bill does not, as most speakers who have appeared before me said, it does not address educational delivery. It is about institutional control. And that's all right, but there need be no misunderstanding of what this animal is; however, it is a first step and only a first step, a needed first step. Step two needs to follow immediately. That step is full and adequate funding. Full funding is absolutely essential; only money can reduce class sizes, improve the quality of education service delivery and provide the support services needed to deliver an excellent education product to our children. But I have an additional interest in this bill and it's a personal one. I lost a friend recently, his name was Al Raby, some of you in this room might have known Al. Those of us who knew and were touched by Al know that he lived education and all his too short life he exemplified what we see as the educational premiere. Al, as an illiterate adult, tackled the major problem in his adult life and emerged from an education process beginning at the elementary level, proceeding through higher education to become an excellent public school teacher and an excellent educator. Al worked

tirelessly to improve Chicago's education system. We've lost an...one of the greatest voices this system has seen. To Al and to an outstanding Chicago businessman named Richard Dennis who made it possible for Al and for others to devote countless hours to the cause of educating Chicago's youth that leadership, in the tradition of good citizenship, exhibited by sharing the resources of his organization so that Al Raby and his colleagues could provide us with the insights, the experience and the drive to fulfill public service commitments. To Al and his colleagues this bill is a memorial. It's a tribute and an inspiration to all Chicago. Having made these remarks in tribute, let me further add that my office will be involved in step two as it has been involved in step one. It will convene a series of meetings in order to build on this superstructure and on the interest it has aroused in my city's children and their future. It is for this reason...or these reasons that I urge an Aye vote on this bill in the full realization and recognition of its shortcomings. It is my further recommendation that we come back here in January prepared to complete the job, the job we began here today. I urge an Aye vote on Senate Bill 1840 and a dedication to supporting legislation in January that will complete its purpose. Thank you, Mr. President.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you...thank you, Mr. President. I have been down here for twenty years, there has been no bill that I have seen in that period of time that has been involved in more meetings, hundreds of hours with dozens of groups of parents and concerned citizens. It has received more public hearing time, public discussion, public scrutiny and detailed analysis more than any other bill I have seen. I appreciate the

bipartisan comments of support because, as many of you know, for the twelve years that I have chaired the Senate Committee on Elementary and Secondary Education, I've taken great pride that almost without exception educational legislation passed this house with bipartisan support. And I'm very pleased and honored that it appears that that tradition will continue with this bill because education, regardless of where the children are, is not...is not a partisan subject. But I do want to recognize for special thanks a couple of individuals. This bill would not be here today ready for passage, I presume, were it not for the undaunted commitment of the President of this Senate. There were many roadblocks, many frustrations, but his orders and guidance were exactly what are on those buttons that the people in the Gallery are wearing. Senator Rock said, "We shall not go home without it." And I want to publicly express not my appreciation only but the appreciation of everybody in the State of Illinois for his commitment to this cause to restructure the Chicago Board of Education. I want to thank the downstaters on both sides of the aisle. To the ones on the other side of the aisle, I want to thank you, I hope, for your vote today. To the downstaters on my side of the aisle, I want to thank you for your strong support; you didn't have to, there's nothing in this bill for you on a selfish basis, but you recognize, as do I, that what's in this bill is for a stronger State of Illinois, and I thank you for your loyalty and your commitment to all of the children of Illinois. To the Chicagoans, our job is just beginning. Some of us have had strong support from our communities all the way along, I've been one of those that have had...enjoyed that. But I want to give special recognition to my colleagues in the Black Caucus because I've been very proud of the Senators in that Black Caucus, especially in the past few weeks. You know, as we know, that this bill is important for all the children of Chicago and

for particularly the children from poor homes, whether they be black or white, and you've stood unwavering in support of what this bill does for children from economically deprived homes, and you've had some tough times back home from people that don't understand or appreciate that. And I want to acknowledge our appreciation for you steadfast support for this bill. And to the public represented in the Galleries, thank you. All this bill does, as you have heard time and time again, this bill opens the door of opportunity for parents, principals, teachers, the community, but I know that the people of Chicago will follow their motto in following through on this bill for the education of our children because they say, I will. I solicit your Aye vote.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1840. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1840, and the bill having received the required constitutional majority is declared passed. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege. We want to get the funding for the CHIPS bill, that is...counted in the amendments to House Bill 3241, the funding for the jail so we...can keep them staffed so we don't have the prisoners running lose. And I would like to ask you if will call House Bill 3241...that's been on page...3 of the regular Calendar.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Before you get to that, if I could ask for a point of personal privilege, and I...

PRESIDENT:

State your point, sir.

SENATOR BERMAN:

Thank you. I have said to you that...in my closing remarks that that last bill, 1840, and its predecessor have unprecedented work put into it. And I'm going to do something right now that is, I think, unprecedented, I apologize to my colleagues, but I want to publicly acknowledge the unprecedented work that has been done by the staffperson to...to our Senate Education Committee. Marsha Thompson, come on over here.

PRESIDENT:

Senator Geo-Karis, you will receive an...we have not finished yet, we have...we have...there are a number of members who have resolutions they wish to have considered, we're...we're still going about our business here. Still on Supplemental Calendar No. 1, there's a motion in writing to override the total veto on 3286. Senator Joyce. Madam Secretary, read the motion, please.

SECRETARY:

I move that House Bill 3286 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This bill would allow a territory to...disconnect from forest preserve districts. We talked about this a little earlier and there seemed to be some confusion about it. But this bill arose when there were...a referendum a couple of years ago where...where two taxing bodies, one...one a forest preserve district and the

other a park district, in the same territory for the sole purpose of...of the state granting to a taxing body a parcel of property that was deeded to the Department of Conservation and...they wanted to give it back to the community. And they did that, and that was to the...to the park district, and now we have a...a...two taxing bodies there and...and these folks would like to be able to disconnect from the forest preserve. I'd be happy to answer any questions. It...it's just eliminating one taxing body.

PRESIDENT:

There any discussion? Any discussion? If not, the question is, shall...the question is, shall House Bill 3286 pass, the veto of the Governor to the contrary notwithstanding. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 Nays, none voting Present and the motion fails. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1446 offered by Senator Newhouse. It's a death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 1447 offered by Senator Demuzio. It is substantive.

PRESIDENT:

Executive. Madam Secretary, have any objections been filed to the Resolutions Consent Calendar?

SECRETARY:

There have been no objections filed.

PRESIDENT:

All right. If not, Senator Demuzio moves the adoption of

the Senate Resolutions Consent Calendar, a copy of which has been distributed to all members. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolutions are adopted. There are but two motions remaining. If you'll turn to page 8 on the Calendar, Senators Welch and Schaffer have a motion filed 11-30-88. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Mr. President, I move that the Senate stand adjourned pursuant to the...

PRESIDENT:

That...

SENATOR CARROLL:

...adjournment resolution.

PRESIDENT:

...that motion is in order. All in favor of the motion to adjourn indicate by saying Aye. All opposed. The Ayes have it. The Senate stands adjourned until January 9th. Merry Christmas, everybody.

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