

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

13th Legislative Day

February 8, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by the Reverend Craig M. <sic> (H.) Jenkins, Betheden Baptist Church, Chicago, Illinois. Reverend Jenkins.

THE REVEREND CRAIG H. JENKINS:

(Prayer by the Reverend Craig H. Jenkins)

PRESIDENT PHILIP:

...please all rise for the Pledge of Allegiance, by Senator Sieben.

SENATOR SIEBEN:

(The Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Tuesday, February 7th, in the year 1995, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Senator Jones, for what purpose do you rise?

SENATOR JONES:

Thank you, Mr. President. The Reverend Craig Jenkins from Morgan Park is the Pastor of Betheden Baptist Church. It is the oldest African-American church in the Morgan Park community, where I grew up. Many of the parishioners are here. They are going into its one-hundredth-and-fourth year as a church in that respected community, and I'd like for the parishioners, Mr. President, to rise and give a great Senate welcome for them.

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PRESIDENT PHILIP:

Will the parishioners please rise and be recognized by the Senate. The Illinois Information Service and WCIA have asked permission to videotape today's proceedings. Is leave granted? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bills 72 and 168 Do Pass.

Senator -- Senator Cronin, Chairman of the Committee on Education, reports Senate Amendments 3 and 4 to Senate Bill 19 Be Adopted; Amendments 8 and 9 to Senate Bill 22 Be Adopted; Senate Bills 164 and 165 Do Pass; and Senate Bill 141 Do Pass, as Amended.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Joint Resolution 11 Be Adopted.

And Senator Hasara, Vice Chair of the Committee on Local Government and Elections, reports Senate Bills 112, 124, 180, 205, 206 and 222 Do Pass; and Senate Bills 109, 127 and 158 Do Pass, as Amended.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 18, Constitutional Amendment, offered by Senator Lauzen.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 331, offered by Senator Hasara.

(Secretary reads title of bill)

Senate Bill 332, by Senator Molaro.

(Secretary reads title of bill)

Senate Bill 333, by Senator Molaro.

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(Secretary reads title of bill)

Senate Bill 334, by Senators Shadid, Garcia and others.

(Secretary reads title of bill)

Senate Bill 335, offered by Senator Karpziel.

(Secretary reads title of bill)

Senator Sieben offers Senate Bill 336.

(Secretary reads title of bill)

Senate Bill 337, by Senator Sieben.

(Secretary reads title of bill)

Senate Bill 338 is offered by Senator del Valle.

(Secretary reads title of bill)

Senate Bill 339, by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, thank you very much. I have an inquiry. Is -- is the Rules Committee going to be scheduled to meet today?

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

No, the Rules will not meet today.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

I notice there are a number of amendments that are -- currently are reposing in the Senate Rules Committee on Senate bills that are on 3rd Reading that apparently you attend -- intend to go to today. Is it your intention, then, to go to those bills that are on the Order of 3rd Reading with amendments pending in the Rules Committee and -- and have those bills heard this -- have

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those bills heard on the Floor here on the Order of 3rd Reading, without those amendments being -- being heard?

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

It is up to the sponsor to bring the bill back. It's my understanding they will not be brought back from 3rd to 2nd.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Did I hear you correctly that the sponsors of those bills that have amendments that are pending will not, in fact, be bringing those bills back to the Order of 3rd <sic> Reading today?

PRESIDENT PHILIP:

That is what Senator Weaver has stated, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

May I inquire then as to the reason why we are speeding up the process to the extent that we are being denied the opportunity to have our amendments heard by committee on bills that are currently pending here? I mean, we're not under any particular deadline as of now. There are a lot of substantive issues that -- that are in the Rules Committee that need to be heard by a committee before those bills are heard on the Order of 3rd Reading.

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Well, certainly, the sponsor controls his bill. I would suggest if you have some legislation you'd like to introduce, the deadline -- we have not reached the deadline, so introduce the bills.

PRESIDENT PHILIP:

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Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess you're telling me that amendments are out of the question now; we should just have our own bills, instead of offering amendments to -- to bills that -- that other Members have. I -- I think it's a ridiculous process and we'll hear more -- more about it, I guess, as we go through the Order of 3rd Reading today.

PRESIDENT PHILIP:

Senator Demuzio, I think we've always allowed the sponsor to accept or not accept the amendments. And if you've got an idea, introduce a bill. Senator Jones. Senator Jones.

SENATOR JONES:

Yeah. Thank -- thank you, Mr. President. To make it more precise - and you and I have had conversation and we're talking about fairness and opening of the process - now I know there are several amendments that have been filed to bills that are currently on 2nd and 3rd Reading, and there are four amendments filed on bills that are on 3rd Reading. Now if the Rules Committee -- if the Rules Committee has not met and do not intend to meet today and these bills are currently on 3rd Reading, my Members would like to know right now what's going to happen to those bills, because the amendments have been filed; the amendments are in the Rules Committee; the bills are on 3rd Reading. May I suggest, Mr. President, that the...

PRESIDENT PHILIP:

Senator Weaver.

SENATOR JONES:

...that we have a policy that the -- if the amendment has been filed, is in Rules Committee, that that bill should not be acted on today.

PRESIDENT PHILIP:

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Senator Weaver.

SENATOR WEAVER:

As I said, Senator Jones, it's up to the sponsor. It's up to you, your Membership, if they wish to amend a bill, to see the sponsor, ask him to bring it back to 2nd. We'll see what happens today. If you have amendments filed and you can convince the sponsor to bring it back, then it'll be brought back. Rules will meet if they so desire, to -- to act on that amendment, either to pass it out of Rules or to send it back to committee. But the sponsor still controls the bill.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Well, we -- we recognize that the sponsor controls the bill, but what we are talking about is a spirit of cooperation on this Senate Floor. Now we -- we addressed this issue last Session. Now, we -- all of a sudden we want to move these bills rather rapidly. I don't know what the rush is, Mr. President, but as we get further on into this Session, you're going to look, for cooperation, as I warned you last week. But if you want to ramrod these bills through, in spite of the fact that amendments have already been filed and the Rules Committee is not going to meet, I would suggest to you, Mr. President, that you, as the -- the spokesman for the Body and as spokesman particularly for your side of the aisle, make a strong recommendation that these bills do not move until such time as -- as those amendments are addressed in the proper committee.

PRESIDENT PHILIP:

WAND and WICS ask permission to film today. Is leave granted? Leave is granted. On page 5 of today's Calendar, in the Order of House Bills 3rd Reading, on this Order is House Bill 201. Senator Butler. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

House Bill 201.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, House Bill 201 repeals what is known as the Structural Work Act, and as we know, that Act was first enacted in 1907. Then, four years later, in 1911, the Workmen's -- the Workers' Compensation Act was enacted, and this was thought to be a more comprehensive, was thought to be a no-fault insurance program to assure that all - and I underline "all" - injured workers were compensated for their injuries. Most other states have repealed their Structural Work Acts or never had them in the first place. Today, only New York and Illinois have Structural Work Acts. Not one of our neighboring states, not one midwestern state has a Structural Work Act. Now the intent back in 1911 was for workers' compensation to be the exclusive remedy for injured workers. It was exclusive remedy until 1955 when the Illinois Supreme Court ruled that workers' compensation need not be the exclusive remedy in the case of third party lawsuits. With that ruling, attorneys began mining what I call the "golden veins" of the Structural Work Act litigation, and as a result, we now have a system that costs Illinois contractors more than a hundred and thirty-nine million dollars per year. Now, that hundred and thirty-nine million that is not spent on equipment, it is not invested in worker training, it is not returned to investors, and in fact, it is not even spent on improving worker safety. Now, there is opposition to this action, of course. The opponents claim -- are -- are fond of stating, as a matter of fact, that Illinois and New York are tied

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for third in workplace safety, and that, they say, proves Structural Work improves workers' safety. But, Ladies and Gentlemen, let's get the facts straight. The study that is usually cited was from the National Safe Workplace Institute. It ranked California, which incidentally is a non-Structural Work Act state, and New Jersey, which also is not another Structural Work Act state, as numbers one and two. So California and New Jersey were number one and two. The other states in the top ten were Massachusetts, Texas, Maine, Connecticut, Minnesota and Oregon, all of which - all - are non-Structural Work Act states. So there is simply no way to demonstrate any correlation between worker safety and the Structural Work Act. I might cite another study, this one from the National Traumatic Occupational Fatality System, which shows that Illinois ranks somewhere in the middle on worker safety: number twenty-nine for the construction industry and number nineteen for all industries. So there are other -- incentives for employees to create and maintain a safe workplace. Let's keep in mind that workers' compensation premiums are experience-based; that is, rates are determined by the claims filed against you. The employers who might be careless have higher claims which -- and pay higher premiums. We should also point out that OSHA can and does levy stiff fines against employers who fail to maintain a safe workplace. We might point out - and this is important - recent fines levied by OSHA include 1.9 million against General Motors in Oklahoma City and five million dollars against a painting contractor in Pittsburg. Here in Illinois, just last May, OSHA issued citations against a Melrose Park contractor that totaled a hundred and forty-seven thousand dollars. So the Structural Work Act can indeed actually reduce - and I emphasize that - "reduce" worker safety. We heard this bill yesterday, and as testimony yesterday showed, third party contractors often go to great lengths to avoid being found

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to be in charge of the work site. Third party contractors may avoid going on site and may avoid notifying any contractor of potentially hazardous situations, because if they do go on site -- if they do go on site. But I should point out, they do protect themselves from any potential liability. Finally, Ladies and Gentlemen, the argument that employers will make a conscious decision to ignore safety at construction sites if they do not have the hammer of the Structural Work Act over -- hanging over them is a profoundly cynical argument and it ignores the real nature of most employer and employee relationships. Frankly, I have never known nor I ever met any employer who was not deeply troubled and genuinely disturbed by any injury on the job site. But I do know a great many employers who, years after an accident has occurred, still carries with him or her the mental picture of an employee injured or killed in an accident. So I find -- I find it hard to comprehend that any employer would deliberately maintain an unsafe -- workplace. So, Ladies and Gentlemen, I urge passage of House Bill 201.

PRESIDENT PHILIP:

Just wanted to announce to the Membership, because this is going to be a hotly debated issue, that we're going to use the timer today and limit the debate to three minutes per Senator. So with no further ado, Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I won't take three minutes. Senator Butler, it's my understand that -- Senator Butler? It's my understanding that this bill has an immediate effective date. So my question to you is, presuming it has an effective date upon signing - immediate effective date: If a worker is injured and does not file a cause of action prior to the Governor signing this bill, does that injured worker still have a right -- a cause of action against the employer, or the persons in charge?

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PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

The answer is yes. As -- as you know, we added two amendments -- or two preambles just to cover that situation.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

So, Senator Butler, it's prospective only, as to the injury?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Yes.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Last question: Senator Butler, is this tied in any fashion to a reduction in premiums to companies who have bought this insurance to protect themselves in the Structural Work Act field?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

No, not specifically in the bill, but as we all know, the insurance market is very competitive, and we can expect that rates will come down as experience improves.

PRESIDENT PHILIP:

Senator Hall.

SENATOR HALL:

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

PRESIDENT PHILIP:

The sponsor indicates he'll yield.

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SENATOR HALL:

Senator Butler, do you know why this bill went into being down through the years? Are you aware of why it was?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

I'm sorry, Senator Hall. I don't follow the question.

PRESIDENT PHILIP:

Senator Hall.

SENATOR HALL:

I'll read you one line: The Act was intended to impose a mandatory duty on employers to provide a safe working environment for a construction location. Do you mean to say you want to do without that? You want to take that away?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Two points can be made. First of all, OSHA has now assumed that responsibility, and secondly, I have to repeat what I said before, Senator: I would doubt there is an employer who is so callous, and if he is callous, not ignorant of the costs of maintaining an unsafe work site.

PRESIDENT PHILIP:

Senator Hall.

SENATOR HALL:

Well, I hope everyone on this side opposes this. Thank you.

PRESIDENT PHILIP:

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. And to the bill: Illinois is home to the birth of the labor movement that gave workers throughout this country and in many countries all over the world the

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eight-hour day. It was the birthplace of efforts to ensure that children would not be exploited in work sites, and as a result today we have child labor laws governing working people and companies all over this country. It is a tragic day, in my opinion, Mr. President, that an important Act like the one that this Legislature is on the verge of repealing today has to come down simply along partisan lines. What this means basically is that we are willing to jeopardize the safety of workers in this great State simply because Members have signed on to a political agenda that signals this law as a target in order to create better business climate in the State of Illinois. I would like to point out, Mr. President and Members of this Chamber, that Illinois right now is enjoying one of the most prosperous times in history. Unemployment is at an all-time low in the State and new jobs are being created. In 1994 alone, over ninety thousand jobs were created, according to the Illinois Department of Employment Security. It is a very sad day, Mr. President, that this law should be struck down if this effort succeeds. It is a shame that we have, since 1907, been able to strike a balance between worker safety and prosperity - economic prosperity - to the State of Illinois, and it is shameful, Mr. President, that we will end this important period in Illinois history by striking down one of the most important guarantees of worker safety and protection. I urge my colleagues to vote against it. Thank you.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Since I only have three minutes, I won't ask my esteemed colleague any questions on this bill, and I also know that he knows exactly what he's doing. But I must say that I truly do not understand why we would put workers' lives in danger and believe that we're going to help industry, 'cause it's

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not going to happen. If I was an insurance company insuring the construction industry and I found out that now, because of this, it's going to be more dangerous on the workplace, now, because of this, more workers' lives are going to be put in danger, I would not lower the premium; I would raise how much you have to pay to get insurance, and that's exactly what's going to happen here. And who's going to pay that? The manufacturers are going to pay that; the construction companies are going to pay that. This is going to be a reverse action. The insurance companies are not going to lower the insurance; they're going to raise it. Why? Because now it's going to be more dangerous on the workplace. As a Senator that has a lot of construction going on in my -- my district, let me tell you something - let me tell you something: It is a dadgum shame that in this day, in this Senate, we are willing to risk the lives of every man and woman that's working in the construction industry. It is a shame that we would do this in Illinois. I believe that this is a dangerous act. It's very dangerous to get rid of this Act. This was put in in 1907 when mines were crashing down on the heads of our workers, when we had to go down there and dig people's bodies up out of the coal mines in this State. It is wrong. It is dangerous. If this Act saves one life, it's worth it. And when you repeal this Act, the lives, the deaths of the workers that are in these jobs right now is going to be on your head, Senator Butler; it's going to be on the head of every Senator that votes to put their lives in danger. This is a dangerous move today, my -- my friends. We should not put workers' lives in danger, especially because it's not going to cause a saving; it's going to cause insurance to go up. If you were selling insurance, you know you would raise the insurance rates if you know that more hazardous situations are going to exist, and that's exactly what's going to happen if you vote for this today. I urge you - I urge you - in all your consciousness,

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in all of your love for humanity, that you vote No on this most dangerous piece of legislation. Thank you, Mr. President.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Thank you for letting me follow that. I'd like to ask Senator Butler a question.

PRESIDENT PHILIP:

Senator Butler indicates he'll respond. Senator Welch.

SENATOR WELCH:

Senator Butler, one of the premises behind repealing this is it's going to save a lot of money to the manufacturers and employers of the State of Illinois. Could you give me an estimate of how much money will be saved in insurance premiums by this repeal of the Structural Work Act?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Senator, I cannot. As we know, and you know, insurance of this type is based on experience. It's experience-rated. What that experience will be, no one knows. It's just common sense -- common sense tells us that there will be a cost reduction without this Structural Work Act hanging over the heads of both -- of the employers.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Well, Senator Butler, insurance companies operate on estimates. They estimate how long you're going to live; they estimate who's going to get in a car accident. I just find it hard to believe they haven't given an estimate on how much money is going to be saved the employers of Illinois. What you're

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telling me is that you're saying to the employers, "Hey, we're going to repeal this; trust the insurance companies to lower your rates. Trust that rates will come down by passing the repeal of the Structural Work Act." I think somewhere there are some figures, Senator Butler, and I -- I think that we should have them. Are you -- are you sure, in looking through your file, you don't have some estimate of even a couple of dollars that will be saved? Certainly they're not estimating premiums will go up.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Well, Senator, I think you are -- you have available the same numbers we have, and that is a Wyatt Study a few years ago showed that the cost to employers was a hundred and thirty-nine million dollars for this one Act. So, just to extrapolate that into the -- into the last four or five years with inflation, et cetera, and I think you'll come up with a good, solid number. But the point here is that, you know, common sense tells you that this Act -- the coverage on this Act must cost money, and without it, the -- the -- that cost will go down.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Well, I think we've narrowed this down then. If the Structural Work Act is repealed and these employees will then solely be covered by the Workers' Compensation Act, there will be no need for any Scaffolding Act insurance whatsoever. The cost of Scaffolding Act insurance was one hundred and thirty-nine million dollars. Without any need to insure against Scaffolding Act injuries, the savings to employers must be at least one hundred and thirty-nine million dollars, adjusted for inflation, for each year since that study was made. Would you say that would be

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correct, Senator Butler?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Senator, The Wyatt Company in -- is a reputable company. I assume their numbers are right. I'm not going to stand here and swear that their numbers are correct. It's -- I think it's safe to assume there will be a reduction in cost.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. To the bill: I think there is a misconception in this bill. As a former Member of the Commerce and Industry Committee, I recall that we raised this issue and considered it in last Session. First of all, I think we need to understand that no injured worker can recover twice for the same injury, and I think that is something that we keep putting out here as one of the reasons. I am concerned that we certainly have two themes with which I agree - responsibility and accountability - in -- in the legislation that I think we are trying to put forward from time to time. I don't find that to be the case with respect to this bill. The test of applicability when it comes to whether a worker is justified in even taking advantage of the Structural Work Act is being ignored here. There are five tests, and I think that this bill completely skirts that issue. First of all, the person being sued must be in charge of the workplace, with the authority to prevent the accidents. Secondly, the injured party must show that the person in charge knew of the hazard. Thirdly, there must be evidence of a connection between the injury and the hazardous situation. Fourthly, there must be an unsafe condition that exists. And fifthly, there must be a hazard construction activity involved. Now it seems to me with those

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five tests imposed by the court, there is nothing wrong with having a Structural Work Act in place. And at a time when Illinois is trying to grow its economy, I think it's a dangerous precedent to say, by repealing this law, to workers that their lives and safety are not valued by their employers.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. First, for the record, on this bill and other bills that will be coming on with -- that address civil litigation adjustments, or, quote, "tort reform", unquote, I want the record to reflect that my law practice addresses and -- and services clients in this area, and I want that to be of record, and I will vote my conscience as I see fit. After that, Ladies and Gentlemen, let me point out that what we are doing here -- and I think that Senator Welch touched on a point that has never, to my knowledge, been raised, and that is a hundred and thirty-nine million dollars of savings to business in this community. I also read -- in this State. I also read about some efforts to cut back on benefits in workers' compensation. Now if we put both of those things together, what we're going to find is that business gets a windfall of a hundred and thirty-nine million dollars. They may get a windfall by cutting back on workers' compensation benefits. And you want to know something, Ladies and Gentlemen? The people that are employed in these industries, which are dangerous industries, these employees, these workers, these people that work on so-called scaffolding projects, are up in the air and when they slip, they don't fall a foot or two feet; they fall stories and hundreds of feet, and they have terribly serious injuries. They are not adequately compensated under workers' compensation, as it presently exists, and if my friends on the other side of the aisle have their way, they'll probably be less

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adequately compensated. We are taking money from people that have been severely injured as a result of someone else's negligence and we are penalizing those people. I would suggest to you that that's not the way our society should work. And I suggest to you that when we're talking about these kinds of serious injuries caused by someone else's negligence, that these people should be given every benefit of the doubt, they should be given great support, they should be given the kind of compensation and awards for their serious lifetime injuries that result from this. This is exactly a step in the wrong direction. It is mean. It is giving compensation and windfalls to the wrong side of these issues. And what's going to happen is that you're going to have more families on public aid, you're going to have more families broken up because of the less available compensation for these life-endangering, permanent types of injuries. This is meanness. This is meanness. And I urge you not to support this kind of meanness. Thank you, Mr. President.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise obviously in opposition and maybe 'cause of a little different vantage point. My firm does not represent anybody in these kind of cases. But have any of you, -- have any of you ever been up on a structural structure? Have any of you ever been in a cage up high on a building where people are hanging there, doing work, washing windows - things of that nature? I grew up in the labor union. My late father was head of the Window Washers' Union. I saw these types of people and the accidents that happened to them. Why are we taking away an obvious safety net? For a few dollars of premiums? If Illinois enjoys being one of the third-safest states in the nation because we have required,

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through this type of strict liability, safety for people who are doing a job that none of you, or I, would ever do, where are we wrong in saying it is important to be safe? You say that OSHA will handle the problem. Well, with eight hundred and fifty OSHA inspectors, the average time it would take to actually go out and inspect the four million sites around this State year-to-year is a hundred and thirteen years to get to any one site. Now I don't even care if CDB is doing the construction, it would not take a hundred and thirteen years to complete any of the buildings. So what you're really doing is saying to those who have to work at this perilous type job in order to earn a living, "That's okay. We're going to take away your ability to have a safe job site because, by having this type of Act, we have made those jobs safer." Shame on you. I hope that some day you meet one of those people who were so injured and can say to them with a straight face you thought you did the right thing. I do believe, Senator Butler, we will not see those type of savings. I don't think the insurance companies will give back the hundred and seventy million dollars, or whatever the number is, to the industries of Illinois. But if that's what it takes to be safe workplaces, so be it. That's what we've had all these years, and we've enjoyed a construction boom in Illinois - not a drought - because we have had safe workplaces and people who understand what it is like to have to live those type of lives. I think this is the wrong type of legislation and would urge its defeat.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. But I wanted to ask a question of Senator Butler. Who asked you to introduce this legislation, if you -- can you tell us that?

PRESIDENT PHILIP:

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Senator Butler.

SENATOR BUTLER:

I think it was a general consensus among Members on -- on this side of the aisle that we should address some of the more pressing problems that create problems for -- create a negative business climate in this State. And so I -- there's nothing insidious about it. I'm sure you're speaking on behalf of the labor unions. I'm speaking, perhaps, on behalf of the -- of the business community, and -- and I think we differ in that -- in that respect.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

I -- I didn't -- I -- you told me about the consensus, but you didn't tell me where you got the legislation from. That's -- did you think of this bill yourself, or was it -- or was it handed to you by the -- some business group?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Senator, it -- it doesn't take a legislative genius to write a one-line Act. I thought it was the right thing to do, and that's why we're here today.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

To the -- to the bill, Mr. President: Certainly, in Illinois here, we have a -- sort of a booming economy in term of building big buildings and so forth, and some of the other speakers have spoken to that. And, -- but now you want to take away -- make that workplace unsafe for many of those workers that build those buildings. I'm not certain that we could build the Sears Tower

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here today after removing or repealing this Structural Work Act. I'm not certain that we could build the James R. Thompson Center now that we have taken away -- or are attempting to take away the Structural Work Act. I think this is bad public policy, and as far as speaking for the union, I am not speaking for the unions. I represent a lot of those people who work in the industry, who works in the construction site, who go out and risk their lives, where people in the construction industry could make millions of dollars, but not at their -- and not at the risk of losing their life and no compensation for the family once they fall off the building and become maimed and broken up.

PRESIDENT PHILIP:

Senator Shaw, would you please come to a close. Your three minutes are up.

SENATOR SHAW:

But -- thank you, Mr. President. But I think you all have the votes on that side of the aisle. You all can do what you want. You can change the course of history, and certainly this is a bad course that you are taking. But the people last November didn't vote for you to turn the clock back; they voted for you to come down here and do the right thing by the citizens of this State. And I ask for you to vote No on this bill.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

...Mr. -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a couple of questions?

PRESIDENT PHILIP:

The sponsor indicates he'll yield.

SENATOR DILLARD:

Senator Butler, just to clarify a question that was asked earlier of you by Senator Tom Dunn: If a worker was injured

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before the effective date of this bill - of your bill - could he still pursue an action under the Structural Work Act?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Yes.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

And if a worker is injured on or after the effective date of this Act, could he pursue an action under the Structural Work Act?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

The answer is no.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen. To the bill: Like Senator Berman, I am one of the few Members of this Chamber that actually probably cut his teeth as a lawyer handling Structural Work Act matters, and from time to time, I still have Structural Work Act matters and maybe, perhaps, have a conflict on this particular bill. But I will do what I think all of us do in this Chamber, and that's vote for what I believe is the best interests of the State of Illinois. What I want to do is really clarify, once and for all, what we're doing here, what we're doing in the repeal of the Structural Work Act. First of all, the Structural Work Act does not allow an employee to sue their employer. That's something that I think everybody needs to understand. An employee cannot sue their employer under the Structural Work Act. Workers' compensation has always been, at

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least in my lifetime, the exclusive remedy for injured workers in actions against their employers, and employees, again, do not sue their employers under this particular Act. Structural Work, as interpreted by the judicial system in the courts, allows an injured worker to sue a third party - somebody else - not the employer, who is partially liable for their injury. Now, here's the kicker: Without the Structural Work Act, an injured worker still can sue those other third parties under negligence. They will file an action in the circuit court and collect, barring contributory negligence, absolutely everything they would collect as an injured worker under the Structural Work Act. So, what's the difference? What's the big deal here? The Structural Work Act does not take into account the comparative negligence of the plaintiff. In other torts - in other torts - the plaintiff's own negligence can reduce or eliminate an award, depending on the degree of their negligence. For example, if the plaintiff is twenty-five percent negligent, the award is reduced by twenty-five percent. I think that's simple logic. Plaintiffs who are more than fifty percent at fault in other torts in Illinois can't collect. But under the Structural Work Act, a plaintiff who is ninety-nine percent at fault can collect one hundred percent of an award, even if the poor defendant is found to be only one percent or minimally at fault. A person can get on a structure...

PRESIDENT PHILIP:

Senator Dillard, would you please bring it to a close.

SENATOR DILLARD:

They can get on a structure, they can be drunk or on drugs, and fully collect. So I believe that's not what most people in the State of Illinois believe is justice. In other words, there is no comparative fault in the Structural Work Act, but a legitimately injured worker who has a claim against a third party, under negligence, will still collect fully. And I think it is

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time that this Act be repealed.

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill has been presented as an economic issue by my colleagues on the other side of the aisle, and yet, if we look at a press release issued by the Illinois Department of Employment Security, Illinois payroll jobs reached an all-time high in 1994. We've all known -- or know that there has been an improvement in the economy -- economy nationally. But the press release also indicates that the construction and trade sectors were the lead performers in 1994, with construction job increases at a number of four thousand, more than doubling those of 1993. So I don't understand what the argument is, what the economic argument is. The fact is that if we repeal this Act, work-site safety will suffer and the number of injuries will increase. That will lead to an increase in claims, and insurance rates that are based on claims experience are going to go up. So we're not going forward; we're going backwards here. And, yes, this is an important issue for labor, but this isn't about organized labor; this is about workers, and this is about the safety of those workers. These -- this is about individuals who are going to suffer permanent injury, whose families are going to be affected. But I want to say to my friends in organized labor that, folks, this is the first shot. There's more to come. There's workers' compensation. There's union busting at Sangamon State University and other anti-worker measures that are going to come before this Body and be approved with the votes of the other side of the aisle. And, folks, we better deal with this, and the word better go out throughout the State of Illinois that the Illinois General Assembly is going to be doing everything it can to undo the laws that were put into place to protect workers. And

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that is wrong.

PRESIDENT PHILIP:

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Just two quick comments. First, to the -- the question about the five tests that are involved in the Structural Work Act, we wish that were the case, but it's not. Obviously, it has been for some time that everybody on the job site, whether they are in charge or not, are always named in the suits. They may be found innocent later on, but after they have spent thousands and thousands of dollars in defending those cases. We have letter after letter of companies that have been brought into those frivolous suits that have been affected. We have companies in Rockford. Liebovich Brothers had to shut their doors down because of being named in -- in suit after suit. But second of all, from a safety standpoint, we need to understand that if we're looking strictly from a financial standpoint, workmen's compensation rates are affected by those losses. If a company is going to throw safety out because they don't have Structural Work Act, they're going to have larger claims. Larger claims substantially drive up workmen's compensation rates, which will make that contractor uncompetitive in the business climate. They are going to continue to have safe measures because they want to keep their workmen's comp and their liability rates down. So, safety is not based strictly on the Structural Work Act. Safety will continue. This Act will make companies more competitive, which will spur business and spur growth and create more jobs throughout Illinois now and into the future. And I strongly support Senator Butler's bill. Thank you.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

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Thank you, Mr. President, Ladies and Gentlemen. First of all, you know, I don't know -- I don't know what the words "common sense" mean anymore. I always thought common sense was a -- was kind of an absolute. You either had it or you didn't have it. I -- it -- it would make -- it makes common sense to me that some of the things over there on the other side of the aisle actually do make common sense; that insurance premiums should go down if, in fact, this passes. It also seems to make common sense that if this passes, there will be contractors out there who are going to think that we in the Illinois Senate have decided to relax safety rules. Even though that's common sense, I'm hoping it doesn't happen. I wish there was a way we could put maybe a sunset clause on this to say that if premiums don't go down and accidents do go up, that two years from now or a year from now we'll bring this back. But I know that's not going to happen. I would just hope that we think about further things coming down the line in this Senate. I always thought that when I came to this Body that all the political stuff where we have to stay absolute Democrats and absolute Republicans would happen in the House; that when we came to the Senate, we were a little above that; that if things meant something and things are of conscience, we didn't just have to go straight along party lines. It looks like we're going to have to do it on this one. But as -- as the Senate goes on, I hope it doesn't. One last thing, legally, I must point out. Senator Dillard, you're right on. Even as a Democrat, I have to agree with you. What he said about comparative negligence is correct. But I'd also like to point out that there is no double recovery; that if -- if you're going to get an award under the Workmen's Compensation Act, that you can go back -- I mean, there's not going to be double recovery, so I also wanted to point that out. Thank you.

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Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me see if I got this straight. I get injured. I apply for workmen's comp. I get my workmen's comp. A subcontractor may be liable. I sue the subcontractor under the Structural Work Act. I win my Structural Work Act suit. I pay back workmen's comp. We're talking about a hundred-and-thirty-nine-million-dollar saving to business. How much of that hundred and thirty-nine million went back to workmen's comp, and how much and what effect will this have on workmen's comp? Because now all of the claims will be covered by workmen's comp, where before only part of them were covered by workmen's comp. So where is the true savings? And can you guarantee not only this Body, but the businesses of Illinois who are doing so well, of no increase in workmen's comp claims because of more claims falling under that level rather than being under the Structural Work Act? I think all we're doing here is shifting the burden from workmen's comp -- excuse me, from Structural Work Act to workmen's comp. And I think that that's -- do you have any figures on that or any idea of what's going to happen with the workmen's comp rates because they don't have the availability of the Structural Work Act, Senator?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Senator, I do not. That -- that issue, as you know, will be debated in depth, and whether or not there is a tie-in with this, I am not prepared to even think about it at the moment.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR BUTLER:

But again -- my word -- if I may use my word, "common sense",

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let's apply it in these -- and let's apply a little logic, too.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Let me just add in closing then, Senator: I think earlier you made a statement that an argument can be made that the Structural Work Act, in fact, may reduce safety. It just seems ironic to me that the only two states that are ahead of the two states that have the Structural Work Act in safety are Florida and New Jersey, and most of the other states you mentioned, I'm really not too sure about how much industry and how much they do in that state on a heavy industrial side. So I think being three and four out of the top four is pretty damn good.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I am utterly amazed at the manner in which conclusions are arrived here. First of all, the repeal of this Act does not take away anything from an injured worker. Senator Dillard pointed it out real well. But to turn around and classify this as an act of meanness, let me tell you where the real meanness is. My district borders Indiana. If you're to go from my district on Route 30 into Indiana, and you would go from another way to Thornton-Lansing Road into Indiana, you would think - and for those of you who may have ever driven to Las Vegas - that you went from the desert right into the City of Las Vegas. On the Glenwood-Lansing Road -- Thornton-Lansing Road, there is -- where it starts in Illinois till it hits the end of the line, a shut-down restaurant, a bowling alley that's barely awake, a farm implement person who is down to selling lawn mowers, a shut-down school. You hit the line in Indiana, and there's nothing but new buildings - industrial buildings - on both sides of the streets

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for miles. If you go down Route 30 and you're going to Indiana, you see a shut-down go-go place, shut down a restaurant that was said to have had some other kind of enterprise going on within it, and then you start in Indiana and you can't barely get your car down Route 30. Now, you know, maybe they don't like their State Senator in Illinois; they like their one in Indiana better. Okay? But I got to tell you, there's reasons for that happening. And if you want to talk about the meanness, I'll point it out to you. Four miles -- four miles up the road on Route 30 there is the poorest town in the Midwest: Ford Heights. There are unemployed people, there are boarded-up buildings, there are people living on public housing. I guess that's not meanness. That's really good. The reason that they're there is they can't find work. And the reason that nobody is building there is because of things like the Structural Work Act. I think you ought to go out and review again the definition of meanness. And by the way, if this is an act of meanness, then we've got forty-eight states in the country that have been mean for a long time. I suggest we support this bill.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I had some mixed emotions about this bill until I looked into it a little further, and I heartily concur with Senator Dillard's assessment of it. There's nothing to prevent a plaintiff from suing any other person if they think he's liable, but it doesn't cost the employer that amount. The -- the employer's liability is for a plaintiff who gets hurt on a job, to take care of him under workmen's comp. We've got it. It cannot be denied. And the fact that the existence of the Structural Work Act deters a lot of good building companies and other companies from coming into Illinois and giving us more jobs I think is something to consider. And I

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think the common sense is that we do repeal this bill and make other companies come -- come into this State and help us out, 'cause we do need more jobs in Illinois. We may be doing alright today, but we don't know where we'll be tomorrow. And the fact that the worker who is injured can still sue someone else - just like Senator Dillard said - for any other act is still there. So I don't know why we're fighting about it.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. And maybe I should declare a conflict, Mr. President, because I've been sued under the Structural Work Act. So, probably not many of you have had that wonderful experience, but I have. And I'm glad to hear that the economy is so well in this State. Maybe some of you folks who talk positive about the economy ought to come down into my area and find out what unemployment and poverty and -- and problems can be. I work closely in my district with my communities trying to attract industry and jobs to the people that I represent, and time and time again the biggest problem that we have in dealing with those industries who would -- we would like to attract to our area is the cost of doing business and the cost of doing business in competition with Missouri, Indiana, Iowa, Wisconsin - it doesn't matter. Every single state surrounding us has a lesser cost of doing business. And I go into labor halls, and I go in and talk to those guys, and I get a lot of phone calls from them, and a lot of them are my friends. And they -- they tell me, "Frank, how can you be so anti-labor?" Well, I'm not anti-labor; I'm pro-job. I'm trying to create work for the very guys who are opposed to this type of concept and others that will follow. We're trying to create jobs and work for the very people that we represent. The Structural Work Act is one of those issues that creates the

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noncompetitive edge that Illinois has in dealing with trying to attract jobs. So the proper vote on this issue, if you want to do something for economic development in this State, is Yes. Thank you.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Butler, I listened to Senator Dillard's explanation of how the Structural Work Act works and the fact that you can sue a third party but that there's no comparable negligence taken into account. And I was just curious why, then, you're repealing the entire Act, which has a number of other provisions other than just giving the right of someone to sue. Why not just add comparable negligence to the Structural Work Act right now and you'd accomplish your goal?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

With permission of the Chair, I'll ask Senator Dillard to answer that.

PRESIDENT PHILIP:

Leave is granted. Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, we did consider that on this side of the aisle, but I think most of us agree that the six-volume Statutes of the State of Illinois are a little big and thick and cumbersome, and if, in fact, under simple negligence we can take care of a legitimately injured worker, assuming there's negligence

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on the part of a third party, we believe that we should just take this off of the books.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Senator Dillard, since you're the spokesman, maybe I can follow up -- follow-up a question. The -- I have what I believe is the Structural Work Act right here; it's about four pages. And it has a number of standards - safety standards. It gives the Department of Labor the opportunity to go in and inspect sites. It even says that if there's a willful violation, that it's a Class A misdemeanor; that a State's attorney can bring action. Now, maybe there's some arguments you might have about some of these standards, but, I mean, it seems to me that wiping these whole standards -- safety standards off the books is unnecessary. You could keep them on the books. You can say if someone's injured, they can sue in tort, like you pointed out, but that there will be comparable negligence. Is it the intention to -- of the sponsors to wipe out all of these other standards, which are also included in the law right now?

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

As you know, Senator Cullerton, OSHA has a litany of standards, and at any given trial in negligence, there will be, from a variety of sources from the plaintiff's side, a number of things that have to be taken into account. And I don't think we have to spell them all out in the Statutes of the State of Illinois.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

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Thank you, Mr. President. I guess the -- the legal persons on the Floor are the legislators who have debated the legal issue. But this is the first of the assault on the working people of Illinois, and I'm really surprised and shocked at some of the comments coming from the other side of the aisle. I heard the Governor's State of the State Address, and in that Address he indicated that the economy in Illinois is doing so great, it's at a twenty-year high; it is doing so great that we will have a billion dollars for the next fiscal year over the current fiscal year. Then in another breath, he said we've got to do something for the business because we are not doing great. And what about that hundred and thirty-six million dollars that you talk about that you're going to save? You're not going to increase the wages of the poor working people. You're not going to lower the insurance rates. And I'm really shocked when you talk about Indiana vis-a-vis Illinois. Indiana doesn't have a great economy; it doesn't have all that growth. I don't see Motorola going to Indiana. But this is the assault that you are placing on the people of the State of Illinois, as -- and perhaps, in some cases, I know why. I know why because sometime my good friends in labor, they make money, they start doing good, and they made a mistake in November. They made a big mistake. I saw them at the Inauguration, sitting down there over at the Convention Center. Some of them made a mistake, because I know the rank-and-file persons did not expect this to happen to them. So you are going to rape the workers of Illinois. You're going to take away all the benefits and rights that they have fought for over the years, all the safety standards in the workplace. The corporations didn't come up with it. It was through the unions abyss and the workers to fight for these various safety programs. So again, you're going to do it; you're going to stab them in the back not only with this piece of legislation, but with other proposed

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legislation that you plan to follow behind this. But not one dime from this savings is -- is going back to the working people. You probably even oppose the minimum wage. You oppose that, as -- as your colleagues in Congress oppose that. Because if you were sincerely trying to help the working people, then you would not try to turn back the clock on something that they fought for, something that was put in there for their benefit. But again, in -- in the interest of big business - in the interest of big business - you're going to stab them in the back, and that's what I call raping the working people of the State of Illinois. And you're not with them.

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Several issues have been discussed here involving the repeal of the Scaffold Act. One of them is insurance rates. I would venture to say that there's nobody here that could guarantee that insurance rates are going to go down. It was asked several times here on the Floor and it's been asked also in committee, and there has been nobody that's been able to say or guarantee that insurance rates will, in fact, go down. I don't see any crisis situation here. I don't see where repealing this Act is going to improve the business climate of the State of Illinois. In fact, if anything, the fact that this is in place would encourage people to want to be in the State of Illinois - work safety, solid construction, those kinds of issues and those kinds of items that go hand in hand with a -- a viable economy, and a viable place to work and to live. I wish that everybody here would be in committee and hear the testimony of some of the individuals that have been hurt and some of those individuals that had to go to the Structural Work Act to recoup those losses that they suffered

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through pain and injury and loss of wages. There was testimony given by a young man yesterday that talked about how he got hurt on the job and how he had cautioned his employer and his foreman of the unsafe condition of the scaffold that he was on. This man cannot work the rest of his life. This man is going to end up in a wheelchair because he pointed out that this was an unsafe condition but was forced - forced - to go on the scaffold and work because they were behind two weeks. One of the other Senators mentioned that this -- the repeal of this Act would encourage business and competition. Well, shame on us that we -- we encourage competition so that those people that are in charge of jobs would force people to go on unsafe scaffold in unsafe conditions because they're competing with a -- with a fellow contractor and have to compete to finish a job on time. Shame on us to take that kind of attitude with the -- the lives and the safety of individuals that -- that live and work in our State. It's a sad day in Illinois today if this Structural Work Act is repealed. It's a sad day, because safety is the issue. And I would suggest, Mr. President, that we take another look at this, that we reconsider what we're doing here, for those that think they should repeal this Act, and give this a resounding No vote. Thank you.

PRESIDENT PHILIP:

Senator Hendon, for the second time.

SENATOR HENDON:

Thank you, Mr. President, and I appreciate being able to stand a second time. A couple of things dawned on me as people kept talking about common sense. Well -- as far as insurance rates going down. If you were insuring the auto industry and all of a sudden the government comes up, "Well, we don't need brakes anymore, and we don't need safety belts anymore", do you think their rates are going to go down? Heck, no, they're going to go

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up. And that's what you're doing today. You're saying we don't need brakes anymore. You're saying we don't need safety belts anymore. That's what you're saying. We don't need bumpers on the cars anymore. Why don't we just -- just get rid of everything and be like Taiwan or Mainland China where you've got a thousand people working in one little, small building. That'll help business, won't it? Don't give a darn about the people that are involved. And I want to point out one thing to you: Corporations may have given you the money, but the people voted for you. So you should think about the people instead of just the money that you're getting from the corporations. Thank you, Mr. President.

PRESIDENT PHILIP:

Any further discussion? If not, Senator Butler, to close.

SENATOR BUTLER:

Thank you very much, Ladies and Gentlemen. I appreciate all the comments that took place here today. This is, indeed, an important piece of legislation, and I'm sure all of us has thought deeply about our -- our vote. I'd like to point out just a couple of things. One of the speakers on the other side mentioned something to the effect that this would be voted along partisan lines, and I'd like to differ with that person. I think it may be voted upon because of our profound difference in our philosophy -- our philosophy towards government and our philosophy towards ordinary people and, most importantly, our philosophy towards business people. What we have heard today, that the business people are some kind of ogres who would deliberately injure their workers, and I don't think that the insurance reduction is the principal concern here. Safety is the principal concern. But philosophically -- unlike a lot of what I've heard today, philosophically, I believe -- I have faith -- I have faith in the fundamental goodness of people. I find it very hard to believe that a businessman with his life invested in a business would

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deliberately - deliberately - create any kind of a condition that would injure a worker, or if you just want to be crass about it, that would hit him in the pocketbook. You know, we shouldn't automatically think bad things about businesspeople. And I would suggest we all know businesspeople, and I'd suggest to all of you who are arguing about their fundamental badness, look them in the eye and say, "I don't trust you. You're going to do -- you're going to do the worst possible thing to your workers." Ladies and Gentlemen, the issue is indeed safety, but the issue is a sense of fairness, and we should repeal this Act. And matter of fact, the General Assembly should have done it eighty years ago, as forty-five or forty-six other states did at that time. The Act is unfair. It hurts our economy, and it -- and it -- at best, it's of dubious value to protecting a worker's safety. The people who are going to be hurt by this are the lawyers, not the workers, and I would urge an Aye vote.

PRESIDENT PHILIP:

The question is, shall House Bill 201 pass. Those in favor will signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 33 Ayes, 25 Nays. House Bill 201, having received the required constitutional majority, is declared passed. Senator Dillard.

SENATOR DILLARD:

Mr. President, having voted on the prevailing side on House Bill 201, I'd like to move that we reconsider that vote.

PRESIDENT PHILIP:

Senator Hasara.

SENATOR HASARA:

I move Senator Dillard's motion lay on the table, Mr. President.

PRESIDENT PHILIP:

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Yes. Senator Dillard moves. Senator Hasara seconds. Having -- Senator Dillard moves, seconded by Senator Hasara, moves that House -- the motion be tabled. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion is tabled. On page 2 on today's Calendar, on the Order of Senate Bills 2nd Reading - I would hope that everybody would move their bills - Senate Bill 54. Senator Woodyard. Senator Woodyard? Move the bill -- read the bill.

SECRETARY HARRY:

Senate Bill 54.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 58. Senator Molaro. Read the bill.

SECRETARY HARRY:

Senate Bill 58.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDENT PHILIP:

Senator Molaro. Oh, excuse me. Have there been any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 79. Senator Fitzgerald. Senator Fitzgerald. Senate Bill 59 -- 79, excuse me. Read the bill.

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SECRETARY HARRY:

Senate Bill 79.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Amendment No. 1, offered by Senator Fitzgerald.

PRESIDENT PHILIP:

Senator Fitzgerald, to explain the amendment.

SENATOR FITZGERALD:

Yes. Amendment No. 1 just provides an immediate effective -- effective date, and it's merely technical in nature.

PRESIDENT PHILIP:

Any discussion? If not, Senator Fitzgerald moves the adoption of Amendment No. 1 to Senate Bill 79. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senator Karpziel. Senate Bill 84. Senator Karpziel, 84. Take it out of the record. Senator Fawell. Senate Bill 86. Read the bill.

SECRETARY HARRY:

Senate Bill 86.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

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3rd Reading. Senate Bill 100. Senator Dudycz. Take it out of the record. Senate Bill 104. Senator Madigan. Read the bill.

SECRETARY HARRY:

Senate Bill 104.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

3rd Reading. Oh, have -- excuse me. Have there been any Floor amendments?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment is identical to Senate Bill 94, which was considered in committee but held in committee, and this was approved by the Rules Committee. It just says that the salary used for calculating a annuity for the judicial pension system will be based on the salary of the -- on the last day of employment or the highest salary received in a position held for at least four consecutive years. Be happy to answer any questions and ask for its adoption.

PRESIDENT PHILIP:

Any discussion? Senator Cullerton moves the adoption of Amendment No. 1 to Senate Bill 104. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

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3rd Reading. Senate Bill 133. Senator Peterson. Take it out of the record. Senate Bill -- take it out of the record. Now, on the bottom of page 2, Senate Bills 3rd Reading, Senate Bill 1. Senator Dudycz. Read the bill.

SECRETARY HARRY:

Senate Bill 1.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. On November 8th of last year, the voters of Cook County, in an advisory referendum, told the General Assembly that they want tax caps. Eighty-three percent -- over eighty-three percent of those who voiced an opinion on tax caps clearly stated that they support legislation restricting local governments' abilities to raise property taxes by requiring a referendum for any property tax increases...

PRESIDENT PHILIP:

Excuse me, Senator Dudycz. Senator Jones, for what purpose do you rise? Okay. Senator Hall, for what purpose do you rise?

SENATOR HALL:

Thank you, Mr. President. We would like to have a Democrat Caucus.

PRESIDENT PHILIP:

That is -- motion is always in order. How much time do you think you'll need?

SENATOR HALL:

I had to look at the Leader to find out on that one.

PRESIDENT PHILIP:

All right. I'm -- you know -- there he's hiding. How about -- I see he's got one finger up. We'll reconvene the Senate at

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1 o'clock. And I'll now recognize -- Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I, too, would request a Republican Caucus in your office immediately.

PRESIDENT PHILIP:

All right. Let's keep it short and sweet. We'll be back at 1 o'clock.

(SENATE STANDS IN RECESS)

END OF TAPE

TAPE 2

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. The bottom of page 2 on today's Calendar is Senate Bill No. 1. Senator Dudycz. Read -- read -- I think we read the bill once didn't we? We'll do it again. Read it again.

SECRETARY HARRY:

Senate Bill 1.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDY CZ:

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Thank you, Mr. President. Once again, I begin on Senate Bill 1. On November 8th, 1994, voters of Cook County, in an advisory referendum, told the General Assembly that they want tax caps. Over eighty-three percent of those who voted, and those who voiced an opinion on tax caps, clearly stated that they support legislation restricting local governments' abilities to raise property taxes by requiring a referendum for any property tax increases over the previous year's rate plus five percent, or the Consumer Price Index cost of inflation, whichever is less. Senate Bill 1 is our response to that mandate to the people of the State of Illinois. Senate Bill 1 does the following: First of all, it extends caps to non-home rule units in Cook County and taxing districts in the collar counties that were not already capped. Number two, it keeps prior year EAV in Cook County in calculating the accountable amount of the -- the extension. It limits the 1995 extension - that's the 1994 levy which is payable this year in 1995 - to one hundred and five percent of the previous levy of 1993. And beginning with the 1995 levy year, which is payable next year, it limits the growth to our property owners the lower of five percent or the -- or the rate of inflation. It exempts debt service for bonds issued prior to the effective date of the bill, and it clarifies that upon dissolution of a TIF district, all of the increment is to be calculated as new property. And unlike the House version that passed the House earlier, the effective date of the -- of Senate Bill No. 1 is on the date that the Act takes effect and that's the day that the Governor signs the bill. I'll be happy to answer any questions.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

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

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PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Jacobs.

SENATOR JACOBS:

Senator, and correct me if I'm wrong, I think you said eighty-four percent of the people in the area voted for tax caps. If that be the case, then why are you excluding the majority of them with this bill? By excluding home rule, you are excluding the majority of the people that the property tax caps is -- are -- are going to hit. For those of you who are not familiar with how property taxes work, for most of the non-home rule units, they have limits on their rates, and most municipalities are already at those limits, so they don't have the advantage that you are still allowing home rule units to now have. The home rule units are going to be able to, a, increase their assessed valuation, and, b, to increase their tax rate. Non-home rule unity -- units can only live off of the assessment increase. So I guess my question is: Why did you exclude home rule units, which excludes the majority of the people?

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Jacobs, for several reasons. First of all, personally, I'd like to see home rule units included. But when we were fighting for tax caps for the past several years, we said that we wanted to make them identical to the -- the caps that covered the five collar counties, and they have excluded home rule units. I -- in Cook County, Senator, the City of Chicago -- the government of the City of Chicago and the Cook County government both have imposed upon themselves voluntarily a five-percent tax cap, and up until this point, they have been careful to keep within those guidelines -- upon themselves. Plus, I'd like to read to you a couple of sentences from the Legislative Research

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Unit regarding the -- the property tax extension in Cook County, how it would affect the home rule units. The -- the Legislative Research Unit's report says, "The Cook County property tax caps is applicable to government units which make up 72.4 percent of the total property tax extension in the county. School districts alone account for 54.7 percent of the total property tax extensions." So even though I and you would like to see home rule units included for those of us who are residents of Chicago and are concerned about the Chicago City government and the county government, they have imposed this tax cap upon themselves, and most of the units of governments that will be affected by this are those school districts which eat up most of the tax base.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, Senator, and I don't disagree with what you're saying because that's true in every taxing body in the State of Illinois, schools take up the -- the greatest portion. But also, in this particular instance, I'm sure that in that same area that you have some cities that are not home rule units. So you are including those municipalities in this bill, but you are excluding the big cities, and I just have a -- that's one thing I have a problem with. I just have a problem with the rich getting richer and the poor getting poorer whenever it comes to municipalities, because we always exempt home rule units which have more powers than non-home rule units do, and that's part of my problem with this bill. So I just wanted to -- to bring that to the attention of the Membership. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

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

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during the committee hearings on this bill, a number of school districts and school district organizations came in and raised some legitimate concerns, not to defeat the tax cap proposal, because they recognize the strong, broad-base support for this, but to, shall I say, massage this a little bit to address some very serious concerns, such as the issue of life safety - how do school districts address the -- the needs of their children for adequate facilities and safe facilities; increased enrollments in Cook County where you have pretty much an established property tax base, but older people are moving out of homes and younger people are moving into homes with children. So you have an increased enrollment, but you don't have necessarily an increased assessed valuation because of new construction. The triennial assessment - out on the south Cook County in particular, as this bill is now, they're going to really be hurt dramatically because their south Cook County assessment will not be able to take -- be taken advantage of by the way this bill is presently structured. And fourthly, they pointed out that with the prior year EAV that we've imposed on Cook County, all the schools in -- and taxing bodies in Cook subject to the tax cap are getting hit doubly. I have a question for the sponsor. Senator Dudycz, why weren't these amendments, some of which I offered in committee and others have offered, adopted to this bill? I guess that would be my first question. Why -- why did we not address these relatively minor adjustments to the tax cap? Why were they not adopted to this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, as you know, there were five additional amendments that were offered in committee that were attempted to, as you say, massage the -- the bill. And Senate Bill 1 is one of

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the fast-track items that we are committed in both Bodies, the Senate and the House, to get to the Governor's desk as soon as possible. A tax cap was very important. And even though I agree with you, many legitimate concerns were brought up by -- by many units of local government, including some by the Metropolitan Water Reclamation District and some school districts. And because of this -- the situation of the triennial reassessment that we have in Cook County, we have to, and we -- we must, and we shall, deal with them in following legislation during -- later on during the Session. But some -- some who define massage -- you know, I -- massaging something does not -- I do not have any problem with massaging legislation, Senator. What I have a problem, is diluting the effectiveness of the caps. If you want to -- to -- to offer legislation that will chip away at the five-percent cap or the CPI, I will resist it, and -- as I did on your amendments and the others that were offered. Because I think that, first of all, we wouldn't get them passed early enough in this Session to -- to get to the Governor's desk, and second of all, because they would chip away at the effectiveness of tax caps, and I will be resisting them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you. I'm -- I'm a little confused and apprehensive regarding your comments. If we -- and I just want to limit myself to these four issues: life safety, increased enrollment, triennial assessment, and prior year EAV. If those items are offered in a trailer bill, are you opposing those -- any or all of those?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

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As amendments to Senate Bill 1, I am opposing them. As far as following legislation, Senator, you have until March 3rd or 4th to offer your -- your bills. And I'm sure that Chairman Peterson, from the Revenue Committee, and his committee will be giving a full hearing to each and every bill that is brought before the committee, and then when it comes to the Floor, we will address them one at a time. But at this point, yes, I -- I'm not interested at this point of adding or removing anything from the content of Senate Bill 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Berman your time has expired. Would you bring your remarks to a close, please, sir.

SENATOR BERMAN:

I guess just as a -- as a follow-up: I'm not offering -- my amendments to Senate Bill 1 were defeated. I'm -- what I'm -- are you open-minded on these four items regarding their inclusion in a trailer bill? Yes or no?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDY CZ:

Senator, I'm open-minded to all efforts and all pieces of legislation that will be coming before the -- the Senate, and we will deal with them one at a time as we approach them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR GEO-KARIS:

I believe there was a referendum on this subject in Cook County, and if -- if there was, can you tell me about what

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percentage of the vote this passed?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

Yes. Thank you, Senator Geo-Karis. Over eighty-three percent of the people who voted in last November's election gave an absolute clear mandate to those of us in the General Assembly that they want, they need, they deserve, and they desperately need tax caps for their property owners.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of this Senate, we have tax caps in Lake County, Illinois. They have been working and they've been working quite well. And the people have spoken in that referendum with such an over-amount of voting that I don't know why we're wasting any time. I think we should support this bill and get it out, and I speak in favor of it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Dudycz, I had one of the amendments that was presented before the Revenue Committee and I was encouraged to introduce it as a bill. And as you are also someone who represents a part of Chicago as I am, I just want to get assurances on the Floor that I can get your support when this bill comes before the Revenue Committee. This is to -- the one allowing the Chicago Board of Education to recapture its fifty cents per one-hundred-dollar tax

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rate authority that had been transferred to the School Finance Authority in 1982, and should be, by the year 2009, returned to the Board of Education, and that the tax cap will not affect the Board's ability to recapture.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Palmer, at -- you know, I am not prepared to -- to comment on what -- what legislation I will or will not support other than the -- the contents of Senate Bill, right now, which we are debating. We -- we did defeat these five amendments that were offered in committee, and if you wish or any other Member wishes to offer them as separate bills, I'm sure that, like I said, there will -- I'm sure they will be going to the Revenue Committee, they'll have a hearing, and then after they leave the Revenue Committee when it comes to the Senate Floor, I will be prepared at that time to debate, or to discuss, or to support, or to oppose each and every one of them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

Thank you again, Mr. President. To the bill: I just want to put a little flesh and blood on some of the remarks that Senator Berman mentioned with respect to his amendments. Here are some of the consequences if this bill is not amended: First of all, like it or not, school districts are largely dependent on property taxes for funding revenues, and this bill, as seductive as it may be, does not provide any reliable replacement or alternative revenue sources. Secondly, one of the points that was made very strongly at the hearings - and Senator Dudycz was kind enough to stay there for all of them, so he heard this as well - the cost of educating children with special needs is rising at three times the

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rate it costs to educate children without special needs. And thirdly, particularly in Cook County, when we talk about school enrollment increasing - and this was one of the amendments that Senator Berman tried to introduce - in the collar counties, the experience is that when new children come into a district it means new housing, therefore the tax base grows; in the south suburban area, when new children come in, they are moving into housing that is already there, so you have enrollment figures growing at the rate of some twenty thousand without any new tax rate. I suggest to you, Members of this Body, that this is boomerang politics; that while crowds may stand up and cheer because the boomerang takes off in a straight and swift moving direction, that it is inevitable at some point that it will take a one-hundred-and-eighty-degree turn, and with equal force, return and grab us by the neck and force us into doing things that we would rather not do. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Let me ask the sponsor a quick question, if I may. Senator Dudycz, can you tell me why any downstater would want to vote to tax -- to cap taxes in Chicago?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCH:

Yes. It's good government, Senator. It's response to the -- the eighty-three percent of those of us people in Cook County who are -- who are asking the General Assembly to respond to their needs and to answer appropriately.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

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Well, thank you, Mr. President. You know, I've been around here long enough to be acquainted with the war of geographics between Chicago, suburban and downstate for a number of years. And we have always clashed on the basis of school aid. Now, you don't have a bill in -- a provision in your bill that tax caps -- tax -- taxes for downstate. I will bet you that in the second semester after we come back after our February break, there will be a bill similar to Senator Karpziel's bill that says that the suburbs and those areas that have been capped can use that growth revenue to access State aid, and that's going to come right out of the hide of downstate schools. And I dare anyone to indicate to me that that's not the case. Even if we, in downstate, capped our own taxes, we would still not have enough cap to access the growth that you are going to be able to access in this bill. I rise in opposition to this bill, because I -- believe that when it's over -- over and said and done, Chicago and suburbanites will team up to stick it to the downstaters and they'll do it in March of this year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator Dudycz, I -- I know that -- that you recognize -- because I've had conversation with you -- that there are some aspects of this bill, which Senator Berman has articulated those four areas, that cause some problems for your school districts as suburban districts, as it does my suburban districts and probably some of the rest of the Senators in here also, and that you are concerned about that. But I -- but you've mentioned trailer bill

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and this bill is on the fast track along with the welfare reform and other things. But the question is: If, in fact, this bill has an immediate effective date and the Governor signs it, if the trailer bill -- let's assume that we -- we address those four areas - and how, then, if the Governor signs this bill, if it's so important it's got to get to his desk, it becomes effective upon becoming law, then why then should we bother with the trailer bill if it will have no impact on that? Will the trailer bill some kind of way repeal some Sections in here automatically and it becomes effective immediately upon his signing law? Or how will this work?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you -- thank you, Mr. President. Senator, it depends what -- what you mean by trailer bills. I mean, every Member in this Body will be able to offer their amendments -- or their bills which will be dealing with the portion of tax caps which are either negatively affecting their local school district, or things that they wish to - using Senator Berman's words - to -- to massage the effects of tax caps. And I'm willing to look at -- at all of them and willing to work with you, Senator, as long as they do not dilute or reduce the effects of what tax caps were meant to do and what your -- your constituents and mine, by a -- a vote of eighty-three percent to -- to whatever else was left, gave us that mandate to impose the five percent or the CPI.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, it is not a matter here of opposing the tax cap or going against the wishes of your -- our constituency. But our constituents most -- constituencies most certainly do not wish us

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to pass legislation that is going to cause a lot of problems, a lot of harm, and most certainly, harm to children in this State, and -- and that's what this bill does. And so I'm trying to get it into my mind why -- why are the bills on this so-called fast track so sacred that they cannot be amended? But yet you say that you are in favor of some of the amendments that we've discussed here. Well, at least you recognize that those amendments -- I mean, that -- that this bill has a negative impact on your school district. So my -- my concern is, with all the fast-track...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins, your time has expired. Would you please finish, quickly.

SENATOR COLLINS:

...with all the fast-track legislation, you know, are we here to -- to do a service to the people of this State and the best job that we can? Or are we doing this thing on the fast track to just to say we did what we said we were going to do, in the number of days and time that we said we're going to do it? I think that's irresponsible and we should vote this bill down.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz, a quick answer, please.

SENATOR DUDYCZ:

Just -- just to respond briefly. Senator Collins, I do not believe that I stated that I was in favor of any of those initiatives that were offered as amendments. What I -- and if I did, I'm sorry. It -- either I misstated or you misunderstood what I said. What I said, Senator, or what I meant to say, was that at this point I am not willing to entertain amendments such as those that were offered in committee, because I believe they will either slow down the -- the -- the -- the effective date of...

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion?

SENATOR DUDYCZ:

...slow down the effective date of the -- of the tax caps or dilute their effectiveness. And -- and also, you know, the Department of Revenue representative behind me says that tax caps will not -- they will not affect the school aid formula.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President. I'm happy that my light is working. I want to ask this. I'm reading this -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hall.

SENATOR HALL:

All right. Senator Dudycz, it says here, "Amends the Property Tax Code making the Property Tax Extension Limitation Laws <sic> (Law) applicable to non-home rule taxing districts in certain counties." What -- what does that mean -- affect in downstate?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Counties over three million, Senator. This affects only Cook County, no other county in the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hall.

SENATOR HALL:

Let him repeat that. I didn't understand what he said.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Counties over three million population. In other words, it only affects the people of Cook County. One county in the State

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of Illinois and nobody else.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hall.

SENATOR HALL:

Well, you can understand the way I'm reading this, it says that this is making the Property Tax Extension Limitation applicable to non-home rule taxing districts in certain counties. So it's only that -- those with three million. Is -- is that in the body of the bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

That's correct, Senator. I didn't write the -- the text of what was on the Calendar, so I'm not responsible for what they're saying. But this only affects Cook County.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Dudycz, part of my district represent the far south suburbs. I represent a suburb area, and many of those school districts are very poor districts. Now -- but they're going to be reassessed, you know, they -- on the third triad. But, however, if -- if this tax cap takes place now, then they would be placed at a disadvantage. So how are we going to deal with that issue?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator, what -- part of the contents of the bill limits the

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1995 extension. This is where we vary from the collar counties. It limits the 1995 extension, which is the '94 levy, which is due this year, rather than a CPI which -- which is 2.7 percent. It limits it to -- to five percent so that your area and others in the south -- triad would be able to capture more than they would other -- other than if it was pure CPI.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well, that's not accurately, because they have not been reassessed as such. But if you -- if you have the cap there, then they will be limited as such. The City of Chicago and the northern suburbs were able to take -- under your proposed bill, was able to take advantage of the growth, and that five percent is on top of that. So the school districts in the far south suburbs and part of the suburbs that I represent will be hurt by this piece of legislation. And I recognize -- and the comments were made by a question from Senator Geo-Karis to you, as relate to how many people voted on this issue. Well, I recognize that eighty-three percent of the people voted, but they didn't vote for us to make irresponsible decisions. They didn't vote for us to make -- make decisions that's going to be harmful. They -- they voted for us to deal with the tax cap, but deal with it in a responsible manner. Now, I understand you stated that -- it's on the fast track to get to the Governor's desk, but the proposed agenda that was put out by the Senate President said he wanted to adjourn on May 26th. So I don't know why you have to get this piece of legislation, which is flawed by your own admission, but -- but -- but you want to get it on a fast track wrong or right. I can't see the Governor being that irresponsible himself. I can't see any legislators in the south suburbs or the western suburbs voting for this, because they will be penalizing their own

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school districts, and when they penalize their own school districts, then when they in turn be reassessed, they'll be cheating the children. So again, I don't know why you left out the City of Chicago. I don't know why you left out the County of Cook if you really, genuinely wanted tax caps. I would have supported it if it was correct, but this is a flawed piece of legislation. But for some obvious reason - fast track - I don't know what that means, but you should derail it. You should derail it and send a correct piece of legislation to the Governor, because what you're going to be sending him is not in the best interest of the people of my district and a lot of other districts on the far south end of the City of Chicago.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. While I support the concept of -- of caps and this certainly empowers the taxpayers much more, just for the record, I'm -- I'm not happy that those downstate communities, which are suffering from property tax growth that far exceed Cook County, were left out of this legislation. And I just wanted to make sure that was on the record. And I'm -- I'm sure, Senator Demuzio, there will be some downstate cap legislation coming and I look forward to your support of that bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. If I may, a few questions of the sponsor, and I assume he's indicated he will yield. I want to first touch on the issue of -- of the bonds cap. It is my understanding that any new issue after the effective date is precluded without a referendum. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Dudycz.

SENATOR DUDYCZ:

That's correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Thank you. Let me give you two instances and see if I am correct. One, a school district today has a life safety bond outstanding. It went and borrowed a couple million dollars - is paying a couple hundred thousand a year - pays off that issue in the next couple years in the next couple months, but had intended next year to issue additional life safety bonds to clean up the rest of their buildings in that school district, using the same income stream they've been using all along. If what you've said is correct, they could not issue the new life safety bonds; they would have to go back to referendum in order to do life safety in the rest of the schools, and that money that they had been using for the last few years would no longer be usable for that purpose, and they'd -- they'd either use it for something else, or whatever. They'd have to, in fact, increase taxes to pay for life safety bonds in the future.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Carroll, when those bonds were satisfied, the end result would be that the property taxes for those homeowners would go down, and if they wished to issue additional bonds, they would have to go to referendum to the -- to the voters.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Thank you. Another example: If, for example, interest rates

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were to drop again ever, and they wanted to refinance an existing issue, or group of issues, in order to save taxpayers' money, it's my understanding under this Act they could not do it because the new bond issue would have to first have a referendum, and they'd have to go through the expense and time of a referendum process in order to refinance an existing issue at a lower rate because - refinance is a word we use - technically it's a new bond issue. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

That is -- that is not correct, Senator. The experts behind me or beside me tell me that they could reissue the bonds -- they could refinance those bonds, I mean, at a lower rate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

And -- and I'd like -- I hope you're right. I'd like them to give us, through you, a specific reference, because the way we have read it - and I'm very concerned about this because we do want to save money when we can - that a -- though we call it a refinance, technically these are new bond issues, and therefore would be subject to the limitation of having to go to referendum. We did not find any way that you could do a refinancing and -- and not have to go to a referendum.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator, your time has expired. Was that a question? Senator Dudycz.

SENATOR DUDYCZ:

Senator, on page 4 of the bill, line 28, Section (c), it states, "made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued

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before the effective date of this amendatory Act of 1995". Staff tells me that they could refinance the -- the debt and this -- I hope that answers your question.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Further -- Senator Carroll, your time was expired. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I -- I -- I apologize. I don't think I should be penalized for the time that staff took to advise Senator Dudycz on the clock. Let me just make a last comment then and not make it a question. Senator Dudycz, on Monday, three of the four Senators who represent part of Skokie - Senators Berman, Parker and myself - were there; I recognize something must have kept you from a Skokie Chamber of Commerce breakfast, wherein the issue was raised there, by the Chamber people, that Skokie, in fact, is -- is exhibiting increased enrollment without new construction - they don't have any open land to construct really. But what has happened is empty nesters are moving out, people are moving in with children, and that the legislation as it exists curtails their ability to spend money on educating their kids because of a cap. Unlike the suburban or the DuPage and collar county areas that have increased construction, there's -- this bill says that you cannot count that increased enrollment. And are you willing to do anything to effectuate that situation? Now, we could've done it by amendment to this bill. It wouldn't have slowed it down at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, he can respond later on that question. Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

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Indicates he will yield, Senator Shaw.

SENATOR SHAW:

Could -- could the sponsor tell me, in the south suburb, how this will affect the school districts in the Thornton Township and Bremen and all of those townships out there in the south suburbs, in view that they was assessed in '93?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Shaw, new construction is not affected by the caps, first of all, number one. Number two, this is not taking anything away from them. What this is doing is allowing them to -- to maintain the same tax base that they had the previous year and adds to it five percent or the Consumer Price Index, whichever one is less. So they're not losing anything; they are adding -- they're just -- what -- what we are doing here, Senator, is slowing the rate of growth. We're not taking anything away from those schools.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

The -- well, will the City of Chicago reap and -- and Cook County reap a windfall profit because of the fact that they -- because they are not included in this bill and their assessment was part of this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

This bill does not affect the City of Chicago -- the -- the -- the government of the City of Chicago nor the government of Cook County because they are home rule units of government. But as far as who's -- who is getting a windfall on this, Senator, to -- to

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answer your question, I'd like to refer to the tax cap that is in effect for the collar counties. And the Department of Revenue has given their estimation at -- because money saved in 1991 is also saved in 1992 and '93, that the cumulative effect of these reductions is nearly three hundred million dollars to the taxpayers, the homeowners, the property owners of the collar counties. So, as far as who is going to reap a benefit from tax caps, it will be your property owners and mine.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Would -- would you agree that Chicago is -- and Cook County is already -- was already reassessed, and they themselves, under this bill, will reap benefits from this bill? I know that they are not in the bill. They're excluded from the bill. Would you agree that they would reap benefit?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

City government in Chicago is not in this bill, but all other units of local government which are not home rule units in Chicago, as well as Cook County. That means every government excluding the sixty home rule units that are in Cook County will be affected by this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw. Final question.

SENATOR SHAW:

To the -- to the bill: Certainly in the -- those Senators who represent the south suburb, your school districts will lose money under this bill. They will lose money. And time and time again, we have floated referendums in those school districts and they have never been successful out there. Certainly, I recognize that

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the people want tax caps. I'm for tax caps. But I think in this bill you're leaving a large portion out when you talk about Cook County and Chicago. Cook County - that affects all of the taxpayers of -- of the county, and you're excluding one group on one hand and including another group on the other hand, which is the county. You didn't put a tax cap on Cook County. I think that's wrong. I think it's unfair. I think if you're going to do this, you should do it across the board where that the people of Cook County and all of the people of Cook County would have -- would be treated fairly. And under this bill, you're not doing that, and you are further bankrupting the school districts of south Cook County, and other places -- western suburbs, also. So there is nothing in this bill to send the shortfall to those school districts that they're going to lose. We didn't even get into the parks and the library boards, because they might not be impacted as great as the school district. But certainly if you was going to do this, you should take this bill out of the record and put an amendment in there where the State can send some money there to...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw, bring your remarks to a close, please.

SENATOR SHADID:

...to -- to make up the difference that's going to be lost as a result of this bill, and I think it's a disservice to people of this State and particularly my area when you do this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

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SENATOR HENDON:

I -- I really -- I want to ask you, Walter, because you keep saying your constituents and I know a lot of your constituents are in Chicago, all of them are in Cook County, but don't -- doesn't this bill, in effect, exempt Chicago completely?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator, it does not affect the taxpayers of the City of Chicago completely. What it does is, excludes those units -- those home rule units of government that are in Cook County. And if -- if I -- if I thought -- as a matter of fact, you know, Senator, I would be happy to join you and Senator Shaw -- I'd like -- I'm glad to hear that Senator Shaw went on record as being in support of including home rule units of government in the tax caps. So, Senator, I am prepared to not only support your efforts for including all home rule units in Cook County for your taxpayers and mine, but I am willing to cosponsor a bill with anybody in this Chamber to include home rule units.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Okay, so my question is -- and I want to be clear on the answer, because I'm going to vote for this because I'm on -- on record as supporting tax caps. But are the people of the City of Chicago -- since the City of Chicago is home rule, correct? Cook County is home rule. Are the people of the City of Chicago going to get a tax cap or not? Or are you saying that it's up to the City of Chicago? You know if it's up to the City of Chicago, they're not going to give them the tax cap. So are we giving the people of the City of Chicago a break or aren't we?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Dudycz.

SENATOR DUDYCZ:

Senator Hendon, the -- the government of the City of Chicago, the corporation the City of Chicago is excluded because they are home rule. But other units of government such as the school district, the park district, the sanitary district, the junior colleges, and all other non-home rule units of government in Cook County, as well as Chicago, they will be covered under this caps -- under this caps bill, and as a result, all taxpayers -- all property owners in Cook County will be realizing a benefit from this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

In conclusion, to the bill: I just want -- don't -- do not want the people of the City of Chicago to be sold a bill of goods, thinking that they're going to get tax caps on their property taxes when, in fact, that is not the case. This bill does not go far enough. There is no way in the world that you can sell this to the people of Chicago, and you're not telling it -- the full truth. You're telling a half truth. This is not going to tax <sic> property taxes in the City of Chicago or the County of Cook. The City of Chicago will continue to raise taxes under Mayor Daley. They will continue -- the County of Cook will continue to raise taxes. If we were really going to do this, we should not allow home rule bodies to be exempt, and I am going to hold you to your word, Walter, because I certainly feel like the people of -- of -- of this City, especially people like me who have trouble paying their property taxes, have a right to have property tax caps just like everybody else. I'm going to vote for this weak version of what we should have put forward. But we should put forth a real bill, and at least let's tell the people the truth,

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that while you're putting it in, they left enough people out so that the Mayor can still have his cake and eat it too. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Thank you, Mr. President. Will the Gentleman from Chicago yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Molaro.

SENATOR MOLARO:

Senator Dudycz, a technical question. As you are well aware, in the City of Chicago there are four major pension funds that a tax levy is levied and it becomes part of the City of Chicago's budget; however, it's a separate tax levy. Cook County's the same way. If -- in this unfunded liability monster that's out there, are those exempt under this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCH:

Senator, if they're part of the City, they are exempt. That's correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

The problem is that they're not part of the City of Chicago. Those four major pension funds are created by this Body. They are their own body politic, so to speak, and they not -- they are not a part of the City of Chicago. As a matter of fact, when their tax levy is brought up, they are -- the tax levy's just brought to the city council. It's just brought to the county board to levy it. The county board doesn't vote on it. So it's -- it's technically its own taxing body. However, the tax levy that they

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bring to it becomes part of the City of Chicago's budget. So I just want to -- I don't want to pass something here and find out that we come with a tax levy that we can't tax levy for pension.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator, if they're part of the the City budget, then they are exempt, because the City is the home rule unit of government. So -- so anything that is part of the City budget is exempt by the legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

For the third and last time. If, however, as the lawyers go over it, we find out that it's not part of the City because, again for the third time, these -- these -- these taxing bodies we're talking about - the pensions funds - are not part of the City of Chicago -- if, as we look at this later, will they also be exempted if we do have a problem? If they're part of the City, I heard you. But just in case they're not, will we take care of this problem later?

PRESIDING OFFICER: (SENATOR MAITLAND)

Was that a question, Senator?

SENATOR MOLARO:

I assume it is a question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

For example, in DuPage County, if a pension fund is part of the home rule unit's budget, they are exempt. And that's how -- that's how it will be treated in Cook County -- in Chicago and Cook County.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would urge the Members on the other side to pay heed to what one of your very distinguished leaders said, and that was Senator Demuzio who said, if you're from -- if you're from Cook County or if you're from the collars, you ought to be voting for this bill; but if you're from downstate, you ought not to be. So, Senator Demuzio, thank you very much for that support on this bill and the consideration you're giving us. This bill -- the caps I've always described as an irrational response to an intolerable situation. If you would look at the property tax situation in the State of Illinois, you would find that it took a hundred and sixty-five years to get the property taxes to over six million dollars, and it only took ten years later to double that amount. The reason we have this bill today is because we have reached an intolerable level in terms of the property tax system in those areas that are covered under this bill. Now, I have to tell you that the property tax as it falls across Cook County, yes, Senator Jones, the triennial assessment does bring some problems. But if you would refer to your very capable staff, they would advise you that dissecting the county into different systems of taxation is blatantly unconstitutional. So again, we're faced with a situation and a solution that is not the best. But as Dr. Hutchins said at the University of Chicago, it may not be the best school -- it's not a very good school, but it's the best one there is. This bill is a response. And I got to tell you, if you're just doing a little bit of math - six billion dollars in 1984, almost twelve billion in 1994 in property taxes, and which the very same time the cost of living only grew thirty-nine percent - you know that any tax system wherever it might be, whatever it is, if the taxes rise more rapidly than

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personal income, you eventually hit the wall. This is a response to keep us from hitting the wall. I commend Senator Dudycz for having the courage. I know that we have all received phone calls regarding the fact -- the opposition of this. But I got to tell you, it's the only solution I see right now, and if anybody's got a better one, throw it in the hat. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Philip. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Simply stated, tax caps work. We've had them in the collar county -- the county I come from, DuPage, for the last year and a half to two years. I think I've received two tax bills with the cap on. And -- and let me tell you what we have done: We have - the General Assembly - forced local governments into doing a better job with our money. Now an average tax bill in DuPage County before caps normally went up as low as eight to ten percent, as high as twenty to thirty percent. My first tax bill went up -- the average tax bill in my county went up, under the first cap, of 4.9 percent. The second bill I have received has gone up 4.2 percent. So tax caps do work. It was kind of interesting, before the election I attended a rally at a high school. The Governor was there campaigning. We had a senior citizen program called Yes. I was up on the stage and I sat next to the superintendent of schools, who, of course, had called me and had written letters to me asking me not to support tax caps. He kind of punched me -- nudged me a little bit and he says, "You know, Pate, I want you to know I was wrong, you were right; tax caps work. And I'll tell you how they work: You have forced this school district to look at its revenues much closer - much closer than we ever did." And he said, "Very honestly, we have not had the unions beating us up out here, because they know we don't have the additional revenue.

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Secondly, it has made us cooperate with other taxing bodies in the district - the park district, the library district." And he said, "Very honestly, you were right, I was wrong; tax caps do work. And I want to tell you one thing, you ought to have them in Cook County, because you will love them."

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DUDYCZ:

Thank you, Mr. President. In closing I'd like to briefly agree with one Member on the other side of the aisle, and briefly disagree with another. One thing that Senator Shaw said is that people will lose money. Well, nobody is going to lose money under this bill. No one is going to lose any money. What we -- what we are doing is we are allowing the taxpayers to keep more of their money in their pockets. What we are doing, we are slowing the growth of government. We're -- we're -- we're restricting their ability to take more. We're not taking anything away from them. We're just slowing down their ability to go into our taxpayers' pockets and take more. And, Senator Hendon, I agree with you. I agree wholeheartedly with you on one point. This is a weak version. This is a weak version, and that's why I urge you to join with -- with Senator Shaw and myself, and cosponsor his bill, which will be including all home rule units of government. I eagerly await that, and I -- please put me down as a sponsor. Eighty-three percent of your taxpayers and my taxpayers in Cook County gave us a clear mandate. Not fifty-one percent. Eighty-three percent of the people in Cook County said, "We want tax caps." I don't know if there's any one of us here that got eighty-three percent of the vote for any of our elections, unless we were unopposed. And that may change, Senators - that may change, Senators. People are going to be watching very carefully.

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Those eighty-three percent of our taxpayers are going to be watching very carefully what they see up there. Because I guarantee you the people of Cook County will know how their State Senators voted on tax caps. Respond affirmatively. Give relief to your taxpayers. Let them spend their own money. Vote Yes for tax caps. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 46 Ayes, 12 Nays, no Members voting Present. Senate Bill 1, having received the required constitutional majority, is declared passed. Bottom of page 2, Senate Bill 4. Senator Hawkinson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 4.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 4, as amended, does the following things: It would extend the unlimited Statute of Limitations for the prosecution of concealment of a homicidal death and aggravated arson; would extend the Statute of Limitations on attempted murder from three to seven years; it would add to the offense of compelling membership in an organization or gang. Currently we prohibit the use of force, or the threat of force, to compel someone to join a gang. We also have young people who are caught up in gangs who, when they try to leave gangs, are compelled to stay in them, and this would make

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the use of force, or the threat of the use of force, to compel someone to stay in a gang, also an offense. It exempts from the disciplinary provisions of the Medical Practice Act a physician who participates in an execution as required by Illinois law. It adds gunrunning, which was the offense that we created in the comprehensive crime bill that we passed during the Veto Session. It adds that offense to the jurisdiction of the Statewide Grand Jury. It requires notification of a victim of a monetary settlement of a civil rights action against the Department of Corrections by an inmate. It revises the mandatory restraining order against a juvenile alleged delinquent. It requires that out-of-state sex offenders and sexually dangerous persons who take up residence in Illinois, under an interstate compact agreement, to comply with our Sex Offender Registration Act and DNA Testing Act. Those sex offenders who are convicted in Illinois have to comply with the Act, and the citizens of Illinois ought to deserve the same kind of protection from the registration requirements for sex offenders who are convicted out-of-state who move into the State of Illinois. It expands the Child Sex Offender Registration Act to cover all persons convicted of child pornography, indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, sexual assault, sexual abuse, ritualized abuse of a child, or someone adjudicated as a sexually dangerous person over the last ten years. It closes a loophole in the indecent solicitation of a child offense to cover arranging a sex act with a child through a third party. This was the bill of Senator Klemm's from last year that passed the Senate, but was not called in the House. There are various other clean-up, technical provisions, some having to do with the comprehensive crime package that the Senate passed and the Mayor's package that was passed in the fall. I'd be happy to

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answer any questions. Otherwise, I would urge your affirmative support for Senate Bill 4, as amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I know that this is probably just the first of many crime bills that we will see. I'm delighted that the Chairman has said that he is going to take and look seriously at truth in sentencing. If we are going to be serious about addressing crime in our society, we must get serious about putting the most violent criminals in our society behind bars. Last year, not only did the Governor and the Department of Corrections reject that idea, but this year we've heard nothing but detractions, most recently from the Director -- newly appointed and soon-to-be-confirmed Director of Corrections. I hope that this year we will implement and enact truth in sentencing. If we do, it will not only contribute to keeping the most violent of our society behind bars, but it will quite possibly enable us to capture some sorely needed money from the federal crime bill that passed last spring. I'm glad the Chairman has agreed to pursue this.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR HAWKINSON:

Thank you, Mr. President. Our caucus, in cooperation with the House, Attorney General Jim Ryan, State's Attorney Jack O'Malley, the Governor and others, is indeed pursuing the concept of truth in sentencing as proposed last year, and this is but the first of a series of crime bills that we will see this spring. And I urge your adoption and your vote for Senate Bill 4, as amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

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The question is, shall Senate Bill 4 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, no Members voting Present. Senate Bill 4, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, this is -- has effectively ended our -- our business today, except for one additional item. The Chair wishes to go to the Order of 2nd Reading top of page 3 -- Senate Bills 3rd Reading, top of page 3, for the purpose of -- of a recall. The record will so reflect, sir. Senator Molaro, record will so reflect. All right. Top of page 3. Senate Bill 19. Senator O'Malley. Read the bill, Mr. Secretary. Senator O'Malley, do you wish this bill recalled for the purpose of an amendment?

SENATOR O'MALLEY:

Yes, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Okay. Senator O'Malley seeks leave of the Body to return Senate Bill 19 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 19. And, Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senators O'Malley and Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Floor Amendment No. 3 to Senate Bill 19 basically provides that charter schools shall be encouraged to solicit and utilize community volunteer speakers and other instructional resources when those schools provide instruction on the Holocaust and other historical events. I'd

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move that we adopt this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there any discussion? Any discussion? Senator -- Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jones.

SENATOR JONES:

I know, but I still want to know what the amendment does. Could you tell us -- you explained the amendment. I know that you mentioned the Holocaust, but I know this Body also passed legislation to have the -- Senator Shaw was the sponsor of that legislation to have the contributions of women and African-Americans -- a unit be -- that be taught in the school systems throughout the State of Illinois. So, you mentioned the Holocaust. I want to know about that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Yes. Senator Jones, specifically this amendment deals with the Holocaust and other historical events. To the extent that what you -- the -- the example you just gave is a historical event, obviously this amendment would be applicable to it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Does the amendment specifically address the Holocaust?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

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Yes, it does. And, in fact, it's specifically identified.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well, since it specifically addressed the Holocaust, and I believe that should be taught, then it's left -- if it does not include the others, then that's left to the discretion. So, therefore, it does not automatically include, because we passed that legislation after we passed the legislation as it relate to the contributions women and African-Americans made to this society. Now, since you specifically mentioned the Holocaust, I think we agreed on amendment to put that in; it should be taught. But it does not mention the others which means it leaves it at the discretion. So it's not automatically included. Am I reading this correctly?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, I think we're in agreement, but let me specifically read the amendment in -- in verbatim. "Charter schools shall be encouraged to solicit and utilize community volunteer speakers and other instructional resources when providing instruction on the Holocaust and other historical events." So we specifically mention the word Holocaust.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Then you, in your answer, agree to what I have said. And there's a problem with that. I wish it would be -- would have included all, rather than just mention one. There's a problem with that. That's what I was talking about, 'cause you specifically mention one and you're saying others, and so

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therefore, we don't know what the others are.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Question of the speaker.

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, I'm very concerned about this language, as well. One thing we learn down here is how specific language is, and in your reading you said the word "encouraged". That does not mean shall, may or anything else; it means encouraged. And then by saying, and all others, I would like to know what the discussion was at the committee meeting where this was introduced, because I'm sure that there must have been proponents and opponents, and I'm sure there must have been some discussion there that will give some indication to us of the intent. And I'm particularly concerned about the two areas that we have fought for so hard down here in terms of curriculum, in terms of involvement in the school. And as this is February and has historically been Black History Month, for us not to acknowledge that in specific words in this amendment, is to leave out the contributions of a significant portion of the people of this country. So I am very concerned that you are saying -- suggesting that this is under an "other" category.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is -- is there -- is there further -- Senator -- Senator O'Malley.

SENATOR O'MALLEY:

Senator Palmer, thank you for your inquiry and -- and also for your concern. First of all, let me say, this is the charter school legislation. And the intent of charter schools is to be as

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-- as flexible as possible. This particular language came forward as a result of the interest of the Jewish Federation. And so, because they were probably the proponents for this particular issue, that is why the Holocaust is specifically mentioned. I'd also tell you this too - you wanted to know the pros and cons for this: There were only proponents for this amendment, including the Illinois Federation of Teachers.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw. Senator Palmer, I thought you had concluded.

SENATOR PALMER:

No, Mr. President. Another question of the sponsor. So, since this is on 2nd Reading, and if I am understanding you correctly, you are saying that -- and I certainly understand why that the Jewish Federation sought your assistance in making it specific. Are you willing to leave -- is that -- is that required, that each group come and make specific its participation in this? Would the organizations that I am in contact with, the historical societies of African-Americans, is that what we have to do to be part of this, and are you willing to hold it on 2nd Reading while this takes place?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President. And -- and to Senator Palmer: This -- this was an accommodation to a specific group, and by adding the language "and other historical events", it was our intention to be as expansive about it as we possibly could be. But again, I go back to this: This is the charter school bill. Those people who will be proponents and advocates for a particular charter, provided it is approved by the local school board and then endorsed by the State Board of Education, will have to craft

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what the curricula will be and -- and -- and other resources related to that particular charter school. So I think it's probably inappropriate to go much beyond what we've already done. Again, I think the Holocaust is mentioned because of the people who had mentioned their concern, and specifically we have added language, I think, that's broad enough to bring everybody else in.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

Do you have -- Senator O'Malley, do you have any objections of including women and African-Americans? I know you agree that they have made great contributions to our society. Why aren't women included in this -- in this legislation? And it's -- and it's not too late at the moment. Would -- would you be willing to hold this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Shaw, again, thank you for your concern and for your inquiry. I -- again, I think that the language here is broad enough to include the areas that -- of interest that you have pointed out to the Body, and I would tell you this: that I appreciate very much that you recognize my interest and concern for those issues as well. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Certainly I concur with the Jewish Federation, and I -- I

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commend them on having a watchful eye in terms of legislation that are flowing out of here. But it seemed to me that we have time because this -- I understand that the Rules Committee will be meeting tomorrow, and we -- and the bill is not going to be heard before tomorrow. And it seems as though, to me, that we still have time to deal with it, and I think that's probably... To the -- to the bill -- or to the amendment: We still have time to -- to address this issue. I think, as a Legislative Body and -- and speaking for all of the people of this State, I think this Body could send a real message to all of the people of this State, particularly our educators, and here we are creating chartered schools, where a learning process is going to take place. And certainly the young minds in the school systems around this State should be taught about the contribution that all groups have made to this State, and genders have made to this State. And I believe that in good conscience, that the people on your side of the aisle, along with over here, would want to make sure that that happened, because people in -- youngsters in this State don't have a full education unless they understand the total picture of how people have worked to construct our society as it exists today. And I would hope that you would pull this amendment out of the record and let's sit down and talk on specific language instead of being vague -- the language as vague as it is there, because it -- it leaves a lot to be desired in terms of whether you teach it or whether you don't teach it. I think that we have to be concerned about women. I think we have to teach our young people about what women have contributed to this country. I think that we have to teach them about what African-Americans have contributed to this country. I know that you wouldn't pass an amendment out like this when African-Americans have done four hundred years of slavery in terms of building this country. You wouldn't dare pass an amendment out that wouldn't include this in there. I just don't

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believe this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you -- thank you, Mr. President. For the record, I just want to let the Senate know that in the Education Senate Committee, of which I am a member, there were two amendments offered to both the -- this bill - the charter school bill - and the mandates waiver bill. Those amendments would've ensured that you could not waive the teaching of the Holocaust, black history and the history of women, and also bilingual education. And the amendments were voted down with a partisan roll call. And I want the record to show that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President, and I apologize for rising a second time on this issue. And I'm very shocked at the sponsor of this bill, when he indicated that he wished someone had come forward. I was unaware that the amendment had been offered in committee to do just that. You know, it's ironic, Senator O'Malley that you have here today in Illinois and across the country, you have an issue called Black History Month. And, Senator O'Malley, I went to those schools. I went to the public schools. And if you leave it at the discretion of some who do the education, they will miseducate. See, I didn't know, Senator O'Malley, when I went to school that a -- a black man had -- came up with the invention as far as plasma is concerned, to help save lives be it black or white. And he died -- he died, Senator O'Malley, because he had -- he was in a car accident and the hospital would not admit him on account of discrimination. I didn't know, Senator O'Malley, that the Capitol -- that the architect that designed that Capitol

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was a black African-American. So what we are talking about is educating the people of Illinois. But it was left to the discretion of the educators, as you have in this bill, to decide -- to decide what should be taught the children of Illinois. And that's wrong. We've gone through this in the past. So why would you sit on -- stand on this Senate Floor, and when I raised that question with you, and you said, and others. If you were genuinely sincere, you would have supported the amendments that were offered in committee and not voted down on party lines. It is a disgrace, and I -- and I respect you as a fellow colleague, but don't stand on the Senate Floor and say, "Well -- well we'll just throw that into 'other' and let the charter school district decide as they will." That's why we, in this Body, pass certain pieces of legislation. So if you were sincere in your efforts, you would tell this Body, "I will hold this bill, and I will see that that amendment specifically lay out the language that this Body passed as relate to women and African-Americans." If you were genuinely sincere. Because you want to turn the clock back. You have the votes to do that. You want to turn the clock back, but you are wrong, and you will pay a hell of a price down the line.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator O'Malley, were you in committee when the vote was taken to -- on the amendments that Senator del Valle spoke about?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator O'Malley.

SENATOR O'MALLEY:

Senator Hendon, I -- I have to tell you, I appreciate that you've asked this question so that I can respond to some of the comments that were made by the two previous speakers. Senator del Valle never has offered an amendment to this bill. There's only one amendment that was offered other than ones that you are talking about. Number 1 was the bill that we see here. Number 2 was -- was one that was offered by Senator Berman, and it was also offered as cosponsor -- is that correct, Senator? That's -- that was offered by Senator Berman and Senator DeAngelis. And this is a third one. So I think that your criticism might be well-founded if the facts your criticism was based on were accurate. I do recall, being in the committee, that a -- that an amendment was offered to another bill, by Senator del Valle. So I think that the facts here, let's get them out on the table so people know what they are. And let me also say this: The language was specifically drafted to be as broad as possible so that we would include other people. And specifically, because the Jewish Federation brought forward the question, the Holocaust, which is something that we're all very concerned and interested in, was placed into the amendment.

PRESIDING OFFICER: (SENATOR MATTLAND)

Senator Hendon.

SENATOR HENDON:

...(microphone cutoff)...President. I -- I still asked you how you voted. Whether it was on -- on this bill or -- or the other bill, did you vote Yes to include women, African-Americans, bilingual education, or did you vote No? Because the -- the reason I'm trying to get to it, my -- my esteemed colleague, you're saying that you want to be inclusive with the word "other" and, you know, "other" can mean anything. It depends -- it leaves

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too much for interpretation. I just want to know how you voted, and then I can have my comment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Hendon, I have tried to be responsive to your inquiry. You're asking me how I voted in committee. First of all, we all know that how I voted in committee is a matter of record. But let's say this: What you're asking me about whether I voted on was never offered as an amendment in the committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon. I'm -- I'm going to... Either -- either -- either address yourself...Senator Hendon, address yourself to the issue specifically.

SENATOR HENDON:

I am doing the best that I can to do that. If I failed to satisfy you in -- in my endeavor, then I apologize. But I am doing my best to do that, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please address the issue, sir.

SENATOR HENDON:

Thank you. Senator O'Malley, was slavery a holocaust?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Well, perhaps I'm not experienced enough as to how to deal with that kind of a question, but I -- I really don't think you're asking me a question. I believe you are making a statement. And if that's what you choose to do, you may do it. However, in all the time I have served in the Senate, which I will admit is a short period of time having been here for more -- slightly more than two years, I have never been cross-examined, and if that's

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where you want to go, Senator Hendon, then maybe we're setting a precedent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator O'Malley, to close. Senator, your time had -- your time had expired.

SENATOR HENDON:

You're not going to disrespect me.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator...

SENATOR HENDON:

I have a right to conclude...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley, would you close, please. Senator O'Malley. Senator O'Malley, would close, please?

SENATOR O'MALLEY:

I would request that the Members of the Senate please support Senate Floor Amendment 3 to Senate Bill 19. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. All those in favor -- all those in favor to Senate Amendment No. 1 to House Bill -- Senate 19 -- Amendment No. 3 to Senate Bill 19. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that -- on that vote, there are 45 Ayes, 3 Nays, 7 Members voting Present. The amendment is adopted. Are there any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 4, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

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I -- I will attempt to be brief here, but this is an important amendment. This amendment deals with certification of instructional personnel in charter schools. And it basically provides that if you are a certificated teacher under Article 21 of -- of the School Code, then you will qualify to be a teacher. It also sets up an alternative certification process, and I will read those very -- the basic requirements very quickly and in summary. There are four basic requirements: the first is a bachelor's degree from an accredited institution; the second is having been employed for at least five years in an area requiring application of the teacher's education; three, having passed the basic skills and subject matter test required of regularly certified teachers; and after those three are completed, and you are hired and become part of the charter school, you must demonstrate continuing evidence to the charter school of your professional growth. I would request some support of -- your support of Senate Amendment No. 4 to Senate Bill 19.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is -- is there -- discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I merely want to say on the Amendment No. 3, please record me as Present. This did not act up. I don't know whether -- it's acting up now or what.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so reflect, Senator Smith.

SENATOR SMITH:

Present please...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio...

SENATOR SMITH:

...on Amendment 3. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Yes. Thank you. Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, let me pose this question to Senator O'Malley, if I may, as a matter of procedure. That -- the last amendment and this amendment were both adopted in committee, is that correct? And may I ask then, why are -- we are adopting Committee amendments on the Floor? This is a procedure that's, you know, extraordinary. I mean, we -- under your rules now, for the last three years, that has not been the case. The fact of the matter is...

PRESIDING OFFICER: (SENATOR MAITLAND)

Yeah. Senator, it's my understanding, these are Floor amendments. Yes.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

No. When I asked the question when Senator O'Malley indicated they were committee amendments, that's why I wanted to proceed. But since now the record has been corrected and they are Floor amendments, why -- and now I understand. So, thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. Senator Collins.

SENATOR COLLINS:

Senator, I -- I was confused too, because most certainly I voted for the Holocaust amendment in committee, and I most

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certainly would not vote against it here on the Floor. I'm assuming from all of the debate and everything that's going on here that you're talking about new amendments here from the Floor. I'm -- I'm totally confused about your process. So if I voted on No. 3 No, I would like to be recorded as Aye, even though, like many of my other colleagues over here, it should have been inclusive of all of those minority groups. I still voted for it in committee, and I'd like to be recorded Aye on the Holocaust amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Collins. Senator Molaro.

SENATOR MOLARO:

Yes. Real -- real quickly. Senator O'Malley, this is an important amendment, and I urge an Aye vote, but I just want to point out, this is an amendment that I think should have probably been on the bill. And -- and the problem we have of now is, I think, just to -- one comment about the fast track. I still cannot figure out why we have to be voting this quickly in 3rd Reading on something this important so it becomes law by March 1st, when we could have some debate and make it law by May 1st. And I just hope that as you start looking at these things - and we missed this amendment - that we're not going to come up with more and more amendments to make this better, because if that's where we're headed, why not just take these things off the fast track if they're so important and make them law May 1st instead of March 1st?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Molaro, thank you for bringing that up so we can clarify to everybody about this particular legislation. While this may be on the fast track and -- as far as you're concerned,

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because it's moving along quickly, this is -- the bill itself, which is -- is Senate Amendment No. 1, is the same bill that passed out of this Chamber last year. So it's pretty well known within the Senate the provisions of it. Notwithstanding that, of course, it needs to be reintroduced and explained and heard. The amendments are what's new to the Body this year, and of course the whole thing is new to the two new Senators in -- in the Senate. So I think -- I don't think we're trying to hustle this along in any way that does not allow you not to -- to have some input and also be aware of what's going on, but I appreciate your -- your concern. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator O'Malley, I've got an amendment on file that is going to go to the Rules Committee tomorrow. Are you willing to hold that bill till tomorrow to have any other amendments that get out of Rules Committee for tomorrow heard in the Education Committee?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Well, we're not going to be voting on this on 3rd, Senator. I have not seen your amendment, and you haven't talked to me about it, but I'd be happy to read it and -- and discuss it with you, but I can't make any commitment at this point in time, and I think you'd appreciate that. But we're not voting on it this afternoon. Not as a bill. We're voting on amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, our analysis of Amendment 4 says that this -- that noncertified teachers are still allowed to teach in charter schools. It was my understanding, from talking to members of IEA, that that had been changed. Is that not the case?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Palmer, I'm not familiar with what's in your analysis, but I can tell you that what this amendment does is basically provide for an alternative certification process, and that has been supported in -- in committee by both of the unions who are interested in this issue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer. Is -- is there further discussion? Further discussion? Senator O'Malley, you wish to close?

SENATOR O'MALLEY:

Again, I would ask for your support. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley has moved the adoption of Floor Amendment No. 4 to Senate Bill 19. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator Philip, for what purpose do you arise,

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sir?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to bring you up to date on where I think we are and what's going to happen in the next two days. We will be in Session tomorrow at 11 and we will run through the Calendar on 2nd and 3rd Readings. We will be in Friday at 8:30. Hopefully we'll get out of here quickly on Friday morning.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. We have one more bill on 3rd Reading that we wish to -- to recall. Senate Bill 22. Senator Karpziel, do you wish Senate Bill 22 returned to the Order of 2nd Reading for the purpose of amendment?

SENATOR KARPIEL:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel seeks leave of the Body to return Senate Bill 22 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 22. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 8, offered by Senators Karpziel and Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Amendment No. 8 -- is that what we're on? Amendment No. 8? Amendment No. 8 to Senate Bill 22 I would like to read; it is very short. Any district requesting a waiver or a modification for the reason that the intent of the mandate can be addressed in a more economical manner shall include in the application a fiscal analysis showing current expenditures on the mandate and projected

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savings resulting from the waiver or modifications. And...

PRESIDING OFFICER: (SENATOR MAITLAND)

All right.

SENATOR KARPIEL:

...what we're saying is that if a district wants a waiver or a modification based on economics, that they feel they could provide it less expensively, they would have to show what they are now spending on the mandate and what they feel the projected savings would be. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpriel has moved the adoption of Floor Amendment No. 8 to Senate Bill 22. Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator Karpriel, is that estimate a five-year estimate, or do they have to make a new estimate each year as they learn from the effect of not having that mandate upon them?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpriel.

SENATOR KARPIEL:

It would be -- the -- they would have -- it would be in the application. So it would be for however long they are applying for the waiver or modification. And as you know, in the bill itself, a waiver is good for five years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

But the bill has no provision that if they estimate they're going to save money and they don't, that the mandate is revoked or

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it goes back before the committee for review. Is that -- is that correct? There's no review procedure?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

There is after five years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

They -- they could be wrong for all five years, and nobody can do anything for five years until it comes back up for an extension of the mandate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

I'm sorry. Would you repeat that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

If they make an estimate saying they're going to save money and they don't - they lose money each of the five years - nobody can do anything about that mandate being waived. It just continues to be waived even though it costs more money than complying with the previous State law. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

First of all, if the application for the waiver was for five years - and it could be for less - if it were for five years, yes, the review wouldn't come up until after that five-year period. However, it seems unlikely that a school district or -- would continue to be -- to -- to use that waiver and use that method of

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providing the mandate if they were continuously losing money.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senate -- Karpiel moves the adoption of Floor Amendment No. 8 to Senate Bill 22. Those in favor will say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 9, offered by Senator Karpiel.

PRESIDING OFFICER: (SENATOR MAITLAND)

Amendment No. 9, Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Amendment No. 9 is the one that you probably all were hearing about over the weekend. As you know, the teachers seem to feel that this would -- that this bill could affect their tenure and seniority. That was never the intention of the bill, nor do I believe it would have happened. But just to calm their fears, we did include in this amendment special education, teacher certification, and tenure and seniority. That was already in the bill, by the way - the special ed and teacher certification. We have added teacher tenure and seniority as exemptions from the provisions of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I also rise to speak on Senate Bill 22 and an amendment that -- or, two amendments that were offered and defeated in committee. The first one was an amendment to ensure that you could not waive the teaching of the Holocaust, African-Americans and women. That amendment was defeated on a roll call, and also the amendment on bilingual education was defeated also on a partisan roll call.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I have filed an amendment that I think speaks to the -- the heart of what the -- the waiver of the mandates should be about, and that is requiring each of -- person, each of the school districts, who come in and request a mandate waiver to specify in writing in that waiver, a) the objective that they wish to accomplish, the goals for that particular mandate waiver, and to show how that waiver will in some way impede their progress toward obtaining their goal, and I think that is very simple. It is good sense. It -- it most certainly would require them not to just willy-nilly come in and ask for mandate waivers for no real purpose. They would have to specify what the purpose would be, the goal they want to obtain, a time frame, and how this particular mandate would impede their progress toward doing it. I think that's good sense. And so the amendment is up there. I'm -- I'm merely asking, can we leave the bill on -- on 2nd Reading, or bring it back to 2nd Reading and put that amendment on the bill, because it just makes good sense?

PRESIDING OFFICER: (SENATOR MAITLAND)

Yeah. Senator Collins, let me just -- let me just comment. This bill will go back to 3rd Reading, and I think if you have amendments filed, you ought to -- after we adjourn, you ought to talk to the sponsor and -- and find out what his -- his position is with respect to that. But the bill will go back to 3rd Reading this evening. Is there further discussion? Further discussion? Senator Karpel has moved the adoption of Floor Amendment No. 9 to Senate Bill 22. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

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SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator Burzynski, for what purpose do you arise, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. For the purpose of an announcement. The Senate Executive Appointments Committee will be meeting at 4 o'clock in Room 400, rather than 3 o'clock in Room 212. That's 4 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Burzynski. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. For the purposes of announcement. The Revenue subcommittees on tax administration and tax increases and expenditures will not meet - will not meet - tomorrow morning, but the Revenue Committee will meet at 9 o'clock, and those bills that were scheduled for subcommittee will be heard in the committee as a whole.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. For the purpose of an announcement. The Senate Environment and Energy Committee will meet tomorrow morning at 9 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The Senate Executive Committee, which was scheduled for 1 o'clock, will meet immediately following adjournment today in Room 212.

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Thank you, Senator. Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. The Senate Committee on Insurance, Pensions and Licensed Activities will meet immediately upon adjournment in Room 400. We've got a very short agenda, so I would ask the Members after adjournment just to go on up to Room 400 and we can be out of there in just a few minutes. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. The Committee on Public Health and Welfare will meet in A-1 immediately following adjournment or Easter Sunday, whichever is sooner.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, just a reminder: We will -- we will go in Session tomorrow at 11 a.m. and Friday at 8:30 a.m. promptly. Any further -- Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. This is just a reminder for the Members of the Senate Financial Institutions Committee. I believe they've all been notified, but just a reminder that there will be no meeting of the committee tomorrow or this week. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 340, offered by Senator Berman.

(Secretary reads title of bill)

Senate Bill 341, by Senator Berman.

(Secretary reads title of bill)

Senate Bill 342, by Senator Berman.

(Secretary reads title of bill)

Senate Bill 343, by Senator Berman.

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(Secretary reads title of bill)

Senate Bill 344, by Senator Jones.

(Secretary reads title of bill)

Senate Bill 345, by Senator Fawell.

(Secretary reads title of bill)

Senate Bill 346, by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 347, by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 348, by Senator Sieben.

(Secretary reads title of bill)

Senate -- Senate Bill 349, by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 350, by Senator Klemm.

(Secretary reads title of bill)

Senate Bill 351, by Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 352, by Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 353, by Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 354, Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 355, Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 356, Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 357, Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 358, Senator Fawell.

(Secretary reads title of bill)

Senate Bill 359, Senator Fawell.

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(Secretary reads title of bill)

Senate Bill 360, Senator Fawell.

(Secretary reads title of bill)

Senate Bill 361, Senator Fawell.

(Secretary reads title of bill)

Senate Bill 362, Senator Fawell.

(Secretary reads title of bill)

Senate Bill 363, Senator Syverson.

(Secretary reads title of bill)

Senate Bill 364, by Senator Karpiel and others.

(Secretary reads title of bill)

Senate Bill 365, by Senator Sieben.

(Secretary reads title of bill)

Senate Bill 366, by Senator Petka.

(Secretary reads title of bill)

Senate Bill 367, by Senator Smith.

(Secretary reads title of bill)

Senate Bill 368, Senator DeAngelis.

(Secretary reads title of bill)

Senate Bill 369, Senator Woodyard.

(Secretary reads title of bill)

Senate Bill 370, Senator Woodyard.

(Secretary reads title of bill)

Senate Bill 371, Senator Woodyard.

(Secretary reads title of bill)

Senate Bill 372, Senator Berman.

(Secretary reads title of bill)

Senate Bill 373, Senator Karpiel.

(Secretary reads title of bill)

Senate Bill 374, by Senator DeLeo.

(Secretary reads title of bill)

Senate Bill 375, by Senator Shadid.

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(Secretary reads title of bill)

And Senate Bill 376, by Senator Cullerton.

(Secretary reads title of bill)

Also, Senate Bill 377, by Senator Watson.

(Secretary reads title of bill)

And Senate Bill 378, by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Donahue moves the Senate stand adjourned
until 11 a.m. Thursday, February 9th.

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