

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

41st Legislative Day

May 2, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members be at their desks and our guests in the gallery please rise. Our prayer today will be given by Chaplain Al Weidlich, retired Lutheran pastor, currently Chaplain of the Decatur Squadron of the Civil Air Patrol, Decatur, Illinois. Chaplain Weidlich.

CHAPLAIN AL WEIDLICH:

(Prayer by Chaplain Al Weidlich)

PRESIDENT PHILIP:

Will you now please rise for the Pledge of Allegiance, led by Senator Sieben. Senator Sieben.

SENATOR SIEBEN:

(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 Journals of Thursday, April 20th; Monday, April 24th; Tuesday, April 25th; Wednesday, April 26th; Thursday, April 27th; and Monday, May 1st, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcripts. There being no objections, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Sieben, Chair of the Committee on State Government Operations, reports Senate Amendments 1 and 2 to Senate Bill 336 Be Approved for Consideration.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bills 520 and 813 Do Pass, as Amended; and Senate

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Amendment 2 to Senate Bill 7, Amendment 2 to Senate Bill 81, Amendment 2 to Senate Bill 747, and Amendment 1 to Senate Bill 897 Be Adopted.

PRESIDENT PHILIP:

Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDENT PHILIP:

State your point.

SENATOR SEVERNS:

It's my honor today to have joining us in the President's Gallery students from Argenta-Oreana, and I would hope the Senate would join in welcoming them here today.

PRESIDENT PHILIP:

Will they please rise and be welcomed by the Illinois Senate Resolutions.

SECRETARY HARRY:

Senate Resolution 58, offered by Senator Hendon and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 59, offered by Senators Hasara and Woodyard. It's substantive.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 160, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 258, by Senators Dillard and Weaver.

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(Secretary reads title of bill)

House Bill 315, by Senator Clayborne.

(Secretary reads title of bill)

House Bill 648, by Senator Clayborne.

(Secretary reads title of bill)

House Bill 1465, Senator Mahar.

(Secretary reads title of bill)

House Bill 2106, by Senator Madigan.

(Secretary reads title of bill)

House Bill 2108, offered by Senator Madigan.

(Secretary reads title of bill)

And House Bill 2419, presented by Senator Parker.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

...(microphone cutoff)...have a request from WAND to videotape today. Is leave granted? Leave is granted. On -- on page 2 today -- of today's Calendar, on the Order of Senate Bills 2nd Reading. Would hope that the Senators would move their bill. The top of page 2. Senate Bill 198. Senator Trotter. Senate Bill 198. Senator Trotter. Take it out of the record. Senate Bill 230. Senator DeLeo. Senate Bill 230. Senator DeLeo. Take it out of the record. Senate Bill 247. Senator Dudycz. Senate Bill 247. Senator Dudycz. Take it out of the record. Senate Bill 287. Senator Hasara. Senate Bill 287. Senator Hasara. Take it out of the record. Senate Bill 295. Senator Walsh. Senate Bill 295. Senator Walsh. Take it out of the record. Senate Bill 336. Senator Sieben. Read the bill.

SECRETARY HARRY:

Senate Bill 336.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

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PRESIDENT PHILIP:

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

SECRETARY HARRY:

Amendment No. 1, offered by Senator Sieben.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 1 actually becomes the bill. 336 was a shell bill initially. And Floor Amendment No. 1 actually creates a new Act. This is the implementation of the Governor's reorganization plan to combine Department of Natural -- or into Department of Natural Resources, the Department of Conservation, with Department of Natural -- of Energy and Natural Resource, Department of Mines and Minerals, and Abandoned Mines <sic> Reclamation Council, and the Division of Water Resources from the Department of Transportation. And I would move for the adoption of Floor Amendment No. 1.

PRESIDENT PHILIP:

Is there any further discussion? If not, Senator Sieben moves the adoption of No. -- Amendment No. 1 to Senate Bill 336. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further amendments?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Sieben and Palmer.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 2 would make a slight modification in

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the Governor's reorganization plan, and -- based on two weeks of committee hearings and discussion. The only concern that people had was where we were going to put the -- the Office of Recycling and Waste Reduction. And in the original plan, the -- it would have been placed with EPA, and after considerable discussion and information received at our committee, the agreement was that it would better fit at the Department of Commerce and Community Affairs. So, Floor Amendment No. 2 simply modifies the reorganization plan to put this office with the Department of Commerce and Community Affairs. And I would move...

PRESIDENT PHILIP:

Any further discussion? If not, Senator Sieben moves the adoption of Amendment No. 2 to Senate Bill 336. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Now we will go back to Senate Bill 230. Senator DeLeo. Read the bill.

SECRETARY HARRY:

Senate Bill 230.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Have there been any Floor amendments that have been approved?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 337. Senator Sieben. Take it out of the record. Senate Bill 340. Senator O'Malley. Senate Bill

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340. Senator O'Malley. Read the bill.

SECRETARY HARRY:

Senate Bill 340.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 403. Senator Shaw. Senate Bill 403. Read the bill.

SECRETARY HARRY:

Senate Bill 403.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDENT PHILIP:

Take it out of the record. Senate Bill 438. Senator Cullerton. Take it out of the record. Senate Bill 439. Senator Cullerton. Read the bill.

SECRETARY HARRY:

Senate Bill 439.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendment No. 1.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 656. Senator Maitland. Take it out of the record. Senate Bill 664. Senator Tom Dunn. Take it out of the record. Senate Bill 711. Senator Dillard. Senate Bill 711. Senator Dillard. Take it out of the record. Senate Bill

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725. Senator Lauzen. Senate Bill 725. Senator Lauzen. Take it out of the record. Senate Bill 742. Senator Raica. Senate Bill 742. Senator Raica. Take it out of the record. Senate Bill 798. Senator Lauzen. Senate Bill 798. Senator Lauzen. Take it out of the record. Top of page 3. Senate Bill 945. Senator Petka. Take it out of the record. Senate Bill 1058. Senator Mahar. Take it out of the record. Senate Bill 1183. Senator Cullerton. 1183. Take it out of the record. Senate Bill 1195. Senator Garcia. Read the bill.

SECRETARY HARRY:

Senate Bill 1195.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendments 1 and 2.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

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

SENATOR DONAHUE:

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

PRESIDENT PHILIP:

All right. That motion is always in order. The Senate will stand in -- at ease until the hour of noon.

(SENATE STANDS AT EASE)

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(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will the Members please come to the Floor. We are going to be on the Order of 3rd Reading very shortly. In fact, we're on it right now. Resolutions.

SECRETARY HARRY:

Senate Resolution 60, offered by Senator Jones.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 44, offered by Senator Parker.

It's substantive.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar <sic>. Oh! I'm sorry. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 185, offered by Senator Syverson.

(Secretary reads title of bill)

House Bill 320, by Senators Cullerton and Smith.

(Secretary reads title of bill)

House Bill 689, offered by Senator Burzynski.

(Secretary reads title of bill)

House Bill 798, by Senator Fawell.

(Secretary reads title of bill)

House Bill 1070, Senator Petka.

(Secretary reads title of bill)

House Bill 1281, by Senator DeAngelis.

(Secretary reads title of bill)

Senator Lauzen offers House Bill 1303.

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(Secretary reads title of bill)

House Bill 1523, by Senator Lauzen.

(Secretary reads title of bill)

House Bill 1825, by Senator Peterson.

(Secretary reads title of bill)

Senator Peterson presents House Bill 1843.

(Secretary reads title of bill)

And House Bill 2294, offered by Senator Fawell.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On the Order of 3rd Reading, on page 5, is Senate Bill 432. The sponsor asks leave to return to that, after he leaves the Chair. 434. Senator Cronin. Senator Cronin? Senate Bill 441. The Senate Committee on Local Government and Elections. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 441.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the House -- or, Senate. Excuse me. Soon as I move my chicken over here, I'll get back in order here. Get it all confused, huh? Thank you, Ladies and Gentlemen of the Senate. Let -- let me briefly explain a little bit of what Senate Bill 441 is, and then I have Members of the committee who would like to go into more detail, if I can. This allows the Police Training Board to train part-time recruits, if we will, to allow them to have that training as a full-time officer so that they could be better equipped and better

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prepared for law enforcement. It's been a process that has been worked out with the police departments, the police associations, the Illinois Municipal League, the municipal councils around the State, of trying to find a compromise bill that would meet the requirements of -- of training. The Police Training Board was involved. They will have the funds to do the training, so there's no cost really to the local municipalities. And what it does is allow part-time officers to become part of that regular police department in far -- as far as law enforcement is concerned. And there are others who can describe it in a little bit more detail, and I think I'll let them do it. Senator Dudycz and Senator Raica have been very instrumental, and perhaps they could explain more and answer any questions, if there are any.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Yes. Is there any fiscal impact to the State on this bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Are you done, Senator Welch? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I just want -- I rise in support of this legislation. As mentioned, there was a lot of discussion that went on during the -- during our committee. Not all of the time was it cordial, but they did work out a plan, they

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worked out a bill in which everyone can probably live with at this point in time. As we know that this process is not perfect, but this is about as good as it gets. And I ask everyone on my side of the aisle to support this legislation as well.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

Yes, will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR SHADID:

The training for part-time police, is that going to be the same length of training and the same, identical training as full-time police officers?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Yes. Yes, it would be.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

And what is the time frame for them to conclude this training?
Or...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Twenty -- twenty-four months is the period of time to -- to receive that training.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

So, a part-time police officer -- and the municipality -- who

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will pay for the training?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

I'm -- I'm sorry. Would you repeat the question? I was...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

Who pays for the training for the part-time police?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

The Police Training Board will pay for the training. It's twenty-four months for an existing part-time police officer currently employed to get his training, and for a new hire, they would have to get that training within eighteen months. Okay?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

If I'm not mistaken, the -- for the full-time police officer, the Police Training Board reimburses the municipality fifty percent. Is this the same requirement for the part-time?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, the Police Training Board has told the committee that they intend to pay and have the funds available to pay a hundred percent for the part-time police training, and that's what we were told in committee.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Are you finished, Senator Shadid? Senator Shadid.

SENATOR SHADID:

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As a longtime police officer, I have always been opposed to part-time police. I am still opposed to part-time police. I believe that the police profession is such that we cannot entrust it to part-time police officers. Now, am I correct? Is the definition of a part-time policeman thirty-two hours a week?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, my bill doesn't address the hours, or the committee bill doesn't address the hours. But let me just say that, since you're concerned about part-time police, it's worse to have part-time police officers that are not trained, and that's what's happening now. So I would think that those who support trained officers, which we all do, this would certainly go a long way to allow municipalities to perhaps have a little flexibility, if they're a small community and don't need full-timers, who've already had them. Now, the bill also says that they cannot change and reduce full-time employees to get part-time, so we've got that provision in there for their protection.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

I'm sure you're well aware there are many communities that don't have full-time police. They get by with strictly part-time police all the time. My problem with that is -- and they say it's because of the cost of full-time police officers, they can't afford it. Well, I disagree with that. In Peoria County, I had contracts with several small communities - eight of them, to be exact - and we did it cheaper and better with the sheriff's department. Whenever there's a big crime of any sort that's committed in a small community, the sheriff has to take off that crime and -- and investigate it, not the part-time policeman. I

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think we're making a big mistake here when we're sanctioning part-time police in -- in our society today.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As a lot of the Members here remember, Senator O'Malley brought this issue before this Body and actually debated the -- the purpose of the intent in legislation very well, both on the Senate Floor and -- and in committee. And I think one of the reasons and the main reasons that I think the Body should focus in on is currently there's two definitions of police officers under the Statutes, and that is of a full-time peace officer and that of an auxiliary police officer. Nowhere in the Statutes is there a definition or an explanation of that of a part-time police officer. However, if we wanted to use the term of this animal or this such of individual exists in almost all municipalities throughout the State of Illinois, that would not only be a correct assumption on everyone's part, but it, in fact, is reality in every district just about in this State of Illinois. When Senator O'Malley brought this to light, we needed to put a definition of part-time police officer in the Statutes to allow that type of individual to be recognized by the State of Illinois and other peace officers as an individual who is, in fact, a peace officer. Senator Dudycz, Senator O'Malley and others, with the cooperation of the Chairman of Local Government, Senator Klemm, met with the Illinois Police Training Board, Ms. Dawn Busick and the Director, met with the Fraternal Order of Police throughout the State of Illinois, the Illinois Sheriffs' Association, the Correctional -- Association and the Illinois Police Association, in an attempt to bring forward once and for all that discussion on the Senate Floor and that, in fact, is the outcome: Senate Bill 441, which is in

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front of you today. Senator Dudycz, being a full-time police officer - a detective, as a matter of fact - and being a member of the Fraternal Order of Police, in no way wanted a part-time police officer to go and take the place of a full-time police officer, in any jurisdiction. However, there are part-time police officers that are used in many jurisdictions in the State of Illinois, and none of those part-time police officers, under a Statute currently, have to be trained. So what you had throughout the State of Illinois is a part-time police officer that was trained in some instances, such as in Mayor Hasara's area, because they wanted that type of individual to be trained, and we can go to other areas and communities of this State, such as possibly Crestwood and other entities, but not limited to Crestwood, where an individual did not fulfill the full training requirement as currently exists for full-time officers. To bring into definition the definition of full- -- of part-time police officer, Senator O'Malley, myself and Senator Dudycz, in addition to Chairman Klemm, wanted to make sure that these individuals by Statute were not only recognized as a peace officer, but received the training as well to function in the State of Illinois as a peace officer. That, in fact, has been accomplished in this bill, Senate Bill 441, the amendment. We made sure that the part-time police officers that were functioning out there now, we knew had a part-time job, so we couldn't just get them in six months like they could a full-time police officer, so the Police Training Board managed to sit down and say, "Well, here's how we can do it. We can put mobile units in everyone's district and accomplish that so you would have full-time police officers." The Illinois Municipal League sat down, along with Senator -- with Senator O'Malley, Senator Dudycz and myself and Senator Klemm, and said, "We can live with this." This isn't the very best it could be, but for the first time, part-time police officers are in Statute

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and going to be recognized by the -- by the court systems and by the local municipalities. That was the intent. Other members that met wanted to make this a collective bargaining issue. It was felt by the Municipal League and the sponsors that I've mentioned that this bill ought not be a collective bargaining tool. But, Senator Dudycz did give his assurance that if they had any reservations regarding any future negotiations for part-time police officers, he himself, being a member of FOP, would sit down and work out such an agreement. This, Ladies and Gentlemen, is the first time the part-time police officer issue has come to the Senate Floor and been debated in many, many years. It was a lot of man-hours. People worked on it since November of last year, and I think those members should be applauded. And this is a very, very good start to -- to something that has gone on for such a long time. And I -- and I do solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senator Raica is very kind when he mentions me repeatedly in his remarks, because although this is a very important issue, I felt, that needed to be addressed, Senator Raica and Senator Dudycz and the Members of the Committee on Local Government are the ones who really deserve the credit for the time and effort they put forth. However, there's others that need to be recognized here because I -- and I'm making the point of recognizing them because I think the legislation that is before the Chamber today represents a -- an effort to compromise and address concerns that needed to be raised. The Police Chiefs' Association, the Police Training Board, and representatives of police across the State of Illinois, including the Fraternal Order of Police, who participated in those discussions - they deserve to be recognized, and their input into

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crafting this legislation will result in -- in significant improvements in public safety for the citizens of Illinois. In closing, let me just say this: The reality is in Illinois that there are over five thousand part-time police officers already, and they are growing. And the reason they're growing is because, frankly, they're relatively easy to bring on board. The problem with part-time police officers is there are no standards; there is no training requirements that are -- are clearly set forth in the Statutes. This legislation will address that concern. And the beneficiaries of this legislation will not only be the citizens of Illinois who will be better served by adequately trained police officers, but more importantly even, there'll be the full-time police officers, who really have to interface and work with part-time police officers, to know that the people that they're working with, these part-time police officers, are adequately trained. And I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill -- or, 441 is one of those bills where -- where nobody really likes completely and that's, I guess, what makes it a good bill. As the previous speakers mentioned, a lot of people had put a lot of hours into this bill to try to come up with something which is workable. The issue of part-time police officers has been around for many years, and finally, we believe, we came to -- to a workable -- workable language of a bill that we think that everyone can accept. To be fair, not all involved are totally signed off on the bill. I believe it's the Police Benevolent Association is still off. The Illinois Police Association has some concerns. They signed off on the bill, but there are some parts of it that they'd like to work on. The FOP has signed off on it. I'd like -- I'd like to just

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briefly go into a few of the points -- few of the points that -- that there were disagreements on, how -- and the resolutions that we came about. The -- as Senator Shadid mentioned earlier, I also, as a full-time police officer, are very concerned about the issue of part-timers and how they are going to be attempted to displace full-time police officers with part-timers. But I think that we have enough safeguards in this bill that - either by administrative rule or by -- or by the legislation that we're passing - we will not be allowing that. The part-timers will be required to get the same amount of training hours and the course contents as are mandated for the full-time police officers. The FOP insisted upon it. The Municipal League agreed. The FOP wanted -- or the police groups wanted no increases in staffing levels of the part-timers established as of January 1 of this year. The Municipal League was really opposed to that issue and -- and the compromise that was reached states that part-time officers shall not be utilized as permanent replacements for full-time police officers. Part-time police officers will not directly supervise full-time police officers. That's -- that's an important part that was resolved. The FOP wanted to eliminate other statutory conservators of the peace, like -- like the marshals, reserves and auxiliary. The -- the Municipal League resisted and we went along with the Municipal League and -- and that's -- that's remaining. As far as the Police Training Board adopting rules defining when -- what constitutes employment on a part-time basis, Senator Shadid, you know, the FOP or the police groups, the unions, wanted not more than twenty-four hours a week or ninety-six hours in twenty-eight days. That's something which I -- I also wanted, but the original language remains. The Municipal League would not have agreed to anything, by the way, any language that would cost the local governments any more money in any of this training. That's all I'm going to say. I think

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this -- that -- enough has been said on this one. It's something that was worked on by everybody. Please vote for it. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I'd like to make one point on the bill that may make some of you who are concerned feel better about it. I don't think it's been raised. That is the fact that, in the bill, a community may not replace full-time police with part-time police. So, actually I have somewhat of a concern about that, because I am concerned that if you have a real tight budget year, that a community might have to lay off a full-time policeman and then wouldn't be able to replace that person. But I do stand in support of this bill, because it has been the result of a -- of a lot of effort. But I wanted to make that point for some of you who may be concerned about the fact that we're trying to promulgate part-time police. That was not the intention.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid, for the second time.

SENATOR SHADID:

One more question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he'll yield.

SENATOR SHADID:

On page 6 of the bill, line 2, 3, 4, 5 and 6, would you explain what that means, to me?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Which page is that? On -- which line?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

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SENATOR SHADID:

It's on page 6. And the way I read this, that it allows certain part-time police officers, depending on their experience, to have the training waived, but it doesn't designate how much experience they need.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm. Senator Raica, chooses to answer this question.

SENATOR KLEMM:

If you were a retired full-timer and going back, that would be a waiver.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

I didn't -- what -- what'd you say?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, if you're a police officer and -- and went into retirement and then were called back to do some part time, you wouldn't have to be retrained.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

I don't believe that's what that says.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica. Senator Klemm, would you like to yield to Senator Raica...

SENATOR SHADID:

Maybe I could have a...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

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SENATOR RAICA:

Senator Shadid, as you know, currently in existing Statute, there is a provision for full-time officers that have the same waiver process. There are officers currently that may be full-time police officers in one jurisdiction and upon retirement, they may want to choose to go part-time with another agency. If they can show that they were full-time officers to the Illinois Police Training Board, the Training Board can offer that police officer a waiver, such as currently the practice for full-time officers. It is nothing more and nothing less.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid. Senator Shadid, would you hit your light when you want to speak.

SENATOR SHADID:

I'm not trying to belabor the point, but that does not say full-time police. It just is based on experience, and I'm assuming that it's part-time police experience. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is there any further discussion? If not, Senator Klemm, to close.

SENATOR KLEMM:

Well, the Section you're looking at is for part-time police, Senator, so I think it is covered pretty well. I think the bill has been explained. One thing I did want to clarify, that the Police Training Board has said that those old rules where they pay fifty percent has been gone. They are now paying full amount. They'll pay it for full time and part time. So at least there's no expense to the municipalities. It's been debated. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question is, shall Senate Bill 441 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, there are 45 Ayes, 9 voting
Nay, none -- 1 voting Present. Senate Bill 441, having received
the required constitutional majority, is declared passed. Senate
Bill 465. Senator Maitland? Take it out of the record. Senate
Bill 478. Senator Karpziel? Senator Karpziel. We will be skipping
the approps for now. Senate Bill 501. Senator Weaver. Can we
have leave to go back to Senator Karpziel's bill now that she
brought her coffee back to the... Senate Bill 478. Read the
bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 478.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I'm sorry I wasn't at my desk when
the bill was called. The bill, as amended, changes the
qualifications of persons appointed to an airport authority board.
It would prohibit persons who are members of the governing board
or officers of employee -- or employees of any unit of local
government, or elected officials of State or federal government.
The bill essentially would prohibit any person elected, appointed
or employed by a local government from serving on an airport
board, but it only prohibits elected officials of State or federal
government from doing so. And I may add that we have, I believe
-- we have heard from our -- a past Senate Member, Senator
Savickas, that it does not apply to O'Hare or Midway.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 478 pass. Those in favor
will vote Aye. Those opposed will vote Nay. And the voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, 2 voting Present. Senate Bill 478, having received the required constitutional majority, is declared passed. Senate Bill 501. Senator Weaver? Take it out of the record. 502. Senator Weaver? Take it out of the record. 503. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 503.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This bill was amended, so I would ask Senator Rauschenberger to explain the amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the General Obligation Bond Act. It allows for the spending authority to be -- for the debt limit of the general -- of the State of Illinois to be increased to authorize the Governor's proposed plan for the Department of Corrections expansion, deals with the sale of bonds to support construction of a new medium-security prison, construction of new work camps at Vandalia and Pittsfield, construction of four new housing units and three new cell houses at existing facilities, completion of construction for the new super max facility at Tamms, and the completion of other miscellaneous Department of Correction projects. It only deals with the Corrections portion of the Governor's request for the capital program. Seeing that we did

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not have success with the full Governor's program, it's my hope that Members in this Body who are very concerned about the impact of crime and the corrections problems can at least support this form. In addition, it also includes an increase in the authorization for the College Savings Bond Program as part of the Corrections bonding. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Yes. Senator Rauschenberger says he will yield.

SENATOR SEVERNS:

Senator, does the list go -- is the list shorter than the Governor's proposed budget, or is it the same as?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The amount of the increase in the debt authorization is precisely the same as requested by the Governor for the bonds that dealt with the Corrections budget only.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I would urge the Members on this side to vote favorably on this bill, given the fact that it does fund the Corrections requests, coupled with the College Bond Savings Program.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

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SENATOR RAUSCHENBERGER:

I would just urge all Members to participate in a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 503 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. Senate Bill 503, having received the required three-fifths majority vote, is declared passed. Senate Bill 506. Senator Tom Dunn. Senator Dunn, do you wish this bill to be returned to 2nd Reading for the purposes of an amendment? Senator Dunn seeks leave of the Body to return Senate Bill 506 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 506. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Thomas Dunn.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn, to explain your amendment.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment is an agreed amendment that was proposed by the Medical Society and would require HMOs to report to the Medical Disciplinary Board any conduct by a physician resulting in termination or restrictions. As I stated earlier, it's an agreed amendment proposed by the Medical Society. Ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. On a point of personal privilege.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Question of the sponsor.

SENATOR REA:

We have in the...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Oh, I'm sorry. State your point.

SENATOR REA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR REA:

We -- we have in the gallery a group of students from Denning School in West Frankfurt. And I'd like for them to stand, and we recognize them for their trip here to Springfield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. Any discussion on the amendment? If not, all those in favor, say Aye. Opposed, say No. The Ayes have it, and the amendment is adopted. 3rd Reading. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senator Maitland, for what reason do you seek recognition?

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. For the purpose of an announcement, if I might, to recognize that Senator Dillard will not be here today or tomorrow. He's called home for the death of a -- of a family member, so wanted to -- put that in the record.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senate Bill 523. Senator Maitland? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 523.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 523, as amended, deals with two things. Number one, when a nursing home goes into receivership, the courts appoint a receiver. Under current law, that receiver does not have to be a licensed nursing home administrator. This bill would require that the receiver be a licensed nursing home administrator. Also, the bill requires monitors to be licensed nursing home administrators. In addition to that, current State law goes beyond what is required by the federal law in relation to chemical and physical restraint of nursing home residents. The bill now makes federal law consistent with -- the bill now makes federal law consistent with State law. The bill is supported by the nursing home industry. There was some discussion on this in committee, and I believe we worked out all those difficult areas. I would be happy to respond to any questions, otherwise would appreciate your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to -- sorry I have to oppose Senate Bill 523. I urge the Members on my side of the aisle to vote No or Present on this particular bill. I voted to let it out of committee, in

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deference to the bill's sponsor; however, it is not a good bill for nursing homes and for senior citizens contained therein. This bill is opposed by the Illinois Citizens for Better Care, the Public Welfare Coalition, the Association of <sic> Retarded Citizens and other groups that -- and that makes me nervous. It also is opposed by Senior Services of Kane, Kendall and McHenry Counties, the DuPage County Department of Human Services, the Nursing Home Ombudsman Programs of Catholic Charities of Lake County, the Diocese of Joliet, the Senior Service Center of Will County, the Mental Health Association of Illinois Valley, the Cook County Public Guardian, the Shawnee Alliances for Seniors, and the Illinois Council of Senior Citizens' Organizations, East-Central, West-Central, Southeast and Midland areas. That should make many of you nervous. And this bill guts the Bill 1498, Public Act 88-413, which I cosponsored along with Senator Berman and Fawell. House Bill 1498 was negotiated in good faith by the nursing home industry and the organizations now opposing Senate Bill 523. I ask you to watch carefully and vote No on this particular bill. It's bad legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR FAWELL:

Senator, I understand that there are federal laws now in place that tell nursing homes when they can and -- when they can and cannot use restraints and medications, but I also understand that not all of our nursing homes in this State are federally certified. What happens to those nursing homes? How do we -- we control those nursing homes that are not federally certified

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without the State law that's presently in place?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. I am reliably informed by staff, Senator, that -- that -- that they are protected. We are -- we are -- we are obviously putting in State law and -- and absolutely tracks what is in federal OBRA. So they are protected under that -- under that language.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Well, I've been told otherwise. I have been told that once they're - and this was by a legal group that is concerned about this bill - that -- that we will not have - certain nursing homes - have any law which will stop any kind of -- of restraints or medications that are presently covered, and -- and even if they are covered, there's really no penalty, per se, because they're not covered by the federal law.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I, too, rise in opposition - strong opposition - to this bill. I had just started to count the organizations that are opposed to this, and in my analysis, it has to be at least two inches wide -- two inches deep. When that many organizations, all the way from those who are specifically concerned with the aged and the mentally ill and those with cognitive disabilities to just general senior citizen organizations in four or five counties and so forth, are opposed to this bill, then I think that all of us who represent all the areas of Illinois should take heed. It is one thing, yes, to have

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the -- the federal law in place, but I share Senator Fawell's concern. You can have a nursing home where one floor may be federally funded and therefore there is oversight, and others that are not. So even though you may say that there is a law, it does not tell us how the oversight will be implemented. And the fact is that you're talking about psychotropic drugs and restraints and changing the way those are used in nursing homes, with very frail and elderly people, and we in Illinois, I think, have gone a little farther than this, and we certainly have a better knowledge of how to be more humane in the ways that we deal with anxiety and with many of the problems caused by those with Alzheimer's and other cognitive disabilities. This bill, Senate Bill 523, eliminates those protections, and I think it is not wise to do this. We have other alternatives. We had an agreed process in place, and I'm not sure why we are doing this when we should be one of the leaders in this field, rather than stepping back from it. I say we vote No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Question for the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR DEL VALLE:

Senator Maitland, according to the materials handed out by the -- the advocates, if Senate Bill 523 passes, it would leave frail, elderly nursing home residents with fewer protections than those given dangerously mentally ill persons who have been committed to State psychiatric facilities or to mentally ill prisoners in State penitentiaries. Could you explain the difference between the protections that those individuals have in our State psychiatric facilities and in our State prisons and the protections that the

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nursing home elderly have?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland.

SENATOR MAITLAND:

Senator, I have no idea what the protection for those other two groups are that you mentioned. I have no idea, so I can't compare what we are doing here and what protection they are afforded. I -- I -- I, frankly, don't understand the purpose of the question. We are -- we are -- in Illinois, had gone far beyond what OBRA required, and -- and the testimony in committee clearly indicated the reasons we needed the changes. I thought we had everything worked out in committee, everybody understood. No one - absolutely no one - has come to me since the bill passed out of committee with no negative votes to indicate to me anything, nor did they notify our staff. Where you're getting the list of the people that are opposed to this bill, I have no idea.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle.

SENATOR DEL VALLE:

To the bill, Mr. President: Given the long list of opponents to this bill and given that you just indicated that you have no idea of what the differences would be, maybe what we ought to do is hold this bill till we find out the answer to that question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland.

SENATOR MAITLAND:

Senator, we are dealing with long-term health care here. That's the subject of the bill. To suggest that we -- you are asking me to compare this with whatever care we may or may not give to people in other areas or other capacities is not germane to the issue at all.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator del Valle.

SENATOR DEL VALLE:

Well, in closing here, a final comment. It is germane. What we're talking about is the protection of the frail elderly in nursing home care, and we must not take any chances here. We must be clear about what it is that we're doing, in terms of changing the law, that is going to have an adverse effect on these individuals. And so, I think that we do need to answer that question, and I ask this Body not to support this bill until we are clear about the impact that this legislation will have on those individuals.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. To the bill: I rise in support of this. I'm a member of the Public Health and Welfare Committee. There was no objections relayed to us before this. None have been given to us. I don't understand the -- this type of handling of a piece of legislation like this. Just a second please. When you have a nursing home industry that has different rules and regulations from Public Health, different things from Public Aid - they're bombarded with all types of things - it takes away from the care of the people that they're trying to help. All this is doing is putting us in the same line as federal law, and I would -- the State facilities are under State law; the federal facilities are under federal law. I don't understand why you think that somebody isn't going to be under some regulation. This is a good piece of legislation, and we should support it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate.

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I'm really, frankly, -- I am offended and -- and disappointed that -- that this bill has come to this kind of debate. This bill had some questions the first time it was heard in committee, and those concerns were brought about by one person - one person who talked on and on and on in committee - and virtually everything that the individual said was refuted. And as a consequence of that, we came back the next time and clearly had dialogue that indicated that -- that this bill did not take care and concern away from residents. And so I'm -- I'm disappointed that that one individual has been able to attract the support of organizations and those organizations' opposition was given to that side of the aisle. Nothing was said to this side of the aisle. Let -- let me just make one point, and I think, Senator Palmer, this may go to your point. Senator Palmer, this may go to your point. The -- the -- the area of -- of restraint - and please read the bill, please read the bill: The resident has the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience if they are not needed to treat the resident's medical system <sic> (symptoms). Restraints may only be imposed to ensure the physical safety of the resident or other residents, and only upon the written order of -- of a physician that specifies the duration and circumstance -- circumstances under which the restraints are to be used, except in emergency circumstances where restraints may be used until the order could reasonably be obtained. We are not taking anything away. I have worked with the health care industry for years, and far be it from me to want to do this. This is legislation that -- that is necessary to bring us in line with the federal OBRA laws. I believe it's necessary legislation. The testimony in committee indicated that it was necessary. And, Mr. President, Members of the Senate, I would -- would seek your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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The question is, shall Senate Bill 523 pass. Those in favor will vote Aye. And the opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 19 Nays, none voting Present. Senate Bill 523, having received the required constitutional majority, is declared passed. The AP and State Journal-Register ask leave to take photographs. Is leave granted? Leave is granted. Senate Bill 532. Senator O'Malley. Read the bill, Mr. <sic> Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 532...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Take it out of the record. Senate Bill 539. Senator Fawell? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 539.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the agreed bill between the manufacturers and the new car dealers, and first I want to thank Senator Jacobs for all of his help on arriving at a -- a -- a joint agreement between the -- between the manufacturers and the new car dealers. Basically it was due to a Supreme Court decision that said that new car dealers could no longer bring their franchises into court and suggested that the Legislature set up some kind of a board to hear those disputes. This bill establishes a Motor Vehicle Review Board within the Secretary of State's Office to adjudicate disputes between the auto dealers and the manufacturers, and I will be glad to answer any questions.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I concur with my Chairman of the Transportation Committee. Senator Fawell is absolutely right. This bill has taken a lot of work. I know of no known opposition. I do want to thank the Senator for all of her hard work, and the whole committee. This was an issue that was volatile, and I think we have taken the volatility out of it and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 539 pass. Those in favor will vote Aye, and the opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. Senate Bill 539, having received the required constitutional majority, is declared passed. On 541, the Chair would ask leave to be able to call the bill later on when he has vacated the Chair. Leave -- is leave granted? Leave is granted. Senate Bill 542. Senator Watson? Senator Watson? Take it out of the record. Senate Bill 553. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 553.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the bill -- the licensing bill for the collectors for the State. Their licensing will be up December 31st. This is an agreed bill now with the Department of

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Licensing and Registration <sic>, and I will answer any questions, but, basically, that's what it does.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR WELCH:

Senator Fawell, Section 11 <sic> of the bill -- of the amendment says "Any person or business under contract with a creditor to notify the creditor's debtors of a debt using only the creditor's name" is an added group that would be exempt. Is that going to stay in the bill when it gets over to the House, or is that going to be coming out of the bill? There was a question that I raised about that in the committee.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

That was agreed language with the -- with the Department.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, it wasn't agreed in the committee because we raised -- I raised that as a question and we were trying to work on that. And the last we were told is that language would be coming out of the bill. That's an exemption for groups so that they do not have to comply with the Collection Agency Act.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell. I don't think that was a question. Did you want -- he wants to make it a question now. Senator Fawell.

SENATOR FAWELL:

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This bill was worked on by the licensing people and the collectors and all parties concerned. My understanding is when someone has a contract - say, for instance, if they're collecting for Sears or something - that that's when this would come into -- into play.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Senator, that's exactly the point, because under this bill, they don't have to comply with the Fair Collection Practices Act <sic>. They can call you at 6 in the morning. They can call you at work. They can call your wife, your husband. They can call anybody they want because they're exempt from the Act. What we were trying to do is take that out of -- out of the bill. Right now, for instance, there are ten other exemptions. This is an added exemption, and I don't see why somebody who is hired by Sears to work in-house - for instance, work out of a Sears store - and make these phone calls should be exempt. That doesn't make sense.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SENATOR FAWELL:

If there is a problem with this language, I shall be more than happy to bring it up with the sponsor over in the House. The -- the sponsor over in the House is - one of the sponsors and has been the sponsor in the past - is Representative Lange, who I believe is from your side of the aisle. I shall be more than happy to talk to him about it, and -- but this has been an agreed bill. We have worked on it for several hours. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch, Senator Fawell was closing. On that question

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-- the question is, shall Senate Bill 553 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 17 voting Nay, none voting Present. Senate Bill 553, having received the required constitutional majority, is declared passed. Senate Bill 554. Senator O'Malley. Take it out of the record. On Senate Bill 565, the Chair requests leave to return to that after he vacates the Chair. Is leave granted? Leave is granted. Senate Bill 573. Senator Maitland? Out of the record. Senate Bill 577. Senator Trotter? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 577.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the -- the Senate. Senate Bill 577 requires Department of -- of Aging to investigate and to audit its present system of home and community-based services to ensure that the 3.2 billion dollars that we're spending in that area for home services is spent -- is being spent correctly. It was -- it went out of Committee on Agreed Bill List, and it's good legislation and I ask for its approval.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 577 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. Senate Bill 577, having received

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the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 584. Senator Woodyard? Out of the record. Senate Bill 586. Senator Klemm? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 586.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 586, as amended, addresses several practices of the Local Government Tort Immunity Act <sic>. One, it allows the counties, cities, townships and school boards to maintain adequate fund balances associated with their self-insurance reserves. It allows the costs and expenses that are associated with the legitimate tort and insurance programs to be paid. But it does prohibit the accumulation of excessive funds, and it establishes that excessive surpluses are to be used for property tax abatement. It also says that funds are to be used for insurance costs, risk management expenses, payments of tort judgments or settlements or for the creation of self-insurance reserves. I think a special thanks goes to the Illinois Taxpayers' Federation, the Illinois Municipal League, Metro Counties, townships, Township Officials, school districts, the Governor's Office, City of Chicago, for their help in working out this agreed bill, and I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 586 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 586, having received the required constitutional majority, is declared passed. Senate Bill 597. Senator Bowles? Out of the record. Senate Bill 601. Senator Parker? Senator Parker on the Floor? Out of the record. Senate Bill 611. Senator Donahue? Madam Secretary, please read the bill. Senator Donahue seeks leave of the Body to return Senate Bill 611 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 611. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue, to explain the amendment.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The amendment allows the Department of Professional Regulations to waive any English proficiency examination under the nurse practice Act by rule. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is -- or all those in favor should say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 618. Senator Raica? Out of the record. Senate Bill 620. Senator Butler? Out of the record. Senate Bill 628. Senator O'Malley? Madam Secretary, please read

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the bill.

ACTING SECRETARY HAWKER:

Senate Bill 628.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 628 amends the Controlled Substance and Cannabis Nuisance Act to allow a lessor to give five days' notice for voiding a lease agreement with an occupant using the leased property for illegal drug activity. It also amends the Lessor's Liability Act to allow a lessor to void the lease and start eviction proceedings against a tenant charged with a Class X felony. Requires that the Class X felony be charged on or after the effective date of the amendatory change, and that it only apply to Class X offenses committed on the premises while under the lease. The -- the bill was amended further to require an indictment or finding of probable cause at a preliminary hearing before -- before you could use the -- the intent of the legislation. It also requires the lessee or occupant to have executed a lease addendum for drug-free housing pursuant to Housing and Urban Development rules before this -- before this eviction Section can be used or applies to the -- to the lease. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any questions or there any discussion? Seeing none, the question is, shall Senate Bill 628 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 628, having received

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the required constitutional majority, is declared passed. Senate Bill 630. Senator Rauschenberger? Out of the record. Senate Bill 636. Senator Parker? Out of the record. Senate Bill 653. Senator Dudycz? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 653.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 653 allows persons in the Cook County pension fund who are employed by the Cook County State's Attorney's Office to transfer credit from the Chicago police fund to the Cook County fund. The transfer shall consist of employee contributions plus interest, employer contributions, plus any interest paid to reinstate the contributions. Any employee transferring service from the Chicago police fund shall terminate their participation in that fund under date of transfer and allows these same individuals to repurchase credit refunded under certain conditions. These employees, upon transferring into the Cook County fund, are responsible for any differences in the amount transferred and the amount that would have been paid into the Cook County fund. It allows the time transferred to be deemed service as a member of the county police department. I know of no opposition, and I would seek your support on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Cullerton.

END OF TAPE

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TAPE 2

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, could you explain the buyback provisions of this bill? And also, if you know, how many people would be affected by this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDY CZ:

I am told that it's just a handful of people that are affected by this, Senator Cullerton. This is -- the transferring of the pension fund would be from the police pension fund into Cook County fund by police officers who are employed by the Cook County State's Attorney. This is a request of the State's Attorney -- of the Office of the State's Attorney. The employee contribution -- the employee would be paying the contributions plus interest, the employer contributions plus interest. Plus, anybody transferring the service from the police fund shall terminate from that fund when they transfer into the -- the County fund.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes, one other question. Would this only apply to people who were police officers, or would it apply to the secretaries and the clerks as well?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

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SENATOR DUDYCZ:

Okay. It -- it applies to persons who are employed by the Office of the Cook County State's Attorney as of January 1991 to transfer funds from the police pension fund to the Cook County pension fund. Theoretically, anybody who would be covered under the police pension fund as of January of this year would be qualified to transfer then into the County fund.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Dudycz, do you wish to close? The question is, shall Senate Bill 653 pass. All those in favor vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 653, having received the required constitutional majority, is declared passed. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In the gallery directly behind me are a group of students from Geneseo High School, which is in my district and also my hometown. Students are here with their teachers, and I'd like the Members of the Senate to recognize these fine students from Geneseo High School.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Will -- would you stand? And we -- we welcome you here to Springfield. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

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On a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, today we have with us the first lady Mayor of the City of Springfield, and she'll be serving to the end of this Session and doing double duty, but we're delighted to honor and congratulate Karen Hasara upon being the first lady Mayor of the City of Springfield, Illinois. I think it's a real plus.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara, please stand and be welcomed by the Senate. And congratulations. Senator Hasara.

SENATOR HASARA:

Thank you very much, Mr. President. And I certainly appreciate the attendance of so many of you last night at -- at our swearing-in ceremony. Remember: When Session's over, I'm really just moving down the street five blocks. So I'll certainly be around. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. We're on page 7, and we're on -- on Senate Bill 657. Senator DeAngelis. Out of the record. Senate Bill 658. Senator DeAngelis. Out of the record. Senate Bill 662. Senator Cronin. Senator Cronin on the Floor? Out of the -- out of the record. Senate Bill 674. Senator Karpziel. Out of the record. Senate Bill 677. Senator Bowles. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 677.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Senate Bill 677 is an amendment to the Public Aid Code concerning child support payments. The problem that existed with the Illinois Public Aid Commission has been resolved by -- by Amendment No. 1. It retains the original bill, but it rewrites it. And the purpose of this bill is to correct what -- a problem that now exists that if a person is making child support payments and is no longer able to continue making those payments but has rejoined the family unit and becomes eligible for Illinois public aid, that the -- this amendment reunifies the family. This bill came out of the Public Health and Welfare Committee at 11 to nothing. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

If I understand this bill correctly, does it mean that a -- let's say a noncustodial parent rejoins the family to which he is paying the custody money. I'll repeat it. My understanding - see if I'm correct on it - your bill indicates that a noncustodial parent who's been paying support, if he joins -- he or she joins the family again, who is receiving the support, would not have to pay it through to the Public Aid agency?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

That is correct, Senator Geo-Karis. It -- it -- pardon?

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion?

SENATOR BOWLES:

The person, of course, as -- to make it clear, is that the person rejoining the family unit would be eligible for Illinois public aid.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Welch.

SENATOR WELCH:

Now, if -- if a father is paying child support, moves back in with the mother of his child, he then no longer has to pay child support. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

If -- if the person who rejoins the family unit would be eligible for Illinois public aid.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Who -- who determines whether the father is back living with the family? Is that an affidavit of the mother, or just an affidavit of the father? Or how is -- how is it determined the father is back living with the family unit?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

...assume that it would be the Illinois Public Aid caseworker

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who would be made aware of that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

So we're going to have caseworkers going out checking just to make sure the father lives where there's supposed to be child support payments being made to the -- the mother?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

I would not think so, Senator Welch. I don't think that that is a particular function and only function of the Illinois Public Aid caseworkers. Most of them have such a caseload now that it's very difficult for them to keep up with all of the families that are assigned to them.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

I agree. I agree one hundred percent. In -- in many of the child support cases I have handled, you know, when there is a public aid payment going to the noncustodial father, you don't really get much cooperation from the -- from the mother - the recipient - as long as she's getting public aid payments. So I don't -- this seems to me to put an awful burden on the Department of Public Aid to make sure that the -- the noncustodial father is -- is living in that family unit. There is -- what's the incentive for the mother of the child to -- to not say that he's living there? Why -- why wouldn't she say that, "Oh, yeah, he's back living with us"?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles. Senator Bowles. Senator, there's a -- there's a problem with your microphone. Senator Bowles, at

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Senator Clayborne's microphone.

SENATOR BOWLES:

Thank you. When the noncustodial parent returns to the family unit, Senator Welch, and is no longer in a position to make support payments to the family, at that point, the person themselves would apply to the Illinois Public Aid for their eligibility rating.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in support of this legislation. We would -- we should be trying to reunify families. I think that that is a part of what the Republican agenda has been about. And this is a very good bill that will help reunify families. Clearly, the person has to qualify for public aid and that is a check and balance in and of itself. So I ask that all Members of this Body support this progressive legislation which reunifies families. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Seeing none, Senator Bowles, to close. Senator Bowles, at Senator Clayborne's microphone.

SENATOR BOWLES:

Thank you, Mr. President. I would ask for an affirmative vote on this. I think the premise of the bill - to reunify the families - is the key and the fact that Illinois Public Aid and the Public Welfare Committee were all in agreement as to the merits of this bill. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 677 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 677, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 682. Senator Maitland? Senator Maitland on the Floor? Out of the record. Senate Bill 698. Senator Palmer? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 698.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. This Bill 698 requires all child care center licensees and employers <sic> who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act to attend training on recognizing child abuse and neglect, as prescribed by DCFS rules. The intent of this bill is to make sure that child care providers have adequate training in the identification of child abuse and neglect cases, and DCFS will set the rules to determine the type of training, duration and so forth. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she will yield, Senator Donahue.

SENATOR DONAHUE:

Thank you. We have no problem with the idea of the training and everything. In fact, we think it's a good idea, but we have -- who will pay for the cost of the training?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

The day care providers themselves will pay for this. Their concern is that there are so many abuse cases now coming before them that they don't want to make a mistake and end up reporting something that is not clearly a case of child abuse. They want to be better trained than they have been.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you. We just needed that for the record, and we would -- we would support the piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer, to close.

SENATOR PALMER:

Thank you. I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 698 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 698, having received the required constitutional majority, is declared passed. WICS-TV requests permission to tape in the gallery. Does -- permission granted? Leave is granted. I'd like to have Senate Bill 709, sponsored by the individual in the Chair, I'd like to have leave of the Body to go back to that at another point in time. Thank you. Leave is granted. Senate Bill 716. Senator -- Senator DeAngelis? Senator DeAngelis, do you wish this bill... Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

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Senate Bill 716.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. Thank you, Mr. President. Senate Bill 716 is an attempt to resolve an issue that has festered far too long and has resulted in some rather productive and unproductive activity, created a significant amount of turmoil in the auditing by the Department of Revenue. It simply does what it does with the rest of the rolling stock and that is that it creates a sales tax exemption for those school buses that are used to provide interstate transportation as may occasionally be needed by those schools pursuant to a contract with those schools. Right now under law, there is no definition in this particular category. And what happens is that the Department of Revenue spends countless hours trying to extract a few pennies from these transportation companies, and then they usually end up before a hearing officer and then they sometimes end up in court. I say that if the school -- if the Department of Revenue has no definition on how they should be taxed, they shouldn't be taxing them. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Ladies and Gentlemen of the Senate. I rise in opposition to the bill. I believe that the point that was made by the Department of Revenue in our hearings is a valid one. First of all, their estimate is that this is going to cost the taxpayers two million dollars a year. But even more important, I would suggest to you, is the definition that is being used in the bill

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that's before us, Senate Bill 716, versus the present measure. And what we're talking about here is that if a school bus is used, quote, "in a regular and frequent manner for interstate commerce", then it will be exempt. That means that if a school bus is used regularly and frequently across State lines - Illinois to Wisconsin, Illinois to Indiana, Illinois to Kentucky, whatever - regularly and frequently, it will not be subject to -- to the tax. This bill changes regularly and frequently to the phrase "occasionally be needed" - "occasionally be needed". And I've got to suggest to you, if I was the attorney for the owner of the school bus, if they take it across the State line once a year, that's occasionally as needed, and that would exempt them from sales -- from our sales tax obligation from the Department of Revenue. That doesn't make sense to me, Ladies and Gentlemen. I think that if it's -- it should be exempt if it is regularly and frequently used across State lines. If it's not regularly and frequently used, it ought to be taxed. For that reason, I rise in opposition to Senate Bill 716.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. You know, this is one more change in the State tax structure. A couple days ago, Senator DeAngelis, you were standing up with a bill that was going to make uniform real estate tax assessments throughout the State of Illinois. And as I recall, you said that you wanted to eliminate the glitches throughout the State to make it uniform. We were, at that point, following the Taxpayer Federation's uniformity plan. But now, here we have one more exemption - one more exemption. We've had more exemptions from the sales taxes. We've had over three billion dollars in exemption from sales taxes here in the State of Illinois. And it seems to me that, at some point, we should treat

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everybody the same. There is always going to be some group that should have an exemption because, oh, they're doing some good here; they're doing some good there. But as you recall, there was just a report issued by the State Comptroller - your candidate, Loleta Didrickson - who just issued a very thick report showing all the exemptions in the State of Illinois. I think the conclusion of her report, at least implied if not spoken, was that there are too many exemptions. But here we are once again. One more exemption. Less money for the State coffers and more money out of the individual taxpayers' pockets, because that's what it's going to result in. It seems to me, Senator DeAngelis, that -- that you have been leading the league here in tax exemptions. Between last year and this year in the Revenue Committee, we've had more exemptions from sales taxes and other taxes, for whatever reason, than I've seen in my thirteen years here. So, I want to congratulate you for that title and wish you good luck and hope we vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in support of this bill. We had this in Revenue. And, you know, we have a unique State here, and -- and down in the southern tip of Illinois, where -- there isn't hardly any area for the -- them to take their buses for repairs and the like, unless they go over to Paducah, or Cape Girardeau, or across to Evansville. Same way when they take children to activities down in that area, if they don't go across the State line down in the southern tip of Illinois, it really works a hardship on them and they have hardly anyplace to go. I think this is a good piece of legislation, and it doesn't affect that much, and we should pass it.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I rise in opposition to this bill. I certainly sympathize with those school buses that are caught between a rock and a hard place on this issue, but I think this is a bad precedent to start. What it is doing is equating school buses - those who have occasion to cross State lines periodically but do not fit into the definition of regular and frequent in the way it is decided by the Department of Revenue - equating them with the major interstate buses, and I think that that is a bad precedent to start. This is -- creates a very narrow exemption from State taxes. And I think that it is a bad thing to begin, and I suggest that we vote No on it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you. Senator Welch, I think you and I have a -- a major difference between an exemption and a repair. I don't know if any of you have ever been audited by the IRS, but I want to cite to you one instance, 'cause this is what happens with the bus companies. Back many years ago, before I came into government, I belonged to a country club. I still do, but at that time, my kids would go to the club and they would sign a ticket for fifteen cents for a candy bar. So I got audited by the IRS, and I had a -- stack of tickets about this high - first of all, I was stupid enough to keep those tickets - and they equaled about four hundred and eighty dollars. But then I had another pile of tickets about this high, which included our company Christmas party, which cost seven thousand dollars, and the auditor at the IRS said: "You know what? These are all invalid because we have a higher frequency here than we have here." So the four-hundred-and-eighty-dollar frequency pile threw out about twenty-two thousand dollars' worth

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of tax exemptions. This is exactly the same story with this. First of all, the carrier would not seek a license for interstate to take one trip to avoid the sales tax. That's ridiculous. That license costs a lot of money. But what happens: I walked into a school bus carrier's office one day and I found three auditors from the Department of Revenue eating rolls, drinking coffee and chewing gum, and I said hi to them in a cordial way. They were in a nice, comfortable setting, and I said, "John, how long have they been here?" He said, "Nine months." I said, "Nine months?" And I said, "I would have" -- "If they're there that long, I'd put them in a garage in an unheated room." The fact of the matter is, there's so much ambiguity that nobody knows what you're auditing; you don't know what it's going to be, and you end up in litigation. 1.9 million dollars lost. I want to tell you, you're going to save that in personnel hands down. But I tell you, you know, what's so wrong with -- that you -- what's so wrong about knowing how you're going to be taxed? Instead of having three auditors here that come in and decide you're going to be taxed, and down the street, three other auditors may decide you should not. This is simply trying to clarify by eliminating this sales tax that's yielding very little, costing a lot, and is grossly unfair. I ask an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 716 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 22 voting Yes, 34 voting No, 1 voting Present. Senate Bill 716, having not received the required constitutional majority, is declared failed. Senator Lauzen seeks leave of the Body to return Senate Bill 720 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted.

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On the Order of 2nd Reading is Senate Bill 720. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, on Amendment No. 2.

SENATOR DeANGELIS:

Thank you. First of all, I'd like to commend Senator Lauzen for being a very cooperative sponsor. The amendment is quite lengthy, but it basically takes out some of the kinks that we thought might be there in the bill as it was first introduced.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Collins, on the amendment?

SENATOR COLLINS:

Okay. I'm sorry. I'll -- I'll deal with it on 3rd Reading.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Senator Lauzen, do you wish to speak to the amendment? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Lauzen seeks leave of the Body to return Senate Bill 726 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of Senate -- 2nd Reading is Senate Bill 726. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

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SENATOR LAUZEN:

Amendment No. 2 to Senate Bill 726 puts in the agreement that's been reached between the Department of Revenue and the Illinois Retail Merchants Association on the late penalty and interest amounts. I just ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No -- no further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 727. Senator Cronin? Senator Cronin. Are you on the Floor, Senator Cronin? Out of the record. Senate Bill 728. Senator Woodyard. Out of the record. Senate Bill 739. Senator Butler. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 739.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, Senate Bill 739 makes some changes in the Personnel Records Act <sic>. Back when the Act was first created, there were several provisions that were so poorly worded and so unclear that the Supreme Court ruled the entire Act unconstitutional, but in 1987, the General Assembly tried again and removed the provision that the court thought was invalid. But in the ensuing years, there still have been some problems. So we've -- I think we've worked out the problems, and

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we do have an agreement between labor and management. Particularly, the IEA had a problem with one provision. Essentially what it does is to -- is to make clear what the employer -- the relationship between the employer's personal records and that which the employee can easily have access to. It -- it adds some language clarifying wages and salaries an employee might learn. It makes -- or, excuse me, disclosure of -- of comments from previous employers -- clears up that matter. The -- the IEA had particular trouble with one relating to grievance procedures and that has been taken out. So as far as I know, most are very happy with the changes we've made, and I would urge your approval.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator Butler, under your bill, would it still require that an employee who wishes to inspect his or her personnel records, that they make the request in writing?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Another question: Does it also provide that an employer representative be present when an employee is expecting -- is

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inspecting his or her records?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

And, thirdly, does it still provide that any information from a previous employer or any third party - even your next-door neighbor - regarding the employee's job qualifications or job performance can still be in your personnel record?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Well, Senator, they'd be in your personnel records, but they'd be exempt from the items that an employee would inspect -- or could inspect. Excuse me.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

That's what I thought. I rise in opposition to this bill for several reasons. First of all, the bill addresses an Act that had, in 1987, been ruled unconstitutional in a case known as *Spinelli v. Immanuel Lutheran Evangelical Congregation*, where the court found that the broad and ambiguous language of that law, the Legislature failed to provide an adequate guide concerning what an employer may properly refuse to disclose, as it was not clear what documents or employee could rightfully inspect under the provisions of the Act. The two Sections violated due process. Now, this -- the subsequent action by the Legislature has never been tested in court, so we don't know if it adheres to the

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Constitution. But I'd also like to point out that this Act only covers public employees and those employees who work in the field of education who are covered under the Public Relations -- Labor Relations Act and the Education <sic> Labor Relations Act; however, neither of those Acts talks about inspection of records. Finally, I would like to point out that while the Illinois Education Association is neutral on the bill, that the AFL-CIO is still opposed to this bill, and that's why I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there further discussion? Further discussion? Senator Butler, to close.

SENATOR BUTLER:

Thank you. In closing, let me point out to -- that the purpose of this bill is to continue to perfect the -- the bill that was passed in 1987. It's true; it hasn't been through the Supreme Court, but I -- I'll tell you, it has not been challenged, which is the most important point. The -- as I mentioned, the IEA has written -- has signed off on this. I -- I don't know why the AFL-CIO is against it. Secondly, I -- you mentioned that this covers public employees only. It does not. It covers all employers.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 739 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 voting Yes, 25 voting No, 1 voting Present. Senate Bill 739, having received the required constitutional majority, is declared passed. Senator Garcia, for what purpose do you rise?

SENATOR GARCIA:

Mr. President, I would like to move for verification of the

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roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia has requested a verification. Will all Senators please be in their seats. The Secretary will please read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia, do you question the presence of any Member?

SENATOR GARCIA:

Yes. Is Senator Weaver here?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver? Senator Weaver. Senator Weaver? Strike his name.

SENATOR GARCIA:

Senator Fitzgerald?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald? Senator Fitzgerald is in the phone booth.

SENATOR GARCIA:

Senator Karpziel?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel is in the back of the room.

SENATOR GARCIA:

Senator Watson?

PRESIDING OFFICER: (SENATOR WATSON)

He's in his chair.

SENATOR GARCIA:

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Yes, he is. Senator Fawell?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell is in the aisle. On a verified roll call, the -- the Ayes are 30 Yes, 25 No, 1 voting Present. Senate Bill 799, having received the required constitutional -- 739 - I beg your pardon - 739, having received the required constitutional majority, is declared passed. Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR HAWKINSON:

Mr. President, I was on the Senate Floor lobbying for another bill and didn't get back to my switch. Had I, I would have voted Aye.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Thank you. Senator Dudycz, do you seek leave of the Body to return Senate Bill 747 to the Order of 2nd Reading for the purpose of an amendment? Senator Dudycz does not necessarily seek leave. Yes, he does. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 747. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senate Floor Amendment No. 2 deletes the bill and amends indecent solicitation of a child and indecent solicitation of an adult to include solicitation in

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person, in writing, by telephone, computer or other electronic means. This is being submitted at the request of the Judiciary Committee to -- to conform with current Statutes.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, all those in favor, vote -- all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill -- 749. Senator Maitland. Senator Maitland? Out of the record. Senate Bill 753. Senator Berman. Madam Secretary, do you wish Senate -- Senator Berman, do you wish Senate Bill 753 returned to the Order of 2nd Reading for the purpose of -- of an amendment? Senator -- leave is granted. On the Order of 2nd Reading is Senate Bill 753. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 1 is at the request of the Cook County Assessor's Office. Allows a list of parcels of property for which certificates of error have been issued to be presented to the court as an objection to a tax sale. It clarifies the language regarding those proceedings, and I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is

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adopted. Are there further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 760. Senator Lauzen? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 760.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 760 allows the Toll Highway Authority to administratively adjudicate violations for failure to pay tolls. Currently there's about two million dollars that the toll system loses annually. Current law states that anyone convicted of toll evasion is guilty of a petty offense and shall be fined not less than five dollars or more than a hundred dollars for each offense. What this does is it helps the tollway system collect the proper amount of tolls.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 760 pass. All those in favor, vote Aye. I beg your pardon. Senator Collins has a question or a comment.

SENATOR COLLINS:

Question of the sponsor please.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates he will yield, Senator Collins.

SENATOR COLLINS:

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Would these violations apply to those toll areas, the toll gates, that -- that if you come up at a certain exit, you're traveling and you don't necessarily know that a toll is there, and you have to have the correct change to come back -- to get out, would that apply up to a hundred-dollar fine in those instances? Because I -- I find myself in travel not knowing that there is a toll exit -- those little gates that come up, that you don't have the direct change to put in there, and there's no way to get out. Although, in many instances, the gates are up and -- and people that don't have the change, they don't have any choice. You can't go backwards, so you've got to go forward. And someone should be there or something should be there for change -- for making change. And so what you're saying, as you travel throughout this State, you have to know every place where there is those little toll gates, where you come up on exits. That's almost impossible, because there are no maps, to my knowledge, that identify those toll exits where they're unattended.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

To answer your question: Yes, this does apply to those toll booths. And, no, I am not saying that every person needs to know where all these -- you know, what the toll amounts are at every place. There is a system -- and, naturally, it's a legitimate concern. I've had the same problem myself as I've come to, unexpectedly, and sometimes when I haven't had the right amount of change. There needs -- there's going to be a set of rules that has to go through a filing with the Secretary of State, going through the notice and public hearing process, and then receive approval through JCAR so that it's a reasonable set. If I'm not mistaken, the way that -- that that one is handled, you know, where you come to an exit where it's fifteen cents and you don't

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have it, if you find that, you get an envelope at the next place to take care of that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, that is absolutely not true, that you get an envelope at the next place. What next place? You're going off and you're going to wherever your destination is, and there is no next place. And I -- and I think everybody should pay attention here. I am not advocating that -- that anyone should violate any laws. If it's the law, we should abide by it, and if it's unjust, we should change it. But this is what we're doing. Now you're setting the situation up where you can -- a totally unregulated agency here to charge people up to a hundred dollars to go through an untended - an untended - toll gate that have to have direct change that you as a traveler -- as the sponsor said, he's been caught into those situations. I know I have been caught into those situations, and there's no exit, unattended, no provisions to make change and you come up and you have to put fifteen cent or ten cent into a toll gate and you -- and if you don't have it, you can be charged up to a hundred dollars. I think that is -- that is an overkill. We ought to put some protections in here, some guidelines, so that they can, in fact, establish rules, so that the intent of this law can be very, very clear that those unattended toll gates and those where you -- where you can't make any change, that the people will -- will have some latitude or some other option there to ensure that they send in that fifteen cent - that's all - and not be fined a hundred dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

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I had talked to Senator Lauzen on this bill because I shared some of the concerns that Senator Collins had. I have -- I don't have any tollways in my district, so it's not even a big issue with me. I do have some problems which I expressed to -- to the sponsor. I have one just very basic one. I don't believe in spy cameras. That's number one. So, we have that in there. The other thing is -- is that it does put, as Senator Collins indicated, tremendous onus on the driver to make sure that, when they get back on the freeway within a reasonable period of time, they pick up one of these envelopes, that they -- they mark down - they have to have a pen to mark down - whichever toll booth they might have went through and all of these good things. In my discussions with the Senator, I think we got the impression that we -- that there was going to be an attempt to try to work out some of those problems that may exist, in order to be able to explain to the drivers how they can use these -- these envelopes and what procedure they have. And the commitment that -- that I understood was available, that we was going to continue to look at this and pass it on, and continue to look at it to perhaps see if we couldn't do something to take that onus off the driver. Because it is a tremendous onus. And I'm not going to stand in the sender's way, but I think it -- it has some -- some reservations on the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I happen to have two of these tollway highways in my district, and up until just recently, I had three of them in my district out of the four. So this is a fairly common occurrence in my -- in my area. What this bill says is that the defense -- the offense would have to be detected by the Authority's video surveillance system. That, in effect, is a video camera that may or may not be at a location. They move

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these cameras around. It also says that it has to be -- it has to be a preponderance of the evidence. So it seems to me that there's enough safeguards in this bill that it's not going to be done willy-nilly. It is a problem with the tollway. The tollway right now is losing approximately two million dollars every year because people are refusing to -- or -- or going through these toll booths without dropping their money in. It's a matter of thirty-five cents most of the time. I have run into the same problem as Senator Collins where I do not have thirty-five cents, and I think so far the tollway -- highway department is -- probably owes me five or ten dollars, at least, in extra monies that I have thrown into the booth because I didn't have the exact change. Seeing as this is a tremendous loss of money though to the tollway, it seems to me this is a logical bill and should be voted Aye.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. I just want to rise in support of this bill. We just had a bill previous to this where we voted it down because we were concerned that the school bus companies were not going to be paying their taxes when they should be paying to the State of Illinois. Here we have almost two million dollars that is not collected from people who should be paying their tolls, and this gives us an opportunity to get that money back. And I don't think it's cumbersome, and I understand the concerns when you get to an exact toll change, but you can put in an extra nickel or a dime if you happen to come upon that situation. So I think we should vote Yes on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Seeing none, Senator

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Lauzen, to close.

SENATOR LAUZEN:

Thank you, Mr. President. Certainly I appreciate the concerns that have been raised. I've -- I've experienced each one that's been mentioned. I appreciate the statements of support. When we do use the tollway system, we're responsible for paying the toll. There have been measures put into this bill where they should mitigate the problems that people will experience; for instance, an 800 number. If a person has a problem they can call up. Reasonable rules will go through a certain set of channels before they're implemented. So with those safeguards in place -- we also have states of California, New York, Texas, Oklahoma, Florida and Colorado using them. So with that, I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 760 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, 2 voting Present. Senate Bill 760, having received the required constitutional majority, is declared passed. Senator Petka, on Senate Bill 768? Out of the record. Senate Bill 775. Senator Parker? Out of the record. Senate Bill 782. Senator Hawkinson? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 782.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 782, as amended on the Floor with the recommendation from the Education Committee, would

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abolish the Chicago School Code and the Chicago Finance Authority and put the Chicago schools under the same School Code that every other district in the State of Illinois has. Now this is a work in -- in progress, but it -- because we will be amending it in the House. For one thing, as a technical amendment, we're going to have to amend the regular School Code to take out the five-hundred-thousand-population requirement so that the Chicago schools would be under the same School Code as everyone else in Illinois. It is also my intention and one of the reasons why I didn't put it in this form initially, I have no intention of -- of changing the Chicago school reform efforts, or abolishing the local school councils, or changing the way that Chapter I money is spent effectively locally. But it is my intention with this bill to set this policy, and this policy is as follows: We've had a change in control of the General Assembly in Springfield, and -- and many of us have felt that Springfield running any local school system is wrong. And that many of the problems that we have are caused by Springfield meddling in the way not only the Chicago schools are run, but sometimes all of our schools are run. And it's my -- it's been my philosophy, since we Republicans took control, that we should not try and do a better job of running somebody else's schools; that we ought to say that the Chicago schools ought to be run by the parents, by the taxpayers, teachers, students, boys and girls, of Chicago, the same way that all of us run our school districts downstate; that we should not try and change the rules in this Body to micromanage the Chicago schools in a Republican way, but we should say to the people of Chicago, "They're your schools; you ought to have the same rights and obligations as everybody else in the State of Illinois." And that is the ultimate goal of Senate Bill 782, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

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SENATOR BERMAN:

Thank you, Mr. President. I rise in support of Senator Hawkinson's proposal, and I think, very importantly, the comments that he has made regarding Springfield micromanaging the Chicago school system is really a very, very important point. There are parts in the bill, as amended, which disturb me, but I have discussed this with Senator Hawkinson and he recognizes, as do many of us that live in Chicago, how important Chicago school reform is, that local school council activity and commitment, the use of Chapter I money at the local level, are all important. He has indicated his concurrence with those points of view, and I think, again, we're talking about essentially a vehicle that will be amended in the House, allow for additional discussions, as we move along, and hopefully come back with a bill out of the House that will reinforce local control, Chicago determining what should be done with Chicago children, and a method by which we will allow Chicago schools to open in September and move forward with the education of our children. And I want the record to be very clear that those of us from Chicago who vote Yes are doing it based upon a commitment from the sponsor that we -- that we respect and look forward to working with him towards the final version of this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you. Thank you, Mr. President. Senator Hawkinson, first I want to thank you for introducing this bill and for really putting forth an honest effort to deal with the situation in Chicago, and this bill, I know, you put forth prior to the Governor's plan being made public. I need to ask you a couple of questions. The first one is: Is -- is this a plan that has been put in -- put together in consultation with the Governor's Office?

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Is this part of that package, or is this your own initiative?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

The -- the Governor is aware of my philosophy, the philosophy behind this bill, but this is not part of any package of anybody else.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

Senator Hawkinson, is it your intention, in amending this bill in the House, to protect and continue the current structure of local school councils?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in strong support of this wonderful legislation. It's most honorable sponsor. We know he will keep his word because he is an honorable gentleman, in modifying this legislation. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Hawkinson, you mentioned - I didn't get it all clearly

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- as it relate to the expenditure of Chapter I funds in here.
Could you explain what you said? I didn't hear it quite...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

What I indicated is I did not intend to change the way we're funding schools or in any way adversely impact the expenditure of Chapter I dollars or any other dollars by this legislation.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jones.

SENATOR JONES:

I'm trying to see what is in the legislation that we have before us, not what your intents are, but what is in the legislation, cause that law was written specifically to target those dollars based on the enrollment, at the same time, the local school council approve. It's a little different than the way it's done around the rest of the State. Could you explain that to me?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

I'm told that the Chapter I dollars are in a different Section - Section 18-8 - and would not be affected by this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Seeing none, Senator Hawkinson, to close.

SENATOR HAWKINSON:

I think this is an important step to send a policy message. It is not the final plan. We will need further amendment, as indicated in the debate. But I think it's important for this General Assembly to adopt the policy that local areas ought to run their own schools. And that's true for my school district, and it's equally as true for the Chicago School District, in that the

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taxpayers, the teachers, the students, and the parents, of Chicago, ought to have the right as well as the responsibility for their own schools. And I would urge the Senate to adopt that policy and support Senate Bill 782, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 782 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, 3 voting Present. Senate Bill 782, having received the required constitutional majority, is declared passed. Senate Bill 784. Senator Mahar? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 784.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. During Sessions past, Members of this General -- or, of that General Assembly had the good sense to require that employees -- new school employees undergo a criminal background check based on name for a variety of drug and sex offenses. What this bill does, very simply, is strike those references to name background checks and in its place put that the requirement be fingerprint background checks. There were three amendments added that -- that significantly changed the scope of the bill. First of all, the effective date is July the 1st, 1996. Secondly, the -- requires that the cost for each fingerprint check be borne by the applicant, so there is no adverse effect on the school district. There is a positive effect

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on the State of Illinois, because currently the State Board of Education's budget has a line item for three hundred and seventy-five thousand dollars for reimbursements of background checks, and that can be removed. And finally, it grandfathered in all existing employees such that only applicants after the July 1st of '96 date would be affected. I'd be happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 784 pass. Those in favor, 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, Madam Secretary. On that question, there are 51 Ayes, 3 Nays, 1 Member voting Present. Senate Bill 784, having received the required constitutional majority, is declared passed. Senate Bill 787. Senator Severns. Senate Bill 788. Senator Karpiel? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 788.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. The bill does three things, as it's amended. First, it allows any downstate forest preserve district to maintain and operate historic buildings and cultural education centers. Second, the bill would prohibit a forest preserve district from operating gift shops, cafeterias, snack bars and restaurants, but would allow them to lease or contract out for such services. The bill, however, does grandfather in such operations that are in practice at the time the bill becomes law.

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And finally, the board of any forest preserve district may, by ordinance and approved by a two-thirds vote of the members, issue licenses for any activity directly connected with the purpose for which the forest preserve district has been created. Ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Lauzen.

SENATOR LAUZEN:

Actually, two questions. First of all, does this move us farther or nearer to using forest preserves financing businesses?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator...

SENATOR LAUZEN:

Does it -- does it get -- does it get forest preserves out of various businesses, or does it put them closer to being able to run these businesses?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Well, it doesn't actually do either. It opens up some activities that they cannot have now, such as the -- I believe the historic buildings and cultural education centers. But it does not allow them to be operated by the forest preserves. These other things, such as restaurants and snack bars, et cetera, have to be privatized - contracted out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

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...thank you. And then, on final question: When a lease is committed in one of these forest preserves to a business that becomes profitable, then is that business required to pay the property tax on that leasehold improvement?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

I -- I really don't know the answer to that, but the chairman of the committee to which this goes said probably not, that it would be part of the lease agreement - the lease agreement.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Will the sponsor yield? Yes. Senator Karpziel...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel indicates she'll yield.

SENATOR TROTTER:

Is there -- is there any statutory authority allowing these districts to operate these businesses now?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Not explicitly in the Statutes now. One of the reasons for the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

So we're actually grandfathering in something that's been illegally been going on up to this point.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

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SENATOR KARPIEL:

Well, I don't know if it's illegal. I just think it's a gray area that we're trying to clear up with this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Simply that, Mr. President and Ladies and Gentlemen of the Senate, it wasn't mentioned because, no, it doesn't mean it's illegal.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Karpiel, to close.

SENATOR KARPIEL:

I would just ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 788 pass. Those in favor, 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, Madam Secretary. On that question, there are 48 Ayes, 6 Nays, 1 Member voting Present. Senate Bill 788, having received the required constitutional majority, is declared passed. Earlier Senator Watson asked leave to return to Senate Bill 709. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 709.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. This addresses the Illinois Planing Council on Developmentally Disabilities <sic> and adds that the appointment of thirty-eight <sic> members of the voting

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board shall be with the advice and consent of the Senate. And it also adds that of the eight voting members, one shall be a public school district superintendent, one shall be a director of special education and one shall be a director of a private special education facility. The requirements to be imposed by this amendatory Act of 1995 apply to the terms of office beginning in or after January 1996. This was amended in committee. There was considerable opposition. In fact, the committee opposed the original legislation, asked me to come back with an amendment that we would hope to have worked out with the Council. This is an attempt to do that. The Council, at this time, I think is still opposed to the concept, even though that, from all indications that we have, this does not impact any of their federal funding.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 709 pass. Those in favor, 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, Madam Secretary. On that question, there are 46 Ayes, 2 Nays, 9 Members voting Present. Senate Bill 709, having received the required constitutional majority, is declared passed. Earlier Senator DeAngelis asked leave to return to the Order of Senate Bill 541. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR MAITLAND)

...Senator DeAngelis. Senator Garcia, for what purpose do you arise, sir?

SENATOR GARCIA:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

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SENATOR GARCIA:

The -- my -- my vote on the last bill indicated I had voted Aye. I had intended to vote No on that bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will -- will recognize your intention, Senator. Senator Berman, for what purpose do you arise, sir?

SENATOR BERMAN:

Thank you, Mr. President. On the last bill, Senate Bill 709, I meant to vote No, and my light was green, I apologize. And I want the record to so reflect.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will indicate your intention, Senator Berman. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 541.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 541 does three things. The first thing it does is it abolishes the current school aid formula. Most of you know that the school aid formula, in most instances, does not work. It was created in the early seventies when there was an assumption made that enrollment would increase, property values would stay stable; therefore, the State would make up the difference between the increased enrollment and the stable local effort. The contrary has happened, resulting in that the State has a smaller burden; local government has picked up -- the local taxes have picked up the bigger burden. In its place it establishes a formula in which each student will receive, from each district, fifty percent of the median unrestricted revenue

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statewide, adjusted for a regional index. That's fifty percent of the median unrestricted revenue per student statewide, with a regional adjustment. Secondly, it reduces the permissive rates - and those are the rates that we, in the General Assembly, allow school districts to levy - by fifty percent, to forty-six cents for elementary, forty-six for secondary, and a dollar -- or ninety-two cents for unit districts. The third thing that it does is it raises the State income tax from three percent to four for individuals and 4.8 to 6.4 for corporations. Several facts about this bill: It is not a switch; it is not a swap; it is not revenue-neutral. It is not a switch; it is not a swap; it is not revenue-neutral. If a school district gets their fifty percent -- or, fifty-percent grant and has their tax reduction, and the combined value of those two results in less revenue than the year previous, the State of Illinois will reimburse on a hold-harmless basis. Therefore, no school district will end up with less money than now, and most school districts will end up with more. Now, I presented you with a series of graphs. If you'll just point to them for just a minute, the first graph shows the difference in the percentage of State funding, if this bill passes, than what currently exists. The second graph is done -- is the same, except it shows it in a probably more graphic way. The inner circle shows the seventy-two percent local taxes are paying and the twenty-eight the State is. The outer circle shows that, after this passes, it would be a fifty-four/forty-six. Part of that differential in the percentage is that there are some school districts in Illinois who spend a considerable amount with their property taxes; therefore, it would be very difficult to achieve that fifty percent. The next graph is pretty well self-explanatory. It's a distribution chart on where the money goes. The last graph I want to show you, however, is the most important. We have been charged in Illinois with not only being

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one of the lowest providers of support for schools, but having one of the most serious underfunding situations. By -- on this graph, by using the fiftieth percentile - the fiftieth percentile - and with the State paying half of that and the other half by local effort, we have insured, with this bill - we have insured, with this bill - that no child in the State of Illinois will be funded at below the median level. That is light-years jump toward resolving the issue of adequacy. And last, it raises a hundred and eighty-six million dollars for distribution to local governments through the Local Distributive Fund, and that might be something that we might want to tinker with later on. In fact, if there's anybody in this Body that would like to turn around and suggest alternative revenue sources other than this, I'd be very happy to take that suggestion. If anybody thinks that there ought to be changes made in this, I'll be happy to accept those suggestions. But by and large, we've moved away from, one, a property tax-driven system; two, a State-funded system; three, we dealt with the issue of adequacy; and four, we are closing the gap on inequity. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 541, and I compliment the sponsor for making some very tough decisions on a very sensitive issue -- issues. And I think that he has outlined what this bill does quite well. Like any major change in the revenue stream and in the school aid formula, there are parts of this bill that I like very much; there are parts of this bill that I don't like very much. But I think that this bill, at this point, deserves our support, because it increases State revenue; it puts more State funds into education; it decreases the reliance on

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property taxes. Those three issues are issues that this Body and State government, for the last twenty years, have refused to recognize and to challenge, and that's why Illinois, which is a great State in what we're able to produce, in the jobs, in the economy, et cetera, stands at forty-seventh of all the states in State funding. Shame on us. This bill is a step in the right direction. Again, I think that Senator DeAngelis has done a yeoman job in confronting these problems, and I look forward to working with him to get the perfect bill before we walk out of here this Session. Thank you, Senator DeAngelis, and I ask you all to join us in an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I too rise in strong support of this bill. We have talked for a long time in this Body and in the State about being for education. You now have the possibility of being for education and actually making it a priority. We cannot continue to talk and not act. As I believe it was Senator Hawkinson said a few minutes ago about his bill, his bill was a work in progress, so is this one. It does not have everything that everyone wants, but no group is a loser in this, and I applaud Senator DeAngelis for taking the leadership and attempting to answer most of the questions that we have raised about school funding. Adequacy: It puts the fifty-percent floor under educational dollars, under funding. Equity: It begins to untangle much of the complicated tangling and knotting of giving some school districts more than others. Anyone who has doubts about this, you should take a look at the reports that the task force provided, that any number of school organizations and issues organizations that have looked at this question, as Senator Berman said, for the last twenty years. You will find appalling

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inequities. I applaud him for taking the leadership. The Revenue Committee on which I serve, and as does Senator Berman and others on our side, conducted six months of hearings, and I keep reminding people of that. We went all over the State of Illinois. These are the issues that were brought before us, and this bill attempts to address them. It is shameful for a State with the revenue and the power and the possibility that Illinois has, to keep falling annually farther and farther down to the -- I think we're now at something like -- we only fund at a level of thirty-two percent. That is outrageous. This bill helps lift us up, and I suggest and urge that we vote for it. There are things that we can do later on to change it, for those who have concerns, but I've been telling groups, let's apply the fifty-one percent rule on this. It has, at least, if not more, fifty-one percent of what we say we want, and I thank him for bringing it to us.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Lauzen.

SENATOR LAUZEN:

Senator, if this is a net tax increase, how much more money will the citizens of Illinois be paying in taxes?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

The amount of dollars paid in taxes would be somewhere around two billion. Schools would get about 1.6 billion. We would get four billion -- billion dollars of -- four hundred million for our own Treasury. However, I did not say it was a net tax increase. I said it was not revenue-neutral. If you would add the combined

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-- and, Senator Lauzen, I know it's hard to -- to convince you on this point, but if you would add what you receive in State aid and what the reduction to your taxpaying citizens that you are concerned about as much as I am concerned about, you will find out there's approximately a nine-hundred-million-dollar benefit to the citizens.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Well that -- the increase that you're speaking of - that two billion dollars - is that per year or over the next five years?

END OF TAPE

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

It's per year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Okay. Will this extra money improve education performance in Illinois?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

I don't have a crystal ball. I would hope that it would, but I can tell you that there is along with this a trailer bill that,

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in fact, has some significant recommendations for educational improvement and reform.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Final question, before addressing the bill: What evidence do you point to that a greater percentage of State, rather than local, funding leads to greater academic performance?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Lauzen, if -- I know you deal with the business world, but if -- if you had five companies and you gave one of them ten percent as much as the highest one and the other one twenty and the other one thirty and forty, which one do you think would have the ability to produce the -- better product? Now, that doesn't necessarily mean they are going to produce it, but you cannot, in fact, measure performance when that is the kind of funding we have in Illinois. Educational funding is a matter of geographical accident. If you happen to be somewhere where there's a lot of EAV, you're going to get a lot of money. But I can tell you, in my own area, I have two school districts - elementary school districts - side by side, going to the same high school, in which the variation is significant.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Well, the question that I asked was: What evidence do you point to that the greater percentage of State, rather than local, funding will -- leads to improved performance?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

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SENATOR DeANGELIS:

Well, the fact of the matter is, is what you'll be doing is giving kids opportunities to have certain educational tools they currently don't have, and hopefully that will result in an improvement. It sure isn't going to happen without it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

To the -- to the bill: I know that part of the promise of this bill - and I -- I have enormous respect and affection for the sponsor - is that there's going to be some offsetting property tax payments. But I would submit in this Legislature - and I believe that many people feel the same way - that property taxpayers don't trust any of us. They feel that we'll get the income tax increase, for sure, but that property taxes will be hiked back up, if we even get the temporary tax relief. A second point that I would make is that the natural revenue growth in the budget of the State of Illinois, over the past four years, has been estimated for this year, three-quarters of a billion dollars - seven hundred and fifty million; last year, six hundred and fifty million; year before, eight hundred and thirty-three million; and the year before that, nine hundred and fifty-six million dollars. Now, if we cannot live within those means, then another tax increase is not going to help. I would say that -- especially -- well, especially people in this Body should have learned their lesson by now. More money for our kids was the justification for the Lottery, for riverboat gambling, for a surcharge extension, and now another tax increase. How long will we propose tax increases, rather than spending cuts in some other areas and lining up our priorities properly? I would just ask for a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Viverito.

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SENATOR VIVERITO:

I stand in favor of this proposal, and to reiterate Senator Palmer and Senator Berman, I have a great deal of respect and admiration for my colleague on the other side, who has shown great wisdom and courage in addressing this particular problem that we've had for too long. And I commend you, Senator DeAngelis. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. I represent a community -- the community where I live, where -- where my kids go to the elementary public school system, where ninety-three percent of the revenue needed to fund that school system comes from myself, my neighbors and the rest of the property taxpayers. And so consequently, the intent of this bill to shift away from that is something that definitely appeals to me. Mr. President, if the sponsor would yield for a question, I have one concern. And I think I've heard that from a number of my constituents...

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Mahar.

SENATOR MAHAR:

...in this regard, and that is: We're going to increase two billion dollars' worth of income taxes. Is there something in your bill that specifically says that we're going to utilize that money for the intent which you -- which you demonstrate, and -- and the following year, we will be unable to take that money and put it into whatever the crisis-of-the-month is around here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Senator Mahar. That's an excellent question. The

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bill does have three parts: One is the part that directs the money to be driven through this new formula; second, that the property tax reduction is done because we have forced the lowering of the rates that they could levy. The -- the driving -- and then there's the tax increase. That drives it through that formula, and that formula is in the bill. It isn't a formula that can be altered without doing significant legislative changes. One of the things that I thought about and I -- as we continue to work on this, is to, perhaps, find a system of continuing appropriation that -- keeps driving the formula through, so that in the event that somebody wants to change it, they have to change more than just the -- the -- the -- they just can't change the appropriation; they have to change the whole thing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor, too.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator -- Senator DeAngelis, if Senator Demuzio would leave you alone, I'd like to ask you a question. Why do you have the income tax increase going to the General Revenue Fund instead of the Common School Fund, if it's going to go to education?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

I have no problem in designating the fund. The only problem: I don't want this to look like the Lottery Bill, okay? The fact of the matter is, the thing that drives the funding is not the fact that the money goes in. The thing that drives the funding is the formula. And as long as that formulary is intact

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and we want to put language in that it will be done with a continuing appropriation, that would satisfy me, and I think it would satisfy most of the Body. But putting it into another fund doesn't mean the money's going to get there.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

I would -- I would think putting it into the Common School Fund would mean it wouldn't be spent on something else. So it would seem to me that would be the fuel driving the school funding formula. But let me also say that -- aren't -- didn't we pass a bill that says that ten percent of all income tax revenue goes to local governments starting next year? Is that -- is that correct? What effect does that have on your proposal? That seems like a big chunk of any new revenue going to local governments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I -- without provoking any animosities, we do have a budget that we cannot fulfill at this particular time, and there's a debt that we have yet found a way to pay. There are going to be a lot of creative ways in which to do that. I can tell you that I would not be adverse to readjusting that formula, and that with this amount of money coming in, perhaps we can go back to an old number that would take care of them and would give us a little bit more to take care of our problems.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Is the ten-percent tax only out of the General Revenue Fund, on an income tax increase? Would that not apply if the money went directly to the Common School Fund? Is that one way to avoid

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that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

As I read it, the Local Government Distributive Fund is based on income tax. Not where it goes. The tax.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, what guarantee is there in the bill that the real estate property taxes are definitely going to be lowered?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

The bill statutorily reduces the permissive rate, which currently is ninety-two cents for elementary, ninety-two for secondary and a buck eighty-four for unit. It mandatorily, statutorily reduced it by fifty percent, to forty-six, forty-six and -- what's half of one eighty-two?

PRESIDING OFFICER: (SENATOR MAITLAND)

Ninety-two. Further -- Senator Geo-Karis.

SENATOR GEO-KARIS:

To the bill: Mr. President and Ladies and Gentlemen of the Senate, I have said that I would vote for an income tax increase if there was a guarantee - absolute guarantee - that proportionate taxes - real estate taxes - would be decreased. Nowhere in the bill does it say they will be decreased. You may have a formula and all that, but there's nothing to stop the formula from being

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changed again, and then the people are -- hit with a double whammy. Therefore, I regrettably have to speak against the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Actually I have two of them. The first question would be in regards to renters. Renters will not get a break here, but they're going to be paying more. Is there any safeguards built into this bill to ensure that their property tax -- or their rents may go down proportionately by the amount of dollars that they're going to get in the property tax exemption?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

No, Senator Jacobs, but there is a world out there called competition. And I know that, in the City of Chicago alone, there are significant vacancies in the office markets and in some of the apartment units. I would think that if something came down, the rents would come down with it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Want to -- I just want to read off of my district. Whether it's correct or not, we can still debate that. For my district alone, convince me. My individual income tax increase is going to 19.8 million dollars. The residential and farm property tax relief is going to be 7.4 million dollars. So the net tax

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increase is 12.4 million dollars. I now have new school dollars of 3.6. My people are going to be paying 8.8 million dollars more than what they're getting in return. How do I explain that to my citizens?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

What's your number?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Number one, actually. No! Thirty-six.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think it would be a good time to introduce the chart, because I think that's what he's referring to. But Senate District 36, with this bill in effect, would go from fifty-six million - you want to -- you got a pencil there, Senator Jacobs - would go from fifty-six million dollars in State aid to seventy-one million. That's a fifteen-million-dollar gain. It would go from sixty-four million in property taxes to fifty-two million. So, that's thirty-seven -- how much are you saying you're in paying in income tax?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Get back to this one, and that's what I'm saying. I'm trying to figure out whether our figures are correct or yours are. We're paying 19.8 million dollars more in income taxes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

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SENATOR DeANGELIS:

You're getting a thirty-seven-million-dollar benefit. I think the chart that you're reading is off the Department of Revenue, which does not have any of the business savings in it. It only -- it only deals with residential property tax decreases.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Well, it's my understanding -- if that be correct, it's my understanding the big winners on this -- actually, that there's a three- or four-hundred-million-dollar overall savings for business communities in this State, and it's falling on the backs of the individual income tax holders. I'm not going to get into a big -- 'cause we're talking off of two different schedules here, and I understand that. But let me check with our staff and see where we're at with that. Thank you.

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:

I have the chart here. I -- and I wanted to ask, how does this differ from the plan that -- that Comptroller Netsch introduced last year?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

There's no comparison. Senator Netsch was going to swap from one pocket to the other. Okay? That -- this does not do that. And if you've got your printout, what's your number there?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Beg your pardon? You say you take it from what now?

SENATOR DeANGELIS:

What's your number on that sheet? What's your district...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw, your senatorial district.

SENATOR SHAW:

Fifteen.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, what Senator Netsch's plan would have done -- and by the way, this -- just to clear the record -- just to clear the record, this very bill that I am introducing, with some modification, is a bill that Senator Netsch soundly defeated three times in the Revenue Committee - in fact, to the extent that it never, ever got heard. So, to try to compare it with something of hers, hers was a swap. It said if you pay a dollar income tax, we're going to give you a -- property taxes, we're going to give you a dollar income tax. Now, she did have some additional dollars they were going to spread around. But let me point out to you, if they would have done it through the old formula, you may not have got any of it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Let me -- let me ask you another question. Have you talked to anybody in the -- on the other side of the -- over across the rotunda in terms of trying to get this bill passed?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator DeAngelis.

SENATOR DeANGELIS:

Senator Shaw, a journey of a thousand miles starts with the first step.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

To the -- to the bill: I introduced a bill similar to this last year, where it would have made a reduction in the property taxes by some fifty percent. As a matter of fact, your President talked about the bill last year, and at one point, I thought he was going to support the bill. But he -- he didn't see fit to do that at that time. But looking at it today -- and I think I want to say here and now, I'm for funding education, but I'm not for a charade. And that thousand-mile journey that you're talking about, certainly it starts with the first step, but I don't think that step is -- is going to be made here today. I think this is a charade, and I don't think this bill have the votes. I don't think you have them on your side of the aisle, and I think this is a political ploy, and I don't think that you should -- this Body should be about "now you see it and now you don't". I don't think it should be about that. I think there's -- an honest effort should be made here, in terms of trying to pass some tax relief for the taxpayers of Cook County. And certainly all of us over here will -- will probably vote for this legislation. But to do this to the children of our State, in terms of education and talking about it -- certainly it's a -- it's a noble speech and I know that you have good intentions. I -- I understand what you're doing, but at the same time, I don't believe that you have the votes on your side of the aisle. I, for one, is going to vote for this legislation, but I don't believe that you can put the votes together on your side of the aisle to bring this about, to get it

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to the other -- across the rotunda to the other Chamber. I think it's a shame that the -- your side of the aisle would put you in this position, to hang you out there and lead you to believe that you can promise the children something that they can't have. I think it's a shame, and I don't think it should be done, and I don't think that's what this Body should be about. And certainly I would ask that the Members of this Chamber - those who can - vote Present on this bill, on this side of the aisle. You have the votes on your side of the aisle. You have the membership. You have the majority, and the majority should be put on from your side of the aisle. And if you haven't done that, then you haven't done your job on this bill. But I want to see how many Members you put on from your side of the aisle. I'm voting Yes on the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will...

SENATOR COLLINS:

Senator DeAngelis, and I -- I didn't hear when you first started. I was away from my desk and I -- off the Floor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Pardon me, Senator Collins. Ladies and Gentlemen...

SENATOR COLLINS:

Could you tell me how much...

PRESIDING OFFICER: (SENATOR MAITLAND)

...please. Give the Lady your attention, please. Senator Collins.

SENATOR COLLINS:

How much of this -- how much of the monies from this tax will

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go to support State government, not education?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

There is a residual amount of anywhere between three and five hundred million dollars.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

For this year.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Fiscal '96.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Question: Senator, have you spoken with the Governor in reference to his signature on this bill, in case it would get to his desk?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

I have spoken to him. The Governor, at this particular time, is -- specifically ambiguous.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

I -- I didn't hear that. I mean, you muffled there. Tell me -- say it again.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

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SENATOR DeANGELIS:

I said the Governor is specifically ambiguous. The Governor has not indicated he has a position, yet.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Senator, the other thing, have you polled your Membership and -- to see whether or not you do have some support? And I'm asking you this because, quite frankly, I'm going to support your bill, but the reality of this -- I think Senator Shaw, you know, explained it very well. This is a political issue. And it's really, really a tragedy for us to continue to play politics with the lives of the children of the State, and with the property owners of this State. There's no doubt about it. This issue has been studied and studied over and over, has been used as political posturing, has defeated the Democratic ticket in the last election. Among those were myself, and I'm up for re-election again. But I think what it's really all about here is whether or not we do have the test of courage to do what is right, even though it may be politically incorrect. It is most certainly the political incorrect thing to do, because time after time, candidates are defeated on the basis of their vote on tax increases. And if that side of the aisle - the majority of your Members - are going to go out after this vote is taken here - and the probability is that it will not pass because you don't have the votes - and then posture themselves and play the media game, which they will successfully do, and say that we all voted for a tax increase - and of course, this and that was -- was for whatever reason - just toward -- to defeat and to gain more seats in the Senate next time around, it's really unfair. But it's a chance that I think we have to take. It's a chance that I'm willing to take. And I just will say that in the absence of any

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other constructive plan to come through this Session, probably won't -- another bill -- I haven't even seen another bill, House or Senate. It's the only opportunity that we have. We're still a long way from the conclusion of this Session, and I think as negotiations continue to go on, we can look at some of the problems with this bill. I would hope so. It most certainly has some problems that I'm concerned about. I don't think, at this point, a dime of this money should be going for -- to support State government, because if the Governor want - and which he should - additional money to adequately fund State government, then it's his responsibility to take initiative for that. It's also his -- his responsibility to take the initiative for funding education. But it's obvious he's not going to do that. He is not the education president, as he purported to be -- I mean, Governor, as he purported to be. We all know that. So for the sake of the children of the State of Illinois, yes, I'm willing to take the risk. I will vote Aye.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jones.

SENATOR JONES:

Senator DeAngelis, I heard your response to another question. I recall last year - last year during the gubernatorial campaign - the issue about the tax increase. Now, could you tell the Body what percent of State income tax are you talking about increasing?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

It goes -- it goes from three percent to four percent for the

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individual and 4.8 to 6.4 for the corporations.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, is it -- is it fifty percent or thirty-five percent or thirty-eight percent? What percent?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

It's thirty-three percent on the retail and twenty-five percent on the wholesale.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

When you say "on the retail", retail sales tax?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

No. If you took four percent to -- and multiply it by twenty-five percent, it's a one-percent increase. If you took the thirty-three and you raised it -- if you took the three and raised it to four, it's a thirty-three and a third.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, the question I -- I asked you -- I think Senator Shaw raised that question with you, and you said the -- the plan of Dawn Clark Netsch was taking from one pocket to another pocket. But that's -- that's not the way the bill -- her plan was. I think she indicated with her tax plan, she wanted to raise the State income tax, which would have been two billion dollars, and she was going to rebate one billion dollars in property tax. Am I

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correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, but she never said why. And by the way, if she was going to double the income tax increase and only give a billion, this would give us 1.3 billion for a one percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, I -- I think -- I think the record should be -- be clear and straight as to -- as related to the plans. I recall that immediately thereafter, I think, the -- the major newspapers carried the story where I think the -- the Senate President indicated he'd like to try something as a swap, similar to what they are doing in Michigan or Wisconsin. But I think the -- record should be crystal clear that we -- we are playing politics with the education of children in the State of Illinois. If you were -- genuinely sincere about funding, then you would have supported that plan. Now, that plan that she had was a genuine property tax relief. It was not taking from one pocket to the -- to the other pocket, as -- as it relate to this bill, Senator DeAngelis, as related to this particular bill. And I saw all of you on that side of the aisle beat her across the head because she was trying to do something for the children. You know, so -- but I was trying to find out -- on this bill, it's not an even swap. It's not an even swap, is it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

No, and -- no, Senator Jones, it is not, but I want to tell you, if -- if -- if I was being insincere, I'm going to tell you,

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she was triply insincere, 'cause she killed this bill three times.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, again, I -- I recognize the political charade that we are playing with this particular issue, and I do recognize that even your counterpart in the House indicated that this bill would not see the light of day in the event it passed. But I suggest very strongly - very strongly - if you genuinely want to pass this bill, then I suggest that you sit down with your Leadership over there and help provide the necessary votes so that it doesn't become a political issue, as it seems right now, rather than just call this bill, get it up for a vote, and say all the -- all the Democrats want to do is raise taxes. So let's stop playing politics with this issue, and if you're genuinely sincere, I suggest you get your Leadership on the other side of the aisle to come out and be supportive, and we can put the proper votes on so that a -- a bill can pass that can benefit the children of the State of Illinois and also take the burden off the property tax owners.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. There are three or four or five of us on the Floor of this Senate that have dealt with school finance now for, frankly, nearly twenty years. We have fought battle after battle to adequately fund schools, to attempt to shift a balance between State and local revenue and attempt to find equity in funding our schools, and we've always lost those battles. And you know why we've lost those battles? For the same reason I'm hearing the discussion on the Floor of this Chamber this afternoon. We have

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parochial concerns because we represent districts of nearly two hundred thousand people, and every issue, every bill, every plan we've ever put before a Body has gotten involved in this kind of rhetoric, and it's legitimate rhetoric. We protect our own districts, and we are concerned. Senator DeAngelis has made a yeoman's attempt to present to this Body and to this State a means by which we fund education, and I'm going to say it again this afternoon - and I hate to say it: But now is not the time, but the time is getting very, very close. Because, you see, for the reason we haven't been able to do this is because we, as legislators, are individual and parochial in nature. The Governor of this State has made a commitment to take the bull by the horns and put together a task force of high-level people - people who understand the issue, people who are concerned about the equity and the funding of schools in this State - and he's going to be doing that very soon. He will take Senator DeAngelis' plan. The task force will -- will take the Task Force on School Finance, Senator Berman, the plan that you and I and Senator DeAngelis and others were a part of. There are many similarities - many similarities. But the fact of the matter, this has to happen, and it has to happen very soon. If I find any fault at all with Senator DeAngelis' approach, it is that it doesn't deal, in my view, the way we're going to have to deal with the equity issue, and that's a very, very serious component of school finance reform. Everybody in this State screams at schools for, in their minds, the lousy job they are doing of educating our boys and girls. But, Ladies and Gentlemen, look at the budget that we pass out of this Body every year. It's not education that's eating the funding. It's the social service agencies - DCFS and others - who have the boys and girls or the parents of this State who, for one -- reason or another, haven't been able to control those children and they end up as wards of the State and come into our schools,

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and we expect the teachers to do the same job with the kind of students they had back a generation or two ago, and it can't happen. We are asking schools to do more and more and more. And we're going to have to provide the adequate funding. Let's don't blow it now. Senator DeAngelis, it's with regret that I stand and oppose your bill this afternoon, but do not oppose the bill in concept. I want the task force to move forward and bring about school funding in Illinois and do it this year. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR DeANGELIS:

Thank you, Madam Chairman. You know, last year we passed the tax caps. I supported them strongly. But I also supported them on the hope that we would change the formula, because what is happening in my area and what is happening in other areas is that property tax collections will go down, State aid will go down. Let me give you an example. This year, the Governor proposed about a hundred and fifty million dollars of new monies for schools. In my district - in my district - only one school gets more money than last year. In the Chicago Board of Education - and this is the difference between the Netsch and DeAngelis plan - the Governor's contribution in his budget gives Chicago forty-seven million dollars less than last year because of the formula - because of the formula. And then we in Cook County, particularly in the South Quadrant, get hit with a forty-five-hundred-dollar homestead exemption, triennial assessments, prior-year EAV, caps and less money. Senator Maitland, I would like to wait; I really would. And I do not enjoy having a tax increase on any of my bills, but in my area, it is one minute till midnight. And the problem is that this bill is

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not like wine. It's not going to get better with time. In fact, property taxes will go up about seven hundred and fifty million dollars this year, eight hundred and twenty-five next year and nine hundred the following year. And if we have to make up that differential, we will have a tax bill that'll make Illinois look like one of the -- most humongous state, and therein lies part of the equity issue. Because by taking down that tax rate, we start flattening the top. We're bringing up the bottom, with the fiftieth percentile, and we are closing that gap. I am a strong believer in local effort. I really am. And that's why there has to be a strong component on that. But the price gets higher and higher and higher, and schools are sinking more and more. Senator Shaw, on that -- I just -- I sent each one of you a copy of the printout, and just rather quickly, that first column is what you would currently be getting -- it's what you're currently getting in State aid. The second column is what your property taxes are. And I got to remind some of the critics from Chicago that -- on both sides of the aisle, that currently you're going to get the four hundred and eighty-seven million dollars in State aid. Under this bill, it goes to nine hundred and six million. Your property taxes, Wally - you've got an area that's very sensitive to that - goes from a billion two hundred and eighty-three to a billion nineteen: Two-hundred-and-sixty-million-dollar property tax reductions. My Lord, Chicago went to war on over a twenty-five-million-dollar tax increase two years ago on property taxes. And a two-hundred-and-sixty-million decrease. Every school district in Illinois, every taxpayer in that school district will have a property tax reduction. And let me give you -- we want to talk politics? Let me tell you why you have to do it this year. And I will sweat and take the flap for an entire year, because come a year from this August, when the second installment of the property tax bill in Cook County comes down,

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for the first time in the history of that county, everyone will see a substantial decrease in their property taxes. 'Cause it's got to happen, because we have lowered the rate. And I'll tell you: I'll probably have people coming up to my office like they come now and say, "Was this a mistake?" because every year they come running up there when it increases, 'cause they've never seen a decrease. Now I have to get on a personal note. I don't like doing this. I came to this Body, along with many of you, with the idea of changing things. I came here because in 1978, as a first-generation American, I heard a President say, "We have to learn to live with less." And I knew that if I could disappoint my father in his grave, it would be to accept that theory; that he who came over and left his mother, father, four sisters and two brothers, to give me a better opportunity, that I was agreeing that I wasn't going to let my kids have the very same things that I had. The reality of this hit me the other day. My granddaughter is going to school in the fall - the very same school her father attended, when there were twenty-two students in the class, when the State was paying forty-five percent of the bill. She's going to walk into a classroom, in an affluent community, with forty-five kids. And the very legacy that I refused to accept for myself, I refuse to accept for my granddaughter. We have a crisis, folks. We really, really do. And we can't run away from it. And one pledge that I made to myself - and this sounds a little self-serving - but if I ever felt that my whole career hinged on me doing something wrong, I'd give up the career. I ask for support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 541 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? Have all voted who wish? Take the record. On that question,

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there are 15 Ayes, 40 Nays, 2 voting Present. Senate Bill 541, having not received the required constitutional majority, is declared failed. Senator Raica, on Senate Bill 791. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 791.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Members of the Senate. Senate Bill 791 closes the loopholes in the AIDS disclosure information by the Department of Public Health. 791 now protects AIDS and HIV data from disclosure by prohibiting the Department of Public Health from disclosing information and records relating to known or suspected AIDS or sexually transmitted diseases cases in the public, or in any court cases, or before any board or tribunal or agency. Finally, 791 prohibits the Department of Public Health from disclosing AIDS registry information if that information defies -- identifies the reporting entity, the patient or the physician in any way. And I just solicit your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Karpiel.

SENATOR KARPIEL:

Not on this, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 791 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? Have all voted who wish? Take the record. On that question, there are 58 Ayes,

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no Nays, none voting Present. Senate Bill 791, having received the required constitutional majority, is declared passed. Senator Butler. Senator Jacobs, on Senate Bill 801. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 801.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 801, as amended, permits the State Mandates Board of Review to allow units of local government, excluding school districts, to implement a State mandate in an alternative manner if the unit of local government demonstrates to the Board's satisfaction that the mandate can be implemented at less cost to the unit of local government and still meet the goals, objectives and intended results of the mandate. This was an outgrowth of the 1992 advisory referendum, which was placed on the general election ballot, concerning State mandates. At that time, over eighty percent of the voters voting on the question favored a policy of not allowing the State to pass unfunded mandates onto units of local government. This gives the local governments the right to approach DCCA and to come up with an alternative implementation plan that they can accept in order to allow for them to meet the intent of the law. The Municipal League is for it. We tried to make DCCA happy. I understand DCCA's still got a hit on it, but I think that's mainly because they feel it's going to take a few hundred thousand dollars to implement this program. I don't know if I agree with that or not, but I think it's something that's in keeping with what the voters asked for, and I ask for an Aye

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support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Karpel.

SENATOR KARPIEL:

Senator Jacobs, I know this came out of the Executive Committee, and we -- we had talked about getting an amendment. I don't know that the amendment does a great deal, very frankly. But the Department -- DCCA was not there at our last meeting, and now have brought to me some problems that they have with the bill. Let me just ask you some questions, and perhaps we could work on it more as it goes to the House. The biggest concern is that the -- that the Mandates Board is -- is an appointed board of five people, whom I doubt any of us know or -- know who they are, and they have one staff person. What we are doing with this bill is allowing this -- this five-member Board to waive Statutes as well as rules and regulations of the General Assembly. So they become somewhat even more powerful, in a way, than the General Assembly. In the school waiver bill, Senator, we have a provision in there that, if it's a statutory mandate that the school districts wish to waive, it must come back to the General Assembly for approval. Only -- they can only waive rules and regs of the State Board, not statutory mandates. In this bill, as I say, it -- it is -- it's all inclusive that the Mandate Board can -- can waive just anything. So that's one problem I have with the bill and -- and a question. And secondly, what is the enforcement power of this Board? What if, for instance, the Illinois EPA has a mandate out to local governments dealing with their wastewater or stormwater, or whatever, and it's a federal mandate, perhaps, and they wish to

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waive it? This five-member Board can waive -- waive that mandate? And if they do, who follows up with the municipality to make sure that it's being done correctly, and et cetera? It's just sort of wide open.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Senator. I don't disagree with anything you said. We attempted to sit down with the Department of Commerce and Community Affairs. We come back with the one amendment that they indicated that -- that their concern was the word "waiver". So we took the waiver out and said an "alternative implementation", whereby the Board could offer, if -- if a municipality come up with an alternative way of doing things, they could allow for that or not allow for that. That's up -- up to them. I -- I don't think that they would have any authority, no more so than they do today, to circumvent Statute. But I think that the bill, as I see it -- I agree with you. We're -- we're wide open for DCCA to -- to come in and tell us what they want to do. We're willing to do what they want to do. It's just a matter of them telling us. Since our original conversation with staff, we have not heard any more from the Department of Commerce and Community Affairs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Well, Senator -- Senator Jacobs, if we do put this bill out, would -- would you be willing to continue working on it - I'd be glad to work on it also - and perhaps have some amendments ready for the House?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

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Yeah. I -- I would, most certainly, like to do that. I would like to have it in better form than it is today. But if -- but if people don't talk to us, and departments don't talk to us, there's not a heck of a lot we can do about that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. I rise to support the bill. I think it's not perfect, as Senator Jacobs has said, and as Senator Karpel has said. I think it's a good beginning. We should do what we possibly can to move ahead to relieve municipalities, in particular, from some of the more onerous mandates we've slapped on them over the years. So I would hope -- and I trust Senator Jacobs will -- will continue to work on this. It needs some work, but it's in the right direction. I'm going to vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR JACOBS:

Thank you, Madam President. Just in closing I would say that, even as it sits, we are not allowing them to -- to waive the mandate; we're just saying, if they can come up with another method, we'll allow that to happen. But I agree it needs some more work, and I just ask for your Aye vote and will continue working on it. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 801 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. On that question, there are 52 Ayes, 1 Nay, 2 voting Present. Senate Bill 801, having received the required constitutional majority, is declared passed. Senator Karpel.

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SENATOR KARPIEL:

Point of personal privilege, I guess is what you'd call it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR KARPIEL:

Madam President, I sat here for approximately forty-five minutes and listened to the debate on Senate Bill 541. I have -- have worried and -- and studied that issue for many, many weeks and I inadvertently -- no, I did vote, but too late evidently, because it -- it didn't register. So I would like to have the record show that I would have been voting No.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Thank you, Madam President. With the permission of the Chairman of Appropriations, the Public Health Committee will meet this afternoon in Room 212 - not A-1 - immediately following Session. And we'll either go just prior to, or just after, approach -- or, Approps, depending on who gets there first. And that's Room 212, immediately following Session.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Madam President, just a -- purpose of an announcement. Obviously, for the last time we are going to mention the softball game. That is tonight. We'd like to have the players out there are 5 o'clock if we could. We had a great practice last night. We got a couple of free agents that look real good, and I think we are going to -- we are favored actually this year. So we've got to live up to that billing, and so we want to see you out there. Secondly, you all should have got in your office an invitation

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from the Illinois Manufactured Housing Association to attend a barbecue tomorrow from 12 noon to 2 o'clock in the Stratton Office Building parking lot. They have a -- a manufactured home there that I think all of you will be surprised to see the -- the quality, and I would -- I would hope that all of you would take advantage of the opportunity to go over and visit the manufactured housing demonstration, and also have a barbecue on them. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement. The Education Committee will meet immediately following our -- our -- immediately following adjournment here on the Floor. We'll go right to Education Committee. We have two Floor amendments to hear. Be very quick. The sooner we get there, the sooner we will finish. And Senator O'Malley will be conducting business there as the Vice Chair. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

For purposes of announcement, Madam President. The Appropriation Committee will meet in Room 212 cohabiting with the Public Health Committee. I'd like all Members to come as soon as possible. We'll have a very brief meeting.

PRESIDING OFFICER: (SENATOR DONAHUE)

Sorry, Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

Thank you, Madam President. Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DONAHUE)

Inquire.

SENATOR CARROLL:

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Who's faster, Raica or Rauschenberger? So we know which committee's going to meet first.

PRESIDING OFFICER: (SENATOR DONAHUE)

If you all just take your seats for just a minute, we have one more order of business, and then we will be on our way to our committees. On page 18, bottom of the page under Motions in Writing to Reconsider the Vote is Senate Bill 100. Mr. Secretary, read the motion.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 100 failed.

Filed by Senator Molaro.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Well, thank you, Madam President. There isn't much to say, except that motion speaks for itself, and I'd ask for a favorable roll call on the motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam President. Yes. As agreed to by both sides of the aisle, we will be moving it on -- back to 3rd, and from 3rd, we will be amending it as -- as per agreement with the Minority Leader and the President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Having voted on the prevailing side, Senator Molaro moves to reconsider the vote by which Senate Bill 100 was defeated. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. All right. We will have a roll call on this, folks. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 7 Nays, 1 voting Present. The motion carries and the bill is on 3rd Reading. Motions. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator O'Malley has filed motions with respect to Senate Bill 47 and Senate Bill 53.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Resolutions.

SECRETARY HARRY:

Senate Resolution 61, offered by Senator Dudycz.

And Senate Resolution 62, offered by Senator Watson.

They're both substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Agriculture and Conservation - House Bill 1940; to the Committee on Education - House Bill 797, 940, 989, 991, 2142, 2273 and 2439; to the Committee on Environment and Energy - House Bills 41 and 753; to the Committee on Executive - House Bills 630, 1002, 1200, 2251, 2334 and 2345; to the Committee on Financial Institutions - House Bills 377, 1608, 1833, 1882 and 2346; to the Committee on Higher Education - House Bills 471, 820, -- 1398, and Senate Amendment 1 to Senate Bill 682; to the Committee on Insurance, Pensions and Licensed Activities - House Bills 3, 323, 892, 1045, 1131, 1197, 1209, 1790, 1876, 1969, 2177, 2337, 2463, Senate Amendment 2 to Senate Bill 532, and Amendment 2 to Senate Bill 346; to the Committee on Judiciary - House Bills 40, 234, 301, 314, 708, 865,

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1023, 1221, 1237, 1268, 1582, 1654, 1662, and 2236; to the Committee on Local Government and Elections - House Bills 150, 197, 438, 573, 801, 859, 897, 974, 1461, 1489, 1850, 1854 and 2181; to the Committee on Public Health and Welfare - House Bills 5, 166, 532, 942, 1130, 1320, 1322, and Senate Amendment 2 to Senate Bill 618; to the Committee on Revenue - House Bills 25, 222, 375, 679, 1893, 1900, 2141, and Senate Amendment 1 to Senate Bill 565; to the Committee on State Government Operations - House Bills 309, 1530, 1730, 1731, 1732, 1733, and 1791; to the Committee on Transportation - House Bills 603, 1124, 1202, 1462, 1696, 2080, 2204, and 2339, and Be Approved for Consideration - Senate Amendment 3 to Senate Bill 7, Amendment 2 to Senate Bill 135, Amendment 2 to Senate Bill 281, Amendment 3 to Senate Bill 618, Amendment 1 to Senate Bill 620, and Amendment 1 to Senate Bill 658.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Ralph Dunn, for what purpose do you rise?

SENATOR R. DUNN:

Thank you, Madam President. For an announcement. Higher Education Committee will meet at 8:30 in the morning in A-1 in the Stratton Building to hear Senate Amendment 1 to Senate Bill 682. We'd like for you to be there at 8:30, please. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 934, offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 1069, by Senator Petka.

(Secretary reads title of bill)

House Bill 1741, by Senator Cronin.

(Secretary reads title of bill)

And House Bill 2407, by Senator Weaver.

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(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Severns has filed a motion with respect to Senate Bill 337.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Is there any further business to come before the Senate? If not, Senator DeAngelis moves that the Senate stand adjourned until 9 a.m. - 9 a.m. - Wednesday, May 3rd. The Senate stands adjourned.

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