

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by the Reverend Rita Nafziger, Wesley United Methodist Church, Grandview {sic} (Springfield), Illinois. Reverend Nafziger.

THE REVEREND RITA NAFZIGER:

(Prayer by the Reverend Rita Nafziger)

PRESIDENT PHILIP:

Will you please rise for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben.)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 16th and Monday, May 20th, in the year 1996, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journals, pending the arrival of the printed transcript. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

House Joint Resolution 92.

Adopted by the House, May 16th, 1996.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 431, with Senate Amendments 1, 2, 4, 5 and 6.

We have like Messages on House Bill 545, with Senate Amendments 1, 2 and 5; House Bill 548, with Senate Amendments 3 and 4; House Bill 2529, with Senate Amendment 2; House Bill 2695, with Senate Amendment 1; House Bill 3048, with Senate Amendments 1 and 3; and House Bill 3670, with Senate Amendment 1.

All non-concurred in by the House, May 20th, 1996.

PRESIDING OFFICER: (SENATOR WATSON)

Committee Reports.

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Bill 1669, the motion to concur with House Amendment 4 Be Adopted.

And Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 1648, the motion to concur with House Amendment 1 Be Adopted.

PRESIDING OFFICER: (SENATOR WATSON)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 218, offered by Senator Parker.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 219, offered by Senators Dillard and Petka.  
It's substantive.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

Illinois Information Service requests permission to tape today's proceedings. Leave is granted. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate -- Senate Resolution 220, offered by Senator Geo-Karis and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint -- Senate Resolution, excuse me, 220. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Geo-Karis, to explain your resolution.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, last week one of the finest people who ever headed the Naval Service of the United States passed on, Admiral Jeremy Michael Boorda, Chief of Naval Operations of the United States Navy. I had known Admiral Boorda personally. He had begun his Naval service as an Apprentice Seaman. He lied about his age. He was sixteen. Came in as a -- as a seventeen-year-old, but he was sixteen, and he attained the highest rank of the Navy when he became Chief of Naval Operations. He was my dinner partner at the National WAVES Convention in San Diego about four or five years ago, and he said to me, "You know, I was a scamp when I was a kid. I had to get my GED test, but the Navy made me realize how important life is to serve others." He was the first Chief of Naval Operations...

PRESIDING OFFICER: (SENATOR WATSON)

Would you give the lady some attention, please? Would you mind giving the lady some attention? Thank you.

SENATOR GEO-KARIS:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

He was the first Chief of Naval Operations to come from the ranks without having graduated from the United States Naval Academy in Annapolis. He was a very caring officer, who always did his best to provide the greatest safety possible for all Navy personnel. He was well respected and well liked by the men and women in the Naval Service, as well as by other military personnel and -- and civilians. He did much to promote the dignity and careers of both men and women of all races, colors and creeds without prejudice. He left an indelible mark on all of us who had either met him or knew him and knew all the hard work that he did to bring to the Navy the respect and dignity it should have. He loved the U.S. Navy with all his heart and was very proud of it. He had an outstanding record of accomplishment in Naval Service. In December, 1991, he became Commander-In-Chief of the Allied Forces of Southern Europe and Commander-In-Chief of U.S. Naval Forces in Europe, London, England. Whereas, Admiral Boorda was in command of all NATO Forces engaged in operations enforcing U.N. sanctions against the warring factions in the former Republic of Yugoslavia, and on February 1, 1993, while serving as Commander-In-Chief, he assumed duties as Commander, Joint Task Force PROVIDE PROMISE, responsible for the supply of humanitarian relief to Bosnia-Herzegovina via air-land and air-drop missions and for troops contributing to the U.N. missions through the Balkans. His military awards include the Defense Distinguished Service Medal; the Distinguished Service Medal, three awards; the Legion of Merit, three awards; the Meritorious Service Medal, two awards; and a number of other personal and campaign awards. On April 23, 1994, Admiral Boorda became the 25th Chief of Naval Operations and was the head of the entire U.S. Navy. He leaves behind him his wife, Bettie Moran Boorda, and four children; two of his sons and one daughter-in-law are Naval Officers. Having served as a Naval Officer myself, who attained her position

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

through being an Apprentice Seaman like Admiral Boorda, and having known Admiral Boorda, and having known how well respected and well liked he was by his troops, and how he really cared about the people in the service, I feel very, very sorry that he left us, because he was one of the most outstanding men and military officers I had ever met in my entire life. And I say, Ladies and Gentlemen, this man was an honorable person, and he loved the Navy so much he never wanted anything said about him that left any doubt. I'm happy to tell you, today I read in the Tribune, and I invite others to read it, Mike Royko's column about Admiral Boorda. And it is with great sorrow and regret that we acknowledge his death, and we extend our sincere condolences to his family and friends. And there will never be another Mike Boorda, no matter who his successor is, because this man knew what it was to be in the ranks, knew how to care, and knew how to do his best for this -- the people in his command.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis has moved the adoption of Senate Resolution 220. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Intention of the Chair to proceed to page 6 of today's Calendar. Secretary's Desk, Concurrence, Senate Bills. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Mr. President. On a point of inquiry of the Chair. Is the -- when will we be going, or are we going to go today, to motions in writing or motions to discharge committee? I filed a motion on yesterday, and I just wanted to make sure that we have the opportunity to at least attempt to get the motion heard before we adjourn sometime this week.

PRESIDING OFFICER: (SENATOR WATSON)

We will more than likely go to that order of business sometime before we adjourn, Senator. ...begin at the top of page 6 with

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senate Bill 21. Senator Butler. Out of the record. Senate Bill 67. Senator Klemm. Mr. Secretary, please read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 21. Or, pardon me, Amendment No. 1 to Senate Bill 67.

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 actually becomes the bill. It allows all township boards to pay up to fifty percent of the salary of the highway commissioner from the corporate road and bridge fund. Right now, this can only be done in townships with less than five -- or, five million in EAV. However, the salary of the highway commissioner has to be set by the town board. It has to be approved by the highway commissioner and the board. This would make all the townships on an equal footing. I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? I'll remind the Membership that this is final action. The question is, shall the Senate concur in House Amendments -- No. 1 to Senate Bill 67. 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, no voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 67, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 350. Senator Klemm. Out of the record. Senate Bill 690. Senator Weaver. Mr. Secretary, please read the bill.

SECRETARY HARRY:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

I move to concur with the House in the adoption of their amendments, Amendments 1 and 3, to Senate Bill 690.

Filed by Senator Weaver.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver, to explain his motion.

SENATOR WEAVER:

Thank you, Mr. President. This bill would create the basis for a two-tiered grant program for academic medical centers affiliated with teaching hospitals in Illinois. The grants are subject to the appropriations made by the General Assembly in these two newly created funds. The first grant would -- established by this bill, to be known as the medical research (and) development challenge program, and it would affect, in the Chicago area, Loyola University Medical Center, Northwestern Memorial Hospital, Rush-Presbyterian St. Luke's Medical Center, and the University of Illinois Medical Center, as well as the University of Chicago. Also, in the -- second-tier program would fund post-tertiary clinical service programs in downstate Illinois through the University of Illinois School of Medicine in Springfield and Rockford, also Southern Illinois University Medical School here in Springfield. If there's any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Weaver, in committee the question was asked, how are we going to pay for this now, and also, how are we going to pay for it over the year, because it's been indicated that the plan - and I emphasize the plan - is to put five million dollars in the budget this year and to increase that amount over the years. This program could grow as much as fifty million dollars, from what I've been told. We're all for

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

research, and certainly these are all fine institutions that will be receiving this money, but I think it is important to note that, while we're looking at a budget that may cut services, Medicaid services, on top of cuts that were made last year in areas like adult dental care and -- and other essential care for -- for the indigent population, we are looking at a tight budget, and yet here we are establishing a new program that will undoubtedly grow. Now, I understand that the rationale is that, in order to capture federal matching dollars, we have to put in some State dollars. But I wonder, given that this bill just came to us - it's one of these end-of-Session surprises; it just came to us - I wonder why we didn't take more time to look at possible sources of funding for this bill, maybe even taking part of the hospital assessment tax, and maybe rather than cutting it in half, maybe we could cut it a little less so that we could take some of those dollars to fund this research that will certainly benefit the services and the programs that these hospitals provide. And so, I -- while I know that there will be a lot of votes on this bill, I think it's important, again, for the Members to understand that we're starting a new program here, and we're going to do it with -- with scarce dollars, and we really have not taken the time to look at what the options are. I'd be glad to support this program, but I wish the funding was coming from another source, other than GRF.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka. Senator Petka, do you wish to -- Senator Petka, do you wish to speak on this bill?

SENATOR PETKA:

Thank you, Mr. President. Would we move the previous question, please? Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The previous question has been moved. The speakers are Rauschenberger, O'Malley, Hawkinson, Lauzen, Palmer and Demuzio.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Weaver, I'm certainly very much in favor of research and development and certainly in matching funds, but I, too, am very concerned about where the dollars will come from, and as I look at a sheet that I received describing this program, it seems that the research is going into very highly specialized areas of medical research and that -- at a time when it would seem to me we would be very concerned about general practice, as opposed to such highly specialized programs. Could you just comment on this, and perhaps be a little more specific about what you see as the next, say, five years' funding for this program?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Senator Palmer, I think that we have great potential in our teaching hospitals and research hospitals throughout Illinois to provide services that are now being provided by other states, such as Mayo's, the Cleveland Clinic, and on and on. This group has been working for a long time, trying to come up with a program that will serve the people of Illinois in these specialties. And I -- I would hope that, as our revenues increase, we could put more money into research -- medical research in -- in the great institutions that we do have. It's certainly going to be up to the General Assembly to provide the funds, and there are matching federal funds. And I think maybe Senator Rauschenberger could speak to some of those sources: the National Institute of Health, foundations, grants from foundations. So this is an attempt by

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

cooperative agreements between the institutions to work together to -- to try to single in on certain aspects of medical research and treatment. And that's the purpose of this amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

Senator Weaver, is it your intention under House Amendment No. 3 to Senate Bill 690, which becomes the bill and establishes State funds for medical research programs, that any of those funds will be for human fetal tissue experimentation and/or transplantation from aborted fetuses?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver. Senator Weaver, proceed.

SENATOR WEAVER:

I know of no such plan.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator O'Malley.

SENATOR O'MALLEY:

Yes. Senator Weaver, it's my understanding that you and the House sponsors of this legislation have agreed to language prohibiting hospitals qualifying under this program from using that qualification as a marketing advantage over other hospitals. It is my further understanding that -- that -- that the House

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

sponsors are committed to this language. So my question is, are you committed to passage of language that would prohibit that type of activity, and I understand there's trailer legislation, and would you support it as it moves through the Legislature this week, if it's moving this week?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Well, I think there will be a trailer bill to clarify some of these issues. There are several points that probably will need clarification in the future to give direction to these various teaching hospitals, research hospitals, to concentrate in certain areas.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I just want to rise in support of this legislation, and thank Senator Weaver, and congratulate him on bringing this to us. I would also note that our analysis - and just seek confirmation - that the University of Illinois School of Medicine at Peoria will also be participating in this program.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Yes. I -- I don't want to be redundant, but I think Senator Weaver has already indicated to the Members that there was, in fact, a -- a slight glitch in this bill to the extent that Southern Illinois University had some problems, as did some of the -- the hospitals and their affiliates, and that trailer bill would, in fact, clear up that language. So based upon the -- the representation that you have made, as a -- a trailer bill coming, I am prepared to support it today. Thank you.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. We'd certainly like to welcome the Selmaville Rockets to the Illinois Senate. I notice that you're leaving. Glad to have you here. Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wanted to rise in support of this legislation and -- and give people a little bit of a perspective on this. Three years ago in the Medicaid system, we had four hundred million dollars' worth of adjustment payments that went to hospitals. A significant portion of those adjustment payments dealt with direct and indirect medical education. It was a mechanism by which hospitals could claim extra federal and State reimbursement to help offset the costs of both research and medical education at our teaching institutions. In an effort to reform the process and help control the costs in medicine, we have eliminated many of these programs, and what we said to the providers is, "Come back to us with merit-driven programs, with programs where there's some kind of outside criterion that justifies exceptional investment in Illinois institutions." This program was developed by the providers that are interested in it, along those lines. It has a merit-driven trigger. It's -- the trigger is -- is driven by the National Institute of Health's research grants. So hospitals that don't do significant or a lot of research don't qualify, so that we can concentrate the effort. It's an open program. As other hospitals get more involved in research, they would be allowed to participate. This is a merit-driven program and an effort to reward hospitals for doing the right thing, not for inflating their costs or not because they can run a billing department. You know, in an effort to -- to put the General Assembly back in charge of medical policy, I think this is the right kind of bill.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Most of these hospitals are not in Republican districts; they're in Democratic districts. They represent some of the premier hospitals in the State of Illinois. I think this is a very good bill, and it's a very good start. It's the Legislature, once again, exerting itself as a policy maker in what we want to have happen in health care policy. The money to fund this will come directly from much of the savings that we've had in the Medicare -- Medicaid program through changes in managed care and through hospital utilization savings, as hospitals embrace the new medical regimes and reduce the -- the length of stays and other procedural costs that they've built up over the years. I applaud Senator Weaver for bringing the bill. I'd ask everybody to reflect a minute on the idea of using merit as a criterion. And this is a federally matchable program. It's -- it's a very small beginning at looking at replacing some of those -- those additional funding sources that used to be available to our teaching hospitals and our research hospitals, and I would suggest that this is a good start. We'll be able to look at it annually, and I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The previous question having been moved, we have concluded with our speakers. Senator Weaver, to close.

SENATOR WEAVER:

I hope that we will look favorably upon this amendment, and looking forward to clarifications in implementation in the future, I'd certainly be open to any suggestions that any Member had. But I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

This is final action, and the -- the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 690. 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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

who wish? Take the record. On that question, there are 50 voting Yes, 1 voting Nay, 3 voting Present. The Senate does concur in House Amendments 1 and 3 to Senate Bill 690, and having received the required constitutional majority, is declared passed. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. I'm very pleased to indicate that we have some special guests with us today from Sycamore, Illinois, in the DeKalb County area. We have students, teachers, chaperones, parents from the Cornerstone Christian School, in the gallery on the north side of the Chambers. I'd like for them to stand to be recognized.

PRESIDING OFFICER: (SENATOR WATSON)

Will our guests in the gallery please rise? And welcome to Springfield and the Illinois Senate. Continuing on down page 6 to Senate Bill 946. Mr. Secretary, please read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 946.

Filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I do move to concur in House Amendment No. 1 to Senate Bill 946. Senate Bill 946 left this Chamber with a vote of 57 to nothing, and House Amendment No. 1 tightens up the legislation a little bit, to make it very clear that a field trip which will be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

reimbursed by the State of Illinois must be educational in nature, and it's a good amendment. It tightens it up considerably, the bill, and I would be happy to answer any questions and would appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 946. 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. The Senate does concur in House Amendment No. 1 to -- to Senate Bill 946, and the bill, having received the required constitutional majority, is declared passed. Senator Philip, on Senate Bill 1380. With leave of the Body, we'd like to go back to that order of business. Senate Bill 1424. Senator Madigan. Out of the record. Senate Bill 1467. Senator Donahue? Senator Donahue on the Floor? Out of the record. Senate Bill 1490. Senator Lauzen? Senate Bill 1490. Mr. Secretary, please read the motion. We are doing Senate Bill 1490. With leave, we will go back to Senate Bill 1424, and Senator Fitzgerald would be the sponsor, but we are now doing Senate Bill 1490. Senator Lauzen.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 4 to Senate Bill 1490.

Filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 1490, as amended, provides that an employer or agent who provides truthful information concerning the employment record of an employee or

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

former employee to a third person in response to a request is not liable to the employer {sic} or former employee in a civil action. Since an employer is becoming increasingly responsible for not only the livelihood of the family, an employee, the safety -- and the safety of the workplace, an employer needs to be able to obtain reliable job-related information. A fear of what can happen when you provide truthful information on a job reference has led to silence. Silence leads to failure in employment situations and even, in some cases, danger. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Garcia.

SENATOR GARCIA:

Senator Lauzen, can you tell us what the definition of "truthful information" is per this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen. Senator Lauzen.

SENATOR LAUZEN:

Thank you. The -- the bill says, in Section 10, that providing truthful written or verbal information, or information that it believes in good faith is truthful.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

Does that mean that anything that an employer believes or wants to believe about an employee or a former employee then, per this bill, becomes the truth?



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

No. For the immunity to attach the reference must be, again, the truthful information, information that the employer believes is in good faith truthful, and it is information an employer receives in a normal course of business about an employee's job, and it's restricted to only job performance.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

So whatever an employer believes, in fact, to be the truth, whether that be an opinion about the employer {sic}, irregardless of the work record that may be in an employee's file, how co-employees perceive or believe to be this person to be, the final word, an opinion of the employer, is the truth. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

No. I don't believe that that's the case, because, in the end, the employee would still have the right, under several situations, to file an action, and I believe that the final word would be a jury and a judge.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

One last question: What affects job performance? For example, a family illness or crisis that arises at a certain point in time, could that be a basis for the employer to form an opinion and, therefore, to speak the truth about an employee?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator Lauzen.

SENATOR LAUZEN:

I believe that the -- the situation -- a practical situation -- to give an illustration in answering that question, there was an article in the Wednesday, May 15th, Chicago Tribune. I believe that it would need to be a pattern. Any of the people in this Body and the people who we serve who have experience in hiring, training and managing employees knows how hard it is. So it's not -- to hire, train and manage an employee. So we'd not want to -- you know, it's not a situation where someone's trying to find something wrong, because people are trying to run a business. But it's the circumstance which was recounted on the front page of the Chicago Tribune May 15th, where it says that a fellow named Bill Gasser had a scary day at work not long ago. The president of a small manufacturing company in Arlington Heights, he had gone to break up a fight between two employees when one hurled a hammer at him, missing him by inches. Gasser immediately called the man's previous employer and asked, "Why in the world didn't you tell me about this guy?" And he already knew the answer. The previous boss confided that he had been afraid of being sued by the former employee. The worker had been violent at his previous job. So what we're looking at is where there's cases that can be as serious as threatening the -- being a danger to fellow employees.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Well, Senator Lauzen, while I believe that your motivations are good and that you certainly want to address a situation where employers can be more forthcoming with information, I think that this bill goes too far in attempting to insulate employers from potential liability regarding employee references, and I believe that this bill is not

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

a codification of case law; that it goes too far; that it says employers are immune from civil liability for providing, quote, "information that it believes in good faith" to be truthful. By allowing virtually absolute protection for statements believed to be -- to be true, this bill opens the possibility of employers giving references that contain erroneous information about employees, rumors about employees, innuendos, and outrageously subjective statements about workers. I believe that workers should be protected from such references that might be erroneous or outrageous. Employers already have protection from lawsuits and truth is always an absolute defense. This bill goes too far, and that's why working men and women throughout the State are opposed to it, as well as -- as the State AFL-CIO, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WATSON)

Previous question has been moved. We have Senators Barkhausen, Palmer, Cullerton and Hendon. And the next speaker is Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Senator Lauzen, in the Wall Street Journal Tuesday, May 7th - perhaps you read it - there is a story about personnel records, which I -- I found to be very interesting. There's a professor at the University of Illinois, David Linowes, L-I-N-O-W-E-S; he's a Professor of Political Economy and Public Policy at our University. He just did a study on workplace privacy, and he says that many companies - big companies - are very willing to release sensitive information about their workers. Creditors, courts, and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

even the federal government, are among those that sometimes request personnel data. He did a study and he looked at eighty-four Fortune 500 companies. Two-thirds of them routinely disclosed employee information to creditors, but refuse, Senator, refuse to let employees to see their own files. Now, the data collected may include medical and financial records, reports from private investigators, and even rumors. And because of the sophisticated technology that -- that we have now, personnel files are kept for much longer periods and distributed much more freely. So the status right now is that in the major Fortune 500 companies, creditors call, the government calls, wants to get information. They give out information with -- that -- to third parties that they don't even give to the employee. In that light, we look at the current law. The current law, I take it, says that if -- if misinformation is given out by an employer, that -- then there could be a lawsuit, and I -- I take it that that's what you're trying to address here. You're trying to concern yourself with the problem of frivolous lawsuits. Now, the problem, it seems to me, that the way in which you've addressed that concern, in light of the fact that these big companies are giving out this sensitive information, is that you've changed the standard now, and here's where your problem is with the bill: "information that it believes in good faith is truthful". That's a very broad standard. In other words, even if it's not true, as long as you believed it to be true - and it could be wrong; it could be misinformation - now if you give that out, there's no cause of action. And as a result, with that change in the standard, the message that we're sending to those big employers who are giving out this sensitive information now, is that it doesn't even make any difference. You don't even have to check to see if it's right. As long as it's in the file, you know, it could be a rumor, but it's true, a true rumor. And so I think that that's

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

what's wrong with the bill. I think if you want to address the specific issue of frivolous lawsuits, if -- if there are some, or in the case of the example you gave of someone who's afraid to disclose information to the next employer 'cause he's afraid of being sued, even though since truth is a defense he wouldn't be successful, maybe we could strengthen the -- the methods by which frivolous lawsuits are punished, you know, the -- the sanctions that people can have imposed on them by filing the frivolous lawsuits. But to go this far and to change the standard, I think is going too far. And so I would hope that this particular concurrence motion doesn't pass. If it doesn't, ask for a conference committee, and let's see if we can address it. I know you've been attempting during the course of this Session to work out agreements with labor. I know that the agreed-bill process is -- is difficult. You know, when you control all the -- both Chambers and the Governor, it's kind of hard to self-impose on yourself this agreed-bill process, but I think in this particular case, if we were to defeat this motion, then sit down with them, and you can work something out. So for that reason, I would ask people to vote No on this motion, and then work this out in a conference committee.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. I just have a couple of questions for the sponsor, to clarify legislative intent.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Lauzen, is it true that the -- the reference-checking provisions in this bill are really a codification of existing case law in Illinois?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

And what about the presumption-of-good-faith language? Does this go beyond case law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

No, it does -- no, it does not. Several decisions in Illinois have established that the employer is protected when it provides information it believes in good faith is the truth, and this also addresses the previous questioner's statement. The most recent Illinois Supreme Court case on the issue of defamation and employer references is Krasinski versus United Parcel Services 530 NE2d 486 (Illinois 1988) (sic) (124Ill.2d 483). In Krasinski, the Supreme Court noted that a defamation claim arising from an employer/employee relationship may be subject to a qualified privilege. That's in 471. The Court noted that to overcome such privilege, the plaintiff must prove that the statements were made with actual malice. The context of a past employer giving reference information to a new employer has been found subject to conditional privilege in many Illinois cases. Among these are Anderson versus Vanden Dorpel 645 NE2d 250,258; Quinn versus Jewel Food Stores, Incorporated; and Miller versus Danville Elks Club -- Elks Lodge 332BPOE.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Thank you, Mr. President. Just to the bill: I just wanted to say to my good friend, Senator Lauzen, probably nine out of ten of the bills that he has ever sponsored in this Body I have supported. And I know this time that you are very sincere about what you are attempting to do, but I -- I just want to tell you by personal experience how -- how this could work. I had a job once at a company and I reported directly to the vice president. We were in -- in insurance with --- if a person lost their car, we had to replace the vehicle with a like kind and quality or the same type of vehicle. Well, I had twenty clients, and the vice president had a brother-in-law who was in the automobile business, and he pressured me every day to steer business to his brother-in-law. I -- even though I was the top salesman, because of the fact that I would not yield to what he wanted me to do, which was neglect my other nineteen clients, he got me fired. He went to the president and said all kinds of things about me that simply were not true. I lost the job. A year or so later he got fired when the president of the company found out, almost two years later, that what I was saying was true, and that he did it to the next representative who was -- took my place, and when that person went onto a different department and another person came in, he did it to them as well. That is the danger here. Often -- not often, but there's some times when some employers will not tell the truth about an employee. I also know of a situation of a young lady who was let go of her -- at her job after she filed a sexual discrimination lawsuit. And everywhere she would go, her previous employer would give her a troublemaker tag, as far as when -- when the person that she was applying to called them about her work habits and all that. She was not a troublemaker. She was being sexually harassed, and she was tired of it. So I just -- I'm going to vote No this time, my friend, on -- on your bill -- probably the first time I've done it, maybe the second time since

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

I've been here in three years - because we really do need to take a look at this one, because it does have room for abuse. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

No further discussion. Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very much. You know, I, naturally, appreciate the concerns that have been expressed. I'm especially sensitive to the circumstances that the previous speaker had addressed. And the question that we would ask ourself, you know: Are there hateful and revengeful people in this world? Yes, there are. I hope that it's a significant percentage less than one percent, but right now we're creating the public policy around that one percent and damaging the ninety-nine percent. Illegal and violent people in the workplace; sexual harassment. There are still three ways that an employee can still attack an employer if it's been untruthful job reference. They can claim, number one, that it's a lie, that it wasn't truthful. Number two, they're still responsible for good faith, that they either knew or should have known - basically, the malice attack. It may be rebutted by knowingly wrong or a violation of civil rights. So what we're trying to accomplish here is a free exchange of truthful information, and that certainly is good public policy. Finally, if we were breaking new ground on this, I would say, well, we should really maybe be a bit slower on moving. But just this year Idaho, Michigan, Ohio, South Dakota, Wyoming have joined the list of states that protect the employers on giving honest job references. Arizona, Georgia, Maryland join us in considering this legislation currently. And last year Kansas, Indiana, Louisiana, Maine and Oregon passed the same legislation into law, and they joined Alaska, who already had a similar law. This is not new ground. It's important. What we're trying to do is get



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

the free exchange of truthful information. I'd appreciate Aye votes.

PRESIDING OFFICER: (SENATOR WATSON)

This is final action, and the question is, shall the Senate concur in House Amendments 1 and 4 to Senate Bill 1490. 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 29 voting Yes, 27 voting No, no voting Present. The motion fails. Senator Lauzen.

SENATOR LAUZEN:

May I put this on Postponed Consideration?

PRESIDING OFFICER: (SENATOR WATSON)

The motion fails, and the Chair would now entertain a motion to non-concur, and Senator Lauzen, do you wish to make that motion?

SENATOR LAUZEN:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen, on the -- moves to non-concur in House Amendments 1 and 4 to Senate Bill 1490. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Senator Demuzio.

SENATOR DEMUZIO:

I just have a parliamentary inquiry.

PRESIDING OFFICER: (SENATOR WATSON)

State your inquiry, Senator Demuzio.

SENATOR DEMUZIO:

The -- the motion failed, and Senator Lauzen, instead of putting the motion on Postponed Consideration, he let it fail and then he moved to non-concur, so then now it goes back to the House. It's no longer before us. Is that right?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

That's correct, Senator. Senator Demuzio.

SENATOR DEMUZIO:

Is it within the rules to allow for a matter to be postponed when you're on concurrence?

PRESIDING OFFICER: (SENATOR WATSON)

We'll take that concern under advisement, Senator Demuzio. And, Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Please state your point.

SENATOR CLAYBORNE:

First of all, I would like for my mother to stand and have the Senate to recognize my mother, as well as the school that she teaches -- where she's a teacher, Nelson Mandella, that's in the gallery behind me, along with her Principal, Mr. Scott Randolph. Would the Senate please recognize them?

PRESIDING OFFICER: (SENATOR WATSON)

Well, we certainly welcome you to the -- to the Illinois Senate. And would our guests in the gallery please rise? Leave of the Body having been given, we are now going to return back to Senate Bill 1424. On the middle of page 7, Senate Bill 1424. Senator Fitzgerald. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1424.

Offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald, for the ailing Senator Madigan.

SENATOR FITZGERALD:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a motion to concur in House Amendment No. 1 to Senate Bill 1424. House Amendment No. 1 provides that, in all cases of cancellation for nonpayment of an insurance policy, notice must be mailed ten days prior to cancellation. Additionally, House Amendment No. 1 amends the Vehicle Code in relation to, quote, "flood vehicles", unquote. A flood vehicle shall be considered salvage if it has sustained damages which, if repaired, would cost greater than one third the fair market value of the vehicle without the damage. This was a proposal by the Secretary of State, George Ryan's Office. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of Senate Bill 1424. The House made a change. We're addressing it in a different bill, and everything that's here appears to be meritorious and I would urge a Yes vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. No, I -- I wanted to make an announcement. And -- do you want me to wait?

PRESIDING OFFICER: (SENATOR WATSON)

Yeah. Can we finish with the -- Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, I had trouble hearing you, but I heard you mention

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Secretary of State George Ryan's name. Is there a fee increase in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senator Welch, you know better than that. You know that I don't support fee increases. There's none in the bill.

PRESIDING OFFICER: (SENATOR WATSON)

This is final action, and the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 1424. 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 1424 -- or, the Senate does concur in House Amendments No. 1 to Senate Bill 1424, and the bill, having received the required constitutional majority, is declared passed. Senator Woodyard, for what purpose do you rise?

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. As I have announced the past few days, I would like the record to show that Senator Bob Madigan is absent today due to illness.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator Woodyard. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Would you please state your point?

SENATOR BURZYNSKI:

Yes. Mr. President, I don't know how many students you have here today, but my understanding is you have some additional

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

students from Selmaville, home of the Selmaville Rockets, in the gallery on the Democratic side in the north quarter. So I'd like to have them stand to be recognized. These are students from Senator Watson's district.

PRESIDING OFFICER: (SENATOR WATSON)

Well, thank you, Senator Burzynski. And our group from Selmaville, would you please rise? And welcome to the Illinois Senate. We are now at the bottom of page 7. Senate Bill 1467. Senator Donahue. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1467.

Offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank -- thank you very much, Mr. President. I would move that we concur in House Amendments No. 1 and 2 to Senate Bill 1467. The first amendment deals with -- has the language in Senate Bill 1877, which imposes -- says the court can impose community -- service on parents and their minor children who have violated a curfew Statute. And the second amendment deals with the original piece of -- original bill, and that excepts licensed attorneys from provisions of the original bill if they file a document which clouds a title in good faith. They're both good amendments, and I would simply move that we concur. Happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Sponsor indicates she'll yield, Senator Welch.

SENATOR WELCH:

Senator, you said that -- part of the bill says that a parent may be ordered to do public service if their minor child is out past curfew? Is that -- is that in the bill? Did I hear you correctly?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Yes, it is. That was in Senate Bill 1877, which has already passed this Body by a majority -- major majority. I don't have the vote, but I don't think there were any No votes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator Welch.

SENATOR WELCH:

How would that work in a situation where one parent has custody and the child is out after curfew, and is -- is picked up? Which one has to do the public service if there's a dispute as to who was in charge for that weekend?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Technically, they both could be, but it would be probably the one that had custody.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Donahue, do you wish to close? This is final action. The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1467. 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, no voting Present. The Senate does concur in House

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Amendments 1 and 2 to Senate Bill 1467, and the bill, having received the required constitutional majority, is declared passed. We are now on page 8. Senate Bill 1527. Senator Barkhausen. Senator Barkhausen, are you on the Floor? With leave of the Body, we'd like to come back to that bill. We'll move on to Senate Bill 1546. Senator Lauzen? Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1546.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen, on a motion. Senator Lauzen asks us to return to that order of business. Madam Secretary, would you please read the motion in regard to Senate Bill 1604? Senator Petka.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1604.

Offered by Senator Petka.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka, on your motion, sir. Senate Bill 1604, on a motion to concur.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. My motion to concur with the amendment to Senate Bill 1604 -- the amendment that was added primarily narrows the provision that where medical or hospital expenses are incurred for an arrestee, arresting authorities, including counties, should be entitled to reimbursement from the arrestee's medical costs only to the extent that such funds are available. That is the proposed amendment. I'm -- I'm not aware of...

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? This is final

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1604. 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 53 voting Yes, no voting No, 2 voting Present. The Senate does concur in House Amendment No. 1 to 1604, and the bill, having received the required constitutional majority, is declared passed. We have leave of the Body to go back to Senate Bill 1546. Senator Lauzen. Madam Secretary, please read his motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1546.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Amendment No. 1 to Senate Bill 1546 amends the Property Tax Code to expand the definition of "historic buildings" to include buildings owned and operated as cooperatives.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1546. Those in favor, vote Aye. The opposed, vote No. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting NO, no voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1546, and the bill, having received the required constitutional majority, is declared passed. Down at the bottom of page 8. Senator Mahar? Madam Secretary,



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

please read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1673.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This amends the Metropolitan Water -- Water Reclamation District Act to enlarge the district to include portions of -- a portion of property in the Village of Matteson, as well as the Village of Richton Park. The House added an additional portion, also adjacent to the Village of Richton Park. I know of no opposition, and I would move concurrence.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 1673. Those in favor shall 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, no voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1673, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, please read the motion in regard to Senate Bill 1684. Senator Fitzgerald.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1684.

Offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a motion to non-concur with the House amendment to Senate Bill 1684. My intent would be to send this bill to a conference committee. They are ongoing negotiations between the Beer Distributors' Association and the breweries with respect to this bill, and we're hopeful that we will come to compromise language in a conference committee. So I move to non-concur.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion in regard to that motion? If not, Senator Fitzgerald moves to non-concur in House Amendment No. 1 to Senate Bill 1684. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Petka, on 1691? Senator Petka on the Floor? With leave of the Body, we will possibly come back to that order of business. Senate Bill 1766. Senator Philip. We also would like to have leave to come back to that order of business. We are now in the middle of page 9 with Senate Bill 1912. Senator Walsh. This is a non-concurrence motion, Senator Walsh. Out of the record. Senator Walsh, do you wish to proceed with Senate Bill 1912? Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 1912.

Offered by Senator Walsh.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. I move that we non-concur on House Amendments 1 and 3 to Senate Bill 1912, and I would ask that a conference committee be formed.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh moves to nonconcur in House Amendments 1 and 3 to Senate Bill 1912. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. It's the intention of the Chair now to go page 9, two-thirds of the way down there you'll see Secretary's Desk, Non-concurrence, House Bills. There are eight bills listed there. The motion would be to refuse to recede, and we are asking that -- if any Member who has a bill on that order of business would like to make that motion at this time. Is there any -- if there is, please turn your light on. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I move that the Senate refuse to recede from House Amendment -- on House Bill 375, refuse to recede from Senate Amendments 1, 2, 3 and 4.

PRESIDING OFFICER: (SENATOR WATSON)

...Secretary, would you please read the motion?

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendments 1, 2, 3 and 4 to House Bill 375, and request that a conference committee be appointed.

Offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis moves to -- that the Senate refuse to recede from the adoption of Senate Amendments 2, 3 and 4 -- 1, 2, 3, and 4 to House Bill 375, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Is there anyone else? Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. I move that we non-concur in House Amendments -- this is with regard to Senate Bill 1780, that we

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

non-concur with House Amendments 1, 2, 3 and 10. It's on the Calendar under the Order of Concurrence.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen, I'd like to take this out of the record if I -- if you so wish, and -- and the Chair will exercise that prerogative and this bill is out of the record. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Please state your point.

SENATOR LAUZEN:

I would like to invite all of the Senators, on behalf of the Kane County Forest Preserve District, to come and visit the forest preserve facilities to golf and/or watch Kane County Cougars play baseball on Wednesday, August 21st. The reservation forms have been delivered to your office. If I'm not mistaken, today lunch is being sponsored by the Kane County Forest Preserve, along with Hollywood Casino, and it's in the back hallway.

PRESIDING OFFICER: (SENATOR WATSON)

And all Senators are invited. Is that correct, Senator Lauzen? Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, I -- I was hungry until he told me who all the sponsors were.

PRESIDING OFFICER: (SENATOR WATSON)

We previously had leave of the Body to go back to Senate Bill 1380, a motion to concur. We're on the middle of page 7. Madam Secretary, please read the motion. Senate Bill 1380. Senator Philip.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Amendment No. 3 to Senate Bill 1380.

Offered by Senator Philip.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1380, as amended, amends the Historic Preservation Act {sic}. It allows the Agency to engage in marketing activities designed to promote the sites. It also allows them to sell advertising and promote those -- those sites. Be happy to answer any question, and ask for some positive votes.

PRESIDING OFFICER: (SENATOR WATSON)

Any -- any discussion? Seeing none, this is final action. And Senator Cullerton, under the wire. Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, does this underlying bill deal with the -- the Office of the Commissioner of Banks and Trusts and the Officer of Savings and Residential Finance?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

No. It was a vehicle.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, this is final action, and the question is, shall the Senate concur in House Amendments No. 3 to Senate Bill 1380. 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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

question, there are 57 voting Yes, no voting No, no voting Present. The Senate does concur in House Amendment No. 3 to Senate Bill 1380, and the bill, having received the required constitutional majority, is declared passed. We previously had leave of the Body to return to page 8. Top of page 8. Senate Bill 1527. Senator Barkhausen. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1527.

Offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Amendment No. 1 slightly narrows this -- the application of this legislation that would allow guardians of disabled persons to petition probate courts to engage in certain forms of estate planning. The provision that was eliminated is the paragraph that would allow the guardian to suggest the revocation of a revocable trust. Though the bill, as it stands, does allow for the modification of a will or a trust for tax reasons, all of these things, again, can only be done with the permission of the probate court. This bill, in a somewhat broader form, it previously passed the Senate unanimously. And I ask for your concurrence with this House amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1527. 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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

record. On that motion, there are 55 voting Yes, no voting -- no voting No, no voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1527, and the bill, having received the required constitutional majority, is declared passed. With leave of the Body, we'd like to go to page 7. The very top of page 7. Senate Bill 1122. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to move to non-concur with House Amendment No. 5 on House Bill 1122 -- or, Senate Bill 1122, excuse me, and ask for a conference committee to be appointed.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? If not, Senator Klemm moves to non-concur in House Amendment No. 5 to Senate Bill 1122. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. We're now in the middle of page 9. Middle of page 9. Senate Bill 1780. Madam Secretary, would you please read the motion?

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendments 1, 2, 3 and 10 to Senate Bill 1780.

Offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. I'd like to move the non-concurrence motion that the Secretary just read.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen moves to non-concur in House Amendments 1, 2, 3 and 10 to Senate Bill 1780. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. ...page 7, bottom third of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

the page, under the Order of Concurrence, is Senate Bill 1459, Madam Secretary. Senator Walsh, do you want to pursue with a motion?

SENATOR WALSH:

Thank you, Mr. President. I move to non-concur on Senate Bill 1459. We've got agreed-upon language, and I would like to ask that a conference committee be formed.

PRESIDING OFFICER: (SENATOR WATSON)

I would assume that's Amendment No. 2, Senator Walsh? Senator Walsh moves to non-concur in House Amendment No. 2 to Senate Bill 1459. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. On page 8, middle of page 8 is Senate Bill 1664. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1664.

Offered by Senator Watson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I would ask for the Body to non-concur with the House amendment to Senate Bill 1664.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, Senator Bowles moves to non-concur in House Amendment No. 1 to Senate Bill 1664. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Like to remind the Members that lunch is being served, compliments of Kane County Forest Preserve. Madam Secretary, Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 221, offered by Senators Geo-Karis, Walsh



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar.

ACTING SECRETARY HAWKER:

And Senate Joint Resolution 108, offered by Senator Parker.

It is substantive.

PRESIDING OFFICER: (SENATOR WATSON)

Intention of the Chair now to go to page 5 of today's Calendar. The middle of the page is Secretary's Desk, Resolutions. First one is Senate Resolution No. 182. Senator Lauzen. Madam Secretary, would you please read the resolution?

ACTING SECRETARY HAWKER:

...Resolution 182.

No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Resolution 182 requests the Governor to proclaim the week of October 6th through 13th of '96 Respect Life Week in Illinois. This resolution, in identical form, was passed in '93, '94, and '95, and a resolution has been adopted in nearly identical form every year since 1973.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would -- Senator Lauzen, if you could do us a favor. I'm trying to get a copy of that resolution, and I -- I can't get it on the computer. I just wondered if -- if you had a copy I could -- and then if I could just ask you a question.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates he'll yield, Senator Cullerton.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

SENATOR CULLERTON:

The -- Senator, just a quick review of this. Does -- is there any impact -- does this resolution have any impact on the death penalty? Does it affect the death penalty in -- in any way, or does it take a position on the death penalty? If you're -- if you vote for this and you're in favor of the death penalty, would you be, in any way, inconsistent in your -- in your voting?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

No.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Could you -- just to reassure those of us who are in favor of the death penalty, could you point to the language in here that you feel would not be -- you know, in this era of negative campaigning, people can twist a lot of things that we do, and they could look -- take a resolution like this and -- and say that we voted against the death penalty. So I just wanted to -- I mean, it does talk about respect for life and the sanctity of all human life and recognizing that each human being has a right to life, and it doesn't say anything about, you know, the -- the right of the State to forfeit that life -- or, the right of the State to take a life if they forfeit the life. And it does talk about protecting the life of the unborn. I see that, in the third paragraph -- the third "whereas", and it does talk about the Right To Life Organizations and the Knights of Columbus, and -- and the -- all of these faiths recognizing the sanctity of life, but some of these faiths are actually against the death penalty. For example, the Catholic Church, I know, is against the death penalty. So I just think we should be careful, and I wondered if

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

you could -- if you could show us how someone couldn't -- you know, some political opponent, for example, couldn't take this and misrepresent it so that they could give the wrong impression?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. Certainly people can misconstrue or misinterpret in any way that they want, especially in a political environment. For the record, it's my intention, as sponsor, not to, you know, make a comment through this resolution on the death penalty. Naturally, this -- the sense of this for the last twenty-three years has been around innocent human life, and we're not talking about -- this does not address the death penalty.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Lauzen, do you wish to close?

SENATOR LAUZEN:

Just ask for an Aye vote.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen moves the adoption of Senate Resolution 182. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Joint Resolution 124. Senator Lauzen? Madam Secretary, please read the resolution.

ACTING SECRETARY HAWKER:

House Joint Resolution 124. No committee or Floor amendments

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

reported.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. House Joint Resolution 124 is the same as what we passed out of the Senate, Senate Joint Resolution 92. The only difference is that where it was a Governor's task force, this is now a legislative task force. That request was made over in the House. And so that's what this -- it's the same that we voted out overwhelmingly a couple of days ago.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Lauzen, it seems like we have had a lot of committees looking into this. Senator Parker has an ongoing committee hearing into the divorce laws, and I would assume that this would be something that would come -- come under the realm of that committee. Certainly child support going to the divorced mother is an extremely important part of her not having enough economic wherewithal. Why do we need one more committee looking into this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Well, I -- I work on Senator Parker's task force on the marriage law, and I recognize the very good work that she and all the participants in that effort are making. Because this is such a -- you know, it -- just in 1995 alone, in Illinois, only thirty-eight percent of the families due child support received

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

any payment, leaving a whopping two hundred million dollars in support payments uncollected. I think that when we have a problem of that degree, that it merits its own effort.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Senator, in my district, the -- two of the people who are most involved in collecting child support are the county clerk and the county State's attorney. Now, are -- are we going to have members from both of those groups represented on your committee?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

That was a question that was raised. If I recall correctly, Senator Bowles had mentioned the importance of that person. You may have mentioned that to me when we were considering Senate Joint Resolution 92. So, certainly, once we get it to the point that we're talking about how would we implement and what should we do, we're going to involve their advice. But, certainly, we have to form the group first to take a look, and then we'll bring together all those people who could make constructive recommendations.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, it -- it seems like we're duplicating an existing child support task force appointed by the Governor. I'm not really sure why -- why we want to have a second one created. It -- it seems to be a makeup of the -- a similar makeup of philosophy if you don't include your county officials in it, and -- and I'm -- I'm not sure what -- what the purpose of this would be, other than, you know, a summertime make-work committee. What is -- what is it

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

going to cost to have this committee? Is there going to be any salaries paid? Are there going to be any expenses paid from the State to members of this committee?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

On the child support committee, there is not. On the -- on the Ec and Fisc Committee, that's going to be up for contract and there's going to be a question of whether that separate issue is funded in appropriations. And by the way, going back to the first question in the multipart question, I believe that the Governor's task force, if -- if I -- you know, if I understand what you're asking about correctly, that did not pass the House, and so the House sent back over here the same of what we had passed over to them, but they made it a legislative task force, rather than the Governor's.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, Senator Lauzen, if -- if the House does pass the Governor's task force, would you not go ahead with this task force? I mean, I don't -- I don't think it makes sense to have two task -- task forces in operation at the same time, studying the same situation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

I appreciate that concern, and there is not a Governor's task force. They did not advance that in the House. And I agree with the principle that of course we wouldn't go in two directions. I'm happy either way, as long as we get the job done, whether it's a Governor's task force or a legislative. In the House, they

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

preferred legislative; I acquiesce. Flexible.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator, when I look at this analysis, although it talks about delinquent child support, it seems to me that the major part of the legislation is talking about doing a study that will look at the degree to which AFDC families receive additional income from various sources. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

I'm sorry. Could you repeat the question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

The analysis that I have says that there are actually two or three parts to this resolution. One of them is to look at collecting back pay from fathers or whatever. The other one says that there will be a study to look at the degree to which families, children -- dependent children receive additional income from various sources. What is the intent of this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Senator, I appreciate your consistency, because you asked me those same questions the last time that we passed the other. There are two separate, important studies that are going to be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

done. One is on child support; the other is on the AFDC payments. And -- so there are two separate and important studies that will be done.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Important to whom? What is the purpose? I agree with Senator Welch. You and I both serve on the task force to look at divorce laws in Illinois, and I thought that one of the particulars of that task force was to look at financial relationships between divorced parents vis-a-vis their children. Why are you selecting out families that are dependent, who have to be among the poorer families in the State of Illinois?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Actually, we had the -- the same discussion and, unfortunately confusion the first time around, and perhaps I should have cleared that up after it passed the first time. But you're combining two different things into your same one question, and so it's very hard to answer that. The intention as far as the AFDC is, we wanted to care -- be sure that we care for those -- for those children. We're making an enormous investment of taxpayer and -- resources from the State, so we want to take a look at that, and I think that's a legitimate concern. The reason why -- over in child support on the other study, why I think that that's important enough to deserve an effort outside of Senator Parker's task force on the marriage law is that we're going to need to figure out recommendations that will encourage the cooperation of the employer community, because that's where the information is going to be coming from. So, many things in those two questions, and perhaps, you know, you and I can spend some time together



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

talking about -- these are two different tracks.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

...you. To the bill: Senator Lauzen, I know you are a very honorable man and I respect that. I am always concerned, however, when we create a task force, a study group, a whatever, that will take, point by point, matters of support, concern, whatever, for citizens who are already at the very bottom of the heap, the ladder, however you choose to characterize it, and we're talking about children here. And I -- just logic would say that we would not engage in such a study, spend the taxpayers' money, unless the intention was to have a series of recommendations at the end of it for how we should proceed, and that is what concerns me. So I would suggest that we vote No on this, that we have a discussion about how we provide that safety net that one of your Presidents talked about, which has been eroding and tearing apart, even as we speak. So, I think this is absolutely not the right thing at this point in time.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Philip, would you like to introduce our special guest?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Next to me on my right, should be on my left-hand side -- should be on my right-hand side, the outstanding Illinois Secretary of State, the Honorable George H. Ryan.

PRESIDING OFFICER: (SENATOR WATSON)

Secretary of State Ryan, welcome to the Illinois Senate. Further discussion? Senator del Valle.

SENATOR DEL VALLE:

A question for the sponsor, Mr. President.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator Lauzen, what is the -- the completion date for the consultant that will be contracted by Economic and Fiscal?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. And again, I appreciate your consistency, because that was the same question that was raised, and I answered it last time by saying that this is so complex, that if you know when we can complete it -- you know, it may -- it may take a couple of months, it may take longer than that. So there is no deadline.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

Then, can you tell me, when is the starting date?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Upon adoption by the House and Senate, we would go ahead and start to formulate how we'd go about putting these together. And I believe that what we're going to be doing is going through this study during the -- during the summer. There's been work that has already started. The reason why it's in this form, rather than in legislation, is that we didn't want to bring something that was not fully formed for consideration before this Body. So we're going to generate our recommendations, bring them before this entire Body. I would anticipate that would be sometime in the '97 Session.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, Senator, I think that the possibility exists that this study that is a very in-depth kind of analysis is going to be completed, and it will not take into account the changes that I think are inevitable at the federal level in how we provide funding for what we know today to be entitlements. How are we going to make sure that the money that we spend - and I think it could be probably more than seven hundred thousand dollars - that that money that we spend is well spent and that we don't end up paying for a study that will be outdated quickly, requiring us to come back and appropriate another seven hundred dollars to update the study, so that we can then -- seven hundred thousand dollars, so that we can then be able to come up with, I'm assuming, the data that we need in order to come up with a new approach for dealing with AFDC participants?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

I certainly appreciate your concern. We're going to go through this as intelligently as we can. Those are some of the natural questions that are going to be thought through as we go through requesting appropriation for that study in the first place. So, certainly that's a natural concern and we'll do our best to do it wisely.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

Mr. President, I just want to request a roll call on this resolution.

PRESIDING OFFICER: (SENATOR WATSON)

That certainly is in order. Further discussion? Senator

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Parker.

SENATOR PARKER:

Thank you, Mr. President. I rise in support of this resolution. It -- actually, part of the idea from this came from the Voices For Illinois Children, when they came to myself and Senator Lauzen. And one of the important things that they're trying to do with this resolution is looking into the New Hire Reporting, which would require employers to report existing information on all newly hired or rehired employees to an appropriate State agency within twenty days, which would speed up the process by which people could find out where people are employed who are actually not paying their child support. It amazes me on all of the discussion here on not supporting this resolution. To remind you, for my committee for the divorce laws, we have introduced fourteen bills to frame the debate on the discussion on divorce issues. We are not addressing, though, the collection for child support. What we are trying to do is to prevent children going into the welfare system. It is true that the largest increase today is from the divorced -- going onto the welfare system are divorced women with children. And it amazes me, also, that we don't use any mechanism that we can to help collect those child support payments. There is 1.3 billion dollars owed in this State, thirty-four billion dollars in the country, and any mechanism to try and speed up those accommodations for child support certainly is something that we should support here, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

WICS requests permission to photograph the Session. Permission granted? Permission is granted. Senator Clayborne, for what reason do you seek recognition?

SENATOR CLAYBORNE:

Mr. President, I rise for a point of personal privilege.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR CLAYBORNE:

In the gallery on the Democratic side, behind me is the Dunbar Beta Honor Society. I would like for them to stand and have the Senate recognize them. From Dunbar Elementary School in East St. Louis.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests please stand and be recognized? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, briefly, what's the harm of setting up this task force when we know that thirty-eight percent of the families owe -- are due child support and don't get it? That's one of the biggest items I have in my county. And it's the most expensive thing -- one of the most expensive things to the taxpayers when they have to support other people's children. So let's go ahead and vote for the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR SHAW:

Senator Lauzen, we had talked about this when -- I believe it was Senate Bill 92 or something was over here, and we talked about the county clerk's part. If we are talking about child support and collection for children, why wouldn't we have included... We've had time to include the county clerks in this bill. Why wouldn't -- I mean circuit court clerks. Why wouldn't we do that in this bill?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator Shaw. I still have your note from when it was Senate Joint Resolution 92, that said that the circuit clerks must give the input. So I appreciate that that's an important consideration. Naturally, the House takes its own action, and it's -- it's natural to have them in part of this and anyone else who might be concerned with child support in the State of Illinois.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

What I'm trying to figure out, is this about delinquent child support? Is this bill really about delinquent child support? Is that what this bill is about?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Lauzen.

SENATOR LAUZEN:

What we're trying to do is to increase the amount of support payments -- child support payments that are being provided. In order to accomplish that end, we have to gain the participation by the employer community. So one of the things we're going to be looking at is how we can get the information on new hires into the hands of people who are then responsible for child support payments.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

To the resolution: If this -- Mr. Speaker, and I know that the sponsor here have good intentions. But if this is about delinquent child support and trying to help children, there's no

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

way in the world that you're going to do that without the circuit court clerks being a part of it. In every county in this State, that's where people, the -- the fathers or mothers, if you will, make their payments, in many instances. The court order those payments to go to the -- to the court clerks. Now, if you don't have a tracking mechanism, and these people -- and the court clerks are not involved in this process, then what -- what are we doing here with this resolution without them being a full player in this? Because people are constantly paying to the circuit court clerk's office and we have no way of knowing how these payments are going to catch up in the Department of Public Aid. Now, it would seem as though to me that there is millions of dollars being paid to the circuit court clerks, and those are the people that disburse the -- the payments, but yet they are not a part of this bill -- this resolution. And it -- it's just ludicrous to talk on one hand that you're trying to help the children of this State, young people, and you don't track the money that are being paid to the circuit court -- to the court clerk's office. And if this -- and all of us here want to help children. We're not against this resolution, but we have had time to fix it and make it right for the children of this State. But, as a Senator, certainly, I would hope that you would have some influence on the other side of the Rotunda over there, and once you understood what was wrong with the first resolution, that the county -- that the court clerks were not included in that, and hopefully you would have went over and told them, knowing that this bill -- this resolution was coming back over here. Now we have a resolution where a large segment of money is being paid to the county clerks, and we don't have them sitting at the table as a part of this task force. If we want to do the right thing, we would -- maybe there's a trailer bill somewhere that you can come up with to include -- trailer bill -- resolution that you can

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

include the -- the court clerks. But it won't work. We're just doing something here and going through the motion if we do this without including them. I'm -- I'm for it, basic -- the -- the concept. I'm for the basic concept. I want to help children, but I don't want to be a part of a charade where that we are going to pass something and tell them we are trying to help them when the main players is not involved in this process. And I think that possibly -- and I hate to do this, but certainly this should be defeated and we should revisit this issue, take it back to the table and make the court clerks a part of this resolution.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Senator -- question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR COLLINS:

Senator, there have been so many task forces established and -- and before this General Assembly this Session, till I've just about lost count on what they do - several dealing with child support. Now, what I would like to know, is there anything in this task force, designated responsibilities, to take a look at those -- not -- not the divorcees, but those families on AFDC where there has never been any child support collected from the fathers because the fathers are unknown, by the Department?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Perhaps that's one of the issues that is going to be considered by the task force if it ever gets put together. I'm also concerned with how many times we've come, you know, with the task force. As far as I know, this is the only one now that has



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

acceptance from the House, and when it passes in the Senate, this is the only task force on the -- the child support. If that's one of the -- my guess is that that's going to be one of the considerations that's in it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Senator, when I was on my way to the Floor - and excuse me, I have an awful sore throat - but when I was on my way to the Floor, I -- I heard someone speaking and asking a question, specifically, what was the -- the specific tasks or the objective of this task force, and not one time did I hear anything in reference to the subject matter of collecting child support from those men who have violated the statutory rape law by impregnating girls under the age of eighteen. That is a major -- and I keep saying that. I have given -- did an extensive work on that subject. I have prepared amendments and have given it to you all, and say, "I don't care, take the credit for it." But if we're going to really do something about reducing welfare dependency and collecting child support, we most certainly have to do more than just put forth our efforts for those persons who've been divorced. And -- and -- and I'm not saying that we shouldn't collect child support from -- from those divorce -- in those divorce cases, but we have to go after those fathers who've never spent a dime taking care of their children and who also broken the Illinois statutory rape laws. And when you talk to the agencies as I have, no one is doing anything about it, and no one even cares. I went from agency to agency to the State's Attorney's Office and to everybody, and they says, "No, we're not doing anything about that; that's not our responsibility." Well, if you truly want to get people off aid and reduce the burden to the taxpayers, that task force or some other task force that you've got around here

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

must - must - assume the responsibilities for looking at those fathers who has never paid a dime and, at the same time, have broken the statutory rape laws, so that we can begin to identify those fathers and make them pay child support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very much. Just a couple of quick items. One of the speakers suggested that it's going to be important that the circuit clerks be involved. I think that's very true. I'd like to very much thank Senator Raica, and also Senator Parker, for their work on the original Senate Bill 1712, which was the -- that initiated this process going forward. I'd also like to thank all the people at Voices For Illinois Children and Metropolitan Family Service's social policy department. This bill passed -- or this resolution passed 47 to 1 when it came out the first time. The only change that has been made is that it went from a Governor's task force to a legislative task force. So those forty-seven people who voted in favor of taking a look and doing as good a job as we can in these two areas, I'd appreciate their Aye vote again.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen moves the adoption of House Joint Resolution 124. Those in favor will vote Aye. Opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 9 voting Nay, 2 voting Present. House Joint Resolution 124, having received the constitutional majority, is adopted. ...Berman. Messages.

SECRETARY HARRY:

Message from the President, dated May 21st, 1996.

Dear Mr. Secretary, please be advised that I have appointed Senator Dudycz to replace Senator Maitland on the Senate

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Rules Committee, effective immediately.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Peterson seek -- seek recognition?

SENATOR PETERSON:

For the purposes of an announcement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement, Senator.

SENATOR PETERSON:

The Insurance Committee will meet tomorrow morning at 8:30 in Room 400.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Supplemental Calendar No. 1 has been distributed. Everyone have a copy of it? We'll be proceeding to that order of business immediately. ...would like to ask leave to come back to Senate Bill 1648. Is leave granted? Leave is granted. Okay. On Supplemental Calendar No. 1 is Senate Bill 1669. Senator Lauzen, do you wish that to be called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendment, Amendment No. 4, to Senate Bill 1669.

Filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. This -- this bill was amended. 1669 was amended in the House. The underlying bill covered the unemployment insurance clarification that models and talents are not included under unemployment insurance. That passed 53 to nothing, earlier. The amendment that was put on in the House provides that real estate closing agents, real estate appraisers

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

are not covered under the Unemployment Insurance Act as long as certain conditions are met. With that, I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

What reason does Senator Garcia seek recognition?

SENATOR GARCIA:

Mr. President, thank you. Like to speak to the bill. I'm not sure what the true motive of classifying loan closing agents and real estate appraisers as independent contractors has to be about, because currently, under State law, true independent contractors are already excluded from the Act. The three-prong test, called the ABC Test, is used to distinguish employees from independent contractors. This is the test most widely used by other states. Essentially it covers workers who are free from control or -- or direction in the performance of work, and the worker performed services outside the employer's usual course of business or outside of the employer's place of -- of business, and (c), the worker is independently established in his or her own trade, profession, occupation or business. Then the worker is considered an independent contractor. Why do we need this bill? This bill, I'm concerned, may open the floodgates to removing more and more workers from coverage and result in an unemployment insurance system that is no longer effective. Lastly, this bill abandons the agreed-bill process which we've been adhering to since 1978, particularly to -- to prevent acrimonious struggles that may arise between labor and business. So, for those reasons, working men and women in Illinois are opposed to this bill and would urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Would the Senator yield, please?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator says he will yield.

SENATOR JACOBS:

Even though this deals with unemployment compensation, Senator, it would appear to me that, inasmuch as we are now naming these people as independent contractors, two things are going to happen. Also, if they are injured on the job, there will be no workmen's comp from their employees {sic} because they're independent contractors. And number two, if they are working for a bank, who then -- somebody screws up, where does the liability set? Does the liability set with the bank, or does it set with the closing agent or the appraiser who may have goofed up? To me, it -- it's going muddying the water a lot. We spent last year -- quite some time last year in -- in going over the independent contractor bill and I thought we were pretty well taken care of. This is a very good underlying bill, but I think this amendment clearly changes the intent of the bill, and I'm just curious as to whether or not they would be eligible for workmen's comp, number one. And number two, who would be liable for any of the problems that may exist through some error made in the judgment?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

As far as those two concerns, this -- this bill makes no changes to what a -- you know, who is considered an -- a -- an independent contractor. But what it does is it clarifies so that -- and you say -- you would ask, why is it necessary, then; it's already there. The threat of an audit is now consuming thousands of dollars on the part of these people who are in business for themselves. They will remain responsible for their own insurance. They'll be -- remain responsible for the risk if they make a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

mistake on one of their jobs. This doesn't change it. What it does is it just clarifies that these people -- what it does is it helps small business owners not have the extra burden of having to go through these audits, because it's clear now in the law.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Butler.

SENATOR BUTLER:

Thank you. Ladies and Gentlemen...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Oh. I'm sorry. Senator Jacobs.

SENATOR JACOBS:

...follow up to that. It still does not address the -- the question of workmen's comp, and I think it's noble to try to get anyone out -- you know, certain classes of people from having to participate in some of the programs that this State has. But it seems to me that everyone in this State, under one direction or another, is entitled to unemployment compensation, number one, and also to workmen's comp if somebody is injured, and I think this bill clearly defeats both of those purposes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Butler.

SENATOR BUTLER:

Thank you. Ladies and Gentlemen, I think this bill clears up some of -- some of the confusion that is apparently gaining some momentum in the fact that the Department of Employment Security is -- is approaching these various kinds of occupations and saying, "You do not indeed qualify under the -- the contractors -- the law, and therefore we are going to include you in the UI mechanism." All this bill does is take specific occupations that have been approached by DES to -- to be exempt from that contractors law, and -- and -- and the intent of Senator Lauzen is to make very clear that there are only now four occupations that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

have been excluded, as I recall, Senator. So this doesn't open up any floodgates; this is just approaching this thing one at a time, as these problems arise. I would foresee, in the near future we'll have some more of these, simply because of some perceived confusion in that -- in this -- in the contractor's law. So I would -- I would urge -- I would urge a favorable response to this. It is not the floodgates. If anything, it's putting up a dam.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. You know, there is a hundred -- hundreds of years of precedent as to agency law and who is an independent contractor and who is an employee. What -- what you've got with this bill is, if, for instance, a photography studio hires somebody and they work forty hours a week but they're working on a certain singular project, this bill says you're an independent contractor; you're not an employee. Doesn't it say that a singular project -- well, it says in my analysis. It says: Exempts from coverage as employees, actors, models, writers, electricians, and other specified types of employment for which a person is contracted by a talent, modeling agency, photography studio, audio/visual production, or post-production company. Is that true or not?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

The -- that portion -- the -- the portion that you're objecting to in the bill when it was just Senate Bill 1669, was removed. It was amended out.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch, are you done? Any further discussion? If not,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator Lauzen, to close.

SENATOR LAUZEN:

Just very quickly. The underlying bill dealing with models and talent agencies passed out of here, I believe it was 53 to nothing. Last year, a very similar bill to Amendment 4, Senate Bill 1206, passed out 34 to 20. I just ask for Aye votes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen has moved that the Senate shall concur in the House with Amendment No. 4 to Senate Bill 1669. This is final action. Those in favor will vote Aye. The opposed will vote No -- vote No. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 18 voting Nay, 2 voting Present. Senate Bill 1669, having received the required constitutional amendment {sic}, and the Senate does concur with House Amendment No. 4 to Senate Bill 1669, and the measure is passed. Senator Barkhausen, can you handle Senate Bill 1684 {sic} for me? Supplemental Calendar No. 1 is Senate Bill 1648. Senator Barkhausen. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 1648.

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President, or maybe I should say, you're welcome. Having handled this bill in committee a couple of times, this is language that clarifies the publication requirements of State banks with regard to their call -- what's referred to as their "call" information, and basically means the financial condition of State banks. And the House amendment basically



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

leaves it up to the Commissioner of Banks and Trusts to determine what information will be published on an annual basis, and will -- it will have to be published within sixty days after the Commissioner issues his call for the fourth quarter report. I'd be glad to answer your questions; otherwise, recommend concurrence in this amendment and passage of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate concur in House Amendment No. 1 on Senate Bill 1648. All those in favor will vote Aye. The opposed will vote No. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1648, and having received the required constitutional majority, is declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Commerce and Industry - the motion to concur with House Amendment 3 to Senate Bill 11; to the Committee on Education - the motion to recede from Senate Amendment 1 to House Bill 2651; to the -- re-referred from the Education Committee to the Rules Committee - House Joint Resolution 98; referred to the Committee on Executive - House Joint Resolution 92; to the Committee on Judiciary - the motion to recede from Senate Amendment 4 to House Bill 347; to the Committee on Local Government and Elections - the motion to recede from Senate Amendment 2 to House Bill 2529; and Be Approved for Consideration - House Joint Resolution 98.

PRESIDING OFFICER: (SENATOR DeANGELIS)

What purpose does Senator Fawell seek recognition?

SENATOR FAWELL:

For the purpose of an announcement.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement.

SENATOR FAWELL:

The Transportation Committee will meet at 2 o'clock in Room A-1. We have, I believe, just one or two amendments for concurrence.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Hendon has filed a motion with respect to Senate Resolution 212, and Senator Lauzen has filed a motion with respect to Senate Bill 1490.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Senator Demuzio, I will recognize you in just a minute. Senator Demuzio, the very anxious Senator Demuzio.

SENATOR DEMUZIO:

Well that was much shorter than a minute, so I don't know what kind of clock -- watch you're wearing. Let me -- as a matter of continuing my parliamentary inquiry of this morning, Senator Lauzen's Bill, 1490, he made a motion to postpone the vote, and then later it was non-concurred. Can you straighten out just exactly what happened?

PRESIDING OFFICER: (SENATOR DeANGELIS)

...Demuzio, the Chair did not recognize the postponed consideration motion. They did recognize the non-concur motion, and he has since then filed another motion. Senator Demuzio.

SENATOR DEMUZIO:

Well, that's all well and good, but the gentleman moved to non-concur; there was a non-concurrence; it's no longer within the purview of the Senate. The Message has already left; it's over in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

the House. The bill's not even before us.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...you still -- okay. Senator Demuzio wants to finish his sentence.

SENATOR DEMUZIO:

No, I -- I -- I posed the question to you. I want -- I would like to have an answer. The fact of the matter was that the gentleman then moved to non-concur. The -- the Senate non-concurred, and it's not before us any longer. The Message, I am told, was gone, left the -- left the Senate, is now in the House. It's not even before our purview anymore. It's not in our jurisdiction any longer. Is the -- is the Message still here? Had it ever left?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Yes, it -- yes, it is, and he filed a subsequent motion, if you heard what I said. The motion was to reconsider. Senator Demuzio.

SENATOR DEMUZIO:

Let me ask you: Who filed the motion to reconsider?

PRESIDING OFFICER: (SENATOR DeANGELIS)

He -- filed the motion.

SENATOR DEMUZIO:

He...

PRESIDING OFFICER: (SENATOR DeANGELIS)

He made the motion to non-concur, which was the prevailing side, so then he could file a motion after that to reconsider. Senator Demuzio.

SENATOR DEMUZIO:

So he is now reconsidering the non-concurrence motion that he made.

PRESIDING OFFICER: (SENATOR DeANGELIS)

That is correct, Senator Demuzio. Senator Cronin.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

SENATOR CRONIN:

Thank you, Mr. President. I rise for purposes of an announcement. The Senate Education Committee shall meet at 2 p.m. - in about an hour - 2 o'clock, in Room 400. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. I rise for the purpose for an announcement. The Public Health and Welfare Committee will meet tomorrow in Room 2-A {sic} (A-1), at 8 o'clock in the morning. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio, for what reason do you seek recognition again?

SENATOR DEMUZIO:

On a -- continuing my parliamentary inquiry. Was the motion to reconsider made in writing?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Yes. Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Just a second. Well, leave your light on, Senator Demuzio, if you want to speak.

SENATOR CULLERTON:

Mr. President, following up with Senator Demuzio's inquiry, I believe if you check the -- the rules on reconsideration, it says "A member who voted on the prevailing side of a record vote on a legislative measure still within the control of the Senate may on the same or following day move to reconsider the vote." Now, unfortunately for Senator Lauzen, he did not have a record vote. Therefore, there's no way of knowing whether or not he voted on

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

the prevailing side. As a result, you cannot reconsider that motion, because it specifically says "a record vote".

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton, I know that you're of recent vintage in this Chamber, but when Senator Rock was President, and subsequent to that, we always recognized a voice vote as a recorded vote. It has always been traditional and a custom of the Senate to do that. Senator Karpel. All right. Just a -- okay. Senator Cullerton.  
SENATOR CULLERTON:

Could you then tell me, what is the difference between a record vote and a non-record vote? Because the rule specifically says you can only move to reconsider on the prevailing side of a record vote. And it's the rules that - although I am new to the Chamber - the rules that we -- you drafted, your Party drafted and I voted against.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, let -- let me pose this question, if I might. First of all, I would like to have a roll call on the gentleman's motion to reconsider. But let's assume for a moment - forgetting that - let's assume for a moment that -- that the gentleman's motion of non-concurrence is before us, that he reconsidered - okay? - back on the Calendar. Does he have to now move to reconsider the -- the vote of the -- of the concurrence motion that he made originally, or is it just back on the Calendar and he's -- he can file on the motion again? Is that -- you want to straighten that out for me?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio, that motion will be on the Calendar, and we will vote on it on the appropriate time. The motion to reconsider. Senator Karpel.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

SENATOR KARPIEL:

Thank you, Mr. President. I just rise to make an announcement - that there will be a meeting of the Executive Committee tomorrow morning at 8 o'clock, in Room 212. So, all Members, please don't forget our early hour tomorrow - 8 o'clock in the morning, Room 212, Executive Committee. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Senate is recessed till the call of the Chair. The Senate is recessed till the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

...will be in order. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bill 350, the motion to concur with House Amendment 1 Be Adopted; Senate Bill 363, the motion to concur with House Amendment 1 Be Adopted; and Senate Bill 1769, the motion to concur with House Amendments 1 and 2 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports House Joint Resolution 71 Be Adopted, as Amended; Senate Bill 18, the motion to concur with House Amendment 1 Be Adopted; House Bill 2651, the motion to recede from Senate Amendment 1 Be Adopted; and House Bill 3052, the motion to recede from Senate Amendment 1 Be Adopted.

And Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Bill 11, the motion to concur with House

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Amendment 3 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 222, offered by Senators Dillard and Petka.  
It's substantive, Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

...requests that all Members within my voice -- hearing of my voice, please come to the Floor. We're prepared to do final action. Please come to the Floor. Senator Demuzio, what purpose do you seek recognition?

SENATOR DEMUZIO:

I -- I just wanted to ask a question. Since we're planning on adjourning tomorrow, I was wondering if anybody was going to show us a budget. It's 4 o'clock, the day before adjournment, and we haven't seen anything, and we're very anxious to help out in any way we can, but we don't know what to help out with because we haven't seen anything. And I was wondering...if you could convey to -- to -- to somebody -- maybe Stanley Weaver standing up over there, he could enlighten me.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

I'll bring you over a copy.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

This year, or next? Last year's.

PRESIDENT PHILIP:

May I have your attention for one minute, please? Standing here on my left is Billy O'Connell, who is a dear, dear, long old friend. We have a lot in common. He's Irish-Catholic Democrat,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

and I'm a German-Polish Republican. But we're both very, very conservative. And believe it or not, when I first came down here after the at-large election, I think Bill had been here two years before me. But we've had a lot of beers together, a lot of fun together. And I can remember - and I'm not sure what year it was, because it was a battle between Senator Hawkinson, and the Democrats' candidate's name was Cassidy. And, if I remember right, I was over in Peoria campaigning for Senator Hawkinson. Senator Hawkinson said, "Please don't come back, you probably lost me about five or six hundred votes." I'm not sure if I ever went back to his district again. But anyway, after we had spent this -- I think a day and a half or two days, Billy and I had a few pops in the local bar - Pere Marquette, if I remember correctly. And, of course, we had a few more and a few more, and then we got to -- to betting in regards to who was going to be the Senator from that district. And, of course, I was very high on Senator Hawkinson, and we made a fifty-dollar bet. And, of course, I won that bet. And so I -- he gave me a check dated December 11th, 1986. Now, I've never cashed that check. So I thought it would be very apropos if I would frame this check and give it back to him with a few little notes on the bottom. So, at this point, Billy, it's been fun. You have been great. You typify what is good in the media.

MR. BILL O'CONNELL:

(Remarks by Mr. Bill O'Connell)

PRESIDING OFFICER: (SENATOR DONAHUE)

We have Supplemental Calendar No. 2. We have a number of motions to concur. First up will be Senate Bill 350. Senator Klemm. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 350.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Amendment No. 1 to Senate Bill 350 is to accommodate the representatives down in southern Illinois, because it creates the Southern Illinois Tourism Development Board. We had discussed this before, which allows the Illinois -- Southern Illinois Tourism Development Board to create a special license plate so that they would have additional fees to -- in order to have some distribution to local governments, tourism marketing entities and nonprofit organizations and corporations to help promote southern Illinois. And I think for most of us who've been to that area realizes that this certainly would be a good opportunity for them to create and develop tourism in that vital area. And this bill was at the request of the legislators from that area, and I do ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Klemm, I notice that the southern Illinois -- who -- who made up the definition of southern Illinois? I notice that a couple of my counties, for example, are in this bill and several of them are out. For example, you pick up Calhoun, Jersey, Madison, and I see you pick up -- then you go down to further south and then you sort of expand over from west to east. But what happened to counties like Macoupin and Montgomery and counties like that? I mean, I don't quarrel with what you're doing, but I quarrel with the counties that you left out that are not going to be participating in this pot of money that they're attempting to develop for tourism.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Well, I -- I don't really know where the counties came from in the first place. Senator -- or, Representative Hartke and Representative Tenhouse and -- those were the individuals who made this up originally, came to the request of our committee, and we supported it. Now, I'm sure you can expand it next year if you wish to become part of it. We had debated and talked about this on the Floor of the Senate before, and so therefore it's not a new issue, so I'm not sure how I can accommodate you at this point in time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Will -- will all of the plates -- license plates that are sold in these counties, will they all be sold at a certain location within the county? Or how do you -- how -- who's going to determine how much money is going to be generated from this sale of these plates and how much that's going to go back to those counties? Who determines that, the Secretary of State?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Yes, it's Secretary of State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Klemm moves to concur in House Amendment No. 1 to Senate Bill 350. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And the Senate does concur

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

in House Amendment No. 1 to Senate Bill 350. Now Senator Klemm moves to non-concur in House Amendments No. 2 and 3 to Senate Bill 350. Is there any discussion? Senator Karpiel.

SENATOR KARPIEL:

Next bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there's no further discussion, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Middle of Supplemental Calendar No. 2 is Senate Bill 363, Concurrence. Secretary's Desk, Concurrence, Senate Bill 363. Mr. Secretary, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 363.

Offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Amendment No. 1 just makes some technical changes to the bill. I know of no objection. I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Is this the amendment that took out the word "junked"?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Yes. Takes out the word "junking or".

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, in the...Committee, there was a suggestion that this was technical and we just send it out to the Floor. I wasn't certain, because -- you know, there's a difference between removing the word junked. It means the -- it might have been substantive. So it did go to the Transportation Committee. And it's my understanding is that it is substantive. Now, I'm not saying I'm opposed to it; I'm just wondering if you could explain what it does, because I think it's more than just technical.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

...purpose was just to clarify the -- the original bill, and it clarifies that a person may purchase a junked vehicle.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, let me just see if I -- if my analysis is correct. This amendment is the initiative -- of an auto auctioning company in Rockford. The underlying bill concerns a sale by auction of motor vehicles, and current law only allows vehicles for which a junking or salvage certificate has been issued to be auctioned to licensed rebuilders, automotive parts recyclers, scrap processors, or out-of-state salvage buyers. The amendment would allow junked cars to be auctioned to anyone. Now that to me -- and again, I'm not saying I'm opposed to it, but could you at least go beyond describing it as a technical amendment, or a clarifying amendment?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

SENATOR SYVERSON:

That was the intent of the original bill. And so, that's the way it was -- that's the way it was discussed; that's the way it was passed. And so, if -- I think that clarifies what we were trying to do in the initial -- in the initial bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well thank you, Mr. President. I -- I really -- I'm really amazed by this process. The last bill was special license plates for southern Illinois. This plate {sic} deals with junking. The next one deals with special license plates. It's 4:15 the day before we adjourn. We've yet to see the -- the budget. When are we going to do something substantive around here for the people of Illinois and get -- get serious about -- about this Session? This is all dilatory stuff.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Woodyard.

SENATOR WOODYARD:

Senator, I -- again, I don't have any problem with this thing, but do you have any idea what position of the auto recyclers' association would be after this amendment on the bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

They are neutral on the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

SENATOR SYVERSON:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

This is final action. The question is, shall -- shall the Senate concur in House Amendment No. 1 to Senate Bill 363. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 363. And the bill, having received the required constitutional majority, is declared passed. ...Order of Secretary's Desk, Concurrence, Senate Bills. Senate Bill 1769. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendments, Amendments 1 and 2, to Senate Bill 1769.

Offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator -- Mr. President, I've become the sponsor of this bill today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That's correct. The record will so reflect it.

SENATOR KARPIEL:

Did you --

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Did you call on me? I'm sorry, I missed that. I just -- I thought you called Senator Philip.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

All right. Thank you. I'm not on the same page as everybody else, I guess. I don't know what's happening. The amendment becomes the bill, Senate {sic} Amendment -- well -- became the bill. And it amends the Airport Authorities Act to provide that an aircraft with a maximum pass {sic} (gross) take-off weight in excess of ninety-one thousand pounds may not use the airport facilities at the DuPage County Airport. An exception is provided for emergencies and air shows. The amendment has an immediate effective date.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Senator, unfortunately I was not in the committee, and I've always been interested in the DuPage County Airport. Could -- could you tell me what the -- a little bit of the background on the amendment, what the significance of the amendment is?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Well, the surrounding communities -- excuse me, of the DuPage Airport are afraid that with the lengthening of one of their runways, they will be able to be bringing in commercial aircraft. A weight limit on it -- on the aircraft would provide that large executive -- jets, such as the one that McDonald's has housed there, and others, will be able to go into the airport, but not commercial airline.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

So the intent then is to prohibit or limit the size of the aircraft that can land at this -- at this particular airport. Is there any way to enforce this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Well, Senator, first of all, you have to take both of these amendments, No. 2 as well as 1, to make a little bit more sense out of the bill, but as far as penalties, there are none. Basically, I -- I don't believe there's a way to enforce it, if -- except that it is showing -- by passing this bill, it is showing the policy of the State and the intent of the State in what can -- the -- the planes that can land at the DuPage Airport.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate concur in House Amendment No. -- Amendments No. 1 and 2 to Senate Bill 1769. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 3 Nays, none voting Present, and the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1769. And the bill, having received the required constitutional majority, is declared passed. If you turn your attention to Supplemental Calendar No. 3, which has been distributed and has been placed on every Members' desk, we will stay on the Order of Secretary's Desk, Concurrence, Senate Bills. Senate Bill 11. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in their adoption of Amendment No. 3 to Senate Bill 11.

Offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DUDYCZ)



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator Butler.

SENATOR BUTLER:

Thank -- thank you, Mr. President. House Amendment No. 3 to Senate Bill 11 moves the speed bumps in the Illinois Unemployment -- Insurance Act from 1997 to 1998. You will recall that in 1992, when business and labor met, they -- to negotiate changes in the -- in the UI Act, they included these speed bumps, which was a -- which was a -- an effort on their part to force themselves to review the Act this year, 1996. By delaying the speed bump provision for one year, there is an eighty-three-million-dollar savings in taxes and workers would receive seventy-three million dollars more in benefits. This means, then, that the labor and management will get together to decide on the future of the -- of the UI Act. I know of no opposition to this and I would urge your concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I rise in support of this bill, because given the current circumstances, it's probably the best deal that we can craft for working men and women in this State. And I look forward to working with Senator Butler and the Members of the Committee on Commerce and Industry, so that in 1998, we might be able to do even better. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any 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 DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator, this bill is probably going to fly out of here, but I've just got one question that sort of bothers me. It -- it appears to me that we removed - and I state "removed" - one speed bump, which give business a two-hundred-and-fifty-, two-hundred-and-seventy-five-million-dollar hit -- a savings, I should say. And here we had the opportunity, and I thought that was part of the agreement, that we were going to remove - not delay - the other speed bump, which would have put the laboring man and woman back on the -- the same track. And it appears to me that all we're really doing with this is playing -- playing games. I -- I do agree with Senator Garcia. It's probably the only show in town and therefore it's worthy of our support, but it just does raise that question. Can you tell -- tell me why you did not remove the speed bump, rather delayed the speed bump?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Well, first of all, this is not a two-hundred-and-fifty-million-dollar bump, so to speak; it's eighty-three million dollars, and at the same time, workers would receive seventy-three million. I think -- what essentially we're doing here is just agreeing with the procedure whereby management and labor sit down together and make decisions on issues like this. I don't see it any -- you know, any particular reason why we should go around that -- that method.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, Senator, in fact, the first removal of the speed bump was a savings to business of two hundred and seventy-five million dollars, and that was done arbitrarily without getting together. This just continually, to me, continues to show that for some

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

reason we have trouble on the other side of the aisle getting full commitment from that side of the aisle to help working men and women of this State. I think that's further amplified, Senator, by the fact that you have another bill, which I talked about the other day, with the rate adjustment fund, which you're just leaving out there in the cold. You're turning your back on the working men and women of this State. And I -- I know that you're at least trying to position this bill to where you can negotiate it next year. But I think it would have been in the best interests of working men and women of this State if you would have just removed the speed bump now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BUTLER:

Just in response: We did not remove a speed bump, Senator. You will recall, we reduced it because there -- there was such a high surplus in the fund. No, I -- I believe this is in accordance with the long-standing agreement between labor and management and we should respect their wishes. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

This is final action. The -- the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 11. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 3 to Senate Bill 11. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 18. Mr. Secretary, read the motion.

SECRETARY HARRY:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

I move to concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 18.

Filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. House Amendment No. 1 to Senate Bill 18, I have moved to concur with. It was heard in committee earlier today. Essentially what it does, it allows any unit district with an EAV of less than twenty-four million in 1995 to increase its debt limit, provided the increased debt is approved by voters at a front-door referendum. The amendment is intended to assist the Mount Carroll school district in Senator Sieben's area and, again, applies to any unit district with less than twenty-four million dollars of -- of EAV, and with front-door referendum. I'd be happy to answer any questions there may be, and I know that Senator Sieben is prepared to, and I may yield to him, depending on the questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know we did something last year for Mount Carroll -- one of the Mount Carroll schools. But, again, here we go. It's -- it's one of those issues and -- and, Todd, you know I'm willing to help you with what's necessary in the Mount Carroll schools. But here we -- we -- we come down here. The other side of the aisle talks about -- in particular about tax caps, about ensuring that -- that our -- our people don't have the opportunity to incur more debt. And this is an open invitation to incur more debt upon the local property tax owners. If -- if the Senator from that district is willing to do that, I guess I don't have a lot of objections, but

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

it -- other than the fact that, again, it flies in the face, in my opinion, of the overall philosophy that we have been hearing that we should have tax caps, we should control spending, we should control spending on the local level. And we are giving those voters -- whether it be a front-door referendum or not, we're giving that school district an opportunity to extend its tax cap in order to be able to -- to fund a project. And I would like to hear Senator Sieben's response to that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you very much. And, Senator Jacobs, in response to your comments, this certainly has to be the ultimate in local control, to allow the school board to assess the needs of that school district to replace fifty- and sixty- and seventy-year-old school buildings with new buildings, and then with the school board making that decision, to then put that question on the ballot for the voters in that school district and allow the people that are going to have to pay that property tax the opportunity to vote yes or not, whether they'll agree to that level of debt, in order to provide a quality education for the students in that district. This is a critical issue not just in Mount Carroll, but in many rural downstate school districts that have low assessed valuations from which to draw the -- the tax sources to replace disintegrating, old buildings. So, I believe that the right vote here is Yes. Let the people have the right to vote to -- to replace these buildings with a front-door referendum.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio. I beg your pardon. Senator Jacobs.

SENATOR JACOBS:

Thank you. Senator, that sounds pretty much like the same

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

argument that Governor Edgar used for his constitutional amendment, which we were unable to find a lot of support for in this Body and on the other side of the Rotunda. But, again, my point remains the same, that -- are we going to allow all school districts the opportunity for local self-government? And the answer that we are trying to take to that, with tax caps and everything, is, no, we're not. But yet, this, to me, flies in the face of that same premise, that we want to control the spending on the local basis because we don't feel local government can do it well enough on their own, and here's a case where we're going to give them the opportunity. It just seems to be a contradiction to me, Senator.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Within the last hour we debated this issue in the Education Committee. And I have no problem, or had no problem - I should put it that way - I had no problem with what Senator Sieben was trying to do here, but the hypocrisy of the votes in that committee have to be brought to the attention of this Floor. Senator Sieben stands up here and says that he wants this amendment adopted -- the bill adopted so that the people in Mount Carroll can go to the polls and decide what they want to do regarding their local schools. And from the other side of the aisle, I hear local control - local control. And yet, there were

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

two bills -- two issues presented to the Education Committee at the same time that this issue was debated. But they didn't affect Mount Carroll. They didn't affect a downstate school district. They affected Chicago. Chicago needed its own fiscal year. It's a bookkeeping procedure, and Senator Sieben voted No, because he wants Springfield to dictate what's the appropriate fiscal year for Chicago. Chicago wanted to decide whether their children would be safer by not being in school on general election days, when everybody uses the schools as polling places. And that was the decision of the Chicago Board of Education. But there's a bill before the committee that Springfield says Chicago must keep the schools open on election days, and Senator Sieben voted that Springfield should tell Chicago schools when they should be open and not. So we're talking out of two sides of our mouth - when it comes to school districts outside of Chicago, local control; when it comes to Chicago, Springfield controls. Until I hear an -- an explanation of why that two different policies should be exercised, I must vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I feel compelled to respond. As Senator -- my esteemed colleague from the other side of the aisle knows that there is a story - a long story - to tell about both of those issues. There's been a lot of history down here in Springfield that deals with the problems of the City of Chicago and the Chicago schools. And we know that Chicago schools have some unique problems. Unique problems require unique solutions. The fiscal year policy that was established down here was implemented at a time when the Chicago public schools were under the threat of strikes and there was a constant problem of fiscal mismanagement. We wanted to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

implement that change to force the Chicago schools to get their house in order earlier, rather than later. Yes, we do have a new management team in place, but we think the policy is still justified. Secondly, you tell me, Senator Berman: What other school district in the entire State of Illinois takes election day off to accommodate the precinct workers at the polling place? You tell me. Once again, Chicago is unique; they require unique solutions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman, for a second time.

SENATOR BERMAN:

Thank you. First of all, I want to correct -- Mr. Chairman, I want to correct your statement. Regarding the State -- the State's mandate that Chicago change its fiscal year, House Bill 206, which you take great credit in creating the new management team in Chicago, and Gary Chico and Paul Vallas - and they are doing a great job - but they were not asked if it made sense to change the fiscal year. Number one. Number two, the fiscal year change made no sense because in the bill, House Bill 206, a strike was prohibited for eighteen months, number one, and number two, with the contract that the new management team entered into, it was a four-year contract. So the change in fiscal year makes no sense. But you don't want to listen to that. You still want to dictate what Chicago has to do. If Chicago, because of the volume of voters, decides that the schoolchildren will be safer by not opening schools on general election day, that's their decision. You're not responsible to the voters of Chicago, Senator Cronin. I am. The Chicago Board that's appointed by the Mayor, elected by the citizens of Chicago, is. And it's outrageous - outrageous - for this Body to dictate silly - silly - rules that have no impact. It doesn't cost the State a dime, as to the fiscal year of Chicago - not one dime. And the -- and the management team



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

that you embrace, take great credit for their accomplishments, they've asked for this. We've had it in four different bills; and yet, you, the Republicans, refuse to accommodate - accommodate - the request of that leadership team. Shame on you. And I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Sieben, for a second time.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to point out that the original Senate version of this bill was contained in Senate Bill 1854. When it was sent to the House, they saw fit to make some changes in it, held that bill in Rules Committee, so -- the original bill that the majority of you voted on on March 25th. So those of you that are concerned about consistency in your voting record, I just looked it up here and this -- this original version of this bill, even though it's changed a little in the House version here, passed on 48 to 3 to 2 vote. So, we're not doing anything different. And unfortunately, this has become a launching pad for a lot of debates on other issues relative to schools and education reform. But the underlying issue here, we did vote for this 48 to 3, and I would ask for an Aye vote again.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, thank you, Mr. President. I guess a lot of people felt compelled to respond or make comment here, and whether the things that they were -- brought up were -- are related to this particular legislation or not I guess are in the eyes and ears of those people who have listened or made remarks. But I would say this, that on the two issues that Senator Berman brought up, and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

he has felt very strongly about one in particular and certainly has a position on the other one, I was in committee as well today, and while I agreed with him on one, I did not agree with him on the other. As to the substantive legislation that is before us, however, I do want to say that I think it is completely consistent with limitations, in that it allows, or requires, a front-door referendum. And again, I think -- as a strong proponent for local control, I think this is certainly consistent with local control. I understand and appreciate Senator Berman's concerns. I would ask, however, that -- that those -- those issues be resolved in -- with other legislation and that we consider supporting Senate Bill 18, as amended by the House bill {sic}. I'd appreciate an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 18. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 23 Nays, 2 voting Present, and -- and the Senate does concur in House Amendment No. 1 to Senate Bill 18. And the bill, having received the required constitutional majority, is declared passed. Senator Berman, what purpose do you rise?

SENATOR BERMAN:

I would ask for a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Berman has requested a verification. Will all Senators be in their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Bonke, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Fawell, Geo-Karis, Hawkinson, Jacobs, Karpiel, Klemm, Luechtefeld, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Does Senator Berman question the presence of any Member voting in the affirmative?

SENATOR BERMAN:

Senator Mahar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar. Senator Mahar? Is Senator Mahar on the Floor? Strike his name.

SENATOR BERMAN:

Senator Jacobs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs? Is Senator Jacobs on the Floor? Strike his name. ...verified roll call, the Ayes are 29, the Nays are 23, and those voting Present are 2. Having failed to receive the required constitutional majority, Senate Bill 18 is declared lost. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, I would like, very much, to have...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon. One second, please, Senator. Senator O'Malley, what purpose do you rise?

SENATOR O'MALLEY:

Mr. President, we're conferring as to whether or not there's a certain motion that I should make right at this time, and -- and I'll have an answer in a second. I'd appreciate everybody's indulgence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, what purpose do you rise?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

SENATOR DEMUZIO:

Well, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

I want to thank my good and dear friend, Senator Weaver, for bringing over the -- the budget. Howie. This is not quite what we had in mind. We were -- we were wondering: Are there any changes that you might want to give to us? We've read this. We'd like to read the new one.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you turn your Calendars to the middle of -- page 1 of Supplemental No. 3, on the Order of Secretary's Desk, Non-Concurrence of House Bills, House Bill 2651. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to recede from Senate Amendment 1 to House Bill 2651.  
Offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is not the budget, but it is another education bill. But we will go ahead with it in any event. This is the bill that provides for the Illinois Valley Central district and the Illini Bluffs district, that they can use the prior year EAV if their EAV is changed downward by more than twenty percent. We had tried, in the Senate, to help a couple of other districts with Senate Amendment No. 1. The House, however, refused to go along with us on Senate Amendment No. 1, and reluctantly, we have moved to recede from Senate Amendment No. 1, which will restore it to the scope that I just described. I would be happy to try and answer questions; otherwise, I would ask for a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

favorable roll call in our motion to recede from Senate Amendment No. 1 to House Bill 2651.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson has moved that the Senate recede from Senate Amendment No. 1 to House Bill 2651. Any discussion? This is final action. The question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 2651. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Yeas, 6 Nays, 1 voting Present. And the Senate does recede from Amendment No. 1 to House Bill 2651, and the bill, having received the required constitutional majority, is declared passed. House -- House Bill 3052. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to recede from Senate Amendment 1 to House Bill 3052. Offered by Senator Raica.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. I move to recede from Amendment No. 1 to House Bill 3052.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica has moved to -- that the Senate does recede from Senate Amendment No. 1 to House Bill 3052. Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, I -- I think this is the amendment {sic} (motion)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

that I also, on the Rules Committee, suggested go back to the Education Committee, because I just was curious if I could get -- I thought it'd be helpful for the committee to get the background. I know that you offered this amendment in committee. And what you basically did with this amendment was you took a House bill that you were the sponsor of, you made a change to it, you sent it back to the Senate (sic), they didn't agree with it, and now you're backing down from your original amendment. And as I understand it, this has to do with the issue of the Chicago schools being open on election day. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Well, he would technically be right if he was telling the truth. But let's -- let's look at it this way: It was a committee amendment and I didn't offer it. So everything you said up to then was probably true.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, if I understand it, the -- the bill that came over from the House said that the schools, in Chicago only, cannot close on the date of general elections. And I guess that the reason why the sponsor, who is from Naperville, passed that is because -- I guess the theory is that the -- the schoolteachers are going to be out working for the Democrats, and we wouldn't want to have that happen. Now, as it turns out, the -- the real reason why the schools close is because, on the general elections, there's a bigger voter turnout. I checked my ward to see how many of the fifty polling places were in schools. Eleven of them are -- twenty-two percent. And in the City of Chicago, especially in my district, it's very -- parking -- parking is the big issue. It's

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

more important than anything we do down here. And there's kids going to and from the school. There's a lot of people driving to go and vote. And so, they have, apparently, decided that that's, again, their right to decide to close down the schools. So you were right, and -- and we were right in adopting the amendment. It's -- you know, it's just a -- a certain paranoia, it seems to me, that -- that comes from the other Chamber to want to put this in. We should -- we should refuse to recede, go to a conference committee, and tell her that the rest of the bill is fine, and -- and let them close the schools down if they want on -- on election day. There is an issue of safety. There -- there is an issue of small, young children being -- there's an issue of space. I mean, there's not enough room a lot of times in the City of Chicago to find good polling places. That's why twenty-two percent of my ward, and in other wards it might even be higher, to -- to -- use the schools. And a lot of them are multiple polling places - a lot of them. You know this, from your precincts you have in the City. A lot them are multiple polling places. So I just think that, once again, this is evidence of -- this time of the year, of -- of real antagonism, and it's not the appropriate thing to do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, may I point out to you that this House bill had a number of issues in it, and when the bill was presented to us in the Senate, the Senate Education Committee and then the Floor of the Senate made one change, and that change dealt with whether Chicago must keep their schools open on election day. And we decided, both in committee and on 3rd Reading, that that's a local decision. The House refused to concur in our amendment. Now, if you're a believer in local control, you should vote No on this motion.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Again, the House is dictating how Chicago should run its schools. Now let me tell you a little bit about this problem. Senator Cullerton talked about it. Let me tell you one other thing: We're talking about over five hundred buildings - five hundred buildings - many of which - strike that - each of which has at least one polling place, and most of them have several. As a -- as a Senator that runs from a district that includes part of Chicago and part of the suburbs, I say to you, candidate to candidate, don't impose a rule from Springfield that will put my voters at such a disadvantage that five hundred, probably closer to a thousand, polling places are going to have to be relocated, because it's the decision of the Board of Education in Chicago that in the general election, because of the people - the -- the -- the strangers to the schools - that walk in, the safety of the children is compromised. Now that's a local decision. And if you want the House to dictate to us as to what ought to be a local decision, you vote Yes. If you want to tell the House we did what was right and don't make Chicago change -- over five hundred buildings that are multiply used for a polling place, then vote No. If you stood up on this Floor and talked about your hometown and a similar mandate by Springfield that imposed this on your voters, I would vote with you. I'm asking you to vote with me. Vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Senator Cullerton was talking about the percentage of polling places that were schools. He said eleven public schools in his district, which were twenty percent -- eleven polling places, out of fifty polling places. What he failed to tell you was that's -- there's only eleven schools in his districts. All the public schools are used as polling places.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

In my district, we have a lot of older businesses, older homes. They weren't built to -- to conform to the Disabilities Act. Almost all of these older buildings, you just can't get up there. The only things that have become handicap accessible are the public schools. Now, in most public schools, and those of you from Chicago or around Chicago understand, you don't just have one polling place; you have two and three polling places, two or three precincts of fifteen hundred people coming to vote on election day. This isn't an isolated incident, where we're talking about five or six polling places, five or six schools. So why are we closing the schools? You're talking about every school having two or three polling places, fifteen hundred adults politicking, coming in and out. The Board of Education has made a decision that's very disruptive. It's disruptive for the children, and it's disruptive of the voters, and it doesn't make any sense. So they came, they sat down, they have all the facts, they look at it time in and time out, and they decided to make a policy. Now, we come, in Springfield, and maybe for some political decision, we're going to say, "We don't care about the voters or the schoolchildren and you people that we put in charge by a bill last year don't know what you're talking about, don't know what you're doing." And from -- some small political gain, we're going to change the rules and put these children and voters at risk. And that makes no sense. Let's vote No and get on with the Session. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Molaro touched on one of the things I wanted to bring up, and that is the fact that we have schools with multiple polling places. I can tell you that in my district I have a number of schools that have three to four

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

polling places. But it's not just a matter of -- of the number of voters that are coming in to that particular school, there's also a problem with the fact that many of these schools have lunchroom cafeterias in the lower level. And so the children, at lunchtime, have to walk around the adults who are coming to vote - traffic going in every direction; adults running into children. And in addition to that, we have preschool classes in the lower level. So you've got four- and five-year-olds running into adults. I -- I think that this is crazy, and that's why we ought to let Chicago do what it feels is best, and that is to make sure that they have the right to close the schools on general election days, when the turnout is much higher.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAICA:

Thank you, Mr. President and Members of the Senate. Most of the schools in the City of Chicago that are the Catholic schools are open on election day. They haven't had a problem, and they have just as many voters going to the school as -- to the polls as do any, if not all, the other polls in the City of Chicago. There's a police officer in all the polls. If we're talking about people walking into the schools and disrupting classes, they're probably not going to disrupt classes in a public school anymore than they're disrupted now. I would just ask for an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...is final action. The question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 3052. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 25 Nays, none voting Present. And the Senate does recede

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

from Amendment No. 1 to House Bill 3052, and the bill, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

Let's have a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Berman has requested a verification of the affirmative votes. Will all Senators be in their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

Following Members voted in the affirmative: Barkhausen, Bomke, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hawkinson, Karpel, Klemm, Lauzen, Luechtefeld, Mahar, Maitland, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Does Senator Berman question the presence of any Member voting in the affirmative?

SENATOR BERMAN:

Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen? Senator Lauzen's sitting -- or, standing there by President Philip.

SENATOR BERMAN:

Senator Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh is in his seat.

SENATOR BERMAN:

...further questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 31, the Nays are 25,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

none voting Present. And having received the required constitutional majority, House Bill 3052 is declared passed. Supplemental Calendar No. 4 has been distributed. It is sitting on the Members' desks. We will now go to the Order of Secretary's Desk, Resolutions, on Supplemental Calendar No. 4. House Joint Resolution 71. Senator Cronin. Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 71, offered by Senator Cronin. The Committee on Education adopted Amendment No. 1. There are no Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Joint Resolution 71 is the result of lengthy discussions and debate with Members of the General Assembly from both sides of the aisle, various interest groups, local -- locally elected officials representing school boards across the State of Illinois. And this resolution comprises the -- the recommendations -- or this comprises the denials of the waivers that were sought by various school districts. As you know - as all of you know - we are trying to promote local control. We believe in local control. But sometimes there's an appropriate time to intervene, and we think that this is -- this joint resolution represents those limited circumstances. The sum and substance of the joint resolution are as follows: We have denied a request that would reinstate corporal punishment from a school district downstate, Pope County School District No. 1. We also have denied a request in the area -- or a number of requests in the area of the reduction in student attendance time; specifically, a reduction -- a request from Sheldon School District 5 to reduce their '96-'97

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

school calendar from 176 days to 167 days for purposes of a construction project. We thought that this was not within the intent of the law; therefore, we are recommending in this legislation that that request be denied. We are also denying a request from Washington school district to reduce the instruction time on days when the IGAP tests are given. Item three, driver's ed: Request from Elgin U-46 to waive all mandates on driver's ed. That request is being denied. Item four, sprinklers: A request from Meridian School District 223 to waive sprinkler requirements due to excessive cost for installing sprinklers on a well system and the request from Newark School District 66 for the same reason is being denied. Item five, accountability: A request from McHenry School District 156 to substitute the North Central Accreditation system for the State school improvement planning process; the request from Mount Prospect School District 57 to exempt its high-performing school from the IGAP test; and the request from Mount Prospect to forgo publishing its annual statement of affairs - all requests are being denied. Next, with the issue -- with respect to the issue of debt limits: The request from Mount Carroll to raise its debt limit from 13.8 percent of EAV to twenty-five percent without a referendum is being denied, as is the request from Round Lake that seeks to -- increase its debt limit without referendum - will both be denied. Next, the abolition of township school official: Request from Mount Prospect School District 57 is to be denied in this resolution. In the area -- subject of school holidays: There is a request from the Winfield School District 34 to waive Martin Luther King Day, as well as Lincoln Day, Pulaski, Columbus and Veterans Day. That request is denied. The request from Altamont School District 10 to waive Pulaski Day is also being denied. For the record, you should know, Members -- of the Senate, that the other hundred and four districts who had their holiday waivers

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

approved by the State Board, these are the only two districts that would not commit to teaching about the honored person on the actual date of the holiday. That is the logic behind denying these requests. Next, in the area of P.E. classes: There were several requests to totally waive P.E. from grades K through 12 without any alternative program offered, both in the Franklin School District No. 1 and Round Lake School District 116. Both of those requests are being denied. In the area of pupil transportation: There was a request from Elgin U-46 to claim the children they transport in the State-funded early childhood program under the regular transportation reimbursement program. That request is being denied. And finally, the request from the -- Chicago to delay the implementation of the July 1/June 30th fiscal year change until the year 2000 is also being denied. We ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I stand in support of House Joint Resolution 71, except - I want the record to show - that we offered in committee an amendment that would have reinstated the fiscal year for Chicago. The representative from the Chicago Board of Education testified that, without that change to go back to a September 1 fiscal year, the bookkeeping mechanism would cost Chicago forty million dollars. That amendment was defeated on a partisan roll call. That prohibition is still in here. I would ask the sponsor, in his closing remarks, to explain to us why. It doesn't cost the State money to be on a September 1 fiscal year. There's a four-year contract with the teachers. They cannot -- they will not strike; they've got a four-year contract. The delay is being asked until the year 2000, which is at -- after the four-year contract. But for that issue, which I think is

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

ridiculous and punishes to the extent of forty million dollars the -- the new administration that my Republican friends like to embrace and take great credit for - you're penalizing them and you're going to hurt the schoolchildren in Chicago - but for that, the rest of these issues are important and I would urge an -- an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. Just a -- a quick question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR WALSH:

One of the provisions in the resolution deals with the -- abolishing the township school treasurer and township school trustees for the Mount Prospect public school district, and I was just wondering what the reason for denying that waiver was.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Senator Walsh, you and I both sponsored legislation that -- that has some impact on this subject matter. In the case of the -- Mount Prospect school district, they want to be able to do this by way of school board action, rather than voter referendum. The legislation that we sponsored was voter referendum.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR WALSH:

Can they not do it by -- by school -- the school board can't do that -- can't waive that, or it has to be done by referendum, I would think, and that's the reason for it? Okay.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, do you know, since we initiated this waiver procedure, whether or not we have ever changed a fiscal year for a school district?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Yes. I'm told that we did for the Hononegah School District.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Is that in your seatmate's district?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Coincidentally, yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

If I sat next to you, maybe we could get the waiver for the Chicago school district. Is it that simple?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

To perpetuate this banter, would -- I guess the question {sic} is, no, I guess it's not that simple.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This, as I said, is a culmination of a lot of discussion, debate. The overwhelming majority of waivers that were sought by local school districts throughout the State of Illinois were granted. We believe that this is consistent with our objective in promoting local control. In response to Senator Berman's query, I can only offer to him an observation that this is a bicameral legislature with many interested parties with a lot of influence, and we think that the policy statement that was made several years ago, encouraging the City of Chicago school system to get their financial house in order early, is still a good policy, even though the law has changed. And I suspect that we will revisit this issue, and you have my commitment to -- to work with you in that regard. Other than that, the -- the bill has many wonderful components, and we ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin moves the adoption of House Joint Resolution 71. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 Nays, none voting Present. And the resolution is adopted. Motions. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Having -- Senator Lauzen, Mr. President, has filed a motion with respect to Senate Bill 18.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. ...of Non-concurrence,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

House Bills. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I filed a motion to refuse to recede from Senate amendments to House Bill 2529.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson moves that the Senate refuse to recede from the adoption of Senate Amendments No. 2 to House Bill 2529 and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Supplemental Calendar No. 1 -- or, pardon me, Supplemental Calendar No. 5 has been distributed; should be on every Member's desk by now. We will be going to that order of business, which is Motions in Writing to Reconsider the Vote. Motions in Writing to Reconsider the Vote, Senate Bill 18. Mr. Secretary, read the motion.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which the motion to concur with House Amendment No. 1 on Senate Bill 18 failed.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Having voted on the prevailing side, Senator Lauzen moves to reconsider the vote by which Senate Bill 18 was passed -- failed.

...Lauzen.

SENATOR LAUZEN:

...like to move to reconsider, having been on the prevailing side.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Having voted on the prevailing side, Senator Lauzen moves to reconsider the vote by which Senate Bill 18 failed. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

all voted who wish? Take the record. On that question, there are 32 Ayes, 23 Nays, 1 voting Present. And the motion carries. If you turn your attention back to Supplemental Calendar No. 3, Secretary's Desk, Concurrence in Senate Bills, Senate Bill 18. Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, thank you. Senate Bill 18, before you, includes House Amendment No. 1, which became the bill. It allows any unit district with an EAV of less than twenty-four million dollars in 1995 to increase its debt limit up to 27.6 percent of its EAV, provided the increased debt is approved and supported by the voters at a front-door referendum. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I reluctantly stand again in opposition. The problem is that the sponsor of this bill and amendment - pertinent amendment - wants to have the opportunity for local control of an important school question. The trouble is that when it's not his school district, when it's my school district, he votes exactly opposite on local control issues. And I think that that is hypocritical. I think that is bad public policy, and I would suggest that we vote No. Now that's on the -- that's on the issue of local control and consistency. Let me point out: On the issue of downstate referenda and increasing property taxes, those of you who are concerned about the overreliance on property taxes, a Yes vote on this is exactly the wrong vote. The only way that we're going to be able to finally put some muscle and some votes for school funding reform and reduce the reliance on local property taxes is to get the whole State behind that kind of push. These kinds of amendments work

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

against that effort. We have to be unified from Chicago and the suburbs and downstate to stop relying on property taxes and start demanding that the State adequately fund our schools. When you vote Yes, you're saying, "That's okay; we'll -- we'll rely upon local property taxes." So I urge a No vote for both of those reasons.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There being no further discussion, Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, not to belabor the Body with this today, I would only comment that, in my opinion -- well, Mt. Carroll school district, which is the subject matter of the amendment over in the House, is not in the area that I represent. I believe that this is totally consistent with tax limitations, and frankly, with local control. And I would appreciate our affirmative support of this legislation. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 18. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 24 Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 18, and the bill, having received the required constitutional majority, is declared passed. Senator Berman, what purpose do you rise?

SENATOR BERMAN:

Sorry to request, but I'll ask for a verification.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Will all Senators be in their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Following Members voted in the affirmative: Barkhausen, Bomke, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hawkinson, Jacobs, Karpel, Klemm, Lauzen, Luechtefeld, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Does Senator Berman question the presence of any Member voting in the affirmative?

SENATOR BERMAN:

Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley is standing beside you.

SENATOR BERMAN:

No other requests.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 33, the Nays are 24, none voting Present. Having received the required constitutional majority, the bill is declared passed. Senator Donahue, what purpose do you rise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I would like to request an immediate caucus in Senator Pate Philip's Office. A Republican Caucus, immediately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue, how long do you anticipate the caucus?

SENATOR DONAHUE:

I'm not sure exactly the time limit. I'd say...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The -- the Senate...

SENATOR DONAHUE:

We will be back at 6 o'clock. And it is my understanding, Mr.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

President, that we will conduct business.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There will be a Republican Caucus immediately in the Senate President's Office. The Senate will be in recess until 6 p.m. All Members be available, because there will be substantive Floor action at 6 o'clock. The Senate stands in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

House Bill 1249, with Senate Amendments 2, 3, 4, 6, 7, 9 and 10.

I am further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of the following amendments: 1 and 8.

Action taken by the House, May 21st, 1996.

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 454.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

We have like Messages on Senate Bill 542, with House Amendment 1; Senate Bill 825, with House Amendment 1; Senate Bill 1414, with House Amendment 1; Senate Bill 1465, with House Amendments 1 and 2; Senate Bill 1544, with House Amendment 1; and Senate Bill 1696, with House Amendment 1.

Action taken by the House, May 21st, 1996.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis moves to accede to the request for a conference committee. Without objection, the Senate accedes to the request of the House for a conference committee on those bills just read by the Secretary. For what purpose does Adeline Geo-Karis arise?

SENATOR GEO-KARIS:

For a point of information, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

What's your point?

SENATOR GEO-KARIS:

My Senate Bill No. 1414, I received notice here that the House requests a First Committee of Conference. I do too, and I wonder I'm in order -- if I'm in order now to request the -- the -- to concur with that request for a First Committee Conference and to have a conference committee appointed.

PRESIDING OFFICER: (SENATOR WEAVER)

We just accomplished that.

SENATOR GEO-KARIS:

Oh, thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Peterson arise?

SENATOR PETERSON:

For purposes of a motion, Mr. President. I refuse to recede

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

from Senate Amendment 1 to House Bill 2421 and ask for a conference committee to be appointed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2421 and that a conference committee be appointed. All those in favor -- Senator Demuzio, for what -- discussion?

SENATOR DEMUZIO:

Well, first of all, if you could tell us where we are on the Calendar. What -- what...

PRESIDING OFFICER: (SENATOR WEAVER)

We're on page...

SENATOR DEMUZIO:

...what we are doing.

PRESIDING OFFICER: (SENATOR WEAVER)

Page 9.

SENATOR DEMUZIO:

Explain the amendments, what we are receding from or what we're doing.

PRESIDING OFFICER: (SENATOR WEAVER)

Non-concurrences on page 9, Senator Demuzio. I was just trying to expedite your Bulls' ball game. Senator Demuzio.

SENATOR DEMUZIO:

Just tell us what we're -- what we're doing, that's all.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

Senator, what we're doing is, I'm refusing to recede from an -- an amendment that had to do with elections. We, unfortunately, passed the bill over to the House. There was a technical amendment that we were to put on that we didn't, and that's what we want to add in the conference committee. So the bill will stay



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

basically intact, except for one small technical amendment to clear up a problem that we encountered.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? All in favor, signify by saying Aye. Opposed, Nay. The motion carries. And the Secretary shall so inform the House. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Thank you, Mr. President. A point of inquiry. When you went to caucus at 5:30, you indicated you would be back at 6 o'clock. Now, the Members on this side had expected you to be back. I'm quite certain I saw many Members coming out of there with toothpicks in their mouth, and evidently, they've eaten dinner, while our Members were held in limbo. So out -- out of sheer courtesy could you kindly inform this Body, what is the procedure and what is the agenda for the rest of the evening.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones, there was no food served at our caucus. I don't know what they're doing. They're probably chewing on picnics {sic} because they're hungry. On page 9, Secretary's Desk, Concurrence, we'll go to Senate Bill 1766. Senator Philip. Read the motion, Mr. Secretary. Mr. Secretary.

SECRETARY HARRY:

I move to non-concur with the House in the adoption of their amendment, Amendment No. 1, to Senate Bill 1766.

Offered by Senator Philip.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip, do you want to explain your motion?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to non-concur in House Amendment No. 1 to Senate Bill 1766, and put it in conference committee.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 21, 1996

Senator Philip moves to non-concur in House Amendment No. 1 to Senate Bill 1766. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Messages from the House. Messages, excuse me.  
SECRETARY HARRY:

A Message from the President, dated May 21st, 1996.

Dear Mr. Secretary - pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for following {sic} (final) action on the following categories of bills, with specific bills enumerated under this category, to January 7th, 1997:

Business Regulation, specifically House Bills 2737 and 2927.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any further business to come before the Senate? If not, the Senate -- Senator Philip moves that the Senate stand adjourned until 10 a.m., Wednesday, May the 22nd. The Senate stands adjourned. Senator Molaro, did you have an announcement?

SENATOR MOLARO:

Well, I was going to ask a question of the Chair.

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, sir.

SENATOR MOLARO:

And that is, if there is any indication -- obviously, I saw last day of adjournment was tomorrow. If there's any indication that you can give - I know it might be difficult - as to whether or not we should check out of our hotel rooms, or try to extend them for a day. I don't know if there's anyway...

PRESIDING OFFICER: (SENATOR WEAVER)

You might be safe in extending it for a day, Senator Molaro, if you wish. Otherwise, you can bunk with me.

MAY 21, 1996

HB-0375	REFUSE TO RECEDE	PAGE	35
HB-2421	REFUSE TO RECEDE	PAGE	112
HB-2529	REFUSE TO RECEDE	PAGE	106
HB-2651	RECEDE	PAGE	92
HB-2737	OTHER	PAGE	114
HB-2927	OTHER	PAGE	114
HB-3052	RECEDE	PAGE	93
SB-0011	CONCURRENCE	PAGE	80
SB-0018	CONCURRENCE	PAGE	83
SB-0018	MOTION	PAGE	106
SB-0018	MOTION FILED	PAGE	105
SB-0067	CONCURRENCE	PAGE	6
SB-0350	CONCURRENCE	PAGE	72
SB-0350	NON-CONCURRENCE	PAGE	75
SB-0363	CONCURRENCE	PAGE	75
SB-0690	CONCURRENCE	PAGE	6
SB-0946	CONCURRENCE	PAGE	14
SB-1122	NON-CONCURRENCE	PAGE	39
SB-1380	CONCURRENCE	PAGE	36
SB-1424	CONCURRENCE	PAGE	26
SB-1459	NON-CONCURRENCE	PAGE	40
SB-1467	CONCURRENCE	PAGE	29
SB-1490	CONCURRENCE	PAGE	15
SB-1490	NON-CONCURRENCE	PAGE	25
SB-1490	MOTION FILED	PAGE	66
SB-1490	DISCUSSED	PAGE	66
SB-1527	CONCURRENCE	PAGE	38
SB-1546	CONCURRENCE	PAGE	31
SB-1546	CONCURRENCE	PAGE	32
SB-1546	OUT OF RECORD	PAGE	31
SB-1604	CONCURRENCE	PAGE	31
SB-1648	CONCURRENCE	PAGE	64
SB-1664	NON-CONCURRENCE	PAGE	40
SB-1669	CONCURRENCE	PAGE	59
SB-1673	CONCURRENCE	PAGE	32
SB-1684	NON-CONCURRENCE	PAGE	33
SB-1766	NON-CONCURRENCE	PAGE	113
SB-1769	CONCURRENCE	PAGE	78
SB-1780	NON-CONCURRENCE	PAGE	35
SB-1780	NON-CONCURRENCE	PAGE	39
SB-1780	OUT OF RECORD	PAGE	36
SB-1912	NON-CONCURRENCE	PAGE	34
SR-0182	ADOPTED	PAGE	41
SR-0212	MOTION FILED	PAGE	66
SR-0218	RESOLUTION OFFERED	PAGE	2
SR-0219	RESOLUTION OFFERED	PAGE	2
SR-0220	ADOPTED	PAGE	5
SR-0220	RESOLUTION OFFERED	PAGE	3
SR-0221	RESOLUTION OFFERED	PAGE	40
SR-0222	RESOLUTION OFFERED	PAGE	71
HJR-0071	ADOPTED	PAGE	100
HJR-0092	RESOLUTION OFFERED	PAGE	1
HJR-0124	ADOPTED	PAGE	43
SJR-0108	RESOLUTION OFFERED	PAGE	41

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-THE REVEREND RITA NAFZIGER	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS-POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	1
COMMITTEE REPORTS	PAGE	2
MESSAGE FROM THE PRESIDENT	PAGE	58

REPORT: TIFLDAY  
PAGE: 002

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

96/10/07  
13:44:24

MAY 21, 1996

SUBJECT MATTER

COMMITTEE REPORTS	PAGE	65
SENATE STANDS IN RECESS	PAGE	70
SENATE RECONVENES	PAGE	70
COMMITTEE REPORTS	PAGE	70
INTRODUCTION OF GUEST-PRESIDENT PHILIP	PAGE	71
GUEST SPEAKER-MR. BILL O'CONNELL	PAGE	71
SENATE STANDS IN RECESS	PAGE	110
SENATE RECONVENES	PAGE	110
MESSAGES FROM THE HOUSE	PAGE	110
MESSAGE FROM THE PRESIDENT	PAGE	114
ADJOURNMENT	PAGE	114