

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

65th Legislative Day

October 30, 1997

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Reverend Lundeen, Westminster Presbyterian Church, Springfield, Illinois. Reverend Lundeen.

REVEREND LUNDEEN:

(Prayer by Reverend Lundeen)

PRESIDENT PHILIP:

Please remain standing 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 Tuesday, October 28th, and Wednesday, October 29th, in the year 1997, be -- be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and approval of the Journal, pending the arrival of the printed transcripts. There being no objections, so ordered. We have had a request from ABC Channel 7 and Judy Spencer with the Associated Press to photograph during the Session. Is leave granted? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Licensed Activities, reports House Bill 1214 Do Pass, as Amended.

And Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 122 Do Pass, as Amended, and House Bill 887 Do

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Pass, as Amended.

PRESIDENT PHILIP:

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

SENATOR GEO-KARIS:

On a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we have two of our former colleagues from the House visiting us here today, sitting in the gallery to the -- to the back of me. They served with you and me, and it's none other than former -- retired Representative Herb Huskey and retired Representative Romie Palmer and former Judge of the Illinois...

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate?

SENATOR GEO-KARIS:

...Circuit Court in Chicago.

PRESIDENT PHILIP:

Good to see you, old guys. Messages.

SECRETARY HARRY:

A Message for the Governor by Deno Perdiou, Director of Legislative Affairs, October 30th, 1997.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 90th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that

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the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 2323, 2324, 2325, and 2342.

All passed the House, October 29th, 1997.

PRESIDING OFFICER: (SENATOR KARPIEL)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Klemm has filed a motion with respect to Senate Bill 35.

PRESIDING OFFICER: (SENATOR KARPIEL)

Mr. Secretary, the Chair requests that these motions be printed -- that motion be printed on the Calendar. So ordered. Senator Welch, for what reason do you rise?

SENATOR WELCH:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR WELCH:

Madam President, in the gallery, on the Democratic side, we have the class from the Shepherd Junior High School in Ottawa, Illinois. I'd like to have them welcomed to Springfield. If they'd stand up.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. WCIA-Channel 3, from Springfield -- or, Champaign, requests permission to videotape. Permission granted. 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 - House Bill 932; to the Committee on Education - House Bill 999; to the Committee on

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Environment and Energy - Senate Amendment 1 {sic} (2) to House Bill 362; to the Committee on Executive - Senate Resolutions 112 and 124; re-referred from the Committee on Executive to the Rules Committee - Senate Resolutions 112 and 124; referred to the Committee on Insurance and Pensions - House Bill 1296; to the Committee on Revenue - House Bills 533 and 1116; to the Committee on State Government Operations - the Motion to Concur with House Amendment 1 to Senate Bill 862; and Be Approved for Consideration - Senate Bills 862, 868, 869, 870, 1015 and 1031, House Bills 398, 868 and 871, Senate Resolutions 112 and 124, Senate Joint Resolution 28, and Senate Amendment 1 {sic} (2) to Senate Joint Resolution 28.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Mahar, for what reason do you rise?

SENATOR MAHAR:

For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Please state your...

SENATOR MAHAR:

The Senate Environment and Energy Committee will meet at 11 -- or - what is it? - 11:45 to consider House -- Amendment No. 2 to House Bill 362. It'll be in Room 400, at a quarter to twelve. I'm sorry. 212, at quarter to twelve.

PRESIDING OFFICER: (SENATOR KARPIEL)

Thank you, Senator. Did everyone hear Senator Mahar? There will be a meeting of the Energy and Environment Committee in Room 400 at 11:45. I'm sorry. I thought you said 400. 212. Room 212, which is a different room for us. So please be there. It will be an interesting meeting. Senator Klemm, for what reason do you rise?

SENATOR KLEMM:

For the purposes of an announcement.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Go ahead.

SENATOR KLEMM:

The Senate Executive Subcommittee on Constitutional Amendments will be meeting at 2 o'clock, or immediately upon adjournment, in Room 212. We're going to be considering Senate Joint, Constitutional Amendment, Resolution No. 1 and possibly No. 9. And so will the Members of that Subcommittee please make note? Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1211, offered by Senator Dillard.

(Secretary reads title of bill)

And Senate Bill 1212, presented by Senator Bowles.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR KARPIEL)

...like to just let the Body know that we will be going to some motions in writing with regard to the veto motions. Well, if that didn't work, maybe that will. On page 8 of today's Calendar is the Order of Motions in Writing, Override Total Vetoes. Senate Bill 194. Senator Dudycz? Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 194 do pass, the veto of the Governor to the contrary notwithstanding.

Offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Madam President. In 1963, Chapter 22 of the

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Pension Code was amended to allow municipalities to provide by ordinance for a system to pay for doctor bills and other expenses incurred by downstate police and firefighters who are injured in the line of duty. In the 1970s, when the State workers' comp laws were revamped, employees of counties, city, towns, townships and incorporated villages were included as employees that could file claims under the worker comp laws. And as a result, the downstate police and firefighters should have been allowed to file in the case of injury in worker comp claims, but the problem is that on -- Chapter 22 of the Pension Code was never changed, and as a result, there are currently two systems existing to -- whereby an injured or a disabled downstate firefighter or police officer could seek economic relief for medical and related costs. In early 1990s, a disabled firefighter, employed by the Village of Winnetka, filed a workers' comp claim due to a partial permanent disability, but an Appellate Court ruled in 1992 that because Winnetka had established a program to pay doctor bills for injured firefighters under the old Chapter 2 {sic} provision of the Pension Code, there was a -- a prohibition against a firefighter from also filing workers' comp claims. Senate Bill 192 {sic} (194) remedies the situation by giving downstate police and firefighters the right to file a workers' -- workers' comp claims, and the bill passed the General Assembly unanimously - the Senate 55 to nothing and the House 116 to nothing. And I would ask to override the Governor's veto of Senate Bill 194 to ensure the rights of downstate police and firefighters across the State of Illinois. And I would defer to Senator Cullerton, who is an expert in this, to -- to add or to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. Thank

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you, Senator Dudycz. I -- I don't know if I'm an expert, but I -- I would just rise to support the Gentleman's motion. I think that the -- the Governor has made somewhat of a mistake on this one. This also was a bill which, as Senator Dudycz indicated, everybody voted for because it makes sense. And, in fact, it really just corrects what was probably just a -- an oversight in -- in the Pension Code. It's the police officers and firefighters who, under this bill, would -- would have a right to file a workers' comp claim. And, as indicated, without this protection, those who -- people who are injured in the line of duty, they have no right to choose their own medical provider, no right to vocational rehabilitation, no right to receive disability benefits for longer than one year, no compensation for disfigurement or loss of earning capacity, no right to a hearing before an independent arbiter to determine disputed issues of -- of fact. And -- and, indeed, you have to realize that virtually every other employee of -- of a municipality has these rights. So it's really just meant to -- to make up for, perhaps, an oversight that the Legislature made years ago, and in fact, the Governor in his Message says it has a laudable purpose. So I think he acknowledges that. I think it was probably just a -- a theory that he vetoed it based on the fact that he felt it might be somewhat of a -- of an -- us imposing an obligation on the municipalities. But the fact of the matter is that this is just basic fairness, and for that reason, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank -- thank you, Madam President. I rise, also, in support of Senator Dudycz's motion. Certainly we should look out for the police officers who may be injured and need to file for compensation. So I urge support for Senator Dudycz's motion.

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Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Butler.

SENATOR BUTLER:

Yeah, question of the sponsor, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

He says he'll yield.

SENATOR BUTLER:

Senator Dudycz, as I understand it, this permanently bars the firefighters from collecting on both, either direction. Is that true?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCH:

That's correct. The -- the unions are hoping that the municipalities would eliminate these provisions of Chapter 22 and just apply the -- the workers' comp provisions for -- for their law enforcement and firefighter personnel.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Butler.

SENATOR BUTLER:

Another question. It doesn't work as when we had the Scaffold Act? They can't sue under both and then collect on the highest? There will be one remaining fund, so to speak, to collect from.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCH:

Senator Butler, I've been told it does not prohibit them from collecting from both, but they are hoping that the municipalities eliminate, by ordinance, these provisions so that they're not even afforded the opportunity. They're not looking for it either. They don't want it.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank -- thank you, Madam President. To the sponsor, a question. I intend to vote for the measure. I just -- when we -- when we explain back home how we're avoiding paying those benefits twice, how do I clearly explain that?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCH:

You would explain it that you would encourage the municipalities to eliminate the old Chapter 22 ordinances of the Pension Code so that the -- the policemen and firemen can only collect under the workers' comp.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. If there is no further discussion, the question is, shall Senate Bill 194 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 49 Ayes, 4 voting Nay, and 1 voting Present. And Senate Bill 194, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Hendon, for what reason do you rise?

SENATOR HENDON:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

Please state your point.

SENATOR HENDON:

In the gallery, on the Republican side of the aisle, are two of my constituents: my administrative assistant, from Chicago,

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Bernette Barnes, and my sister, Shabita Carter, and we'd like to have them rise and be welcomed to the Senate.

PRESIDING OFFICER: (SENATOR KARPIEL)

Will the Senate please welcome our guests? Senator Syverson, for what reason do you rise?

SENATOR SYVERSON:

Thank you, Madam President. Just for the record: If -- I didn't make it to my switch in time, but had I made it to my switch, I would have voted favorable on that last bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record shall so state. Senator Shaw, for what reason do you rise?

SENATOR SHAW:

Yes, thank you, Madam President. On the previous vote, I inadvertently voted Yes. I wanted to vote No on that bill, and I'd like the record to indicate that.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record shall so indicate. All right. Senate Bill 278. Senator Collins. Madam Secretary... Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 278 do pass, the veto of the Governor to the contrary notwithstanding.

Offered by Senator Collins.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. Senate Bill 278 passed both Chambers during the spring Session with very little, if any, opposition. I think that the Governor made a mistake, and what happened: After this bill was passed, the representatives from the legal community saw that the impact of

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this bill really cut down on court litigation when a landlord finds and have a tenant who refuses to pay rent. What this -- the Governor said is incorrect because the Governor's Message indicates that this bill establishes a two-tier system for evicting tenants. That is not correct, because the bill doesn't deal with tenants. This bill deals with those persons who take possession of your property with the consent of the legitimate tenant and when the legitimate tenant fails to pay rent and the landlord goes to court for a vacating order. What this bill does, it actually gives that non-tenant who now resides on your premise the opportunity to appear in court to express his or her tenant interest at the same time -- on the same time the legal tenant comes to court. That's all it does. It sets up a notice requirement for the non-tenant, and that tenant is someone where there is not a written or verbal or no other kind of agreement between that person and the landlord. It allows -- because the landlord doesn't have any idea of the names of those people, it allow for the posting of a notice. If when the -- someone attempts to serve this individual in that apartment and no one comes to the door, that you can post the notice for any other occupants that lives in that building, other than the legal tenant - other than the legal tenant. And I want you all to understand what this bill does. If this bill does not pass, the current practice... And I would like some attention, Madam. I can't hear myself.

PRESIDING OFFICER: (SENATOR KARPIEL)

Would the Body please give the Senator some quiet so that she could be heard, please?

SENATOR COLLINS:

Madam President and Members of -- of the Senate, this is a very critical issue. Many of the -- the homeowners in the City of Chicago - that's why the Realtors are so strong in support of this

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bill - loses their homes, have to walk away from their buildings, because people move into their buildings and refuse to pay rent, refuse to move and you have to continue to go to court, time after time. It takes you a year, year and a half, to evict people from your property. That is not the American way and that is not the American dream. No -- no person who invests their hard-earned money into a piece of property should be -- anyone should not be allowed to come and take it away from them and then we, as legislators, give them legal standing in a court of law. That is not fair. If you look at contract law, there is no contractual agreement in the history of this State and any other legal body that allow a person who does not have a legal contract or an agreement and some kind of business arrangement to have legal standing in the court against the owner. That is not fair. It is not just, and I would ask you for your favorable consideration. Let us do the right thing and give some protection to those landlords who have legitimate rights to vacate someone who refuse to pay rent.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Senator Collins has moved that Senate Bill 278 do pass, the veto of the Governor to the contrary notwithstanding. Is there discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President, Members of the Chamber, the sponsor. Let me start off by just saying that -- I want to apologize to the sponsor because the -- I'm originally recorded as a -- as a Yes vote on this, and it's an indication, I think, that I wasn't paying sufficient attention. I do have concerns on this bill, and I just want to express those concerns very quickly. I think the intent of this bill is -- is admirable. I -- I don't think that any property owner who's renting their building or -- or have entered into a lease should suffer squatters who are not

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paying their rent. On the other hand, I think one of the cherished notions in the legal system is, is that if you're going to be deprived of your property rights, then you are going to get notice, and as I read this bill now - and I've had several discussions with a number of Members, as well as the sponsors - I'm concerned that this law permits posted notice and subsequently a potential default judgment that would result in an eviction without the occupant of the premises ever having received notice that they -- they are being evicted, which means that if the sheriff comes to their home, they are not home and they have not received the eviction notice, potentially they could have their property out on the street. I think that there's a possibility of crafting a bill that would ensure that landlords, property owners conduct the due diligence that's necessary to make sure that people receive notice but that still protects the landlords and -- and people who own this real estate. So, unfortunately, right now I'd like to urge that we support the Governor's veto override. I think we can go back, rework a bill that accomplishes the goals that Senator Collins wishes to accomplish. For that reason, I'd like to see a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there further discussion? Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Ladies and Gentlemen of the Senate, last year I passed a bill that actually bankers, many of them, were opposed to that required personal service of people being dispossessed from their homes. And I think that we should support the Governor in his veto here, because I think doing away with the requirement of personal service before a person is kicked out of where they're staying is not right. It goes too far. And I would ask the sponsor what was -- what is the reason you are bringing this bill -- or, this -- asking for overriding the

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Governor's veto?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Collins.

SENATOR COLLINS:

I will be delighted to explain it to you, but I would need quiet so you can hear it. This -- the Governor's or the Governor's staff's interpretation of what is in this bill is incorrect. Let me repeat again: This bill does not change current law for giving notice to tenants. Senator Obama indicated that we're talking about depriving a tenant of their place of residence. This bill does not address tenants. This bill strictly deals with someone -- if you are my tenant, you may move into -- stop paying me rent. You then move someone else in with you. They may or may not -- you may or may not collect money from that person, but you still don't pay my rent. After I have served you a thirty-day notice, a five-day notice, I then take you to court. What this bill does, it says, because no one -- you have not notified me that you've moved someone else in, even though it's in your lease that if you do move someone in, you should notify me. When you come to court, the judge asks, my attorney asks, who resides there with you, you say "No one." After the order of eviction has been entered by the judge, it goes to the sheriff's office. The sheriffs notify the tenants and anyone else living in the building, on a date certain they will be out to evict you. When the sheriffs arrives at the home to evict, now this non-tenant appears at the door and says to the sheriff, "Let me see the eviction order. My name doesn't appear on that order; therefore, you cannot evict me because I'm a tenant here." Okay? You have to start the legal proceedings all over from step one to now evict a non-tenant of whom you know nothing about, and it can go on for years, until you never move and vacate your property so you can now earn rent -- collect rent from your own property,

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until a point that you lose it. You lose your property because you can no longer pay your mortgage note. That's what this bill address. It simply allows the judge at the time the order of eviction hearing comes up to send a notice -- have a notice sent out, and if no one appears at the door, to post to that non-tenant - non-tenant that you don't know the name of - to come to court at the same time the legitimate tenant is being -- hearing is being heard in the court, and that non-tenant at that point can express their tenant interest in this building. If they have paid rent to the legitimate tenant, then the judge can order that person to reimburse them for their money. But under no circumstances should a landlord be held responsible for a agreement that you made with someone else. That's what this bill address.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there further discussion? Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I'll try to be very brief here. I think Senator Collins' purpose for this legislation is laudable, but I do agree with Senator Obama and Senator Fitzgerald that we must have been a little asleep at the switch when this originally passed. While I like her intent, I think this bill just goes too far. I believe that the way this is set up, especially under a case called Greene versus Lindsey in Illinois, that this bill is definitely unconstitutional. And I would urge everybody on this side of the aisle and in this Chamber to vote No on this. We'll work with Senator Collins, I'm sure, in the Judiciary Committee, under Senator Hawkinson's leadership, to get a bill that might serve her purposes but be constitutional at the same time. And I guess the bottom line on this is, if we override the Governor, there will be people in Illinois that can lose their home or their apartment without notice, and I believe in this country people do

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deserve notice before they're thrown out on the street. And literally, under this bill, the first time somebody, a tenant or someone else, might receive notice is when the sheriff's at their door ready to throw their mattress, couch and other belongings out on the street. And I think we can just craft, with Senator Collins, a much better way to do this and, most importantly, one that's constitutional. I urge everybody to vote No.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Fawell.

SENATOR FAWELL:

A question for the -- for the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

She indicates she will yield.

SENATOR FAWELL:

Senator Collins, I -- I understand what you're saying. Somebody rents the apartment, then lets somebody else live in there. They're not paying the rent, and when the summons comes to evict -- evict the -- the so-called renter, he's not there - some other family's there, and is a squatter, in effect. It seems to me that's trespassing at that point. Have you investigated that, or are any legal eagles here that could answer that for me?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Collins.

SENATOR COLLINS:

Senator, it is trespassing, but somehow in Cook County there -- there was a court ruling that said that if someone... First of all, let me -- clarify something up. If someone appears at the door -- after a vacating order has been entered by the judge and the sheriff has been sent that order to vacate that premise, at that time if anyone comes to the door and show that they have some proof that they live there, like a piece of mail or something of that nature, that the sheriff can no longer vacate that premise.

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And what happens, it is now the friend of the tenant. Both -- friend of the tenant, the tenant is there, and so the -- the friend of the tenant now comes to the door and say, "Well, I live here." The tenant is going to continue to live there also because the court proceeding starts all over. No, they don't consider that trespassing, but you are absolutely right. There is a different standard of law that's being practiced when it comes to tenant/landlord than it is in any other case.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there is no further discussion, no further discussion, the question is... Senator Collins, do you wish to close?

SENATOR COLLINS:

And in -- in regard to Senator Dillard and to Senator Obama: Senator Dillard, there's no way under this bill that the sheriff would appear at the door and the tenant or whoever is -- or the non-tenant will not know that there had been a court order. You cannot get -- the sheriff will not go out to evict anyone unless a -- a -- the issue has been adjudicated in a court of law. So the case -- what you're talking about will never happen. This bill is -- is -- is giving people in this State the right to own and to protect their property. That is a constitutional right, I think, that supersede the right of a non-tenant to come in and take away your property or make you lose your property because you can no longer pay the mortgage. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 278 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those -- 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 14 Ayes, 36 Nays, 6 voting Present. And Senate Bill 278, having not received the required three-fifths vote, is declared failed. On page 8 is

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Senate Bill 473. Senator Syverson. Out of the record. Senate Bill 548. Senator O'Malley. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 548 do pass, the veto of the Governor to the contrary notwithstanding.

Offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Members of the Senate. I do move to override the Governor's veto. So that those Members of the Senate fully understand what I'm asking them to do, the legislation -- it's -- the subject matter of this particular bill allows - not mandate, allows - the Secretary of State's Office to work with the Municipal League and the mayors and village presidents across the State of Illinois to develop a licensure program for them with no fiscal impact to the State of Illinois and -- and, again, completely allows the -- the Secretary of State's Office to implement the intent of the legislation in any manner the Secretary wishes. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? Seeing none, the question is, shall Senate Bill 548 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. And those vote -- those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 9 Nays, none voting Present. And Senate Bill 548, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. We will now be going to

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Supplemental Calendar No. 1. Motions in Writing, Override Total Vetoes. And on that Calendar is Senate Bill 35. Senator Klemm has moved that Senate Bill 35 do pass, the veto of the Governor to the contrary notwithstanding. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 35 do pass, the veto of the Governor to the contrary notwithstanding.

Offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. The Senate Bill 35 changes the Senior Citizens Assessment Freeze Homestead Exemption. The Governor, when he vetoed the bill, had indicated that that portion that we were talking about of allowing senior citizens who have a physical or a mental or a problem that caused them to not be present to file their homestead exemption in an appropriate time could be given that extension. If they were in the hospital or something, obviously they couldn't do that. The Senate had passed that in February on a 117 to nothing vote and the -- or, 58 to nothing and the House passed it 117 to nothing. But the Governor felt that in a bill of number -- House Bill 581 that it was covered and therefore he vetoed this bill. But the two provisions are very much different, and although the Governor did support our efforts on Senate Bill 35, he felt that it did not cover it. But when we reviewed the provisions of it, and I want to just briefly give that to you, we see the differences and that's why we need, actually, both bills. Senate Bill 35 gives the chief county assessment officer the authority to extend a filing deadline for the senior citizens assessment freeze in cases where the applicant fails to file the documents because of medical reasons. The other

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bill, which was House Bill 581, allows a certificate of error to be titled in that instance and the applicant then would have to go to court on the previous year's assessment, not the current year. 35 allows for a simple procedural change within the assessor's office. The applicant can immediately receive and rectify that problem and it's taken care with an exemption on that current year. The other bill, House Bill 581, creates all types of problems for a senior citizen to meet that requirement. We think -- both are appropriate; therefore, I do ask for the override of Senate Bill 35. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm has moved that Senate Bill 35 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I rise in support of Senator Klemm's motion, as the cosponsor of the bill. He allowed me, so graciously, to be on this bill with him. It is a wonderful bill, and the Governor's veto notwithstanding, I urge that we support Senator Klemm's motion. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there's no further discussion, the question is, shall Senate Bill 35 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 53 Ayes, 2 voting Nay, none voting Present. And Senate Bill 35, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. We're now going to page 2 of today's Calendar on the Order of Senate Bills 2nd Reading. We have Senate Bill 1195. Senator Madigan. Read the bill, Madam

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Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1195.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan. Oh, I'm sorry. Read the bill, Madam Secretary. 3rd Reading. Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Madam President. I would like to announce a Republican Caucus immediately in Senator Philip's Office. Immediately.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Madam President. I would like to announce that we'd like to have a Democratic Caucus, a Democratic Caucus immediately in Senator Philip's Office also. No. I'm kidding. In Senator Jones' Office. A Democratic Caucus in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR KARPIEL)

There will be a Republican Caucus and a Democrat Caucus. We will have it for -- approximately one-half hour. After the caucuses, remember there is an E&E Committee immediately after caucus in Room 112. Senate stands in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR WEAVER)

...the Membership would please come to the Floor, we'll conclude our business for the day. The sooner the better. Senator Petka on the Floor?

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, 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 38.

(Secretary reads HJR No. 38)

Adopted by the House, October 30th, 1997.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 38. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver now moves the adoption of House Joint Resolution 38. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Committee Reports.

SECRETARY HARRY:

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendment 2 to House Bill 362 Be Adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following

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titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 2328 and 2364.

Both passed the House on October 30th, 1997.

We have a like Message on House Bill 2333.

Also passed the House, October 30th, 1997.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2333, offered by Senator Peterson.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

We'll now proceed to the Order of Resolutions Consent Calendar. With the leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolutions?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? If not, the question is, shall the resolutions on the -- Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the resolutions are adopted. On page 6 of today's Calendar, on the Order of Constitutional Amendment 1st Reading, is Senate Joint Resolution 15. Senator Dillard. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 15, offered by Senator Dillard.

(Secretary reads SJRCA No. 15)

1st Reading of the resolution.

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PRESIDING OFFICER: (SENATOR DONAHUE)

2nd Reading. ...middle of page 8, on the -- on our regular Calendar, is the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Syverson, on Senate Bill 473? Read the motion, Mr...

SECRETARY HARRY:

I move that Senate Bill 473 do pass, the veto of the Governor to the contrary notwithstanding.

The motion filed by Senator Syverson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. This legislation is legislation we've worked on over the course of the last year which adds circuit judges to those areas of the State that are in desperate need of additional judicial help because of the case backlog. We are working on some additional legislation to address the concerns of -- of Senator Jones that we have certainly committed to do. This is important and, again, this has bipartisan support and would ask for your help in overriding this veto.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 473 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 473, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Now we will proceed to Supplemental Calendar No. 2. It should have been distributed to the Membership. We'll start with... Senator Maitland, on Senate

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Resolution 112. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Resolution 112, offered by Senator Maitland.

No committee or Floor amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. The resolution that embraces the Task Force on Comfort Care was passed last spring. The Task Force has been diligently working. We've found that we're not going to be able to reach our -- our date of conclusion that was suggested in the original resolution, so therefore this resolution extends that time frame to May 31, 1998. And I would seek support of the Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Maitland moves the adoption of Senate Resolution 112. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Petka, on Senate Resolution 124. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Resolution 124, offered by Senator Petka.

No committee or Floor amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, the Members of the Senate. Just like the preceding resolution, this -- this resolution seeks to extend the time for filing of a report and recommendations by a total of three months, to January 31st, 1998. I move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much. Senator, I might ask a question, if I might.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

Senator Petka, it's my understanding that one of our Members, Senator Cullerton, had filed an amendment attempting to make this commission a bipartisan committee, and apparently his amendment is currently held in the -- in the Rules Committee. Is -- is it your intention to -- to move forward with the extension of this date without affording Senator Cullerton's amendment the opportunity to have a hearing?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Senator, it's my intention to move forward with this resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the answer is yes. He's not on the Floor at the moment. I was wondering if you might want to take it out of the record for a few minutes. I'm sure he's going to momentarily show. Just as a matter of courtesy.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Senator, that -- this is a resolution which deals with an extension of time, and I -- that amendment, which I have not seen and which I was told about orally this morning, is not part of

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this resolution. And I see no reason to take it out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, then, I would pose this question to the Chair then. On Senate Resolution 112, as well as 124, since we are extending the deadline on these commissions and since, in fact, they do cause for the expenditure of dollars, is it necessary then to have a roll call on both?

PRESIDING OFFICER: (SENATOR DONAHUE)

If you want a roll call on this, Senator Demuzio, we're more than happy to. Senator Demuzio.

SENATOR DEMUZIO:

No, the question I asked is that, since this is an -- expenditure of dollars, isn't -- is it not required by our rules that there be a recorded roll call?

PRESIDING OFFICER: (SENATOR DONAHUE)

Well, on the original one on Senate Resolution 112, we had already had a record roll -- a recorded roll call on the original task force. But if you want one on this one, we're more than happy to accommodate. Senator Demuzio.

SENATOR DEMUZIO:

No, I'm not asking for a roll call. I'm just asking as to whether or not it is the opinion of the Chair whether or not these both can be extended, since they call for the expenditure of dollars, without a recorded roll call. If it can be one on a voice vote, fine. I'm just posing the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

...gave you an answer in my -- in the first response, Senator Demuzio, and that is there is a recorded roll call on both these resolutions to originally create the task force; however, if you

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want a roll call on this resolution, I mean, we'll go back and -- well, no, we can't. The point is, if you want to do this one, we're more than happy to have a roll call. Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm not requesting a roll call, but I was wondering how was I recorded in Senate Resolution 112?

PRESIDING OFFICER: (SENATOR DONAHUE)

Aye.

SENATOR DEMUZIO:

I was? Were all fifty-nine Members recorded as Aye?

PRESIDING OFFICER: (SENATOR DONAHUE)

The Ayes were the ones that predominated, yes, Senator Demuzio.

SENATOR DEMUZIO:

Well, you -- you have better eyes than I do. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Petka, could you -- I'm not clear on this. Could you explain the difference between the Task Force on Election Activities and Reform and the committee that Senator Klemm is -- is running, that subcommittee on -- I thought that was on election reform as well. What is the difference between the two?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

One is -- involves a subcommittee of -- of a standing

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committee of the Senate. This involves a -- a task force which was chartered by the General Assembly earlier this year. It is not a standing committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

So, is this a joint House/Senate committee, as opposed to the -- Senator Klemm's committee?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, then, I don't understand why we have two committees on the same subject. What -- what activities is this task force doing that Senator Klemm's subcommittee isn't doing? What is the difference in activity between the two?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Senator, I can only speak for my own committee -- or, well, the -- the task force. We are chartered with taking a look at campaign practices, with the expenditure of funds, and to make recommendations, as far as possible legislation. We are not a standing committee or -- or a subcommittee of a standing committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, this sounds like duplication to me. If -- if -- if your

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committee, your task force and Senator Klemm's committee are basically doing the same thing, Senator Klemm's subcommittee has all the bills that we introduced with Members' recommendations for election reform. I mean, a lot of us had ideas, and bills and we submitted them, and they all ended up in Senator Klemm's subcommittee. It seems to me that -- that that would be a heck of a lot of ideas, that -- that this task force would be -- be reinventing the wheel by trying to come up with some new ideas when all you have to do is take the bills out of Senator Klemm's committee. To me, this sounds -- I'm not sure why we're doing both. I think what happened here was this task force started before Senator Klemm's subcommittee was started and then Senator Klemm's subcommittee got all of the bills, and yet this task force rolls on. Is that what happened? Was this task force started before that subcommittee started?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator Petka, to close?

SENATOR PETKA:

I move the adoption of the resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka moves the adoption of Senate Joint -- or, Senate Resolution 124. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Resolution 124, having received the required vote, is declared adopted. ...will now go to Executive Session for the purpose of

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advice and consent. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Petka, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of October 16th, 1997, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Well, thank you, Madam President. I move the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his Message of October 16th, 1997.

PRESIDING OFFICER: (SENATOR DONAHUE)

You've heard the motion. All in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and we are in Executive Session. Senator Petka.

SENATOR PETKA:

Well, thank you again, Madam President. With respect to the Governor's Message of October 16th, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the full Senate do advise and consent:

To be Director of the Department of Commerce and Community Affairs for a term ending January 18th, 1999, Edward Sims of Springfield.

To be Associate Secretary of the Illinois Department of Human Services for a term ending January 18th, 1999, Ann Patla of Barrington Hills.

To be Assistant Secretary of the Illinois Department of Human Services for a term ending January 18th, 1999, Audrey McCrimon of

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Chicago.

To be Deputy Commissioner of the Office of Banks and Real Estate for a term ending January 31st, 2000, Patrick A. Brady of Long Grove.

To be a member of the Illinois Industrial Commission for a term ending January 18th, 1999, Diane Smart of Western Springs.

To be a member of the Illinois Industrial Commission for a term ending January 15th, 2001, Michael Weaver of Ashmore.

To be a member of the Chicago Transit Authority for a term ending September 1st, 2004, Susan Leonis of Chicago.

Madam President, having read the salaried appointments of October 16th, I now seek leave to consider these appointments on a roll call. And, Madam President, will you put that question as required by our rules?

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? The question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. A majority of Senators elected concurring by record vote, the Senate does advice {sic} and consent to the nominations just made. Senator Petka.

SENATOR PETKA:

Thank you again, Madam President. Having read the salaried appointments of October 16th, I now seek leave to consider these... Strike that. Wrong script. I will now read the unsalaried appointments to which the Senate Committee on Executive Appointments recommends that the full Senate advise and consent:

To be members of the Illinois Committee for Agricultural Education for terms ending March 13th, 2000, Stuart Ellis of

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Decatur, Danny Faber of Flanagan, Linda Henderson of Bloomington, Perry Schneider of Lincoln.

To be members of the Agricultural Export Advisory Committee for terms ending January 18th, 1999, Heather Knodle {sic} (Hampton-Knodle) of Irving and Robert Hutcheson (Jr.) of Malta.

To be a member of the Capital Development Board for a term ending January 17, 2000, Roger Roberson of Champaign.

To be members of the Carnival Amusement Safety Board for terms ending January 17, 2001, Deborah Pusey of -- of Peoria, Darrell Sitarz of Wheaton.

To be members of the Illinois Coal Development Board for terms ending July 1st, 2001, Carolyn Ehlert of Milan, Richard Newton of Springfield.

To be members of the Illinois Comprehensive Health Insurance Plan Board for term ending July 1st, 2000, Sharon Heaton of Graymont, Richard Kotz of Glencoe, Johanna Lund of Rockford, Saul Morse of Springfield, Robert Schaaf of Springfield.

To be members of the Illinois Economic Development Board for a term ending November 1st, 1998, Alan Puzey of Fairmount, Robert Viets of Peoria.

To be a member of the Illinois Fiduciary Advisory Committee for a term ending January 1st, 2000, Stuart Bilton of Barrington.

To be a member of the Board of Financial Planning and Management Services (Advisors) for a term ending July 1st, 2000, Kenneth Hoerr of -- of Peoria.

To be members of the Guardianship and Advocacy Commission for terms ending June 30th, 2000, Felicia Blasingame of South Holland, Ronald Grais of Winnetka, Inese Stokes of Tinley Park, Nancy Wyant of Benton.

To be a member of the Health Facilities Planning Board for a term ending June 30th, 1998, Thomas Beck of Glenview.

To be a member of the State Board of Health for a term ending

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November 1st, 1999, Karen Mason of DeKalb.

To be a member of the Illinois State Board of Investment for a term ending January 16, 2001, Joseph Cacciatore of Winnetka.

To be a member of the Kaskaskia Regional Port District Board for a term ending June 30th, 1998, Virgil Becker of Smithton.

To be a member of the Kaskaskia Regional Port District Board for a term ending June 30th, 1999, Ina Appel of Sparta.

To be members of the Kaskaskia Regional Board -- Port District Board for terms ending June 30, 2000, Edwin Cockrell of New Athens, Virgil Gregson of Hecker, Stephen Jung of Waterloo, Robert Keller of Waterloo, Norman Rieso of Freeburg.

To be members of the Labor-Management Cooperation Committee for terms ending July 1st, 1998, Richard Beck of Springfield, David Butts of Decatur.

To be members of the Labor-Management Cooperation Committee for terms ending July 1st, 1999, Kenneth Jobe of Glen Carbon, and Judith Redwine of Moline.

To be members of the State Mandates Board of Review for terms ending June 30th, 1999, John Janicik, Clarendon Hills; William Murphy, Woodridge.

To be a member of the Surface Mining Advisory Council for a term ending August 10th, 1998, Lloyd Anderson of Danforth.

To be a member of the Board of Natural Resources and Conservation for a term ending January 18, 1999, James Kahn of Chicago.

To be a member of the Advisory Board to the Department of Natural Resources for a term ending January 18th, 1999, Jean Meyer of Chicago.

To be a member of the Ohio River Valley Water Sanitation Commission for a term ending January 3rd, 2000, Constance Humphrey of Springfield.

To be a member of the Prairie State 2000 Fund Board of

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Directors for a term ending July 1st, 2001, Rhonda Kodjayan of Chicago.

To be Public Administrator and Public Guardian of Kane County for a term ending December 3rd, 2001, Lou Ann Cameron of Batavia.

To be Public Administrator and Public Guardian of Warren County for a term ending December 4th, 2001, Rebecca Hultgren of Monmouth.

To be Public Administrator and Public Guardian of Shelby County for a term ending December 4th, 2001, Evelyn Lowe.

To be a member of the Quad Cities Regional (Economic) Development Authority for a term ending January 18, 1999, Kenneth Schloemer of -- of Moline.

To be members of the Rehabilitation Services Advisory Council for terms ending July 1st, 1998, Etta McGregor-Jones of Park Forest, John Sullivan of Springfield.

To be members of the Rehabilitation Service Advisory Council for a term ending July 1st, 1999, Diane Crutcher of Normal.

To be members of the Rehabilitation Services Advisory Council for terms ending July 1st, 2000, Deborah Grant of Springfield, David Potts of Morris, Leon Smith of Carbondale.

To be members of the Advisory Council on Spinal Cord and Head Injuries for terms ending June 30th, 2000, Madelynne Brown of Chicago, Kathy Clements-Sarber of Olympia Fields, George Cybulski of Oak Park, Thomas Duncan, Jr. of South Holland, John Fisk of Springfield, Dennis {sic} (Daniel) Woloszyn of West Dundee, Nanette Devinney of East Moline.

To be a member of the Waukegan Port District Board for a term ending May 31st, 1999, Stephen Smurthwaite of Libertyville.

To be a member of the Will-Kankakee Regional Development Authority for a term ending January 17th, 2000, Barbara Peterson of Beecher.

To be a member of the Upper Illinois River Valley Development

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Authority for a term ending January 15, 2001, Tim Christensen of Hennepin.

Madam President, having read the unsalaried appointments, I now seek leave to consider these appointments on a roll call. And, Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nominations just made? Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Petka. Senator Petka.

SENATOR PETKA:

Madam, I would -- Madam President, I would ask we arise from Executive Session.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka moves that the Senate arise from Executive Session. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. On page 2 of your regular Calendar is House Bills 3rd Reading. We have House Bill 362 on Recall. Senator Mahar, do you wish to return House Bill 362 to the Order of 2nd Reading for the purposes of an amendment? Senator Mahar seeks leave of the Body to return House Bill 362 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 362. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. This is the deregulation bill that just passed committee. I would move its adoption and then have the debate on 3rd Reading, if that's okay with the Members.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is House Bill 362. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 362.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President -- Madam President. I'm sorry. Today we'll have the opportunity in this Chamber to shape Illinois policy in a manner that I think we will all agree is truly historic. Illinois will transition from a regulated monopoly for electric utilities to one that is unregulated. The bill before us involves not just months but years of a process that has been bipartisan, and it is a negotiated bill. Some of us will be able to stand and pick out exceptions of the bill that they may not

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agree with and make an excellent case for that particular point. I would ask the Members to look at this bill as a whole, and I think you'll find out it benefits all Illinoisans. For many of us, this is probably going to be the most important public-policy vote of our careers. With that, Madam President, I'm going to take a moment. I think many of us have had an opportunity to read the analysis, but I will go through some of the highlights of the bill and then respond to questions. First of all, there is a residential rate decrease for those who are on Com -- Commonwealth Edison's and Illinois Power's service territory. An 8/1/98 date will enact a fifteen-percent decrease. This is a fifteen-percent decrease from the tariffed rate. 5/1/02 will be an additional five percent. The provisions that -- for the remaining utilities in Illinois, over twelve thousand five hundred customers, will be five percent in 9/1/98 {sic} (8/1/98), or they may seek a -- a rate case. There is also a provision for five percent in -- in 2000 and 2002, or if they -- they may -- this -- this will not be -- this will not be enacted if, in fact, they are at -- or, five percent or to the Midwest average. Access by the residential consumers is one hundred percent on May the 1st, 2002. The transition period, as compared to Senate Bill 55, which was 2008, will end on 12/31/2006. There is a mechanism for them to petition the ICC, under certain financial circumstances, to extend it; however, it statutorily ends 12/31/06. The residential mitigation factors at 2002 will be six percent; at '03 and '04, seven percent; '05, eight percent; and '06, at ten percent - negotiated by the Citizens Utility Board. The nonresidential direct access schedule is the same as was -- as in Senate Bill 55, and you may -- many of you know this, that on 10/1/98 -- '99 loads greater than four megawatts; aggregated loads for single-owner, and multisite facilities with loads over nine and a half megawatts, and thirty-three percent of the remaining residential {sic}

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(non-residential) customers; 10/31/2000 {sic} (12/31/2000), the remaining nonresidential customers. The mitigation factors for commercial and industrial is 10/1/99 to 12/31/02, is five mils or eight percent; '03-'04, five mils or ten percent; '05, six mils or eleven percent; nine -- I'm sorry, '06, nine mils or twelve percent. One of the more important functions of this legislation and public policy that separates us not only from Senate Bill 55, but from others -- other -- what other state legislatures have enacted, it's this General Assembly will be the final arbiter of resolutions as to whether the structure we have put in place for deregulation needs to be corrected. We shall receive, beginning on March the 1st of 1999, reports -- and every year thereafter on March 1st, reports from the Illinois Commerce Commission on information provided them by the electric utilities, and I might say, in addition, additional information, than what they are now providing the federal government on their revenues and operating costs. Should we find these companies are making money hand over fist, we have every right and every obligation to go back and make changes as far as the mitigation structure and/or the transition period, access points, whatever. We -- we, in fact, therefore are the oversight authority, where there was no oversight authority in the previous legislation passed by the House. Securitization is in the bill. It is considerably limited, as compared to what was offered before, though the capitalization remains at fifty percent and eighty percent of the proceeds are now used only to refinance debt or repurchase equity. The twenty percent are limited to four functions: fuel -- retiring fuel obligations, spent nuclear fuel obligations, labor costs and transaction costs dealing with the securitization. They may only securitize twenty-five percent in the first year and they have to 2004 to -- to securitize the remaining. We have benchmarks in the bill, so that we know at what point in the marketplace where there is competition and where

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there is not. That'll be information provided to us and the people in -- of the State of Illinois. We continue to have a financial viability test. We continue to have a -- a earnings test. We have plugged innumerable loopholes, which I'm prepared to talk about. We have -- the tax situation: the revenue to the State, it remains neutral. The Municipal League, the City of Chicago has signed off on the taxes -- on the taxes that we now have in the bill. We do provide a window where -- whereby large industrial consumers who are severely impacted by the municipal tax, we give a window for us to clean that up in the spring. I look forward to doing so. Reliability is an important part of the bill. It remains the same as Senate Bill 55, as does the low-income component. The environmental and coal -- coal proponents remain the same, with the exception of we have accepted language from the Coal Association by which they may continue to reutilize money which wasn't spent in the previous year. The municipalities and co-ops: municipal -- co-ops and municipal generators are exempted from the bill. Think with that, Madam President, I would be happy to entertain questions and listen to remarks from the Members.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Farley.

SENATOR FARLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. As the Members of this Body are aware, the negotiations on utility deregulation have been ongoing since we adjourned last spring. As the Democratic spokesman on the Environment and Energy Committee, I can tell you that this process has been a long and difficult one. Throughout this process, which has indicated during three lengthy public hearings, there has been give and take on both sides of the negotiating table. Finally, after months of negotiation and compromise, the Members of the State Senate now

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have the opportunity to do something that's right for the citizens of this State. Finally, after years of paying some of the highest utility bills in the nation, we have the opportunity to give hardworking families in Illinois some relief. And how do you spell this relief? D-E-R-E-G-U-L-A-T-I-O-N - deregulation. With your Aye vote over the next nine years, the citizens of Illinois will save over one billion dollars. That's right, Ladies and Gentlemen: one billion dollars. This is not a tax break for special interests. This is a tax break for those who do not have their own lobbying group: working families. Deregulation is coming on the federal level. This legislation locks Illinois in ahead of the curb -- curve in the electric deregulation effort. We're locking in a twenty-percent decrease now. While keeping money in the pocketbooks of my and your constituents, this bill also preserves the tax revenues of both Illinois municipalities and the State. As a result, government entities are held harmless from the consequences of opening up the electricity market in the State. This bill contains provisions addressing the impact of deregulation on the environment. With this legislation, some thirteen million dollars a year has been allocated for energy-efficient programs and for programs encouraging the development of renewable energy sources and -- clean coal technology. Environmental advocates have suggested that this funding is insufficient. They're right. I and others have asked that these amounts be increased. Unfortunately, consensus could not be reached on adding additional funds. Like most bills passed in the General Assembly, House Bill 362 is the imperfect product of hard-fought compromise. This bill, however, is an important first step toward encouraging the use of energy sources like solar and wind power, which means cleaner air for Illinoisans. I intend to push hard for these things in the coming years, for additional funding for these programs, and -- and I would anticipate your

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support. The sponsors of House Bill 362 do not - I repeat, do not - intend for its implementation to lead to poor air quality in Illinois. Federal rules will continue to be in force regarding emissions, and the successful usage of funding, I just mentioned, offer the promise of even cleaner air. A recent editorial warned legislators to be wary of an eleventh-hour Com Ed special. Having observed the vigorous scrutiny which has accompanied the drafting of this legislation, I can assure you that this is not an eleventh-hour special. This is the real deal. Ladies and Gentlemen of the Senate, I urge each and every one of you to vote Yes for this very, very important measure, and we will -- we will pass House Bill 362 and do something for the working people and consumers of the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Mahar, I'm very concerned about several factors. One of the factors I'm concerned about is that local governments in my area, my park districts, my school districts are going to be suffering some financial loss. Just about five and a half million dollars just in my city alone. Zion is one of the two cities in the whole country that has a nuclear plant right within its confines. And I -- I'd like to feel that this issue will be addressed, if we should pass this bill, in -- within the next year. The other point that I have in mind is that I do feel that more money, at least thirty million dollars per year, should be included in the Energy Efficiency Investment Fund to encourage the use of cost-effective energy-efficiency measures and to give thus

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more support for cleaner power. I think -- people in my district are very concerned about clean environment. And I think that the Renewable Energy Resources Fund should be increased from five million to ten million dollars to -- to provide matching grants and other incentives to encourage development of clean-energy technologies, either wind, biomass and solar, in Illinois. And I feel that energy-efficient products that help provide cleaner air and less pollution for us all should be encouraged by supporting new Illinois tax credits and sales abatement -- abatements for people who will buy energy-efficient products. I think we should keep in mind, too, the current least-cost planning provisions in the Illinois utility law, which will help to ensure that when the nuclear plant -- power plants are shut down, utilities will deliver -- will develop, rather, all cost-effective energy-efficiency and renewable resources before building more coal and nuclear plants. I mean, this bill is a much better bill than what was sent over from the House. However, it does have a lot of holes to fill. I would like to be able to support this bill with the assurance from you, the sponsor, and your committee that you will do everything possible in -- in not to long a distance time, within the next six months, to give some consideration to the cost that is necessary to be given back to the local districts, such as those in my district and -- and districts where other nuclear plants are located or in the nearby areas. I also would like to have your assurance that you will do, at least, about thirty million dollars each year in the energy-efficient -- efficiency business to give us cleaner air. Environment is very important to my district, and my schools are very important in my district, and our park district is very important in my district, and my library district is very important, and the -- there is no provision, from what I understand, in the present bill to cover the losses of income to

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those areas. What assurance can you give me, Senator Mahar, that those issues will be addressed in -- in the not-to-distant future, within the next few months?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. Senator Geo-Karis, I became aware of the issue regarding local governments and how they would be affected by the potential for accelerated depreciation of a nuclear power plant -- nuclear power station within their -- their boundaries, and I became aware of that, really, seven days ago. And we have spent a -- quite a bit of time, as I and Senator Maitland and Senator Rauschenberger, probably more of it than, to see what we could do to resolve it. Quite frankly, it's a very difficult issue. We could not resolve it in a week. And I have pledged to them, as I will pledge to you, that we'll work to see what we can do to resolve that issue in the spring Session. We'll have more than enough time. As regards to the -- the environmental component of the bill, many Members have come up to me in the last couple of days and I have received the letter that was circulated that has some -- probably half of the Members of the Senate, suggesting that we need to do more in that area, and I totally agree. I don't know what the outcome would be, because that will be a negotiated process, as every other component of this bill has been, but we're going to work diligently this coming spring with you, Senator Geo-Karis, and all Members of the Senate, to see how we can improve this component.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, there's no doubt in my mind that Senator Mahar and Senator Farley

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and Senator Maitland are men of their word and they will make any -- every effort to address the concerns I've had, shortly. I know that this is not a perfect bill, but in order to get the train on the track, I am going to support the bill, based on the assurances that Senator Mahar, who at great cost to his own health, has been working very diligently on this bill and who is also needful of the fact that we do want to give the residential homeowners a -- a better break than they've had in the past, and also the small businesses. And I understand that there is a better break. Is that -- is that not true, Senator Mahar?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you. There's no question that we have, during the negotiating process, extracted a great deal of additional resources from the generators in the State, and the -- those who will be -- who will be the recipients or the -- of those benefits will be all consumers at all rate classes.

SENATOR GEO-KARIS:

Mr. President -- Madam President and Ladies and Gentlemen of the Senate, based on those assurances, I will support the bill, because it's about time that the small persons - the small business owner and the residential person - gets a better break than they've had before.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President, Members of the Senate. I, too, join with my fellow Members in commending the legislators, Senator Mahar in particular and Senator Farley, along with the staff and all those other individuals who worked all through the summer to bring us a -- a pretty comprehensive piece of

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legislation. But as pointed out by the other Members who spoke before me, this is not a perfect bill and there's certainly very, very few bills that go through this Chamber are ever considered perfect, and that's primarily because we are not a perfect people. But there are some concerns that I have, that I have some serious concerns with, and that is, of course, the environmental pieces that have been alluded to as well. I believe that more energy should have been taken and more effort should have been taken to address those concerns this time. But we still have an opportunity to address those concerns, hopefully in a trailer bill, as this piece of legislation goes through our process, as it goes over to the House. Specifically, some of the things that I would like to see looked at and addressed is that we provide at least thirty million dollars each year in Energy Efficiency Investment Fund to encourage the use of cost-effective energy-efficiency measures. I would like to see double the size of the Renewable Energy Resources from -- Fund from five million to ten million dollars to provide matching grants and other incentives to encourage the development of clean-energy technologies. I would like to see the support of a new Illinois tax credit and sales tax abatements for people who buy energy-efficient programs. And I would like to see the keep going to at least the cost-planning provisions in the Illinois utility law. Now, these are very simple things that we -- need to be looked at, but we need to also be very concerned about this because our environment is where we live. So not only let's take care of those people who are making profits, but let's take care of -- of our communities, and that is taking care of the environment. Let's put our money where our mouths are. We -- we're looking for a little few dollars in this appropriation process. A lot of money is being made; a lot of money is being saved. Let's spend money on the real people. I'm going to vote

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for this piece of legislation, but we certainly want to ensure that everyone is covered. This is not all about profit. This is about a quality of life, as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shadid.

SENATOR SHADID:

Thank you, Madam President, fellow Members of the Senate. I have no questions; I have some comments to make. This proposed utility deregulation bill is grossly unfair to one company: CILCO, which is based in Peoria, Illinois. This company has been a leader throughout the nation in fighting for consumers. This company has also shown, through its actions, that it is responsive to consumers and the communities in which they live. And now we have legislation that will penalize a company for -- for doing the right things. And all the statements that have been made said this is not a perfect bill, is absolutely correct. It is a very imperfect bill. You've heard it before, but it must be repeated: CILCO has the lowest rates of the investor-owned utilities in the State of Illinois. They have not had a rate increase since 1982. They have lowered their rates twice during that time. ...is a company that many years ago saw that deregulation would soon be a reality. They took steps to prepare for it. They cut costs; they restructured. And how are they to be rewarded for this? By mandating a five-percent residential rate cut that will impact CILCO financially, well beyond the cuts being imposed on the high-cost utilities, and by imposing a requirement to share earnings for being efficient. Even without a five-percent rate cut, CILCO will still retain the lowest rates of the investor-owned utilities in this State. I repeat: Even without a five-percent rate cut, CILCO will still retain the lowest rates of the investor-owned utilities in this State. This is an outrage and in itself is anticompetitive. This is not the way businesses

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in Illinois that do the right things should be treated. This is not the signal that we should send to other businesses considering locating here in our State. Other utilities... Madam President, I believe I -- I would like to have the Floor and some quiet.

PRESIDING OFFICER: (SENATOR DONAHUE)

I agree.

SENATOR SHADID:

I know everyone -- I know there's a lot of people who are going to vote for this bill, but I believe I have the right to speak what I -- my comments.

PRESIDING OFFICER: (SENATOR DONAHUE)

I totally agree with Senator Shadid. Continue.

SENATOR SHADID:

Thank you. Other utilities, including those with rates higher than CILCO and headquartered outside the State of Illinois, have received special consideration in this bill. They have, in one way or another, been exempted from the full impact of this rate decrease. Yet, CILCO, headquartered in Peoria, Illinois, is being told it can't have special consideration. This doesn't make sense to me. Beyond the impact on CILCO, this continues to be a bad bill for consumers. The Peoria Journal Star said on its editorial page today, and I'll repeat: This bill is as bad as the old one. The legislation's pitchmen appear to have taken their cue from the cut-rate roofing salesman who neglected to mention that his half-price shingles will leak in five years and ruin your living room. The leaks in the "new" new version of this legislation remain little changed from those in the "old" old one, which the Senate saved us from in the spring. We have a choice to make here today. At a minimum, we should not punish the lowest cost utility in this State from financial harm, and we should exempt CILCO from an automatic rate decrease and sharing its earnings, just as other utilities have received. And until that is done, I urge you to

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vote No on this legislation. This is the only utility that stopped us from passing Senate Bill 55 last spring. We need to stand up for them. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. And it pains me to ask the sponsor a question, to see him have to -- to rise to respond, and that's -- I appreciate what he has done, obviously, and other Members of the committee, but especially Bill, in light of -- of his physical circumstances, to continue to negotiate on this legislation as he has. And I would like to question the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Watson.

SENATOR WATSON:

As you know, Senator, in the last couple days one of the electric cooperatives in this State, Southwestern Electric, which is predominately in my district, has taken exception originally to the legislation, has brought forth some concepts of concern about reciprocity and the ability, primarily, of Soyland and -- to come in and create competition when, in fact, their member-investors are not creating the same competition. I -- I know that it's not a part of this legislation. I know that it was given some consideration. But I know -- and our conversation with -- together, you have indicated that you will work with us next spring to try to resolve this issue. I know the Electric Cooperative Association has also given us that assurance, but this is one that I would like to -- to see move forward, if at all possible, next spring, and I would just like to have you acknowledge that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

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SENATOR MAHAR:

Yeah. Thank you, Madam President. Yes, we had talked, Senator Watson, and of course, Earl Struck from the Association of Co-ops -- we've -- we've all talked and said that we should be able to come to a conclusion on this in the spring. It's unfortunate that we didn't have the time to do it now, but at some point, you got to print the bill. But, yeah -- yes, Senator Watson, I'm looking forward to working with you on that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you. Thank you, Madam President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Shaw.

SENATOR SHAW:

Senator Mahar, I just wanted to ask a couple of questions. On the -- when is the height of the use of electricity in this State?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Well, I'm not sure I'm an expert on that, Senator Shaw, but I would guess the peak months would be in the summer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Summer. You mean July? August? June? Is it June, July and August?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

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Yeah.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

My -- I guess what I'm looking at here is the -- the effective date of the bill is January 1, I believe -- well, it's an immediate effective date. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

No. I think it was January 1st, not an immediate effective date. But the effective date was January 1st, I think, all along.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Now, what we have done -- that's the effective date of the bill itself. Now we have moved the residential portion of this -- we've moved the residential portion of this effective August 1. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Right. The residential -- it's August 1st...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

August 1st. Why did we want to move this in the height of the use of electric power, when even though we are telling people we're going to give them a fifteen-percent reduction in their bill, will those people be able to tell whether they received that fifteen-percent reduction in their bill, knowing that we use more electric power during the summer months?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Well, Senator Shaw, I would say this: This is one of those elements of probably thousands of elements that was negotiated over the bill. Granted, by moving the date from January 1st to August 1st, it does not avail the residential consumer the immediate opportunity to enjoy rate cuts. Now, what was traded for that -- and I think your analysis suggests there's a hundred or a hundred and eleven million dollars that they would have enjoyed in rate cuts should it start January 1st. I'm -- I'm willing -- I accept that number. I'm -- I don't -- wouldn't know any different if -- if that was not the case. I -- I believe that to be the case. But what we have on the other side, what we have extracted for the residential consumer over what was previously negotiated in Senate Bill 55, just in your service territory, Commonwealth Edison, and we've heard a number of different calculations, but I believe it's about eight hundred million dollars more than what came out of Senate Bill 55. So, where we have -- where we have lengthened the access period to the discounts, we've more than made up by overall residential decreases.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

The -- the -- I believe that CUB acquiesced and agreed with the hundred and ten or eleven million dollars that our analysis said that we are losing between January 1 and August 1st. I believe that was the case in committee. Is that your understanding? Were you there? Well, you were sitting right there beside 'em.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Mahar.

SENATOR MAHAR:

Yeah, I -- I think that number's correct. I have no -- no reason to doubt a hundred and eleven, a hundred and ten million dollars, whatever that may be -- may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

My -- my question is: Why would we want to move this in the height of the -- in -- I guess you have answered the question somewhat. Why would we move this in the height of the summer heat and then tell people that they're going to get a reduction in rate, and you're telling them that this is the greatest bill since sliced bread, when they -- when they, in fact, will not see that on their bill? I -- I think that's sort of misleading, isn't it -- isn't it, Senator Mahar?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

That's -- thank you, Senator Shaw. You make a good point. There's no -- you know, you've highlighted one specific entity of the -- of the bill where there could have been improvement, but we made a trade-off from there. It's not like we lost a hundred and eleven million that was recaptured no place else in the bill. If -- if you want to look at one component, which you're doing, I can give you a component to look at and that is the reduction of the transition period by two years. In your service territory, Commonwealth Edison's service territory, the reduction of that two years is 2.2 billion dollars - billion with a b. Now that's to all rate classes. And I can show you others. But granted, we did give up that window in the front, but it was more than made up for throughout the bill. As Marty Cohen has said, today in committee,

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now that you mentioned his name, the representative from the Citizens Utility Board, there's over five billion dollars in rate relief for the residential consumer in this bill, from the starting point to 2006. Five billion. Since when has this General Assembly put five billion dollars back into the pockets of the people of the State of Illinois? What bill did I miss that we did that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Thank you very much, Senator Mahar. And certainly, I appreciate the work that everybody did on the bill, but -- you yourself and the -- Senator Farley here on our side of the aisle, and all of the people that worked on this bill. But this is one section of the bill, certainly it leaves something to be desired, and I didn't want to go out there and mislead the public that they're going to reap this windfall profit this year -- a reduction this year, because they really won't know what the reduction is. I think they've -- we've worked for the past year on this legislation. I think it's -- it's -- it's not the best, but certainly it's the only piece that's before us, and I would urge an Aye vote on it, and hopefully, next year, you'll come back and try and remedy some of the problems that's wrong with this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. I'd like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Mahar, there's been a lot of talk about this trailer

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bill. In particular, I've talked to two different groups who said there was an indication that they may be included in the trailer bill, to clean up some of the effects of this particular legislation. In particular, school districts in those counties and in those particular areas where the nuclear power plants are located, they are saying that there is supposed to be a trailer bill this coming spring to hold them harmless, at least up until January 1 of '99, for the effects of the accelerated depreciation that's being allowed in this bill. And secondly, the group that said that they're -- they are anticipating being included in the trailer bill are those who are looking for conservation efforts in the bill, in particular a use of -- of wind power, solar power, use of alternative energy, encouragement of energy-efficiency appliances. Can you promise us here on the Floor that next spring you will lead the charge to try to bring about a trailer bill that will address these two concerns and maybe some others, such as those raised by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Senator Welch. Yeah. We have met with those people. There's no question that, because of the lateness, we were not able to come to a conclusion that would result us -- result us moving -- or, having that in this bill. But you're right; there -- on the environmental component, I've had enough people on both sides of this aisle come to me and say that -- that this is a good starting point. The whole bill's a good starting point, but there are things for improvement. The environmental package is one. And -- and I -- I will do that. I'll do everything I can. I will -- more than happy to sign on with you as a cosponsor to -- to further improve that element. And that'll be negotiated, so I don't know if me and you can come to a

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conclusion here today, what that would be, but -- but we're looking forward to it. The assessment -- or, the depreciation, I'm not sure if that would be my seatmate, Senator Peterson's venue or not, but we have agreed with those locals of unit of government that, in fact, that needs to be addressed. We're sympathetic to their cause. They came to me, and -- and maybe that's my fault, but they -- I came -- my first knowledge of that is when we were conducting our meetings in -- in my community a week ago today, and we just didn't have time to resolve that issue in seven days. It's a very complicated issue, but we're very sensitive to that -- to their plight.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion, Senator Welch?

SENATOR WELCH:

So what -- what you're saying then, Senator, is that there will be a trailer bill, either sponsored by you or Senator Peterson, to address at least those two concerns this spring?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Oh. Senator Welch.

SENATOR WELCH:

I had another question. On the -- on the question of the -- the stranded costs, was there a final figure reached that Edison is trying to achieve that will cover their total stranded costs? I know, at one point, we talked about ten billion dollars. Is that what they are shooting for with the charges they are going to impose for transition fees and current consumers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

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SENATOR MAHAR:

Thank you, Madam President. Yes, Senator Welch, that's a -- that's an excellent question. You know, we have been struggling with percentages and dollar amounts for a long time here, and we came to the conclusion - and this is in large part with what other states have done - we came to the conclusion that this is something that we need to monitor, and we are not going to -- we have not asked Commonwealth Edison or any investor-owned utilities what mark they would like to shoot at, as far as recovering their cost. I think the onus is on us, the elected representatives of the people of the State of Illinois, and that's why we have implemented that component that will provide us the information on an annual basis at the beginning of each Session of the General Assembly, whereby we are going to be able to evaluate what they're doing, what revenues they're making, how they're mitigating, look at their operations, have they sold a coal plant, are they benefiting -- do they have a subsidiary that's -- that's a giant cash cow for them, is there holding company making a tremendous amount of money, and then we're going to be able to make the adjustments on all of those components in the bill, which will affect the longevity of the transition period, from shortening the transition period up - we can do that; we can increase the mitigation factor for any and all rate classes. If things are going extremely well and the markets for residential are developing earlier than anticipated, we can bring their access points up. What we have here is a framework to move forward. Are there final conclusions? It's tough to make final conclusions about a marketplace that doesn't exist today. So, the buck stops here with us on that. The buck stops with the Illinois General Assembly, and if we allow the investor-owned utilities in this State, in particular Com Ed and Illinois Power, to cover a hundred percent of their cost, then -- then we will be the ones to pay.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

I -- I had one other area that I want to ask a question on that I hadn't heard raised. And in -- in the analysis it says that this bill creates the Electricity Excise Tax Law, eliminates the current tax on the gross receipts of public utilities and creates a tax on the use of electricity. How does this differ from the current situation, where that tax is passed on to the -- the consumer, but we have been able to cap that several years ago? Could you explain how this is a change?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. I would defer to Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. I'll try to answer that question. I'm certainly no utility tax expert. But the current tax structure that we apply to residential is an ad valorem tax. It's a -- it's a tax that's based on a percentage of the charges that a utility customer would pay to his utility. The tax is -- is actually assessed against the utility and then is collected by the utility and passed on to the State treasury. Because we're entering a period, we hope, of -- of lively competition in the electric market, where we'll have both intrastate and out-of-state sellers of electricity, we need to change that tax base so that we collect it appropriately. So we've moved the -- the base of taxation from the utility to the consumer. Now, there's no net change in a consumer's bill. We've moved from a basis of

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percentage of bill to a kilowatt base, because the prices charged by utilities will vary in the future and there'll also be component charges. So, the effort was made to make sure that there was tax neutrality, that customers paid just about or pretty much the same amount of tax they did, but by changing the base, you inadvertently, naturally, will have some slight distortions in the tax liability of individual taxpayers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Can you keep your voices down? There's just sort of a slow rumble going on right now. So... Can't hear each other. Senator Welch.

SENATOR WELCH:

Just a follow-up question on that. Senator Rauschenberger, then what will be the net effect on revenue to the State of Illinois from the changeover in this tax? Will we receive more revenue, or will we receive less, and if so, how much?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you for that question. I'll do -- again, do my best to answer it. The -- the effort was made, in setting the per-kilowatt charge, to achieve tax neutrality for the State of Illinois. But necessarily, since the basis is changing from the price charged by the utility to the amount of kilowatts consumed, it's Hobson's choice of whether, in the long run, you'll see an increase or a decrease in State revenues. Many would argue that as the price of electricity declines, you'll see usage increase. That was certainly the experience we saw in telecommunications. So you might argue that revenues in the State of Illinois, because we've moved to a kilowatt basis, will increase. If, however, conservation efforts and -- and other things cause a decline, you would see a slight decline in State revenues. But a great deal of

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effort was made to -- to assume constant sales and achieve revenue-neutrality.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. A number of the Members have said that this bill is not perfect, but I guess the folks on Wall Street disagree, because if you've read the business sections of the papers today, they indicate that the stock has leaped. In return for this agreement, according to the paper, that we're voting on today, Com Ed gets a guarantee that it will recoup a substantial amount of its investments in nuclear power. And as we all know, Com Ed is the nation's largest nuclear utility, thanks to the generosity, over the years, of the State of Illinois and the residential ratepayers. But here we have a bill that, while improved over Senate Bill 55, still pretty much takes care of Com Ed. Com Ed certainly wins again. Don't believe all that stuff about they being unhappy with this most recent agreement. They've -- they're smiling. Deep inside, they're smiling. They're happy that, finally, we've been put in a position in this Legislative Body where we really can't do much more than to move this along, because, of course, it's been sold as a rate decrease. But when people begin to understand, years from now, that because of the transition fees and because of other matters, that the savings will not be all that much, and that, years from now, we will still be looking at our area as the area that's paying some of the highest - probably, the highest - electric rates in the Midwest. We will continue to carry that banner. We know that this bill is an improvement. It's amazing how, when we left here, Senate Bill 55 was it. Com Ed said, "There's just no room; we can't move anymore; we've given as much as we can give." But today, we're going to vote on a bill that gives the ratepayers another three

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hundred and ninety-five million dollars. And that's good. And that's why I'm going to vote for it. I'm not happy, but I'm going to vote for it. But if we could find three hundred and ninety-five million, why couldn't we have dealt with the environmental issues? Why couldn't we have -- if we're going to continue to pay the highest rates in the Midwest for many, many years to come in order to take care of the costs -- the stranded costs that are, in part, as a result of Com Ed's mismanagement and overbuilding of nuclear plants, which we, of course, allowed with the help of the ICC, why not then put dollars into the Energy Efficiency Investment Fund? Why not increase the size of the Renewable Energy Resources Fund, so that we can help the ratepayers down the road conserve and help them reduce the costs of their electricity in this State? This is certainly going to move forward. I would hope that we could still put this into conference committee and make the adjustments, because I think it would be very sad, Senator Geo-Karis, and others who have spoken to the issue of the possible loss of revenue -- local revenue, I think it would be sad if, years down the road, we're telling our school districts and our units of local government that they're taking a big hit, a big loss, but that the transition fee that was put into place has protected -- protected the shareholders of Commonwealth Edison, but we didn't protect folks locally. I think that would be wrong. Therefore, I would hope that we would be able to take action during the fall Veto Session, if not early next year, to do what needs to be done in order to make this bill a lot better. We were able to come this far in just a couple of months, because just a few months ago, most of us -- most of us had not even read this bill. We didn't know what was in this. We had to rely on the newspaper accounts and we had to rely on the reports that were issued by the ICC afterwards. I seldom agree with the ICC, but this time I agreed that there were problems with

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this. And I compliment the Senate for having stood up and, at least, slowed this down to the point where we are now giving the ratepayers another three hundred and ninety million dollars that just a couple months ago didn't exist, it couldn't be done. If we did this much, I think we could do just a little better, because once this is locked into place, we've got to live with it for many, many years to come.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I just want to make a couple quick observations. For more than four weeks, out in Orland Park, forty people gathered under very difficult circumstances, not the least of which was Bill Mahar who came many times, dragged along by a staffer, almost in a wheelchair, with a broken wrist and a knee -- kneecap that had been shattered, as well as through four nights and -- and four difficult days here in Springfield. People have worked very hard on this bill. I just think it -- it bears mentioning that the process, in many ways, does work exceptionally well. We had lively debate from all sides. We had good participation. Some of the brightest minds that I've ever had the privilege of working with worked on this bill. It's certainly not a perfect bill. I don't know if there is any such thing as a perfect bill, but I think this is a perfectly good start. I'd just like to close by saying and mentioning that some exceptionally good work was done by ICC staff attorneys and the ICC staff, lead by Charlie -- Fisher, in helping us draft this bill. Michelle McGuinness from Senate Democratic staff was there every single minute. And of course, Jo Ellen Johnson from Senate Republican staff moved mountains to get this bill out, so that we could get a look at it and get it moved this week. I would encourage you to vote Aye.

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It's a good start. We need to go back and there's some things we need to do, but this is the way we start big -- big things in Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. I won't be redundant in pointing out some of the deficiencies that are in this bill. However -- and with all due respect to my colleagues here, I don't want to belabor many of those points. There is one additional comment that I would like for the record to reflect: that Commonwealth Edison has an opportunity, as they begin their new life, their new existence as the most important provider of energy in the State of Illinois, to begin addressing a complaint which has been filed against them by minority employees within that corporation in Illinois. And I hope that as the reporting of that incident takes place in the coming days, that they will recognize that they need to be a better citizen, a corporate citizen, of the State of Illinois, and that they will treat their minority employees with greater respect, and hopefully, can enter into a dialogue and a resolution of the pending federal case against them that employees have had to take because of problems they encounter at that company. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. There has been a lot said on this issue. Senator Mahar is right: this probably is one of, if not, the most public issue -- public-policy issue that has come before this Body in many, many years. That's why I have a little concern about what we're doing here today. This morning we get a bill that's two hundred

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and sixty-one pages, an amendment. And we say it's ninety-eight percent the same that was in the other bill. I think we've all been around long enough to know that, yeah, we're going to take your word, but there's always little glitches that crop up. We all know that. And that's going to happen. Senator Geo-Karis, I hope that we're able to take care of the problems with the local governments; otherwise, someone else is going to have to explain to Byron School District why they're losing seven million three hundred and thirty-six thousand dollars. And in your Zion Elementary, someone's going to have to explain how they lost 3.8 million dollars. And the amendment that would have taken care of that was very simple, but we say we don't have time for that. You know what the amendment really did? It just said the assessor can't do anything until January 1 of 1999. Boy, isn't that a biggie? Not acceptable. Why did we change from January 1 to August 1st? Come on. Come on. We're not that naive, are we? Think about it. Think about it. When's election? When's election? November? Next year, November? What's the hottest month of the year? August. Where are you going to see your greatest dollar reduction? August. Isn't that nice? Isn't that nice? Really is. And this is being presented as a great consumer's bill - a great consumer's bill. Senator Garcia -- I mean, Senator del Valle has already indicated: If this is such a good consumer bill, why is their stock going so crazy, even, even during the tremendous downturn that we had a couple of days ago? Why the hurry? We talk about a twenty-percent rate reduction. Not all people in this State are going to get a twenty-percent rate reduction. And really, if you look at this politically and you look at it from the other angle, whenever the media, all of the utilities, everyone else had been selling this, now -- it used to be a fifteen-percent increase, but now it's being sold as a twenty-percent reduction in your rate. You know what your

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citizens are going to be looking at you, in August or in September, when they get their bill, and saying? They're going to be -- sit there, saying, "Where's my twenty percent?" "You told me, each and every one of you" -- 'cause this bill's going to fly out of here. My -- my comments are probably an exercise in futility, but I'm not afraid to do that. But this bill is going to fly out. But they are going to ask you, in September and in October: "How come did you lie to me?" "You told me I was going to get a twenty-percent reduction in my bill." We've already heard -- and CILCO, all they're going to get's five percent, immediately. And you know what? And you know what, folks? If they stay at that statewide average or below, that's all those citizens will ever see until we get into true deregulation. My area is the same way - part of it. I have Commonwealth Edison in part, I have some others in part, and I have my own local utility that also will only get five percent. And I'm not going to explain to my people whenever they come on -- on September 1, and say, "You told me I was going to get twenty percent." I'm not going to explain it to them; I'm going to say, "I voted against this thing." And I plan on doing that. Let -- let me tell you a couple problems I also see with this, and then I'll -- I'll try to keep it as short as I can. There was a comment made by one of the -- the -- the people today in regards to testifying on a bill that he indicated he had not seen. He asked one simple question, which I thought really told us have we really done as much work on this as we think we have. I mean, we've been great at patting ourselves on the back here on that stuff. But his question was: Has anyone asked for, and has anyone received, one financial statement from any of the utilities? The answer is, obviously, no. So how do we know what the -- the accelerated depreciation is? How do we know what the stranded costs are? You know what we really don't -- we really know about this bill? We really know

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very, very little, when you get down to the nitty-gritty facts. And I'm going to tell you something: Those of us who vote No on this bill - and it's going to fly out of here, and also it's going straight over to the House afterwards; it's going to fly right out of here, yet today, in the House - but those of us who vote No on this bill will be vindicated in the future, because this bill is a re-reregulation bill, not a deregulation bill. And obligatory, I ask for a No vote, but understand this thing will fly out of here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. It has been said this afternoon that this bill is not a perfect bill. And I would suggest to the Members of this Chamber, and those listening to this debate, that it's only not a perfect bill as we each one, individually, look at this as a parochial issue, because, you see, the very meaning of negotiation is bringing people together. I've been in this place nearly twenty years and there has never been an issue - never been an issue - come before this Body that encompassed a broader realm of points of view on an issue. This debate has been going on for two and a half years. I truly wish every eighth-grade student in this State could have been here and watched some of this debate. This is the beauty of the process under which we live: We come together for the common good. So I would suggest to you, instead of saying this is not a perfect bill, this is a perfect bill, because we, as fifty-nine Senators, representing eleven and a half million people in this State, are a microcosm of our district, and that's why we are elected: to make tough decisions, and to become a part of spirited debate, and to form public policy. That's what this issue is all about, to allow Illinois to move forward in a positive way. It has been suggested that Illinois should get into complete

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deregulation sooner. No one would like that any more than I would, but please don't compare us with other states, because our problems and difficulties are different. They simply are. We may have made some bad public-policy decisions, or some questionable public-policy decision, years ago, and we're trying to move out of that. And that's what this bill does. It is bringing fifty-nine Members of the Senate together for the common good of the people of this State. There are some things that haven't been mentioned in the bill this afternoon that I want to mention to you, only one of them. And that's the issue that we have been dealing with for, oh, so many years, and that's to find a way to fund -- or, the revenue stream for the people who are low-income that have energy needs just as great as ours. We finally, in this bill, have found a revenue stream to make certain that that program will be funded on an annual basis, and that is important to every one of our districts. It's not a Chicago issue. It's not a suburb issue. It is not a downstate issue. It affects everyone of us. And this bill solves that problem, and that's important to us all. And I very seldom use people's name in debate; on this issue I will, because one person has risen high on this issue for many years and helped bring this to this common ground we face today, and that's Bobbi Bennett, and some of you know her. She's worked hard on this, and I'm delighted that we've been able to resolve that and I hope the House will agree with us, because they've already mentioned that and dealt with that once. This is a good bill. This moves us well ahead of the rest of the nation. I'm proud to stand here in support of an effort -- of a work effort that's been put forth by a lot of people and accomplished a very good bill. Senator Mahar, for the purpose of legislative intent, I would like to ask you, sir, just -- just one question for the record. I understand that the new Section 7-101(2)(ii) is intended to be confirmatory of existing law regarding Commission access to

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affiliate books and records. Is that correct, sir?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

That is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Senator Mahar. I stand strongly in support of House Bill 362.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Senator Mahar, to close.

SENATOR MAHAR:

Thank you, Madam President. It has been a long and arduous journey to reach this point. And I'll tell you, when we have public policy -- when we formulate public policy in the General Assembly, especially of this magnitude, it is not unusual for -- at time to time, to have disagreements, and more often than that, partisan disagreements. You know, that has never been the case with this bill in three years, this whole proposal. Representative Granberg and Representative Novak are in the Chamber today. Senator Farley. The Members on my side, Senator Maitland, Senator Rauschenberger. Representative Persico is in the Chamber here today. And you know we had some heated discussions, but it never -- if somebody from the outside came in and looked at us while we were having those, they couldn't tell who was a Democrat or Republican. And for that, I'm extremely proud of this process and those individuals. Jo Johnson and Michelle McGuinness, I tell you, if any of you ever knew how many hours they put in to putting this thing together, you'd probably be shocked. They certainly deserve more money than they're

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getting from us. And they'll probably get it - but not from us. Madam President, just a couple of observations, in closing. I don't know, but I don't think there is any public policy that we have enacted in this State in many generations that's going to affect every household, every household in this State - arguably every household - as well as the people of this State and their -- their -- their places of employment, more positively than this legislation. We are going to save billions. We are good at taking money out of people's pockets, but seldom can somebody rise on the Floor and suggest to you that we are going to save billions over a specific course of time, and we will for them. And you know what? They're going to appreciate it. And it's not -- and this is an -- an opportunity for us to change an industry that has been in place for a hundred years, a monopoly that has been in effect for a hundred years in this State, and what -- that monopoly's going to be broken and we're going to go to a free market. We're going to transition into a free market. There's a lot that's changed since the spring, since Senate Bill 55, and thanks to Senate President Philip, we did hold up the process in this Chamber, and this bill -- for this bill, we are a heck of a lot better off for it. We have reshaped the bill to the advantage of the consumers. We have taken it out of the pockets. And I disagree with the Members who -- who don't think that way, but we have taken, extracted a large amount of money out of the pockets of the generators in Illinois, and yeah, they are suffering. Last spring, there was a legion of lobbyists for generators running around here with glee, looking for the passage of Senate Bill 55. Well, you know what? We ain't seen much of them this year. We also have included oversight - oversight; verification; most importantly, the ability for us to make corrections as it is merited in the years to come. So, yeah, this is truly historic. And I'll tell you, from this day forward, or from the day that the

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House passes it and it's signed by the Governor, something's going to be new in this State, and that is that the ratepayer will no longer guarantee the shareholder a profit. Only good management will do that. The investor-owned utilities in this State, I think, are going to prosper. I hope they do. I want them to be the leaders in the Midwest. I'm not anti-generator. I want them to succeed. They pay Illinois taxes; they pay Illinoisans. I hope they do the best. But you know what? In this bill, we don't guarantee their success. And finally, the small consumers who have been paying the highest rates forever - by God, relief is on the way. And with that, Madam President, I will close by reading for legislative intent one paragraph: In a regulated market, the property assessment of electric-generating stations has, under -- under the caselaw, traditionally been established based upon historic or original cost less depreciation as determined by the Illinois Commerce Commission. This bill allows public utilities to accelerate their depreciation without approval of the Illinois Commerce Commission. Concern has been raised about the impact which accelerated depreciation may have on the property tax base for those local taxing districts with nuclear power stations within their boundaries. Although this issue has not been addressed in this bill, we do intend to address it in the spring Session. We do not intend for this bill to have any impact upon the property assessment of the nuclear power stations. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 362 pass. Those in favor, will vote Aye. Opposed, 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, 2 Nays, none voting Present. House Bill 362, having received the required constitutional majority, is declared passed. Committee

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Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure has been assigned: Referred to the Committee on Revenue - House Bill 2333.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker, for what purpose do you rise?

SENATOR PARKER:

Thank you, Madam President. For a point of personal privilege. I'm very proud and pleased to have in the galleries - the visitor galleries, the Christian Heritage Academy School from Northfield, from my district. Can we please all welcome them?

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized? Welcome to Springfield. ...could have your attention for just a minute. I believe that we have, for all practical purposes, concluded all substantive action for now. We will remain open so we can receive paper from the House. So we are concluded. We will return on November 12th, Wednesday, at noon. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Just an announcement. On the special Senate Subcommittee on Constitutional Amendments, that meeting is going to be cancelled at the request of the sponsor, Senator Carroll, and we will re-post that for November, when we're down here. And I want all the Members of that committee to know that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

For purpose of a belated announcement. I think the Senate Executive Committee might have been posted on the Calendar to meet after Session. That also is cancelled and I've already informed

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the Members of the Executive Committee. But in case any of them didn't hear that, we will no longer meet today at all.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

SECRETARY HARRY:

...will come to order in perfunctory Session. On the Order of Messages from the House is a Message by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 345.

We have like Messages on House Bills 382, 581, 752, 767, 1051, 1118, 2030, 2161 and 2179.

Another Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 27.

We have like Messages on House Bills 154, 221, 282, 381, 496, 522, 968, 1105, 1210, 1347 and 1840.

On the Order of Motions, the following Members have filed motions with respect to the following bills: House Bill 522, by Senator Sieben; House Bill 1347, by Senator Donahue; House Bill

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345, Senator Radogno; and House Bill 382, by Senator Lauzen. By order of the Chair, these motions will be printed on the daily Calendar.

On the Order of Resolutions is Senate Resolution 125 and Senate Resolution 126, both offered by Senator Severns and all Members.

They're death resolutions and will be automatically referred to the Consent Calendar.

On the Order of Introduction of Bills is Senate Bill 1213, by Senator Dillard.

(Secretary reads title of bill)

1st Reading of the bill.

Being no further business to come before the Senate, pursuant to the adjournment resolution, the Senate will stand adjourned until noon, November 12th.

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