

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

May 27, 1999

PRESIDENT PHILIP:

Regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our -- our prayer today will be given by Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

IIS-Television has asked permission to videotape today's proceedings. Is leave granted? Leave is granted. Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, May 25th, 1999.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journal just read. There being no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Wednesday, May 26th, in the year 1999, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

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

PRESIDENT PHILIP:

Message from the House by Mr. Rossi, Clerk.

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

House Bill 619, with Senate Amendments 1, 2, 3 and 6.

I am further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of Amendment No. 4.

Action taken by the House, May 26th, 1999.

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

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

Senate Bill 55, with House Amendment No. 1.

We have like Messages on Senate Bill 251, with Amendment 2; 856, with Amendment 1; 956, with Amendment 4; and Senate Bill 941, with House Amendments 3 and 4.

All passed the House, as amended, May 26th, 1999.

PRESIDENT PHILIP:

We'll stand at ease until the Rules Committee makes their report.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

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SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Education - Conference Committee Report No. 1 to House Bill 1134; to the Committee on Environment and Energy - Conference Committee Report 1 to House Bill 287; to the Committee on Executive - Senate Amendment No. 2 to House Bill 279, a Motion to Concur with House Amendment 4 to Senate Bill 956, and House Joint Resolutions 10, 12, 19 and 20; referred to the Committee on Insurance and Pensions - Motions to Concur with House Amendment 1 to Senate Bill 55, House Amendment 2 to Senate Bill 251 and House Amendment 1 to Senate Bill 856; to the Committee on Judiciary - Conference Committee Report 1 to Senate Bill 19; to the Committee on Local Government - the Motion to Concur with House Amendments 3 and 4 to Senate Bill 941; to the Committee on Public Health and Welfare - Conference Committee Report 1 to House Bill 733; to the Committee on Revenue - Conference Committee Report No. 1 to Senate Bill 878; Be Approved for Consideration - the Motion to Recede from Senate Amendment 4 to House Bill 619; re-referred from the Executive Committee to the Rules Committee - House Joint Resolutions 10, 12, 19 and 20; and Be Approved for Consideration - House Joint Resolutions 10, 12, 19 and 20.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley, what purpose do you rise?

SENATOR O'MALLEY:

For purposes of announcement. The Senate Financial Institutions Committee will have a meeting at 11:45 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin, what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement. The Senate Education

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Committee will meet today at 12 -- 12 noon in Room 212. 12 noon  
in Room 212.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar, what purpose do you rise?

SENATOR MAHAR:

For the purpose of an announcement, Mr. President. The Senate  
Environment and Energy Committee will meet at noon in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben, what purpose do you rise?

SENATOR SIEBEN:

For purpose of announcement. If any Members are still  
interested in attending the Top of the State Tour in Galena on  
Monday and Tuesday, 14th of June, we still have room to accept a  
couple late reservations. So if you're still interested in  
participating, I know some of you have already made your plans and  
arrangements, but I've checked with the people in Galena and we  
can still handle a couple more reservations. So let me know if  
you're interested and we'll get that taken care of.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan, Robert Madigan, what purpose do you rise?

SENATOR R. MADIGAN:

Thank you, Mr. President. Purpose of an announcement: that  
the Senate Insurance and Pensions Committee will meet in Room 212  
at 12:45. 212, at 12:45.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...the Members will turn your attention to the middle of page  
12, in the Order of Secretary's Desk, Concurrence on Senate Bills.  
Senate Bill -- in the middle of page 12, Senate Bill 876. Mr...  
Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their  
Amendments 1, 3 and 4 to Senate Bill 876.

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The motion's by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 876 deals with the Illinois Procurement Code. It includes -- Amendment No. 1 is -- is a gutting amendment that took the contents of the bill out. Amendment No. 3 provides Northern Illinois University with its requested change to the Procurement Code dealing with their -- their BIS program, where they have a proprietary school that they -- they pay people to teach classes, and it gives them the flexibility. It's agreed to by the Procurement Policy Board, and was also as part of the agreed work. Amendment No. 4 modifies the rules by which universities can enter into pouring rights contracts - exclusivity. I think all -- their both good amendments. I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Rauschenberger, is there anything in this bill that reduces the bidding requirement threshold for universities or -- or anyone else?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Nothing that reduces the threshold levels. It does provide, however, that the -- Amendment No. 3 permits the university --

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Northern Illinois University or any university to enter into service contracts -- personal service contracts on a contractual basis to teach in classrooms without going to competitive bidding. Normally, a university would hire a professor and so they would be exempt from bidding. In this case, they're contracting to teach numbers -- you know, units of classes, but it doesn't require them to bid out for an accountant to teach a class. So it does modify bidding a little bit, but it was reviewed by the Procurement Policy Board. The No. 4, the amendment on pouring rights, simply says that you can't include in the contract any other consideration requiring -- somebody enter into the -- the pouring rights contract requiring them to make a donation, for example, to your athletic foundation as a stipulation to the exclusivity of the contract. So, in my opinion, they don't affect thresholds.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

What I was concerned about is raising the threshold so that -- not -- not decreasing it, raising it so that there'd be less competitive bidding, which is something we ran into as a problem several years ago - in particular, at that university.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? This is final action. The question is, shall the Senate concur in House Amendments 1, 3 and 4 to Senate Bill 876. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1, 3 and 4 to Senate Bill 876, and the bill, having received the required constitutional majority, is declared passed. Middle of page 13, in the Order of Conference Committee Reports. Mr. Secretary, do

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you have a file -- a... Mr. Secretary, do you have on file a conference committee report on House Bill 1845?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 1845.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair recognizes Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. Conference Committee resolution {sic} No. 1 recommends that the Senate recede from Senate Amendment No. 1, and the language of Senate Amendment No. 1 is replaced with substantially the same language with a clarifying change regarding when an order has been entered limiting a minor child's contact or visitation with a grandparent or other relative, to make that provision apply when an order has been entered limiting for cause a minor -- for cause a minor child's contact or visitation with a grandparent or other relative. This clarifying language addresses concerns that were raised by the House Democrats.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Sullivan.

SENATOR SULLIVAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator Jones, just to clarify the last time we have this bill: I just want to make sure we -- it is still in the best interest of the child, not what necessarily the grandparents want.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

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Yes, Senator Sullivan. That language is still in the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 1845. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 1845, and the bill, having received the required constitutional majority, is declared passed. Senator Dillard, what purpose do you rise?

SENATOR DILLARD:

For purposes of an announcement, Mr. President. The Local Government Committee will meet at 12:45 in Room A-1. Just like the steak sauce, A-1, 12:45, Local Government.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Supplemental Calendar No. 1 has been distributed and is on the Members' desks. Turn your attention to page 2 of Supplemental Calendar No. 1, in the Order of Secretary's Desk, Resolutions. House Joint Resolution 10. Senator Rauschenberger. Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 10, offered by Senators Rauschenberger, Geo-Karis and others.

There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Joint Resolution No. 10 is a resolution that I've worked on with House Members. Last -- two years ago, the House began a



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process of looking at smart growth as a single Chamber. Caused some consternation, I think, among people involved, with the Farm Bureau, the Realtors and the Home Builders. House Joint Resolution 10 really revises the House process, involves the Senate and includes people from affected industries. This hopefully will begin a dialogue between the two Chambers on where we're headed with smart growth and development planning. I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Shadid.

SENATOR SHADID:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SHADID:

Up in the gallery, behind the Republican side, are a group of students from Peoria Public School District 150, Lincoln Middle School, along with their teacher, Marianne Epstein, who are here in Springfield. I'd like to ask us to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please -- in the gallery please rise and be recognized? Welcome to Springfield. Further discussion on House Joint Resolution 10? Senator Cullerton.

SENATOR CULLERTON:

Would sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Rauschenberger, does this set up a -- a task force with Membership of the Senate included in the task force, and if so, how many Members and how are they appointed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This resolution calls for the Senate President to appoint three Members and for the Minority Leader to present -- to -- to appoint three Members to the task force. It provides for twelve voting public {sic} (Legislative) Members, three from each caucus, and twelve additional voting {sic} (non-voting) members from the public.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

And does it give us a time frame as to when they're going to meet and when they're supposed to give a report back to the General Assembly?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

It requests -- it requests a report to the General Assembly, either interim or final, by January, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Rauschenberger moves the adoption of House Joint Resolution No. 10. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the resolution is adopted. House Joint Resolution 12. Senator Myers. Mr. Secretary, do you -- Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution No. 12, offered by Senator Myers.  
There are no committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. House Joint Resolution 12 urges Congress and the U.S. Department of Agriculture to re-examine our national agricultural policy and give due attention and action to remedy our current agricultural economic dilemma. The preamble of HJR states that the gathering storm of an impending farm crisis has -- caused the Extension Service of the U of I to reactivate its Hot Line, which was last used a decade ago, in order to inform and aid struggling farmers. Farmers are feeling the effects of a collapsing hog market and falling commodity prices that are below the cost of production; grain stocks could pile up even more and drive prices down even further in the coming year, as the spectre of farm bankruptcies is again looming large. The food supply and the general economic health of this country will be adversely affected by the continuing agricultural downturn, and the family farm may be on the verge of extinction. So I would ask for a favorable vote to encourage those in Congress to take a very close look at this farm situation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Thomas Walsh.

SENATOR T. WALSH:

Senator Myers, I'm looking at our analysis here. Have you got this? Where -- where it says the background here, and I just want you to clarify. This says that the preamble of HJR states that the gathering storm of an impending farm crisis has caused the Extension Service of the U of I to reactivate it's hot lie. Now,

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is this where you lie to the farmers and you -- you -- you know, you tell them that it's going to be a good crop, or they're expecting rain, or, I don't know, what kind of lies they want to hear? Could you just clarify? Is it a -- the hot lie or a hotline?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Patrick Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

I heard you mention the word "extinction". Does this have something to do with Senator Watson's proposal or...?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Myers moves the adoption of House Joint Resolution 12. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Joint Resolution No. 19. Senator Rauschenberger. House Joint Resolution No. 20. Senator Watson. Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 20, offered by Senator Watson.

No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you very much, Mr. President. This is a resolution dealing with base closures in Illinois, military base closures. There's still four military bases located in Illinois, and they're scattered throughout the State. And we've had the task force, kind of within ourselves, dealing with this issue, and this resolution

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encourages the General Assembly and the Governor's Office to make an effort of saving those military bases a top priority and by designating the Department of Commerce and Community Affairs to be the lead agency to coordinate and assist local and State efforts to save our military bases. And it further urges the State to provide financial assistance, if necessary, to -- to these State agencies, local governments and other local entities to -- subject to, obviously, appropriation, to help effort to save military bases here in Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Watson moves the adoption of House Joint Resolution No. 20. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Turn to the bottom of page 13 of your regular Calendars. We will be -- now be going to the Order of Consideration Postponed, Resolutions. ...resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 117, offered by Senators Wendell Jones and Philip.

No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

Mr. President, Members of the Senate, this is the resolution you've been waiting for. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Hendon. Just to

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remind the Membership that this is Consideration Postponed. One opponent, one proponent on the issue. Senator Hendon.

SENATOR HENDON:

Thank...(machine cutoff)...President. Senator Jones, my esteemed colleague, could you explain to us the reasoning for this partitioning of Cook County?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

Thank you for your question, Senator Hendon. This is not a partitioning of Cook County. This is simply a study to determine whether or not it would be in the best interests of all of the people to do this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Could you explain to the Members of this Chamber, because we have a right, I believe, to know what we're voting on, and -- and being reasonable people, we could possibly cast that vote in your favor or against your resolution, depending on what it does. Can you explain to us exactly how Cook County would be divided? What is your vision? What is the purpose? Is it monetary? What is the reasoning?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

Senator Hendon, that's the reason for the study, to determine all of those things you just mentioned.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Can you give us any timetable about the length of the study?

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The -- could you tell us about the cost of the study and the purpose of it? Is -- is it just that you feel some other municipality should be created? Would there be a cost associated with that? And does the County Board have any opinion on this, including the Republican members of the County Board, whom I work with?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

Well, there were a number of questions in there. The first one is that we'll report back on December 1st. We have not discussed it with the County Board. Palatine Township was a proponent when we had it in committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Senator Jones, you do know that there are Republican members of the Cook County Board. I believe there are eight. And you -- are you...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

Yes, I share an office with one of the members of the Cook County Board. I believe there are four members of the County Board that are Republican.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, just -- just so we'll have clarity, could you tell us the -- the -- the legislative intent and -- and the purpose of -- of this task force?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Jones.

SENATOR W. JONES:

Thank you, Senator Hendon. It creates a task force to investigate the effect of dividing the County of Cook into separate and distinct, freestanding, independent and new counties.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

If -- if someone wanted to divide Illinois into two states, would you be in favor of that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

I'd need to know the boundaries and probably have a task force study before I could answer that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Would you do the same for DuPage County?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

A task force study to study DuPage County would be fine with me.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon, do you wish to -- to...

SENATOR HENDON:

Yes. Close.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Do you wish to transfer the remainder of your time to your Leader, who has indicated he would like to speak on this, since the Chair is allowing one opponent and one proponent. And if



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Senator Hendon wishes to -- to allow Senator Jones to continue, if -- if it is his desire; otherwise, one opponent will be allowed to speak against this. Senator Hendon.

SENATOR HENDON:

I will certainly yield my time to Senator Jones...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Emil Jones.

SENATOR E. JONES:

My only...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senior.

SENATOR E. JONES:

Thank you, Mr. President. My only comment to Senator Jones, W. Jones, is that he use his full name, because when the -- they write about this in the Chicago press, many asked me about it and I -- I told them, no, this was Junior trying to do this. So, Mr. President, when you call -- you say Senator Jones, say Senator Jones, "Jr.", who's trying to do this, not Emil Jones. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Jones, "Sr." Senator Jones, "Jr.", to respond.

SENATOR W. JONES:

To close.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Not yet. Any further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. And I see that everyone is having a lot of fun with this resolution, as they did the last time it was called. But I want to tell you, up in my part of Cook County that I represent, it isn't a joke. For many years, they have tried to create Lincoln County. In fact, there was -- there was a referendum on the ballot several years ago to create Lincoln

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County out of, I believe, Schaumburg Township, Palatine Township, Barrington Township, Hanover Township, and there may have been another one or two in there. And I'll tell you why, Senator Hendon: It isn't -- it isn't any devious plot or anything against Chicago or any other part of Cook County. People that live in Hanover Township, in Steve Rauschenberger's district, or in Schaumburg, in my district and Senator Philip's district, have a long way to go to be going down to the City of Chicago when they have to go down there with Medicaid problems or child support problems. A lot of different things that are county-run are very difficult to access when you live so far away from them. And they would like to -- they really would like to create a county up that way. I'm not so sure what happens in the -- how they feel in the south suburbs, but it really is not a laughing matter. And this is just a task force to study the possibility of this. And I would ask all of you that do not reside in Cook County or that do reside in suburban Cook County and agree with this plan, I would ask for you to take a -- a minute and not be laughing about the whole thing, because it really is very serious up in that part of the -- of Cook County, and ask for your Aye vote because we're only asking for a -- a study here, a task force to study it. And I think it's a very good idea, Senator Jones, "Jr."

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones, "Jr.", to close.

SENATOR W. JONES:

Thank you very much. I think we've had enough of this. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones, Jr., moves the adoption of Senate Resolution 117. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

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question, there are 31 Ayes, 27 Nays, 1 voting Present. And the resolution is adopted. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

...personal -- point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, two of our Senators are going to change their status in July, I believe. One is Kim Lightford. One is Thomas Walsh. And this is probably the last Session that they will be able to consider themselves single. So we want to wish them the best on their -- their pending marriage, and I'm sure they're going to find it's a little different than being single, but I think they'll find it very, very self-sustaining and very heartwarming. We want to wish them the best. Kim Lightford and Tom Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Tom Walsh and Senator Kim Lightford, we -- the Senate congratulates you, and we didn't know that you were engaged to each other. Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

Well, I was wondering if the issue about Senator Walsh was debatable. That's all.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR GEO-KARIS:

Mr. President, another point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, ma'am.

SENATOR GEO-KARIS:

Monday we'll be celebrating Memorial Day. Ordinarily, we'd

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have -- we would have had a ceremony here to commemorate it. We haven't -- we didn't do it this year. I don't think we did it last year. God -- God willing, maybe next year we will do it. And for the veterans who've given their lives and their limbs to make it possible for us to be here today, I think we should stand now for a moment of silence in commemoration of Memorial Day. I ask that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Geo-Karis. Senator Hendon, what purpose do you rise?

SENATOR HENDON:

Mr. Chairman, this is a -- a perfect time for me to mention to the Body that I've filed a motion to discharge the Rules Committee from Senate Resolution 101, which acknowledges our men and women in the military who are fighting right now to preserve the very freedoms that we just stood up and honored others about. I would like the resolution called and voted on.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon, the motion has never been read in. Senator Hendon.

SENATOR HENDON:

Mr. Chairman, I -- I -- I did file the motion -- the motion to discharge committee in a timely manner, and I'd like to appeal the rule of the Chair, which I have the right to do, because I think this is very important. I mean, Memorial Day is this weekend. I've waited the entire Session. Right now we have men and women risking their lives everyday in Kosovo in Yugoslavia, and Albania, and I believe that this resolution, when it was first called, was rejected because some people said that we don't do honorary resolutions, and that the reason and the purpose for people being opposed to it is because they have a problem with President Clinton. So we made sure we took that out and there is -- there

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is nothing in the resolution that even mentions the President of the United States. It simply mentions the country and our soldiers. And I appeal the rule of the Chair. I'd like the resolution called.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Hendon, for your comments. The Senate will stand at recess until the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator O'Malley, Chair of the Committee on Financial Institutions, reports Senate Bill 890 - the Motion to Concur with House Amendment 1 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Bills 648 and 652 - First Conference Committee Reports Be Approved for Consideration; House Bills 1134 and 1670 - First Conference Committee Reports Be Approved for Consideration.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bills 24 and 1088 - First Conference Committee Reports Be Approved for Consideration; and House Bill 287 - the First Conference Committee Report Be Approved for Consideration.

Senator Robert Madigan, Chair of the Committee on Insurance and Pensions, reports Senate Bill 55 - the Motion to Concur with House Amendment 1 Be Adopted; Senate Bill 251 - Motion to Concur with House Amendment 2 Be Adopted; Senate Bill 856 - the Motion to Concur with House Amendment 1 Be Adopted; House Bill 2166 - the First Conference Committee Report Be Approved for Consideration;

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and Senate Amendment 1 to Senate Bill 854 Be Adopted.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Bill 965 - the First Conference Committee Report Be Adopted; and House Bills 427 and 733 - the First Conference Committee Report(s) Be Adopted.

And Senator Dillard, Chair of the Committee on Local Government, reports Senate Bill 1202 - the First Conference Committee Report Be Adopted; Senate Bill 827 - the Motion to Concur with House Amendments 1, 2 and 3 Be Adopted; Senate Bill 933 - the Motion to Concur with House Amendments 2 and 3 Be Adopted; and Senate Bill 941 - the Motion to Concur with House Amendments 3 and 4 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1103, along with House Amendment No. 3.

Passed the House, as amended, May 27th, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...courtesy to the Membership, the budget bills have been distributed on the Members' desks, but they have been distributed unsigned, as a courtesy to the Members. Had they been -- had we waited for them to be signed, it would take up to eight hours additional time prior to them being distributed -- being distributed on the Floor. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

I yield to Senator Shadid.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Shadid.

SENATOR SHADID:

He -- he is always yielding to me, and I have nothing to say.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you turn your Calendars, your regular Calendars, to the bottom of page 3, in the Order of Senate Bills 3rd Reading is Senate Bill 854. Senator Robert Madigan, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Robert Madigan seeks leave of the Body to return Senate Bill 854 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 854. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Floor Amendment No. 1 to Senate Bill 854 represents the agreed language with regards to the retired teachers' health insurance and the broadening of the benefits of the -- of the TRIP plan, or the retired teachers' health insurance. I'd ask for its adoption and would be glad to debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The -- the Ayes have it, and the amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is Senate Bill 854.

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Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 854.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 854, as amended, represents the agreed language between the Governor's Office, the four caucuses and the education groups with regards to the broadening of benefits in the retired teachers' health insurance. As we all know, for the last couple years, the retired teachers have been seeking parity or equity with the State employees' health insurance plan. That is simply not affordable. This addresses their three main priorities in their quest towards parity. It represents an agreed additional sum of -- not in this year's budget but the following year's budget, of 11.4 million dollars towards the retired teachers' health insurance. I would be glad to answer any questions on Senate Bill 854, as amended, but would otherwise ask for its...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just would remind people that we're -- we're starting down a path that will probably mean a significant, in time, diversion of resources from the K through 12 program to additional benefits for retired teachers. The argument that retired teachers who are employees of local units of government deserve equal status over time with State employees is one that I think retired teachers have made aggressively. I just point out to Members that although



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the cost of this is fairly small in the first few years, as pressure increases for full parity benefits, that we're going to face an obligation that we don't currently have to address and that really has been the responsibility of local units of government. I think the sponsor has done a good job of trying to control this issue and work carefully on it. I certainly understand he has good intentions, but, again, I just would point out that it's another obligation which over time will grow significantly and become a -- a stress on what we do in the way of education funding.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Madigan, I understand one of the problems that -- that the teachers have is that a lot of the older teachers were never under Social Security, but a lot of the other teachers went under Social Security either during the summer when they worked or -- and now a lot of them -- in fact, the majority of them are under Social Security. When we are under Social Security and we retire, my understanding is that the Medicare program kicks in first. Will this be true for the teachers that have Social Security benefits?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. -- thank you, Mr. President. Senator Fawell, one of the broadening of benefits of this plan has to do with the Medicare coordination of benefits. Currently, under the State employees plan, it provides one hundred percent after the Medicare

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payment. This will allow eighty percent after the Medicare payment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

So what we're talking about really, as far as retired teachers that do not have Social Security because, in the olden days, they were not covered by Social Security, they would be covered until such time as they died? I think that's a finite number of -- of teachers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. Senator Fawell, this plan does not address those concerns or questions of yours.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Well, the ones that I've been hearing from, mostly, that are -- that are teachers, frankly, are the ones that feel because they don't have Social Security, they're not covered by hardly any plan. And the ones that have Social Security benefits are covered by Medicare, as most seniors are. Are you telling me that the ones that have not got Social Security benefits will not be covered, even under this plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. Senator Fawell, this -- this affects only those teachers that are enrolled in this plan. This doesn't affect all retired teachers. This only affects the retired teachers that are enrolled in this -- in this retired teachers'

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health insurance program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WCIA-Channel 3 has requested permission to videotape. Hearing no objection, leave is granted. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of Senate Bill 854. I do agree with Senator Rauschenberger. I -- I sometimes have a problem whenever teachers try to say that they are members of the State -- should be on the same level playing field as the State employees, because we don't negotiate their contracts. So, I think that really puts them in a different ball game. However, I think this is a great step in the right direction and would urge those on this side of the aisle to give an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, first of all, I want to commend Senator Madigan for all the hard work he's put into this bill. Second of all, I don't know how the rest of you feel, but I feel that I'm a product, to a great extent, of the great teachers I had. And this isn't too much to help them. I think it's time we did our share by them. We have our retirement plans and what have you and our health -- health adjuncts and what have you. I think it's time, and I -- I certainly speak soundly in favor of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR R. MADIGAN:

Thank you, Mr. President. This -- this measure has the one-hundred-percent support of the Retired Teachers Association,

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along with the ILEARN. I would urge and recommend a favorable consideration of Senate Bill 854, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 854 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? 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. And Senate Bill 854, having received the required constitutional majority, is declared passed. If you turn your attention to Supplemental Calendar No. 2, which has been distributed, is on the Members' desks. Turn your attention to page 3, the top of page 3 of Supplemental Senate Calendar No. 2, to the Order of Conference Committee Reports. House Bill 287, on the Calendar. Mr. Secretary, do you have a file, a conference committee report, on House Bill 287?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 287.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you very, very much, Mr. President and Ladies and Gentlemen of the Senate. We've had a lot of discussion in regard to House Bill 287, and it is in regard to the small, rural telephones. I'm glad to tell you that I have total agreement among all parties involved, which are the forty-four small, rural telephone companies that exist in Illinois. Ameritech, GTE, AT&T, MCI are all in agreement, and I want to thank each and every one of them for the work they've done to come to a resolution on this very, very important issue. House Bill 287, or the conference committee, does nothing more than enable the ICC to continue what the federal and State policies have already been for the past six

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years. There are no changes. It's the status quo. It's just enabling legislation, and due to time, I will simply say I will be more than happy to answer any questions, but I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Sullivan.

SENATOR SULLIVAN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator Donahue, just for purposes of legislative intent, is -- is this -- is it intended to have a new fee either listed or -- a new fee either listed or a new fee created on phone bills, particularly for those of us up in the suburbs?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

No. Senator Sullivan, today nothing like that exists and there will -- hopefully nothing like that in the future. That is not the intent at all.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Then I -- I opposed this bill before, but I rise in support of it now. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DONAHUE:

Well, thank you. Again, I -- I want to thank everybody involved. This is very important. And I would ask for your

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support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate adopt Conference Committee Report No. 1 to House Bill 287. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 287, and the bill, having received the required constitutional majority, is declared passed. Senator Fawell, on House Bill 427. Mr. Secretary, do you have a file on conference committee report on House Bill 427?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on House Bill 427.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the assisted living bill. We have come to a compromise. The compromise is that the regulatory agent, under the conference report, is changed to the Department of Public Aid, but it does contain a very important role for the Department of {sic} (on) Aging. It will be a joint venture. It designates the Department of Aging as the Vice-Chairman on the Assisted Living Advisory Board, who will be advising, particularly on the rules and regs. For legislative intent, I would like to read the following: It is the intent of the General Assembly that, under House Bill 427, assisted living and shared housing establishments shall be administered by a unit or division of the Illinois Department of Public Health separate and distinct from the Department Bureau of Long Term Care. This unit or division shall not share employees, policies or procedures. The development

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or {sic} (of) rules and regulations under House Bill 427 shall be a partnership between the Illinois Department on Aging, with the advice and consent of the Department's Quality of Life Advisory Committee. It is further the intent of the General Assembly under House Bill 427 that assisted living and shared housing establishments licensed under this Act shall be based on a social model. The social model is predicated on the ability of providers to have a program flexibility to meet the varied needs, preferences and service options identified by the elderly residents of assisted living facilities in Illinois. Furthermore, it is the intent of this legislation that burdensome regulations that hamper flexibility to allow residents to age in place be avoided. This has been agreed to by all parties. I think it is a good bill. It is a good start towards something that is very -- will become more important as time goes on to the citizens of Illinois, and I would be glad to answer any questions. If there are none, I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Karpiel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Karpiel.

SENATOR KARPIEL:

Senator Fawell, what will happen to the -- what will happen to the existing assisted living facilities that are already in place? Do they have to come back and -- and get some kind of a -- a license or something now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

The -- the -- the facilities that are presently in place that

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-- that are licensed under the long-term care directions, which is what our facilities are licensed under right now, that are converting beds to the assisted living beds or shared housing beds are exempted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Well, I have a facility that is just being built in one of my villages I represent, and it's called assisted living. Will that have to be licensed under this, under long-term care, what?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

If they provide the services and are not licensed right now underneath the long-term care programs, they will have to be licensed, if they want to call -- continue calling themselves assisted living facilities.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

And, Senator Fawell, there is no certificate of need needed under this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

There is no certificate of need requirement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the -- the Chamber. I get up and I applaud the sponsor and all those that worked hard to put this piece of legislation...



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PRESIDING OFFICER: (SENATOR DUDYCZ)

Excuse me, Senator Trotter. Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I applaud the sponsor and all those who worked hard to put this good piece of legislation together. It's -- this is a protection bill. It protects our seniors. It ensures that those who will be working with them will be looked at, they will be investigated, and we can rest assured that their quality of life will be enhanced from this. The proponents of this bill is the Illinois Life Services Network, AARP, the Alzheimer's Disease and Related Disorders Association, the -- the County Federations, the Council of the Elderly, the Jewish Council Federation {sic} (Federation's Council) on the Elderly, the Catholic Conference of Illinois, SIU, Illinois Medical Society, Illinois Health Facilities Planning Board and the Marion Memorial Hospital. It's a good piece of legislation and I ask all to support it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. I just wanted to rise and commend all of the people, but particularly Senator Fawell who has worked on this legislation. Rarely does it occur where a Senator is applauded in committee because of the work that she has done. And she has stuck to her beliefs, and it's an excellent bill. And I congratulate her and would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR FAWELL:

Thank you very much and thank you for your kind words. I do think it is a -- a good piece of legislation. I want to thank my -- my House sponsor over in the House, Joe Lyons, who has been

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willing to stick with me, and certainly AARP, who has gone far above and beyond, and Donna Ginther, and -- and particularly our staff member, Debbie Lounsberry, who will be so happy if you can get this out of this place and put it on the Governor's desk.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 427. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 427, and the bill, having received the required constitutional majority, is declared passed. House Bill 1134. Senator O'Malley. Senator O'Malley. House Bill 1670. Senator Cronin. Mr. Secretary, do you have on file a conference committee report on House Bill 1670?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on House Bill 1670.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Conference Committee Report on House Bill 1670 is a -- is a negotiated piece of legislation that provides that the alternative route to teacher certification that we created a couple years ago, last Session, which has worked so marvelously well in the City of Chicago, is now available statewide. And there is no opposition that I know of. The IEA has been very supportive and helpful, cooperative. The Golden Apple Foundation is a big beneficiary of this legislation, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 1670. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report to House Bill -- No. 1 to House Bill 1670, and the bill, having received the required constitutional majority, is declared passed. Senator Robert Madigan, on House Bill 2166. Mr. Secretary, do you have on file a conference committee report on House Bill 2166?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 2166.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. Conference Committee Report No. 1 on House Bill 2166 contains the original language that was in House Bill 2166 regarding immunizations for children under the age of sixteen that are enrolled in the CHIP plan. Also requires that a licensed doctor perform those immunizations and also contains a broadening of coverage for inpatient mental health conditions, including that coverage -- or, broadening that coverage of inpatient mental health hospitalizations in the Comprehensive Health Insurance Plan. I would ask for adoption of Conference Committee Report No. 1 to House Bill 2166. Would be happy to answer any questions on same.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 2166. All those in favor will vote Aye. Opposed will vote Nay. The

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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. And the Senate does adopt Conference Committee Report No. 1 to House Bill 2166, and the bill, having received the required constitutional majority, is declared passed. Jose More, photojournalist from the Chicago Tribune has requested permission to take still photographs. Hearing no objection, leave is granted. Senator O'Malley.

SENATOR O'MALLEY:

I'm -- I'm seeking, as a matter of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR O'MALLEY:

The point is I'd like the Senate to join with me in welcoming the students from Palos West School in School District 118 in Palos Park. They're up in the gallery behind our side of the aisle. And give them a warm welcome. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senator O'Malley, do you wish that we return to House Bill 1134 and the conference committee report? Mr. Secretary, do you have a file -- on file a conference committee report on House Bill 1134?

SECRETARY HARRY:

...Conference Committee Report on House Bill 1134.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, House Bill 1134 is the double whammy legislation that we're all very familiar with. There was an amendment placed on that

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legislation in the Senate, and subsequently it went to the House. There was some controversy there. Conference Committee Report No. 1 contains the language that resolves the conflict with the House on the subject of the double whammy legislation. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, our -- analysis indicates that there's also language in the conference committee report that adds fourteen million dollars for a hold harmless for downstate schools. Would you explain that provision also, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Hawkinson, that's exactly what the conference committee report is about, is to provide not more than but up to fourteen million dollars hold harmless for downstate school districts outside -- and downstate being all those school districts outside of Cook County and the collar county areas.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Halvorson.

SENATOR HALVORSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Halvorson.

SENATOR HALVORSON:

Senator O'Malley, I, first of all, want to commend you for

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everything you've been doing for this, to help the south suburbs, but I have a question. Do -- is there anything in this bill for -- is there anything in this bill for District 133, Riverdale? They were having some conversations about help that they needed with Acme Steel not being able to provide funding for the school. And I just was curious if there was anything in this bill to help them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

First of all, the language or the legislation that you're referring to was an amendment that had been drafted at the request of Senator Shaw. In particular, if your question is, is there anything in this legislation that benefits School District 133, if I could identify it in the work that was done by the Bloom Township Treasurer, and perhaps somebody from your side could tell me -- I'm looking for the number quickly in the work that they did and -- and the -- Bloom Township Treasurer basically -- you know, developed this information using the name of the -- of the school without using the school number. But I also want to make sure that -- and to reinforce your comments, this is not just about the south suburbs or even just about the southwest suburbs; it's about the south triad area, which includes west suburban parts of Cook County as well. If you could help me with a number, I'd be happy to answer the question as to what this does for 133.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Committee {sic}. I -- I plan to vote for this bill, and I guess probably everyone will, but I'm just going to once again call attention to the Body -- and I -- first of all, Senator O'Malley, I'm not being

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critical of you. I -- I mean, you are doing what appears to be something necessary to do, but I'm calling attention to the Body for something that we are doing, now year after year, that is very, very bad and dangerous. We have formulas for a reason, and there are a few of us in this Chamber that have worked very hard to keep the School Aid Formula pure and do what it's supposed to do. Now, you can argue if whether or not it's doing it the right way, but at least we had a formula. Then, a couple of years ago, after a lot of work by Senator Berman and I and a couple of others, made the foundation level truly mean something and that was good. But now we've got hold harmlesses on top of hold harmlesses. We've got double whammies on top of double whammies. And the formula doesn't mean anything, Ladies and Gentlemen. Absolutely nothing. And if you talk to people who really understand what's going to happen here in the future, it is very scary. So I just, once again, voice concern about what we are doing here and urge all of us to work in the future toward making the formula really do what it's supposed to do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. But Senator Maitland I think made -- just made my -- my remarks. I, too, rise reluctantly to support this. Senator O'Malley, as we mentioned in committee, would -- would like to get a printout, just -- just on where this fourteen million is going and what schools it's going to benefit. It's my understanding from the State Board that three hundred and eighty additional downstate school districts will be the beneficiaries as a result of this additional money. But I, too, have to -- just to echo and -- since Senator Maitland has made the argument, I think at some point we've really got to rectify and -- and decide how we're going to resolve this thing in -- in

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finality, at some point, 'cause we can't keep doing what we're doing. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

Senator O'Malley, District 133, which is in Riverdale, where Acme Steel filed bankruptcy, in this legislation here, in 1134, isn't it a fact that this legislation will not yield one dime to that soon-to-be-bankrupt district?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Shaw, I've asked for some help, if somebody could identify what 133 is, other than by number, I may be able to answer your question. However, the double whammy does affect all of the school districts that are under the cap, and -- and -- and that is certainly under the cap. The amendment that was put on earlier in the Session to deal with the south triad area, of course, includes the school district you're referring to, but I cannot identify it. I know that Dolton District 148 receives an additional three hundred and thirty-five thousand dollars as a result of that amendment. Dolton District 149 receives a hundred and ninety-six thousand dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, isn't it a fact when -- if the EAV did not change in any district, not only this one, it would not yield those districts



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any additional money?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, I think that Senators Demuzio and Senator Maitland put it very well. We have a formula here in Illinois. State aid distribution is formula-driven. How that formula affects an individual district is a function of many factors now, and every year increasingly more and more factors are imposed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Senator, I -- you know, we -- we want to get out of here and go home. If you would just answer the question. The school name is George Patton. That's in Riverdale. And the -- it -- the district number is 133, but the school is named after a great general. And the -- I have a printout from the -- I believe it's from the -- from Bloom Township or the -- or the -- that was issued, I believe, by the State Board, and it shows zero, zero, zero on -- this legislation would yield that school zero, zero, zero. And now -- and the only thing I'm asking you, will the -- will this, 1134, help this school district that -- where Acme Steel has filed bankruptcy? And is -- and the answer seems to be yes or no and, you know -- but you're a lawyer, and maybe you can figure another way to get to that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator Shaw, for identifying the school district. First of all, the question is yes and no. It affects your school district positively because of the double whammy provision. The amendment that was put on and referred to earlier that affects the

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south triad, according to the figures that I have from the Bloom Township Treasurer, would yield no additional dollars to General George Patton School.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

I happen to be for the bill, but this amendment, Amendment 1, I believe it is, that was put on over in the House, doesn't - no, it -- it -- it was put on over here - doesn't do one thing for this school. This happen to be a good piece of legislation. I want to commend you on that, but it doesn't solve the problem for George Patton School. And I think that what we have to do is some way -- find some way to help these schools who is in bad shape, through no fault of their own. They didn't ask Acme Steel to file bankruptcy. I did offer an amendment in the -- in committee that was dealing with this question and we didn't have another bill to put the amendment on. The amendment was defeated by Members of your side of the aisle. And I want the record to indicate that the -- my side of the aisle did vote for the amendment. They understood the amendment. But for some reason or another, your side did not understand the amendment and defeated the amendment. I urge a Aye vote for this, 1134.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. -- thank you, Mr. President. Senator O'Malley -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

Senator O'Malley, in my part of -- that I represent, of Cook County, which is the northwest suburbs, we had our quadrennial

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assessment -- reassessment last year. So this will not kick in for those school districts until 2002. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Karpiel, I believe your assessment of this is correct, because of how the triad works. I believe that's true.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Yes, because of the base year that was chosen for this. All right. Well, I just -- I just want to alert all the Members that represent any districts -- school districts up in the northwest quadrant of Cook County that they're not going home to their school districts and saying that we're going to be doing something for them, because the fourteen million that has been put into this bill for downstate districts does not affect any of the Cook County suburbs or the collar county suburbs. So there will be nothing coming from that, and of course, the -- they'll have to wait till the reassessment in 2002 to be eligible for any of this. So if you represent any of the northwest quadrant communities, it's going to be a little while before they're able to get any of this, and -- I just wanted to alert everybody to that that represents those communities so that they're not bragging to their school districts what they've done for 'em, because really they're not doing a whole lot for 'em right now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair would ask that the conferences be taken off the Floor. It's very difficult to hear, even Senator Karpiel, in this Chamber. Any further discussion? Senator Welch.

SENATOR WELCH:

Well, thank -- thank you, Mr. President. It just sounds kind

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of strange to me. There was an amendment in committee that wasn't adopted, and then there was a speech on the Floor saying that, well, this is the last horse we're letting out of the barn. From now on we're closing the door after we take care of this one problem. Seems to me we could take care of both problems, have the amendment added and get out of here very quickly, instead of just helping some and not helping everybody who's come before us to ask for the help of the General Assembly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I just wanted to clarify some, perhaps, confusion that's been stated here. I'm -- I stand in support of this bill. It addresses a particular assessment year where there was injustice that prevailed as to those districts that were affected by the assessment. I support the bill. It addresses one particular year problem. I agree with Senator Maitland and Senator Demuzio that, you know, this is an exception to the formula. Perhaps we ought to sit down and see how this works so that we don't do this piecemeal year after year, but I stand in support of this bill at this time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator O'Malley, in -- in follow-up to Senator Karpiel's comments, for those of us who do represent the north suburbs and northwest suburbs, will this legislation upon the next reassessment be of benefit to those suburbs?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Sullivan, that is correct. The -- the next year, I think is what you're really saying, whereas the south triad area would have had to wait for three years, and it would have been -- you know, the third time that the south triad area would have had to wait for -- for any benefits from what we have done. So I appreciate your question and clarification, and I also appreciate the support and leadership that's -- that Senator Karpziel has lent to this whole process over the years and really has done a lot to make today a reality. So, thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Well, first of all, thank you to Senator Karpziel. Again, Senator Berman -- I want to acknowledge the comments made, in particular, by Senator Berman, by -- by Senator Demuzio and also by John Maitland, Senator Maitland. We are here today dealing with this issue. We have dealt with it all Session long. Those of us who are on the Education Committee and, to some extent, on the Revenue Committee become more and more familiar with these issues every day we serve in the General Assembly. I think the fact that we have this legislation points out the important need we have to take a serious look at how we are distributing State Aid dollars. I would appreciate your support today. It means a lot to the people in my community and you've been generous in the past to my community. I only request that you do it again. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 1134. All those in favor will vote

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Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 1134, and the bill, having received the required constitutional majority, is declared passed. Mr. Secretary, do you have on file a conference committee report on Senate Bill 24?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on Senate Bill 24.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Conference Committee Report on Senate Bill 24, I would like to briefly describe the components. I think that this will keep us, the State of Illinois, as a leader amongst the states in our efforts to open up the markets to the purchase of electricity. The -- the three basic components are things that we did not deal in depth with in the deregulation bill that was passed two years ago. The first deals with the issue of cogeneration. We think that there are many, especially large industrials, that will be able to take advantage of this, in addition to their host load, size a cogeneration plant and sell that excess power onto the wholesale market. They'll be able to do that -- depending on the size of the load, be able to do that probably unlimitedly and they'll be able to do it at -- also with a third party or lease option. Cogeneration in Illinois and amongst the other states is not something that's taken off. We think this is something that will energize that market, if you will. Transmission and distribution - this applies -- this section applies to the Commonwealth Edison service territory

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only. It's very unique. For those of you in northeast Illinois, you'll know that Commonwealth Edison has signed an addendum to their franchise agreement with the City of Chicago which allows a billion dollars in upgrades in their transmission system. What this bill attempts to do is make that same commitment in the service territory outside the City of Chicago to the tune of two billion dollars. Putting something like this in statute is not only unique, as I say, for us, but I don't know of any other state that has done that also. It's a tremendous commitment. Thirdly, we have -- Commonwealth Edison is establishing a -- a trust or foundation to the tune of two hundred and fifty million dollars, and the purpose is for -- is to fund both public and private projects that benefit the public by improving energy efficiency, developing renewable energy resources, supporting other energy-related projects that improve states -- the State's environmental quality, et cetera. In the two hundred and fifty million, we have earmarked twenty-five million for clean coal technology and that will go to the -- to the Southern Illinois University. In addition to that, those who are interested in clean coal may access an additional twenty-five million, but they will have to go through the board of trustees with their projects to get approved. Also, in the two-hundred-and-fifty-million-dollar foundation, there is earmarked a one-million-dollar funding each year for seven years -- six years for the Citizens Utility Board. There are certain restrictions placed within the legislation as to what exactly the Citizens Utility Board can do with this funding. In addition to that, we went back and revisited some issues in the dereg bill that we think enhance competition in the State of Illinois. For one thing, the transition charges are to go to the year 2006, but utilities, under some circumstances, could petition additional two years. This legislation would preclude them from petitioning and

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would cut off the transition period December the 31st, 2006. In Commonwealth Edison's service territory, where the five percent -- the next five-percent rate reduction would go into effect October 1st, 2001, it has been -- that has been moved up to -- I'm sorry, has moved up from May 1st of 2002, to October the 1st, 2001. We also have moved up the access days for industrial users to -- to get into the marketplace. Previously it was October the 1st of '99 for a third, the balance December 31st of 2000. We have moved that up for the -- for the second two-thirds to June 1st of 2000 and October 1st of 2000. Then there's been some interest and some publicity regarding the earnings cap. We have allowed the investor-owned utilities in the State of Illinois to increase their earnings cap by two percentage points over what was in the original dereg bill. There's a power purchase option for ARES in this bill, and for Illinois Power, there is decommissioning language which allows them to accelerate their decommissioning. There will be no increase in the base rates. Whatever they increase through the decommissioning rate will be decreased in the base rate. The -- the bill -- the consumer's bill will see no effect whatsoever. And with that, Mr. President, I'd be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Weaver.

SENATOR WEAVER:

I would move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are eight additional speakers. Further discussion?  
Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

As a matter of legislative intent, Senator, is the amendatory language on lines 765 through 776 of Senate Bill 24 intended to impact the ability of non-residential delivery service customer to sell or assign the option described in the subsection to an electric utility as well as to an alternative retail electric supplier?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Senator -- Senator Jacobs. Nothing in the amendatory language is intended to preclude a non-residential delivery service customer from selling or assigning the option described in the subsection to an electric utility or from establishing an agency relationship with an electric utility.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Just real quick, to the bill: I know we all realize this bill is an important bill. It -- it's not a perfect bill by any means. In fact, I think the CUB financing portion of this bill is -- is downright atrocious. I don't think there's enough money in there for coal, but yet, at the same time, when you offset that, as Senator Mahar has indicated, with two billion dollars to make the utility more reliable to its consumers and the rate decrease acceleration, I think makes this bill worthy of our consideration, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair would remind the Members that the previous question had been moved. There are seven additional speakers. I've seen many lights come on since then. You will not be recognized. There

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are seven additional speakers. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Speaker -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I have received, Mr. President -- or, Mr. Sponsor, I have received a communication here from the City of Zion asking that the -- the coal-fired power plants, which emit more nitrogen oxide and carbon dioxide, more than any other Illinois utility in 1997, I wonder if they are going to be cleaned up. Are -- is the pollution going to be lessened since they're being sold, I understand, by Commonwealth Edison, in order to have 'em comply with the standards of the Clean Air Act?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Senator Geo-Karis, this bill -- this entire bill is really based upon the contingent of the sale of the power plants to Edison Mission. We have not met with the people from Edison Mission, though they have sent us some correspondence indicating that they are willing to commit to at least two hundred million dollars in upgrade in the emission standards of all of the coal-fired plants that they are -- that they are purchasing from Commonwealth Edison. They will meet federal emission standards, or they will not be allowed to operate in our State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

One other question here. I was handed the -- a chart here

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which shows, in my district, that -- if you will explain it, the reliability issues and -- "concerns over reliability", "no unresolved issues". There are two communities in my district that have significant reliability issues that haven't been addressed. What will Commonwealth Edison do about that? They were the communities of Waukegan and looks like Lindenhurst.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The -- that's specifically why we went to the extreme measure of requiring that this utility statutorily make a commitment to the people in their service territory, which is outside of the City, which is two-thirds of their paying customers, commit to a minimum of two billion dollars for upgrade of the transmission systems. What they have been doing for the past several months is meeting with the mayors of all of these communities in their area and seeking the advice of the leaders of those communities - their mayors, village presidents - as to what areas need to be addressed first. From what my understanding and my -- my communication with the individual at local government, this is doing extremely -- it's going extremely well and they're very happy with the commitment, not only they have been given to -- by Commonwealth Edison individually, but also very pleased by what we're doing in this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, you are saying that they are committed, then, to -- to make it right for those communities. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

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Yes. Once again, the committed -- commitment will be in statute.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand that they will have more funding for the environment. I understand they'll be contributing two hundred and fifty million dollars as -- in -- in fund environmental initiatives, energy efficiency programs and -- and coal industry concerns. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

That's correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I've had mixed reports from my area, but, you know, sometimes, Mr. President, Ladies and Gentlemen of the Senate, when you can't get the whole loaf, you try for half a loaf. I think you've got some very good points in this bill, and I want to commend Senator Mahar for all the work he's put on it. And I'm going to support it with the hope that Commonwealth Edison will have more conscience than ever to do the right thing by its consumers, because it's about time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator del Valle.

SENATOR DEL VALLE:

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Senator, under the section, the Illinois Clean Energy Community Trust section, and Senator Geo-Karis was -- was speaking about that section, Commonwealth Edison has committed to contributing two hundred and fifty million dollars, and it's a section that -- that's really important in this bill. But I have a question about the -- the language. It indicates that the money is for programs and projects that benefit the public by improving energy efficiency, developing renewable energy resources, and supporting other energy-related projects that improve the State's environmental quality. But it goes on to say that also -- to support projects and programs intended to preserve or enhance the natural habitats and wildlife areas of the State. My question is, how much of the money will be used for that type of activity versus energy conservation, energy efficiency and renewable energy resources, where I think most of that money should go?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

It is my belief, Senator del Valle, that most of that money will go to exactly as you have outlined; however, it is up to the trustees. We have given the trustees, in this legislation, certain definitions of what they can do, but truly it is up to the trustees to make sure that the projects that come before them are meaningful projects and are within the intent of the bill. In addition to that, there will be a trust agreement between Commonwealth Edison and the financial institution, which will give more -- more definition, but the -- but the intent, make no question about it, is for -- mostly for environmental purposes, as you suggest.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...further discussion? Senator Lauzen.

SENATOR LAUZEN:

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Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator, wasn't the original intent of the earnings cap or test to share the benefit of a windfall with residents and companies?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Now that there is a windfall, shouldn't we require that Commonwealth Edison give rate reductions to residents and companies, rather than keeping six hundred million dollars?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Well, thank you, Mr. President. And thank you, Senator Lauzen, for bringing this up. I guess there's a couple of ways to look at that. The fact of the matter is, when we passed the original deregulation bill, there were two -- there were two defining parts of that on either end of the spectrum. One would be if, during the transition period, an investor-owned utility in this State was failing, we would allow them, under certain conditions, to go back through the Commerce Commission for a rate case. No one has envisioned that that would take place. On the other end of the spectrum, should there be a giant windfall, we felt that that giant windfall, in part, should be shared with the

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consumers. The reality of the situation, Senator Lauzen, is that no utility, Commonwealth Edison or otherwise, would ever reach that cap, because they have enough assets to depreciate, they would -- they would just never reach it. So what this bill attempts to do is give them some flexibility. Their earnings are earnings. They're not going to earn more. Their earning -- their revenue is going to be the same as it has always been, other than what other expansions they are in the marketplace. We would like to see them grow. We'd like to see an Illinois -- an electric utility in this State -- we'd like to see all of them grow. They're companies in Illinois. We'd like to see them grow and prosper. This will give them the flexibility to do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Senator, let's see, just a clarification of the answer, the -- you know, when you use earnings and revenue as synonymous, it wouldn't be the case. Revenues -- income. Revenue coming in, that's fees. Earnings is, as you know, what's left after operating expenses. I'm -- I'm sure that you're realizing that -- that these capital gains from the sale of these plants will flow through the operating statement, create huge earnings, before they're used for whatever purposes Commonwealth Edison would intend them to be -- to be used for. Couple -- other questions. Why would there be a one-million-dollar annual payment in this package to Citizens Utility Board, or CUB, over the next several years?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Well, the -- the -- Senator Lauzen, the best way that I could answer that is that it was a priority of a -- of a Member of the General Assembly, who's not in this Body. That is an initiative

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that came from the House that was put on the table, something we had to deal with. We negotiated whether they should be there or not, whether it should be one million dollars, whether the term of the agreement should be for six years, or seven years, or two years. But, once again, when you negotiate something, we think we have a balanced package. We know that this is controversial to some Members, and that's probably the best way I can -- there's -- that was not an initiative of any Member on either side of the aisle in this Chamber.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Just -- let's see, one other question and then a -- a comment. Does the -- this is for purposes of legislative intent. Does the amendment to Section 16-110 mean that an alternative retail electric supplier, or ARES, would not have to pay the utility for any retail marketing costs included in the market value of the power purchase option, but would be obliged to compensate the utility for any other administrative cost the Commerce Commission chose to include in the market value plus fee, whether those were for customer handling, billing, metering, energy balances or whatever the Commerce Commission made that determination?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Senator Lauzen, I -- I would say that's a qualified yes, that an -- an administrative fee is not included in the market value, as far as -- we have not run this by the Commerce Commission, so I'm giving you a qualified yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:



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Then just, finally, a comment, and I appreciate the complexity of what you're trying to accomplish here. I would like to make just one observation for the Body. When we talk -- when we talk about the two billion dollars that's being committed in the Statute, the concept of ensuring reliability is essential to responsible deregulation in the first place. Referring back to 5/8-503, in paraphrasing, it says that whenever the Commission shall find that additions, extension, repairs or improvements to existing plant equipment, apparatus or facilities are necessary and ought reasonably to be made, the Commission shall make and serve an order authorizing or directing that such additions, extension, repairs, improvements or changes be made. I hope that we don't buy the idea that we are being given something special in the name of residents and companies that operate and use the power produced by these facilities, when they're already obligated under the current law to make those necessary infrastructure investments. Six hundred million dollars is what should be shared. Those are rate reductions to residents, companies -- should be made to -- I mean, those reductions should be made and the utility should be required to live within the original intent of the bill, which is the earning cap and test, to share the benefit of any windfall with residents and companies. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Link.

SENATOR LINK:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Link.

SENATOR LINK:

For the purpose of legislative intent, what are the labor

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requirements applicable to cogeneration facilities which, in Senate Bill 24, make provisions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Senate Bill 24 explicitly provides expanded cogeneration and self-generation options to electric consumers with the opportunity for third -- third-party financing and operating arrangements. We have made certain, however, that in situations involving third-party owners or operators, the employees who will be installing, operating and maintaining such cogen or self-gen in Illinois will have the -- requisite knowledge, skills and competence to perform the work in a safe and responsible manner. As this General Assembly found in Section 16-128 of the Electric Service Customer Choice and Rate Relief Law of 1997, quote, "The reliability and safety of the electric system has depended on a workforce of skilled and dedicated employees, equipped with technical training and experience." Unquote. For this reason, Senate Bill 24 requires that third-party owners or operators of these cogeneration facilities and self-gen facilities built after January 1st, '99, demonstrate the qualifications of the workforce used, including information as to employees' completion of an accredited or recognized apprenticeship program for the particular craft, trade or skill, or specified years of employment with an electric utility performing the particular work function and that the third-party owner or operator is licensed to do business and bonded in Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Yes. I rise as a person who's concerned about the poor air quality in the Chicago region and as a supporter of economic

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development. But I have to talk to -- I have talked to many people about this bill. In fact, communities have talked about this issue. Thirty-seven municipalities in the Chicago area, representing five hundred and fifty thousand people, have adopted resolutions calling for the cleanup of old coal-fired power plants as a condition of this sale. This bill ignores the wishes of these communities. These communities and my neighbors are extremely concerned about {sic} the future owners of these plants, Mission Energy, will be able to legally operate at a higher capacity and for more hours. That would mean more air pollution. At the same time, there is no guarantee that Mission will install scrubbers and additional controls for nitrogen oxide emissions at these plants. If there are any increase in emissions from these plants, one of which is in Waukegan in the 30th Senatorial District that I represent, then it could hurt also -- also hurt jobs in the entire Chicago region. Illinois is under a deadline to reduce nitrogen oxide emission, and if there is not a major increase {sic} in emission at this -- Mission Energy plants, it could keep other manufacturing facilities from operating in Chicago. According to the Illinois EPA, the Waukegan coal-fired plant that will be sold to Mission is one of the oldest in this State, built in 1952. The Chicago Tribune said on March 24th, 1999, and I am quoting here, "The Waukegan plant pumps out three times the nitrogen oxide and two times the sulfur dioxide that a modern plant would emit." And I am concerned about Mission. According to the Los Angeles Times, Mission wrote off eighteen million dollars on its investment in a power plant in Mexico after high levels of pollution created image problems for the company. Every summer when our children have to stay inside and not play sports or ride bikes because of the Ozone Action Day, they will be unable to -- they will be able to thank their legislators who voted for this bill, which fails to protect the lungs and the

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health of our citizens. I urge all Members to vote No on this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, two years ago, we had the opportunity in probably three or four caucuses to hear excellent discussions of this bill. And we haven't had the opportunity this time, so I want to follow up on a few questions Senator Lauzen asked. Why -- why is there a need just two years after that dereg bill to revisit the earnings test.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Things have changed in Illinois, Senator Hawkinson. Two years ago, the four major investor-owned utilities in the State were -- were companies in Illinois. Today, it's entirely different and we haven't even opened up the marketplace. That doesn't open up until October 1st of this year. CIPS is no longer CIPS. It's AmerenCIPS based out of Missouri. CILCO is not CILCO anymore. They're in the process of being purchased by AES, which is out of Virginia and one the largest generators in the world. Illinois Power, I would suggest to you, is not going to be Illinois Power as we have known them in the past for very much longer. There is one remaining possibility for an -- a utility in this State to be domiciled here. We feel that because the market has changed such, and because the energy market in this State is probably one of the

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most emerging of all the states in -- in the United States, that it's an opportunity for us to allow them to grow. Simple as that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

In one of your answers to Senator Lauzen's questions, you talked about the need for flexibility. But if Commonwealth Edison is able to avoid showing excess profits through the use of their accounting principles, why do we need to change the earnings test?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

We've allowed -- we allowed, during deregulation two years ago, a lot of flexibility in the -- amongst the investor-owned utilities, as far as how they may accelerate their depreciation. But I would suggest to you that the -- the notion that they're making some giant windfall, the point is, the figures they have shown us and have been confirmed by the Commerce Commission, even though the sale is for 4.8 billion, they're going to realize 1.7 billion. They still have three billion dollars, even with that, three billion dollars of assets to depreciate from their nuclear power plants. Nobody has questioned -- neither the ICC or anybody that I know of has questioned that figure or the figure of what the book value of those power plants were originally.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

To the bill, Mr. President: I -- I would agree with the comments of some of the prior speakers that, based on the deal that was reached two years ago, if you have these excess profits, the consideration ought to be given to the customers, to the residential customers and the industrial customers. We ought to

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abide by the deal that was made two years ago. And those customer transition charges should also be adjusted. They're not in this bill and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Rea.

SENATOR REA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Rea.

SENATOR REA:

Senator, I -- I notice that there's twenty-five million guaranteed for coal research technology for Southern Illinois University. But then the other twenty-five million is a possibility, that it is not a guarantee, as I understand it. So, the question is, is that correct? And secondly, if that is correct, it was my understanding, back earlier, that there was an agreement of a guaranteed fifty million, and what happened that may have changed that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Well, once again, this is a -- this is all part of the negotiating process. Twenty-five million is guaranteed to go to the Clean Coal Technology Fund at Southern Illinois University. There is earmarked another twenty-five million that those interested in clean coal technology can access; however, they're going to have to have a proposal and they're going to have to go before the trustees and make their case. But, if they should do that, there is fifty million available. If they cannot make the case or don't have a proposal, then obviously they're not going to get that additional twenty-five million.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Rea.

SENATOR REA:

But even if there is a good proposal or a number of proposals, there is no guarantee that they will have to either accept some of those or look for additional ones?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

The -- the twenty-five million by which you're going to have to come in and make your case, there's still twenty-five million set aside.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. You know, about four years ago, the Legislature took on a -- a monumental task. The -- the nuclear energy program in Illinois was badly wounded. We knew we had to move toward deregulation and a lot of people worked very hard to get that done. And it wasn't easy. And you can't start out as though the system was perfect. The two major utilities had made some very serious mistakes. This Body and the one across the Rotunda had made some very serious mistakes in legislation they had passed. And you can't ignore that. And we knew we had to work through a process to move toward deregulation. And we knew, when we debated this bill a year and a half ago for final passage, that is was not an exact science. We knew we might have to come back and move on through the process. I said in debate on this Floor that I wished to heck the transition period was passed because it was going to be a tough time reaching total deregulation. And here we are today. Many of us this week have agonized over this bill, whether or not it was better to vote for it or against it. And we struggled with those

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same decisions when we passed this bill - the dereg bill - a year and a half ago. As I look at the bill today and weigh the pros and the cons, I can explain my vote and that vote is going to be Yes, because there are many things in here that will allow us to move through this transition period - and it has -- advanced somewhat, as you all know - to get to total deregulation. We have always had to understand we have to separate generation from transmission and distribution. But we were called upon to deal with the cogen issue and that we have done. We were called upon to deal with the environmental issue - that's a promise that we made - and we have done that. And, frankly, we have done more in that area than I ever thought we would, and I'm pleased about that. It's very easy to sit here or to read the media sometimes and say you're giving the fat cats all kind of money. But those of us who have truly studied this issue -- and I want to tell you, thank goodness for Senator Mahar, Senator Rauschenberger, Representatives Persico and Novak, who have spent just untold hours, not only four years ago leading up to the deregulation passage, but now this spring, in helping us to move on toward deregulation. I hope all of you remember what some of the press said about the dereg bill when we passed it. We were a landmark state. Many states had to go back to the drawing board and completely redo it, but because of hard work and dedication, Illinois did a darn good job, and these minor adjustments along the way are going to make this happen. A Yes vote, Ladies and Gentlemen, is the proper vote today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar, to close.

SENATOR MAHAR:

Well, thank you, Mr. President. Deregulation has been a long haul. As Senator Maitland, I think, expressed very well, what we passed two years ago was a blueprint, a blueprint that we knew would have to be changed. As two years ago, I can stand here



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today and tell you there is no marketplace for this. The marketplace is developing. It doesn't start till October 1st of 1999. But we already know, because of that bill, the energy industry in this State is very vibrant. You know, there are fifteen proposals before the Commerce Commission for new generators, independent power producers, that will produce this year, next year and 2001 over ten thousand kilowatts - new energy in this State. What I had promised you, and as Senator Maitland had indicated, is that we would be back. There's going to change -- as things change and the marketplace develops, so will the bill. Deregulation works. Remember two years ago or last summer when we had the heat wave and the -- and the utilities had to go out into the marketplace and buy rates -- or, buy energy at exorbitant rates. Prior to dereg, those all would have been passed on to us and our consumers. That never happened. Not one penny was passed on. Well, I would suggest to you this: I remember two years ago, sitting in a room in the Howlett Building at a table that fit a hundred, and that's how many different entities were interested then and are interested today. And I can tell you something else, that today there is one entity opposed to this bill and only one. And the reason for that -- this is good for the State of Illinois. We're about expanding the tax base. We're about helping Illinois companies and that's exactly what this does. I urge a -- a Yes vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 24. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 13 Nays, and 2 voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 24. And the bill, having received the

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required constitutional majority, is declared passed. Senator Radogno, what purpose do you rise?

SENATOR RADOGNO:

Thank you, Mr. President. I would like the record to reflect that I made an error in voting and I wish to be shown as intending to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Radogno. Record will -- will reflect your intent. Top of page 4 of Supplemental Senate Calendar No. 2, in the Order of Conference Committee Reports, is -- is Senate Bill 648. Mr. Secretary, do you have on file a conference committee report on Senate Bill 648.

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on Senate Bill 648.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 648, Conference -- Conference Committee Report No. 1, represents the resolution of differences between the charter school bill that passed earlier this Session from the Senate with overwhelming support and the version that passed in the House. To summarize the differences, I want you to know that the charter school -- leaves the transition impact aid for school districts in the same form as it was when it was in the Senate and as it was proposed by the Illinois State Board. It provides that the transition aid shall not be available to school districts which lose students to a school -- a charter school established by a local board of education or by agreement among local boards of education, and also provides assistance -- transitional assistance for some of the existing charters that are in their first, second

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or third year. Allows the State Board to make a fee arrangement with a not-for-profit entity to manage its revolving loan fund. I'd be happy to answer any questions there may be, but essentially that summarizes the differences between Senate Bill 648 as it left the Senate and with some modifications made in negotiation with Members of the House.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I sure hope, at 4 o'clock here on this Thursday, that we have -- have the wisdom to get out of town before too long. This is another eleven-million-dollar hit. Is there anything left? Seems to me that...

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion?

SENATOR DEMUZIO:

It seems to me that the charter schools -- I mean, next year I guess we'll have a whole bunch more charter schools. I mean, we keep -- you talk about keep eroding the -- the base of -- of -- of our dollars and building into the base, my word. We ought to take a look and see what we're doing one of these days.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I rise in careful support for this legislation, if you can call it that. I -- I support it, but I -- I wanted to offer a few remarks, if I may, for purposes of legislative intent and otherwise. Many of you know the history of charter schools. A few years ago we created these entities and I believe the intent at that time was that these schools were to be created out of the -- the efforts and the creative juices of parents and families and

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teachers, setting up a school that doesn't have to deal with the administrative red tape and bureaucracy of the -- the traditional and established public school. And everyone liked that. And part and parcel of that effort was that the charter school really was supposed to compete for money, the -- the funds. And by competing for these funds, that both schools would be better off. What we've discovered -- what we've learned since these charter schools were created was that although they are thriving in the City of Chicago, for the most part, in the -- in -- in the suburban and downstate communities they -- they are not. In fact, the local school boards do everything in their power to stop these things. They see them as a real threat, and we have not been successful in getting charter schools established in communities outside of the City of Chicago. So the superintendent and others, Senator O'Malley, came together and came up with this plan to provide them a little start-up money, and that's what this is supposed to be. But the reason why I offer a cautious word here is that we don't want to go down this path too far. We do not want charter schools to become clones of the public school system. That's not the intent. And we have to be vigilant every time charter school legislation comes up to carefully review it and make sure it does not do just that. So I rise in support, but I ask all of you to -- to be careful as we go down the path of charter school legislation. I also have a question that I've been asked to ask for purposes of intent. If a school district issues a charter and that charter is later revoked or not renewed, can the school district reissue or reuse that charter?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

The answer to that question, Senator Cronin, is that, yes, they can, and that is the intent of this legislation and the

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original law. One of the things, and I -- and I -- I did not summarize -- I did not include it in my summary of the differences, one item that I left out, and I thought I'd use it when we were doing this legislative intent language to share with you, is that the original bill that passed here would have allowed charters to grow in regions on basis of fifteen per year, so that the cap would be lifted downstate, Chicago, et cetera, suburban areas, on a -- not more than fifteen per year. There has been concern that Chicago has done so well that they basically have reached their cap. I have spoken with Paul Vallas about this and he is satisfied that he can live and operate what he perceives will be needed in the future in Chicago within the existing cap of fifteen. So, in response to Senator Cronin's question, I just wanted to read into the record that, under Section 27A-4(b) of the -- of the School Code, the present cap of forty-five charters in the State and fifteen in each of the three regions is a cap on the number of charters that can be in operation at any one time. It is not an absolute cap on the number of charters that can ever be issued. For example, if Chicago has fifteen charters and -- revokes one of those charters, that revoked charter slot can be reused and Chicago can issue another charter to bring its number back up to fifteen. I would be -- I just want to make and emphasize one more time: The intent here was to make sure that Chicago did have room, and CEO Paul Vallas of the Chicago public schools is -- is happy with this existing cap language that's in the law now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 648. It addresses a serious problem that exists throughout the State, a financial burden

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that's placed on local school districts that causes many of them to reject charter applications because of financial conditions, because of financial considerations. This partially addresses that and I'm pleased to support the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. When we passed this charter school bill, my understanding was that the theory behind it was we're going to have competition with the public school system. And that because they were in direct competition, individuals would send their kids to the charter school because they offered a school free of the restrictions of the State of Illinois, that they could educate them the way they wanted without having the State stick its nose into their business - a lot like home schooling, only at a building, where they all show up. Now, today, it seems that we're changing that a little bit. Well, yeah, they're going to have the same benefits, but, by the way, the State's going to chip in and pay for that out of the State coffers. Seems to me these are going to be local students going to local schools. It should probably stay the way it is. If they're going to get State money, I think the State should have something to say about the way they're run, and that would ruin the whole concept of charter schools, the whole concept that you and others told us was the reason for creating charter schools. So it seems to me that this is a very bad idea and we should be voting No, in order to keep the concept of charter schools pristine. So in order to keep the original goal the same, I'd urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Question for the sponsor.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

You say that all these charter schools so far are in the City of Chicago. Are there any school districts outside the City of Chicago that has expressed some real interest in starting a -- a charter school?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

There -- there are -- there is interest from quarter -- all the quarters of Illinois outside of Chicago. It's not just Chicago. I think we're all familiar with the Thomas -- Thomas Jefferson proposal up in the northwest suburbs. The -- the -- a bill that we passed earlier this Session is a House bill that was proposed by Representative Bassi, to allow charters to actually be formed by a local school district. And while I take to heed all the remarks that have been made by everybody, I -- I believe that this particular legislation enhances the original legislation which was somewhat limited because of the negotiations that occurred back in 1995 and 1996.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

I -- I would just appreciate your support. The transitional assistance that's in here is a recommendation from the Illinois State Board. There are not new dollars allocated over and above what the State Board originally proposed. It's exactly at the level that this legislation was intended to fund when it passed the Senate previously. There were additional dollars requested in the House and they were not permitted in -- in terms of this conference report, and I'd request your support.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 648. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 11 Nays, and 1 voting Present. And the Senate does -- does adopt Conference Committee Report No. 1 to Senate Bill 648. And the bill, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Appropriations Committee - Conference Committee Report No. 1 to Senate Bill 1203; refer to Executive Committee - Conference Committee Report No. 1 to Senate Bill 286, Conference Committee Report No. 1 to Senate Bill 457, and Conference Committee Report No. 1 to Senate Bill 1080, Conference Committee Report No. 1 {sic} (2) to Senate Bill 1158, Report No. 1 to House Bill 2518, Report No. 1 to House Bill 2793; and Motion to Concur with House Amendment No. 3 to Senate Bill 311; re-refer from Executive Committee to Rules Committee - Senate Joint Resolution 14; and Be Approved for Consideration - Conference Committee Report No. 1 to Senate Bill 629, Conference Committee Report No. 1 to Senate Bill 630, and Conference Committee Report No. 1 to Senate -- to House Bill 823 {sic} (523).

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

For purposes of an announcement. The Senate Appropriations Committee will meet at 5 o'clock, or immediately upon recess of the



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Body, whichever occurs last, I think, to hear -- to hear testimony on two bills we have before us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson, what purpose do you rise?

SENATOR HAWKINSON:

Purposes of an announcement, Mr. President. Same announcement, except as to the Senate Judiciary Committee. We will meet in Room 400 at 5 o'clock or immediately upon recess of the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Hawkinson. Madam Secretary -- Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

For purposes of an announcement. The Senate Executive Committee will be meeting at 5:30 or a half an hour after the Appropriations finish up in Room 212.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Klemm. Madam Secretary, do you have on file a conference committee report on Senate Bill 652?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 652.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 on Senate Bill 652 is a carefully crafted negotiation between many different interested parties regarding the Chicago public schools. As many of you know - Senator Berman - we're joined here by Representative Currie, and others - there is a tension in the system between the Chicago Board of Education and the local school councils. Local school councils were created by law in 1989, I believe, and Paul Vallas,

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Gery Chico and the -- the super Board were created in 1995. Both entities provide a very valuable function in the public school system. We have struggled with this legislation to strike the right balance of power between these two entities and I think this legislation has done just that. I'd be happy to answer any questions, but I ask for your favorable consideration. All sides seem to be in agreement, and it is -- it is worth your support. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Obama.

SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

SENATOR OBAMA:

I know that this has been a -- a difficult issue to -- to work through. And I know the -- the sponsor and Senator Berman, my Representative, Representative Currie, have worked diligently on it. I did have just one question with respect to striking that balance that you talked about and -- and I'd like to maybe establish something for purposes of legislative intent. It is my understanding that, under the legislation, if a local school council fails to retain a principal, that the principal potentially, at least, has the ability to seek arbitration, if -- if he or she claims that they were unfairly -- that their contract was -- was not renewed and that that was inappropriate. My understanding is that the standard for -- that -- that will guide the arbitrator is a arbitrary and capricious standard. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

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SENATOR CRONIN:

I was distracted by my esteemed colleague from Rockford here. Would you repeat the last part of that question, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

I -- I won't repeat the kudos that I gave you for working hard on the bill. And -- and -- and instead I'll -- I'll repeat the question. My understanding is, is that we've -- we're creating, under this legislation, a system whereby a principal may appeal the failure of a local school council to retain him and her. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

The -- now what triggers their ability to arbitrate? Is there any standard by which -- can -- can any principal who hasn't been retained get their -- get their situation arbitrated?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

May I defer to Senator Berman, who was intimately involved in the negotiations?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Thank you. In order for them to have a basis to appeal, the principal must have had satisfactory or better ratings each year

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during their previous contract. So it's not just a frivolous appeal basis. They have to have had good ratings so that there'd be a question as to why weren't -- why wasn't I renewed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Okay. So, if I'm understanding this correctly then, they don't have an appeal as a matter of right. In fact, they will have to have shown that the local school council provided them with satisfactory ratings and suddenly there was a shift and they decided to go another direction. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

That's correct. And they must also have had satisfactory ratings from the Central Board, as well as their local school -- local school council.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Okay. Now, in these situations, which I -- presumably are going to be fairly rare, where there's been a satisfactory rating but then the local school council determines that they don't want to renew a contract, under those circumstances, it then goes to a -- an independent arbitrator. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

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The -- the standard by which the arbitrator is supposed to determine whether or not they were fairly -- whether their contact -- contract should have been renewed or not, my understanding is that the standard is an arbitrary and capricious standard. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Just -- just -- last question, then, to pin this down. Under the arbitrary and capricious standard, my understanding, at least, of that term of art in -- in legal practice is that there must be no reasonable reason why the -- the local school council decided not to renew the contract. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Yes, and let me give you a specific example of -- of what we discussed in putting this language in. Let us say that we have a principal who has gotten satisfactory ratings from its local school council and from downtown - the Central Board - but the -- the academic achievement, the academic attendance, the movement of the school isn't what the local school council wants it to be and they've got an applicant who they think, based upon their record at another school, or another school district even, can really come in and do some great things. They've got to prove that, but that would show that their decision not to renew, in favor of somebody new, is not arbitrary and capricious.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Obama.

SENATOR OBAMA:

Last point, then, and this is not a question but just a -- a statement to make sure that I understand what Senator Berman is saying. For those of you who follow basketball, let me use an analogy: George Karl was the coach of the Seattle SuperSonics. They always had a winning record every year, but they never actually won a championship, and, finally, Seattle got rid of him. In this situation, if you've got a principal who's done an okay job but, at some point, the local school council determines, "You know what? We think that there's another candidate who can take us to the next level", under that standard, as long as they can document that it was a reasonable choice, then that is going to be okay. Is that an appropriate summary, then, of what you're saying, Senator Berman?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Thank you very much for my -- the indulgence of -- of all these questions. I appreciate the work that you guys have done. I plan to support the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. And maybe Senator Berman can answer my question. First of all, let me say I -- I also appreciate all the work that's gone into -- into the crafting of this legislation. I know that there was a lot of concern on the part

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of local school councils. Some of those concerns have been addressed, but they continue to be concerned about some provisions, particularly regarding the -- the evaluation process and -- and the process of retaining or not retaining a principal. And my question, Senator Berman, is about that retention or nonretention process. There seems to be a -- a double standard here, if -- if I read it correctly, that occurs in the case of -- nonretention by a council, where then, in a challenge, previous years' evaluations are looked at - in other -- in other words, multiple years - but when there's a challenge to a retention of a principal by the superintendent, then all they have to do is look at the previous year, at one year, for the superintendent to -- to challenge a principal's retention. Why is there this double standard in this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman, for Senator Cronin.

SENATOR BERMAN:

Only on this question or for other things?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

I'm not sure that we meant to have that distinction, and I have indicated to groups like Designs for Change and other advocacy groups on behalf of LSCs that, you know, there -- this is a seventy-page bill, there may be an error or two in there, and we're going to look at it for future correction. But if I'm going to say that there is a difference, if -- if a principal, for example, has a four-year contract and they were satisfactory, but not great, for the first three years, but in the last year, the LSC delivered a message and said, "You better shape up and really achieve things or we're not going to renew you", and that principal, in fact, did great things in that last year, it's up to

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the LSC. And we're giving them the -- the ability to say, "Okay, this principal was -- had a C rating - even though it was satisfactory - a C rating the first three years, but that last year she's an A and we want her to continue at that." That is, again, deferring to the discretion of the LSC, because, in my mind and in many of our minds, the local school council knows where they want to go with that principal better than any other body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Well, Senator, I will be supporting this bill, but I -- I do think that we need to do a little bit more work, and I would hope that during the fall Veto Session, we would find another bill where we could tighten up some of this language that will eliminate what I think are a couple of inconsistencies that can very easily be dealt with.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CRONIN:

I just wish to commend Senator Berman, Representative Currie and other representatives from the City of Chicago. This issue of Chicago schools is important to all of us, but when it came to this issue of negotiating the balance of power and the local school councils, I want to commend those who are closest to it, and we did defer to them in great measure. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 652. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 56 Ayes, 2 Nays and



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none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 652, and the bill, having received the required constitutional majority, is declared passed. Senator Peterson, what purpose do you rise?

SENATOR PETERSON:

Thank you, Mr. President. For announcement: That the Revenue Committee will meet at 5:30 in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

In the middle of page 4 of Supplemental Senate -- Senate Calendar No. 1 is Senate Bill 965. Madam Secretary, do you have on file a conference committee report on Senate Bill 965?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 965.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 965 represents an agreement worked out with all parties, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 965. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur -- does adopt the Conference Committee Report No. 1 to Senate Bill 965, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a conference committee report on Senate Bill 1088?

ACTING SECRETARY HAWKER:

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Yes. First Conference Committee Report on Senate Bill 1088.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson -- Sullivan.

SENATOR SULLIVAN:

I'm not from Rockford. Thank you, Mr. President. Conference Committee Report on Senate Bill 1088 represents an agreed-upon language, but I won't stop there. The federal EPA has told us that, by the end of September, we need to -- we need to have a State Implementation Plan having to do with nitrogen oxide emissions for stationary sources. This does not deal with any automobiles, trucks or any other moving vehicles. It passed unanimously in the Senate Energy and Environment Committee, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Silverstein.

SENATOR SILVERSTEIN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Silverstein.

SENATOR SILVERSTEIN:

I have two questions, for legislative intent, and just a follow-up question. Is it the intent of this legislation that the Illinois Environmental Protection Agency may not charge for nitrogen oxide allowances it issues to electric generating units which commences a commercial operation before January 1st, 2003?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Yes, that is the intent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

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Is it the intent of this legislation that in setting fees for nitrogen oxide allowances used {sic} (issued) to electric generating units which commence commercial operations on or about {sic} (after) January 1st, 2003, the IEPA sets those fees at lower-than-market rates, and may even set them at a -- nominal levels if it chooses to do so?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you for the question, Senator Silverstein. Yes, that is the intent. The EPA intends to set these -- fees in rules.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

One follow-up question. Senator Burzynski asked me this question, and you know, I left my periodic table of elements in the car. Could you tell what the atomic number is for the nitrogen? Is it seven or eight? I just forgot. Since you're an expert in chemistry now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR SULLIVAN:

I -- we probably have to ask Al Gore that. I'm not sure. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 1088. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate does adopt the Conference Committee Report to Senate Bill 1088, and the bill, having

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received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a conference committee report on Senate Bill 1202?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 1202.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. This bill deals with the filling of the office of -- of coroner or sheriff when there is a temporary vacancy before there is a permanent replacement. And it puts in place allowing a deputy coroner to perform the coroner's duties or a chief deputy sheriff or undersheriff to perform the duties of sheriff, and I would ask that we would allow this to become law. I would answer any questions and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report on Senate Bill -- Conference Committee Report No. 1 on Senate Bill 1202. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 2 Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 1202, and the bill, having received the required constitutional majority, is declared passed. In the middle of page 3, in the Order of Conference Committee Reports, is House Bill 733. Madam Secretary, do you have on file a conference committee report on House Bill 733?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 733.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you very much, Mr. President. This is House Bill 733, and you've all heard this before. I think -- I think this is actually the third time we've brought this before this Membership, and it deals with southern Illinois' situation with antitrust exemption for hospitals in southern Illinois. We are trying to establish a open-heart surgery facility, and we have hospitals who are interested, but we feel they should be able to sit down and collaborate and talk about where we actually want to locate this hospital, and this gives them some antitrust exemption. We do create a new board, and that would be an eleven-member board. No member of this board would be also a member of the Health Facilities Planning Board. This applies only to what we know as Health Service Area V, which is some twenty-some counties in southern Illinois. So we've tried to narrow the focus of this as much as possible, 'cause that's what a lot of the concern revolved around. The Attorney General would look over and review the application and then also supervise the agreement after approval. And there is a sunset on this so that after the -- March 1st of 2000, it prohibits the board from approving any agreements. We've, as I mentioned, made every attempt to try to -- to narrow this as much as possible, but it is an attempt to try to bring quality health care in a situation by which will benefit the medical services of people of southern Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

IIS-TV has requested permission to take still photographs. Hearing no objection, leave is granted. ...any discussion?  
Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. I stand

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in strong support of House Bill 733. In southern Illinois, because of the sparseness of the population, most of the residents are forced to go to other states for this type of heart surgery. This -- without this legislation, very likely we will not. We need collaboration between the larger communities in -- in southern Illinois to come up with -- with a -- a very good, hopefully, heart program, that we can keep some of the money in the State and, also, I think the residents of southern Illinois deserve this -- this opportunity and this kind of health care.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 733. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 733, and the bill, having received the required constitutional majority, is declared passed. At this time, if the Members would turn to the top of page 2 of Supplemental Senate Calendar No. 2, to the Order of Secretary's Desk, Concurrence, Senate Bills. Senate Bill 55. Madam -- Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 55.

Motion filed by Senator Parker.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Madam {sic} President, Ladies and Gentlemen of the Senate. The amendment on Senate Bill 55 extends what is in the

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base bill. The base bill is the extension for the early retirement option to downstate teachers. The amendment extends the early retirement option with the same conditions and procedures to the Chicago teachers. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Just -- question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Lauzen.

SENATOR LAUZEN:

Can you give us an idea of what the present value of the -- you know, the unfunded liability -- the effect of the unfunded liability would be of this measure?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker. Senator Parker.

SENATOR PARKER:

Senator, this is an extension of the sunset of the normal early retirement option that we have done for the downstate and for the Chicago teachers. And the -- the phase-in for the year 2000 is nine hundred thousand dollars, and the unramped phase-in is seven million six hundred thousand dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not -- you don't have your light on, Senator Lauzen. Senator Lauzen.

SENATOR LAUZEN:

Sorry. Thank you, Mr. President. Again, the -- well, first of all, can you give me an idea of about how many people this applies to?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

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The amount that -- we don't have an actual amount on how many it applies to; however, one thing that I want to stress that is good in this is that we are -- we are treating the employers the same as the employees and that the employers in the school districts will not be held liable for the increase in the pension that they may be paying if a teacher does take the early retirement option. And this is very important and supported by all the school districts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

So is that saying that -- who picks up that expense? If the school district doesn't do it and if the employee only buys in his or her portion, doesn't that mean that the State taxpayers pick up the shortage?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

The -- the State picks up the share and the local school district -- they pick up that share of the local school district, but it can only happen if the local school district wants that to happen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a final question. The first question was, what is the present value of our future -- all of the future obligations? I understand that in the first year, it's nine hundred thousand and then eventually it's several million dollars. What's the entire projected impact on the unfunded liability to the State pension plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Senator Parker.

SENATOR PARKER:

The increase in the accrued liability is between eight to twelve million dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PARKER:

I would ask for an Aye vote, while the school districts and the teachers are all behind this. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 55. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 55, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 251. Madam -- Senator Peterson, what purpose do you rise? Madam Secretary, on Senate Bill 251, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 {sic} (2) to Senate Bill 251.

Motion filed by Senator Thomas Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. The concurrence to Senate Bill 251 is the agreed language on the HMO reform bill. As Senate Bill 579 left the Senate -- as Senate Bill 579 left the Senate, it -- it included a provision for a patient's bill of rights. It included access to specialists for the

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patients, emergency room coverage using the prudent layperson language, that utilization review would have to comply with URAC accreditation standards. It prohibited gag clauses. It had a consumer advisory panel, and there was also going to be oversight by various departments in State government. As the bill has come back, there have been several changes, and I'm going to go through them, and I'll try to go through them as quickly as possible, before I ask if there are any questions. The amendment to Senate Bill -- or, 579 contains the key changes outlined below. The definition of "health care plan" is changed to clarify that IPAs and PHOs are not health care plans simply because they contract with a health care plan. In addition, union HMO is exempted from the definition of a health care plan. Section 15 is expanded to require the provision of a broader range of information to enrollees and prospective enrollees. A new provision is added to Section 30 to prohibit the dispensing of a different drug in place of a drug or brand prescribed without the express permission of the health care provider prescribing the drug. Generic substitutions will still be allowed. Section 40, on referrals for specialty care, is clarified. A new subsection is added to allow an enrollee with a long-standing relationship with their primary care physician to remain with the primary care physician when they seek care from a specialist who does not have a referral arrangement with the primary care physician. Section 45 - the health care services appeal and external independent reviews have been redrafted and expanded. This section covers appeals related to the provisions of health care services. Section 45 also requires an expedited appeal for cases involving urgent and ongoing services. Other appeals are giving -- are given a longer time for review. Determinations shall be made orally and in writing and shall provide clear and detailed reasons for the -- the determination. Section 45 also includes an external

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independent review for any adverse determination made as a result of an appeal under Section 45 or any adverse utilization review determination. Section 50, the administrative complaints and Departmental review, is taken directly from the -- Section 70 of 579, as it was passed. The emergency care provisions in Section 65 and the post-stabilization care provisions of Section 70 are clarified to ensure that only clinical peers may make any adverse determination. That means only doctors can make a -- an adverse determination. This is consistent with the utilization review provisions of Section 85, as it passed the Senate. Section 72 allows enrollees a broader choice of pharmacies. It also makes it easier for enrollees and their pharmacy providers to understand their out-of-pocket costs. Section 85, the utilization review program registration, is amended to clarify the process. The changes allow adverse utilization review determinations to be appealed under Section 45. The changes also allow the Director to collect registration fees from utilization review programs. Section 90 - the Office of Consumer Health Insurance is added. The Office shall provide assistance and information to all health care consumers within the State. And Section 105, finally, administration and enforcement, is strengthened. It makes clear the Director may impose on a health care plan any fine already applicable to the health care plan's provider under another provision of the Insurance Code. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Weaver.

SENATOR WEAVER:

I would move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are five additional speakers. Further discussion? Senator Peterson. Make that six. Senator Peterson.

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SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Peterson.

SENATOR PETERSON:

Senator Walsh, for legislative intent, the definition of "health care plan" specifically excludes indemnity health insurance policies. Does the term "indemnity health insurance policy" include policies such as long-term care disability income policies where benefits are paid directly to the insured and the benefit amount or formula for determining that amount is specified in the policy?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes. This bill does not apply to such policies.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. I reluctantly rise with some concerns on this legislation, and I -- I do want to begin by saying I think Senator Walsh and Governor Ryan have done an excellent job of trying to put together a -- a bill that has many, many good parts to it, as...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Syverson. Senator Syverson.

SENATOR SYVERSON:

...as stated. There -- there are many, many good things in this bill that I -- I think are -- are important and certainly pro-consumer, and I think it's important that they -- they're in there. But I would be remiss if I didn't highlight some of the concerns that we should have regarding this legislation, and

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certainly know it's going to pass, but I think, for the record, these things ought to be mentioned. First, we need to understand that this -- by exempting ERISA, or by exempting large employers, this legislation only is going to affect the small businessman - the small restaurant, your mechanic, your -- your cleaners back home. They're the ones who are going to pay the higher costs of this program, while the big companies, the big manufacturers - the AMOCOs, the Sears, the Jewels - will be excluded from having to abide by these regulations. Only, again, the small employer will be hurt. Second thing I should point out, the number one complaint about health care in this State and in this country, by far, the number one complaint is cost. This year costs for health care are going to go up by over ten percent, which means that your constituents are going to see -- at the average cost of five thousand a year, will see a five-hundred-dollar increase in their health care costs. This is just one more increase that those families are going to have to bear. Third, it seems ironic that the Leadership in the House, who has pushed so strongly for this legislation, how important this is, that it's so consumer-friendly, that they would exclude union HMOs from this. If this is so consumer-friendly, if there's no cost to this, why did the union HMOs demand to be out of this because they feel it would increase their cost and hurt their members? If this legislation is so good, why don't we use it for everybody, including those members of the HMO unions? Fourth and lastly, my concern is on the prescriptions, as was quickly mentioned. Under this legislation, the cost of prescriptions will go up. We don't know how much, but, as was stated, the cost will go up. That's one of the reasons why AARP has raised concerns about this legislation. We don't know what the cost is going to be, but we know that prescription costs are the highest and the most -- the fastest-growing portion of health care. And under this amendment,

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that cost will go up even more. In closing, let me just say I think that Senator Walsh has done a good job of putting together -- I believe that Senator Walsh has done as good a job as he can in putting together a package that addresses many good things, but with the -- the negative portions that have been added to this that are going to drive up health care costs and the key fact that the majority of people in Illinois do not fall under this legislation, we are going to be confusing our constituents when they believe -- when they read the headlines that we've passed health care reform. The majority of constituents will not be covered by the reforms that we pass here. So it's for those reasons that I will cast a Present vote, but, again, I think -- I want to make it clear that there are many good things that are in this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

In Section 25, the -- the bill expresses a concern for the imminent harm to patients, which I think is very laudable and very important. However, in the previous section, Section 20, the hypothetical situation: If we have a physician who's under indictment - let's say that a physician becomes under indictment for inappropriate professional behavior or a physician has a drug abuse problem - this bill states, in Section 20, quote, "A health...plan must give at least 60 days notice...nonrenewal or termination of a health care provider to" both "the health care provider and to" all "the enrollees served by the health care provider." It says that -- it goes on to say that immediate

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written notice can be given if there's a violation of the license, but the sponsor and I serve on the Audit Commission together and we recognize how slowly those wheels of justice tend to move. So the concern is: Why are we mandating that a health plan continue to expose its patients to an individual who has these problems for at least a minimum of sixty days?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Senator Lauzen, that section has not changed from the original 579, and we cannot violate their due process rights -- a doctor's due process rights.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

So would it be a concern to the sponsor that it takes sixty days before we could move a potentially dangerous professional out of taking care of these patients?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

As you know, and we have worked on that in the Audit Commission, it would - and we worked on legislation - that would be DPR's job to -- to get rid of those bad doctors.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Bomke.

SENATOR BOMKE:

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Thank you. My question is for legislative intent, Senator Walsh. Didn't we already pass a managed care bill for dental benefit plans?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes. Senate Bill 721, which passed both Chambers, is meant to address the concerns relating to -- to dental benefit plans.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

So all of the provisions of this bill, including those related to emergency care and utilization review, do not apply to a plan or company which is limited to coverage for dental services.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes. This bill is intended and its language specifically excludes any plan or company providing just dental services.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question? Does this plan just affect the State employees, or does it affect others, too?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Could -- could you repeat the question, Senator?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Does -- does -- does this bill affect only State employees, or



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does it affect others, too?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, State employees and others.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Substantially, this is the same bill as Senate Bill 579, is it not, Senator Walsh?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this bill. It's a step in the right direction. It isn't the perfect bill, but it's time we did something about the HMOs and I certainly support it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I just want to say that this bill is substantially 579, but it's even better. I want to compliment Senator Walsh for the...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

I won't repeat the first sentence. I want to compliment Senator Walsh for the years that he has spent on this, and

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Representative Mary Flowers, also. This is a combination of what was in 626 and Senate Bill 579, and I want to compliment Governor Ryan and his staff for -- for putting together some compromise elements in this. And I think it's very important for all of us to recognize that groups that represent many of our consumers, many of our constituents, many of the patients of HMOs are strongly in support of this, such as AARP, Citizens Action, Coalition for Consumer Rights. This does not address ERISA or Medicaid, but because we don't have jurisdiction over them. But for the rest of the people, and that's millions of Illinois citizens, this is an important bill. It may not be perfect, but we have an opportunity today, at this time, to pass a bill addressing the needs of consumers in relation to HMOs. I'm a strong supporter of it. I'm pleased to be a cosponsor of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Watson.

SENATOR WATSON:

Thank you very much, Mr. President. There is some language in here dealing with pharmacy. It's a conflict of interest for me, but I'm going to vote my conscience.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- any further discussion? If not, Senator Walsh, to close.

SENATOR T. WALSH:

Well, thank you, Mr. President, and I would like to point out that AARP is in support of the bill. They did testify in committee. When we started this project, and it was four years ago, it was our goal to make sure that we were providing quality health care at affordable prices. I feel that this agreed bill has accomplished what we had set out to do with the Managed Care Reform Subcommittee four years ago. We can go home and tell our

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constituents that we have finally passed legislation that is going to give them the protection, information and, most importantly, the guarantee that it will be -- that it will be you and your doctor that are making your health care decisions. Finally, I want to thank Governor Ryan for helping in the negotiation of this bill. As you know, it's been going on for a long time. I want to thank the Chairman of the Committee, Senator Madigan, for his help throughout this; Senator Berman, for your support. Representative Mary Flowers is on the Floor here and I know has worked very hard on House Bill 626. Most importantly, our staff, the two guys that are standing behind me, Phil Draves and Matt Napierkowski, have almost gotten pensioned working on this bill, and I appreciate their help. I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 251. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 251, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 827. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 827.

Motion filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 827 has amendments -- House Amendment No. 1, which has the Metropolitan Water

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Reclamation District Act. It changes it for thirty feet for the legal description in the Village of South Barrington. The original bill that left the Senate was for the South Barrington area that was asked for by that village, and the Metropolitan Water Reclamation District did agree with that. Amendment No. 2 is a parcel in the Village of Streamwood, and Amendment No. 3 -- House Amendment No. 3 deletes a section that we found the property owners were not ready for annexation, so we took it out. There's no opposition to the bill. Metropolitan Water Reclamation District supports it, and I do ask for your concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 827. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1, 2 and 3 to Senate Bill 827, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 856. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 856.

Motion filed by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 856, as amended, contains the language that represents three years of negotiations between the Downstate Firefighters and the Municipal League. In addition to those changes in the Downstate

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Firefighters Article, it incorporates changes in the Downstate Police Retirement Article to provide minimum increases for surviving spouse annuity, increasing that from four hundred to six hundred in '99, eight hundred in 2000, and one thousand in 2001. As I said, it contains numerous changes in the Downstate Firefighters Article. It's agreed language. The firefighters' pension contribution increases. And I'd be happy to answer any questions on...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any...

SENATOR R. MADIGAN:

...Senate Bill 856, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Myers.

SENATOR MYERS:

Mr. Chairman, I rise in support of this bill. It's -- it is an agreed-upon bill. The Municipal League and the Firefighters have worked very hard to make sure that some of these very worthy survivors of firefighters, and dependents, are taken care of -- this bill, and I would -- I just would ask, also, for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

This is a pretty thick bill. I haven't looked at it. Does this contain the other forty-eight provisions for the other ten or twelve pension codes that we have passed through Pension Laws and have promised people that we would get to and pass this Session?

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Are they contained in this particular bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Does -- as -- as Chairman of the Pension-Insurance Committee, do you have idea where that legislation may be? Since we did make promises to the people who have appeared before us during the year, just as we did to the Firefighters, that we would get to agreed legislation, do you know if it's flowing through your committee this afternoon, all the other agreed legislation that we passed through the Pension Laws Commission? Will that be hitting your committee this afternoon?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Not this afternoon.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, unfortunately, then, to the bill: I just want to say -- unfortunately, I want to say good things about this - oh, fortunately, I should say - good things about this legislation. Little upsetting to not see other legislation. But to this: This has been hard work going on. There's also a piece for the downstate police department -- departments and police pension fund. There is continuing negotiations there. The Municipal League told us in the Pension Laws Commission that they would bargain in good faith over the summer with the police pension fund

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to try to do the best they can for the Downstate Police exactly what's happening for the Downstate Fire. The downstate firefighters deserve this. The Municipal League is on board, and so do a lot of other people that hopefully will get through later this afternoon. With that, I would also ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not -- Senator Maitland.

SENATOR MAITLAND:

I guess maybe, Mr. President, Members of the Senate, this might be the appropriate place to -- to make this comment. I don't know where else we could do it. We have Senator Molaro, Senator Clayborne, Senator Madigan and I, of course, on the Pension Laws Commission. We've really worked hard this year moving out of -- of the Commission some good pension legislation that had been very carefully critiqued. Most of it was totally noncontroversial, addressing Chicago, Cook County, Downstate, and some technical things as well. And you -- you wonder sometimes whether that kind of effort is really worth it when it appears, at this point at least, that the other side of the Rotunda has refused to allow some of those noncontroversial issues out, and this is very disappointing. We have disappointed some people across the State. You have assigned us a task of -- of critiquing these bills and bringing only the -- the good pieces of legislation to the -- to the committees. And I think we've failed the people of the State of Illinois and this is, indeed, very disappointing to me. And I hope that in the foreseeable future, we can go beyond some of these partisan difficulties and -- and do what we're supposed to, and that's serve the people of this State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR R. MADIGAN:

Mr. President, just very briefly to say that this is a -- an

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agreed language, and it increases the surviving spouse annuities for both the Downstate Police and Fire, and I think it's -- would be a very good vote and urge your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 856. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 856, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, on Senate Bill 890, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 890.

Motion filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 890 represents an agreement between financial institutions in Illinois and the Trial Lawyers Association. It is the Year 2000 computer problem bill addressed for our financial institutions. I want to point out that there are many good consumer provisions that are in here, and I want to commend my House counterpart on this particular bill, Representative Connie Howard, the Chairman of their high technology -- or, Computer Technology Committee, who worked tirelessly on this. I'd be happy to walk anybody who has any questions through this, but I believe we should concur in Amendment No. 1 to Senate Bill 890.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Any discussion? Senator Rea.

SENATOR REA:

...President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Rea.

SENATOR REA:

Senator, I know that in the amendment and also in the -- in the bill that there was not a definition of a credit reporting agency. There is a provision in the bill granting a consumer the right to dispute directly with a credit reporting agency operating in this State any negative credit information reported in connection with a consumer resulting from a Year 2000 malfunction. Could you tell me, for legislative intent, what does "credit reporting agency" mean?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Rea, credit reporting agency, in this provision, is intended to have the same meaning as the term "credit reporting agency" as defined in the federal Fair Credit Reporting Act. So, therefore, credit reporting agency would be any person who, first, regularly engages in whole or in part in the practice of assembling or preparing consumer reports for a monetary fee; second, obtains information primarily from other sources; and lastly, furnishes consumer reports to other people.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for the question, for purpose of legislative intent?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

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SENATOR GEO-KARIS:

If a consumer uses an ATM outside of his or her bank's network and experiences a Y2K problem, can the consumer sue his own bank, too?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Geo-Karis, this bill does not, in any way, change a person's rights with respect to ATM transactions. In fact, Section 30 of the bill is intended to include ATM transactions by making sure that the current law will apply. In cases like this, the customer goes to his or her bank and that bank works it out with the bank that owns the ATM machine. In other words, the customer's bank is still responsible to the customer.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, there is a privity of contract there. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

For purpose of legislative intent, on your definition of "consumer", you mean an individual person. Do you also mean this to include small businesses?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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Senator Geo-Karis, when a small business is in privity with its bank, yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...present law, does a bank have to notify the consumer when -- when he or his business is delinquent?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I'm sorry, Mr. President. I -- I could not hear her question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Under existing law, does the bank have to notify the consumer when he or his business is delinquent in the payment because of the YK2, whatever it is?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Not for the purposes of legislative intent, but for the purposes of finding out what's really in the bill, I know that some of these questions may have been asked by Senator Geo-Karis, but I -- I couldn't quite understand the answer or understand the

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question. Apparently there's a belief that the -- that the language prohibits third-party claims against banks and that is -- that causes people to be a little concerned, apparently. And I guess the most typical question would be if you -- it's the year 2000, you go to your ATM machine, you think you've got a thousand dollars in the bank and you want to take three hundred out, and it tells you that you have negative twenty-six thousand dollars and it's -- it's -- maybe you're at an ATM machine that's not owned by your bank. Maybe something went wrong. What are you -- what are your rights against your own bank? What are your rights against the bank who owns the ATM machine? Since you don't have privity of contract with them, you just -- happen to use it, what does this -- what does this bill say about that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, I guess the answer to your question, and -- and it's what I want to emphasize this bill is about, it still provides -- this bill still provides that a financial institution will be liable for the damages of its own customers if there's a Year 2000 failure. In other words, the bill does not affect the rights of bank customers; it only protects a bank from, quote, "actions brought by or damages incurred by", end quote, persons who have no relationship with the bank. And these protections are meant to recognize the extraordinary efforts, I believe, that the regulated financial institutions have made to prepare for the Year 2000 while making sure they remain accountable to their customers. So the bottom line is, Senator Cullerton, you know, if you are a bank customer, you have your full rights.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

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Okay. Let me give you a couple of other questions, then. Apparently there's a thirty-day limit on reporting the problem. Is there anything -- any obligation of the bank to -- to give you some notice -- the consumer some notice of how you file a grievance or how you complain about the fact that there's a Y2K problem? Because if there's a thirty-day statute of limitations, if you will, it seems to me that that could -- could come and go pretty quickly. A bank statement might come a few weeks later and you realize there's a problem and then they say, "I'm sorry, your thirty days is up." How is that treated in the bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Well, you are right, Senator Cullerton. There is that thirty-day provision in the bill, and it's thirty days after discovery. And one of the reasons that we don't, quite frankly, make banks or financial institutions send notice to their customers about all of their protections is twofold. Number one, we don't want to cause any run on any bank or create any panic, because I believe this Act may never be needed. These financial institutions are heavily regulated and of all the industries in the United States, I think financial institutions are the safest. So we clearly don't want a bank run. The Comptroller of the Currency is, unbelievably, to me, increasing the money supply by forty percent in the United States around the time of the Year 2000 issue. So we don't give notice because we don't want to unduly somehow make customers of the bank nervous so that we have a -- a bank run. I believe that there will be plenty of groups out there that will tell people what their rights are, and certainly I believe, as a customer of at least a couple banks, I have -- if I call up and say tell me about what assurances I have and what my rights are, my bank, I'm quite sure, is going to tell me what I

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can and -- and cannot do under the law.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton, for a final question.

SENATOR CULLERTON:

Yeah. You know, the -- you know what's taken the time here are the answers, not the questions. The -- there's a section of the bill that talks about limiting the consumer to a onetime occurrence of a Y2K problem. I don't understand that. If -- if you make a complaint about a Y2K problem and they fix it and then it reoccurs, does this mean that you can't file -- that they have -- they have immunity for the second occurrence, forever?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

It's a onetime occurrence unless you're in privity with the bank, in other words, unless you're a customer of the bank. There's no reason why, I believe, financial institutions should be protecting the world, who are not their customers, because they don't have privity. And also, Senator Cullerton, I want to point out, if you have multiple accounts, that provision you just asked about applies each time to every individual account you have with the bank.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will sponsor yield for a couple questions?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, you indicated in one of -- one of your answers, we were talking about privity and the customer is fully protected in

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all of her rights or his rights against the bank, but if there's no privity with a third party, they -- that third party has no rights. Just trying to tie those two things together, if a third party has a claim against a customer, the customer is able to third party the bank into that suit, wouldn't they, if the bank had some Y2K liability?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Yes, I believe so, if the bank is liable.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

And in the employees, officers and -- and board of directors immunity section, there's an exception for fraud. That fraud need not occur in the transaction, need it? If, for example, you would -- you would have some bank that would indicate that they have spent money to become Y2K compliant, when, in fact, they haven't for whatever reason, that fraud would then eliminate the -- the immunity of the officers or board of directors?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

I'm sorry. And the hour is late. Can I ask him to please repeat the question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

In the immunity section for officers and -- and members of boards of directors, there's an exception for fraud. If there were to be a statement that money had been spent or efforts made to by Y2K compliant, when, in fact, there hadn't for whatever cost

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saving reasons or whatever, would that be the kind of fraud, then, that would eliminate the immunity completely for the officers or the board of directors in all transactions based on Y2K compliance?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

In my opinion, it would be, yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Dillard, to close. This is final action. The question is, is he going to close.

SENATOR DILLARD:

Sure. I'm just consulting with the chairman of -- of the committee here. Just very quickly, I want to point out there are a lot of consumer provisions in here, and Senator O'Malley, the Chairman of our Financial Institutions Committee, has adeptly pointed out that he and I are going to talk to the Attorney General's Office so that, while we don't require notices of banks, the Attorney General's Office, through one of their 800 numbers, will be able to answer questions about what people's rights are in the State of Illinois. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 890. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, 1 voting No, 6 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 890, and it, having received the required constitutional majority, is declared passed. ...Rauschenberger, on Senate Bill 933. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:



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I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 933.

Motion filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying Senate Bill 933 that you've seen a couple of times before corrects the notice provisions for notifying of bond referendum sales. It deals with simplifying that section of the statute so that county clerks don't have as much trouble putting the appropriate notices in -- in newspapers so that we don't have to go back as we had to in Veto Session last year and, after the fact, make those notices clear. The bill comes back to us with two amendments, which are fairly straightforward. The first amendment, Amendment No. 2, clarifies that when a petition signer signs a nominating petition or a petition, that the address that they put on that petition needs to be the address at which they're registered to vote. There was a court decision recently which puts a cloud over that issue where a judge ruled, I guess, that -- that you could use any address that you were legal at and didn't have to use your registered voting address. But in order to check petitions for validity of signatures, this statute -- this requirement would now make it statutory that you have to list the address at which you're registered to vote. The -- Amendment No. 3 deals with a problem that's arisen in the -- the City of Danville. Danville, apparently, is under, currently, a federal court order and this clarifies that when there aren't two candidates running in an election, that there is no need for a primary, describes the rules necessary when you'd have to writing -- write-in candidate could trigger the need for a primary election. I think Senator Myers is an expert on Danville and

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would be happy to further explain that amendment for those people who are confused by why that's necessary. But, otherwise, I -- happy to answer questions, appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Myers.

SENATOR MYERS:

Would the Senator yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates he'll yield, Senator Myers.

SENATOR MYERS:

Just to clarify some legislative intent, it's my understanding that the provisions of House Amendment 3 that would amend the Municipal Code regarding uncontested elections are inconsistent with more specific election provisions of the Revised Cities and Village Acts {sic} (Villages Act) of 1941, the latter of which apply only to officers in the City of Chicago; therefore, it is my understanding that those provisions of House Amendment 3 do not apply to city officers in Chicago. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? If not, the question is - and this is final action - shall the Senate concur in House Amendments 2 and 3 to Senate Bill 933. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. The Senate does concur in House Amendments 2 and 3 to Senate Bill 933, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 941.

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Senator Klemm. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 3 and 4 to Senate Bill 941.

Motion filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm. Excuse me. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 941 is the result of some improprieties, I think, we've found in local government using the Tort Immunity Act, which is an unlimited source of -- of tax authority that we give local governments to protect themselves from tortious acts and from judgments that may -- may be forthcoming. So we worked with the various representatives of local governments and school districts and the Illinois Taxpayers' Federation to come up with the following changes and improvements, we think, to this Act. Basically House Amendment No. 3 deletes everything, did become a vehicle so that we could continue the discussion, and House Amendment 4 really becomes the bill. What it does is says that the annual report of all the spending from the tort immunity funds from local government will have to be listed with their reserves and dollars that they have accumulated and what they have spent so that the people can isolate it from their general fund audit so that we can identify how they use their monies. And also, from the Attorney General's Office, we received a preamble that we included that states that the General Assembly declares that the use of tax revenues not expressly authorized by the Tort Immunity Act is improper and provisions of the Act shall be strictly construed consistent with the Act's provisions. There is no opposition. It's been a long time coming. I ask for your support to make this improvement.

PRESIDING OFFICER: (SENATOR WATSON)

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Is there any discussion? Is there any discussion? This will be final action. The question is, shall the Senate concur in House Amendments 3 and 4 to Senate Bill 941. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. The Senate does concur in House Amendments 3 and 4 to Senate Bill 941, and the required constitutional majority -- is declared passed. All right. We're on Supplemental Calendar No. 2. We're on page 3, top of page 3, a different order of business. Secretary's Desk, Non-concurrence, House Bills. We have House Bill 619. Ms. -- Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to recede from Senate Amendment No. 4 to House Bill 619.

Motion filed by Senator Burzynski.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 4 is basically an amendment that dealt with the Department of Professional Regulation, an unnecessary amendment, and so it has been removed from the bill. Other than that, it is in the same form that it passed here from.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski has moved the Senate recede from Senate Amendment No. 4. Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'd like to ask the Member a question, if I might.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Demuzio.

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SENATOR DEMUZIO:

Why are we receding from an amendment that deals with -- pawnbrokers and says that we, the Senate, said that the Commissioner shall be authorized to inspect the books and records and also the -- of the business and do other things with respect to the records, to be open for inspection, and put a penalty provision in that says that a person who knowingly violates the Act by operating a pawnshop without a license shall be guilty of a Class B misdemeanor? This is removing the Commissioner of Banks from the stringent authority that we had given him to regulate pawnbrokers, and I don't understand the reason why we are now receding from the strong position that we took in the Senate by the adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Senator Demuzio, it's my understanding that when we adopted that amendment, that OBRE felt that they needed that for clarification, the language of what their role and responsibility was, and that they no longer feel that they need that within this particular bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

What is the Commissioner of Banks position now with respect to him being removed from the inspection process and the removal of the penalty provision?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Senator, it's my understanding there still is an inspection process; however, the Director -- or, anyone from the banks -- or,

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from the Office of Banks and Real -- has not spoken to me relative to this, at this time.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I don't understand the fee -- interest and fees as prescribed on page 6 of Amendment 4. Can you tell me what that section deals with?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

I don't have that language in front of me, Senator, but that is part of what we're removing from the -- from the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

That's what I want to know. Why?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Senator, again, the only thing I can tell you is that the Office of Banks and Real Estate -- at this time, Department of Professional Regulations just simply don't believe they need this amendment and have asked that it -- I've been asked to remove it from the bill -- or, file to recede from the bill {sic}.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, isn't -- isn't it possible for us to do something substantively with some other bill, rather than removing something that we've adopted that seems to be somewhat controversial, when you talk about examination of books and records and authority of

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the Commissioner with respect to pawnbrokers?

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Burzynski, to close.

SENATOR BURZYNSKI:

Thank you. I -- I don't believe that this is really that controversial at this point, Senator, and -- and certainly if there's a need to come back in the fall, we can do that. All I can tell you is what's -- the information that's been told to me relative to the necessity of the amendment at this time. I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

This is final action. The question is, shall the Senate recede from Senate Amendment No. 4 to House Bill 619. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Yes, 2 voting No, 2 voting Present. The Senate does recede from Senate Amendment No. 4 to House Bill 619, and having received the required constitutional majority, is declared passed. Message from the House, Madam Secretary.

ACTING SECRETARY HAWKER:

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

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

Senate Bill 26, together with House Amendments 1 and 2.

Passed the House, as amended, May 27th.

PRESIDING OFFICER: (SENATOR WATSON)

It's the intention of the Chair to recess till the call of the Chair, and we do have, of course, the Appropriations Committee, which will be meeting immediately upon this recess, and the Judiciary Committee, which will be meeting upon this recess. And

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then Revenue is approximately 5:45 and Executive is approximately 5:45. And, as always, the meetings are posted out on the front, and if you have any questions of -- where the location of those committees, certainly those are -- those will be posted. We will recess till the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bills 19, 27 and 392 - the First Conference Committee Reports Be Approved for Consideration.

Senator Rauschenberger, Chair of the Committee on Appropriation, reports Senate Bill 1203 - First Conference Committee Report Be Approved for Consideration.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Bills 53, 338 and 878 - the First Conference Committee Report -- Reports Be Approved for Consideration; House Bills 134 and 542 - the First Conference Committee Reports Be Approved for Consideration.

Senator Klemm, Committee Chair of Executive, reports Senate Bills 286, 457 and 1080 - the First Conference Committee Reports Be Approved for Consideration; House Bills 452, 2518 and 2793 - First Conference Committee Reports Be Approved for Consideration; Senate Bill 1158 - the Second Conference Committee Report Be Approved for Consideration; Senate Bill 956 - the Motion to Concur with House Amendment 4 Be Adopted; Senate Bill 1015 - the Motion to Concur with House Amendments 1 and 3 Be Adopted; Senate Bill 311 - the Motion to Concur with House Amendment 3 Be Adopted; and



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Senate Amendment 2 to House Bill 279 Be Adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

With leave of the Body, Sara Simmons with WICS-TV is requesting permission to shoot video. Leave granted? Leave is granted. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1243, offered by Senators Maitland, Robert Madigan and Philip.

(Secretary reads title of bill)

Senate Bill 1244, by Senators Maitland, Robert Madigan and Philip.

(Secretary reads title of bill)

And Senate Bill 1245, by Senators Maitland, Robert Madigan and Philip.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

On page 2 of conference -- or, Supplemental Calendar No. 3 is Conference Committee Reports. We will be beginning with Senator Lauzen, Senator Mahar, Senator Bowles. Would urge you all to come to the Floor immediately. Page 2, Conference Committee Reports. Senator Lauzen. Mr. Secretary, do you have on file a conference committee report on House Bill 134?

SECRETARY HARRY:

Yes, Madam President. The First Conference Committee Report on House Bill 134.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President, Members of the Senate. You know, I think that Senator Geo-Karis spoke eloquently this morning about the -- the commemoration that we're going to observe again this

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weekend. General John A. Logan, a proud son of Murphysboro, Illinois, resigned from Congress in 1862 to take up a musket and fought courageously in the Civil War. Like my own father, he was twice wounded in combat. General William Tecumseh Sherman called this soldier's soldier perfect in combat. After the war, he was a U.S. Senator from Illinois and the 1884 Republican nominee for Vice President. But as notable as these achievements are, John Logan will be remembered mostly as the founder of Memorial Day, which we will observe once more this weekend for the hundred and thirty-first year in a row. He wanted to make sure that the uncommon valor and sacrifices of all veterans would never be forgotten. Memorial Day should inspire us to appreciate what we have in terms of peace and how willing our predecessors were to risk their lives to protect our heritage. It is appropriate and fitting that we should revere those who have died to protect our freedoms, but today we have a perfect opportunity to recognize the sacrifices that those veterans made who came home to us. In every community and every Senate district, there are veteran posts, like VFWs and American Legion posts, so that these unselfish and living men and women can gather and visit with friends and neighbors and fellow countrymen. However, the problem is that these posts are vanishing because they're caught in a cross fire. As our veterans age, there are fewer to support their post's collective expenses, and as property taxes have risen through the roof, some groups have had to sell their posts. House Bill 134 has been eight years in the making and enjoys the cosponsorship of more than thirty-five Members of this Chamber. With this measure, we will reduce the assessed value of these posts by eighty-five percent and cap it. We will demonstrate to those veterans who returned home to us that we respect and value their sacrifice as well. Let's -- let's go ahead and pass this measure now. If there are any questions, I'd be happy to answer.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill 135 {sic}. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who -- 134. Excuse me. Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 134, and the bill, having received the required constitutional majority, is declared passed. Senator Mahar, on House Bill 452. Mr. Secretary, do you have on file a conference committee report?

SECRETARY HARRY:

First Conference Committee Report on House Bill 452.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. This is the bill that has a myriad of land conveyances and quick-takes and whatnot from all over the State. I can tell you that the bill is now in its final form. I would try to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill 452. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 10 Nays, 3 voting Present. The Senate does adopt the Conference Committee Report on House Bill 452, and having received the required constitutional majority, is declared passed. Senator Bowles. Mr. Secretary, do you have on file a conference committee report on House Bill 523?

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SECRETARY HARRY:

...Conference Committee Report on House Bill 523.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President, Members of the Senate. House Bill 523 authorizes nonhome rule -- nonhome rule municipalities by front-door referendum to impose a local option sales tax. It provides that the tax will take effect two years after the referendum is passed and verification has been provided to the Department of Revenue. It also provides that nonhome rule municipalities may not impose nor collect the tax prior to January 1, 2002. And it excludes local option sales tax on the sale of food that has been prepared for immediate consumption and prescription and nonprescription drugs. The rate is one-half of one percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Oh! Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. I would just like to thank the sponsor for her hard work and point out the Municipal League has worked very hard in crafting this. I had -- initially had some significant concerns about the future of sales taxes, in that Congress and both NCSL and ALEC are both studying whether in the future it's going to be realistic to impose sales taxes, given the -- the amount of electronic commerce. They've agreed to amend the bill, where they provided for a later introduction or imposition of this tax, and I just wanted to thank the sponsor, the Municipal League and the people who worked very hard on making this a better bill. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Bowles, to close.

SENATOR BOWLES:

I thank Senator Rauschenberger for his comments, and I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 523. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 12 Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 523, and having received the required constitutional majority, is declared passed. Mr. Secretary, do you have on file a conference committee report on House Bill 542?

SECRETARY HARRY:

Yes, Madam President. The First Conference Committee Report on House Bill 542.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This deals with use tax exemption for donated vehicles to schools which have a vocational program, as well as the sales tax exemption language for items sold by school groups. It amends the Occupation and Use Tax Acts to exempt items, including food, purchased through fund-raising events for the benefit of a public or private elementary or secondary school. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill 542. Those in favor will vote Aye. Opposed,

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Nay. And the voting's 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. The Senate does adopt the Conference Committee Report on House Bill 542, and having received the required constitutional majority, is declared passed. With leave of the Body, we will come back to House Bill 2518, as we take the budget up together. The same would be true for House Bill 2793. Senator O'Malley? Senator O'Malley. Mr. Secretary, do you have on file a conference committee report on Senate Bill 19?

SECRETARY HARRY:

Yes, Madam President. The First Conference Committee Report on Senate Bill 19.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 19, Conference Committee Report No. 1, retains the provisions of the underlying bill that creates the Non-Support Punishment Act; however, it adds provisions similar to those in Senator Klemm's House Bill 2617. Those provisions allow the court to order that a person who is found to be in violation of the Non-Support Punishment Act to have their driver's license and/or professional license suspended. Also adds provisions similar to those in Senator Sullivan's House Bill 531. Those provisions amend the Vehicle Code to provide a mechanism whereby the court can order suspension of a person's driver license if that person is adjudicated to be ninety days or more in arrears in payment of a court-ordered child support obligation but has not been found to be in contempt. I'd be happy to answer any questions you may have and would solicit your support for Senate Bill 19, Conference Committee Report No. 1.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 19. All those in favor will vote Aye. Opposed, Nay. And the voting's 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. The Senate does adopt the First Conference Committee Report on House -- or, Senate Bill 19, and having received the required constitutional majority, is declared passed. Senator Viverito. Senator Viverito. Senator Watson, on Senate Bill 53. Mr. Secretary, do you have on file a conference committee report on Senate Bill 53?

SECRETARY HARRY:

Yes, Madam President. The First Conference Committee Report on Senate Bill 53.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Thank you very much, Madam President. This bill, I believe, has been before us on three different occasions. The underlying language still remains. It's the extension of the Breese TIF district from twenty-three to thirty-five years...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, just a second. We'd just get in our chairs and listen, Ladies and Gentlemen, we can move on out of here. Senator Watson.

SENATOR WATSON:

Yes, thank you. The other portion of the bill was brought to us by Mary K. O'Brien in the House, which deals with the Joliet Arsenal and amends the Economic Development Project (Area) Tax Increment Allocation Act to expand the definition of military

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bases to include the Joliet Arsenal. This is a stand-alone TIF Act enacted specifically for the redevelopment of the closed military bases, of which Joliet would -- would qualify. The other language that was added is -- came from, I believe, Senator Halvorson and it adds the language requested by the Illinois Tax Increment Association to clarify that a leasehold interest does not constitute an interest in a parcel within a TIF district in terms of whether a municipal official may hold such an interest; however, the member must disclose the interest to the municipal clerk, as provided in the TIF Act. There's no opposition; I'd ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 53. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 5 Nays, 1 voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 53, and having received the required constitutional majority, is declared passed. Senator DeLeo. Mr. Secretary, do you have on file a first conference committee report on Senate Bill 286?

SECRETARY HARRY:

Yes, Madam President. The First Conference Committee Report on Senate Bill 286.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Madam President. I move for the adoption of Conference Committee Report on Senate Bill 286. If there's any questions, it's -- I'd defer to my chief cosponsor. Ask for a favorable roll call.



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PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any questions? Are there any questions? Seeing none, the question is, shall the Senate adopt First Conference Committee Report on Senate Bill 286. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. And the Senate does adopt the Conference Committee Report on Senate Bill 286, and having received the required constitutional majority, is declared passed. Senator Peterson. Mr. Secretary, do you have on file a conference committee report on Senate Bill 338?

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 338.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. Senate Bill 338, Conference Committee No. 1, creates the Insurance Premium Tax Refund Fund. Allows a cash refund at the written request of the taxpayer within a hundred and twenty days of receipt of the request by the Department. Disallows a refund if there are insufficient funds in the Fund. The amount of the refund would be less than one hundred dollars or the amount of the refund is less than the taxpayer's liability for the following year. Establishes the percentage to be deposited into the Fund each year based on the prior year's history. It provides that if a foreign insurer's based in the State that imposes an income tax on Illinois insurers doing business in the State, then the Illinois income tax and personal property replacement tax income tax rates shall be reduced to the dollar amount of these Illinois taxes equal that tax in the foreign insurer's state on the same income. Applies only if the

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insurer's based in a state with a retaliatory tax on insurance companies, and the retaliatory tax would expire in two years. I ask for support of Conference Committee Report No. 1 to Senate Bill 338. And...

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. Just -- just a brief comment on this. I know we're all trying to get out of here. But this bill passed out of committee unanimously, but it does raise a -- a larger problem that I think, at some point, we're going to have to deal with, and that is, is that the insurance industry at this point extracted, essentially, a tax concession out of us because other states are providing these concessions. And I think that -- I spoke to the Director of the Department of Insurance, Mr. Nat Shapo, about the need for states across the board to coordinate a little bit so that we're not put in this position consistently where we have a race to the bottom on a lot of these taxation issues. I would just urge my -- my colleague and Chairman of the Revenue Committee that -- to pursue that -- that agenda as we move forward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam Speaker {sic}. In reply to Senator Obama's remarks, this bill will force the others to the table so we can get some equity between the states. So we will be working. I know the Department is looking at it, to rewrite it so that we have an equal footing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Robert Madigan.

SENATOR R. MADIGAN:

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Thank you, Madam President. Question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Madigan.

SENATOR R. MADIGAN:

Senator Peterson, for legislative intent purposes, in reference to page 3, lines 27 and 28, is the term "pooling" intended to cover all inter-affiliate reinsurance arrangements?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

That's correct, Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 338. Those in favor will vote Aye. Opposed, Nay. And the voting's 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, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 338, and having received the required constitutional majority, is declared passed. Senator O'Malley. Mr. Secretary, do you have on file a conference committee report for Senate Bill 392?

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 392.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Madam President, thank you. Ladies and Gentlemen of the Senate, Conference Committee Report No. 1 to Senate Bill 392 actually becomes the bill. The underlying legislation had to do with charitable trusts and it was reported -- has been forwarded to the Governor's desk with -- with -- with the House version of

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the bill. Representative Tom Dart has requested me -- requested me to participate and assist him in addressing what we all know as the Girl X situation in Chicago, where a young woman was left brutally injured, all but for dead, in the stairwell of a public housing project. And what this legislation does is clarify the rules around -- the Charitable Trust Act that were found to be substantially lacking in the Girl X situation. I'd be happy to answer any questions you may have, and I would request your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Senator, I -- I support completely your conference committee report and the -- the efforts here. The concern I have will probably be addressed in rule-making process and it deals with the definition of "solicitation". I understand the type of situation that you're trying to get out, but I think we're all aware of those many situations where a -- a young father or mother passes away, and as part of the memorials or gifts, there are an education trust fund set up in a -- in a local financial institution, probably under the control of the surviving spouse. And the question I have for you is, it's not the intent of this legislation, is it, to try and require those kinds of accounts to be registered as charitable trusts, and is that something that you will address -- or, that will be addressed in the rule making on what is the definition of "solicitation"?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Hawkinson, your question is a very good one. It is neither the intent of the legislation nor the sponsors of the

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legislation in either Chamber that this would address a situation you described. You have assurances. I am informed that there are assurances that will be forthcoming from the Attorney General's Office that will address that particular concern and clarify this. It is certainly not the intention, again, of the legislation or the sponsors to address those -- those good charitable Christian acts that you refer to.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 392. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. The Senate does adopt the Conference Committee Report on Senate Bill 392, and the bill, having received the required constitutional majority, is declared passed. Senator Syverson. Madam Secretary, do you have on file a conference committee report on House -- or, Senate Bill 457?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 457.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. This report culminates about three months' worth of work, and I appreciate the -- the help in working out this agreement, the help from Governor Ryan, Speaker Madigan and Senator Philip, as we tried to work out an agreement in the lawn irrigation system. I think most people are happy with the result of this, and I'll be happy to answer any questions you might have.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there -- is there -- Ladies and Gentlemen. ...not going to proceed till we quiet down. Senator Hendon. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. There were some problems with this bill. It's something we tried to work out. It was originally in licensing. Now it's, I guess, come through Exec for some -- some reason, but I just wanted to remind the Body that this bill was not agreed to. It's not worked out yet. It's not ready. And we urge a -- a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Halvorson.

SENATOR HALVORSON:

Senator Syverson, does this preempt home rule?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Yes, it does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Madam President, an inquiry of the Chair. How many votes will it take to pass this?

PRESIDING OFFICER: (SENATOR DONAHUE)

We'll give you an answer very shortly. Further discussion? Senator Halvorson.

SENATOR HALVORSON:

The only thing I'd like to mention, in case it's not on the analysis, the Plumbers' Union and the AFL-CIO has voiced major

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opposition to this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Yes, thank you, Madam President, Ladies and Gentlemen of the Senate. You know, I rise in support. I just want to echo the remarks of the sponsor. It's not perfect, but it's a step in the right direction. It puts us on a level playing field, and let's do it for the kids. It's good for the City, suburbs and downstate. There's no known opposition, and I want to commend the sponsor for his hard work.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

Thank -- thank you, Madam President. Will the -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Hendon.

SENATOR HENDON:

My good friend, if -- if this legislation passes, is it still true that you couldn't hire a -- a child, a younger person, in your community to mow your lawn or deal with your irrigation system at your -- at your home?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

I -- I have no idea what you're talking about, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Wouldn't they have to get a -- a license?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Syverson.

SENATOR SYVERSON:

Who?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon. Further discussion? Further discussion? In answer to Senator Halvorson's initial question on does this preempt home rule, this bill preempts home rule pursuant to the subsection (h) of Section 6 of Article VII of the Illinois Constitution and it will require thirty votes for passage. Further discussion? Senator Syverson -- Senator Parker.

SENATOR PARKER:

I just wanted to rise in support of this bill. I've gotten many calls in my office on this for a long time, the whole Session, and this allows, if a person is putting in a sprinkler system, that they don't have to be a regular full-size plumber. And so if we don't do this, you're going to put a lot of people out of business, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator -- Senator Klemm.

SENATOR KLEMM:

Well, Madam President, I thought you said it did preempt it and only required thirty. I wonder if you misspoke.

PRESIDING OFFICER: (SENATOR DONAHUE)

No, sir, I did not. It's regulating a profession under the subsection I identified earlier. Further discussion? Senator Syverson, to close.

SENATOR SYVERSON:

Thank you, Madam President. You know, this is a -- a simple bill. We've had a system in place for many, many years that has worked very, very well. All Session long we've -- we've heard complaints about always doing things for these -- for these big companies. Here's an opportunity to help small landscapers, small



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individuals, groups that are -- are working in -- in lawn irrigation systems, golf courses. This legislation keeps in place what we've had. This is only for six months so we can work out the agreements with both sides, with the House and the plumbers, to get this agreement in place. This is important to your community. It's important to all across the State of Illinois. We would -- I would urge a Yes vote on this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 457. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 22 Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 457, and having received the required constitutional majority, is declared passed. With leave of the Body, I indicated earlier, we will come back to -- to appropriation bills. That's Senate Bill 629 and Senate Bill 630. Senator Dillard. Madam Secretary, do you have on file a conference committee report for Senate Bill 834?

ACTING SECRETARY HAWKER:

Yes, Madam President. First Conference Committee Report on Senate Bill 834.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This bill does two things. It increases by two members the number of people who serve on the Illinois Research Park Authority, and it changes the language of the Illinois Research Park Authority to include land that is adjacent to federal laboratories or federal research agencies. The addition to this

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bill, not the number of new members, but the addition to the bill is an initiative and a vision of United States Speaker of the House Denny Hastert to put a research park next to Fermi Lab. And Governor George Ryan, as a partner with him in this endeavor, the Governor has more than a million dollars laid out for the beginning and -- and partnership from the State level on this. And I know that Dennis Hastert, in Washington, has requested over eight million dollars in next year's federal budget for this. I do want to point out to the Membership that this Research Park Authority has moral obligation bond authority up to, I believe, a hundred and fifty million dollars. They've never used any of that authority, but there is bonding authority here should it ever need to be exercised. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall the Senate adopt Conference Committee Report on Senate Bill 834. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. The Senate does adopt the Conference Committee Report on Senate Bill 834, and having received the required constitutional majority, is declared passed. Senator Lauzen. Madam Secretary, do you have on file a conference committee report on Senate Bill 878?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House -- pardon me, Senate Bill 878.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President and Members of the Senate. Conference Committee Report No. 1 to Senate Bill 878 does three

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things. It adds the language from Senate Bill 110, Senator Clayborne's, that passed the Senate 58 to nothing but lost in the House, on applying the research and development income tax credit to partnerships and limited liabilities. The second thing it does is adds language requested by Senator Maitland to allow local taxing districts to abate their property taxes on property owned by a historical society, and, finally, adds Senate Bill -- language from Senate Bill 417, Senator Dudycz, to amend the Occupational Use Tax Act to expand the current exemption for machinery and equipment used in the manufacturing process to include vending machines.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 878. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. The Senate does adopt the Conference Committee Report on Senate Bill 878, and having received the required constitutional majority, is declared passed. Senator Maitland. The next -- we will have leave to come back to Senate Bill 1008. Senator Rauschenberger, on Senate Bill 1158. Madam Secretary, do you have on file a conference committee report?

ACTING SECRETARY HAWKER:

Yes. Second Conference Committee Report on Senate Bill 1158.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill -- Conference Committee Report No. 1 to Senate -- Conference Committee Report No. 2 - I apologize - to

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Senate Bill 1158 makes several changes in the administration -- Administrative Procedures Act dealing with the JCAR process that myself, Brad Burzynski, Senator Fawell, Senator Obama and Senator Rea, Senator O'Daniel all serve on JCAR together. It essentially gives us the opportunity to have multiple extensions of second notice when we have a problem with an agency on the rules. Currently, under statute, you're only permitted one extension. And it makes other administrative changes. It's not controversial. The JCAR Members generally support it. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1158. And -- and all those in favor will vote Aye. Opposed, Nay. And the voting's open. 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. The Senate does adopt the Conference Committee Report on Senate Bill 1158, and having received the required constitutional majority, is declared passed. Senator Viverito, we -- Senator Viverito? We'll go back to Senate Bill 27. Madam Secretary, do you have on file a conference committee report on Senate Bill 27?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 27.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam President. This will create the Task Force on Professional Practices of the Illinois Justice System to review the salaries, funding, technology needs, training and caseload for the prosecutors and public defenders. Specifies who shall appoint the nineteen-member board, who shall report their findings and

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recommendations to the Governor, the General Assembly, the Supreme Court within nine months of the enactment of this provision. I would appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 27. Those in favor will vote Aye. Opposed, Nay. And the voting's 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, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 27, and the bill, having received the required constitutional majority, is declared passed. On page 5 of your regular Calendar, the top of the page, is Senate Bill -- House Bill 279. And Senator Thomas Walsh, do you wish to have this bill returned to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 279. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, on Amendment No. 2.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This adds two members to the Advisory Board of the Department of Natural Resources. It is a -- both of 'em are nonpaying positions. It's a suggestion from the Governor's Office. They do get expenses. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, all

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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 279. Mr. Secretary.

SECRETARY HARRY:

House Bill 279.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Madam President. You just heard the explanation of the bill. The amendment became the bill. Would be happy to answer any questions. Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, all those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 279, having received the required constitutional majority, is declared passed. Senator Philip, for what purpose do you seek recognition?

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point, sir.

SENATOR PHILIP:

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You're -- you're probably aware that the great Governor from the great State of Illinois is working the troops, George Homer Ryan. Nice to see you, Governor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome, Governor Ryan. All right, Ladies and Gentlemen. If I could have your attention. We're going to back to Supplemental Calendar No. 3. We'll go to the bottom of the page to Senate Bill 629. Mr. Secretary, do you have on file a conference committee report?

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 629.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 to Senate Bill 629 includes -- contains the education budget for the State of Illinois. I'll go very quickly through some of the highlights. Record funding levels - 6.6-billion-dollar investment in elementary and secondary funding. Increases, three hundred ninety-four million dollars, general revenue over FY'99. Four-thousand-three-hundred-and-twenty-five-dollar-a-year foundation level per student's maintained. It includes the weighting factor of 1.05 on high school calculation rate. Includes a forty-one-million-dollar -- double whammy protection. The hold harmless increases. Fully funds categorical reimbursements for school districts across the State for the first time in the history. Contains funds to hire additional teachers to help reduce class size, increase parental involvement, reading improvement and summer Bridge grants, Teen Reach after school program. Expanded school construction program. Fully funds the Illinois Century Network. Funds higher education's deferred

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maintenance. Funds for retention of critical higher education faculty, public television digitalization and expanded industrial training programs. Senator Trotter and I, I think, would be happy to answer questions if Members have it; otherwise, I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

I, along with the Chairman, think this is a great bill. A lot of work went into it, and I, too, ask all on this side to vote favorably for this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there further discussion? Seeing none, the question is, shall the Senate adopt the Senate -- Conference Committee Report on Senate Bill 629. Those in favor will vote Aye. Opposed, Nay. And the voting's 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, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 629, and having received the required constitutional majority, is declared passed. Senator O'Malley.

SENATOR O'MALLEY:

Excuse me, Madam President. I selected the wrong button there. I intended to vote Yes and would hope the record would disclose that.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect your intent, Senator O'Malley. Mr. Secretary, do you have on file a -- a conference committee report on Senate Bill 630?

SECRETARY HARRY:

Yes, Madam President. First Conference Committee Report on Senate Bill 630.



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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 to Senate Bill 630 completes the State budget, giving Illinois a 42.8-billion-dollar State plan for expenditures for the next fiscal year. It includes twenty billion nine hundred million of general revenue. Highlights of this portion of the bill include COLA relief for all of the Human Service providers across State government; wage increases for in-home workers, including personal assistants and the people that provide homemaker services; reimbursement rate reform for Medicaid providers; fully funds the child care subsidy requirements of a program in DHS; fully funds KidCare; expands community-based substance abuse programs; fully funds the existing CILA program; and allows for two hundred and seventy-six new CILA placements across the State of Illinois; domestic violence prevention funding is increased by over sixty percent; restores adult dental, podiatric, chiropractic and optometric Medicaid services; rural health increases; adds veteran hospital beds to the initiative in Chicago; and retains the Medicaid payment cycle at nineteen days. I'll be happy to answer questions. Appreciate favorable response.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

Just I concur with the Chairman. This bill addresses many of our human service needs. It's a great piece of legislation and I ask all on this side to vote for it as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? The question is, shall the Senate adopt the Conference Committee

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Report on Senate Bill 630. Those in favor will vote Aye. Opposed, Nay. And the voting's 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, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 630, and the bill, having received the required constitutional majority, is declared passed. Now if you will go to the bottom of page 2 on your Supplemental Calendar No. 3, you will see a conference committee report on House... You will see House Bill 2518. Mr. Secretary, do you have on file a conference committee report?

SECRETARY HARRY:

Yes, Madam President. First Conference Committee Report on House Bill 2518.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 to House Bill 2518 is one of the Budget Implementation Acts that were necessary to implement the State budget. Some of the highlights, very quickly, are: Allows KidCare funds to be used for certain special education students and makes changes to allow Cook County Hospital to accept and expend KidCare funds; the School Code is amended, changing the supplemental poverty grant to deliver additional resources to Chicago public schools; extends the long-term care rate freeze; enacts a rate increase for long-term care disability facilities; enacts a rate increase for long-term care geriatric facilities; deletes the statutory dollar amount for Public Aid funerals and burial rates and allows them to be set by rule; and extends the repealer on the naturalization and nutrition payments to certain immigrant persons. Makes other technical changes. I'd be happy

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to answer questions on this Implementation Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Another piece of good work done by this General Assembly and by our various Appropriation Committee Members, and I ask all of you to support it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2518. Those in favor will vote Aye. Opposed, Nay. And the voting's 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 -- none voting Present. The Senate does -- does adopt the Conference Committee Report on House Bill 2518, and the bill, having received the required constitutional majority, is declared passed. Mr. Secretary, do you have on file a conference committee report for House Bill 2793?

SECRETARY HARRY:

Yes, Madam President. The First Conference Committee Report on House Bill 2793.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones, for what purpose do you seek recognition?

SENATOR E. JONES:

Yeah. Thank you, Madam President. I -- I see the Governor's working with Shaw on his vote, so perhaps...

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 to House Bill 2793 is another Budget Implementation Act. It permits salary changes for administration officials. Essentially permits the Governor to set salaries for his cabinet-level positions that are subject to Senate confirmation. Puts a cap of eighty-five percent of the Governor's salary. It moves the public radio and television grant section of our budget from the Comptroller's Office to the Illinois Arts Council with the agreement of both the Arts Council and the Comptroller's Office. Permits CMS to manage the cellular 9-1-1 bill that we just passed to provide funds to provide answering points for cellular 9-1-1. Makes the necessary changes in the fund structures to accommodate the gaming bill that we passed several days ago. Transfers ten million dollars General Revenue Fund to the Motor Vehicle License Plate Fund to jump-start the process of issuing new license plates. Transfers an additional twenty-five million general revenue to the Fund for Illinois' Future, another component of the Governor's proposal, onetime transfer. It transfers the Illinois Main Street Program from the Lieutenant Governor's Office to the -- to DCCA, Department of Commerce and Community Affairs, at the request of the Lieutenant Governor and with the agreement of DCCA. Transfers the State Data Center, the center that's responsible for responding to the federal government on statistical information about the State, from the Bureau of the Budget to the -- to DCCA. It changes fund structures in the Liquor Control Commission and deals with the issue on Purple Heart license plates for people who are in Circuit Breaker. I'd be happy to answer questions. Appreciate favorable consideration.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. This bill amends the Civil Administrative Code and there's a lot of just "makes sense" things that are in here, and I ask everyone over here to vote positively for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2793. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 11 Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 2793, and the bill, having received the required constitutional majority, is declared passed. On the last page of your Supplemental Calendar is -- on -- is page 4, is Senate Bill 1080. Mr. Secretary, do you have on file a conference committee report?

SECRETARY HARRY:

Yes, Madam President. First Conference Committee Report on Senate Bill 1080.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. This is the final Budget Implementation Act bill. Does a number of things with the Federal Workplace {sic} (Workforce) Development Fund. It permits DCCA to accept gifts, grants, awards, matching contributions, interest income and appropriations and others to do a number of things to accommodate legislation that we have already

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passed. It creates a Federal Workforce Development Fund as a special fund in the State Treasury. A Job Training (and) Economic Development Demonstration {sic} Grant Program - it changes DCCA's Job Training and Economic Development Demonstration Grant Program from a pilot program to an ongoing grant program. Build Illinois uses and DCCA - it expands the type of activities which DCCA may fund from Build Illinois Fund. It also permits DCCA to make contracts, grants and loans to above entities, as well as local government and not-for-profit corporations in current law, pursuant to the appropriation from the Fund for Illinois' Future, the Capital Development Fund, and GRF. Energy Assistant {sic} (Assistance) Contribution Fund - it permits DCCA to accept, once again, gifts and grants to do a number of things in the Energy Assistance (Contribution) Fund. And finally, in the Build Illinois Act, it amends the Build Illinois Act to include the Fund for Illinois' Future and it permits DCCA to do a number of things. Be happy to respond to any questions. Would appreciate the support of the Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

No. I just ask all on this side to vote for this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1080. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. The Senate does adopt the Conference Committee Report on Senate Bill 1080, and the bill, having received the required constitutional majority, is declared passed. Senator Weaver. Mr. Secretary, do you have on

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file a conference committee report on Senate Bill 1203. Just a second. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President. With leave of the Body, I'll handle the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Fine. Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1203.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This Conference Committee Report to Senate Bill 1203 increases the bond limit -- the bond debt limit of our various categories to permit implementation of both the budget we passed and the Illinois FIRST program. I'd be happy, if people want to know, to list the individual levels and the categories, or answer any questions that people might have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, a parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your inquiry.

SENATOR CULLERTON:

How many votes does this bill require?

PRESIDING OFFICER: (SENATOR DONAHUE)

It'll take thirty-six votes, Senator.

SENATOR CULLERTON:

I'm sorry. I just never heard you say thirty-six in the last four years. I just wanted to hear it once.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much. This is our last bill that I believe we'll be voting on today, and I just -- oh, there's one more? No, this is it. Last budget bill. Last budget bill. Last budget bill to be voting on today. I just want to thank both staffs for all the hard work that they've done through the year, for the long nights that they've stayed up. And, Members, believe me, they work much harder than you can imagine. Thank them and the Governor's staff, as well. Thank you, Steve, for making this year a -- a real year that we really did work together to accomplish a lot of great things for this State. And -- and...

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further -- Senator Trotter.

SENATOR TROTTER:

And I ask everyone to vote Aye for this piece of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1203. Those in favor will vote Aye. Opposed, Nay. And the voting's 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, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1203, and the bill, having received the required three-fifths majority, is declared passed. If I could have your attention. On Senate Calendar Supplemental No. 3, on top of page 2, is Secretary's Desk, Concurrences. Ladies and Gentlemen, please. I know we're winding down. I know we want to go home, but we have some business to complete. Please get in your seats. We have Senate Bill 311. Mr. Secretary, read the motion.



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SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 311.

The motion, by Senator Link.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Link.

SENATOR LINK:

Yes. What this bill does -- it's a very simple bill. All it does is change air rights from five years to fifty-five years to help potential redevelopment of a blighted town, in Waukegan, downtown area. We've worked very closely with IDOT on this, got their agreement on this bill. No known opposition. This is something that we definitely need, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. I -- I just have some concerns on Senate Bill 311. I did ask the sponsor if he could maybe hold it for a little bit while we could analyze it, but he chose not to and I can understand that, being the late part of the day. But it's such a long lease period, which is directly opposed to what we have generally done on IDOT's land leases that should only be approved for the time that the lease would be used for, rather than fifty-five years that this would do. So we were concerned, and I know I'm concerned about how would IDOT know whether they need that land or not fifty-five years from now, and that's the whole reason we would allow the -- IDOT to allow property to be leased, and usually the maximum has been five years. Probably if the land was to be dedicated or something, we had a bill -- 452 would have been a more appropriate bill, probably, to put it in so that it could be a land transfer or something. But to have a

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fifty-five-year lease, I think, goes -- flies against what we normally have done on these parcels that we lease from IDOT. It's not a land transfer; it's just a lease, and it's for fifty-five years. I have some concerns on that, and I don't think this bill should proceed and I would recommend our side to at least vote Present or No on this issue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I just -- thank you, Madam President. I just find it's kind of strange. Just a few minutes ago, this bill came out of the Executive Committee on a unanimous roll call with the previous speaker voting Aye. It seems to me that everybody understands what is in this very simple bill, and we ought to be voting Aye, in the affirmative, on Senate Bill 311.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Maybe I can help Senator Demuzio see how that might happen in the Executive Committee. I know the Leaders are all very, very busy. Generally, Procurement Code issues go through State Government Operations. We just went through a massive rewrite of the Procurement Code and one of the things we specifically dealt with was length of lease and how we would permit those. In fact, the Illinois Toll Authority has been seeking permission to extend from ten years, which is the maximum we've set in statute, to twenty years so they can lease Oases on overpasses for commercial use for longer periods of time. While I certainly think that Senator Link's project's got a lot of merit, it really should go through the procurement process, like we've requested other people, which would mean the -- the idea should be submitted to the Procurement Policy Board, approved and then sent back to the

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General Assembly with comments from the professionals that we've set in place. So although I'd be happy to work with Senator Link as we do this through the fall, if we -- if we make the exception for this, we're -- we're opening ourselves up to an awful lot of exceptions to the Procurement Code with other agencies and other parts of State government that we force to go through the procurement process. And I just realize, sometimes in the end of Session, the Executive Committee doesn't normally deal with procurement issues. So I'd appreciate people -- I'd appreciate the sponsor considering holding this for fall action.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR LINK:

Well, I -- I'm glad we have all this discussion on this matter of a very simple bill that is trying to take an area where we have worked on other parts of the State of Illinois to try to revitalize downtown areas. We have a group called City Vision, and that's exactly what they are: City Vision. They're trying to show a vision of getting something done in downtown Waukegan that desperately needs help. What we're doing on this is simply talking -- Senator Klemm, as a businessman, as I am, too, one thing we know: We want to make sure our investment's good. So when we talk about building a possible hotel or something, I'm sure we would like a lot longer than a five- or ten-year lease if we're going to spend twenty million dollars on a hotel. This is what these people want. They want to build here. They want to bring a town back to life. That's all we're asking. We're asking for potential development to be done in this. We've worked very closely with IDOT. Nothing can be done unless IDOT signs off on this, but we need this to move forward, to get a positive development going in downtown Waukegan. I ask for a positive

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vote. We've worked on this this entire Session, and I'd appreciate a positive vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there -- the question -- this is final action. And the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 311. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 14 Nays, 14 voting Present. The Senate does not concur in Senate Bill 311 -- or, House Amendment No. 3 to Senate Bill 311, and the Chair would entertain a motion -- or, the motion fails. Senator Link, do you wish to nonconcur?

SENATOR LINK:

Madam President, I ask to put this on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Postponed Consideration. Senator Philip, on Senate Bill 956. Do you have... On the order -- on the -- on the Order of Concurrence is Senate Bill 956. Mr. Secretary, read the motion.

SECRETARY HARRY:

I -- I move to concur with the House in the adoption of their Amendment No. 4 to Senate Bill 956.

The motion, by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Amendment No. 1 {sic} to Senate Bill 956 does four things basically. First of all, it changes the way we appoint the -- the members of the DuPage County Election Board from the chief judge to the president of the county board. The chief judge has signed off on this and so did the president of the county board.

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The next three items are at the request of the Democrat State Chairman and the Speaker of the House. My attitude has always been, with the other Party on the other side of the aisle, whatever they wanted to do in their Party, so long as it didn't reflect on our Party, be my guest. I'm -- always been there for 'em. So these are his three requests. First of all, it requires that an alderman in the City of Chicago has to be a two-year resident of that ward. Number two, it increases the amount of signatures you need for Appellate Court, circuit and subcircuit judges. Number -- number three is, it has the same requirements that we have after reapportionment. In other words, if you're living in a Senate district and there are two or three districts drawn that -- part of them are in your old district, if you move there in a year, you can run for that district. It's exactly the same thing that we do. Now aldermen have to do the exact same thing. I'd be happy to answer any questions. If you don't like it, talk to the State Chairman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? If not - this is final action - and the question is, shall the Senate concur in House Amendment No. 4 to Senate Bill 956. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 4 to Senate Bill 956, and the bill, having received the required constitutional majority, is declared passed. Senator Maitland. Mr. -- on the Calendar, on the -- page 2 of the Calendar, on the Order of Concurrence, is Senate Bill 1015. Mr. Secretary, read the motion.

SECRETARY HARRY:

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

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Amendments 1 and 3 to Senate Bill 1015.

The motion, by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. During the 90th General Assembly, the Electronic Commerce Security Act was created, and that Act gave the Secretary of State the authority to establish fees to recover the cost of certifying security procedures that have been followed and documents and signatures qualify for secure status. House Amendment No. 3, then, creates that fund to collect -- collect these fees. And House Amendment No. 1 does bring about an immediate effective date. I would appreciate, if you heard me, your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action, and the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 1015. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. The Senate does -- does concur in House Amendments 1 and 3 to Senate Bill 1015, and the bill, having received the required constitutional majority, is declared passed. We'll now proceed to the Order of Resolutions Consent Calendar. And with 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 of the resolutions on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? If not, the question is, shall the

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resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Motion carries, and the resolutions are adopted. 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 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 30.

(Secretary reads HJR No. 30)

Adopted by the House, May 27th, 1999.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 30. Those in favor will say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Now Senator Dudycz has moved the adoption of House Joint Resolution 30. Those in favor will say Aye. Opposed, Nay. The Ayes have it and the resolution is adopted. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen, I want to wish everyone a safe and pleasant summer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Thank you -- thank you, Madam President. I have filed a -- a motion to discharge from committee Senate Resolution 101. I'd like it approved by voice vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary.

SECRETARY HARRY:

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Pursuant to Senate Rule 7-9, I move to discharge the Senate Rules Committee from further consideration of Senate Resolution 101 and that the resolution be placed on the Calendar on the Order of Secretary's Desk, Resolutions.

Motion, by Senator Hendon.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. And this is the first time, I hope the last time in my life, that I'll ever support a motion to discharge the Rules Committee, because they have done a pretty good job. But this is an exception to the rule, and what it simply does, it memorializes NATO and the men and women in the Armed Services who are fighting in Kosovo. So I would certainly hope that everybody would support this motion to discharge and support the resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon has moved to discharge the Committee on Rules from further consideration of Senate Resolution 101. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I couldn't say it any better than President Philip. This is all it does and lets the men and women from Illinois who are fighting over there right now for us know that we support their sacrifices. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon has moved the adoption of Senate Resolution 101. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution -- excuse me just a second. Senator Philip.



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SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I've been around longer than most of you on either side of the aisle, both in the House and the Senate. I've served with more governors than most of you ever have, but this Governor and this General Assembly will have the greatest record in the shortest period of time in the history of the State of Illinois. And you should all be proud. You should all -- and I'm going to remind you of some of the things that we have done. Illinois FIRST - twelve billion dollars, the greatest public works program in the history of the State of Illinois. Fifty-one-percent commitment fulfilled for education. Tuition tax credits for the first time. Managed care reform. Clinical trials. Nobody thought we'd ever do that. Fifteen, twenty and life. Lock 'em up and keep 'em locked up. Hog farms. I'm glad to get that out of here, because it was starting to smell. Gambling - strengthened horse racing industry. Dockside - provides a hundred and thirty million additional dollars for education. And -- public utility regulations again - speed up the rate cuts, increase competition. We have had a -- not good, we've had a fantastic Session. And I'll tell you one thing: The Governor has done a fantastic job. He's worked long and hard. He deserves a lot of the credit, and so do the great Members of the Illinois Senate. Have a great summer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Pursuant to the adjournment resolution, Senator Philip moves that the Senate stand adjourned until Thursday, November 4th, 1999, at noon. The Senate is adjourned.

MAY 27, 1999

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