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REGULAR SESSION  
SENATE TRANSCRIPT

129th Legislative Day

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PRESIDING OFFICER: (SENATOR LINK)

The regular Session of the 98th General Assembly will please come to order. Will Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Pastor Johnnie Standard, Springfield Bible Church, Springfield, Illinois.

PASTOR JOHNNIE STANDARD:

(Prayer by Pastor Johnnie Standard)

PRESIDING OFFICER: (SENATOR LINK)

Please remain standing for the Pledge Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LINK)

Pam {sic} (Paul) Elders, WICS, requests permission to video. Seeing no objection, permission granted. James Carder, Bluestream -- Blueroomstream.com, seeks permission to videotape. Seeing no objection, permission granted. Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Monday, May 26, 2014.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. I move to -- I move to postpone the reading and approval of the Journal just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter moves to postpone the reading and the approval

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of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Jones, Chairperson of the Committee on Local Government, reports Motions to Concur with House Amendment 2 to Senate Bill 2980, House Amendment 1 to Senate Bill 3294, House Amendment 1 to Senate Bill 3314, House Amendment 1 to Senate Bill 3387 and House Amendment 2 to Senate Bill 3387 Recommend Do Adopt.

Senator Noland, Chairperson of the Committee on Criminal Law, reports Motions to Concur: House Amendment 1 to Senate Bill 2583, House Amendment 1 to Senate Bill 2808 and House Amendment 2 to Senate Bill 3267 Recommend Do Adopt.

PRESIDING OFFICER: (SENATOR LINK)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your announcement.

SENATOR SILVERSTEIN:

Just to announce that there will be a Democratic Caucus immediately, for approximately sixty minutes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Purpose of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your announcement.

SENATOR ALTHOFF:

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The Senate Republicans would also like to caucus immediately in Senator Radogno's room -- office, for about an hour.

PRESIDING OFFICER: (SENATOR LINK)

Senator Silverstein and Senator Althoff move the Senate recess for the purpose of a Senate Democrat and Republican Caucus lasting one hour. Seeing no objection, is granted. The Senate stands in recess to the call of the Chair. After the Democrat and Republican Caucus, for the purpose of Floor action -- the Senate will reconvene for the purpose of Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LINK)

The Senate will come to order. Will all Members please report to the Senate Floor immediately? We will be going to House Bills 3rd Reading. All Members please report to the Floor immediately. We will be going to House Bills 3rd Reading. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 1236, offered by Senator Dillard and all Members.

Senate Resolution 1237, offered by Senator McCann and all Members.

Senate Resolution 1238, offered by Senator Murphy and all Members.

Senate Resolution 1239 and Senate Resolution 1240, offered by Senator Althoff and all Members.

They are all death resolutions, Mr. President.

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PRESIDING OFFICER: (SENATOR LINK)

Resolution Consent Calendar. House Bill 1322. Senator Steans. Senator Steans. House Bill 2930. Senator Rose. Senator Rose. House Bill 3798. Senator Rezin. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3798.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin, on your bill.

SENATOR REZIN:

Thank you, Mr. President. House Bill 3798 provides the members of a local workforce investment area are not required to be physically present for an open meeting if the local workforce investment area covers more than forty-five-hundred square miles. Instead of being present, the member can enact via video -- video conferencing and be counted towards obtaining a quorum. The Press Association is neutral and I know of no opposition.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall House Bill 3798 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 3798, having received the required constitutional majority, is declared passed. House Bill 4304. Senator Jones. Senator Jones. House Bill 4530. Senator Althoff. House Bill 4535. Senator Biss. Mr. Secretary, please read the bill.

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SECRETARY ANDERSON:

House Bill 4535.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Biss, on your bill.

SENATOR BISS:

Thank you very much, Mr. President and Members of the Senate. House Bill 4535 is an initiative of the Governor's Office and the bicameral Asian American Caucus. It amends the Architectural {sic} (Architecture) Practice Act and the Professional Engineering Practice Act regarding licensing in those two professions. What it does is, for non-native speakers of English, it removes the requirement that they pass the Test of English as a Foreign Language, or the TOEFL, if they have completed an advanced degree from a college or university in the United States. The idea is just to remove a kind of administrative hurdle that doesn't -- doesn't benefit the State, but is a financial and time cost to a number of immigrants who want to work here.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall House Bill 4535 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, 1 voting Present. House Bill 4535, having received the required constitutional majority, is declared passed. House Bill 4561. Senator Bertino-Tarrant. Mr. Secretary, please read the bill.

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House Bill 4561.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bertino-Tarrant, on your bill.

SENATOR BERTINO-TARRANT:

Thank you, Mr. President. House Bill 4561 is an initiative of the Secretary of State. As amended, it would allow the Secretary of State to conduct background checks on online driver education course providers. Currently, the Secretary is only -- is unable to do background checks on online driver education course providers, but currently can with physical commercial driver schools. I know of no opposition.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall House Bill 4561 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 4561, having received the required constitutional majority, is declared passed. Senator Bush, for what purpose do you rise?

SENATOR BUSH:

Thank you, Mr. President. On 4535, HB 4535, previous, I voted Present. I'd like for the record to vote -- to reflect that I intended to vote Yes. So, thank you.

PRESIDING OFFICER: (SENATOR LINK)

The record will reflect your intention. House Bill 4691. Senator Hastings. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:



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House Bill 4691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings, on your bill.

SENATOR HASTINGS:

Thank you, Mr. President. House Bill 4691 amends the IMRF Fund Article of the Illinois Pension Code and requires the transfer of employee and employer contributions, plus six percent, to any newly created police pension fund from IMRF. The employee contributions will be the actual employee contribution of the active members, plus six percent. The employer contributions would be equal to the employee contributions. After the transfer, the employee's interest in IMRF is terminated. There are no known opponents to the bill and I'll answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall House Bill 4691 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 4691, having received the required constitutional majority, is declared passed. House Bill 4716. Senator Biss. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4716.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Biss, on your bill.

SENATOR BISS:

Thank you, Mr. President and Members of the Senate. House Bill 4716 amends the Metropolitan Water Reclamation District Act, allowing the District to engage in resource recovery projects and sell the outcome of these. It's identical to a bill we passed unanimously earlier in the year, a vehicle for which the House apparently had different intentions. I know of no opposition. I would be happy to take any questions.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall House Bill 4716 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 4716, having received the required constitutional majority, is declared passed. House Bill 5348. Senator Morrison. Senator Morrison. House Bill 5354. Leader Trotter. Mr. Secretary -- Senator Trotter seeks leave of the Body to return House Bill 5354 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 5354. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter, on your amendment.

SENATOR TROTTER:

Mr. President and Members of the Senate, I would like to adopt the amendment and discuss the bill on 3rd.

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PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is House Bill 5354. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter, on your bill.

SENATOR TROTTER:

Thank you, Mr. President and Members of the Senate. House Bill 5354, as amended, it amends the Food Handling Regulation Enforcement Act to define a home kitchen operation and what conditions must be met in order to qualify as a home kitchen operation. Under this amendment -- bill, the Department of Public Health or the health department of the unit of local government may inspect a home kitchen operation in the event of a complaint or disease outbreak. House Bill 5354 only applies to a home kitchen operation located in a city, township, or county where the local governing body has an -- approved an ordinance authorizing the direct sale of baked goods as defined by this Act.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator McCarter, for what purpose

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do you rise?

SENATOR McCARTER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield. Senator McCarter.

SENATOR McCARTER:

Senator, we've had a number of discussions over this bill and -- and I think it's important that everybody knows kind of what's happened as it came from the House. As it came from the House, there was an exemption for a thousand dollars a month or less. It now -- and -- and with the amendment -- both amendments that you have made here in the Senate, it has imposed some potential fees. Can you talk about those fees, what they are?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

There will be fees that would be of the individual who runs a home kitchen. They will have to take a class, a sanitation class, which will be a fee, and also have to get their licensure {sic} to sell. But with...(microphone cutoff)...that none of those fees should -- at least in the fee to get their license to do so, should be over twenty-five dollars.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

Who would -- who would have to pay these fees and get these certifications? Would that -- would that include anyone in the home that sells or attempts to cook in that home kitchen and sell a baked good to anyone, even if it was a child?

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PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

That is correct. Even if it was a child, because we -- as we understand, a child -- and in the instance that the individual who prompted this legislation, the responsibility would be up to the parent. That is correct. So, not the child, the ten-year-old child herself or hisself, but the parent of the home.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

So the -- the third amendment, which I filed and which I asked you to introduce and attach to this bill, would have exempted those at two hundred and fifty dollars in sales a month. It would have also said that these people could sell outside the home, not just from the home, which is the way this reads. Is that -- are you still -- is that still your position, or are you willing to add that amendment to correct the bill?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

I didn't see the -- the amendment, nor did others see the amendment as a correction to the bill. This is a public health initiative, one that any individual that indulges -- or endeavors to have sales of food outside their own home, that there should be some labeling, there should be some criteria. So this is the universal language, which basically governs this Section of the bill, which ensures that whomever has products that they sell, that there is proper labeling. There is also the address and the

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ingredients to be included on that label, as -- as well as what it is as it goes out into the public domain.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR McCARTER:

Ladies and Gentlemen, this -- this started as a good thing to address the situation with Chloe Stirling in Troy, which is in my district. Chloe found that she had a knack for baking cupcakes. In fact, her mother admits that she spends more time in the kitchen than she does. She's got a talent and she said to her mom, she said, "Mom, if -- if I can make a little money selling cupcakes, will you match me dollar for dollar so I can buy a car when I get out of middle school?" So they agreed and she started making cupcakes. She started selling 'em at her -- at her father's office and a few different places. In fact, she started giving some of 'em away for charities and raising money for charities. It wasn't just about her. And so then Madison County came in, the public health department, and said, "You know what? We're shutting you down because you don't have a commercial kitchen." She said, "How am I supposed to get a commercial kitchen? That's tens of thousands of dollars." Well, it went viral, folks, and she was on Rachael Ray. She was on the national news. And a lot of people came to her aid and helped her with the kitchen equipment. But you know what? You may say, "Well, this fixes her situation." Not really. She can't sell now outside the home. She has to sell

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from her home only. She's one of the fortunate ones that was able to go on national TV and get assistance. But what about every other kid in this -- in this State, whose parents want to help them learn a lesson in how to learn how to be an entrepreneur? How to learn that you can't just take all the sales and spend it all. You've got to pay for your cost of your goods. And you -- and learn those lessons that many of us have taught our own kids at lemonade stands, bake sales, cookie sales, and things like this. So, what you're doing -- and people will say, "Well, this was already illegal." No, it was at the discretion of the -- the health departments in the county. This one made a mistake and now you have this bill in front of you today which says that a thousand dollars of sales or less in a month, the parent has to take a two-day course with the county and obtain their Food Service Sanitation Management Certificate, which is a hundred and forty-five dollars. The certificate will cost them thirty-five dollars. One hundred and eighty now. And then your local permit, which we've graciously said can't be more than twenty-five in this bill, takes it over two hundred. Now if you want to say to those kids at every garage sale that, you know, "I think it's right that we regulate you and that big government knows best and we're going to reach into your life and charge you this so that you can be safe" - which, by the way, folks, health departments have the right to address any lemonade stand that they see without this regulation - if you want to be part of big government in Illinois, vote for this bill. If you want to -- you want to use common sense, just say no.

PRESIDING OFFICER: (SENATOR LINK)

Senator Oberweis, for what purpose do you rise?

SENATOR OBERWEIS:

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Question of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR OBERWEIS:

Senator Trotter, was there a suggested amendment that would have solved this problem and kept a minimal, de minimis amount, such as the child who wants to have a lemonade stand, and made that acceptable under this bill?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

Specifically to answer your question, the answer is no. There was not a resolution to what you're calling a problem. It wasn't a problem. It is also -- but we look at it as a public health initiative. So nothing has been submitted to me or anyone that would have resolved what you're calling a problem.

PRESIDING OFFICER: (SENATOR LINK)

Senator Oberweis.

SENATOR OBERWEIS:

Senator, I'm being told by Senator McCarter that he did file an amendment and had worked with you trying to get it accepted. I've had a conversation with you trying to get it accepted and all attempts have been rejected by you. In fact, originally, you said that if the sponsor in the House would accept it, you would be interested, and I proceeded to secure the sponsor from the House and you said, "Oh, no, no, even if he's interested, we're not -- we're not agreeable to that." Is that basically correct?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.



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SENATOR TROTTER:

Not even basically, sir, 'cause bottom line is, once again, there was not a problem that was addressed by the amendment. That has been the deal. There were some changes that were suggested, but that did not resolve what you call the issue here, a public health issue of individuals having notification of what kind of products are in a meal. Within this mobile community that we live in, in this world that we live in, it's important that individuals know if there's peanuts in the food that they're getting ready to eat. They have to know if there's milk -- if there's milk in their product that people may be allergic to. This addresses that. Speaking to the sponsor of the bill, the original sponsor of the bill, I, too, spoke to the sponsor. He's okay with the amendment as is, and I think he told you that the bottom line is, if he put on that amendment, it would not pass in the House. If that amendment came on the bill here, it would not pass in this Chamber.

PRESIDING OFFICER: (SENATOR LINK)

Senator Oberweis.

SENATOR OBERWEIS:

Yeah, well, just to clarify, Senator, I have in my hand a copy of the amendment, which was, in fact, filed. To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR OBERWEIS:

Ladies and Gentlemen of the Senate, if I could have your attention for just one moment. You know, this may sound like a silly thing, known as the "cupcake girl" bill, but this goes to the heart of what goes on in Springfield. It's an example of how

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we are Illinoisizing, killing entrepreneurship among kids. The first business, if you want to call it that, that I ever had as a child was when I saw a neighborhood garage sale and I thought, "There are a lot of people coming here. It's a hot day. Maybe they'd like some lemonade." I made some lemonade and sold it on my driveway. If I had been prohibited from doing that, I might have thought, gee, entrepreneurship is not so good; maybe we shouldn't even mess around with that. How many hundreds or thousands of other kids are we attempting to Illinoisize, to destroy entrepreneurship, to prevent them from getting their first start and learning something about creating a business? This proposed amendment would have so simply solved this problem for everybody. All it would have said is, if you sell less than two hundred and fifty dollars of lemonade or cupcakes or cookies for your lemonade stand or your bake sale at the church, you're exempt. It's a safe harbor to let people understand the local lemonade stand is not going to be regulated by the department of health. Now, under this bill, even with this amendment, all the ingredients would have to be listed. There is no chance of a difference on allergies. If you've got peanuts in it, if you've got milk in it, that would be listed. All the ingredients would have to be specified clearly. You also would have to warn people if this was not baked in a special kitchen; this was baked in a home kitchen. All this has to be disclosed under all forms of the bill, including the amendments. The only thing at issue is whether we're going to exempt tiny sales by a kid of lemonade or cookies. That's what we're asking for. That's what we have not been able to get any support or response from the sponsor of this bill. I am asking you as a Senate to vote this bill down so that we can come back

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with an amendment, or accept this amendment, which lets a kid sell fifty dollars or a hundred dollars' worth of lemonade on a stand without having to go through eight hours of food safety preparation, which just isn't going to happen, because a kid gets an idea on a Saturday morning that there are people in the neighborhood and they'd like to sell some lemonade to, it's too late to go get two days of training or eight hours of training. And how many parents are going to be willing to go out and sit for eight hours of training so that their ten-year-old kid can have a lemonade stand? My guess is, not very many. In the very strongest terms, I ask you to encourage Senator Trotter to allow this simplifying amendment, which solves the problem for everybody except the department of health, who wants to kill entrepreneurship, doesn't want to have anybody be able to sell anything made in their home. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

Question for the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR DUFFY:

Now I want to make sure I have this right. I've been reading over this bill over and over again. I -- you know, this is one of those situations I go around the State giving a talk called "Springfield 101", where I talk about the kind of bills that are passed in Springfield. So, Senator, I'd like to ask you a question, because the way I look at this bill, if my daughter or my son, who's twelve or thirteen, wanted to start a lemonade stand

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on a Saturday morning -- now what would they have to do? Would they first -- looking at the first step, they would first have to take a two-day course, and if they didn't take the course, I would have to take the course on food service situation -- sanitation management for a hundred and forty-five dollars. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

No.

PRESIDING OFFICER: (SENATOR LINK)

Senator Duffy.

SENATOR DUFFY:

You know, I already can see the way this is going to go, so I'll read what the bill says. The bill basically says -- and all of you should think about this, because I would think that there's even Democrats with entrepreneurs in their family or have kids that would like to sell cookies or have lemonade stands at their house. And what this bill states is that if that's going to happen, you would first have to take a course, like I said, the food service sanitation management course, for a hundred and forty-five dollars. Then you'd have to get a certificate to show that you completed that course for thirty-five dollars. Then you would have to pay your local health department a twenty-five-dollar fee in order to have this stand. So that's a -- a total cost of two hundred and five dollars. And this bill states that anybody that's going to have annual gross sales of less than a thousand dollars would have to do this. So that means that you now are literally stifling entrepreneurship. And, Mr. President, I'll go to the bill.

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PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR DUFFY:

So, Ladies and Gentlemen, let's think about this. I mean, come on. What a way to start the final week of Session. Not only are we going to talk about more fees and taxes, but you are literally stifling entrepreneurs, innovators and creators at the youngest ages. You're telling 'em that they can't even have a lemonade stand or sell cupcakes or anything else that they want to make out of their own home kitchen or house. If they're going to do that, we are literally going to slap them full of regulations from the State of Illinois. Is this really what you want to do? Is this really going to set the tone for the State of Illinois? I mean, this is the epitome of your tax and spend bills. Do you want to be a part of this? I've been here for a while now. I've been here going on my sixth year. This has to be the most outrageous and pathetic bill I've ever seen. I mean, you couldn't make this stuff up. I encourage a No vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

Thank you, Mr. -- Mr. President and Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR LUECHTEFELD:

Senator, there's been an awful lot said, obviously, about the bill, and I don't want to repeat any of that, but you did say that the sponsor said he couldn't pass it in the House if this was on

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it, or something like that, or -- would you explain it? Because I've talked to the sponsor and he's not happy at all with these amendments. I mean, when it left the House, I think he was -- he passed something, obviously, that was, he felt, much better than what's there now. How did you state that?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

I had a conversation with the sponsor of the bill. We discussed the various merits of it. Basically, he believed that what we had done in this Chamber made a good bill better. So, as accordingly, the proposed amendment from the other side didn't do -- didn't achieve whatever purpose that you wanted to achieve over there. But it certainly did not deal with the public health initiative of, one, protecting and preventing the spread of diseases or illness throughout this country.

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, Senator, I've -- I had several conversations with the sponsor and -- and he did not say that at all, I mean, that this made it better. I mean, he was happy with the bill. He would be quite happy if you would've passed the bill that he sent over here. I -- and somewhere in the translation, we've -- we've got a problem, because I've -- I know him well and I've had several conversations with him. He does not like what's on this bill, but -- but believes he wants something. Now I'm not real sure what he wants. What this bill does is -- is certainly -- you know, I don't -- I'm not real sure we want to take the, really, the downside of

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this bill as much as we would -- you know, I -- I don't know whether it's even worth -- worth passing right now. So, somewhere the translation is messed up. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. Would our distinguished sponsor yield?

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR HAINE:

Senator Trotter, Senator Koehler had a bill a few years ago that exempted, from some regulations, food that was brought to these open air markets. How -- how is this bill inconsistent or consistent with that?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

Senator Koehler's bill dealt with farmers' markets and -- and those kinds of places of business, basically goods that were donated to them. This bill doesn't change that whatsoever. Individuals can still donate foods to charitable events and -- and to farmers and sell 'em at farmers' markets as a product. But it's not a for-profit or a business deal that they're dealing with. So -- and it's -- and it's addressing a different Section in the Act itself. This Section specifically deals with baked goods in a home kitchen.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

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SENATOR HAINE:

So the -- if someone baked a pie in their home and brought it to the farmers' market, it would be exempt?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

If I could, because now we -- yes. From what I -- it's a donated product. To answer your question, yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Senator Trotter, you've had a distinguished career in this Chamber, and I've loved watching you and supporting you over the years, especially on budget matters, which I've always voted in favor of over the years. But I, frankly, do not see the rationale for requiring these things on some little girl selling cupcakes, when her mother can bake the same cupcakes and take 'em to a farmers' market. I -- I don't see the rationale. This thing has generated, according to the previous speakers, considerable press, and the overwhelming response of the public was, why does the government - in this case, it'd be the county - care about cupcakes? Has -- has there been any epidemic of foodborne illness from cupcakes? I, frankly, am not aware of any and I'm not aware of any illness that emanates from farmers' markets, which have -- has a broad exemption. To me, personally, I would have loved to have seen the House bill just passed out of here. And -- and if there was some kind of an issue with a manifestation of an epidemic from cupcakes, then they could deal with it. I've been a lover of cupcakes for many years. I have yet to overdose on them. But --



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and I don't inhale them. But I -- I would respectfully urge a No vote. Without adopting the tone of some of the previous speakers, I would say that -- I would remind everyone, again, of one of my favorite Justices of the U.S. Supreme Court, Louis Brandeis, who once said, "The hallmark of the law is reasonableness." This effort is unreasonable as it applies to this little girl selling cupcakes. And if we have exempted farmers' markets, we should exempt her. And my recommendation is to vote No and to pass the House bill. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR JACOBS:

Senator, it says here in my analysis that this bill was driven by an eleven-year-old girl who is baking and selling cupcakes at her home to earn extra money. She would sometimes donate the cupcakes to fundraisers. Good for her. The Madison County Health Department shut her down, said she was operating a business without an approved kitchen, for not having a food permit. The incident received local, State and national press. Can Chloe sell her cupcakes or not?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

Yes, she can.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Jacobs.

SENATOR JACOBS:

I think what often happens in these cases is that the question of reasonableness that my good esteemed colleague raised is that when us downstate -- we downstate, we may think that someone's going to go in a kitchen and some kid's going to make cupcakes and give 'em away and sell 'em, but in the city sometimes, people may run illegal kitchens out of their house. Am I correct?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

That is correct, sir.

PRESIDING OFFICER: (SENATOR LINK)

Senator Jacobs.

SENATOR JACOBS:

Just in closing, what would it cost Chloe to go and get this license? And, second, if Senator Oberweis wants to go home and sell some more lemonade on his driveway, is there a threshold, a dollar threshold or a cup threshold on how many lemonades he can serve before he's regulated?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

I believe that the Senator on the other side would do very well in whatever he does. But I'm sure he follows a lot of regulations in his business, and this will not stop him from being successful in the lemonade business, if he so chooses.

PRESIDING OFFICER: (SENATOR LINK)

Senator Mulroe, for what purpose do you rise?

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SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR MULROE:

Okay. I -- I'm -- I'm a little confused of the arguments going on right now. So, there's -- the House Republican Member of that constituent recognized there was a problem. Madison County Health Department shut this little girl's ability down from selling cupcakes. So in response to that, he introduces a bill, passes the House; our Senate sponsor, Senator Trotter, takes the bill, and in response to questions from the Republican Members of the Health Committee, responded by drafting some amendments to try to meet those concerns. So, all I see this is, we're not hurting this little girl. We're not trying to kill or destroy her entrepreneurial efforts. What we're doing is actually trying to kindle those spirits by passing this law that will allow her to keep selling her cupcakes. It's that simple.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bivins, for what purpose do you rise?

SENATOR BIVINS:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR BIVINS:

Senator, did the Department give any indication how many incidents they've had of tainted foods from these types of sales?

PRESIDING OFFICER: (SENATOR LINK)

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Leader Trotter.

SENATOR TROTTER:

No, they did not. But the whole idea of public health is to prevent diseases, not necessarily to -- after they've already happened, to go and try to correct 'em. So this is a prevention public health initiative within those kind of parameters.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bivins.

SENATOR BIVINS:

Thank you, Senator. To the bill, if I may, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR BIVINS:

Thank you. Ladies and Gentlemen of the Senate, about four years ago, we had the Department of Public Health come to the -- the Agriculture Committee and they wanted to ban the sale of honey at farm markets, as was pointed out earlier -- at the farmers' markets. They wanted to ban that sale. And I asked 'em about incidents of tainted honey, 'cause I was very concerned. It's a product I've used for thirty or forty years every morning. And they had zero incidents. It was just in case we have tainted honey. So I think what we're seeing, once again, is, we don't know of any incidents of problems that we've had in the State, but here we are, again, trying to correct a problem that may very well not exist. So I would urge a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator Oberweis, for the second time, though your name was mentioned in debate.

SENATOR OBERWEIS:

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Thank you, Mr. President. A comment to the bill and responding to a couple of comments that were made. One by Senator Jacobs, where he was asking if someone could now sell any amount of lemonade - the answer is no. The information given was wrong. No one can sell lemonade legally without going through an eight-hour course, paying a registration fee. The course costs a hundred and forty-five dollars. So they're up over two hundred dollars before they can start selling their first glass of lemonade. And in comments to -- in response to comments made by Senator Mulroe, again, not -- not correct. The bill that came over from the House that passed the House was a good, acceptable bill and had a thousand-dollar exemption, until, here in the Senate, we amended it, Illinoisized it, and made it impossible for somebody to have even dollar one sale without going through the eight-hour course training and without paying the permitting fees and other registration fees. So, just to clarify that, Senator, it was amended by the Democrat side, not the Republican side. It took a bill that was acceptable coming over from the House - maybe not perfect, but certainly acceptable - and absolutely put provisions in there to kill any entrepreneurship and Illinoisized the -- the entire bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

Yes, to the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR KOEHLER:

I just wanted to clarify some points, because Senator Haine

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mentioned about the food cottage bill. This actually puts it exactly into sync with the food cottage bill. And just to give you an example, I was at the farmers' market last Wednesday down here in Springfield - it's now open every Wednesday - and there was a family at the end of the street that had their baked goods on a table, and it said -- there was a sign, first of all. It said, "This product was produced in our home and is not subject to inspection." Okay? What they had to do is they had to have an approved kitchen. They didn't have to have a commercial kitchen. They had -- they could use their kitchen, but it had to be inspected. Okay? And they had to have a food sanitation license. That's the only requirement. When we passed the food cottage bill, we were fought by health departments from various parts of the State that thought that, like Senator Bivins, that this is going to -- you know, we were trying to -- to overregulate the -- the -- the industry. We passed that bill. It has worked very well. There's still -- and because the State has now, in a sense, legitimized the process, we put our seal of approval on what is being sold in farmers' markets, as long as they comply with these regulations. The same way here. This -- see, this is a pathway for this little girl to actually get into business and -- and to do it properly. So, I think it's a good bill, because all it says is that if she's going to sell these cupcakes to the public, then she just has to have a kitchen and a -- and a sanitation license. She can still bake cupcakes and give 'em to the bake sale or give 'em to church or give 'em to a charity. That's exempt completely. But if she's going to be in business, this is a pathway for her to become an entrepreneur and to do it with the full sanctioning of the State of Illinois. This puts it exactly

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into line with what the food cottage bill does.

PRESIDING OFFICER: (SENATOR LINK)

Senator Jones, for what purpose do you rise?

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR JONES:

Senator Trotter, how does this bill deal with churches? I know my church and several churches in the City have bake sales every week, where church members bake goods in fundraising efforts for the church. How does this bill affect those people?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

It won't have any impact on that, as mentioned earlier in the debate. Those goods that are baked at people's homes, they can be donated to charitable events. They can be given away at different kinds of functions as long as it's not for a for-profit business purpose.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine, for a second time. Your name was mentioned in debate.

SENATOR HAINE:

Thank you for your indulgence. I want to continue the colloquy with Senator Koehler, who's the expert on the farmers' markets. So in a farmers' market situation, they have to meet two criteria. They have to have an approved kitchen, and what was the second one?

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PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

And a food sanitation license.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

And this is for a continuing course of conduct in a farmers' market. Right? And that seemed to have worked very well. There have been no instances of foodborne illness. They didn't take any classes on how to bake a pie. They didn't take any -- any classes on foodborne illnesses or anything of the sort. Right?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

That is correct. But we're -- we're, again, confusing the issue here. That is another Section in the Act. This Section of the Act, Section 3.4, is the home kitchen operation. So this deals solely with a home kitchen operation. And also, notwithstanding the hyperbolic rhetoric that has been going around, this bill specifically doesn't deal with lemonade stands at all. It deals with - the language is in the bill - it has to deal with baked goods, dealing with a sanitized kitchen program.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.



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SENATOR HAINE:

Senator, again, with great affection for you as the sponsor and, really, a respect for what the public health authorities do, this is more regulation than is required of those who make money ongoing every week selling at farmers' markets. This is a ten-year-old girl. And at a certain point, we should let the House bill go and let it regulate itself with the -- I met the -- the family. They're responsible. And the question about churches is very apt. This opens the door to the same arguments on a potluck at the local church or a synagogue. It's the same ethic. If we're afraid of someone dying of a cupcake, we're going to apply this across the board. And I'm not -- I'm -- I just don't see the need for this bill, unless it's the House bill. Representative Meier seemed to put this thing away and the controversy died down. Cooler heads could have prevailed early on to avoid the bad press. We're all interested in reasonable regulations, but this is a ten-year-old girl from a responsible family who's selling cupcakes. And for Pete's sake, we ought to just let her sell the cupcakes, unless someone dies of an overdose of them.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter, to close on the budget -- I mean, his bill.

SENATOR TROTTER:

Thank you very much, Mr. President. This bill and the language that is being proposed today has been taken out of context. Individuals, because it's a great sound bite, have interjected things that have nothing to do with this bill. Specifically, talking about lemonades. It has nothing to do with lemonades. The language in the bill specifically talks about that this applies only to a home kitchen operation located in a

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municipality, township, or county where the local governing body has adopted an ordinance authorizing the direct sale of baked goods - baked goods - in a kitchen. Nothing to do with mixing lemonade, squeezing lemons, and standing on a corner. It has to deal with as described in Section {sic} 4 of this Act. So, I mean, it -- it sounds good to talk about all of these things, that -- that we are stifling entrepreneurship. No, actually we're encouraging it the right way, because there are laws that have to be adhered to when you sell to the public. There are things that we must be cognizant of and that is the allergies or the other things that will impact other individuals' health. That's the job of public health, to protect, to prevent, and to stabilize our -- our economy and to work with the people of all of this State. And also, again, because -- I mentioned before, because of the mobile situation that we have in this global economy, that what is sold in Troy, Illinois, can easily be in Toledo, Ohio, the next day. Without regulations, without labeling, we would not know how to track whatever disease, be it salmonella, or whatever, hepatitis A or those other diseases that might have been impacted. No, this -- this -- these are the rules. So, when you treat -- when you teach a child who wants to go into business the rules along with the fun, then we get a responsible individual who will run a business, if they so choose to do so at a later time. So, again, we have overreacted on this bill. As said, it sounds good if you're running for something that you can say that you're standing up for the eleven-year-old. This protects all of the people of the State of Illinois, no matter what age you are, with responsible legislation. Having talked to the sponsor in the House, again, the good thing about this process, if he doesn't want to concur in

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the amendment, he can basically, when it goes back over there, non-concur on the amendment. It's gone. Since you've had conversations and all of us have somehow misconstrued what he wanted to say, or what he said, then it's gone. I think what needs to be done or seemingly needs to be done, that those individuals that represent the same area should talk to each other. If you're House, or if you're Senate, you need to talk to each other. Fight your fights back in the district. Don't fight your fights in this Chamber, which is going to impact onto thirteen million people that we have a responsibility to take care of. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 5354 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 17 Ayes, 32 Nays, 6 voting Present. House Bill 5354, having not received the required constitutional majority, is declared defeated. Leader Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you very -- yeah, verification of -- of the No vote. Well -- well, my -- my helmet bill got less votes. So, we certainly are -- so much for public health in this State. We have a lot of work to do. But as we did go through the debate, I think there was some -- some good points brought up. However, this is an issue and it's not going to go away. We need to address it. If not today, it will need to be addressed in the future. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Murphy, for what purpose do you rise?

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SENATOR MURPHY:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

...your -- state your point.

SENATOR MURPHY:

You know, Senator Trotter, after he wanted to ban trans fats and took a similar drubbing in this Chamber, had the decency to hand out Oreos after. And I won't repeat what he said to me about my personal size as he threw the Oreos at me. But my -- my -- what I'm asking here is, Senator Trotter, are you going to have the decency just as you did with the trans fat bill and you gave us the Oreos? Can you bring some cupcakes in here tomorrow, maybe with some trans fats in 'em, for the Body?

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter.

SENATOR TROTTER:

As with the trans fat bill, I was doing it, again, for, really, the -- the wellness of this Body. As I mentioned then, some of you should not be indulging in any trans fats, be they in a cupcake or in an Oreo cookie. But I will talk to Chloe -- Chloe -- Chloe and see if I can get her to do something before we get out of here.

PRESIDING OFFICER: (SENATOR LINK)

Now that we're done with that debate, we'll go to House Bill 1322. Senator Steans. A hospital bill. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1322.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Steans, on your bill.

SENATOR STEANS:

Yes, thank you, Mr. President, Members of the Senate. House Bill 1322 is an agreed bill of the Illinois Hospital Association and the Department of Public Health. We, in 2005, implemented the -- well, we passed the Adverse Health Care Event {sic} (Events) Reporting Law, but it was never implemented due to lack of funding. Under this law, a hospital is required to report serious "never events". These are events where -- wrong side surgery or wrong patient surgery. And this now will put on a small hospital -- a small hospital license fee of fifty-five dollars per bed to be collected and put into a special fund that's used to support -- both implementing this law, as well as patient safety and quality initiatives. Any way that the funds are going to get used has to be worked out in collaboration between IHA and the Department of Public Health. And I would say that critical access and safety-net hospitals are excluded from the fee. As I say, it's an agreed-to bill. I don't know of any opponents and would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR MURPHY:

The -- you know, normally, there's no sweeter sound in this Chamber than the phrase "agreed bill". Unfortunately, that doesn't

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necessarily make it a good bill. In this instance, we've got a new bed tax being implemented to try to fund an overall Medicaid policy in this State that is broken and continuing to take us in the wrong direction. We keep throwing more and more and more and more money after a program, because the implementation of the SMART Act was a head fake. The commitment to the reforms that were in the SMART Act is being whittled away on a daily basis and continues as we sit here right now. The effect of that is a fifty-five-dollar-per-bed tax in bills like this on our hospitals. And if you think that doesn't get passed on down to end users, think again. This is another tax increase proposal on a Medicaid system that you have broken and refused to fix. I encourage a No vote.

PRESIDING OFFICER: (SENATOR LINK)

Is there any further discussion? Seeing none, Senator Steans, to close.

SENATOR STEANS:

Yes, this -- as I say, this has been agreed to by -- with the Hospital Association and -- as well as Department of Public Health. I think it's critical that we improve quality initiatives so that these never events, in fact, never happen and can't do that without a system of understanding why it happened, getting an investigation around that, and sharing the learnings of it amongst all the hospitals. No hospital wants to have those never event -- never events -- to happen to them. In fact, that really does increase lots of issues for the hospitals when that happens. That's why they're supporting this. They know they need that information. We did exclude safety-net and critical access hospitals from the fee. And as I say, I would really urge an Aye vote. It's been agreed to. Thank you.

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PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 1322 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 17 Nays, none voting Present. House Bill 1322, having received the required constitutional majority, is declared passed. House Bill 5397. Senator Delgado. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5397.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado, on your bill.

SENATOR DELGADO:

Thank you, Mr. President, Members of the Senate. House Bill 5397, as amended, requires the State Board of Education to require all public schools to use a physical fitness assessment for grades three to twelve and periodically report physical fitness information beginning with the year 2016-17. The bill establishes a task force to submit recommendations on implementation of a physical fitness assessment. The task force must submit its recommendations, to adopt no later than December 31, 2015, for the implementation of physical fitness assessments beginning the year 2016-2017. And I would be available for questions and ask for your Aye vote, keeping in mind that we'll be utilizing a program called FITNESSGRAM testing, which is totally free and available on the web, and we could -- we'll take questions and ask for your Aye vote at this time.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR REZIN:

Thank you. We talked about this at length during our committee. Could you tell me how much this unfunded mandate would cost?

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:

Thank you for the question. What is the cost? The Presidential Youth Fitness Program offers free fitness assessment tents -- tests and training called FITNESSGRAM that would meet the requirements of this bill. There will be some cost for ISBE to set up the reporting system and ISBE's estimate -- estimated this cost between two hundred and fifty thousand and five hundred thousand. Other than that, the program is available on your Internet.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin.

SENATOR REZIN:

...you. Could you tell me how -- Senator, another question. Could you tell me, who is collecting the data? How is it collected?

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:



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The -- the -- the substantial evidence will be collected -- will be done through ISBE. However, it will -- at the -- at the end of the day, they will become the custodian. At this point -- and I want to go back and answer your -- your -- when you pointed out the mandate. Schools are already implementing regular fitness assessments to meet the standards -- State's PE standards, and the bill is going to ensure that we get some common data, so we can evaluate and improve on the student fitness. As to who's collecting it, it would be the responsibility of the Illinois State Board of Education, and at the end of the day, that's exactly what it'd do. It enhances PE, as we've been working on this over the last few years. The good news is it is a free program via the Internet.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin.

SENATOR REZIN:

Thank you. However, the -- ultimately the information goes to the State Board, but truly our -- in fact, the local school boards -- or, the local school district has to collect the information. In our assessment, it says it's -- the information they're collecting is the aggregated fitness information. What exactly is that?

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:

Yes. The school districts may report the aggregate findings of the physical fitness assessment by grade level, which we're going three to twelve, and school to parents and members of the community through typical communication channels, such as Internet

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websites, school newsletters, school board reports, and presentations. Keeping in mind as we move forward, type 2 diabetes, the whole purpose of joining the armed forces, our police forces, we're trying to have a healthy understanding moving forward as we create seamless education to make sure that public health and the health of our children moving forward into adulthood also have some type of a -- of collection data to have a better understanding. But that's how it would be collected aggregately -- if that's the..

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin.

SENATOR REZIN:

Thank you. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR REZIN:

While this is just another great idea, as we talk in education, as you know, there are many great ideas. But we also talk about the unfunded mandates and the fiscal impact upon our local school districts. We're also having a major discussion about school funding. I have numerous school districts throughout my district, too, that are just saying just pay us what the State has promised us. They've been prorated and, you know, they can't even afford to keep their doors open. They're having to go borrow money to keep their doors open. So while I think this might be a good idea, I don't believe that now is the time. I -- I look at this as just another unfunded mandate. I know that very soon here we'll be discussing and voting on unfunded mandate relief that will be included or -- which is part of our education bill. So I ask for

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a No vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. To the bill, please.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR LUECHTEFELD:

You know, I -- I -- I -- I've been up a number of times over this last year talking about mandates. I'm not real sure it's done a whole lot of good, and I'm not too sure that it'll do much good this time. But I'm -- I'm going to tell you one more time. We are going to ask the schools to put together some numbers for us. They'll send 'em to the Board, the State Board. The State Board will put 'em on the shelf and we'll do it over again. This, again, is a mandate and this one's going to cost some money. It's also going to require schools to -- to keep these statistics. This is not easy. They have enough to do right now. One more time, we're going to require 'em to do it - and we're not real sure what we're going to do with -- with -- with these statistics when we get them. Maybe -- maybe this Session we will defeat one mandate. This could be it. We'll see. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Holmes, for what purpose do you rise?

SENATOR HOLMES:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

He indicates he will yield.

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SENATOR HOLMES:

Senator, as you well know, this is obviously a topic both you and I are pretty passionate about, and I'm normally in full support. But I passed a bill in the 97th General Assembly that created the Enhanced {sic} (Enhance) PE Task Force, which right now has -- has finally gotten their -- you know, they've -- they've come out with their data and they're just now starting to -- to make recommendations and sort of advancing it. So I guess I'm a little leery about creating another task force.

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:

Senator Holmes, I do appreciate your question and concern, and we've discussed my bill and I understand your concerns. The task force has sunset and that task force recommendation and, if I'm not mistaken, even some of the members, blend into -- many of the critical thinkers through the Illinois -- IAHPERD, Illinois Association of Physical Educators, Recreation and Dance {sic} (Illinois Association for Health, Physical Education, Recreation and Dance), and other professionals, and the Heart Association, Cancer Associations - they overlap. The work must continue, as we now want to start collecting data as to their health, not how many -- how many jumping jacks, but what is that heart rate, what is the new way of calculating the BMI, which is now a new term. Getting that information. And just as we -- have accumulated grades on math, science and biology, shouldn't we be wanting to fly straight in knowing the health of our students as a whole, moving forward, knowing that, in this country, we're dealing with obesity, dealing with overweight, cholesterol, and the other

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metabolic syndromes? So as to the task force that was had, I've never wanted to be duplicative. We do know that this is a continuation and that this work is not all done. And there'll probably be a couple of more as we extend it into the upper -- as we go into colleges. This goes to three to twelve. So at this stage, this'll give us a great snapshot and an understanding of -- of what is happening. How is -- how will Illinois compete as they become elder? Will we have a track record? Will we have a footprint of that past? Right now, with the new gym, with the new studies, we don't have that. So I appreciate it. I've been working with this since 1998 myself, from the first waiver ever being denied to a school district. Now we're evolving and I guess this is a continuing evolution. But we did check the task force and it is sunsetting and this will continue as to the data collection side. This would be a continuation.

PRESIDING OFFICER: (SENATOR LINK)

Senator Holmes.

SENATOR HOLMES:

Is this going to have some of the same members or, I mean, is -- is it a completely different task force? I'm not sure of what the makeup is. So that we're not having to sort of re-teach the task force.

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:

Yeah, thank you for that. Yes. I'm aware. They're appointed by the Superintendent. It creates a task force to make recommendations of fitness assessment protocols to ensure validity, how often and for which grades fitness scores should be

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reported, what aspects of fitness should be reported, aerobic capacity, muscular strength, flexibility, and endurance, for -- methods for ensuring student confidentiality, so we would have those new, more evolved points that weren't had beforehand. Once upon a time, a -- a -- a measurement was to see how far you could throw a softball or how fast you ran a forty-yard dash. That was data. They collected 'em. And matter of fact, they would grade 'em -- grade you on 'em. They will not be graded on these findings. They will be able to know a public health standpoint on how healthy our Illinois students are going forward. The last ten years, if you would have researched that, where would you find that knowledge? So this will give us a vehicle and a component, if you will, a silo, to put this information and be able to analyze it through a variety of public health departments, local public health departments, schools for innovation and creating other plans moving forward. Should we continue with the FITNESSGRAM? Should we go in a new direction? What's out there? But how would we know if we haphazardly treat physical education like let's throw a dart at a dartboard, wherever it lands we'll go with. But, in the other disciplined curriculums, there is a discipline and a matrix that leads them forward on their cumulative grade to take an ACT test. I mean...

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR SYVERSON:

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Senator, I appreciate the work that you've talked about over the years, about the -- the problem of our youth health problems. My concern, I guess, about this is, it's like doing a study and asking us to look at the impact of smoking on children. We already know the results. We know the results right now of children's health in Illinois. We don't have to do a study. We don't have to take three years or four years to collect the data. We know high BMI, kids are overweight, they're diabetic. We know there's a problem. Why take the time studying it and not just implementing measures to start addressing the problem? We don't have to collect the data. We know what the problem is. And my concern is, every time we put another task force together, we avoid dealing with the real problems of -- of -- of schools that spend time wanting -- in -- in PE, doing bowling and archery and square dancing, instead of raising BMI. We still serve the kind of meals we serve in schools that are high fat. We know what the answers are. Why don't we, for the sake of the kids, start addressing those problems now, instead of taking two or three or four more years to spend all this money to gather data that we already know what the answer is going to be?

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:

Thank you for the question, Leader Syverson. A, let's make it once again clear, under a dome that has about sixty-nine billion dollars in a budget this year, ISBE has made a note that this costs about two hundred and fifty to five hundred thousand dollars. Also, number two, the fact that many of the partners who support this, from the Illinois Public Health Institute, American Cancer

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Action Network, Consortium to Lower Obesity in Chicago Children, from SEIU Healthcare Workers to the Lake County Health Departments, the purpose of 5397 is to help increase student physical fitness and do exactly that, Senator - start to bring these components together, while, at the same time, improving academic performance, attendance and behavior. Because enhancing PE and physical activity during the school day leads to those better learners, better behaviors. So we are taking now all of those components we've -- you and I have been working on - you maybe eighteen or twenty years, me sixteen - which are going to entail changes in policies, practices, and curricula so those students spend more time in moderate to vigorously {sic} physical activity during each class. And that's why now I'm bringing these components together and having a comprehensive approach to understand a public health of -- of a population of students, be it from south of I-80 or north of I-80, but the health of Illinois students as a whole. And knowing that the investment on dollars will be -- time dedicated to PE and physical activity, as we have healthier students coming forward. We know what's wrong, but what steps have we taken? And House Bill 5397 helps us bring this all under one umbrella and under one silo so that we can address it and have a -- a professional outlook and implementation through our schools. We only have actually two opposition. And ISBE's opposition was primarily how would they fit the two hundred and fifty thousand to five hundred. That's pretty low when we talk about the level of obesity we have here in Illinois and knowing that one in every three children in Illinois are overweight and obese, and that we need them for that critical thinking as we know the -- the measure it takes on them.



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PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

I think you just answered the question. You just said that, you know, one out of three of these children are obese. We already know the answer. So I guess that's my frustration. Why are we going through the -- the steps of -- of gathering all this data that we already know the answers to, sending it to someone in the State who's going to put it all into some booklet and it's going to sit on a shelf, and they're going to come back with the answer that you already know, that we have a problem of obesity with children. Why don't we just implement what's necessary to start addressing that now, instead of gathering information that we already know what the outcome is going to be? We know what the results are. We already have all that information. Why go through those steps? Let's just implement a plan now that's going to address those issues - whether it's politically correct or not, deal with the problems of the diet that's in schools; deal with the issues even of our food stamp program, of what's being offered, as we subsidize obesity in this country through a program that is shamelessly giving products out that kids shouldn't be having access to; and, in schools, having kids do things that are aerobic that raises the heart rate. It's not that hard. We don't have to spend time studying that. Let's just implement the rules. And with that, I'll yield my time, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Thank you. Senator McCarter.

SENATOR McCARTER:

Question of the sponsor, please.

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PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR McCARTER:

Senator, I'm -- I'll try my best not to repeat anything that's been talked about already, but one thing you did say that kind of perked my attention here, what -- when you talked about fitness performance, you didn't just talk about that; you talked about health indicators of children. Can you -- can you tell me the difference in that? 'Cause I understand, with the Presidential Fitness, we have those fitness indicators already - how many pushups, how many sit-ups, how many pull-ups, those kinds of things, which, believe it or not, are not outdated. In fact, they're a part of a whole new fitness wave in this country called Functional Fitness through a program called CrossFit across the nation, across the world. So I understand that, but that's difficult. I understand we already have the system in place, but what's even more difficult and concerning to me is that we would be trying to look for health indicators. Can you -- can you explain that to me?

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado.

SENATOR DELGADO:

Thank you. Now the public health system already accepts the health indicators as to being type 2 diabetes, metabolic syndrome, which is a combination of asthma, diabetes, cholesterol problems, respiratory-type issues, any two of those. Then what happens is, in terms of them implementing the FITNESSGRAM program, similar to what you're talking about, which is free via the Internet, and does address the aerobics, it address the muscular strength, the

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capacity, the flexibility, and endurance methods for ensuring student confidentiality, but at the same time relating that to the academic progress on what it takes for a student to be able to perform at their best. So at the end of the day, this is a program that's available online. It is called FITNESSGRAM. Number two, it costs about two hundred and fifty thousand if it's -- with ISBE. Number three, it's to collect the actual responses of PE going forward as to the public health of our students here in Illinois.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR McCARTER:

Thank you, Senator, for that response. I think, folks, we know -- we know the correlations between physical fitness, diet, and that of obesity and -- and diabetes. What we perhaps should be doing instead of another mandate, however, is a pilot in a school district that would partner with a health organization to actually obtain health data. Because really what we're saying is -- do you want that child to say, yeah, I've got diabetes? How many kids in the class have diabetes? They don't know that. They may have been told that. They may not even know -- know what it means. But really what we want to know is, what's the end result here? We know if they eat healthier that they have a less chance of being obese. We understand if their sugar intake is -- is -- is reasonable, according to their body type, that they could prevent childhood diabetes. We understand these things already,

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but I -- what I'd like to say, instead of just no to this bill, is we should be actually going to -- to a community and saying partner with your health care organizations and a school to take those Presidential Fitness numbers, combine them with actual health assessments of children from the health care organization that they provide - and they don't charge us - on a small scale to where if that works, then we come back and say to our schools as a whole in this State, that this is what we should do. I would prefer that, and I think that would end up being a good thing for our children. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado, to close.

SENATOR DELGADO:

Thank you, Mr. President. I -- I appreciate the spirited debate. To the last speaker, I would say, that's what I've been working on for sixteen years. And every time we try to partner, some of our -- our farmers, who have land available in the winter months to partner with school districts, it never happened. We could have helped some farmers gain some access to business and be able to use these -- extra space - it never happened. And at the end of the day, I'm just going to reiterate, where do we get the data to look back seven years, you and I, to know what kind of Illinoisan we have when they were seven years younger coming through our school system, and are they ready to join the police force? Are they ready to join your -- your firm? Are they ready to come into child welfare? We need to have an idea of their public health and some of it from the mental health and -- and FITNESSGRAM is the bill that's on the table today. I hope this has opened up a whole lot of other innovations and idea, but I

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would ask for an Aye vote on one bill and that's on House Bill 5397. And let us continue our work. You see, we barely brought any -- and dollars to the table. The -- the program is free. I would ask for your Aye vote, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 5397 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 23 Noes, none voting Present. House Bill 5397, having received the required constitutional majority, is declared passed. House Bill 5433. Senator Manar. House Bill 5546. Leader Harmon. Leader Harmon. House Bill 5584. Leader Muñoz. Leader Muñoz. House Bill 5622. Senator Raoul. House Bill 5710. Senator Mulroe. House Bill 5766. Senator Connelly. House Bill 5812. Senator Bivins. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5812.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bivins, on your bill.

SENATOR BIVINS:

Thank you, Mr. President. The Public Officer Prohibited Activities Act was amended in 2009 to allow municipalities to -- the ability to appoint board members to unpaid non-for-profit boards. And this bill -- this would include counties where it says municipal in that bill. Would answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

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Is there any discussion? Seeing none, the question is, shall House Bill 5812 pass. All those in favor will vote Aye. Opposed, Nay. The -- 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. House Bill 5812, having received the required constitutional majority, is declared passed. Kelsey Gibbs, WCIA, seeks permission to record by videotape. Seeing no objection, permission granted. House Bill 5856. Leader Sullivan. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5856.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Leader Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Members of the Senate. House Bill 5856 would allow any fire protection district organized under the Fire Protection District Act to simultaneously dissolve and consolidate into an adjoining fire protection district after a petition hearing and election. This is an initiative of the Illinois Association of Fire Protection Districts. I know of no opposition.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall House Bill 5856 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

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question, there are 57 Ayes, no Nays, none voting Present. House Bill 5856, having received the required constitutional majority, is declared passed. Will the Committee on Assignments please meet in the President's Anteroom immediately? The Committee on Assignments, please meet in the President's Anteroom immediately. Will the Committee on Assignments please meet in the President's Anteroom immediately? The Committee on Assignments, please meet in the President's Anteroom immediately. Will the Committee on Assignments please meet in the President's Anteroom immediately? The Committee on Assignments, please meet in the President's Anteroom immediately. (at ease) Mr. Secretary, Committee Reports.  
SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment 2 to House Bill 1154, Floor Amendment 1 to House Bill 1463, Floor Amendment 3 to House Bill 2747, Floor Amendment 1 to House Bill 3961, Motion to Concur on House Amendment 1 to Senate Bill 3056, Motion to Concur on House Amendment 2 to Senate Bill 3309; refer to Licensed Activities and Pensions Committee - Motion to Concur on House Amendment 1 to Senate Bill 3109; refer to State Government and Veterans Affairs Committee - Motion to Concur on House Amendment 1 to Senate Bill 226, Motion to Concur on House Amendment 1 to Senate Bill 2744, Motion to Concur on House Amendment 1 to Senate Bill 2769 and Motion to Concur on House Amendment 1 to Senate Bill 3288; Be Approved for Consideration - Floor Amendment 6 to Senate Bill 16, Floor Amendment 1 to House Bill 5342 and Floor Amendment 2 to House Bill 5546.

Signed, Senator James F. Clayborne, Chairman.

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PRESIDING OFFICER: (SENATOR LINK)

For the purposes of an announcement: Licensed Activities and Pension {sic} (Pensions) will meet in Room 400 at 3 p.m. State Government and Veterans Affairs {sic} (Affairs) will meet in Room 409 at 3 p.m. Once again - Licensed Activities and Pensions in Room 400 at 3 p.m. State Government and Veterans Affairs in Room 409 at 3 p.m. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 1241, offered by Senator Brady and all Members.

It is a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Resolution Consent Calendar. Executive will be meeting immediately upon recess at 2 p.m. The Committee -- the Senate will stand in recess and reconvene at 3:30 p.m. for the purposes of Floor action. We will reconvene at 3:30 p.m. for the purposes of Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LINK)

The Senate will please come to order. Will the Committee on Assignments please meet in the President's Anteroom immediately? The President's -- Committee on Assignments, please meet in the President's Anteroom immediately. (at ease) Hannah Meisel of WVIS {sic} (WUIS)/Illinois Public Radio, requests permission to take photos. Terry Martin, Illinois Channel, videotape. Seeing no objection, permission granted. Mr. Secretary, Committee



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SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to State Government and Veterans Affairs Committee - Senate Resolution 1184; Be Approved for Consideration - Senate Bill 353, 1117 and 2352.

Signed, Senator James F. Clayborne, Chairman.

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Motion to Concur on House Amendment 1 to Senate Bill 902, Motion to Concur on House Amendment 1 to Senate Bill 3049; refer to Environment Committee - Motion to Concur on House Amendment 2 to Senate Bill 2727, Motion to Concur on House Amendment 1 to Senate Bill 2770; refer to Executive Committee - Floor Amendment 1 to Senate Bill 1011; refer to Higher Education Committee - Motion to Concur on House Amendment 1 to Senate Bill 2765, Motion to Concur on House Amendment 1 to Senate Bill 3441; refer to Human Services Committee - Motion to Concur on House Amendment 1 to Senate Bill 798, Motion to Concur on House Amendment 2 to Senate Bill 2958 and Motion to Concur on House Amendment 1 and 2 to Senate Bill 3283; refer to Insurance Committee - Motion to Concur on House Amendment 1 to Senate Bill 647; refer to Judiciary Committee - Floor Amendment 1 to House Bill 2930, Floor Amendment 1 to House Bill 5512, Floor Amendment 2 to House Bill 5512, Motion to Concur on House Amendment 1 to Senate Bill 1048, Motion to Concur on House Amendment 2 to Senate Bill 1941, Motion to Concur on House Amendment 1 to Senate Bill 2829, Motion to Concur on House Amendment 1 to Senate Bill 2952,

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Motion to Concur on House Amendment 2 to Senate Bill 2954, Motion to Concur on House Amendment 2 to Senate Bill 3096, Motion to Concur on House Amendment 1 and 2 to Senate Bill 3228, Motion to Concur on House Amendment 1 to Senate Bill 3438; refer to Public Health Committee - Motion to Concur on House Amendment 2 to Senate Bill 2636, Motion to Concur on House Amendment 1 to Senate Bill 3076, Motion to Concur on House Amendment 2 to Senate Bill 3409, Motion to Concur on House Amendment 1 to Senate Bill 3465; refer to Revenue Committee - Motion to Concur on House Amendment 1 to Senate Bill 219; refer to Transportation Committee - Motion to Concur on House Amendment 2 to Senate Bill 2802; Be Approved for Consideration - Motion to Concur on House Amendment 1 to Senate Bill 2352.

Signed, Senator James F. Clayborne, Chairman.

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, reports Motions to Concur on House Amendment 1 to Senate Bill 226, House Amendment 1 to Senate Bill 2744, House Amendment 1 to Senate Bill 2769, House Amendment 1 to Senate Bill 3288 Recommend Do Adopt.

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, reports Motion to Concur: House Amendment 1 to Senate Bill 3109 Recommend Do Adopt.

Senator Harmon, Chairperson of the Committee on Executive, reports House Bills 3814 and 4418 Do Pass; House Joint Resolution 96 Be Adopted; and Senate Amendment 2 to House Bill 1154 Recommend Do Adopt.

PRESIDING OFFICER: (SENATOR LINK)

I have an announcement right now. Judiciary will meet in Room 212 at 5 p.m. -- 5:15 p.m. Human Services will meet in Room

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409 at 5:15 p.m. Insurance will meet at 9 a.m. tomorrow in Room 400. Revenue will meet at 9 a.m. tomorrow in 212. Agriculture will -- Agriculture and Conservation will meet in Room 212 at 10 a.m. tomorrow. Public Health will meet in Room 409 at 10 a.m. tomorrow. With leave of the Body, we will go to page 8, House Bill 1154. Senator Raoul. Senator Raoul seeks leave of the Body to return House Bill 1154 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1154. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Biss.

PRESIDING OFFICER: (SENATOR LINK)

Senator Biss, on your amendment.

SENATOR BISS:

Mr. President, I'd like to withdraw my amendment, please.

PRESIDING OFFICER: (SENATOR LINK)

Senator Biss withdraws Floor Amendment 1 from House Bill 1154. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, on your amendment.

SENATOR RAOUL:

Floor Amendment 2 becomes the bill. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR LINK)

Do you want it adopted, Senator Raoul?

SENATOR RAOUL:

I would -- I would love to have the -- Floor Amendment 2

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adopted, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. On the Order of 3rd Reading is House Bill 1154. Please read the bill, Mr. Secretary.

SECRETARY ANDERSON:

House Bill 1154.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, on your bill.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1154, as amended, makes changes to the Cook County and Cook County Forest Preserve Pension Articles. It is the Cook County pension reform bill. Ladies and Gentlemen of the Senate, I've had an opportunity to be involved in various presentations of -- of various pension bills and I've voted on others that I had not sponsored. I can honestly say to you today, of the bills that have been considered, this one comes to us by the -- by way of a process that I wish all of them would have come to us - by way of negotiations with representatives that represent the affected employees and their employer, which is the county board, headed by

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County Board President Toni Preckwinkle. What is proposed in House Bill 1154 in terms of the negotiated terms and -- and -- and, again, with regards to the negotiations, to be clear, 'cause I know the analysis that some of you are looking at indicate that the Teamsters and SEIU are neutral. The Teamsters and SEIU slipped in favor of the bill. All the pension reform bills that we've considered before that were considered negotiated bills, there was neutrality. And this bill, Teamsters and SEIU have voted in favor of the bill. In fact, with regards to the Teamsters, they put the vote to their membership and sixty-eight percent of the voting membership supported this bill. They made the -- that choice to support this bill. So it's -- it's -- it's an important distinction, before I get to the details of the bill. Now as with all bills that we've considered before, one of the elements that impact the savings that will guide this pension fund to solvency, 'cause if we do nothing, if we do nothing, the -- the fund will go insolvent in some twenty-four years. As for the COLA, Tier 1 members that retire before 2015 will be unaffected. So retirees and Tier 1 members that retire before January '15, other than a one-year pause, will maintain their current COLA. That's another distinction between this bill and every bill that we've considered before. And many of the arguments that have been made by annuitants and others that, you know, we're taking advantage of a -- a vulnerable population that -- that -- that is on a fixed income - in this case, through -- by way of the negotiations, I - - I must credit President Preckwinkle and those who were at the bargaining table for protecting this population. With regards to the other Tier 1 members, they will have the greater of a two percent compounded COLA or half CPI. And so what -- what -- what

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you have in -- in that COLA proposal is the inflation protection that we talked about with -- with other bills, except that there's going to be a cap at -- at four percent. With regards to salary cap, the salary cap will be the greater of the social security wage base - I think currently around a hundred and seventeen thousand - or the salary as of December 31, 2014. The average annual salary currently is -- it is equal to the average salary over four years. There will be a phase-in increase to average salary over eight years. I think we'll get there in -- in 2019. Employee contributions will increase by two percent over the course of two years. In terms of service credit, currently, members earn service at 2.4 percent of their final average salary for every year of service. Starting in 2015, it will be at 2.3. And if the funding dips below fifty-nine percent, it will go to 2.2. Currently, the county contributes 1.54 times the employee contributions from two years earlier. This bill has it such that it will increase to 1.9. Similar to the IMRF and what we had in Senate Bill 1, there is an intercept mechanism in the -- in the event that the county fails to make its payment. In many of the discussions we've heard around this bill and other bills, there's been some discussion about the constitutionality of Senate Bill 2404, in that there was a -- a choice provision in 2404. It's important to think back to when we were considering 2404 to what that choice was. That choice was to give up health insurance in order to maintain the COLA. The -- the irony here is that what the county has done by way of this negotiation is provided for a health insurance trust fund so -- so -- and would make a fifty-million-dollar contribution to that trust fund and the county will contribute fifty million dollars, being increased by -- by

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inflation. There are some and I'll anticipate that some will ask, "Well, how is the county going to pay for this?" We -- we dealt with that part of the debate when -- earlier this Session when I presented the city bill, and when the city bill was originally introduced, there was explicit reference to a property tax levy. One of the things that I do have to -- and I think we've recognized, while this bill was presented in committee, both -- members from both sides of the aisle recognized that County Board President Toni Preckwinkle has been a good steward of the taxpayers' resources. In fact, with regards to going any way with regards to taxes, she's gone the other way and held her campaign promise to reduce reliance on a -- a -- a sales tax increase, and through management and through being a good steward, has done through -- through -- done so through creative measures. The county chief financial officer was asked in committee what kind of things would you rely upon to make sure you have the resources to -- to do this? And -- and a variety of things were mentioned in -- in terms of wellness initiatives, disease management, continuing to reduce the subsidy on the county health system, a reduction of the real estate footprint. And I don't want to reference these things to -- to suggest that these specific things that I mention will amount to the county contribution. It's -- it's been said that the county will look at all things that are on the table to make sure they do -- they do so consistent with the leadership of President Preckwinkle over the last three years -- three and a half years, which has been one that has well respected the pocketbooks of the taxpayers. Ladies and Gentlemen, I urge your Aye support -- I -- I urge your Aye vote on this bill, as a result of a bill that was brought to you by way of negotiations between employer and

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employee. You know, I want to be forthright that there are two bargaining units that have slipped in opposition of this bill. While they represent a significant portion of the employee base, the bargaining units that have slipped, not neutral, but in favor of this bill, represent some sixty percent of the employee base. And based on that and based on all that I mentioned, I -- I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator Tom Cullerton, for what purpose do you rise?

SENATOR T. CULLERTON:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR T. CULLERTON:

Thank you, Mr. President and Members of the Senate. I just want to speak in favor of the bill presented before us. As a -- as a member of the Teamsters, as a former Teamster myself, who went through union negotiations and union contracts, let's remember something here very carefully, you don't always win in a union contract, but the majority does. That's why we bargain together. That's why we take a vote. That's why we do what we have to do when we collectively bargain together. This bill has that support - similar to House -- Senate Bill 2404, which I was a chief cosponsor on, had the support of all the negotiating people and negotiating parties in place. Not everybody is always going to be in support, but that's why we collectively bargain together. I applaud the -- the Senator for bringing this forward. And I also want to talk about the fact that we talked about in Senate



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Bill 2404; the reason that we believed it was constitutional was because there was a choice. When they allowed the members to vote on this bill of the unions, they gave them a choice right there. That is our choice. So I'd like to thank the Senate sponsor for bringing this forward and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR HUTCHINSON:

I have been really thinking about this strongly and I wanted to make sure that I stated on the record why I would be voting in favor of this particular measure, as I've been a No across the board up until this point. One of the reasons why we were so passionate about House {sic} Bill 2404 was largely the negotiated stance that it took. We had the votes here. We had the votes in the House. Many of us really believed that we could have passed that and we did it under -- under provisions that we believe are strongly constitutional, so that when this goes to court, which we know it's going to, that we would be able to pass something that would have a higher likelihood of standing up to judicial review. We made those arguments. We were not successful. We moved on then to Senate Bill 1. Some of the problems with Senate Bill 1, and we all -- you know, those of us that felt really strongly about this, was how it affected retirees - the fact that there was no choice given in those things. We didn't think that would stand up to constitutional scrutiny and we had a lot of discussion about

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this. Now, in this case, and the reason why I'm going to hit a Yes button on this is because I think that largely all of these issues are going to still end up in court. And I stood up on this Floor for eight minutes and argued about the constitutionality of the elements that we were discussing, and I remember people saying, "I'm not a -- I'm not a lawyer. I'm not a constitutional lawyer. We don't know what the courts are going to say." So I said, while I'm listening to this debate, that I'm going to put my two Yes votes on a bill that was negotiated with the elements that I believe in: one, that you should not inordinately hurt retirees, who've done everything that they were supposed to do, who paid their portion into the pension, did what they were supposed to do, and it was the State that let them down. That was number one. Number two, we haven't see yet a pension bill that's come forth that protects the COLA, or that tied the COLA to the CPI, so that in the event we -- so that we could make sure that this was going to match what inflation does, so that by the time you were in the position to receive the benefit that was promised to you that it would match your actual buying power. That was an important element. The fact that this was negotiated and under the terms of collective bargaining, which I wholeheartedly believe in, the majority of the workers in the county voted in favor of this, and the majority rules in collective bargaining. For those reasons, I commend the county on all the work that they did. I commend President Preckwinkle. And I am hopeful that we will now have two bills to work with when the draconian Senate Bill 1 is struck that will build the elements of what could actually be what we're supposed to be looking for when we negotiate a pension bill. It doesn't have to be draconian. You can protect people who are the

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most vulnerable. You can acknowledge that buying power needs to be protected by the time people get on fixed incomes and this is all they have, especially when they don't have Social Security. So, Ladies and Gentlemen, this is a long game. This is a long game. And the way this bill was negotiated gives us a very good template to build on what it is we're going to need to fix once we actually have an answer from the courts. That's why I'm voting Yes and I would urge support.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bush, for what purpose do you rise?

SENATOR BUSH:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR BUSH:

I guess I could say "ditto", but I will try to make it a little bit different. So I'd just like to -- to say that, you know, I -- I, too, was a chief cosponsor of 2404 and for all of the -- the same reasons. This bill has been negotiated, which is really important to me, and it -- it also doesn't touch retirees, which I think so many of us were concerned about. It also, as Senator Hutchinson pointed out, it doesn't force those retirees to make a choice between health care and COLA, which frankly they were never supportive of. But I'm going to be a Present vote. I voted No against every pension bill, except for 2404. I still believe there are constitutional issues, but, frankly, I think that this is a template for us to move forward in the future if these other pension bills are found unconstitutional. But I'd just like to thank Cook County for their work and negotiating this.

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And, anyway, just wanted to say I think this is what we should look at going forward. So, thank you for all the hard work.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, to close.

SENATOR RAOUL:

Again, in closing -- I'd like to, first, acknowledge the presence of -- of Cook County Board President Toni Preckwinkle in -- in the President's Gallery. Her leadership ought to be commended on this for all the reasons already mentioned. I'm appreciative of the fact that the question came back to me with a little bit different of a debate than we had on the last pension reform bill. And I think that is reflective of the confidence we have in the County Board President's leadership and the fact that she has been a good steward and will be a good steward forward -- going forward and look towards creative -- creativity in making sure that we -- the -- the county makes their payment on a regular basis and guides this fund to solvency. I -- I -- I urge all of you-all, even all of you -- and some of you-all who are maybe on the fence, to maybe -- I know debate never changes a vote or rarely changes a vote. I think what has been done with this bill is something that in -- in -- in a lot of ways exceeds what we did in 2404, because the choice given with regards to health care could be argued and was argued, if you recall, in committee by the retirees as coercion to -- to -- a coerced choice. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 1154 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Take the record. On that question, there are 36 Ayes, 16 Nays, 3 voting Present. House Bill 1154, having received the required constitutional majority, is declared passed. With leave of the Body -- can we have a little -- can we keep the conversations down, please? With leave of the Body, we'll go to page 2, Senate Bills 3rd Reading. Senate Bill 16. Senator -- Senator Manar, do you -- seeks leave of the Body to return Senate Bill 16 to the Order of 2nd Reading for the purposes of accepting amendments. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 16. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Manar.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, on your amendment.

SENATOR MANAR:

Thank you, Mr. President. I would like to withdraw this amendment.

PRESIDING OFFICER: (SENATOR LINK)

Senate -- Senator's Amendment 1 is withdrawn. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Manar.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, for Floor Amendment 2.

SENATOR MANAR:

Like to withdraw this amendment as well.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar withdraws Floor Amendment 2. Are there any

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further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4 {sic} (3), offered by Senator Manar.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, on Floor Amendment No. 4. A little mistake, Floor Amendment No. 3. I didn't mean No. 4. Floor Amendment No. 3. Senator Manar, do you wish to proceed?

SENATOR MANAR:

Yes, thank you, Mr. President. I would move for the adoption of Floor Amendment No. 3. Be happy to debate the merits of this amendment on 3rd Reading.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion on the amendment? Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

I'd like the amendment to be explained before it's adopted, and then I would also request a roll call vote on Amendment 3.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Thank you, Mr. President. I simply rise to second the gentleman's motion for a roll call. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, to explain your amendment.

SENATOR MANAR:

Thank you, Mr. President. This amendment is a gut and replace amendment. It becomes the bill, along with corresponding amendments that are come -- to come after this. So let me -- let me go through what this amendment entails. First, it is the result

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of work that was performed by the Education Funding Advisory Committee, which was a bipartisan group that was set up to come up with an alternative course to the status quo in dealing with school funding and State aid distribution in our State. So the major departures from the status quo are, first, that we institute in this amendment and in the corresponding underlying bill an integrated funding formula that accounts for a local district's ability to pay or need as the predominant factor in how money is distributed to the eight hundred and sixty-plus school districts in the State. We devise a weighting formula that is in line with not just peer states, but with other states in the country. This is a -- a methodology that other states have moved to. And -- during our EFAC process, we sought to emulate the things that worked in other states and avoid things that didn't work in other states. And one of the things that was clear was that a weighting formula to assess at-risk students, students that have needs that cost more money to get to the same outcome - that is also included in this amendment. The amendment eliminates proration. It eliminates the Chicago Block Grant for the programs that exist in the budget today that are integrated into the formula. There is a hold harmless provision for the changes that are facilitated by the amendment. It's a little bit different than hold harmless provisions in the past. Both those districts that gain State funds under this amendment and those that lose see a phase-in over four years, where the fourth year the program would be completely phased in. And then, finally, the effective date is July 1 of 2015. And that is my overview, Mr. President. I'd be happy to get into more specifics.

PRESIDING OFFICER: (SENATOR LINK)

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The question is -- all those in favor of Amendment No. 3 to Senate Bill 16 will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 22 Nays, none voting Present. Amendment No. 3 to Senate Bill 16 is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Manar.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, on Amendment No. 4.

SENATOR MANAR:

Thank you, Mr. President. I would like to withdraw this amendment as well.

PRESIDING OFFICER: (SENATOR LINK)

The amendment's withdrawn. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 5, offered by Senator Manar.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, on Floor Amendment No. 5.

SENATOR MANAR:

Thank you, Mr. President. This amendment was -- and I should have mentioned on Amendment 3, there were many things incorporated into that amendment that came from what I would describe as constructive criticism after this bill, Senate Bill 16, was filed during the first few days of April. This Amendment 5 is -- is a continuation of that. So there's -- there's a couple of very important things in this amendment. First, it clarifies that the



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PTELL adjustment grants are included as part of the calculation of primary State aid to districts. And it also caps the loss of -- of any district at one thousand dollars per student. Of course, that is phased in over any number of years, effective July 1 of -- 2015. It also corrects what I would describe as technical or drafting errors. But, again, this was -- these were things that came to us as the debate came about in the Executive Committee, in the Education Committee, and with corresponding meetings with superintendents across the State. And I'd ask for the amendment's adoption.

PRESIDING OFFICER: (SENATOR LINK)

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

SECRETARY ANDERSON:

Floor Amendment No. 6, offered by Senator Manar.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, on Floor Amendment No. 6.

SENATOR MANAR:

Thank you, Mr. President. This is the final amendment for the bill. This would make complete what I mentioned earlier, that there are programs that were, pursuant to the EFAC report, never designed to be included in a proposed primary State aid formula under a weighting system. Those are early childhood/special ed placements and special ed transportation. This amendment would make the bill consistent with the model provided by EFAC in the report. And I would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR LINK)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 16. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 16.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, on your bill.

SENATOR MANAR:

Thank you, Mr. President, Ladies and Gentlemen of the Body. I want to first begin by saying that I appreciate the work that - that nearly everyone in this Chamber, from giving suggestions on this bill to attending hearings, to traveling throughout the State in the past nine months, the work, the ideas, the thought, the depth of this issue, all of those things that have come together that are now embodied in Senate Bill 16 with -- with the corresponding amendments. I want to -- I want to just say that this process began for me, as a father, when my children started the 2012 school year in Bunker Hill. And it dawned on me that -- that my kids were in a very similar situation to kids across this State, not just in small rural districts, but in urban districts as well. And as a legislator, newly elected legislator, before I

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was sworn in, this bill became an idea or a thought to me when I had a meeting with superintendents. Senator McCarter and I actually had a meeting in the basement of Litchfield Hospital in a conference room, and those superintendents laid out for us the dire straits that their districts are in. And my knee-jerk reaction was, well, we need more money into the system. And more money into the system would solve their problem, but as you begin to peel layers back on how we distribute funds and all of the things and the criteria that go into this issue, it's no wonder it hasn't changed in seventeen years. The State has changed dramatically in seventeen years, but one thing that hasn't changed is the School Code, the law that governs how billions of dollars are distributed from the State budget to hundreds of school districts in the State. So back to that meeting in Litchfield, I would say that I was wrong on one account. More money into the system today under the current funding formula is not going to solve the problems faced by the neediest districts in the State. We have a two-fold process. And the first has to be changing the way distribution is handled by the State law, because we're still pumping money out the same way we were seventeen years ago and that, actually, doesn't even match the whole purpose of general State aid in the first place. The way we do it today actually exacerbates the inequity; it doesn't make it -- it doesn't make it better. So, SJR 32, which I believe was unanimous adoption by the Senate, instilled a bipartisan process. It was an open and transparent process. If you went to the State Board of Education's website, you would see any number of documents, from documents submitted by superintendents to reports from other states, to nonpartisan groups weighing in. All of these things cumulated

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into a report that was issued on February 1st of this year, which was required by our resolution that we all supported in this Chamber, and that report became the basis of Senate Bill 16. I want to commend and compliment Senator Luechtefeld for cochairing that group. I appreciate the time and the effort that -- that he and all eight members, Republicans and Democrats in equal number, put forward that -- that, in my mind, allowed us to be at this point today. So there's been effort beyond any that I've been involved in, as a new legislator, to come up with an alternative to the status quo. This is the status quo. And I'm going to use an extreme example. I mentioned some of the provisions in the bill, and then I think what I'll do, Mr. President, is pause and -- and take questions. But I want to use this as an example, the most extreme I could find, but it's indicative of not just the path we're on, but the path we're going. And I want to compare East St. Louis and I want to compare Arlington Heights. In East St. Louis, the tax rate is seven dollars and forty-nine cents, seven and a half percent. With a seven and a half percent tax rate on the taxpayers in East St. Louis, twelve hundred dollars is raised per student. So seven and a half percent tax rate raises twelve hundred dollars per student with a ninety-nine percent poverty rate. Compared to Arlington Heights: The tax rate is a dollar eighty-four, a fraction of East St. Louis. With that dollar eighty-four tax rate, eighteen thousand four hundred dollars is raised per student. And the poverty rate is a quarter of that of East St. Louis, at twenty-six percent. Now on top of this disparity - which is -- this is the root of what State aid is intended to serve, intended to get at - on top of this disparity, when you prorate general State aid, the reduction per student in

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East St. Louis is nine hundred and thirty-five dollars; in Arlington Heights, it's fifty-eight. That's the world we live in today. That's the world that we own. That's the world that's protected by the law today in the School Code, and that's the world that we are seeking to change in Senate Bill 16. Now I don't use this example to say one is better or one is worse, but I use this example as just empirical evidence that if our State aid formula doesn't account for this in some way to a greater degree, we should expect nothing different from public schools in Illinois. The status quo will continue to produce the status quo. That doesn't make us competitive as a State. It doesn't offer equal opportunity to students across the State, and we have to change that. And I believe Senate Bill 16 is a reasonable course at this point in time in the State. Senate Bill 16 doesn't spend an additional penny of money in the State budget. It doesn't call for raising the foundation level. It doesn't say let's go pump another billion dollars into schools. But it does say that, regardless of how much or how little we have in any given year, how we distribute that money makes a difference. And it does matter. It matters to districts every day that struggle to keep doors open and offer things that are -- are today luxuries that just a few years ago were not. The State has changed in seventeen years, but the law that governs school funding has not. This is a reasonable approach and it's based on the EFAC report. And I'd be happy to take any questions, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

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To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR MURPHY:

The -- the attack on the status quo is an interesting one. It's one we began in our caucus last year when the Speaker of the House said many of our districts were getting a free lunch, this after the sixty-seven percent income tax hike sent a lot more of our money down to Springfield than we were sending before, and we knew we were primarily funding our schools with our own property tax dollars in my area, and I represent Arlington Heights, curiously enough. We know we spend most of our money locally. We raise most of our money locally. We're donor communities, have been for years, and we know it. But we highlighted some issues, because the idea at the time the Speaker said we were getting a free lunch, because the CPS paid their own pension payments. What we identified at the time, first and foremost, was a disparity in funding. That's true. We discovered that the status quo had, in fact, morphed substantially from what it had intended to be into something totally different, into a -- into really a poor outcome. We also found that on net, the suburbs and downstate weren't getting a free lunch. We were paying for one. The Chicago Public Schools were getting six hundred and sixty-eight million dollars more per year from State taxpayers than was their proportionate share. That's one of the things we found out. One of the other things we found out. How did everybody miss this for a dozen years? Senator, I'm pleased, once your kids went to school, that you finally decided after running these budgets for years that something needed to be changed. That's great. Because, for about

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twelve years, people in the districts all over this State were getting shorted with budgets that you put together for that majority, and the money was going to Chicago. Transparency. Nobody could figure it out for a dozen years. We had three funds within general State aid - three funds. Couldn't keep track of it. It was totally untransparent. This bill puts ten in there. We couldn't keep track of three, but ten is more transparent. So this bill on the one point, Chicago, which I'll get back to, on transparency, doesn't make it better, it makes it worse. The poverty formula - we had none other than President Poshard in committee saying poverty is poverty; you shouldn't treat poor kids differently. Let me start out by accepting the premise that in a high concentration of poverty kids, that is more expensive. Current law, it's three thousand dollars per poor kid in a high density poverty area; it's three hundred and fourteen bucks in a low poverty area. Under this bill, it goes up to about forty-eight hundred down to twelve dollars. The grade school district in that rich area I live in has about thirty-one percent poverty. We get twelve bucks a kid for everything we send down. Poverty disparity is widened by this, not narrowed. Transparency, made worse. Poverty, made worse. PTELL, negligibly touched. These are the things we highlighted. Chicago Block Grant, it was out. We touted that. That was great. Unfortunately, he had to go buy votes; now it's effectively back in under a different name. Mandate relief, man, everybody was excited about mandate relief. We had people on our side of the aisle ready to tell our superintendents, you know, they're going to stick it to you with this bill, but at least you're going to get mandate relief. Well, with Senate Bill 4 getting tubed, the lady from Maywood I'm sure

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is ecstatic, but the people who are looking for relief from mandates in Springfield and hope to offset what they're going to get cut in this bill, not so much. Nothing about Chicago TIFs. They can put all of their assessed value in TIFs, take it off the books, and we pay for it here. We have a broken system. That's true. That's why we did the homework last year, identified the problems, put bills out to address the specific issues. Transparency didn't get fixed. Poverty didn't get fixed. PTELL, barely touched. Chicago, oh yeah, that's right, they were getting six hundred and sixty-eight million disproportionate before. Now that we have identified the problem, they're only getting about six hundred and thirty million disproportionate per year. We are cementing the very disparity that started this whole analysis into law. And for those of you who represent suburbs, understand, they're taking it from your property taxpayers and they're going to be asking you, "What did you do to defend us in Park Ridge?" "What did you do to defend us in Schaumburg?" "What did you do to defend our property taxpayers?" 'Cause the only option is going to be for suburban property taxpayers to raise taxes. I know that -- that may be part of your agenda. I'll be interested to see what the Governor does with this bill, if it makes it out of the House. The bottom line is the broken system continues. You have passed budgets since you took control of this Chamber that skewed money away from your own districts into Chicago. You did it last year, knowingly. You're going to do it again this year, knowingly. We raised this. We gave you every opportunity. This is the proposal you come up with? You don't address any of the issues that were raised to the -- unless you make 'em worse. You continue and cement money disproportionate to CPS. That's not change. This



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is not a courageous attempt at reform. It's politics as usual wearing a reformer's mask. Chicago Public Schools gets theirs. The Senate sponsor's district gets theirs. And most of the rest of us, frankly, get to go back to our property taxpayers and say, "Springfield Democrats don't care how much you pay now. You need to pay more or your kids will suffer." Ladies and Gentlemen, this does not pass as reform. You can spend all the time you want on it. You can tell everybody how hard you worked on it. If the bottom line final product stinks, you vote it down. And this product stinks. I urge a No vote.

PRESIDING OFFICER: (SENATOR LINK)

I was going to put the timer on, but I think Senator Murphy has used up about four people's timer. So, I think I will start the timer and, from now on, we'll go on it. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I wouldn't use the timer. This is a little more important than cupcakes. I rise in opposition to this bill, as a suburban legislator, a parent, and somebody who can provide a little history on school funding. I have a ten-year-old and a twelve-year-old in the public schools, and my father taught in the public schools for forty years, and I began my career as the staffer to the Senate Education Committee right here. One of my biggest concerns with this proposal to change education funding is that it masks how poorly, how poorly the State of Illinois has funded education. In both 2013 and 2014, our schools received only eighty-nine percent of the dollars that were due. And as Senator Murphy pointed out, the formula does not change the record here of shortchanging schools, and it adds no new money, no new money for our public schools. I just read that Texas is

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pouring four billion dollars this week, four billion dollars of new money into their schools, and they don't even have an income tax. Well, the lesson there is probably they have a robust economy and we do not. But the plan before us today does not improve funding. It disguises it. Let me say it again. This does not improve school funding. It disguises us. You're shuffling the education deck, but you're adding no new cards. And I'm willing to support education funding formulas that may even lose some dollars in my district, although not twenty million dollars as this plan would result. But this plan makes it too difficult. Hundreds of school districts, not just suburban districts, are hurt. There's downstate school districts that are hurt here as well. I got a plaque in my office of Abraham Lincoln that says, "You cannot strengthen the weak by weakening the strong." And that's what this does, particularly to the suburban schools. You know, the last time we changed the funding formula was in 1997. Governor Edgar initiated a thoughtful process of reforming education funding and, Senator Manar, I deeply respect the work you have put in -- in this bill. But Governor Edgar's plan created the concept of a foundation level as a way to ensure that every child, every child, in Illinois is guaranteed a necessary funding support level. And the Edgar plan had winners and, yes, it had losers, but it also recognized the need to help the schools, like suburban schools, that are losing money. And how did he do that? In 1997, he put six hundred million dollars of new money into the funding formula to minimize the deep hurt to the suburban schools. And today that'd be billions of dollars. Senator Manar's plan does not add significant new revenue to our schools and that's why there are brutal, brutal losers in this plan. A notable change in

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this bill is that it redefines the foundation level, and for seventeen years the panel that has looked at foundation levels has always had a goal and a number, a good number, about funding our schools. And sometimes the Legislature, like it has in the last couple years, doesn't fund it like the foundation level should be funded. But we have a level, a level, that's there. And the Manar plan changes that. You know, under Andy's plan, the foundation level is going to be calculated, calculated by the appropriation. This means that future governors and this Legislature can hide. It can hide our pathetic support of our public schools. And the idea of setting a foundation level on a true need is going to be gone forever. And for you downstaters, I think that's important and it's wrong. The foundation level should mean something. We need to know what the heck our foundation level is for my kids and your kids, and it's not in here. Now, I found, in support of Senator Manar, Senator Manar, it's a lot easier to do these kinds of reforms, any kind of reform, when the State's got money, in good times, as opposed to bad like this. But you can't pick pockets, pick pockets like you are of the suburban areas and selected downstate areas. So I speak from a suburbanite's perspective on this. And then last, but not least, you know, how in the world is a school superintendent or a board of education supposed to plan in this State? I mean, a suburban school superintendent today has the threat of Speaker Madigan's cost shift for pensions. And now, today, how are you going to plan to take twenty million out of my district if you're a school superintendent? So this just causes chaos, chaos, I believe, with respect to school planning. And at least from my suburban perspective, as well as the statewide perspective, this is not --

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not a prudent thing to do. And I'd urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar.

SENATOR MANAR:

Thank you, Mr. President. I -- I appreciate the remarks of the previous two speakers. I want to respond to a few points. Number one, using enrollment -- using enrollment as the criteria for determining which districts receive too much or too little is not a criteria that any educator in this country would use. Now I've talked to three hundred-plus superintendents in this State and I've spent a lot of time traveling around, having one-on-one conversations with suburban superintendents, downstate superintendents, CPS, Metro East superintendents, and there isn't a single educator that says enrollment should be the factor of how we distribute money. That is an ineffective way to spend money on the State level. It doesn't address the issues that are at the core challenges of public schools. So we should put the free lunch discussion behind us, because that's based on an enrollment calculation of which no educator would ever say you should use in determining how to spend money. Now we improved the poverty grant. I don't want anybody to think that this bill doesn't improve what we have today with the poverty grant. We improved it. It's based on a specific recommendation from the task force. There was no more specific recommendation than this one and it's in the bill now. I didn't make it up. This came to us from experts. It came to us from educators. It came to us throughout the process that we instilled over the past eight months. Chicago TIF, so - by the way, there's more communities in the State than just Chicago with TIF districts - but this was something that was brought up in the

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Executive Committee and we incorporated language into the bill that says that the general State aid review committee should look at this as a changing factor - this has changed in the last seventeen years - as a changing factor on how schools are funded and possibly come up with recommendations. So, I -- I understand why the two previous speakers are not going to vote for this bill, because under the current state of what we have in Illinois, under proration, their districts are rewarded. And they are some of the lowest-taxed, highest-spending districts in the State. Now, that's not where this discussion should go. But -- but that's what we have to talk about. They are the lowest tax rate districts in the State and they spend some of the highest per pupil spending. The bill that's before us tries to accommodate for those changes, and I believe it's -- it's a profound, but it's an appropriate change that would reverse many things that are in the status quo today.

PRESIDING OFFICER: (SENATOR LINK)

Senator Cunningham, for what purpose do you rise?

SENATOR CUNNINGHAM:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR LINK)

There are three, six, eight, nine speakers. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR RIGHTER:

Thank you. Senator Manar, I got just one area I -- I have a

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question on, and that is, since the mandates relief amendment, Amendment 4, was adopted by the Senate Education Committee a week or ten days ago, whenever it was, there's been -- kind of the conventional wisdom was, is that you believe that that mandates relief package was an important part of Senate Bill 16. Now you've decided not to adopt it. Can you just walk through your thinking briefly for me, considering I'm on the timer?

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar.

SENATOR MANAR:

As I acknowledged in committee, mandate relief was talked about loosely in front of EFAC. It was not specific. It was general. And I believe, in front of the Education Committee, I acknowledged that I questioned whether or not mandate relief was an appropriate addition to Senate Bill 16. At the core of Senate Bill 16 is, how do we get to greater equity? We own the second least equitable system in the country. How do we get that situation better? Mandate relief doesn't aid to addressing the inequity problem. I questioned that in front of the committee. I ultimately decided to table the -- table the amendment, because what I'm trying to do is pass a bill. And it's clear that this is a topic that -- that is deserving of more discussion, which I'm going to be involved in, but I don't believe it belongs in this bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

To the bill, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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To the bill.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a couple areas that I would like to discuss. First, it's been -- the "free lunch" term has been used by a couple Members here. I think it's important for everyone to remember in the context of the debate that we are having here, because there are many, and some of us are talking about it, but there are many who object to the still present disproportionate share of State funding that is going to the Chicago Public Schools, but put that against the backdrop of the fact that the property tax calculation in Cook County is dramatically different than it is anywhere else in the State. Right now, Cook County does about sixty-one percent of its EAV leveraged towards schools. Most other parts of this State, particularly in downstate, that number is in the high eighties or low nineties. So the effort being put forward to fund the schools by locals is dramatically higher in other parts of the State than it is in Cook County, and then you put the disproportionate share of State dollars on top of that, that's why the free lunch topic that the Speaker was so kind to raise last spring becomes a hot point of topic. But that's not my primary concern with this bill. Now, if you look at the winners and losers list, my district wins. My district wins. My schools, almost uniformly, would get more money, assuming the numbers are accurate and assuming this became law, than -- than they do now. They absolutely would. And there are times when we act, as we stand here as Members of the Senate, focused solely on our districts, and then there are times when we act focused more broadly on what the policy is statewide and what the long-term policy is. For me, this issue is larger than the

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fourteen counties that I represent, because there are more kids who go to school than just the -- in the fourteen counties I represent. Statewide, if this bill becomes law, the one objective measuring stick that we have, to say are we funding to the degree that we said we would, will be changed and it'll be changed dramatically, and that is the foundation level - the six thousand one hundred and nineteen dollars per child that this General Assembly and this Governor have said is the absolute minimum per child you can spend in these schools and give them an adequate education. Under Senate Bill 16, that number is no longer locked in statute. The State Board of Education has the ability to lower that number. Now what's the problem with that? It is because we've heard this term "proration" kicked around about. And it's been kicked around about almost as if proration is a -- is a condition that afflicts us beyond our control, but that's simply not true, Mr. President. Proration means the General Assembly and the Governor aren't funding to the sixty-one-nineteen level. That's not something that just comes down upon us and is beyond our control; that's because of what we do here. The House budget funds at ninety percent. And this bill -- this bill, if you take the statutory level, compared to what the State Board of Education it says itself is going to fund per child, it's something like eighty-four percent - five thousand one hundred and eighty -- fifty-four dollars - almost a one-thousand-dollar per child drop in what this General Assembly by law has said..

PRESIDING OFFICER: (SENATOR LINK)

Wrap it up. Wrap it up. Your time's up.

SENATOR RIGHTER:

...has said by law that we need to spend in order to adequately



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fund these schools. The one measuring stick administrators, parents, people who volunteer in schools, the one objective and easy to understand measuring stick that they have to see if Springfield is doing its job will be removed under this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator Barickman, for what purpose do you rise?

SENATOR BARICKMAN:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR BARICKMAN:

Ladies and Gentlemen, I have been a part of this process for a better part of the last year. Our caucus and I think Senator Murphy brought to light the work done by our caucus to highlight and dispute the notion that some of our downstate schools receive a free lunch, a characterization made by Speaker Madigan that helped fuel the debate that we're having today. Senate Republicans publish a document that quantifies the extent of that free lunch and, as Senator Murphy, again, suggested, the outcome of that report is nearly seven hundred million dollars in funding that benefits one school district, one school district, to the detriment of every other school district, and ultimately student, throughout the rest of the State - one district. Why? Because the rules for one district are different than the rules for everyone else. EFAC was assembled. I was proud to serve on that committee. And we did, we spent months studying what the experts said were the ways in which you can gut and rewrite your funding formula. Not once, not once during those EFAC meetings, did anyone dispute the problem

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that we highlighted - almost seven hundred million dollars to one district. Not once has anyone disputed that number - not once. We spent months studying, how do you fix the problem? The problem is the disproportionate funding that goes to one district - no dispute. Glad to sit through the EFAC committees. Glad to hear the commentary from Republicans and Democrats and experts. Not once did anyone dispute the problem that we have in this State - the disproportionate funding that benefits one district at the expense of every other student and child and future child throughout this State. This Body recognized that we had a problem that we must fix. That's why we created the -- the EFAC committee. And the question today is, did we fix the problem and did we fulfill the goal of EFAC? EFAC produced a report. It's been alluded to a number of times here. We didn't do either here today. Senate Bill 16 doesn't get there. It's no fault of the sponsor. I know he's been working hard on this legislation. But what's clear is we are not there yet. We're not at the finish line. The disproportionate funding that existed a year ago will continue to exist if this legislation is made law. State Board's run the numbers. The numbers -- all the numbers do is change the -- change the way in which we have the same outcomes we had last year. It does do some reshuffling. There's some new winners. There's some new losers. I happen to be one of those districts that's a winner. Some have alluded that the measuring stick for the legislation is going to be totally determined by those who are winners versus those who are losers. It's an unfair characterization. And if our votes are determined by wins and losses in our districts, we're not doing our job to all the people of this great State. The question is, did we fix the problem? The disproportionate funding

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continues and appears to even further exacerbate the problems that exist in our funding formula today. And Senator Righter hit on this point.

PRESIDING OFFICER: (SENATOR LINK)

Wrap -- wrap up. Your time is up, Mr. -- Senator Barickman.

SENATOR BARICKMAN:

The fact that this legislation takes away the foundation level, that guarantee that we give to every student in this State that there is a minimum number of dollars that are available to every child, whether that child goes to Arlington Heights, East St. Louis, Bloomington, Pontiac, Bunker Hill, or anywhere else. This legislation takes away the guarantee. And it says to our school districts, and it says to our students...

PRESIDING OFFICER: (SENATOR LINK)

I asked you to wrap up, please.

SENATOR BARICKMAN:

...we're not willing to do our job...

PRESIDING OFFICER: (SENATOR LINK)

Time's up.

SENATOR BARICKMAN:

...and...

PRESIDING OFFICER: (SENATOR LINK)

Senator Biss, for what purpose do you rise?

SENATOR BISS:

To the bill, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR BISS:

Thank you, Mr. President and Members of the Senate. You know,

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as we're debating this bill, which makes a pretty important change around our school policy, I think back to my various visits to schools in and around my district. I'm guessing I'm not unlike most people in this Chamber, that I make an effort to visit every school I possibly can and speak to students whenever I can, whether they're in the third grade or middle school, high school, or graduate school. And what's interesting is that I almost always find when I visit schools that, as different as the students are, there's one question they always ask in some form or another, and that question is, what do you -- what do you do, Senator, what -- what do you do when what you think is best for the whole State comes in conflict with what you think your constituents might prefer you to do? It's a hard question. And it's a question that doesn't have a simple black and white answer. But it's a question that I find myself facing right now, because this is a bill that has pretty tough consequences for my district. According to the State Board of Education's analysis of Amendment 3, my district would lose around twenty-two million dollars. That's 78.6 percent of its -- of its State aid, ranking it fourth in the State for being a quote "loser district" as -- to use the parlance of this debate. And I think that this debate has been set up in such a way as to suggest that, hey, the districts that lose, they can handle it. It's not a big deal. Don't worry about it. And I -- I'm here to say that it is a big deal. It's not simple. It's not easy for those districts in these difficult economic times. Even school districts in affluent parts of the State are having real challenges. I think about the elementary school district I live in, District 65 in Evanston and Skokie, where my son -- older son is a kindergartener. They're an early warning district for the

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State Board of Education right now, so a position of some fiscal challenge. They're debating whether they need to increase class size and what other changes they might have to make and these are painful changes for me as a parent. Our son has art every week, music every week, drama every week, phenomenal teachers, small classes, tremendous support, extraordinary resources, great technology, and I -- I love it. I love it. But here's what I don't love - I don't love sitting around the dinner table at night when my son has heard somewhere that there are kids elsewhere in the State who don't have those resources and he asks me why, and I have no answer. There is no decent answer to that question. The principle of equality of opportunity is a core value, not just of this State, but of this nation. It is a core fundamental value upon which this nation was founded. And the status quo of education funding that this bill seeks to change is failing - is failing our efforts to enact that value. It is a failure. It is a dismal failure. It is a grotesque failure with grotesque consequences. And it's not right. And this bill can be argued about. This bill may be imperfect in various ways, but this bill in very clear, very sensible, very logical ways sets about the task of trying to right that fundamental wrong. And so the answer that I find myself formulating for those students when I speak to their classes about what do you do when you have this conflict between the immediate monetary preferences of your district and the greater good of the whole State is that it's a tough call and it's a judgment call, but when core values upon which our society is founded are at stake, they have to trump everything else. This is not an easy vote for me. It's going to make a complicated summer for me, but it is clearly, Members, clearly, the right thing

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to do. Please vote Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bertino-Tarrant, for what purpose do you rise?

SENATOR BERTINO-TARRANT:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR BERTINO-TARRANT:

I, like my friend, Senator Biss, has weighed in on this and I am coming from a district, my own personal district, that is also losing. And I have about four pages of notes here. I'm hearing comments and I can't even get my -- my thoughts straight, because when we talk about education, it's so much more than dollars. And I can assure you that the success of students is not quantified by a dollar amount. And there is proof that how much you spend on a child does not impact their achievement. Two things do, parents and their rapport with their teacher. Those are our two biggest focus. You know, and I hear, maybe not directly, but we're -- we're talking about our dollars in the suburbs and down south as opposed to what's going in Chicago. And it's so -- I mean, we can't even compare those two systems. We're talking about a district that needs safe passages to districts that are fighting for their iPads. And it -- it's not even a fair statement to try to quantify that in this bill. This is a bill about letting kids have equity in their school systems. I, too, had a conversation with Senator Manar, and this was my aha moment. And if you go into my office - I shared this with my caucus - if you go into my office, you see my -- my children's artwork that they've done in school. The same thing is in Senator Manar's. And we got -- we

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-- we spoke on that. And my kids are fortunate; they have art class every week. And they do wonderful things. He shared how his child has art class once a week, maybe, and it's going to be every other year. And it was that aha moment that we have to -- this is a policy that we have to care about if we care about kids. This is fairness. This is equity. And although my -- my child's school is going to be a loser, I feel this is the right thing to do. I called my superintendent and I said, "What should I do? What would you like me to do? What will you cut?" And you know what? He -- he affirmed with me that, "Jennifer, you're an educator. You care about children. You have to do the right thing, and I support your decision." What we will cut -- we're not looking at teachers; we're not looking at math, science, computer science. We're looking at maybe parents will have to pay for some clubs. And this is the reality of these dollars sometimes. So, please look into your heart. This is for our kids. This is kids getting heat in their school, and kids maybe having extra coursework that other -- other children aren't -- don't have -- aren't afforded that opportunity. Like I said, my mind is -- mind is going. I can go into the theory of learning and what we really need to do, but, however, we have listened to many bills in Education and this is the first bill, mine including, that I see as a clear path to the betterment of our education system. I support this bill and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Noland, for what purpose do you rise?

SENATOR NOLAND:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

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To the bill.

SENATOR NOLAND:

First of all, Mr. President, I'd like to thank the sponsor and commend him on a job well done. It's been a privilege and a real true pleasure watching him present this bill all across our State through the committee process and hearing process. Job well done. Cannot be -- cannot be overstated. It is probably the most impressive and herculean lift I, in the seven years that I've been here, have witnessed by a freshman. So, Senator Manar, job well done. More so - to the bill, Mr. President - you know, we all come down here for a number of reasons. I, myself, never really took an interest in what is happening, even in a passing sense, what is happening down here in Springfield, until I read in my local newspaper back home about a neighboring school district, neighboring to School District U46, which is one of the primary districts I represent, neighboring school district that was sending - and I actually represent this school district now - sending their fourth graders home with laptops with which to do their homework, while another neighboring school district - in this case, School District 300 in Carpentersville - where kids were still learning out of textbooks that were over twenty years old. And it was about this time, Mr. President, that I had an opportunity to do some substitute teaching in both School District U46 and 300, where I learned something about our overcrowded classrooms and the great expense to which we put our teachers here in the State of Illinois. And I'm sure that we all have our own stories about standing in line at a grocery store or in a drug store, where the person in front of us or in the next aisle, presumably a teacher, is purchasing large quantities of school



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supplies with their own money. Mr. President, this is a scene that bears itself out almost every day in the State of Illinois, more in some parts than in others. This bill, Senate Bill 16, will not remedy that. It doesn't even speak to how much we're actually spending on education here in the State of Illinois, nor is it going to make it so that we're spending equal amounts on schools everywhere throughout our State. This bill does not do that. But what this bill does do, Mr. President, is it makes it so that kids even in struggling school districts will have as much of an opportunity for success as kids residing in more affluent school districts. Now it also has to be recognized that this bill -- under this bill, there will be winners and there will be losers, as has been stated. That is a fact. The winners will receive more money from the State, and the losers, as we know, will receive less money from the State. But what this bill does provide for, Mr. President, is that no school district will receive less money unless it is already fully equipped to provide the highest caliber education possible and available to those children. That is fair and that is equitable. Now, Mr. President, we all know that when we fail our -- our children, we pay for it down the line. We all know that. When we fail to educate our children, we set them up for failure later in life. We set them up for low-wage work. We set them up for having to rely on food stamps, on Medicaid, and a ceaseless and endless cycle of unemployment and underemployment. And we know, too, that our social services can only do so much. Ultimately, it is never enough. Gangs, crime, poverty - these are all systemic and endemic of an underfunded and inadequately funded education system in the State of Illinois, an education system that can and must - and must - become so much more, so much more.

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Now, we can continue to treat only the -- the symptoms of our condition by throwing more and more taxpayer dollars at this problem and throw more and more taxpayer dollars at our social services and our criminal justice system, or we can finally, at long last, do the right thing and drive education dollars where they are needed most. Mr. President, under this bill, we have an opportunity to lower the cost to our taxpayers over the long run, while at the same time lifting the children and all of Illinois to a higher place. Under this bill, we have an opportunity to create an education funding system...

PRESIDING OFFICER: (SENATOR LINK)

Please wrap up, Mr. -- Senator Noland, right away.

SENATOR NOLAND:

I will. Thank you. An education funding system that is both equitable and sustainable for the -- for the long term and for the foreseeable future. And, finally, Mr. President, under this bill, we have an opportunity to provide every child in Illinois that fighting chance at a quality education that is promised in our State's Constitution and is the foundation of the American dream. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR LINK)

He indicates he will.

SENATOR HAINE:

Senator Manar, could you run through again how this -- the current system shortchanges a -- a poor district, a district with

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a high poverty rate and a district with a low -- low EAV?

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar.

SENATOR MANAR:

Thank you for the question. I'm going to point to, Senator Haine, a report that was presented to the Education Funding Advisory Committee in September here in the Capitol Building. I'm going to point to a conclusion in the executive summary on page 2 from Augenblick, Palaich and Associates, a nonpartisan group that came and assessed our system. And they said, "we conclude that the Illinois school finance system is inequitable for both students and taxpayers", which is the nature of your question, and that districts -- school districts that make a lower tax effort tend to raise higher amounts of local revenue and spend more per pupil. Let me say it one more time - districts that make a lower tax effort tend to raise higher amounts of local revenue and spend more per pupil. So back to the example of East St. Louis and Arlington Heights. I'll -- I'll say it in more blunt terms. In the case of East St. Louis, even if they wanted to tax themselves enough, even if they wanted to, they couldn't bring about equity on their own, which in my mind is what the purpose of the State aid system and formula is in the first place.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

And -- and this system we have was made worse by the PTELL business beginning in '99. Right?

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar.

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SENATOR MANAR:

Yes. You could -- you could argue that because the PTELL adjustment was not contained within the formula because it has wild costs associated with it, up and down, that that injects uncertainty to a degree that I don't think any of us are comfortable with. So the question before us is, what do we do with that? And, in this bill, we appropriately contain its costs, which should bring about a higher level of stability for districts that do not access money through that one adjustment. But there are, Senator Haine, a dozen examples of things just like this in the current funding formula that we're going to turn the page on and put behind us.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Thank you, Senator Manar. To -- to the bill: I -- I want to thank Senator Andy Manar for the hours and hours he spent around the State in this herculean effort to tell us what's wrong with the current system and give us an opportunity to do something about it. Educational funding, to me, over the years is similar to what Churchill referred to the Soviet Union, as a -- an enigma, wrapped in a mystery, inside of a riddle {sic}. We just learned about the PTELL business two years ago. And none of this was addressed by those across the aisle, who spent their days and hours focusing on wrongdoing in Chicago. The -- the fact is, just in the PTELL, we discovered that in my county, in my district, we have school districts with seventy percent poverty - Wood River-Hartford; a hundred percent poverty - Alton; sixty-one percent poverty - Roxana; Bethalto - forty-two percent, shoveling money to the

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suburbs with tax caps. We don't have tax caps. Our people voted 'em down. And yet we're subsidizing those who choose to cap their property taxes. It's what the British say is "shipping coal to Newcastle". We are subsidizing the wealthy. And we -- and we're not making sense with school funding. This young man has brought forth an effort, and for that, he gets shot at on the Floor of the Senate with a lot of partisan rhetoric. Ladies and Gentlemen, it's time to proceed rationally and to make sense out of it, and go back to the concept that we have a principle of the common school - the common school, where those who are -- all of us, all citizens are afforded an opportunity to rise and be educated. That was the premise of Lincoln, the -- the -- for whom this State has revered -- whom the State has revered for decades. I would ask for an Aye vote. And I appreciate very much this tremendous effort by Senator Manar to explain this.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR SANDOVAL:

I want to commend the sponsor for this bill. You know, I -- I look at Andy Manar and I -- I think about movies like Braveheart and books like Profiles in Courage. There's no doubt in my mind that there is no bill that's being debated in the Illinois Legislature this year that has -- that is -- that is more significant than this bill that we're debating here, Senate Bill 16. Forget about all this other crap we've been talking about all

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year long. This is where the rubber meets the road, particularly on Members of this side of the aisle. I want to remind you, I have been -- I've been the adopted Senator for Franklin County over the last twelve years, and I visited some of those rural school districts. I've been to those schools. They're messed up. They're bad. They're dilapidated. They're poor. People are crying. And they -- they always talk about "Senator Sandoval, Senator Sandoval, we've been to your district. We got some -- you got some beautiful schools. You've got some great programs. We don't get jack. Zero. Nada. How does that happen?" I said, "You know what? 'Cause we like to fight for people in Chicago." I can't speak for those downstate, but you know what? I don't know how much education a road does anybody. I don't know how much education a sporting range does anybody. I don't know how much education the, you know, a tractor does anybody. The -- the -- the Constitution reads -- Article X of the 1970 Constitution says, "A fundamental goal of the People of the State is the educational development of all persons..." - not just a few, "all persons". And that includes downstaters. It's ironic that I would be saying that, 'cause I don't live downstate. And usually -- it's very rare that I would stand up for folks downstate or south of I-80, but I am today, 'cause it's the right thing. That's what the Constitution calls upon, and that's why we were all elected. And you know what? There'll be mailers going out over the next couple weeks, and -- you know, some of you who are running that are -- for higher office or running for, you know, dog catcher, whatever, you're all going to say you're the education Senator. Every -- every lady -- lady and gentleman in this Chamber puts out some mailer: "We're the education Senator. We're going to rock

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the world. We're going to make everyone's education life a lot better and our children are first and they come first." Hogwash. Hogwash. You know, I was looking at the members of this Committee, the report. We've got Senator Luechtefeld, Senator Barickman, Senator McConnaughay, Senator Rezin, Senator Rose {sic}. Now these are all folks who are eventually or probably, most of them, winners. They're winners. They no longer become losers. They're winners. They're winners in the re-shifting of funding for their districts. How can you stand up today and say, "You know, well, that's not good enough"? - when, particularly, the report expresses that -- as you delivered the report, the work by this committee of these Members that I just mentioned, discuss that -- the -- forward this report by saying, "The Advisory Committee provides recommendations regarding the distribution of funding to school districts." "The Advisory Committee believes" the -- "this report provides that framework." Well -- and I'm not reading Spanish, and it isn't Greek. It's plain English. We get elected to ensure that there's equitable funding and the -- of education in -- in the entire State of Illinois, and that every child of Illinois has a right to be educated fairly and equitably. For all of you who are going to be the new winners -- 'cause you know what? My district, CPS, we're going to get less. We're going to get less. Chicago is going to get less. And I'm advocating so that your districts, particularly downstate, do better. How can you say no to that? How can you turn your back on the poor people of southern Illinois? That's unconscionable. It's appalling. At a minimum, at a minimum, there should be forty green lights. It is rare. It took a freshman Senator -- it took a freshman Senator - and I say that respectfully - to take an issue as complex, as challenging,

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and as -- and -- and central to the reason why we were all elected to the Illinois Legislature, is to fix education funding. And you know what? I've been here twelve years and we still haven't done it. In fact, it's gotten worse. And we've all been part of that. And you have an opportunity to allow our Senator Andy Manar to put us back on the right path...

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval, please wrap up.

SENATOR SANDOVAL:

...to fight for another day - in particular, ensure and guarantee the Constitution of Illinois so that all children would benefit from a solid education in the State of Illinois. I ask an -- an Aye vote, particularly on every single Member on this side of the aisle.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR REZIN:

Thank you, Senator. I -- as you know, we worked closely for the last year on the EFAC commission, and this is a big issue. We've had many experts from around the entire State come in and talk to us about what they've done in other states, best practices in other states. One thing that I think that we have -- that we will agree on is there's no right formula. There's many good ideas in different states and it's -- it's a much bigger process than just -- than what we first started with. My question to you is -



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I know the previous speaker spoke about everybody who was part of our committee, but there were no House Members - where do you think this bill will go over in the House?

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar.

SENATOR MANAR:

I -- I can't -- if I had a dollar for every time I was asked this question, I'd have a lot of money. I can't -- I can't see the future. You know, Senator Rezin, that there was House participation from both caucuses. It was a disappointment that those appointments weren't made to EFAC. I think that's how we intended to proceed when SJR 32 was adopted by the Senate, but it didn't happen. So I guess we -- we could have at the time just stopped and that would have been another reason in a list of seventeen years' worth of reasons not to move forward, but what I thought was the prudent thing to do was to move forward as a Senate -- as a Senate group and -- and hopefully that would result in a bill. And that's what we have today. So I don't have the slightest idea what the House is going to do with this bill or any other bill. But what I would hope is that if we can show that the system today is broken, which I think we all agree needs to be changed, and if we can put a reasonable alternative on the table, then there would be no reason not to move forward. And -- and that's what I think this bill represents.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin.

SENATOR REZIN:

Thank you. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

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To the bill.

SENATOR REZIN:

I appreciate Senator Manar's work on this. It is a tough issue. It's a tough issue. It hasn't been dealt with for thirty years. So it just goes to show how in depth and how much research it takes. And I think what he said is true. This is a start to a very long process. I think that we'll all agree that the -- the direction in the House in this bill is very questionable. When I talk to my superintendents, they say, "You know, it is a good start, but we need help now." And for them, it's about proration, proration, proration. And just to put into perspective what proration does to school districts, Streator, in particular, in my district, by not fully funding or not giving the school district what they budgeted for, Streator Elementary - which was down here, by the way, two weeks ago, protesting the proration - and they put into words how it affects a school such as Streator Elementary. Streator has the lowest property wealth in LaSalle County. Over the last six years, they've reduced their budget by over five million dollars. That's a lot. What's that look like to Streator Elementary? It includes closing Oakland Park Elementary School, dismissing fifteen full-time and five part-time teachers, dismissing eleven and reducing forty-nine full-time support staff positions to part-time, eliminating and reducing a principal and five administration jobs. They've reached a tipping point. When we prorate, they now have to go to the local bank to borrow money to keep their doors open. At the very end, until we can figure out education funding and school funding, I think we need to look at what we can do to fully fund education. What I've told my superintendents in the past several years is that this State has

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taken in, after the income tax increase, twenty-six billion dollars in new revenue, as you say -- or we say, new taxes - money out of people's pocket. But do you know how much of that new revenue or taxes went towards education? Not one dollar. If truly education's the priority in this State, we would have seen more money from that income tax increase go to education. I agree with Senator Barickman - this is a good start, but we haven't crossed the finish line. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Leader Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Mr. President. I'd like to speak to the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR SULLIVAN:

First of all, Mr. President, Members of the Senate, a sincere thank you and appreciation to all members of the EFAC committee. Senator Manar -- the co-chairs, Senator Manar and Senator Luechtefeld, all the members, they put in countless hours, time, effort, resources into finding a solution. So I want to say thank you, first of all. It was a difficult task. Senator Manar, your leadership on this issue is -- is -- goes above and beyond, I think anything I've ever seen from a -- as somebody referred to you earlier, as a freshman legislator. Some of the previous speakers on the other side of the aisle would have you believe that the purpose of EFAC was to find additional revenue for education. That was not their purpose. That was not their directive. As a matter of fact, I have the report that all Members signed, and the purpose of EFAC was to conduct a thorough review of the State's existing

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pre-K to twelfth grade education funding system, to ensure that any new Illinois school funding system would be adequate, equitable, prepare students for success after high school, and support teachers and school leaders. The committee was to consider student populations, student needs, each district's ability to pay, transparency {sic} (transparency) and accountability, and predictable results. That's what -- every Member on both sides of the aisle of the EFAC committee signed off and said that's what their -- they were assigned to do and that's what they've done. So, with those recommendations, Senator Manar has brought forward Senate Bill 16. Will there be winners and losers under a new funding formula? Absolutely. But those winners and losers will be based on need and resources and not what your zip code is. We've all said that around here for years; that it ought to be based on not where you live, but what resources that you have. Senate Bill 16 addresses that. I have thirty-four school districts in my Senate district. I've spoken to every one of my superintendents. But I've also spoken to some superintendents around the State that would be considered to represent -- or be superintendents in wealthy suburban districts. And I asked one of those superintendents, I said, "Under Senate Bill 16, are you a winner or a loser?" She said -- she asked her CFO and they said they're going to lose four hundred thousand dollars. I thought, "Oh my." And so then I asked her, "What does that represent of your total budget?" And she said, "I think it's three or four percent." Three or four percent. We have to look, again, based on need and resources available. Senator Manar, you also, in your opening remarks, talked about the disparity between East St. Louis and, I think, Arlington Heights - was it? - and that disparity and

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the spending per -- per student. I'd like to use another example of -- many of you have heard me talk about the transportation line item in the budget. I have a -- thirty-four districts. They're large rural districts for the most part. Transportation is a huge issue for my school districts. All thirty-four of my school districts - you may not know this, some of you do, but districts can levy a tax for transportation - all of my districts levy to the max. They can't go any higher. Many of the suburban and wealthier districts either don't levy any money or they levy a very small amount. Again, another disparity based on resources or a lack of resources. Finally, I just want to say, Mr. President, Members of the Senate, Senate Bill 16, complicated, difficult, winners, losers, but we have -- we cannot lose our focus in what our -- what the direction was of the EFAC and -- and the legislation, and that is, that we need to -- this needs to be driven by need and on available resources. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR LINK)

He indicates he will yield.

SENATOR LUECHTEFELD:

First, I would like to sort of give a -- a little bit of background of -- of really what happened in the committees. There were a lot of people, obviously, there. You know, there were definitely some agreements to start with that really we would -- we would not worry about new money, that we would basically say,

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how do you -- how do you redistribute money, depending -- if it was the same amount or if it was less or if it was more, how it was distributed. That -- that, I think, was definitely one of the points that -- that we agreed on. We seemed to also agree that more money needed to be put in the formula. Over the years, it had been skewed; that a lot of money was -- was given off the top to different grants. Those sorts of things, I think we definitely agreed on. Another thing we agreed on, that the -- the status quo was not really acceptable. Now as people came before our committee, and a lot of groups did, if there was one common thread that most of the groups came in front of our committee basically said, and this didn't surprise me, was -- and I think Senator Manar would agree, we really need -- you know, most every group, they -- they wanted more money. There's no question about that; they wanted more money. And -- and we did say that's not what we're here about. Now, as we listened to people's ideas, we didn't sit down every night or every -- when the -- when the meeting was over and say, "We agree with this and this and this; that could be part of a bill." We did have agreement on a -- on a -- on a lot of things, I think, that in general that we discussed as the meetings were going along. Now when this was all over -- you know, I have been involved in education most of my adult life. I would not like to sit down and write a bill. It's complicated. It is terribly complicated. You know, as I said, I know a lot -- I think I know a lot about education. But all I know is the problems. I don't know how to solve them. We -- and, again, I wouldn't want to have sat down and -- and written a -- a -- a bill that would try to distribute that money. Now we did -- we did hear a lot of things. I wasn't real sure what Senator Manar was going to do,

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whether he was going to simply write a comprehensive bill or whether it was going to be a few things that we seemed to agree on. I think we agreed that the -- the poverty grant was -- was skewed to the point that it -- maybe it needed to be changed. We also seemed to agree that the PTELL problem was one that had gotten completely out of hand. Now, obviously, in this bill, there's -- it does very little with regard to the PTELL. Now, again, you know, this all started, obviously, with your Speaker Mike Madigan making that comment. One of the things that I think was a problem for me through all of this is where is it going to go? You know, where are we headed with this? You know, look at it from our standpoint as the minority party. Are we headed in a direction of simply something political? Are we really seriously trying to do something about this? You know, I would like to do something about it, and I think Senator Manar -- you know, everything that happens around here is -- is political. I think there was a little politics involved in this, but there was also some sincerity, I think, of trying to come up with something better. Now I hope that you all agree that there -- there have been some things brought out on this side of the aisle today that maybe we need to look at. You know, obviously, the collar counties get killed in this. Now -- and, obviously, I think something that is -- needs to be talked about is, for instance, the -- the Chicago -- the Chicago Public Schools - you know, the way they raise money. Do they raise their share of money, because of maybe the way they do their property tax, because of -- of some of the other areas that are maybe not part of the taxing system? We need to take a look at that. My feeling about this whole thing is that -- that, you know, people ask me, "Where's this going?" Well, until Madigan weighs in, it

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seems that nothing goes. And can you blame us on this side of the aisle for -- being concerned about whether or not this is going anyplace? Until he weighs in, nothing's going -- going to happen and -- and you know that. Now, again, people ask me, "What came out of that?" And I say to the -- I say to them this, "I believe that what..."

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld, could you wrap up? Your time's up.

SENATOR LUECHTEFELD:

"...what is happening is something that is maybe going to be in the future when there is a bill, whether that's this year, next year. When there is a bill, it will resemble what has happened in this -- with this particular bill." I think there's a lot of good things in there, but there are obviously a lot of things that need to be -- that need to be worked on. And -- and whether the House ever decides, and until they do, not much is -- we all know, not much is happening. So, again, Senator Manar, I -- you know, you spent a lot of time, a lot of energy, you worked on this hard..

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld, please wrap up real quick.

SENATOR LUECHTEFELD:

I don't believe that this was a -- an exercise that maybe was worthless. I -- I don't believe that. So hopefully something can come of it. I -- I will be -- since I think there's good things in it, I'll be voting Present today on this bill. And we'll see what happens in the future. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Our last speaker, Leader Clayborne, for what purpose do you rise?



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SENATOR CLAYBORNE:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR CLAYBORNE:

First of all, I, too, want to commend Senator Manar for his efforts. But, you know, I take a different approach, based upon what Senator Manar said. And I think most of us who have children, when we see wrongs, we tend to address those wrongs, whether it's in the school system, whether it's in the community, whether it's down the street, whether it's in the park. We tend to find solutions to address those wrongs that our children may be facing. So I -- I commend you for being the parent you are and taking that beyond, because you just didn't stop, you looked at a way to affect all those who are in a vulnerable situation. So I commend you for stepping forward, putting the time and effort into it, and being very courageous. You know, one of my colleagues on the other side quoted one of our -- our great Presidents. And he, too, had the courage to make a change, when all -- when -- when half the country were totally against him. He, too, stepped forward. But you know, in -- in -- in thinking this through, you know, I -- I -- I thought about several things, and I guess I kind of - and I have great respect for President Lincoln - but I -- I want to read several quotes from you -- to you. Proverbs 22:9 - "Whoever has a bountiful eye will be blessed, for he shares his bread with the poor." Luke 14:12-14 - "He said also to the man who had invited him, 'When you give a dinner at {sic} (or) a banquet, do not invite your friends or your brothers or your relatives or rich neighbors, lest they also invite you in return and you be repaid. But when you give a

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feast, invite the poor, the crippled, the lame, the blind, and you will be blessed, because they cannot repay you. For you will be repaid at the resurrection of the just.'" And just one more that I found that -- that I thought was very appropriate. This is learnings about Catholic social teachings - "While the common good embraces all, those who are weak, vulnerable, and most in the {sic} need deserve preferential" - preferential - "concern. A basic moral test for our society is how we treat the most vulnerable in our midst. In a society marred by deepening disparities between rich and the {sic} poor..." Senator Manar, I -- I commend you for looking out for all and not just a few. I would ask that we all consider the most vulnerable in our society and that we do the right thing, as my colleague quoted one of our great Presidents. You have to have the courage. Not -- not when everything is in your favor will you know what's just and right. I -- I ask that we all vote in support of Senate Bill 16.

PRESIDING OFFICER: (SENATOR LINK)

Senator Manar, to close.

SENATOR MANAR:

Thank you, Mr. President. I want to first thank my colleagues for the robust debate on this bill. As I mentioned earlier, when the bill was filed, I asked, I invited, I requested criticism of the bill, knowing that this is a complicated issue, knowing that there were varying opinions about how to deal with it. So I appreciate that further criticism that was displayed during the debate on Senate Bill 16. I want to address a couple of points that were made during the debate that I didn't have a chance to respond to. You would think -- you would think from some of the rhetoric, some of the empty rhetoric that's happening in this

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Chamber, that the status quo that we have today is pretty good. You would think that there is nothing wrong, perhaps, with how the law exercises itself every year on July 1st, or how the law dictates how funds -- billions of dollars in funds are distributed, and how the law is the protector of the inequality in the State today. It's the law that protects the inequality. So judging by some of the debate, you would -- you might believe that we're pretty good today in Illinois. So I don't want anybody to think that the situation that we face today is anything but dire, that, in my mind, causes for a systemic change. This bill is not done. I acknowledge that. I acknowledged that to our caucus. I've acknowledged that to Members on the Republican side of the aisle. But what it is, is a meaningful step forward, one that we need desperately in the State today. Proration - I couldn't agree more, proration is probably the most devastating thing that has happened, especially when it comes to the inequality between the haves and the have-nots in the State, but you can't have it both ways. You can't complain about proration and, at the same time, not offer any way to fund the reversal of it. That costs eight hundred million dollars, upwards of. I don't see that in anybody's budget plan today. Matter of fact, to the contrary, several years ago Senate Republicans put out a Reality Check plan, and the first sentence, the first sentence under the State Board of Education budget, it says, "Target reductions {sic} (reduction) of seven hundred and twenty-five million dollars", to public education. That's the record. That is the record. The record isn't adding money to get rid of proration. The record isn't putting an alternative to the status quo on the table. The record is rhetoric and today it's empty rhetoric. There was no criticism of the

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merits of this bill, because the merits are founded on research and facts and things that were brought to us when we had our bipartisan hearings. Not mentioned is the fact that we -- we go to a weighting system, a weighting system that recognizes where the needs are in the State, where there's poverty, where there's high concentrations of poverty, both of which are proven to cost more money for students that live in those conditions to get the same outcome as compared to students that don't. We weight bilingual education. We make it a form of doing business in Illinois, because today one out -- out of every four students comes from a bilingual household. That's different than 1997. That's a profound difference. And we make it a part of doing business, because that's what we ought to do in Illinois today - big difference. We get rid of the Chicago Block Grant. And I know that's a touchy, touchy subject, but we live under the same formula in this bill moving forward. And that's a -- that's an accomplishment for our State. It's not a political accomplishment. It's not rhetoric that accomplishes anything. It just gets us to the same place as one State. And the idea that was mentioned several times that the formula has morphed over the years, that - - that it had somehow changed and it tricked us as lawmakers - the problem isn't the formula has changed; the problem is that the formula hasn't changed at all, but the challenges that we face in the State when it comes to public schools have changed substantially. That's the basis of this bill. And one more thing, by the way, we haven't talked about: We would be the first State in the country that would offer additional money to students in school districts that enroll students in advanced placement, dual credit, and career-readiness courses. That makes us more

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competitive as a State. It gets right at the heart of the issue of having employable people, students graduate high school, especially in areas with high unemployment. We would be the first state to do that. Those are the good things in the bill. But one thing I want to close on is something that we haven't talked about much and that is the effects of poverty in Illinois and the effects of poverty in public education in Illinois today. We don't talk about this enough in the Senate, in my opinion. And I've seen it firsthand where I've lived. I've lived in the same place my entire life. And I don't need a statistic or a -- or a census data tract or anything to show me what I see with my own eyes. And I think there was a time in the State when poverty affected the view of a few legislators in this Chamber and in the other, but those times are passed. Poverty used to be more discriminant - if I could use that word - than it is today. Poverty's reach is far and it is wide in our State, and we don't equip our public schools with the resources necessary to attack that problem. There's no coincidence that in communities with the highest unemployment, we have the lowest achievement in public schools. So we can all acknowledge it. We can all realize that's the case, but we're not going to do any good for anybody if we don't change that. We have to drive resources to those places, because poverty's reach has -- has gone everywhere in Illinois, much different than seventeen years ago. And whether -- whether you're a child that -- that lives in southern Macoupin County or you live in Englewood or Little Village or any city or community or small town or a farm, poverty's reach is drastic, and we have to deal with it. And the best way to do it is to equip children with the weapon of a world class education. Our system isn't equipped do to it today, because the law doesn't

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allow it. That causes me to say we need to change the law to get us there. That's how we will change these things. And in closing, many examples, many examples, we could give from our perspective districts, and this is a difficult topic because the need arises to balance needs of a district with the needs of a State, and there's probably no other topic like this one when those two things intersect with each other. But surely, surely, even if you don't represent a district that has a high prevalence of poverty or a high rate of unemployment, surely you can acknowledge that the reach of poverty affects your district indirectly. And those were the words of Dr. King. Those were his words. "Whatever affects one directly, affects all indirectly." It affects the budget. It affects your taxes. It affects decisions we make in this Chamber. And that has to change starting with public schools. You know, there -- there are kids in Mulberry Grove in Bond County that will go twelve years of school without taking a single art class. That is reality today, not just for Mulberry Grove, but it's reality for districts across the State. That is -- that is what we own as a system in Illinois today. We own it. This Legislature owns that. We should change it. There are children in the City of Chicago that walk out their door every day and they fear for their lives when they walk to school. Whether you're a downstater or you live in the suburbs, you should acknowledge that we need to change that, and that starts with changing how we direct funds and recognizing where our greatest needs are. There are children in Mount Carmel - I talked to that superintendent yesterday - that have -- open up textbooks every day. Today, they went to school, opened up textbooks that are older than they are. They're going to learn science and history and math and all those things by

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opening up a textbook that's older than they are, and that's because our funding formula doesn't account for the challenges in districts like that today. There's dozens of these. There's dozens of these. There's kids going to windowless rooms to learn. That's how much we value education, is we send kids to rooms without windows, because we can't make tough choices and have courage to vote on a bill like this. That's got to change. This bill isn't going to get us all the way there. It is a major step forward in a process that is still going to unfold. There are changes that -- that I would propose to this bill if I had time, but we don't have time. We have to move forward. We have to move forward in this Session. I appreciate the debate and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill 16 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 6 voting Present. Senate Bill 16, having received the required constitutional majority, is declared passed. Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

Having voted on the prevailing side, I move to reconsider the vote on House Bill 5354 by which the bill failed.

PRESIDING OFFICER: (SENATOR LINK)

Having -- having voted on the prevailing side, Senator McCarter moves to reconsider the vote by which House Bill 5354 failed. All those in favor will say Aye. Opposed, Nay. The voting is open. All those in favor will say Aye. Opposed, Nay.

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The Ayes have it, and the motion carries. House Bill 5354. Senator Trotter, do you wish to proceed? Mr. Secretary, please read the bill. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you, Mr. President and Members of the Senate. I'd like to take House Bill 5354 and take it back to 2nd.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter seeks leave of the Body to move -- to return Senate {sic} Bill 5354 to the Order of 2nd Reading for -- leave is granted. Now on the Order of 2nd Reading is House Bill 5354. Senator Trotter.

SENATOR TROTTER:

Yes, Mr. President. On this bill, I would like to table Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR LINK)

On the motion to table Amendments 1 and 2 on House Bill 5354 -- will say Aye. Opposed, Nay. The Ayes have it. The -- the amendments are withdrawn -- are tabled. Are there any other Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is House Bill 5354. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)



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Leader Trotter, on your bill.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. In the interest of this bill, which I believe was very misunderstood in the intent of which we tried to pass it forward, with that understanding and in talking to all the principals who've been involved, though some that were in the debate here on the Floor today, I would like to, after removing those two amendments, pass the bill as it came to the Senate and pass it back to the House.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR McCARTER:

Senator, I -- I just want to say thank you for listening, and I -- I do believe that we have a bill now that is fair, reasonable, common sense, and I do appreciate all your help in getting it to this point. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you. To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR SYVERSON:

Thank you, Mr. President. I guess this really shows what

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happens when the public gets involved and gets engaged into a -- a -- a matter when -- when people's rights are being taken away. And this was obviously a piece of legislation that really hit home to a lot of families. And when we're talking about restricting the ability of -- of children to have -- to -- to make cupcakes or cookies to sell to neighbors or for, even, adults to be able to make cakes to -- to sell to raise money for church socials, this is a victory that we had hoped for that was going to happen. So we appreciate the willingness of the sponsor to take off these amendments and bring some reasonableness to the families of Illinois. So, Senator, we thank you for agreeing to do that and urge everyone to vote for a bill that's going to help our children become entrepreneurs here in Illinois.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Briefly, Mr. President and Ladies and Gentlemen. I want to thank Senator Trotter, truly one of the great gentlemen of the Senate, for his consideration of this matter and Senator McCarter for his timely motion. And to see Senator McCarter and Senator Trotter working together is icing on the cupcake.

PRESIDING OFFICER: (SENATOR LINK)

Senator Steans, for what purpose do you rise?

SENATOR STEANS:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

...bill.

SENATOR STEANS:

Let them eat cupcakes.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

Just because -- just in case fifteen people want to talk about cupcakes, I move the previous question.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Leader Trotter, to close.

SENATOR TROTTER:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 5354 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 5354, having received the required constitutional majority, is declared passed. With leave of the Body, we will go to -- Senator Hastings, for what purpose do you rise?

SENATOR HASTINGS:

I just want my vote on Senate Bill 16 to be amended to a Present vote. Thank you very much.

PRESIDING OFFICER: (SENATOR LINK)

Your intention will be reflected in the record. With leave of the Body, we'll go to House Bill 5546. Senator Harmon {sic} seeks leave of the Body to return House Bill 5546 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 5546. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

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Floor Amendment No. 1, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford, on the amendment.

SENATOR LIGHTFORD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, House Bill 5546, with Amendment No. 1, becomes the bill. It's actually a reflection of Senate Bill 7, an education reform bill that we did in 2009 {sic}. Some changes needed to be made. Our group came back together. We've been working on it for the last four or five months, with Senator Bush right next to me, as we tried to come up with a better way to address some of the categories that we did in Senate Bill 7. The amendment changes to reflect - it provides for limited recall rights for teachers who have been laid off and it's -- and have received a rating of Needs Improvement on one of the teacher's previous two evaluations and provided that teacher's other evaluation's rating is Satisfactory, Proficient, or Excellent. It does a number of other items and I -- I'd be happy to discuss it on 3rd.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall the amendment be adopted. All of those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment -- Floor Amendment No. 2, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford, on Floor Amendment 2.

SENATOR LIGHTFORD:

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Thank you, Mr. President. This amendment corrects two drafting errors.

PRESIDING OFFICER: (SENATOR LINK)

All those -- is there any discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is House Bill 5546. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5546.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford, on your bill.

SENATOR LIGHTFORD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a result of negotiations between education stakeholders in response to concerns that certain teachers were not being afforded appropriate due process rights during the reduction in force process. Senate Bill 7 passed the General Assembly in the 97th General Assembly. We changed the RIF process so that teacher's performance takes precedent over seniority for districts when making staffing decisions. We wanted to make sure that non-tenured teachers without an evaluation were considered in group one; teachers with one or more Needs Improvement or

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Unsatisfactory ratings in their last two ratings would become group two; group three teachers were teachers who were rated Satisfactory, Proficient or Excellent and -- unless the teacher qualified for group four; and group four teachers were two Excellents in the last three evaluations. We found after five years that perhaps we needed to make some changes there to better the way we evaluate teachers in that category. Once we got back to the table for negotiations, we actually came up with seven areas that the group agreed on, and in one of those areas, there's four bullet points underneath there. So there's about eleven provisions that we decided needed to make some corrections or improvements, and one deals with, as I've indicated, recall rights for RIF group 2 teachers. The effective date will be changed to January 1 of 2015. We discussed how PEAC and ISBE created and studied a -- a guidance on evaluation ratings. And we also did some housekeeping. And we also amended and modified the school climate survey. We have one point that we need to do and that is to establish legislative intent, Mr. President. And from that -- from there, I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

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

PRESIDING OFFICER: (SENATOR LINK)

She indicates she will yield.

SENATOR REZIN:

Thank you, Senator Lightford. The -- this was a highly negotiated bill several years ago and it was implemented in 2011, Senate Bill 7. Why are you opening up the bill again, after it

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was highly negotiated?

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Leader Lightford.

SENATOR LIGHTFORD:

Senator Rezin, the -- the implementation of the Education Reform Act was so significant and large in scope that we knew perhaps after a couple years that the districts would be able to vet out any kinks, their lawyers would be able to decipher what Senate Bill 7 language meant to them, and that perhaps we would have some areas where we wanted to come back and cleanup or modify or make clear. And so there was a lot of discussion coming forth from some of our new colleagues. Senator Bush approached me on this measure and asked could she have a bill to adjust just RIF. And I suggested to her then that if you open up Senate Bill 7 with just RIF, you need to be prepared to negotiate, because there was consequences in some things some groups gave up versus others. And that's actually what happened, which led us back to these items that I just mentioned, not just dealing with RIF, but some other categories that kind of had a -- effect from RIF. And so, here we are trying to make better a system that we did improve, but we'd like to make it even better.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin.

SENATOR REZIN:

Thank you. Were all of the organizations that originally were at the table negotiating Senate Bill 7, were they at the table when you negotiated this change?

PRESIDING OFFICER: (SENATOR LINK)

Leader Lightford.

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SENATOR LIGHTFORD:

I would say yes, except the very last meeting. One organization was missed on the invite list. And to make sure that her organization is comfortable, we'll be reading some legislative intent to the statute.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin.

SENATOR REZIN:

Thank you. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR REZIN:

Thank you. I hope in the future when we have some changes to Senate Bill 7 -- again, I -- I do appreciate it was a highly negotiated bill when I first came into the Senate, and I know it's -- any time you have large pieces of policy, you always have changes that you need to implement. I hope that in the future, if we have changes that we feel need to be added or changed in Senate Bill 7, that we also have the opportunity to have that heard as well. Having said that, I do stand in support of this bill. I do think that, you know, any time when you have big pieces of legislation like this passed, that there are changes that need to be made. So I appreciate the sponsor, and also Senator Bush as well, for bringing this to the Education Committee. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bush, for what purpose do you rise?

SENATOR BUSH:

Thank you, Mr. President. And thank you, Senator Rezin, for those kind comments. This certainly was a bill that was heavily



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negotiated and -- and any changes were taken - trust me - very seriously. A lot of negotiating went on with all the parties there. And everyone is -- their voice is here. So, anyway, I have some questions for legislative intent. So, Senator Lightford -- Leader Lightford - excuse me - under HB 5546, you are granting recall rights for six months to a teacher, who has been laid off based on a Needs for {sic} Improvement evaluation and a Satisfactory, Proficient or Excellent evaluation. It is your intent that a teacher can receive a Needs Improvement rating at another point in their career and still be granted recall rights.

PRESIDING OFFICER: (SENATOR LINK)

Leader Lightford.

SENATOR LIGHTFORD:

Yes, if that subsequent Needs Improvement is also considered with a Satisfactory, Proficient, or Excellent evaluation. Given shared concerns of the parties about teachers earning multiple Needs Improvement ratings over the years, as a component of the negotiation, the stakeholders have agreed to send a joint letter to the Performance Evaluation Advisory Council, PEAC, to request the council to study and issue guidance to address multiple Needs Improvement ratings, to establish minimum criteria for how teachers receive overall Unsatisfactory and Needs Improvement ratings, and how professional development plans issued after a teacher receives a Needs Improvement rating are not intended to be like remediation plans issued after a teacher receives an Unsatisfactory rating, but a targeted plan for improvement based on the Needs Improvement rating.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bush.

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SENATOR BUSH:

Senator Lightford -- Leader Lightford, what is the expected outcome of this study?

PRESIDING OFFICER: (SENATOR LINK)

Leader Lightford.

SENATOR LIGHTFORD:

Among the things we expect are: First, we encourage PEAC to review and revise the rubric on how summative ratings are arrived at. There have been some instances where a teacher received just one Needs Improvement rating in one subcategory, resulting in an overall summative rating of Needs Improvement. Second, we need PEAC to specifically give directions on dealing with educators who receive one or more Needs Improvement ratings. Our intent is not for educators to perpetually receive Needs Improvement ratings. Upon receiving a Needs Improvement rating, the next summative rating should involve more stringent criteria than was applied during the rating process that led to the Needs Improvement rating.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bush.

SENATOR BUSH:

Leader Lightford, what is PEAC's review of the rubric - excuse me - what if PEAC's review of the rubrics does not result in guidance approved by all the stakeholders who participated in Senate Bill 7 negotiations by the end of the 2014-2015 school year?

PRESIDING OFFICER: (SENATOR LINK)

Leader Lightford.

SENATOR LIGHTFORD:

If PEAC does not issue guidance with regards to the rubrics that is approved by the Senate Bill 7 stakeholders, then it is the

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intention of the sponsor, that would be me, to convene those stakeholders to develop legislation to address legislatively these issues and the recall rights of teachers with multiple Needs Improvement over a period of time, and to address other issues which were a part of the discussions which led to this bill. I stand committed.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bush.

SENATOR BUSH:

One more item. To the bill: I'd -- I'd like to thank Leader Lightford. When I came to her originally about Senate Bill 7, she said, "We did a lot of negotiating. I'm just really not sure." And, like a dog with a bone, I think I called her every day. And -- and, truly, it was such a -- a wonderful learning experience for me to open that door and see all those people sitting there. And everyone's work is so appreciated. And -- and just thank you so much for bringing this to the Floor.

PRESIDING OFFICER: (SENATOR LINK)

Leader Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I'd like to thank Senator Rezin for acknowledging the hard work we put in on education reform, and would definitely consider any changes needed to be addressed going forward, as we established legislative intent a short while ago. And I also want to thank the education community. I think we are becoming stronger and stronger as a State as it relates to good education policy. We know how to sit down at the table and work together. Sometimes it takes a period of time, but we can definitely get there. I urge

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a -- I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 5546 pass. All those in favor will say -- vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, 1 -- no voting Present. House Bill 5546, having received the required constitutional majority, is declared passed. We're going to Supplemental Calendar No. 1. House Bill 3814. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3814.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR MARTINEZ:

For point of personal privilege.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR MARTINEZ:

I think today, as we've worked very hard, I think there -- we need to relax and have a good time tonight. So I just want to stand up and say to everyone that tonight, there's three Senators that are going to be celebrating their birthday tonight - Emil Jones, Kimberly Lightford and Toi Hutchinson. So we want to -- we want to make sure we invite everyone over to the Lucid Bar for a party, for a night of celebration and some fun.

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PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 1242, offered by Senators LaHood, Barickman and Bivins.

And Senate Resolution 1243, offered by Senator Haine.

They are both substantive, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Resolution Consent -- no. Resolutions. Messages from the House.

SECRETARY ANDERSON:

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

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

House Bill 3836.

Passed the House, May 27th, 2014. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR LINK)

House -- Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 3836, offered by President Cullerton.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Please -- everybody, we have Judiciary and Human Services Committee meeting immediately. Please go directly to the room. There being no further business to come before the Senate, the

STATE OF ILLINOIS  
98th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

129th Legislative Day

5/27/2014

Senate stands adjourned until the hour of 11 a.m. on the 28th day of May, 2014. The Senate stands adjourned.