

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

122nd Legislative Day

January 7, 1997

PRESIDING OFFICER: (SENATOR WEAVER)

Regular Session of the 89th General Assembly will come to order. Will the Members please be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by the Reverend Debra Disney, Oakford United Methodist Church, Oakford, Illinois. Reverend Disney.

THE REVEREND DEBRA DISNEY:

(Prayer by the Reverend Debra Disney)

PRESIDING OFFICER: (SENATOR WEAVER)

Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports. Excuse me. Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Monday, January 6th, be -- be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, it is so ordered. Channel 5 requests permission to videotape. Is there leave? Leave is granted. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

Senate Bill 100.

I am further directed to inform the Senate that the House

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of Representatives requests a First Committee of Conference.  
Action taken by the House, January 6th, 1997.

We have a like Message on Senate Bill 326, with their  
Amendments 1 and 4.

Message from the House by Mr. McLennand, Clerk.

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

Senate -- or, House Bill 444, with Senate Amendment  
1.

Nonconcurrent in by the House, January 6th, 1997.

A Message from the House by Mr. McLennand Clerk.

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

Senate Bill 157, with House Amendments 1 and 4.  
Passed the House, as amended, January 6th, 1997.

PRESIDING OFFICER: (SENATOR WEAVER)

...objection, the Senate accedes to the request of the House  
for a conference committee on those bills just read by the  
Secretary: Senate Bill 100, Senate Bill 326. Is leave granted?  
Leave is granted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 279, offered by Senator Shaw and all  
Members, as is Senate Resolution 280.

They're both death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Resolutions.

SECRETARY HARRY:

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Senate Resolution 281, offered by Senator Weaver.

(Secretary reads SR No. 281)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. I'd move for the suspension of the rules for the immediate consideration and adoption of Senate Resolution No. 281.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the immediate consideration of -- and adoption of Senate Resolution 281. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. This resolution does just as it states, and I would move adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver has moved to -- for the adoption of Senate Resolution 281. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Education - Senate Amendments 6 and 7 to House Bill 207; to the Committee on Executive - Conference Committee Report 1 to Senate Bill 326; to the Committee on Judiciary - Motion to Concur with House Amendments 1 and 6 to Senate Bill 522; and refer to the Transportation Committee - Conference Committee Report 1 to Senate Bill 350, Motion to Concur with House Amendments 1 and 4 to Senate Bill 157, and Conference Committee Report 1 to House Bill 2702.

Correction to the Report just read, Madam Secretary {sic}.

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The Conference Committee Report No. 1 to House Bill 2702 was Approved for Consideration by the Rules Committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR GEO-KARIS:

I'd like -- on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, we have visiting us today the Mayor of Fox Lake, Kenny Hamsher; and the Trustee, Alberta Meyer, from Fox Lake; and the Village Clerk, Sue McNally, from Fox Lake. They're sitting in the President's Gallery, and I want us all to welcome them here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized? Welcome to the Senate. ...Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I'm delighted to have with us today the President of the Lake County Federation of Teachers, who happens to be my constituent, Mike McGue - M-C-G-U-E. And he's sitting in the President's Gallery up there. We'd like to have you welcome him here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate? Welcome to Springfield. Senator Karpziel, for what purpose do you rise?

SENATOR KARPIEL:

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Thank -- thank you, Madam President. I'd rise to announce a hearing of the Executive Committee, a meeting of the Executive Committee, at 1 o'clock today, in Room 212. Executive Committee meeting, 212, 1 o'clock today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson, for what purpose do you rise?

SENATOR PETERSON:

Thank you, Madam President. For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR PETERSON:

The Revenue Committee will meet at noon in Room 212 to consider Amendments 9 and 10 to Senate Bill 729.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, for what purpose do you seek recognition?

SENATOR FAWELL:

For the purpose of an announcement. The Transportation Committee will meet at 12:30 in Room 400. 12:30, in Room 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, for what purpose do -- do you rise?

SENATOR HAWKINSON:

Thank -- thank you, Madam President. For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR HAWKINSON:

The Senate Judiciary Committee will meet at 1 o'clock in Room 400. That's at 1 o'clock, in Room 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For an announcement.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR CRONIN:

The Senate Education Committee shall meet at 12:30 p.m. in Room A-1 to consider Amendments 6 and 7, House Bill 207. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you say that one more time, Senator Cronin?

SENATOR CRONIN:

The Senate Education Committee shall meet in A-1 at 12:30 p.m. to consider Amendments 6 and 7 to House Bill 207. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica, for what purpose do you rise?

SENATOR RAICA:

A Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR RAICA:

The Public Health Committee is poised and ready to convene whenever we have a matter that's ready to be discussed. So, whenever.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. That's Senate Exec at 1 o'clock in Room 212, Senate Transportation at 12:30 in Room 400, Senate Judiciary at 1 o'clock in Room 400, Senate Revenue at noon in Room 212, and Senate Education at noon at -- in A-1. Stand corrected: Education is in Room A-1 at 12:30. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

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SENATOR JACOBS:

I just want to inform the other side of the aisle, and just to make them aware, that on the bills that they will be hearing today, there will be six fee and tax increases. So, be a little bit aware of what you're voting on out there before you bring it back to us.

PRESIDING OFFICER: (SENATOR DeANGELIS)

What purpose does Senator Maitland seek recognition?

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. On a -- on a point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, sir.

SENATOR MAITLAND:

Mr. President, seated, I think, in perhaps your seat, is a very -- is a very special person to the Presiding Officer. It is the daughter -- I'm sorry, the wife - just looks like the daughter - the wife of -- of Senator DeAngelis, Meredith DeAngelis. Would she stand, please, and be recognized by the Body? Meredith.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Welcome. She's here today to make sure that I leave. Will all Members please return to the Floor? Will all Members please return to the Floor? On page 2 of today's Calendar is House Bills 3rd Reading. House Bill 995. Senator Cronin, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 995 to the Order of 2nd Reading for the purpose of an amendment. On the Order of... Is leave granted? Leave is granted. On the Order of 2nd Reading is House Bill 995. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Cronin.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin, to explain your amendment.

SENATOR CRONIN:

Thank you, Mr. President. Senate Amendment No. 4 deletes all of the previous bill and becomes the bill. It adds an alternative certification process for teachers within the City of Chicago. The language was originally developed by the Golden Apple Foundation and the Inner City Teaching Corps. The specifics of the amendment are as follows: Number one, the State Board of Education, in consultation with the State Teacher Certification Board, and in cooperation with a partnership consisting of an accredited university - and in this case it's Northwestern University - and a not-for-profit organization supports -- that supports excellence in teaching, must establish and implement the alternative certification program. Program will be offered only within the City of Chicago and would qualify individuals to teach only within Chicago schools. The program would be limited to no more than two hundred and sixty participants in any given year. Program would consist of three phases: an intensive course of study in education theory, instruction methods and practice teaching; two, assignment to a full-time teaching position for one school year; and, three, comprehensive assessment of the person's performance in the classroom for that year by school officials and partnership participants. In order to complete phase two of the program, participants must have a provisional alternative certificate. That certificate would be valid for one year only and has the following eligibility requirements: a bachelor's degree, successful completion of the intensive course, successful passage of the certification test of basic skills. This program is part and parcel of the whole effort that -- that we have been embarked -- we have embarked upon these last couple of years to provide unique tools to the City of Chicago, unique and powerful



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tools to improve the schools in the City of Chicago. And if I may say so, I think the status reports that have come in have been very, very positive. There has been remarkable progress in the last two years. And this is a tool. The City of Chicago and the School Board may or may not elect to use these tools that are given to them. And my colleagues from the other side of the aisle will probably point out in a moment that the -- the head of the schools in Chicago, Paul Vallas, and the Golden Apple Foundation are not supporting this bill, and I -- I regret that development. I think that these are very good people who have been very effective in changing the schools in Chicago. Nonetheless, to this legislator and to the Majority, I urge -- of this Body, this is an important piece of legislation and it is a tool that they may or may not elect to use. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in opposition to House Bill 995. This bill was presented to the Education Committee about a month ago when one of the officers of the Golden Apple Foundation came before our committee and explained the purposes of this bill. I raised a number of questions at the time of that hearing, but my questioning was prefaced by the statement that I had great respect for the Golden Apple Foundation. And I think that statement applies to every Member on the Floor of this Body, that we have great respect for the Golden Apple Foundation. They have raised substantial funds and made substantial commitment on behalf of improving the education of our children. Following that hearing, where the bill was more or less moved out of committee but there was a recognition that some of the points that were raised in the

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questioning in that committee made sense and ought to be explored and pursued, what we found following that committee meeting was the Golden Apple Foundation decided that this was not a good idea. And I'm holding in my hand their statement, their press release, which was issued following that hearing, in which they've said forget it, this is not what we want to do, we're dropping this idea. Number two, the Chief Executive Officer, Paul Vallas, of the Chicago Board of Education originally liked this idea because it brought...

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does the Senator Cronin arise?

SENATOR CRONIN:

Excuse me. For technical reasons, I'm going to ask that this bill be taken out of the record.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Take it out of the record. For what purpose does Senator Dillard seek recognition?

SENATOR DILLARD:

Purposes of an announcement, Mr. President. Down here in the well of the Gallery is a -- a cake for my office mate, Senator Dave Barkhausen, and it -- it's multi-flavored. And I just invite the Members to come down and share a little going-away celebration for Dave Barkhausen, my office mate; yourself, Mr. President; and Senator Raica, as well.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you. For what purpose does Senator Demuzio seek recognition?

SENATOR DEMUZIO:

Mr. President, an inquiry of the Chair. Still remember what that means, don't you? Could you, for the edification of the Members, tell us what order of business that we are -- are on, or have they told you and you've forgotten, or, I mean, what's...

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PRESIDING OFFICER: (SENATOR DeANGELIS)

We are at ease. And would you apologize to my wife for...  
Senator Demuzio.

SENATOR DEMUZIO:

I'm sure this goes on at home, too, so...

PRESIDING OFFICER: (SENATOR DeANGELIS)

On Supplemental Calendar No. 1 is Non-concurrence, House Bill.  
House Bill 444. Senator Philip. Mr. Secretary, read the bill.  
Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the  
Senate. I move that, House Bill 444, we refuse to recede and ask  
for a conference committee to be appointed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Philip moves to nonconcur... Senator Philip refuses  
to recede from Senate Amendment No. 1 to House Bill 445 {sic}. All  
those in favor, signify by saying Aye. Opposed, say No. And the  
Ayes have it. The motion carries, and the Secretary shall so  
inform the House. Channel 7 from Chicago asks permission to  
videotape. Is permission granted? Permission is granted. For  
what purpose does Senator Geo-Karis seek recognition?

SENATOR GEO-KARIS:

On a point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State -- state your point, Senator.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's my  
privilege to introduce the sitting Supreme Court Justice who  
services my district, from Kane County, the Honorable John  
Nickels.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Welcome to the Senator {sic}. Welcome. Committee Reports.

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SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - Conference Committee Report 1 to Senate Bill 1696 and Senate Amendment 3 to House Bill 999; and Be Approved for Consideration - Senate Amendment 5 to House Bill 995.

PRESIDING OFFICER: (SENATOR DONAHUE)

On the Order of House Bills 3rd Reading, on page 2 of the -- today's Calendar, is House Bill 995. Senator Cronin, do you wish this bill to be returned to the Order of 2nd Reading for the purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 995 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 995. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, to explain the amendment.

SENATOR CRONIN:

Thank you, Madam President. We spoke about this bill moments ago, and it was taken out of the record for a technical reason: because it was on the wrong order of business. We have now corrected that -- that technical problem. As you may recall, I shared with you some of the provisions of this bill, and basically this bill provides for an alternative certification process to be implemented in the City of Chicago and for those schools in the City of Chicago. It involves the Golden Apple Foundation, a not-for-profit private enterprise that has been devoted to the improvement of the Chicago public schools and has established a wonderful track record, and the Inner City Teaching Corps, which is a very similar organization that is devoted to the Chicago

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parochial schools. I think, if I may offer kind of a overview, rather than getting into many of the details at the moment, this bill represents a commitment to improving Chicago public schools. This bill is the -- another step in our effort here to give the management team in the City of Chicago tools to improve the schools. I am fully confident that over the objection of the perennial opposition, the unions - those who do not want change - this will be praised in the fourth quarter as -- as a provision that has brought energetic, committed, talented teachers into Chicago public schools to help out the children. And I would urge your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Berman.

SENATOR BERMAN:

Madam President, I raise a point of order.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR BERMAN:

I don't think the amendment has been distributed, and it's not on our computer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

In response to the point that was raised, Amendment No. 5 is identical - identical - to Amendment No. 4. I took Amendment No. 4 out of the record for a technical reason, so that I wanted to adhere to the rules. And so, I -- I would ask for a little courtesy on the other side of the aisle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I would suggest that the

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courteous way would be to take this out of the -- out of the record, distribute Amendment No. 5 so we see what we're voting on, and move -- move the matter at that time. At this time, Amendment 5 has not been distributed.

PRESIDING OFFICER: (SENATOR DONAHUE)

We'll stand at ease.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

...understanding, the amendment has been distributed. Senator Berman, you may continue. Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. If the sponsor would -- would return.

PRESIDING OFFICER: (SENATOR DONAHUE)

Sorry about that. I'm ahead of schedule, Senator Berman. Senator Cronin. Senator Cronin, we are ready to proceed. Senator Berman.

SENATOR BERMAN:

Senator Cronin, if you would, how does this Amendment 5 differ from Amendment 4?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

The numeral 5 is different than numeral 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

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SENATOR BERMAN:

I'm -- I'm confused. Is there any difference in the substance? I mean, when I say substance, I don't mean intent. Is there any difference in anything other than number 4 and number 5 between Amendment 4 and Amendment 5?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

There is not one substantive difference between Amendment 4 and 5. Our rules require that when a Floor amendment is kicked back to Rules Committee and more than thirty days elapses, that amendment shall be tabled. And I -- I failed to do that, and so since I have great respect for the rules here and our fair, open process and I wanted to adhere to it, that's why we've gone through this ridiculous exercise here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

I admire your desire to adhere to our rules. I have no further questions on this amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Cronin, I was under the impression that the purpose of this was to save schools some money, but in your amendment, it says that a person possessing a provisional alternative certificate shall be treated as a regularly certified teacher for purposes of compensation, benefits, et cetera. So -- so this

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isn't going to save the schools any money by doing this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

I don't know that it would be a fair characterization to say that the sole purpose of this amendment is to save money. I think that the -- the main purpose of this bill is to improve the quality of teaching in the schools, improve the quality of the education in the schools, and thereby, in the long run, we may save money. But that is not the main purpose of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, I could reserve my comments on the merits of this for 3rd Reading, but I -- I wanted to make sure that this is -- there's nothing added to this amendment that was not discussed in the committee. It's my understanding that at -- in -- in the hearing, that the City of Chicago was in favor of this particular bill. But now that they have withdrawn their support, why are you still moving this bill -- amendment forward?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Well, because I think -- it -- it seems apparent to me, and it's obvious to a lot of people, that politics has had an influence on the development of this legislation, separate and apart from the merits and the ultimate impact it will have on the children in the Chicago schools.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you -- thank you, Madam President. I just had one



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additional question, before we debate the amendment, and that is that the -- it's to my knowledge, the State Board of Education has had a continuing task force that has been meeting about changing teacher certification requirements, that they'll be submitted to the General Assembly in this Session. Is such subject matter that is included in the alternative certification program that is before us now, will that be included in the task force recommendations?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

It may be, Senator Demuzio, and it would be my hope that they would include it. The State Board did not oppose this amendment in committee, and it is my hope that the new Board will look at issues like alternative certification favorably.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I just sent for my file. I -- I think I have it here in Springfield, and I'll discuss it in a few minutes when we get on the merits of the amendment. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Speaker yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Just briefly, because I -- I wasn't party to the debate in the committees and what have you. Can you just tell me what your Amendment No. 5 does, just briefly?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Cronin.

SENATOR CRONIN:

Well, it sets up a process to be managed or administered by Golden Apple Foundation, Inner City Teaching Corps, Northwestern University in this case, and in partnership with -- with the Chicago public schools management team, if they so choose. We are enabling these entities to -- to initiate a -- a process of -- of recruiting talented, committed young people, maybe people that aren't so young, to come and teach in the Chicago public schools without having to go through some of the onerous, discouraging, mindless practices that are now required. We think that -- and the purpose of this legislation is to make Chicago public schools a desirable place to teach so that when kids come out of -- of college, that they will look at this as a wonderful career opportunity, and that is the sole intent of this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

I ask favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

On Amendment No. 5 to House Bill 995, all those {sic} say Aye. All opposed, say Nay. Ayes have it, and the amendment is adopted. Further amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is House Bill 995. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 995.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. Let me offer a few remarks. We've discussed this already, but let me give you some of the particulars. This proposal summarizes a -- a project for the Chicago public schools, Golden Apple Foundation, Inner City Teaching Corps, and it provides the following: In terms of a program, the Golden Apple Academy portion of this bill, which -- the Golden Apple Academy, comprised of a hundred and eight Golden Apple teachers, has developed a joint venture partnership with the Chicago public schools for purposes of implementing new methods for recruitment and instruction of talented men and women seeking careers in Chicago public schools. In addition to the existing statewide Golden Apple Scholars Program, the Institute will vigorously recruit talented mid-career persons and recent liberal arts and science major college graduates who are opting for careers in teaching. The candidates will be carefully screened prior to the selection. In the summer of 1997, approximately two hundred and forty {sic} candidates may be enrolled in the Institute. Those who complete the rigorous eight-week course at the Institute may be hired as teachers at Chicago public schools. The program's design includes a mentoring component during each new teacher's first year in the classroom based on a model that has had great success in Milwaukee, known as the Haberman Model. In addition to their BA and BS degrees from accredited colleges and universities, the candidates will receive not less than two hundred and twenty hours of relevant instruction comprised of a hundred and twenty hours of actual classroom work with summer school students in attendance and taught by Golden Apple Master Teachers. In addition, the candidates will receive one hundred

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hours of classroom instructional work with Masters' Teachers and university faculty members. This intensive, experimental and comprehensive program of teaching training will replace more traditional coursework, as well as the hundred hours of observation currently required. This program is one that, yes, the Golden Apple Foundation and the management team of Chicago public schools has backed away from, and it is my contention, and I would submit to the Members of this Body, that it is simply because they have felt the pressure from the Chicago Teachers' Union. And we have respect for that pressure. I understand it. We have a role here in the Legislature, for some reason or other. The Republicans are the bad guys that pass these terrible legislation over the opposition of our colleagues from the Democratic side of the aisle, and then the legislation is utilized and then the management team and the Democrats and everyone in Chicago public schools say it's the greatest thing that ever happened. So I guess we're going to do it again, and we'll be the bad guys over here, and you'll take the credit in a couple -- eighteen months, maybe two years from now. But you know what? It's good for the Chicago public schools; it's good for four hundred and twenty thousand children. And so we're willing to take this role. So, I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 995, as amended. Let me point out to you that this bill probably would have gone nowhere if it hadn't come in under the sponsorship of the Golden Apple Foundation. Everyone has great respect for that Foundation. The bill zipped out of the House; came to the Senate; was passed

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out, substantially on a partisan vote, out of the committee; and the reason for those favorable votes was because the Golden Apple Foundation put together a plan. Now, aside from the merits of the plan, let me make it very specific: Golden Apple Foundation today does not endorse this plan. They've walked away from it. Whether it was the questions that were raised in committee or any other reasons, Golden Apple has publicly stated - and I have their press release in my hand - that they do not want this program passed in law. That's number one. Number two, the sponsor talked about a lengthy process of mentoring and classwork and student teaching. None of that, Ladies and Gentlemen, is in the legislation. Let me tell you what is in the legislation and what you are being asked to vote Yes on. It says -- it says that if a person has a bachelor's degree - any bachelor's degree in any subject - any bachelor's degree and they take an eight week -- eight-week summer program, they can be hired as a teacher. Now, let me tell you what this does to you, and I think that the sponsor was very precise in his comments and I ask you to think about this. This bill was structured so that, as it moved forward, it was not a statewide program. It became a Chicago-only program. Why? Because your teachers in all the school districts outside of Chicago, when they look at this bill, are going to be very upset with our - with our - support of an eight-week program and any bachelor's degree, which we're saying is equivalent to what every teacher in the State has gone through with hundreds of hours of programs, hundreds of hours of student teaching. And we're saying, "Forget it. That doesn't mean anything. All you need is a bachelor's degree in any subject and eight weeks in a summer program, and you ought to be a teacher." Every one of your teachers, in or out of Chicago, is going to say to you, "How could you support that kind of a program? Look what we've been going through. Look at the programs that we've taken. Look at the

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student teaching I've done. And you're going to let some yo-yo with eight weeks of a summer program and any bachelor's degree walk in and compete with me for my job." Now, the IEA has taken no position on this because it doesn't affect non-Chicago school districts. But I suggest to you, every Member of this Body, that you'll have to answer to your teachers - not to the unions, but to your teachers - when you vote Yes on this proposal. The Board of Education, Paul Vallas, and the -- and the reform team in Chicago has said, "This doesn't make sense." The Golden Apple Foundation says, "You're right - it doesn't make sense at this time." And your teachers are going to say, "It's an insult to us." The sponsor said: Yeah, the Republicans are the bad guys. Well, let me tell you, if you vote Yes, you're the bad guys from the point of view of undermining the respect and the dedication of every one of our teachers throughout the State of Illinois. I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President. I think Senator Berman spoke well to the merits of -- in the text of this bill, but I want to talk about something that I've never, in the twenty years that I've been here, accused anyone or called any piece of legislation racist, since I've been here. This, my friends, is a racist bill, because I asked in committee: Will these teachers be allowed -- these people be allowed to teach in any area outside of the City of Chicago? I was told by the sponsor, no. And so I want to know why not. Because they are not qualified to teach anyplace else outside of Chicago. I asked that question: Will this certification qualify them to teach anyplace else in this State? And the sponsor said, no. Well, you tell me: How do you call it, if not racist? The City of Chicago is a predominantly minority

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school district, and you're going to come in here with, just as Senator Berman said, anybody, with a bachelor's degree in anything, and they can come and take a few weeks in a classroom and they can qualify and be certified only to teach in the City of Chicago, which just happens to be one of the largest districts in the State and the largest minority district in the State of Illinois. Now, what else can you call that? It smells of racism, and we ought not to be about doing that. The City and the Apple Foundation, these people have realized and listened to what those of us who said -- who have to answer to this. And I understand that the intentions of the sponsor - before you get up and respond - that this was probably a well-conceived idea -- I mean -- I mean, a good idea, but poorly conceived, and that it is not your intent to have this to be racist. But I have to answer to my constituents, and that is what they believe it is, and that is the perception. And in politics, it is not what is; it is but what people perceive it to be. And this will not be perceived as nothing else but racism, and we ought not to do it.

PRESIDING OFFICER: (SENATOR DONAHUE)

WAND-TV Channel 17 wishes leave to film the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I'm completing eighteen years in this Senate, and I deplore - absolutely deplore - the use of racism and -- when it comes to a bill you don't like. I think it's time we grew up past that, and it's about time that we considered education as the quality factor that we must support, and support quality education. And this bill does not, in my humble opinion, do what the prior speaker says, and I deplore that every time we don't agree with something, we're going to call it racist. And I suppose every time I don't

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agree with anything, I should say, it doesn't help the Greek people. Let's stop being ridiculous and get to the point at base, and let's vote for the bill and get it out of here. I think it's intended to help education, no matter what our private feelings are, and let's forget about racism. I don't like it, and I don't think it has any place in this Assembly.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, again, Madam Chairman -- Madam President. Let me -- let me just make a couple of comments, if I might, Senator Cronin. In January of '95, when the State Superintendent of Education, Mr. Spagnolo, issued his concept paper with respect to the Illinois Quality Schools Initiative, as a result of that, the State Board of Education formed a strategic agenda team to try to identify some policy issues that were associated with teacher certification. And I don't want to bore the Membership with the entire draft of the report that will be coming to us in the next Session of the General Assembly, but there are a couple of things that I would certainly like to point out. There are provisions, obviously, for programs to be encouraged to experiment with innovative models adapted to regional and local needs under the National Council of Accreditation of Teacher Education standards, but one of the standards that is being talked about, that is probably going to be before the General Assembly in the next Session, is a very interesting concept and that is - and I'll simply leave it at this - that teacher certification institutions should also be redesigned -- should also redesign their programs to include a one-year long internship, which would replace the current student-teaching requirement. I think that sort of flies in the face of the -- of the comments that have been made by Senator Berman and by others on this side of the aisle. It would



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seem to me that perhaps what you are attempting to do would be better faced in the next Session of the General Assembly and would be tackled by your committee when the State Board of Education finally submits to the General Assembly its new standards. And, therefore, it would seem to me that this idea is -- is one that ought to be referred to the next Session, and therefore, I, too, would stand in opposition to this proposal.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Cronin, do you believe that a person can take a -- get a bachelor's degree in garbage removal and then take a eight-week course and teach, you know, algebra or calculus?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Of course not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

...as -- as your bill -- as I read this amendment, wouldn't your bill, in fact, create that possible scenario?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

On the contrary, Senator Hendon. This bill changes a practice that is currently - currently - employed in the Chicago public

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schools, where those who teach algebra may have never taken any formal training or may have never earned any degree in math. Right now, this program depends on the demonstrated goodwill, commitment, devotion of the Golden Apple Foundation and Northwestern University to recruit talented people who have skills, who have demonstrated some command of the subject matter, to then turn around and teach that subject matter in the schools. Right now, Senator Hendon, what you point out, what you seem to be offended by, if I may draw a conclusion from your remark, is what is currently happening.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Well, I -- I most certainly would not support a current system that allows that, nor can I support an amendment that allows that. As I read the amendment, which was -- I wish we had twenty-four hours, at least, to actually look at this - I've said that, no matter whose legislation it is - but as I read it, a person can get a bachelor's degree in anything, take an eight-week course, and then teach something totally different. And I think that that -- that what you might be doing, my friend, is, in fact, in Chicago only, which is another -- very suspicious, cementing what you just said that you detest. My final question is: Why is this for Chicago only? Why don't -- if this is such a wonderful thing, why don't you have it for your school district?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Well, politics plays a role in much of what we do down here. I pointed out earlier that I believe that politics has influenced some of the judgment of the Golden Apple Foundation leaders and the CEO of the public schools; that's why they've backed away from

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their support. Politics has an influence. We can only do so much. I would like for this program to be statewide, and if I thought you would support it statewide, or anyone on your side of the aisle statewide, then I think we would quickly revise this bill to have that type of application. But we can only do so much, and that's why we have targeted Chicago. Chicago is the beneficiary of this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, let me first say that I, too, agree that I don't think you have any racist overtones in this bill, but I do have one question, and that is: If you really feel this is good for the student, why have you limited it to -- to one year and make -- then you make it nonrenewable? If it's really good for the student, and it's really working, and you've got a student -- or, you've got a teacher that is doing the job, what -- why are you not willing to renew that contract?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

I'm not sure I understand your question. It -- it is an ongoing program. Once the eight-week course is completed, there is a one-year probationary period in the classroom, then the individual is given a certificate, and they may pursue their livelihood, just like anyone else.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Jacobs.

SENATOR JACOBS:

As I read the bill, it says "A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section..." Now, that tells me that you're only going to allow this person to do this for one year. And if it's such a good program for the students, why would you want to do that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Senator Jacobs, you're quite correct. That's the language that refers to the probationary period. If you read a little further down in the bill, they then -- after they've completed that phase, a standard -- on line 25, page 3: "A standard alternative teaching certificate, valid for 4 years for teaching in the schools situated in a school district that is located in a city..." - blah, blah, blah - and may be renewed thereafter. The language is there that -- that -- that continues this on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Just so I understand it and I understand that that is the case, what you're saying, in effect, is that it's good for the student; you want it in your district, but you didn't feel that it's something that you could get passed; and what we're, in effect, doing is saying that we do not feel the certification of teachers is really important in this State. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

No, I don't think that's quite accurate. I think

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certification is important, but I think that we have a banal system right now where a Nobel laureate in physics is not permitted to teach math in our elementary and secondary schools. We have an absurd system. Now, it all depends on what you believe makes one a good teacher, and I believe that it's a highly inexact science, and I -- I have trust and faith in entities like Golden Apple Foundation, Inner City Teaching Corps, Northwestern University, to find capable, devoted people and get 'em into the City of Chicago, where they are dearly needed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Just one more comment, I guess, more than a question, is I know that most of us here feel that we know politics, at least to a degree, but I'm not sure if any of us are really, truly prepared, even with a -- a short course, to go in and teach social studies. I'm not sure if that really gives us that qualification.

So -- many of us think that it would, but I'm not sure. I would urge a No vote and call for the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

...six lights on at the moment, one for a second time. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. I'll be brief. I notice on page 2, Senator Cronin, that you've got, on line 14: "The Alternative Teacher Certification program course of study must include the current content and skills contained in the university's current courses for State certification which has {sic} (have) been approved by the State Board of Education, in consultation with the State Teacher Certification Board, as...requirement for the {sic} State teacher certification." That's the same requirement that I had when -- when I became a certified teacher. I notice, as the bill

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goes on, that you are also saying that eventually they have to take a course of study in education theory, instructional methods and practice teaching, which is the same that -- that we all have to take if we're teachers. You know, basically, if you're going to be a teacher, your first -- the first thing you have to do is know your subject matter, and then you have to learn how to teach it. It seems to me your bill does both. I see nothing wrong with this bill, as a -- as a former teacher, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. This is an interesting bill. It's kind of like one of these real estate courses you see on TV. You know: You, too, can make a million dollars in real estate. Well, you, too, can be a high school teacher - just take this eight-week course. You know, a few years ago, when Frank Savickas was a Senator, he had a bill like this he'd introduce every year. And, Senator Cronin, maybe you'll want to do this in the future, but what Frank's bill was, he said that if you served seven years in the Legislature and you left here, you could get a law degree and practice law anywhere in the State of Illinois because you had dealt with legislation that often. So I think -- I think -- I think that may be a future bill for next year, Senator Cronin, if you'd think about it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam Chair. Comment, then a question for the sponsor. Senator, you know, we've, in the past - recent past - have attempted to -- to be creative in order to address a number of areas of teacher shortage in the Chicago public schools. One

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of those areas is the area of early childhood education. There have been several bills that have come to your committee, of which I am a Member, allowing for bilingual teachers - certified bilingual teachers - to be able to go into the early childhood ed classroom as teachers, with the stipulation that, over a period of time, they would obtain their credentials in the area of early childhood education. This for the purpose of dealing with the severe shortage of bilingual teachers in the early childhood education area. You have many times rejected that. Your committee Members on your side of the aisle have rejected that. I don't understand why that proposal gets rejected, and then we come forth with another proposal that says that you don't have to have any kind of coursework in the field of education, no kind of experience, but you can go in and enter any classroom in the Chicago public schools. That is beyond me. I just don't understand that rationale. But the question I have is regarding who will do the training. Is Northwestern still the institution that will do the training? Northwestern, in Evanston?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Northwestern is the institution that the Golden Apple Foundation struck up an agreement with, but, you know, I don't think that the legislation limits this only to Northwestern. And with Golden Apple Foundation's position on this bill, they may never even pursue this tool that we -- that I propose, or that I urge them to -- to -- to have, to take, to... So, I don't -- you know, it's not limited to Northwestern only, but -- but Northwestern was the institution that Golden Apple had come to terms with and, yes, they are located in Evanston.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

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SENATOR DEL VALLE:

As you know, I pointed out in committee that there's a big cost between what Northwestern - a private, expensive, fine university - will charge and that of public universities in the City of Chicago. And that didn't make sense to me either. But last question: Does the Chicago Board of Education, in its agreement with the Chicago Teachers' Union, can they decide not to hire individuals who go through this program and have an alternative certification?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

It -- it -- as I stated in committee, they're -- will be treated like -- like any other applicant. I mean, they don't have to accept these people, but it is my contention that these people are -- are going to be desirable individuals that the -- the Chicago schools may want. But no one's forced to do anything here. This is simply a tool.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam Chairman. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Clayborne.

SENATOR CLAYBORNE:

Senator Cronin, I -- I've listened to you talk and you've mentioned words like "recruitment". You've mentioned -- you made a statement about finding capable people who are "devoted". And, Senator Cronin, my mother is a schoolteacher, my father is a schoolteacher, and I live with a schoolteacher every day, that being my wife. And I know that they did not make a determination to become a schoolteacher once they got their bachelor's degree;



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they made a determination to get their -- to be a teacher prior to going to college. It's something that they felt devoted to do, not because they may not have succeeded after they got their bachelor's in -- in whatever field that they desired. This was a dedication and a determination that they decided to do when they went to college and before they got to college. Education has changed, and if you talk to teachers in the inner cities of Chicago, East St. Louis and any other urban areas, they will tell you that -- that during the time that we went to school, that the students have changed; they will tell you that the pay is not adequate; they will tell you that it takes a different type of person that's devoted and dedicated to want to be a teacher. And for you to say that we need to recruit people to want to teach our kids, for you to say that we need to have the -- the Golden Apple people to search out and find people, does not answer that inner question that all -- most teachers have made that determination in their -- at some point in life, and that is that they want to commit themselves and their lives to provide a quality education for the children in the State of Illinois. I think what this does, this opens up, I guess, a problem that you feel that you're trying to address, but I think what this does, this makes the teaching profession a dumping ground for people who've made a determination that they don't want to be accountants, they don't want to be lawyers, they don't want to be physicists, or any other profession that they didn't succeed in. What we're saying here is, instead of going through the regular process or if you have a bachelor's and going and -- and taking classes, which it may take you a year or two years to do to find out if you're really dedicated, what we're saying is that this will be a quick fix; that if you don't get a job by May, then by August, if you've gone through an eight-week course, then we'll let you teach our prized possessions: our kids. I think you're opening up a door to -- to

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-- for the floodgates for people to come in who have not committed themselves, who don't know what it really takes to provide the -- the educational nutrition -- nutrients that our kids need. And I think that this is a terrible bill, and I urge a No vote. And I urge this No vote, Senator Cronin, based upon my experience with talking with my parents and talking to my wife everyday, who teaches second grade. My father taught high school and my mother currently teaches special education in the East St. Louis School District, and it's not a system that people can come in and just teach school. It has to be a commitment. And for that, I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

We have -- the previous question had been moved. We have two speakers that had spoken before. I will ask you to keep your comments very brief. Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR COLLINS:

Senator, after -- after and before I spoke, you responded to some questions as to why this bill was not for the -- the entire State, or just designated for Chicago only. You also indicated that you would have liked to have the bill for -- for the whole State, including your district, but we understand the "politics" of things. Now, let me ask you a question. Are you saying that the politics is of such that the people of your district, who has a very strong lobbyist here, are opposed to this bill for their districts -- I mean, for their area and that the City of Chicago - for example, the teachers' union - probably don't support too many people outside of the City of Chicago because they don't have enough voice here? Is this why this bill designated to Chicago

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and not the rest of the State? Would you please respond to the politics of this, for the record?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Look, Senator Collins, I -- we need thirty votes to pass anything here, and we can get thirty votes to help out Chicago. And if you are willing and you can commit to supporting a statewide alternative certification process, and you can deliver the votes on your side of the aisle, I will immediately take this out of the record and come forward with a new draft for -- for your pleasure.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

One -- one more question. Senator, your side of the aisle is pushing this bill. You are. The leaders here. You're pushing this bill. You've got thirty votes over there. It only takes thirty, and you have more than thirty. So why, then, should you -- notwithstanding the politics, because you're not here in answer to the politics. Once you've sworn and taken the oath of office, you're here to protect the welfare and do what is in the best interests of the people of the State of Illinois. Just as you had the votes to take over Northerly -- the airport, take over -- stop Northerly Island, to do other kinds of things that's coming down the pike on workers' comp and et cetera, you've got the votes over there for this. If it's good and it's right, never mind the politics; put the votes on it over there and you pass it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio, for the second time.

SENATOR DEMUZIO:

Thank you, Madam President. I just want to make a couple of

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points, I guess. First of all, this House Bill 995, when it was in the House, received one hundred and eleven votes. Unfortunately, for -- for Representative Cowlshaw, it dealt with the Chicago Teachers' Retirement System. I assume that that's all out of this bill by now, and I'm sure she'll -- she'll really get a big surprise when it comes back. Secondly, let me just ask a question, if I might. You have represented to the Members of the Body, and as I indicate -- as I -- I see in the bill, that "A person possessing a provisional alternative certificate under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any." Does this say that with a degree in any subject and eight weeks of training that after three years that that person may be tenured in the school system?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

These individuals are treated just like any other certified teacher once they have completed the coursework and once they've completed their probationary period.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further... Senator Demuzio.

SENATOR DEMUZIO:

Well, I'll tell you, recently there was some controversy with the State Board of Education with respect to teaching certificates issued in Illinois within the last three weeks, and dealt with reciprocity in other states, and standards, and so forth, and transcripts and what have you. I think a person's going to be shocked, particularly a person who has been going to public education, or private education for that matter, for a period of a

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number of years, struggling on a part-time basis for a number of years, to now be told that as long as you have a degree and you meet these eight weeks of special conditions, that you can -- fact, can be a certified teacher in -- in the -- I assume the Chicago teachers' system, and that after a three-year period, you can be tenured. It just seems to me that all of the people who are afforded the opportunity to go through the education certification process in Illinois are really not going to be pleased by virtue of this bill; and therefore, again, I would rise in opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much. Very briefly: It's always funny how two people can look at the same thing and see two dramatically different -- two dramatically different things. One of my colleagues on the other side of the aisle talked about this as promoting a dumping ground for those who want to pursue a career in education. It's astounding to me, because while I respect his view, my view is that this piece of legislation elevates - elevates - the profession of teaching. It elevates it beyond a -- a civil service model of -- of -- of a tradesman-like quality. I mean, this makes them and recognizes teachers, I believe, as true professionals. You know, teaching in Chicago public schools, believe it or not, is not the most desirable place for many people to go who are in schools of education, unfortunately. And those students in the Chicago public schools are the ones that need the talented teachers the most. Every year we enter a school year in the Chicago public schools and there are hundreds of vacancies. People coming out of qualified education schools, where are there first choices? They want to go out to the suburbs. I don't know where your wife or your mother or father taught, but -- but people

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don't traditionally want to go, because it's a tough job and those who are there, many of them, are heroes everyday, going and working hard. The people that put this program together are teachers - teachers themselves. Dominic Belmonte, the gentleman that testified before committee, is an outstanding teacher. This is a wonderful program. This is a program that I suspect we will hear praise from the other side of the aisle, from some quarters in the Chicago public schools, and -- and some of the Democratic leaders will talk about the wonderful impact of this proposal in years to come. And you know what? God bless you. I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 995 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 Nays, none voting Present. House Bill 995 has received the required constitutional majority and is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, seldom do I make a mistake in voting over here, but this time I guess I pushed the switch and it didn't -- didn't register, but had I voted, I would have been recorded in -- in the negative.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Demuzio.

SENATOR DEMUZIO:

So, let's start all over...

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR DEMUZIO:

On a point of personal privilege again. I guess the reason is,

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I punched it, but the key was turned off, so someone inadvertently decided that they want to play their little games today, which is okay. But still put me down as No.

PRESIDING OFFICER: (SENATOR DONAHUE)

We're going to stand at ease for just a moment, please.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure has been assigned: Referred to the Committee on Executive - Conference Committee Report 1 to Senate Bill 825.

PRESIDING OFFICER: (SENATOR WEAVER)

...will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS)

END OF TAPE

TAPE 2

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR WEAVER)

...will be in order. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

Senate Bill 675, with House Amendments 1 and 2.

Passed the House, as amended, January 7th, 1997.

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on Senate Bill 350, and requests a Second Committee of Conference to consider the differences between the two houses in regards to Amendments numbered 2 and 3.

Action taken by the House, January 7th, 1997.

PRESIDING OFFICER: (SENATOR WEAVER)

Motion to accede to the request for a conference committee. Without objection, the Senate accedes to the request of the House for a conference committee on those bills just read by the Secretary. Committee Reports.

SECRETARY HARRY:

Senator Peterson, Chair of the Committee on Revenue, reports Senate Bill 729, the Motion to Concur with House Amendments 2, 3, 4, 5, 9 and 10, Be Adopted.

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bill 350, the First Conference Committee Report, Be Approved for Consideration; Senate Bill 157, the Motion to Concur with House Amendments 1 and 4, Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 6 to House Bill 207 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary,



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reports Senate Bill 522, the Motion to Concur with House Amendments 1 and 6, Be Adopted.

And Senator Karpel, Chair of the Committee on Executive, reports Senate Bill 1696, the First Conference Committee Report, Be Approved for Consideration; Senate Bill 825, the First Conference Committee Report, Be Approved for Consideration; and Senate Amendment 3 to House Bill 999 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages.

SECRETARY HARRY:

Message from the President.

Dear Mr. Secretary - Pursuant to Rule -- or, to Senate Resolution 281, I hereby appoint Senators Donahue and Weaver to the Committee to Approve the Final Senate Journals of the 90th {sic} General Assembly.

Filed by Senator Philip on January 7th, 1997.

Message from the Minority Leader.

Dear Mr. Secretary - Pursuant to Senate Resolution 281, I hereby appoint Senator Welch to the Committee to Approve the Final Senate Journals of the 89th General Assembly.

Filed by Senator Jones, January 7th, 1997.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Watson arise?

SENATOR WATSON:

Yes. Thank you, Mr. President. This may be the appropriate time to make a comment in regard to Senate Journals. I don't know how many of you received in your office the bound copies of the Journals from this last Session. I don't know how we arrive at that. I guess the Secretary of State sends out a -- a letter and asks if we'd like to have them. I'm sure those things are very expensive and I -- in the eighteen years that I've been here in the -- in the -- in the General Assembly, I've never opened them.

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I have -- so I brought them with me, and I'm going to take them to the Secretary of State and say, "Why don't you give them to someone else?" Why don't we send a message to the Secretary of State that maybe, if we want them, we should ask for them, instead of just sending out that letter, and maybe we could save a few dollars and a few trees in the State of Illinois if -- if we'd follow that type of thinking. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose Senator Geo-Karis seek recognition?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on the -- a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR GEO-KARIS:

I'm delighted, Mr. President, to introduce to this astute Body four of my very good constituents, 'cause I have the best constituents, from Wadsworth, Illinois: Gary and Lynn Penrith, and Jim and Karen Belli. They're up in the President's Gallery and I'd like us all to welcome them here today.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate? Resolutions.

SECRETARY HARRY:

Senate Resolution 282, offered by Senator Demuzio, Jones and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

PRESIDING OFFICER: (SENATOR DONAHUE)

...have everyone's attention. Very shortly -- we have had distributed Senate Supplemental Calendar No. 2, and we will be

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shortly going to that order of business. Senate Bill 157. Senator Geo-Karis, on Senate Bill 157. Mr. Secretary, read the bill.

SECRETARY HARRY:

...move to concur with the House in the adoption of their Amendments 1 and 4 to Senate Bill 157.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, when this bill left the Senate, it established a hundred-and-fifty-dollar fine for speeding in a highway construction or maintenance zone, and it passed the Senate 54 to 0. However, this legislation was identical to the original bill that had passed -- in another bill from the -- from the House, so that the underlying original bill part of this bill is no longer, in effect, in this bill. House Bill -- House Amendment 4 then becomes the bill and contains three separate issues. One, it contains language requested by the Illinois Department of Transportation which gives the Department the authority to contract with someone other than Amtrak for passenger rail service in Illinois. Two, it also contains a proposal from the Secretary of State's Truckers' Advisory Board. It allows the Secretary of State to issue permanent plates for semitrailers. And three, lastly, it clarifies that emergency vehicles can proceed past a rail crossing when responding to an emergency call, but only after slowing down as may be necessary for safe operations. I move for the concurrence of this report.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, this is final action, and the question is, shall the Senate

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concur in the House Amendments 1 and 4 to Senate Bill 157. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 4 to Senate Bill 157, and having received the required constitutional majority, is declared passed. Senate Bill 522. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 6 to Senate Bill 522.

Offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. First of all, I want to draw your attention that the amendment in No. 1 in Senate Bill 522 is old language which was adopted by the House and inadvertently not withdrawn when Amendment No. 6 was adopted. It is completely subsumed by Amendment No. 6 and will not be part of the bill. The -- Senate Bill 522 passed unanimously when it left this Chamber. It addressed one specific thing that's in there now, and there is one additional point. The two areas that are being addressed are, one, specific consent, which applies to foster children and does not create a new type of adoption; second, expedited termination of parental rights in egregious case of abuse or neglect. The specific consent - currently many parents would consent to the adoption of their children if they could choose the adoptive parent. This does allow them to do that and it clarifies the law. The other thing that it does address is expediting termination of

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parental right in egregious cases. Senate Bill 522 allows the State to speed up this process, which currently takes a long time. It utilizes only "reasonable" family preservation services in family case plans. And it provides that once a parent has been found to be unfit, that it may be appropriate to expedite terminations in abandonment or other extreme or egregious cases. It also allows the court to consider evidence of unfitness at adjudicatory hearing if the petition is seeking to appoint a guardian for the child, and it allows the termination to proceed more quickly. It also expands the definition of an unfit person to include a person whose substantial neglect of any child residing in the household resulted in the death of that child, and also expands the definition to include a person who caused the death of any child by physical abuse, but was found not guilty by reason of insanity. For the -- so that you know, there are various things that the Judiciary Committee would like to have clarified in this bill in the next Session. It passed Judiciary unanimously. We have agreed that we will file a bill that will go along with some of the technical questions that they had. Also, there is a concern with defining "egregious", which we said we would work with the Defender on. And I -- for the record, we would just like to say some of the areas that may be appropriate in these cases. We specifically didn't define all of these areas, because if you list all of the areas in the bill, then it -- actually you don't have an opportunity where there are cases of abuse that you can then help, as far as terminating parental rights in egregious cases. Some of these that may be appropriate are: a parent abandons a newborn infant, or a parent attempts to sell a child; a parent is convicted of manslaughter resulting from the death of a child by physical child abuse and there are other children surviving in the home; or a parent murders the other parent of a child without extenuating circumstances; or a

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psychiatrist reports that a mother's mental illness will substantially impair her ability to parent for at least the next few years, that a long time will pass before the mother could parent independently and that even with the professional support and monitoring, she could not give the child a permanent home. We are trying to help the children be put into a permanent situation quicker, because their lives, of course, while they're children isn't that long. And we think that this will be a good bill and a good tool to be used in that direction. I want to also tell the Chamber that this was looked at in a Joint Committee of Adoption Law and Procedure, which I have cochaired with Representative Lindner, as a bipartisan committee with Members of the House and the Senate, and these have been discussed in that committee, and it comes from that, besides the bill that we had discussed this spring. And I will answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any -- or, is there discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Shaw.

SENATOR SHAW:

Senator, I haven't had time to look at the bill, but I noticed -- how did this -- who asked for this legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This, sir, has been an issue that has been in the forefront, of course, for a number of years, and it has come up from requests from DCFS, from the Public Guardian, from the Circuit Court, Judge Salyers has been interested, and certainly it's been an issue that we have discussed over the past year, as far as making it quicker

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to help children be put into adoptive homes. And truthfully, the way I got involved in this was constituents in my area who are foster parents who saw children being abused, going back to the parent, being abused again, then going to a foster home. So we are trying to help with permanency in egregious cases.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

I'd like to ask a question. On the -- in reference to the -- the way that we will be structuring public aid in the future, and these people are going to be coming off of public aid, would not having food in the house, would that be neglect of the parents?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker. Senator Parker.

SENATOR PARKER:

Absolutely not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Is nothing in this bill -- what -- when you define -- when this bill defined "neglect" - and I apologize for not having read it - when this bill defined "neglect", what -- what do you -- how do you define it in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

We -- we are not really defining "neglect". What we are talking about is egregious cases. And let me give you an example. There was a little boy that was murdered just a few weeks before Christmas, and he was brutally beaten by his mother. That mother had killed her husband. She had two children already in the DCFS system. This would give the opportunity that, possibly, that

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child could have been moved out of that home into an adoption -- or, out into a foster home sooner, so maybe that child's life could have been saved. So we aren't -- we are looking at egregious cases in this situation, and I might add that anything would have to be proven by a clear preponderance of evidence when we're talking about if it is an egregious case.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

I don't mean to use up a lot of time, but what -- how does -- will judges be able -- once this becomes law, does judges have discretion in terms of this legislation? Or does this -- or does this legislation take the discretion away from the judge in any way?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

No. This -- the judge always has discretion. The State and the Department have the opportunity of bringing this to the judge's attention, but it does not take his discretion away.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

This is my final question, I think. How would this legislation have changed the Amanda Wallace case?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This would have made a difference in the Amanda Wallace case, because she had killed the one child and this could have sped up the process for terminating the rights with the other children. We have, in here, that if a -- a person is unfit by reason of



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insanity, that those parental rights can be terminated. Presently in our law, if there is reason that a person is insane and they have mistreated other children, that is not a reason to take another child away from that parent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

This is -- I don't know what -- and I don't want you to go through the whole bill, but certainly as it relate to the Amanda Wallace case, and you might be able to answer this at the end of my comment, but I don't think I heard you say anything about if DCFS make a mistake. And it was clear in -- in the -- in the Amanda Wallace case that DCFS did make a mistake, because they were the one that recommended that that child be given back to the parent. And I don't know whether there's anything in this legislation here that would penalize DCFS in any way or put some restraints on the Department of Mental Health, let's say, because all of those people made that recommendation back to -- recommended that Amanda Wallace be given the child back. And if we're just going to penalize the -- the parents themselves without the various agencies - and I don't mean to pick out DCFS particularly, I'm talking about other agencies as well - I think that -- I think this is on the wrong track, and I didn't hear you say anything about that. So I would hope that something would be in this legislation that would correct that problem, where that they would be able to take some of the responsibility, as well as the parents, because in my opinion, having been involved in the Amanda Wallace case, I know, and I'm not a psychiatrist, that she should have never had the child back. And they had the records that she had allegedly killed the other child, and they still turned the child over to her. If we going to have that consistently, even with this legislation, then I think this is the

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wrong route to go, and we need to do something better than that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Watson.

SENATOR WATSON:

Senator, does this have anything to do with Baby Richard? Does this clarify at all any of the Baby Richard problems?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

No, it does not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Does this make it easier for someone to adopt a child?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

It makes it easier and quicker, particularly in DCFS in egregious cases.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam -- Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Clayborne.

SENATOR CLAYBORNE:

I -- I first want to make a statement, Senator Parker, and

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then I want to ask you a few questions. I was a prosecutor for about two years and -- and three months, and during the course of my prosecution, I terminated parental rights in about ten cases. So I'm very familiar with this process. What I -- what I'm not sure about in -- in your -- in your bill is how the standard is being changed from clear and convincing to preponderance of the evidence. Can you explain that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Senator, on -- on page 10, it indicates that the court would find a preponderance of evidence on stipulating if the child has been abused. But on page 11, the child -- it has to be by clear and convincing evidence that -- legally admissible evidence introduced or stipulated at the hearing or at the dispositional hearing to terminate parental rights. So for the termination of parental rights, it is clear and convincing evidence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

So I -- I guess the change that has been made, as I understand it, is that you will have the hearing at the same time, but there would be two different standards?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

That is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. Thank you, Madam President. And as I understand this, is that this two-hearing process will only take place on

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egregious cases. Is that the understanding?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

That is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. Because the way I understand this, I had a case where -- well, in most cases, there's a plan that's set out by which the parents must comply with, and they're given a reasonable amount of time based upon the circumstances that they are -- or, the problems that they're supposed to solve. And based upon that, unless it's an egregious case, I am -- I'm assuming some severe physical harm or some murder or -- or something of that equivalent, that we won't get to this place and they will have a case plan by which they can work out and try to resolve some of their problems. Is that -- is that what this is designed to do?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

That is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam -- Madam President. For instance, I had a case where the children were living in a situation that was physically inhabitable, their clothes wasn't -- weren't being changed maybe for days at a time, and -- and they lived in a very terrible environment. However, there was a case plan put together that allowed the mother at least an opportunity to clean up her act, to get parenting classes, to learn how to take care of her

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home, and to learn how, generally, to -- to be responsible and how to take care of a child. In that particular instance, I mean, it was -- it was very filthy. It was a terrible environment, but it was one in which if the mother or the parent took responsible action and went to these classes, it was something that could be controlled and a problem that could be eliminated. Now, in that particular case, would that parent be given an opportunity to correct that situation and this language is not designed to have an immediate hearing because of that terrible environment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

That isn't the kind of case we're looking at. And certainly, they would be given the opportunity to correct the situation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. Senator Parker, in the committee we had some discussion about a number of proposed changes to this bill, and I believe that Senator Hawkinson enumerated them in his questioning and you indicated that you would be willing to follow up the passage of this bill with a trailer bill that would address a number of those issues. It's my understanding -- our staff tells me that the actual effective date of this bill is going to be January 1st, 1998, that this bill does not have an immediate effective date, and even though it's passed after January 1st of -- of this year, that in the absence of an immediate effective date, it would have -- the next calendar year would be when it would take effect, which would be January 1st, 1998. That being the case, that makes it easier for us to do a -- a follow-up bill and a trailer bill. Now, the -- the question I have for you is: There is a

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controversial term used in this legislation and the term is "egregious", and that's the -- the language used by the drafters to try to show that there would be a very limited circumstances under which one of the provisions could be utilized. Now, there -- there is a case in Wisconsin which deals with the term "egregious" in the context of an element necessary to support a contempt finding. The Wisconsin court defined "egregious" as follows: Conduct is egregious when it is conspicuously bad, flagrant, gross or shocking. Now, is this something which you would -- in -- for purposes of legislative intent, would -- would adhere to? Is that the -- the meaning that you would attribute to this term that's found in your Statute?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Yes. That is the meaning, and I do have it here that we would look at and the intent of the legislation would be to include that as a meaning for this legislation. As I stated in my opening statement, I do recognize that there are certain technicalities that need to be worked out and we will work on a trailer bill with that, and work with the Public Defender's Office in looking at the term "egregious". As we said, it's difficult in the bill to list every single circumstance, because then you have to prove that circumstance and you may be leaving some out. And our opportunity here is to try and help the children and speed up the process, but we don't want to - and I want to make it very clear - take away any children that shouldn't be. That's not the intent of this legislation. So that would be proper definition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Senator. Senator, I would have a suggestion

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to you. Assuming that we're correct, that the effective date of this bill is not until January 1st, 1998, I would have a suggestion to you that you ought to introduce a new bill that not only contains the corrections, but also contains this bill and have an immediate effective date, and then if it's passed, it can be signed by the Governor sometime in the -- in the summer. Certainly the public is put on notice by the passage of this bill that this is what the law is going to be, and you'd actually have a bill passed faster than you will by passing this one. So it's just a suggestion that you might take up next year. And then another suggestion: Whenever the House, you know, drafts an amendment and they bring it over to us and it's got technical problems, we really ought to put it in a conference committee, rather than be left with whatever the House gives us. That's kind of a general rule we always should apply, I think, over here in the Senate. Don't you agree?

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PARKER:

Thank you, Madam Chairman. I -- I would ask for support on this bill, 522. We have worked on this issue since the beginning of last year. I do recognize there are some technicalities that, because of the close calendar, we didn't work out. The -- obviously, the ideal situation would have been to take the opportunity if we'd had a lot of time to work out some of these technicalities, but we think - and it was stated in Judiciary Committee and they did vote ten to nothing - that we can do that by a trailer. Our concern is that, if we can pass this bill now, we can work on the trailer in the spring. The thing is now that there are so many cases that are not being addressed because of egregiousness, and we think it's important to get this bill out;

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for example, Brian King, who was just killed, as I mentioned, a few weeks ago just before Christmas and by a mother who possibly could have been declared unfit if this legislation had been -- occurred. So I understand the effective date. We will work on this, and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. The question is, shall the Senate concur in House Amendments 1 and 6 to Senate Bill 522. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. The Senate does concur in House Amendments 1 and 6 to Senate Bill 522, and the bill, having received the required constitutional majority, is declared passed. We are going to stand at ease right now, for a few minutes, while our Senate Rules Committee meets. Senate is at ease.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will reconvene. We are on Supplemental Calendar... Oh. Okay. Committee Reports, first. Sorry.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Executive Committee - Conference Committee Report No. 1 to House Bill 444, Motion -- Motion to Concur with House Amendments 1 and 2 to Senate Bill 675; re-refer from Executive



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Committee to Rules Committee - Conference Committee Report No. 1 to Senate Bill 326; referred to Local Government and Elections Committee - Conference Committee Report No. 1 to House Bill 2735; and Be Approved for Consideration - Conference Committee Report No. 2 to Senate Bill 350.

PRESIDING OFFICER: (SENATOR DONAHUE)

Now we're on our Supplemental Calendar No. 2. We're on the Order of Secretary's Desk, Concurrences, on Senate Bill 729. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 2, 3, 4, 5, 9 and 10 to Senate Bill 729.

Offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President, Members of the Senate. Basically, concurrence on 9 and 10 is the heart of this bill. Amendment 10 {sic} (9) deletes all the other amendments, and it has to do with a Department of Revenue request on taxpayer during an audit, that the taxpayer has sixty days to respond, and the language eliminates the sixty-day letter. Amendment 10 is a definition of financial organization for taxation purposes, and also defines sales finance company and credit card bank. There is no cost to this bill. It's supported by the Taxpayers' Federation, the Retail Merchants. It passed the House 113 to nothing. I ask for your support on concurrence on Amendments 2, 3, 4, 5, 9 and 10 on Senate Bill 729.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Any discussion? Seeing none, this is final action. And the question is, shall the Senate concur in House Amendments 2, 3, 4, 5, 9 and 10 to Senate

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Bill 729. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate bill -- Senate does concur in House Amendments 2, 3, 4, 5, 9 and 10 to Senate Bill 729, and the bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 2702. Madam Secretary, do you have on file a conference committee report on House Bill 2702?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 2702.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson, on House Bill 2702.

SENATOR SYVERSON:

Thank you, Madam President. House Bill 2702 is revisiting legislation that passed last year on a 38 to 12 measure. In just quick review of some of the highlights of this legislation: The first part is some tax cap clean-up language involving those counties that had previously had tax caps put in place under the '91 measure; the second was questions that were raised during the tax cap legislation saying that if we give taxing districts the authority to put tax caps in place, should we not give them the authority to take tax caps away. We've added that language as well, which says that by front-door referendums, counties can remove tax caps. Third part of the legislation is wording that was put in to codify the Department of Revenue's rules regarding levies that we addressed last year, as well. Fourth part of the legislation is the front-door referendum sales tax wording that Senator Weaver had last year. That currently is available to counties over a hundred and eighty thousand. We are just removing the population threshold. And the last part of the legislation

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affects the Property Tax Code and directs the Cook County Assessor to maintain records that contains the facts and the data used in determining the value of each parcel of property. Be happy to answer any questions you might have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam Chair. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

Senator, was this bill heard in committee, particularly the amendment dealing with the Cook County Assessor's requirements?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Not in the Senate. No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Why?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

I'm not in Leadership. I don't make that decision. Sorry.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Could I respectfully suggest that you take this out of the record, and suggest to the Rules Committee that it be recommitted to the Revenue Committee so that we could have some testimony, have public participation, have some debate in committee? I --

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I'm shocked that a bill -- that a provision that will affect billions of dollars of property tax assessments in Cook County isn't even sent to committee. Would you -- would you take this out of the record in accordance with that request?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Due to the lateness of time, I think that would just delay that. I would like to refer over to Senator Rauschenberger to maybe highlight or answer some of the questions that you might have regarding that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson yields to Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I guess the point I would make is, although this has not had a public hearing, this is not a major change in any kind of responsibilities of the Assessor. We've been informed by the Cook County's Assessor's Office that, in effect, he says the practice is already to do these things. We're simply codifying what he says is his current practice. In order for the current appeals process to work in Cook County, we have got to have the records for the taxpayer to -- to appeal the process. This just requires the Cook County Assessor to maintain records. I agree, I think it's unfortunate that we did not have the opportunity to have a hearing, but this is not rocket science. It's merely codifying what the Cook County Assessor, you know, has already said he does. And in the interests of the five million people who live in Cook County and, as you point out, the billions of dollars of property values, we need to make sure that there's an audit trail so that our appeals process can work in Cook County.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Berman.

SENATOR BERMAN:

Let me suggest: This bill has an immediate effective date. If it receives the necessary votes, it would take effect when the Governor signs it, which could be within the next few days or few weeks. I will go into the merits of it, but let me point out, in response to Senator Rauschenberger's suggestion regarding timing, that if we took this provision out of this bill and addressed it in the spring, with an immediate effective date, it could pass, and we're talking about probably two or three months' difference in timing, which in the process of evaluation of Cook County property, doesn't mean anything at this time of the year. So to push it through tonight really has no purpose other than to do something before a different Legislature takes place over at the other house, and that makes it sound like it is totally partisan, and I hope that that's not the purposes of this bill. Senator Rauschenberger, I guess, wants to respond to that suggestion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Berman. And I appreciate your raising that concern, but I really think that we're doing this out of concern for the other Chamber. It -- the -- the apparent new presiding officer over there would, obviously, have a conflict of interest, if he were to be in a position of presiding. So we think it's better if we move this bill before he's faced with dealing with something that -- that intimately deals with the law firm he's associated with. The Assessor's Office has already told us that this is current practice. So, although your point of waiting has got some merit, we think it's better not to put the -- the incoming Speaker on the horns of the dilemma of having to act on this bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Well, I am sure that if this was a conflict, that the Speaker-to-be would abstain from any involvement. But should I take the responses from Senator Rauschenberger and Senator Syverson to be a no to my request to take it out of the record? If that -- if that's the case, then I'd like to address the merits.

PRESIDING OFFICER: (SENATOR DONAHUE)

You have the Floor, Senator Berman.

SENATOR BERMAN:

Okay. Assuming I -- then -- then the answer is, no, they don't want to take it out of the record. And I'll leave it up to the media to decide whether this is a political move for what amounts to a month or two difference in due process and proper consideration of this issue. Let me correct the record and point out that the provisions in this bill that address the Assessor of Cook County is not current practice. Let me go into the subject of what this provision says. It talks about the appeals process where a taxpayer moves a question of assessment from the Assessor's Office to the Board of Tax Appeals, and under this provision, it requires that the Assessor of Cook County shall maintain records -- quote: "shall maintain records that contains {sic} (contain) the facts, data, work sheets, guidelines, and any other information used in determining the value of each parcel of property." Unquote. Now, that description, if any item - if any item - that was involved in the valuation of the parcel of property is not included in this package of material for each parcel that is assessed, then the Board of Tax Appeals must do the following, and I then quote: "the valuation of the property by the officer" - meaning the assessor - "shall be considered

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arbitrary and capricious and the taxpayer shall prevail in any appeal." Unquote. Let me translate what that means. If I am a -- if I am...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll, for what purpose do you seek recognition?

SENATOR CARROLL:

Thank you. I hate to interrupt my seatmate, but I have a parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR CARROLL:

I do not find a copy of this Conference Committee Report on any of our desks, and I would suggest under Article VIII, Section 8.4(b) {sic} (8-4(b)), that that must have been on our desks for a legislative day. There -- no Member on this side of the aisle has ever seen one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, have there been any motions filed?

ACTING SECRETARY HAWKER:

I have a motion filed by Senator Dillard.

I move to suspend the provisions of Senate Rule 8-4(b) with regard to the reproduction and distribution of conference committee reports.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard. Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Having sort of anticipated that this might come up, I filed this motion a little while ago. And clearly, with the late hour, with some of the constitutional constraints that we have, as well as the own -- our own logistics of trying to get this

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Chamber ready for tomorrow's ceremony, that's the purpose of my filing the -- the motion, and moreover, as this Body knows, I think, that if you have thirty votes on any particular thing that we consider, we can do whatever, frankly, we want to. And with the constraints of the time, that's the purpose of the motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard has moved to suspend Senate Rule 8-4(b). Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 31 Ayes, 26 Nays, and none voting Present. The motion is adopted. Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. An inquiry of the Chair then. Does that mean we will not have the opportunity to see any -- particularly this Conference Committee Report, to even see the legislation? It's not in the computer. It's not on our desks. Forget about the twenty-four-hour rule, just the ability to read legislation before it's passed. Or does it mean, as the prior speaker may have indicated, that as long as there are thirty votes in favor, that they don't have to show us any legislation that's being voted on?

PRESIDING OFFICER: (SENATOR DONAHUE)

No, Senator Carroll. Actually the Conference Committee Report is being distributed as we speak. Senator Berman, you were speaking. Would you like to continue?

SENATOR BERMAN:

Yes. I think that it's very interesting that this piece of legislation that affects the entire real estate tax assessments of the largest county in the State is moving along without a committee hearing, and all of the Republicans have just voted that they don't even have to distribute a copy of the conference --



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don't have to distribute a copy of the Conference Committee Report. Now, I'm sure that this urgent effort has nothing to do with the fact that the gentleman who holds the Office of Cook County Assessor headed up the committee that resulted in Illinois going for the Democratic ticket statewide for President, a new State's attorney countywide in Cook, and many other offices in the recent election. I'm sure that that politics has nothing to do with what I'm seeing being done on this Floor today. Moving to the merits, or I should say, the absence of merits of the bill, the point that I was making -- the point that I was making is as follows: Let us take a parcel of property, such as the -- the AT&T building in downtown Chicago. That building is probably worth millions and millions of dollars, the taxes of which amount to millions of dollars, and if the owner, AT&T, if they're the owners, don't like the assessment, they can file an appeal before the Board of Tax Appeals. And if there was a memorandum that was made by the team that assessed this property and there was some note by that team that we all are inclined to make in helping us do some work, such as notes that you or I make in evaluating a piece of legislation, and that note wasn't in the file, regardless of the need of that note or the importance of that note, or the non-importance of that note, under this bill, the total assessment of that property would be, quote, "arbitrary and capricious", unquote, and the taxpayer would prevail. And it's probable, under this language, that there could be no assessment of that multimillion-dollar property. Now, I've got to tell you, that's my reading of what this language says. That's outrageous. And that is what you're being asked to vote on, to undercut every need which relies -- every service, including schools and the -- and the criminal process and the human service process, that are funded by property taxes in Cook County. That is what this bill does, without a committee hearing, without the necessity

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requirement of a bill being distributed. And that's what you're being asked to vote on today. Shame on you. Shame on you for trying to force this down the throats of the taxpayers of Cook County because the Assessor happened to have played a political role in November 5th election. I'm embarrassed by the political machinations of the Majority Party of this Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, I move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

We have four speakers. Five speakers. Excuse me. All right. Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. On the legislation, couple things if I may. The Senator to whom the ball was passed, apparently, to carry this part of the bill had made a comment that there's nothing in this Section that is not current practice in the Office of the Assessor. If that were true, I cannot believe any Member on this side or your side of the aisle would oppose the legislation, because what the Assessor's Office does do now, under the new legislation creating the State Tax Board being able to come in and review Cook County properties - what the Assessor's Office does maintain, does do, will do and always would do - is to provide to the State Board the complete file on a complaint: what is the record card; what is the information that the Assessor has; what complaints had been filed; what official documents, including appraisals, had been filed. Any kind of analysis that was official in nature are being provided. This went further. There must be a reason it went further. And Senator Berman hit part of the problem, as I see it, and there's two parts to it that make it absolutely ludicrous and a boondoggle for the major taxpayers in

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-- in Chicago particularly, and also suburban Cook, to dodge taxes, because it says any type of item that was ever in the office dealing with an assessment must be given - and I'll give you a couple examples of -- of what I think it could be that all of us do - any item must be given if there's a complaint. If not, the taxpayer who complained wins the case, no matter what number they put down as their interpretation of the value of the building. So to use his example of the AT&T building or the Sears building or the Brunswick building, or you name it, you've got a piece of property that everybody knows is worth fifty, a hundred, a hundred and fifty million. The lawyer comes in and says it's worth a million dollars, and he knows that when his client was in there -- or when he was in there talking to one of the deputies and he made a comment, the guy had a napkin there with a cup of coffee and he wrote down a note and that napkin was not turned over - and it can be a note on a napkin that's not an official part of the record. Or if he knows that a person in the field made a mistake when they went and looked and called the Sears building a ten-story building and the supervisor said, "What? Are you crazy? This is ninety-some-odd stories." And they corrected the record and took out the ten-story one and said, "No. It's ninety-six." If that ten-story assessment record isn't sent over, the taxpayer wins the case. That's ludicrous. It's got nothing to do with the value of the building. It just means that the people of the county are going to suffer from the loss of income. Second thing they do do in neighborhoods like mine and everywhere else around the county: They come out and talk to the community at large as they are figuring out a determination of kind of what's the value in that area - land value, housing value - and they do some kind of a formula, that I've never understood and don't want to, of how you figure out what's happening in that area. They deal with all kinds of community groups when they do

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that. Now, all of a sudden some head of some community group calls in and said, "By the way, I forgot to tell you something at that meeting." And the guy jots down a note. Not a typed memo. Not a court document. Nothing filed by a lawyer. The person at the Assessor's Office writes down a little phone message from some woman who's head of a community group. And you go in and ask for a complaint on that -- on a piece of property that happens to be in that community. And so do I. So does Berman. So does half of this building. What do you do with that note? Do you send it to each of those complaints? And if you don't, the taxpayer doesn't have to pay. They pay whatever they said it was worth. That's stupid. If it was on a napkin and it's dealing with Rogers Park Township, are you going to send that napkin each case that was filed, and if you don't, each taxpayer pays what they said it was worth, forget about what any independent looking person would have said it's worth. That's ridiculous, and if that's what you want in this legislation, to destroy the ability of schools and -- and the correctional system in Cook County to get a legitimate amount of money so that the big payers don't have to pay, shame on you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. There are two interesting points to this bill that I -- that I see, as I look at it. Number one is the -- the very last paragraph of the Conference Committee Report exempts -- "Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of 1997." We had hours and hours of debate of unfunded mandates and now here we have a bill, the last day of the Session, that imposes a mandate upon Cook County, but doesn't pay for it. But that's okay, because you've got thirty votes. Apparently that's the

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philosophy, as espoused by one of your speakers just recently. If you look on page 19, what we've done here is we are extending a tax statewide. We're extending the ability of the county board to impose taxes statewide on all persons engaged in the business of selling tangible personal property. Now, I'm amazed, Senator Syverson, because just a few months ago you were the champion of the taxpayer when you passed the tax cap resolution saying that -- the tax cap bill saying that counties could impose tax caps throughout the State of Illinois. And at that point, you know, we're limiting taxes; we've got to stop taxes from increases. But here you're the sponsor of this bill that allows for taxes to go up, as long as the counties raise them. It seems to me to be a conflict in theory here, on your part. Either you're for taxes being raised, or you're against taxes be raised. But you, apparently, want it both ways. And by having local counties raise them, you're passing that burden on from the State to the local government. Now, I don't know if -- if it makes much sense to do that. To me, it doesn't. We're fighting against taxes on the local level, as well as on the State level, but we cannot continue to allow counties to raise fees and raise taxes with all of these bills that we keep passing. So I think, to be consistent and to continue the fight against unfunded mandates and extension of taxing authority and tax increases, we should all be voting No. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. Just -- Members of the Senate. Would the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

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Thank you. It says, "In counties with 3,000,000 or more inhabitants". I know there's no Board of Tax Appeals with other counties, but they do have the State Board. Would he care to enlighten us as to why strictly the Cook County Assessor would have to keep all of this, and why we exempted other counties in case we were appealing to the State Board?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger. Okay. Would you repeat the question, please, Senator Molaro?

SENATOR MOLARO:

I thought he took it out of the record when he left. In other words, why -- why just Cook County? I know we have a Cook County Board of Tax Appeals, but it's State Board. Why aren't the other assessors asked to do this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Cook County represents between eight and nine percent of the land mass of the State of Illinois, yet it contains almost forty-six percent of the EAV in the State of Illinois. It's Cook County that is home to -- to trademark buildings throughout the Loop where there are no comps, no -- no reasonable evidence, no way to compare the Sears Tower to any other building for purposes of assessment. It's in Cook County where we have the new special appeals process. I hope that next year -- next Session, with your support, we come back and expand this recordkeeping to other assessors. It's also because the -- the most efficient and effective assessor's office in the State of Illinois is Tommy Hynes'. He's my assessor. He's ready to go. He says he already keeps records on the reasons for increasing and decreasing assessments. So it's the right place to start. It affects half the taxpayers in the State and forty-six percent of the EAV.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

A quick comment to that. If you wanted us to come back and hope we do all the other county officials, you certainly could have done it. You have the thirty votes, and you could have done -- accomplished that tonight. Maybe -- maybe those assessors didn't have time to look at what you were doing, and you were going to afford them the courtesy that you're not willing to afford the Cook County Assessor. But I'll get on to another question. When it says here contains "facts, data, work sheets, guidelines, and any other information" - I -- I assume and if you didn't, let me know - what is it that the Assessor does now in his recordkeeping that he throws away that you would like him to keep? I mean, what were the answers of his office that -- that brought about this change in legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

What's changed here is the presumption of who is responsible for the information. The -- the Assessor's Office says they use work sheets and they've got justification when they make changes in the assessment. What we're doing here is putting the burden of maintaining and presenting those records explicitly on the Assessor's Office, so that the appeals process works. Because in the absence of that presentation today - okay? - the -- the taxpayer is still out of luck. If the Assessor does not produce the information, the -- the taxpayer has no basis to appeal. Okay? Under this legislation, if the Assessor fails to provide the documentation and the basis, the decision automatically goes in favor of the taxpayer. We're changing the presumption here, and appropriately, because what we have currently is a system

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where the taxpayer is presumed wrong or guilty. And we currently have a system where the prosecutor's not required to prove anything. We're saying, today, if you change a taxpayer's tax responsibility or the -- the valuation of his building, that you, as the assessor, are required to produce, if he goes to the appeals process, the records from which you made that decision. That's not an unreasonable thing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

First of all, you use the word "immediate" here. I assume -- are we talking about, when they say furnish it, does he have ten days, five days? And if it's not immediate, does everything fail? So in other words, if it's requested by the -- the Board of Tax Appeals and you have the word "immediately" furnish all the requested records. Now, when you have this - and I can only call it a penalty, because it says you're going to throw everything out as capricious - if it's not tendered immediately, does it then become capricious? That's part A. Let me get to part B. It says, "The records shall be available, on request, to the taxpayer" and "certify, in writing," that everything is there "complete and accurate". If I have a taxpayer say, "Well, I don't think you have all the notes there. I don't think you put everything there. As a matter of fact, I'd like to depose your inspector," who makes the determination as to whether or not they're complete and accurate? Do you also -- going to come back in the spring, and are we going to have judicial review, is it administrative review? Who's going to make that determination?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As to the first question, what "immediately" means, in my mind



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"immediately" means in due course for the appeals process, without delay. I'm not an attorney, and I'm sure courts may view any word we put in the General Assembly Statutes in a different way, but since the Assessor's Office already maintains this information, producing the file from which you make a major assessment decision should not be a -- they don't have to create any documentation. They only have to furnish the existing documentation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro. Should be. Speak into your microphone, Senator Molaro. Just a second. It isn't on. Would you move to Senator DeLeo's microphone?

SENATOR MOLARO:

Thank you. The last question is then, if the -- if he fails to maintain or furnish the records required by this Section, I just want to understand this, that I still don't know who determines that question. There's an "if" there. So it says, "If the assessment officer fails to maintain or furnish the records". Are we -- are we setting us up for all kinds of court battles? In other words, as I, as a taxpayer - okay? - I go in and I say, "I'd like all the records," he certifies them, turns them over. I feel as though they're not complete. So if I'm a lawyer and I want to make a lot of money, I could just come and get every person and say, "We're going to file and say they're not complete. You're not telling the truth, or you're not -- it's not correct." Do we just take -- as long as the assessor puts his name, that ends everything? Or can we go to court? Is it administrative review? Are we entitled to a hearing? Or is everybody in Cook County now going to go in court, because I know some lawyers that can get a hold of this and -- and make a whole cottage industry out of this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Senator Molaro, I appreciate your problem with the microphone. Sorry you had to move over to Senator DeLeo's and drive him off. I hope you don't call all those lawyers and get them all excited, because to the best of my understanding, this applies only to the administrative process of the Appeals Board. So it would not be an open court decision. It's the Appeals Board that would determine whether there was a complete record, and so it would be -- and that determination would be made based on if there was an appeal filed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This bill was presented to the Rules Committee, in which I serve. It was originally going to be sent to the Revenue Committee, and there was a motion made to send it directly to the Floor. And I questioned why we would be sending a bill like this directly to the Floor since it contains, apparently, some new language, and I was told by the Chairman that it -- it actually is the same bill that was considered in the past. And actually that's only -- now that I've had a chance to look at it, only partially true. Everything from the bottom -- or, the middle of page 2 to page 25 is a bill that we did consider in the past. It was a bill sponsored by Senator Weaver, and it received, I don't know, fourteen votes, something like that, because it was perceived as -- rightfully or wrongfully -- it's perceived by this Body as a -- some form of a tax increase. So that was already defeated, and that's being revoted on now. But the only difference is, now we have this one paragraph that's been added dealing with the Cook County Assessor. Let me just say, politely, that it's very, very poorly drafted. I think it's fair to say that we've recognized that this has some political ramifications, or

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implications, and that's probably why we're doing this on the last day. The problem is that when we pass these bills they -- they actually have the effect of costing money. Not saving money for taxpayers, but costing money. The Assessor is going to have to administer this if it's signed. It's going to cost about two million dollars of additional personnel, of Cook County taxpayer money, property taxpayer money, 'cause that's, as you know, where the money comes from - and Cook County, if you've been reading about their budget, doesn't have a lot of money because of the problems of the Criminal Justice System - and another million and a half each year thereafter. That's just the cost to the taxpayers. The problems of administering this, as were pointed out, because of, obviously, the fact that this thing was very poorly drafted, didn't go through a committee process, is going to be incredible, because if you read this, as Senator Molaro and Carroll and Berman have pointed out, it could be that someone will have no assessment. Literally no assessment. Their appeal shall always prevail because of some technical administrative problem imposed on -- on the Assessor by this -- this bill. It's a terrible idea. We shouldn't be doing it. We didn't even have -- I mean, not only didn't we have a committee hearing, but thank goodness we had some time to delay so we could at least read the bill. There was a motion done -- even be able to read it. It's just absurd, and if -- and if -- if -- you know, you've had a couple of years, guys. You've had a couple of years to pass something like this, and to ram it down our throat. Why you wait till the last night while people's families are here getting ready for the inauguration tomorrow is beyond me. It's not good public policy. You really ought to think twice and not vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

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Thank you, Madam President. I won't deal with the items that are in the bill, because having just received the Conference Committee Report, trying to read it and analyze it in ten minutes is just ridiculous. One of the first votes that I took when I came into this Chamber was the vote to allow us the opportunity to read and have legislation in our hands before we vote for it, with an ample amount of time. This is ridiculous. I am shocked at what I've heard... Madam President, if we could get some kind of decorum, 'cause I can't hear myself.

PRESIDING OFFICER: (SENATOR DONAHUE)

We will, if you keep your remarks associated to the bill, Senator Hendon. That's what it's about.

SENATOR HENDON:

Madam President, I'm asking for some decorum in the Chamber. Now, being elected by the two hundred and fifty thousand people that I represent, I want to make it clear to everyone my disgust at the fact that we just received this. None of you -- none of us in this Chamber are doing the people of Illinois justice by voting for something that we -- that we haven't even seen. It is preposterous. We have a responsibility to the people that elected us and sent us down here, each and every one of us, regardless of Democrat or Republican, to at least know what's in this -- these documents before we vote on them. Now, I wasn't here when the Democrats had the lead, but if I was and they did the same thing, I would say it was wrong then. It is wrong now. Everyone in this Chamber know I will vote for a Republican bill, I will vote for a Democratic bill. It makes me no difference. But at least the people of Illinois -- give the people of Illinois, Senator Dillard, what they sent and what they expect all -- from all of us: The right for -- for them to know that we, at least, know what's in here. It -- it is -- it is preposterous and it is damnable for us to say anything like, "Well, we got the votes, so

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we could do whatever the heck we want." That is wrong, my friend. That is wrong. One of the first votes I took, and some of the people on this side of aisle said I was wrong to take it at that time, because it was one of the first things that came up, but I voted with the Republicans to give us the opportunity to know what's in a bill, to have it ahead of time, Madam President. And that's all I have to say. I was prepared, and could have voted with you, Senator Rauschenberger, but there is absolutely no way I can vote for this now, because I did not take the Evelyn Woods speed-reading course, and neither did most of you in this Chamber. You owe your constituents better than this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I guess being one of the older guys, sometimes I sit back in my chair and listen to the wonderful debate, and I think about past history around here. And, of course, I've been here, I hate to say it, probably longer than anybody, and most of the time in the Minority. Most of the time in the Minority. And of course, you ran this place, and I can remember spending two or three days on 2nd Reading, putting amendments that had no hearing -- putting amendments on bills that had no public hearing or were killed bills in the past. And then I can remember 1, 2 or 3 o'clock in the morning on the last day when the President of the Senate would run over to me and say, "Here's a two-hundred-and-sixty-five-page conference committee report." And I would say, "Well, what's in it?" "I don't want to tell you." No hearings. Nobody had any idea whatsoever what was in that conference committee report. None. Zero. Zip. And the comment would be, "Well, if we don't pass it tonight, we're going to be here for another week or ten days." And that happened more than once. Where was all the

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screams on the other side of the aisle for public hearings and openness? I think this is the first bill that we have had that hasn't had a hearing. Every bill has had a hearing. Every amendment's had a hearing. Every conference committee had a hearing, and that's one great record and -- compared to when you ran this place. So, let's do the right thing for a change, and let's see a lot of green Ayes up there.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I just want to wind up and answer a couple of real quick questions that were raised by the other side. I want to compliment, first, some of the lawyers' arguments from the other side of the aisle. But -- but I want to caution everybody that lawyers' arguments are not what this bill is about. The bill has been in the computer for several hours. We did get copies out to people's desks. We're talking about a thirty-one-line change in the Statute. It probably represents about a hundred and seventy-five words. We're not talking about rocket science. But I -- you know, I agree, maybe it would have been nice if we would have had time for a public hearing. Tom Hynes is my Assessor. He's a good assessor. He's got his stuff together. Wasn't his fund-raising that won; it was your great candidates last time. This -- this bill is not about punishing him. It's about protecting the taxpayers. Now, the right to know what's in a bill is important and the right to know what's in your property tax assessment is equally important. This -- this cleans up the appeals process. We're talking about a county with eight percent of the land mass of the State of Illinois that has forty-six percent of the EAV value. We're talking about signature properties, where -- they have to keep records on -- on the Sears

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Tower, where the value is in excess of six hundred million dollars. This is not rocket scientist. This is sunlight on the process. So, although, you know, you're right, maybe -- maybe someone will lose the appeal, but the taxpayers in Cook County have the right to be protected in a system as large as Cook County. So, on that Section of the bill, I think it's a good Section. I do appreciate the -- the constructive and creative arguments. I yield to Senator Syverson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson, to close.

SENATOR SYVERSON:

Thank you, Madam President. Couple of comments. First of all, Senator Cullerton, regarding the sales tax wording from Senator Weaver, that language was passed and was part of the original House Bill 2702, reducing the size of the -- or, eliminating the population as far as sales tax. Senator Welch, this is the ultimate in unfunding mandates, with tax caps, with giving counties the opportunity, the option of saying, no, you don't have to just raise property taxes; you have an option to go to the voters and say, do you want property taxes or do you want sales tax raised, when you're trying to pass a referendum to help with criminal justice, to help build the jails that so many counties are suffering with. This is important legislation for medium to small counties who need this kind of help. Tax caps were overwhelmingly supported across northern Illinois. The taxpayers sent a clear message that they want to have more control. This legislation puts the control back where it belongs, in counties and with taxpayers. With that, I would ask for a favorable Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 2702. Those in favor will vote

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Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. This -- the Conference Committee Report on House Bill 2702 -- oh, yes. Sorry. I'm starting -- have all -- on that question, there are 26 Ayes, 30 Nays, and none voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. Senator Syverson.

SENATOR SYVERSON:

Like to ask for Postponed Consideration and a second conference report.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Like to restate that and go back. I just ask for a second conference report.

PRESIDING OFFICER: (SENATOR DONAHUE)

The -- the Chair has already made that request. On Conference Committee Reports, we have Senate Bill 350. Mr. Secretary, do you have on file a conference committee report?

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 350.

PRESIDING OFFICER: (SENATOR DONAHUE)

Chair recognizes Senator Klemm. Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. We're laughing about my microphone over here. And other things, I think. Conference Committee Report No. 1 has not -- does not include all the provisions that we wished to have it, and the -- as I debated the bill and explained it to the Transportation Committee, we do have a Conference Committee Report No. 2 on railroad safety pending. So I've asked the Committee and, also, I'm asking the Body if you



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would vote Present, reject Conference Committee Report No. 1. We'll have Conference Committee Report No. 2 following it, and I'll explain it in detail at that time, as I did to the Transportation Committee. So I'd like to ask all my colleagues to vote Present on this bill so that it doesn't reflect a negative vote on their behalf.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 350. 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 5 Yeses, 4 Nays, 36 voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DONAHUE)

Going to stand at ease, please. Rules Committee. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure has been assigned: Referred to the Committee on Appropriations - Senate Amendment 1 to House Bill 3695.

PRESIDING OFFICER: (SENATOR DONAHUE)

On Supplemental Calendar No. 2, under Conference Committee Reports, is Senate Bill 825. Mr. Secretary, do you have on file a

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Conference Committee Report on Senate Bill 825?

SECRETARY HARRY:

Yes, Madam President. First Conference Committee Report on Senate Bill 825.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Conference Committee on Senate Bill 825, as you know, is the Supreme Court Reapportionment Bill for the State of Illinois. And we have not reapportioned the court since 1963. It's been a long, long time. And what this does, basically, is creates new boundaries for the Supreme Court; deletes existing judicial court boundaries; defines census information for remap purposes; and creates an implementation schedule, which corresponds with the end of terms. It also provides a special -- judicial election when there's a vacancy that occurs. If you would just look at the 1980 census, you would notice that Supreme Court District No. 1 and No. 4 have lost population and that Districts 2 and 3 have gained. In fact, the Supreme Court district that I happen to reside in has got over twice as many citizens than the District No. 4 in Southern Illinois. So it's long overdue. We should do it. Senator Petka is my cosponsor and I will let him answer all the legal and constitutional questions. But it's long overdue and we ought to do it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

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SENATOR COLLINS:

Senator Philip -- or Senator Petka, or Senator Philip. I guess Senator Petka will answer the questions here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka will respond. Senator Collins.

SENATOR COLLINS:

Yes. Senator, in drawing these...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins, could you wait just a second and allow Senator Petka to explain a little further what the bill is, and then I'll call on you first? All right? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, and Mr. President. The Conference Committee Report on Senate Bill 825 creates new boundaries for the Supreme Court of the State of Illinois. As the Senate President has indicated, the impetus for change, as far as the boundaries, is very simply this: that since the last time that we have redistricted, which was thirty-three years ago, the -- there has been a population shift in the State of Illinois, most noticeably in the Senate -- in the Second Judicial District. Currently, there are one million more people residing in the Second Judicial District than in the Fourth Judicial District. The significance of that is, simply, under the Illinois Constitution, Article VI, Section 2, the constitutional requirement in this State is that our judicial districts be compact, contiguous and substantially equal in population. By any stretch of the imagination having a -- a judicial district with one million more people than another judicial district would not be viewed as substantially equal in population. Additionally, this legislation provides for a transition from the current operation of the -- the Supreme Court, and the Appellate Court, by simply setting up a schedule for the Supreme Court in terms of the new Senate

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districts and the rights to retention in running from those districts. Additionally, it provides for Appellate Court judges to have an option to choose the district they run in, provided that the district that they choose to run in they had at one time been selected and elected to run from. The district -- the -- the map proposal also creates three Supreme Court districts in Cook County. This anticipates a successful Federal Court challenge to the way that we currently elect Supreme Court judges from Cook County. As a matter of information, today there was a lawsuit that was filed in the Federal District Court here in Springfield, which challenges the concept of at-large elections in Cook County. We believe that there is a significant equal protection argument and we believe that we will be successful. During the course of the hearing in the Executive Committee, a number of criticisms were leveled about the process and about this map. The Supreme Court, in 1978, suggested that the time had come to redistrict the judicial districts. It has been thirty-three years since we have done anything in connection to redistricting. Just within the last ten days, a person who is -- who is currently sitting on death row filed a challenge to the -- to the Supreme Court on the basis that it was unconstitutionally impaneled and selected, in that Supreme Court Justices were elected from districts which were not substantially equal in population. I'm not here to project or predict what may happen in connection with that challenge, but I think that the fact that there is this -- a -- facts to support a person on death row's argument is shameful and a shame on this General Assembly. There have been comments made that we need more time, that this thing is being run down at the very last moment. I simply suggest this: Where have the proposals been for the last eighteen years? I had one in 1987 that was tubed in what passed for the Speaker's Election Committee in the House. But there has simply been no one with the courage - no Legislative Body with the

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courage - in the last thirty-three years to do what is right, and that is to provide compliance with our constitutional mandate of creating districts which are substantially equal in population, which are compact and contiguous. In my opinion, we have done just that. And I merely close by stating the following, paraphrasing President Reagan: If not us, whom will do this, and if not now, when will we do it. With that, Mr. President, I'll answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Thank you, Madam President, Members of the Senate. Question of the sponsor. Senator Petka, this morning, in -- I mean, this afternoon in committee, the question was raised whether or not consideration was taken -- that you took in consideration political parties or race in the configuration of your maps, and particularly those -- those three districts in Cook County. And you said of course not, that you were concerned about that they be compact and contiguous, and that the population, of course, be even throughout the State. However, in looking at the brief from the case that was filed this morning in the United States District Court, asking permission of that court to overrule our Constitution on whether or not you could divide the First Judicial Circuit into three districts, and in that - and I'd like to read from that, this -- this morning that you -- what you've -- that you filed - it -- it -- it says that it requires the election of three judges of the Illinois Supreme Court from the First Judicial Circuit in an at-large election, et cetera, et cetera, and then it goes on to -- says that the Republicans are an identifiable voting group in the State of Illinois and an established political party; that they by their nature, Republican voters, are a political cohesive group; that since the enactment of the 1970 Constitution,

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not a single Republican candidate has been elected from the First Judicial Circuit as an Illinois Supreme Court Justice. Now, if that is not based on, and motivated by, the need to elect a Republican, then I don't know what is. You have it right in the brief that you filed this morning in the courts. The other thing is, when you look at the figures and the configuration of those districts, you will see that race also played a major factor in it, because the district clearly, clearly sets out one of those districts, District A, of course, as a majority African-Americans or blacks, so that that district can, in fact, be elected by a black. Now, I'm not opposed to having a black, of course, sit on the Illinois Supreme Court. I would be a fool to be in opposition of that. But the fact of the matter is, you are -- you are setting up a situation here where we will definitely end up in court. And I'd like to also know whether or not you are familiar with the fact that the courts just ruled that we redo the Third Congressional District in the City of Chicago for the same basic reasons, because race and, of course, political concerns were a part of that configuration of that district, and that would assure that this map will end up into court. So can you respond to the question? You said that it was not a factor, but yet you filed in court and you entered that as a part of your brief.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, I'll attempt to answer the questions, but before I get to answering the question, I just would like to clarify something in a statement that you say that I made. I stated that the criterion that I used in connection with a suggestion that we have a remap is that the districts be substantially equal in population, that they be compact and contiguous. In connection with what you have just raised as far as the petition that was

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filed or complaint in Federal Court, those are -- those are jurisdictional requirements for a concept known as "standing", and that is exactly why that was raised, because it -- there is a threshold requirement that parties that file suits have to show some - for lack of better term - standing to be able to file the suit. Now, in connection with the congressional map, I can tell you, I only have vague recollections. I know that someone has filed the suit, but I simply do not know the status of that suit. Do not know much about it, other than what I read in the newspaper.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Senator, also further in that brief, you -- you -- you stated that the Illinois Constitution was not clear as to whether or not we would -- you should be able to elect three -- I mean to -- to cut that First District into three separate districts. And have you forgotten that there has already been a ruling on the constitutionality of splitting the First Supreme Court District into three? And -- and -- and if you are not familiar with that court ruling, I do have a statement from the case and the purpose, and here again, it points right back to whether or not this map, in its current configuration, will definitely end up into the courts, and I'm -- I'm very much concerned about that. Are you familiar with the case?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR COLLINS:

And the...

SENATOR PETKA:

I am familiar with the case. I have read the case. I have a different interpretation of what the Supreme Court said. The

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question that was before the Supreme Court at that time had nothing to do with Supreme Court districts. It did have everything to do with appellate districts. There is "dicta" - and that's the term that I learned in law school - which states that the proposition that you stated is in -- is what the Supreme Court said. However, what I stated during my opening statement is that we -- there are a number of concerned citizens who believe that the Illinois Constitution offends the Federal Constitution in that -- in the manner in which it provides for at-large elections in Cook County.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Fitzgerald rise?

SENATOR FITZGERALD:

Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to move the previous question, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

That is always in order. There are eleven more speakers. Senator Collins.

SENATOR COLLINS:

Thank you. Just to the bill: Let me just say that there's no doubt in my mind, and I'm sure that most of the Members on this side of the aisle recognize the need for us to address this issue. However, the process of drawing maps, of -- of addressing this problem in a responsible way, takes more time than just two or three people getting in a room and deciding that this is what they are going to do. This is a highly technical issue. It most certainly need the expertise of -- of our legal staff and legal people, outside consultants, to take a look and to make sure that this map, to the extent possible, will pass the constitutional test. And those of you who have been here for any considerable length of time recognize that almost every map we draw here end up in the courts. But, at least, we ought to try and do the very



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best that we can to ensure that litigation does not continue for years and years. This map is drawn so poorly, because you have not taken the time to deal with it, nor brought in the people with the expertise, such as from the bar associations, the various organizations and groups out there who have the expertise in drawing maps. You have not done that, because you're rushing it through for political control. This map is guaranteed to end up in court, and somebody have to pay the bill. That is irresponsible. We should not deal with this issue in a lame-duck Session, two days or forty-eight hours before the closing of this Session. I think it's irresponsible, and we should not. And this side of the aisle, I hope you vote against it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Channel 3 has asked permission to videotape the proceedings. Is permission granted? Permission is granted. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would point out to you that the present makeup of the Illinois Supreme Court are four Democrats and three Republicans. And with that split membership, the case that was referred to, Chicago Bar Association versus State Board of Elections, in 1990, that decision that ruled that the First Judicial District should not be divided into subdistricts was a unanimous court decision. Four Democrats and three Republicans all agreed that, under the language of the Constitution, there should not be a division of the First Appellate District. Now, I would hope that that same kind of unanimity would prevail when the question of whether Senate Bill 825 is constitutional or not comes before the court. Because what this bill does is to not only divide Cook County, but it expands Cook County. As I read the map, one of the districts will take in not only part of Cook, but also part of adjoining counties in the selection of one of the Supreme Court members. I

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just want, again for the record, to read Article VI, Section 2 of the Judicial Article of our Constitution. It's very short and it says, quote: "The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties." Unquote. Ladies and Gentlemen, I suggest to you that, in keeping with their interpretation of Appellate Court districts and the very clear language of Article VI, Section 2, Cook County must be an undivided district from which three Supreme Court Justices must be elected. That is what the language says. That is what the Supreme Court has said as recently as 1990 in Chicago Bar Association versus the State Board of Elections. In addition, I would suggest that the sponsor of this legislation, Senators Philip and Petka, probably ought to remove it -- take it out of the record until we see what the lawsuit which was recently filed, what the decision is, because until then, you are asking us to vote contrary to the plain language of the Constitution and to the previous decision of the Illinois Supreme Court. So I would suggest, that for those reasons that I have just announced, that we should either vote No or vote Present on the passage of this Conference Committee Report. It is bad law. It is bad common sense, and we should vote either No or Present. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle.

SENATOR dEL VALLE:

Thank you, Mr. President. I think that what needs to be said, for the most part, has already been said. But, Senator Petka, you indicated that it's been thirty-three years since we've dealt with this issue, since the lines have been redrawn. Is that correct?

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle.

SENATOR DEL VALLE:

Then, a comment. We've waited thirty-three years, and you indicated that the reason it hasn't happened is because the courage was not there for the Legislative Body to take this issue on and that thirty-three years has gone by. I ask you, why wasn't the courage there on your side of the aisle in this Chamber and in the other Chamber to put this issue out on the table at the beginning of the Session, and instead - because, I say to you, there was no courage on your side of aisle - you bring it up on the very last day, just a couple of hours ago, and bring a map to this Chamber that most of the Members had not have even seen until a couple of hours ago. Where was the courage? Why wasn't the courage there to do that? Why are we basically laughing in -- in the faces of -- of Illinois voters by bringing forth what is a sham? It's a map that obviously is not going to hold up. It's a map that has a lot of technical flaws. There are problems. It's in violation of the State Constitution. We're going to be litigating this. There's going to be tremendous expense to the taxpayers. And yet, I think most of us agree that it's something that we ought to look at: that the distribution of the population needs to be looked at. But there are other matters that are of concern. What about the distribution of racial population? This is clearly a partisan map. It's clearly for the sole purpose of gaining a Republican majority in the Illinois Supreme Court. That's its only purpose, and I think that's wrong. Let's do this right. Let's look at it. Let's see what the courts say about

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Cook County and dividing up of Cook County, and let's wait for that decision and then proceed and do it right.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you. Would the sponsor yield? Senator, I'm trying to figure out, if you could help me here with the effective date of this bill and the effective date of when this really goes -- means anything, in terms of, perhaps, when is the first election that is affected? Does the bill itself have an immediate effective date, if it's signed by the Governor? Does it become the law right away? Could you answer that for me?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you, Senator. The bill has an immediate effective date. The transition schedule that -- that I alluded to during my opening remarks is found on page 50 {sic} (12) of -- of the legislation. It provides for election and selection in Supreme Court Districts 1A, 1C and 3 in the year 2000; in the year 2002 in 1B, 2 and 4 {sic}, and -- 2 and 5; and in -- in the new Appellate District -- or, Supreme Court District -- Judicial District No. 4 in 2004. Additionally, there is language in here that any Supreme Court Judge retains the right to retention. That -- there is a process that we have placed in this legislation to assert that right. Additionally, all Appellate Court judges in those districts where there has been a change have an option, and that option is exercised by simply making -- an election for retention at the time that the term that they were elected to is up.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

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Okay. So the first election that this will affect is in the year 2000. So we have to hurry up and pass it today. The question I have for you, then, with regard to retention is: You've apparently taken Justice Heiple and Justice Miller, based on where they currently reside, and you've put them in this new Fourth District and the Third District -- the new Third District has no Supreme Court Justice residing in it today. If the year 2000 comes along and that's the first election and that I believe is for No. 3, nobody lives in there, no incumbent lives in there, does that mean that Miller and Heiple can elect to be retained -- or stand for retention, and do they get retained under their old districts or are they to be retained by a different electorate than that which first elected them, and which one has to move?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, thank you for asking the question. There will only be one vacancy, the vacancy will be in the Third Judicial District. The person who currently represents the Third -- significant portions of the Third District is Chief Judge James Heiple. If he chooses to exercise his right to -- to run for retention, he may be, if he'd -- by filing the papers, he may run in the Third District; he will then have to move to that district. That -- I might add, that's not dissimilar to the process that is generally followed in legislative redistricting.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Cullerton.

SENATOR CULLERTON:

Okay. And -- and, you know, these ideas -- these questions I'm raising are not just mine. I received a letter from the Illinois State Bar Association and from the Illinois Judges Association, where they, kind of naively perhaps, suggested that

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there by some -- some more time between a quarter to twelve this morning, when this was filed, and -- and today at five to seven, when we vote on it, to have a chance to look at the map. But they did ask that we at least consider and ask these questions concerning the new circuit boundaries. So if -- since there's going to be new circuit boundaries, the question's raised: Is -- is -- are we taking away the people's right to elect and retain judges? If a judge is elected or retained from a current circuit, can the Legislature force these judges to be elected or retained from a different circuit? They seem to think, that is the Bar Association suggests, that the Legislature cannot take these judges away from the voters who elected them or retained them. The other problem is overlapping Supreme Court districts, which I -- which I talked about. When you pass a law immediately -- have the immediate effective date of -- and the Governor signs it, it's the law. The Third Supreme Court District does not have a Supreme Court justice residing in that district. They didn't -- and -- and so the question, I guess, is whether or not voters are unrepresented under this map and there'll be additional litigation. I guess litigation is okay, but what about the pending cases and what about the criminal convictions that have been obtained in certain judicial circuits? The -- the Illinois Judges Association talks about the fact that staffing and retention are tied to the circuits. The number of full circuit judges is -- is determined by the size of the circuit. The -- the number of associate judges is determined by the circuit, based on workload. All circuit judges run for retention in all of the counties which form the circuit. In redistricting the Appellate Court, the -- the Legislature has to be cognizant of the importance of the structure of the circuits that they play in the organization of the court. And, I guess, if you're saying, "Well, that's not going to take effect until three years from now", then

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why -- why do it the last day of the Legislative Session? The last two redistrictings, by the way, were done, I believe, at a Constitutional Convention, where there was not such a, if you will, a -- a partisan -- or, at least a bipartisan effort was -- was made to draft the boundaries. And so those are the reasons why I -- I raise these questions. They're really more procedural. I think we're -- we're pretty much aware of the -- of the partisan issues that are involved. It's clearly unconstitutional, as -- as under current Supreme Court rule, to do this this way, and you're obviously hoping that this somehow will get to the U.S. Supreme Court. It does cause incredible confusion in the court system. There's going to be a cost. There's no question about that. The cost -- I'm sure you don't have a fiscal note, but to change -- cause you just had a map this morning, probably for the first time, but where the -- the new circuits are going to be housed and the -- the massive amount of -- of modifications of where people live and work is -- is going to be enormous. There, obviously, has been very little public input. And -- and by the way, the census population -- the census figures that's used is 1990, from what I'm told. And the Commerce Department has 1995 census figures that -- that could have been used. And when you look at the '95 census figures, by the way, that we have tried to very quickly apply to these, you get -- get thrown off, dramatically. In fact -- so if you're -- if you're goal here is to have kind of a -- a one-person, one-vote for those areas outside of Cook, you're not accomplishing it by using 1990 census figures. So for those reasons, I think, for the record, it's pretty clear that this is not the way to go about doing it. We've had at least two years. I expected it two years -- within the last two years, not the last day, I didn't expect. I expected two years and we'd have an opportunity to at least have a debate about it and then we could lose. But now we have a situation where we're thrown --

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we're thrown in the last second to try to consider it, and it's once again, and I would remind you, and this is going to be like deja vu, it's not the way to do it, this -- on this last day.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Welch.

SENATOR WELCH:

Thank you. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Senator Petka, on page 18 of the Conference Committee Report, paragraph says that "If...a judicial district has more than 6 appellate judges, a vacancy that occurs in that judicial district shall be assigned to and filled in the judicial district having the fewest appellate judges..." Could you tell me, how many appellate judges are in each of the Districts 2, 3, 4 and 5, and who would be affected by this provision, first?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator Welch, there are six elected judges in each of the Appellate Court districts.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, your bill says that: If, as a result of this Act, a judicial district has more than six appellate judges, a vacancy that occurs in that judicial district shall be assigned and filled in the judicial district having the fewest. So how is -- how is that going to work, if -- if you're cutting out -- I know you're cutting out two judges out of the Third, one who's down in Peoria County and one who's over in the west side of the district, I



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think Knox County, so that would leave four resident judges in the Third. So the other two would live in the Fourth. So I'm not sure how -- how would this provision work?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is that a question, Senator Welch?

SENATOR WELCH:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you, Senator. At the time that their term of office expires from their election, they then have the right to make a decision under this legislation as to which judicial district they will stand for retention. If they make an election and that results in a disparity in terms of the numbers that we have set, then we are making a requirement that there be an assignment made from the Supreme Court to equalize the -- the number of judges.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

So, for instance, Tom Homer, former State Rep, was just elected in our -- in our Third District and he lives down in, I believe it's Peoria County. Now when his term is up, let's say he decides to run for retention in the Fourth Appellate District and he gets retained. That now gives the Third District only five appellate judges. So the Supreme Court can then say, "Well, we're assigning you back to the Third," even though when he ran for retention, he wasn't retained by a single voter in the Third Appellate District?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

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Senator, the answer to that is yes, and very candidly, they possess that power right now. The Supreme Court possesses that power right now to do just what you suggested.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, that doesn't mean it makes much sense. The other thing, you know, when you were talking about how much courage the Legislature had in redistricting these, as I recall, during the redistricting days, we asked the Supreme Court what they wanted to do and they didn't particularly want to redistrict the Supreme Court or the Appellate Courts. So they were asked, similar to our letting Congress redistrict their own maps, we let them draw their maps. I believe we asked the Supreme Court if they wanted to draw theirs. They didn't want to make any changes. So I think that, you know, saying who does and who doesn't have courage, I'm -- I'm not sure we're looking at the correct Body in -- in making those remarks or pointed statements. I -- I think that this needs a lot more work because of the -- the nature of these dramatic changes, and I think we should be voting No. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. I'd like to ask the sponsor a question, if he would yield, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR DEMUZIO:

Question of the sponsor. Senator Petka, did you -- do you know what the title of Senate Bill 825 was when it was first introduced in the Senate in March of 1995? Actually, I'll save you the time and tell you that the title of Senate Bill 825 was

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"AN ACT to amend the Judicial Districts Act by changing Section 1." Do you know what the title of the bill was when it was amended in the House? The title of it was -- Senate Bill 825 was "AN ACT to amend the Judicial Districts Act by changing Section 1." Do you know what the title of the bill was when the House refused to recede from its amendment and the bill was directed to conference committee? I'll tell you. The title was -- of Senate Bill 825 was, "AN ACT to amend the Judicial Districts Act by changing Section 1." At this time I would like to read from the Conference Committee Report on Senate Bill 825, lines 13 through 17 {sic} (18). I quote: "by replacing the title with the following: 'AN ACT concerning Judicial Districts'; and by replacing everything after the enacting clause with the following: Section 1. Short Title. This Act may be cited as the Judicial Redistricting Act of 1997." Senator Petka, this is the first day for this Chamber to consider this Conference Committee Report. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Let me request a ruling from the Chair then, if I might, Mr. President. This Conference Committee Report does, in fact, change the title of the bill, as indicated by Senator Petka, and this is the first day that this Chamber has had an opportunity to consider this Conference Committee Report on Senate Bill 825. Therefore, I would ask for a ruling from the Chair as to whether this Chamber may vote on this measure at this time, because the Conference Committee Report becomes the bill and changes the title of the

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bill, which has not been read by title on three different days in this Chamber as required by Article IV, Section 8(d) of the Illinois Constitution.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...Demuzio, all the constitutional requirements of this bill have been met. The bill has been properly presented before the Body. Senator Demuzio.

SENATOR DEMUZIO:

That is your ruling?

PRESIDING OFFICER: (SENATOR DeANGELIS)

That is my ruling.

SENATOR DEMUZIO:

Can you site the rules for that particular ruling, so I might check my rule book? I have my pencil out.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio, that is the ruling of the Chair and if you want to appeal it, you may proceed.

SENATOR DEMUZIO:

Yes, I would like to appeal the ruling of the Chair, if that, in fact, is the decision that you have rendered. Mr. -- Mr. President, it's quite obvious that this bill has not been read three times, but you go -- go ahead. I want to appeal your ruling.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All right. The question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the ruling, vote Aye. All those opposed to sustaining the ruling, vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 25 Nays. And having to -- failed to receive the necessary three-fifths negative vote the appeal fails, and the ruling of the Chair is sustained. Senator Demuzio, do you want to continue

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proceeding -- asking yourself questions?

SENATOR DEMUZIO:

It seems to me you had thirty-three votes, which is more than necessary in order for you to win on this issue. And, therefore, I want to discontinue my remarks at this moment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, probably one of the -- one of the best things we hold dear - at least I did when I was younger - and I think still enjoys some semblance of trust in this country is the Supreme Court. I mean, when I -- I think when old Warren was there, with that flowing white hair, if I have the right guy, I mean, seeing him was amazing. One of the best things I like about the State of the State Message is when the Supreme Court Justices come in. I didn't like when they came in last year, 'cause they didn't wear their robes. I don't know if anybody else noticed that. They used to wear their robes. And I always thought that the Supreme Court was almost sacred. You ever go to their building? It's -- it's -- it's an unbelievable, beautiful building, and we hold them in such high esteem. So it did -- did make me feel kind of bad when I saw these articles in the Sun-Times that kind of usurped the authority of the Supreme Court or put them in a light that lowered their esteem. Now, the sad part about it was, the Sun-Times - I don't know if Channel 5 was involved, whoever - the Sun-Times had a point. They -- they had a point. You look at our State Constitution, if anybody cares to read it anymore, and it says, the State is divided into five Judicial Districts for the selection of Supreme Court Justices. The First Judicial District consists of Cook County and then there's four others, and it says, three are elected from Cook County, and four others from four

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circuits. Now, I don't know when that was put in. I don't know if that was the '70 CON CON. I don't know exactly when that went in, but that's the Constitution. That's the way it is. Now, it happens to make it that that may, in fact, violate the equal protection afforded under the United States Constitution, because us in Cook County, a district I may be voting - and I'm voting for one of three at-large - where you men and women who don't live in Cook County, only get to vote for one. Now if we cut up Cook County and we make it three -- three judicial circuits, that doesn't make sense either, because the population is still unequal. We're not going to three and then each one of those is going to equal the population of each one of those four. Probably the fairest thing to do would be to cut it up into seven districts throughout the State. That would take care of all the equal protection. There's only one problem: We, here in the General Assembly, we don't have the authority to change the Constitution on the last night of a General Assembly with thirty votes. It can't be done. It's -- and a lame duck at that. I mean it can't be done. You cannot take the Constitution and change it. It's right. We have to look at the way this is being done with the Supreme Court, because the integrity of the Supreme Court should be supreme. No pun intended. But let me say this, one thing I always gave credit to my Republican colleagues and the President, I might add, of the Senate is that he had the courage of his convictions. There were two years. There were some major changes done in this State. I didn't agree with all of them, but he said, "I was elected President. I have the votes. I'm here to make major changes." And major changes came. We'll find out if it's better for the State. I don't know. I don't think so, and I didn't then and I don't now. But he had the courage to come out. To come now and talk about the Supreme Court, and bring it up under cover of darkness, at seven o'clock at night, on the last day of Session is

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acting like thieves in the night, and you come not to change the Supreme Court and make it fair under the United States Constitution, but to steal a seat on the Supreme Court and change it from Democrat to Republican. That's all you're doing, and it's not right. You don't play with the Supreme Court like that. I know the Constitution of this State may be wrong, and I feel it may be wrong, but there's one problem, under Article VIII {sic} (XIII), Section 3, here's what it states: Each -- each prospective holder of a State office, before taking office, shall take and subscribe to the following oath: I do solemnly swear to support the Constitution of the State of Illinois. We took an oath. It's not our job to say, "We don't like what it says, so we're going to go out and change it." The Senator -- the sponsor from Plainfield, he knows the law. He's one of our most learned colleagues. He said they filed a suit today to challenge our Constitution and say that it's not protected or that we violate the United States Constitution. Well, that's their prerogative. We can't do that in this Chamber. We, as Legislators, do not decide that, we don't like the Constitution, we think it's wrong so we'll pass laws in violation of it. We swear to uphold it. And to act this way is incorrect. We're acting like thieves in the night, and it's wrong and this should be a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the statement that we act -- "We're acting like thieves in the night," you haven't seen anything unless you were here the first -- about four years ago, six years ago. You want to talk about thieves in the night? I can tell you there were thieves in the day and thieves in the night. So let's not get too overly carried away, because I have the highest respect for my colleague over there.

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You know, members of the Bar Association, the State Bar and the Chicago Bar came before the committee when we were hearing this bill and objected to it, and yet, those very members have also sent us legislation to look into it. Why didn't they come out with the feasible solution? In thirty years, we haven't had any. And speaking about the Constitution, the Constitution of Illinois was passed, I believe, in 1971 -- 1972. There have been great population shifts as it is, and you can't tell me that my district, my county, which is about close to six hundred thousand people should be lumped together with DuPage County. I don't want DuPage County in my district frankly, because you don't have a balance of proper voting by the Supreme Court of the United States, and that is the final judge, not the Supreme Court of Illinois. You know and I know, when you talk about this being just give -- sent to you just at the last minute, how many times have we had received, under your administration, a thick, thick volumes to read at the last minute without a proper hearing? I think you've had a good hearing in the -- in the Executive Committee. Everyone was heard. We know what it amounts to. It means that we should be fair and we should apportion the districts the way they should be. And it's high time we voted on it, and I'd like to speak in favor of this bill. And by the way, there is a severability clause. If there's something -- some parts that are bad, this report contains a severability clause in case any individual portion's found to be defective and it does have an immediate effective date. So let's stop fooling each other. The -- you're playing politically on this. Let's do what the people really need. Let's have fair apportionment of the judicial -- judicial districts, and I speak in favor of it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:



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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I don't want to belabor this point, Senator Petka, and I know we raised many issues during the debate in the Executive Committee, which were followed up with some questions by Senator Cullerton, but I would still like to have the question answered, or at least clearer in my mind, and that is specifically as it relates to Justice Heiple. Recognizing that Justice Heiple and Miller will be, under this proposed new map, in the same district and that Justice Heiple's term expires prior to Justice Miller, and under the proposed map will no longer reside in the district which he currently represents, how is it one seeks retention for a seat he does not hold?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you, Senator. As a Legislative Body, we do not have the right to divest an elected official from his office by -- by a Legislative Act. However, the Constitution mandates that we redistrict to obtain substantially equal population in districts that are compact and contiguous. Were we to follow the logic that has been advanced not only in the Executive Committee, but implied in some of the questions here, we would never be in a position where we could redistrict, because we would always be creating a situation where a person who was elected to office would -- would claim a vested right to be elected from that district for the rest of his eternal life. The fact of the matter is, that the transition schedule that we have proposed simply places us in a

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position where we -- we recognize the right to retention. We indicate that the right to retention -- the process that can be utilized to exercise this right involves the election of Justice Heiple, if he chooses, in the year 2000, to run in a Supreme Court vacancy, which would exist in the appellate -- the new appellate district -- or new -- new Judicial District No. 3.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. As a follow-up, Senator, first of all, one point that you made that we as a Legislative Body don't have the right to take away those positions that have been elected, I would only remind the good Senator that that logic didn't follow through when it came to the University of Illinois Board of Trustees vote in this Body. But, on to the question: If Justice Heiple decides to seek election or reelection to the Supreme Court in this newly created district for which there will be a vacancy, will he be seeking election, or would he seek retention? Does he have the option to do either, or is he required to do one or the other?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

There will only be a vacancy -- as the individuals who now are on the Supreme Court with their residences, there will only be a vacancy in the downstate districts in the Third -- the newly created Third Judicial District. At the time that the Constitution provides for a elected Judicial Officer to signal his intention, Justice Heiple, under our Legislation, can make his election to run for retention. The only place that he could run for retention is in the Third Judicial District that would be created under this map.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I know the hour is late and we still have much before us. I'm not trying to belabor this point, but, Senator, if he seeks retention, he would be seeking retention for a seat that he doesn't hold. How does one do that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

I -- I beg to differ from -- Justice Heiple is -- is my Supreme Court Judge. In the new Third District, he will continue to be, if he chooses to run for retention, my Supreme Court Judge. It is -- the analogy that I can give to you, Senator, is that this is very similar in the way that we, in our legislative redistricting, permit an -- an election to be made by those who are currently holding office. That is, if there is any portion of the district from which they were elected, they can exercise their right to be retained by running in a portion of the district that they were already elected.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

The -- the key word there, Senator, is retention versus election. The fact of the matter is, his current residence, as you know, would remain in the new Fourth District, which Justice Miller will still be serving. He would have to be -- he would have to move, I presume. My point is, the seat he would seek, if he chose to seek a seat, would be in the newly created Third District for which there is a vacancy. But we've been around on this question time and again and -- and the answer has not become any clearer from -- from your explanation in this Chamber. Let me

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just ask this: Obviously, it doesn't take a rocket scientist to know that the real purpose of this bill, I suspect, is to try to gain or -- gain control by the Republican majority on the Illinois Supreme Court, but is it fair to assume that the secondary purpose of, or perhaps not even the primary purpose, is to dump Justice Heiple?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, I'll answer the question the same way that I answered the question in Committee. I think that the answer is -- to me is self-evident. There is a disparity in population in this State. There has been a constitutional requirement that we have districts of substantially -- that are substantially equal in population, are compact and contiguous. In trying to meet that constitutional requirement, we have proposed a map that does exactly that, and nothing more.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Mr. President, I will try to wrap this up very quickly.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Please.

SENATOR SEVERNS:

The -- I don't think your answer is so clear, Senator Petka. I think it is clear that the real intent here, not that I would object, nor would probably most Members or perhaps any Member in this Chamber object, to dumping the Chief Justice Heiple. My question, of course, was: Is that one of the primary purposes? I will ask, what is the Governor's position on this legislation?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

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SENATOR PETKA:

I do not know.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

I will only close in saying that while I don't pretend to know all the legal terms, nor certainly all of the Latin terms, I think the term "res ipsa loquitur" is very appropriate here, and I think the -- the bill and the legislation speaks for itself. While one goal is to gain majority on the Supreme Court, seems to me that the real goal is to get rid of Justice Heiple. And, at least, on that goal, I would agree with you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka, to close.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. There's no human way that I can address all the concerns that have been raised by my colleagues on the other side of the aisle in connection with this legislation. I just wish that they would understand that as an officer of the court, and I do practice law, as a person who serves in the Legislative Body, that participating in something that should have been done eighteen years ago, in my opinion, is a very high honor and a distinct privilege. But it also happens to be the right thing to do. It happens to be the right thing to do, because right now, the way we are currently constituted, we are permitting selection and election of judges from districts that are simply out of whack and out of kilter. A Justice who is elected from the Second District needs to be elected by a million more people than Justices from the Third, Fourth and Fifth, currently. Our Constitution says we should have substantially equal population districts that are compact and contiguous. Take a look at the map, that's exactly what we did.

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In terms of the -- the necessity for this type of legislation, I don't think that anything more needs to be said than for thirty-three years nothing has been done. For eighteen years since the Supreme Court of this State has suggested we possibly take a look at redistricting, no one has stood up, walked to the plate and said, "We think it's time to take a look at Article VI, Section 2, and do what the people of the State of Illinois in 1970 said needed to be done." That is to have a Supreme Court of this State that is elected from districts that are substantially equal in -- in population, which are compact and contiguous. And I'll say it again, it takes courage -- it takes courage for -- for many of us to stand up here and finally say, "Enough is enough; the time has come to do the right thing." The right thing is a green vote, and I urge that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 825. Those in favor will vote Aye. And the opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 Nays, 2 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 825, and the bill, having received the required constitutional majority, is declared passed. On Supplemental No. 2, under Conference Committee Reports, is Senate Bill 1696. Senator Rauschenberger, do you want the bill called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1696.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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

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Senate. The Conference Committee Report before us authorizes DuPage and Lake County -- County Boards to authorize and collect a court filing fee for civil cases to fund the construction and operation of children's waiting rooms in their courthouses. It was discussed at length in -- in committee. It's permissive. The counties have to pass it by their own resolution. The amount of the court fees is basically targeted at what they think a minimum operation of a children's waiting area would be. It applies -- the fee applies only to civil cases. There were no known opponents except for the Bar Association explicitly has concerns that we continue to add filing fees and that those are becoming a problem. They weren't opposed to this purpose. They were opposed to continuing to use court fees to fund things. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield? Sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR CULLERTON:

Senator, you've sponsored a number of bills tonight. Some of them have passed. Some of them have not passed. Is this one that's suppose to pass, or one that's not suppose to pass?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

The -- the children of Lake and DuPage County would like you to see past the sponsor and -- and send this one on to the Governor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference

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Committee Report on Senate Bill 1696. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Senate does adopt the Conference Committee -- there are 48 Ayes, 8 voting Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1696, and the bill, having received the required constitutional majority, is declared passed. Yes, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Not pertaining to the bill, but I'd like to announce, we are posted for an Appropriation hearing, the room designated for it is Room 212, but, as I understand it, because of preparations for tomorrow, that Appropriation hearing will be held in Room 400. And I would caution Members also if there's any other committee hearings. And Appropriations will meet immediately following the Executive Committee meeting, which has apparently bumped us for a time slot in Room 400. So...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel.

SENATOR KARPIEL:

Thank -- thank you, Mr. President. The Executive Committee is meeting again, but as was just announced, we will be meeting in Room 400. And immediately upon recessing business here, we will be meeting in Room 400.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On Page 2 of your Calendar are House Bills 3rd Reading. On the Order of 3rd Reading, we have House Bill 207. Senator O'Malley, do you wish this to be recalled -- to return to 2nd for the purpose of an amendment? Senator O'Malley seeks leave of the Body to return Senate Bill -- House Bill 207 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave



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is granted. On the Order of 2nd Reading is House Bill 207. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 6, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you -- thank you, Mr. President. House Bill 207, Amendment 6 thereto was heard in committee today. There are a number of provisions. I'll read them as efficiently as I possibly can. There's language that deletes language in the School -- School Code that implies the State Board of Education is the authority to oversee the educational policies and guidelines of private schools. Adds a change to Public Act 89-622, which was House Bill 3052, which requires students who transfer school districts to serve any expulsions or suspensions prior to being allowed to attend classes in a new school. This amendment exempts the Corrections school district from being required to honor all expulsions, suspensions, prior to providing educational services. There's language added that was worked out by the School Management Alliance with the State Board that clarifies that districts that -- must first serve two years on the State Board's Academic Warning List prior to being placed on the Academic Watch List. There's deletion of language that was in original Senate Amendment No. 4 to House Bill 207, and which is part of House Bill 207, that had been requested dealing with the executive boards of cooperative programs. Deletes language in -- in the same Amendment, No. 4, to this legislation that prohibited the transfer of tax deductions between parents with -- with joint custody, and replaces that provision with language that states that, in the case of joint custody, the resident district is the one where the

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parent resides who provides the student with a regular fixed night-time place of abode; provided, that the election of a resident district may be made only one time per school year. There's language added that was requested by Carbondale High School District that requires school districts that must pay special education tuition payments to other school districts to make those payments on, at least, a quarterly basis unless the parties agree in writing to a different arrangement. The amendment requires the State Board to withhold a hundred and twenty-five percent, rather than a hundred and ten percent, of the remaining annual tuition costs from the general State aid and immediately forward that amount to the district providing services, rather than waiting until the following June -- June 30th. Adds language extending the tax-equivalent grant received by the Chaney-Monge School District in Will County for four additional years. That district receives the additional State grant because of the presence of Stateville Prison. Adds language raising the debt limit for Triad Community Unit School District 2 in Madison County. As with the underlying legislation, House Bill 207, Senate Amendment No. 4 require for DuQuoin a similar provision by a front-door referendum. And -- and -- and again, the -- Triad is required to have a front-door -- front-door referendum, as well. And finally, adds new language requested by school districts in Effingham and Mt. -- Mt. Carroll. Both of these districts received authorization to issue new bonds, but in both cases, questions have come out as -- come up and been raised as to whether or not the public notices about the issuance of the bonds may have been in error. The language in this amendment was drafted by Chapman & Cutler and -- and is intended to address the possibility of any future lawsuits related to errors in the legal notices. That's all they -- the -- all the provisions in Senate Amendment 6 to House Bill 207.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? The question is -- all those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Any further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

Top of page 2 on your Calendar is House Bill 207. Senator O'Malley. Wish your bill called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 207.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, thank you. I will not belabor the provisions or -- or re-explain the provisions of Amendment No. 6, which have been added to House Bill 207, but I would go back and just summarize what provisions were in House Bill 207 as a result of Senate Floor Amendment No. 4, prior to the addition of -- of No. 6, and -- and which remain unchanged by the provisions of Senate Amendment No. 6. There's repeal language from the "quality first" bill of last spring that dealt, unintentionally, to impose a mandate on private industry to provide worker's comp and unemployment insurance for students in voc ed programs. Allows, until January 1, 1998, the DuQuoin Unit School District to issue debt up to twenty-seven percent of its EAV, provided the bonds are issued for school construction or renovation purposes and have been approved by a front-door referendum. Adds four changes that

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were requested by the Chicago School Board that deal with powers that, in the original School Reform Law of 1995, are scheduled to change after the completion of the four-year trial period. Very quickly, those four provisions provide: The first one would provide that the block grant program shall continue beyond 1999; second one would provide that the collapse taxing authority shall continue indefinitely; the third one provides that the board's powers to intervene in poorly performing schools shall continue and not expire on June 30th, 1990 {sic}; and the fourth one provides that the Inspector General shall remain under the auspices of the board and be appointed by the Mayor. There is additional language that addresses the issue of placing schools on the Academic Watch List. This language provides that schools that do not meet the standards of the academic performance measured by IGAP as specified by the State Board may be placed on the Watch -- Watch List. Also provides that each district that has a school placed on the Watch List must have a school improvement panel appointed by the State Superintendent. And provides that State intervention powers may kick in after two years, as opposed to four years. And last, but not least, adds technical language, requested by the Illinois Speech-Language Association, to clarify a change made last spring that allowed Chicago to hire noncertified speech therapists. If there are any questions...

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. After that lengthy description, I just want to add a sentence or two. The Chicago School Reform Board is in support of the items that are in this bill. I want to thank the sponsor for his courtesy in working out some of the technicalities in Amendment 6 that were adopted, and I intend to vote Aye and support this bill.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Malley, to close, briefly.

SENATOR O'MALLEY:

Very briefly, I'd request support for this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 207 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. House Bill 207, having received the required constitutional majority, is declared passed. Okay. Top of page 2 is House Bill 999. Senator DeAngelis, do you wish this call -- returned to the Order of 2nd Reading for the purpose of an amendment? Senator DeAngelis seeks leave of the Body to return House Bill 999 to the Order of 2nd Reading for the purpose of an amendment. Is leave -- hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 999. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 3 deletes the bill and -- deletes all the rest of the bill and becomes the bill. The amendment simply requires that the Cook County Board meet the same financial requirements of funding the Office of Regional Superintendent as all the other counties across the State do. It gives that Board oversight over the regional superintendent; and, third, has some clarifying language to ensure what the boundaries

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of that regional superintendent's office are. I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

It there discussion? Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, is there a estimate as to how much it would cost to fund the superintendent's office?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

No, but it wouldn't cost any more than what it would cost right now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, if I understand the problem, first we -- to review the bidding here, first we abolished this office for Cook County, then we established a regional superintendent for suburban Cook County, and the County Board chose not to fund it, and so we're mandating that they fund it. And I'm just curious how much money it will -- it's estimated that it will be -- cost. Whether it's an obligation or -- or not, just curious how much the -- the amount is.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

It would cost no more, as I indicated, as it costs now. Probably around a million two, roughly. That could be higher.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this legislation. Partially, as Senator Cullerton just indicated, at one time this was a bad idea coming from the Republican side of the aisle, to totally abolish an unnecessary office called the Regional Superintendent of Schools, suddenly became a good idea in the suburbs only, and now I think it's a bad idea for several reasons. One, it is, as Senator DeAngelis so ably pointed out, about a million two or a million three in taxpayer dollars in the County of Cook that are not necessary to expend. Two, it would be taxing, of course, the City of Chicago people within the County of Cook, who would get none of these services, because this superintendent is suburban only. But those people who reside in the City would have to pay their Cook County tax to fund this suburban office. So then maybe you ought to look at what the suburban county commissioners think about it. If it's merely a harm to Chicago and does nothing for 'em, I can understand ignoring the county commissioners who happen to represent the City, but let's look at what the commissioner's who represent the suburbs of Cook County say, the vast majority of whom happen to be members of the Republican Party elected as Republicans in the suburbs. Unanimously, the Republican commissioners from the suburbs have opposed this legislation; have said, by resolution, that this should not pass; and have, by letter, written to us, both sides of the aisle, and said, "As Republican Members, we should not be passing this legislation. It is unnecessary and it is too hard of a -- of a financial burden on the County of Cook." I have, for those who wish to see it, the unanimous resolution including all of the Republican Members of the Cook County Board, and the letter written by the Republican

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County Commissioner Silvestri. So I would think we should all be opposed to this waste of taxpayer money, and particularly at a time when Cook County is having such a hard problem meeting the budget for the jails of Cook County and the court system of Cook County. Many of those prisoners sitting in county jail being State prisoners where the State has said to them, "We cannot yet accept them in the State system; even though they've been sentenced, you've got to hold them and you've got to pay for 'em." To add another burden is ridiculous, particularly when it's bipartisan in opposition by those most directly affected.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

END OF TAPE

TAPE 4

SENATOR COLLINS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator DeAngelis, when the unfunded -- Republican unfunded mandate bill that required a three-fifth majority vote by this Body in order to impose a mandate on any local unit of government, with the exception, I think, school districts were -- were exempt, how did you vote?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:



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I supported it, Senator Collins.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Thank you for your honesty. You did -- you did support it, and all of the Members on that side of the aisle supported it. But yet, you're here with an -- is not this an unfunded mandate? And how many votes - to the Chair - will it take to pass it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, you want to respond first?

SENATOR DeANGELIS:

Well, Senator Collins, it's not an unfunded mandate, because the only way that you could turn around and declare that as such is to abolish the duties of that office. The duties still exist. And the fact of the matter is, they have to be paid for. And they have existed from day one. The only thing we ever did is to abolish the office, not the duties of the office. We abolished -- we blew away Richard Martwick, but we left all the duties in place. So to suggest that's an unfunded mandate, it's not, 'cause the work has to be done and it is being paid for, and it has to be paid for because the functions are still there.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Senator, does the tax -- do the taxpayers of Chicago have the benefit of the services from the suburban portion of Cook County who wanted this bill? Suburban areas.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if the regional superintendent only applies to suburban Cook, the answer is no. But let me advise you, Senator Collins,

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the City of Chicago Board of Education was invited into this bill. In fact - Senator del Valle knows full well - at one time, we came very close. It has never, in fact, sought to be included in this. So there's no effort at all to discriminate against them. The fact of the matter is, is that the county, across the State, pays for this function. And in some instances, in fact, some of those districts are part in one county and part in the other. But it is not designed to turn around and -- and be punitive. The fact is that the Chicago Board of Education chooses not to be included in this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Senator DeAngelis, to the issue here, if in fact that Chicago is not a part of it, notwithstanding whether they choose, or not, to be, because you have, on that side of the aisle, decided to pass any legislation that you want to to take control over any portion of the City of Chicago, be it school districts or anything else that you -- that you decide that you want to do, in terms of taking -- exerting your powers here, you could, in fact, extend this to Cook -- to Chicago and -- and pay for it. But -- but you're not. This is strictly to have people in the City of Chicago, taxpayers, pay for some services, as you said are being provided, that they're not really receiving the total benefits of these services. And that's not fair. That is taxation without representation. I -- and I know that you know that. When you passed this law, you should have, at that time, included a -- provisions to fund it. But we didn't, and so you shouldn't be coming back now, at the last minute, asking us to vote on an issue that would provide -- make Cook County pay for the funding of the services that they're not receiving in the total district.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Despite my considerable fondness for Senator DeAngelis, I have to rise in opposition to this bill. The Office of Regional Superintendent of Schools, in my judgment, is totally and completely unnecessary. And I have to say that we haven't been funding this office -- or Cook County has not been funding this office, although there is a regional superintendent. And I have had absolutely no complaints from any constituents. Nobody seems to care, except the guy who's in the office and, of course, would like to have his office funded. But I -- I think Senator DeAngelis does make a point, that we still have the duties, or the created duties, that we've written in the Statute. We should abolish those, but we certainly should not require that this office - this unnecessary office - be funded. I've gotten calls from Cook County Board members. They don't want it funded. They're against the -- the whole idea of having these regional superintendents. We abolished the office at one time; then we brought back the office; and now this bill would bring back the funding for that office, which is unnecessary. We shouldn't fund it. Forget about it; it's unnecessary. Vote No to this amendment. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. As stated eloquently by my colleague from Palatine, I, too, have a fondness for Senator DeAngelis; however, I must rise in opposition. And the only thing I want to put on the record for this bill is that: We passed this and the County didn't fund it; went to circuit court and the circuit court said the County does not have to fund it; and so we came up with House Bill 999, and that's what we're doing. I -- I

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didn't understand the office before. I still don't understand it. I don't know what's going on here, but I -- I just don't think we should force the taxpayers of Cook County to fund it. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator DeAngelis, when the bill to abolish this office -- the vote was taken, how did you vote to -- on abolishing this office?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

I voted Aye.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Well, I -- I voted to abolish the office also, and yesterday I voted against -- I mean, I voted against giving Cook County or any other county the right to raise their transfer tax on real estate without going before the voters. I thought that was the right thing to do. But at the same time, to me, it seems wrong to vote to tie their hands on raising taxes and then give them a mandate that's going to cost a million plus in revenue. I think that that's a contradiction. And I would just simply remind the Members on both sides of the aisle that you can't vote for {sic} unfunded mandates and then give an unfunded mandate to the County of Cook. This is an unfunded mandate, because what unfunded mandates means is simply we're telling another branch of government that they have to do something and we're not giving

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them the money to do it. It's as simple as that. Now, politicians can, you know, talk all kinds of ways, and make you think red is blue and green is yellow, but that's what it is - it's an unfunded mandate. So be consistent, my Republican friends and colleagues, do not vote for this unfunded mandate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

Well, you know, it's really wonderful; people kind of forgot how this thing first got started. I did have a bill, Senator Hendon, which you did not vote for, which abolished all superintendents across the State and created fifteen regions to take care of all these problems. This Body chose not to disband the regional superintendent's office. What they did in a cavalier fashion is to go ahead and say we will not have one in the largest, single region of any superintendent's district in the State of Illinois - by almost ten times. Now I would tell you this, you want to go back, I'll go with you; we'll do it tonight. Let's abolish all superintendents. Because, if you're suggesting that we're putting a mandate on Cook County, this is a mandate we put across the State. And the fact of the matter is, those people have been asked to pay for that position. You cannot turn around - you cannot turn around - and defund something if you don't defund the function. There are about fifteen functions that are performed by the regional superintendent. Now, if you want to tell me who's going to do those, please tell me, and tell me how they're going to do it for nothing. Or maybe you want Frank Watson to pay for it. Or maybe you want Vince Demuzio to pay for it. Okay? Okay, that's fine. But to turn around and suggest that we can have this office and we can have these functions and nobody pays for it, reminds me of somethings that sometimes we engage in when we think we got

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something for nothing. The fact of the matter is, I don't like this anymore than anybody else does, but you have to certify teachers, you have to test bus drivers, you have to transfer property, you have to transfer funds, you have to do the GED tests, you have to do all these things. Now if you don't want to do it, fine, get rid of all of them. But don't turn around and not get rid of them and -- and not fund them. I urge an Aye vote.  
PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis has moved the adoption of Amendment No. 3 to House Bill 999. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is... Roll call has been requested. All those in favor of Amendment No. 3 to House Bill 999 will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 26 Ayes, 30 Nays, no Members voting Present. And the amendment fails. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. ...Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Fitzgerald has filed a motion with respect to House Bill 2702.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. All right. Ladies and Gentlemen, having been distributed on your desk is Supplemental Calendar 3. Senator Fitzgerald, do you wish to proceed to Motions in Writing on House Bill 2702? Read the motion, Mr. Secretary.

SECRETARY HARRY:

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Having voted on the prevailing side, I move to reconsider the vote by which the First Conference Committee Report to House Bill 2702 failed.

Filed by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. I would just move to reconsider the vote by which the Conference Committee Report on House Bill 2702 failed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not... Senator Demuzio.

SENATOR DEMUZIO:

Was this -- this is -- is a bill, I think, that got twenty-eight votes awhile ago. I just stepped into the Chamber and I see now we've moved to reconsider, so I would let everybody on this side of the aisle understand that this is the same bill that we voted for -- voted against awhile ago. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Welch.

SENATOR WELCH:

Well, as I recall, this bill still allows for a unfunded mandate and also allows for taxes to be extended in counties throughout downstate Illinois. So it seems to me that the -- the tax implications of this bill are enough to sink it as it stands, so I would certainly urge that all of us continue to vote No on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Welch, this is a front-door referendum. It's not a tax increase unless it's voted in in the

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county. But it allows smaller counties, which -- some of which you represent, to make determination as to how they want to pay for public safety facilities, such as jails, juvenile facilities and courtrooms, which are mandated by the Judiciary. So don't say it's a tax increase; it's a tax increase "if" the county votes it in by a front-door referendum.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, you know, you just said, don't say this is a tax increase. It certainly is a tax increase, whether it's voted on by us here or voted on back home. It gives the opportunity for voters back home to vote for a tax increase. So, yes, taxes can go up by voting for this bill. If you vote No on this bill, no, taxes will not go up. That's elementary to me. So we're giving them the opportunity. You know, we -- we give them the opportunity to raise taxes, then it happens and we say, "Oh, no, don't blame us. Don't blame us." Well, this is exactly what's happening. And that's one of the reasons local taxes go up. And then they blame government for raising taxes, and we try to say, "Oh, no, wasn't us. It was the local guys."

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. What happens when the judiciary demands that you do this and that to the courtrooms and the juvenile facilities and the county jail? They have to go to a bond referendum. This is giving the smaller counties that which the larger counties already have. They can make determination whether they want to go the bond route and put it on real property tax or go for the sales tax increase. I think we deserve the same treatment in smaller counties throughout the State as we've given



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counties over a hundred and eighty thousand.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. I'm concerned about the tax increase, that's in here, in Cook County. This is the legislation that will hold up the tax bills for who knows how long. It could be months. It could be a year or more. Because now all the records would have to go to this State commission, including all notes written on hot dog envelopes and -- and tissues and everything else, and until that's resolved the books cannot close in Cook. The bills cannot go out. It is clear it will be several-month delay. It could even be -- if the State Board does in Cook like it's done downstate, it could be a two-year delay before taxes could be collected in the County of Cook, so that there will be no monies to provide service. I think it's a terrible idea, and I think our vote of twenty-six in favor and thirty against was correct and we should not reconsider.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio, for a second time.

SENATOR DEMUZIO:

Yeah. I -- I would like to ask a parliamentary inquiry, Mr. -- Mr. President. When this bill was before us earlier in the evening and did not receive the requisite thirty votes, the sponsor moved to request a second conference committee report, and now what's before us is a motion to reconsider. It seems to me that the -- that -- that this -- this action -- that this bill is no longer before us.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, Senator Fitzgerald filed his motion in a timely manner, and we will proceed with the vote. Senator Demuzio.

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SENATOR DEMUZIO:

Well, the -- the motion, it seems to me, is on moving to reconsider the motion to request a second conference committee. This is not the proper motion that's before us at this point, Mr. Chairperson. And I would request a ruling.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, I have made my ruling. The question before the Body is... I -- I have -- I have made my ruling, Senator Demuzio. Senator Fitzgerald, do you wish to close? If not -- if not, all those in favor of the motion will vote Aye. Those -- those opposed... Senator -- Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. You may not have heard, but Senator Demuzio had appealed that ruling of the Chair, a motion I would second.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio has appealed the Chair. The question before the Body is, shall the ruling of the Chair be sustained. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 33 Ayes, 25 Nays, no Members voting Present, and the ruling of the Chair is sustained. Senator Fitzgerald, do you wish to close, sir? If not, those in favor of the motion 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, Mr. Secretary. On that question, there are 31 Ayes, 26 Nays, no Members voting Present, and the motion prevails. Senator Demuzio, has requested...

SENATOR DEMUZIO:

No. Never -- never mind. That's on the motion.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator... All right. Ladies and Gentlemen, on Supplemental Calendar No. 3 is House Bill 2702. Mr. Secretary, read the bill, please. Read the Conference Committee Report, please.

SECRETARY HARRY:

First Conference Committee Report on House Bill 2702.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald. I'm -- I'm sorry. Senator Syverson. Senator Syverson, I recognized you.

SENATOR SYVERSON:

Mr. President, I'll just ask for a favorable roll call. We've already debated this issue.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. There would be room for debate, one person on each side. Senator Demuzio.

SENATOR DEMUZIO:

Well, again, I would challenge the Chair and indicate, it seems to me, that -- even though your ruling has been sustained, let me just point out to you, on page 32 on the -- of our rules, that "In the event that either chamber refused to adopt the report of the conference committee, or the first conference committee is unable to reach agreement, either chamber may request a second conference committee", which, in fact, is what Senator Syverson did when his motion in the beginning failed. "When such a request is made, each chamber shall again appoint a conference committee. In the event that {sic} either chamber refuses..." The fact of the matter is, is that, under this Section, this bill is not properly before us. And it would seem to me that based just simply on -- on our rules, that everyone ought to vote No on this bill, because it just seems to me that it's jeopardized the entire content of this bill and leaves it subject to challenge by any -- it seems to me -- any legal body in the -- in the State of Illinois. It seems to me that we ought to vote No, and if you

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want to pass this, do it -- do it in the proper form. This is not the proper form.

PRESIDING OFFICER: (SENATOR MAITLAND)

Okay. The question before the Body is, shall the Senate adopt the Conference Committee Report on House Bill 2702. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 30 Ayes, 27 Nays, no Members voting Present. The Senate does adopt the Conference Committee Report with respect to House Bill 2702, and the bill, having received the required constitutional majority, is declared passed. Senator Demuzio has requested verification of the affirmative votes. Will all the Senators be in their seats? The Secretary will read the affirmative votes. Mr. Secretary.

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Bomke, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hawkinson, Karpziel, Klemm, Lauzen, Luechtefeld, Madigan, Mahar, Maitland, Parker, Peterson, Petka, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver and Woodyard.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DEMUZIO:

Senator Dillard.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard is in his seat.

SENATOR DEMUZIO:

Senator Donahue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue is standing right there.

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SENATOR DEMUZIO:

Senator Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar is in his chair.

SENATOR DEMUZIO:

Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley, I believe, is in his chair. He -- he did not vote.

SENATOR DEMUZIO:

Beg your pardon?

PRESIDING OFFICER: (SENATOR MAITLAND)

He was a negative vote. It's a red vote.

SENATOR DEMUZIO:

Senator Walsh.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh is in his chair.

SENATOR DEMUZIO:

Senator Hawkinson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson is in his chair.

SENATOR DEMUZIO:

Senator Klemm. Senator Peterson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson is in his chair.

SENATOR DEMUZIO:

Senator Fitzgerald. Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR MAITLAND)

Yes. He's in his chair. Do you question anymore Members, Senator Demuzio? I... On a verified roll call, there are 30 Ayes, 27 Nays. The Senate does adopt the Conference Committee Report with respect to House Bill 2702, and the bill, having

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received the required constitutional majority, is declared passed.

Senator Klemm, for what purpose do you arise, sir?

SENATOR KLEMM:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR KLEMM:

The Committee on Local Governments and Elections will meet in the Chamber immediately after the Executive Committee meets in Room -- I think it's 200 or 400, or something. But we'll meet after Executive and we'll meet in the Chamber to accommodate the Members so we can move quickly. That's Local Government. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. All right. Thank you very much, Senator Klemm. Any -- any further business at this point? The Senate will stand at ease to the call of the Chair.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

The Senate will come to order. Senator Karpiel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. Just to announce, again, if -- if people might have forgotten, that the Executive Committee is meeting now, immediately, in Room 400. We shouldn't be there too long. But please everybody get there on time.

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PRESIDING OFFICER: (SENATOR MAITLAND)

The Senate Executive Committee assemble immediately in Room 400, and immediately following that committee meeting will be the Senate Appropriations Committee. The Senate will stand in -- just to the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

...will be in order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Revenue - Conference Committee Report 2 to House Bill 375 and Conference Committee Report 1 to House Bill 2240.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson, did you want to set a meeting time? Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. For the purposes of an announcement. The Revenue Committee will meet at 11 o'clock, in Room 400. Revenue Committee will meet at 11 o'clock, in Room 400.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose Senator Watson arise?

SENATOR WATSON:

Yes. Thank you, Mr. President. An update, and every now and then we get up and talk and we don't think anybody listens. What I brought up about the -- the Journals and the fact that we get

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these in our district offices - and I got eight of these the other day - and what I found out was, from our crack staff and good people that listen to us throughout the building here, that, yes, indeed, in the Senate we do not send these out. This came from the House. So my message would be, to those who are listening in the House, which hopefully they are, is that why don't you just talk to your Members and ask them do they really want to receive these books every year or every two years at -- at an incredible cost to the taxpayers in Illinois. Why don't you just let the Members say, no, they don't want them, like we do in the Senate, which is obviously the right thing to do and we've done. Again - once again - the Senate prevails and leads the charge in regard to saving the taxpayers dollars and concerns. And, again, I'm a tree-hugger; I believe in trees. And we're saving a few over here. Hopefully they'll do the same in the House. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, Senator Watson. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

Yes. Thank you, Mr. President. To Senator Watson: Senator Watson, maybe next time before you throw your mail away you would read it first.

PRESIDING OFFICER: (SENATOR WEAVER)

Do you -- do you two have problems communicating across the aisle? For what purpose Senator Molaro arise?

SENATOR MOLARO:

To ask a question of the Senator. When he was talking about Revenue meeting, was that - he said 11 o'clock - was that tonight or tomorrow morning? I mean what...

PRESIDING OFFICER: (SENATOR WEAVER)

I think it's tonight, Senator Molaro.



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SENATOR MOLARO:

I think it's tonight. Okay.

PRESIDING OFFICER: (SENATOR WEAVER)

You might check with the Revenue Chairman. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Just -- just to let Senator Watson know that, yes, people are listening. I got a couple phone calls from some of my students, you know, in community college courses that I teach, and they -- they heard you today and they were just appalled that you didn't read all those books that were being sent to you about all the things that you did to them over the last two years. So I wanted to pass it along to you that, if you don't read them, don't tell anybody.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, Professor. For what purpose Senator Geo-Karis arise?

SENATOR GEO-KARIS:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm delighted to introduce six people to you who are sitting in the -- in the President's Gallery: Susan McCall Link, who is the wife for the newly elected Senator from the 30th District, I believe it is, of Illinois, and from Vernon Hills; and Rupan Dave - R-U-P-A-N-D-A-V-E - from Long Grove, who is a constituent of Senator Peterson's; and Stuart Willis, who is my constituent from Vernon Hills; Larry McShane, who is from Waukegan - he's my constituent; Keith West, who is from Mundelein, dabbles in Chicago; and Pat Botterman, from Arlington Heights. I'd like all of you to welcome

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these fine people who came down tonight.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Karpil, Chair of the Committee on Executive, reports House Bill 444, the First Conference Committee Report, Be Approved for Consideration; Senate Bill 675, Motion to Concur with House Amendments 1 and 2, Be Adopted.

Senator Klemm, Chair of the Committee on Local Government and Elections, reports House Bill 2735, the First Conference Committee Report, Be Approved for Consideration.

And Senator Rauschenberger, Chair of the Committee on Appropriations, reports House Bill 3695, Amendment No. 1, Be -- Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you turn your regular Calendars to the top of page 2, the Order of House Bills 3rd Reading. To the Members that are in their offices: Please come to the Floor. We are going to be dealing with House Bills 3rd Reading, House Bill 3695. So those within earshot please come to the Floor. On the Order of House Bills 3rd Reading, the top of page 2 of your regular Calendar, we have House Bill 3695. Senator Rauschenberger, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 3695 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3695. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Amendment No. 1 to House Bill 3695 includes -- or, is the supplemental appropriation that we've just approved in the Appropriation Committee. I'll go through some very quick highlights on it, and I'll be happy to answer questions if people need more detail on them. Essentially, this includes almost all of the Governor's request for supplemental action, the highlights of which would be the flood money restoration to the agencies that was used under the Executive Order. On additional legislative items that I think would be of interest to Members, there's a four-hundred-thousand-dollar increase in the home-delivered meals line to the Department of Aging, which we estimate should eliminate the waiting list. There is a nine-million-dollar increase in the ADAP program, or the AIDS Drug Reimbursement program: four million from federal funds, including the Ryan -- Ryan White monies, in federal spending authority and five million in General Revenue funds. There are the top four projects requested by the Board of Higher Education for the universities: Three -- 3.3 million dollars for SIU to do electrical repair; four million to the -- Illinois State University to do -- to open their science building, as requested by the Board of Higher Ed; eight hundred and fifty thousand to repair the coal boilers at Western Illinois University; and 3.4 million dollars to Northern Illinois University to deal with flood mitigation. In addition, this supplemental restores the rural perinatal program for downstate hospitals. It's got a 6.8-million-dollar appropriation level: 3.4 million is GRF; the other 3.4 million is federal match funds. And with those highlights, I'll be happy to answer questions of Members.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I'll keep this brief. Just to say that while I applaud the fact that we're making some progress on meeting the -- the needs talked about with Meals on Wheels and the AIDS reimbursement, that totals 5.4 million dollars out of the thirty-two million -- thirty-two and a half million of GRF dollars requested. So I think it's a small step forward, but I think in this supplemental also are a long list of items that are -- that cannot, under any measure, be looked at as emergency nature. I am concerned that we are using GRF dollars to the point of 3.8 million dollars, for example, to widen a road. No matter how meritorious the need might be in that district in that -- that specific area, that pales by comparison, in my judgment, to the long waiting list of seniors across this State who just might hope they could get -- get one hot meal. And I don't think the supplemental appropriation put before us tonight will address the need in the way that was demonstrated in testimony before our committee. So while each Member's going to vote the way they need to vote, I think we've made little progress in this bill. While two items at least, if not more, are meritorious, most of those items I think could wait until the appropriation process begins again with the new Session that begins tomorrow.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I just had a question that I neglected to ask...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, sponsor indicates he will yield.

SENATOR DEMUZIO:

I -- I just -- I had a question of the sponsor that I

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neglected to ask downstairs, and the question is, is that, if the House has a different version of the supplemental than we do, what are we doing? Are we -- are we going to pass this bill over to the House and then the House passes theirs over here? And are we going to finish all this in the morning or later tonight, or next year or... What's -- why are we doing this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, I appreciate your asking that question. I have been reliably informed that this Chamber is not going to accept any appropriation supplementals from the House; that we hope with your help and with the help of other Members to send this bill to the House and encourage them to consider this supplemental appropriation because we think it's appropriate and fairly clean. We're hopeful that the House will do that. If not, we will take it up in the next General Assembly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In agreeing with our spokesman on Appropriations, I think that some of these items are doable, but could also wait. And -- and we did question the use of General Revenue. I think there's some very good things in here, like the identification and the need for the drug and its formulary in the AIDS program. I question, on the Meals on Wheels. I believe the testimony in the committee yesterday was that the need to get rid of the waiting list was about a million five hundred thousand dollars. I agree with the Chair, that there was some confusion in the numbers coming out of the Department and out of the advocates. It seems that that's more the number that we need, but this is a step in the correct

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direction. This is at least four hundred thousand dollars more than we had had before, and that's a very positive step. If there is a chance in a future supplemental, I think we should take the next step. I think it is very critical to keep seniors at home and not in nursing homes and that a small amount of money for Meals on Wheels saves a lot of money. There were some problems, however, with it that have not yet been answered. They are minor items, except for the Department of Public Aid funding, which was identified to us originally as disproportionate share hospitals. As one who has sponsored, along with Senator Severns and other Members, additional funding for downstate perinatal, we are very much in favor of it. My problem is, however, that the Governor's Office and the Department of Public Aid refused - and I repeat that - refused to give us any information this evening on what this program was or what the money would be spent on. I don't care whether they support or oppose a program, whether it's proposed, in this case, by the Republican side of the aisle or whether it is proposed by us, they are servants of the people and they are here to assist the General Assembly as well, and for them to refuse to come to committee to tell us what a program was, whether they support it or opposed it, is something that should not be tolerated by any side of any Chamber of this General Assembly. And I think they should be appropriately admonished this and in future Sessions for refusing to give basic information that, under the law, they are responsible to give us. And for them to not to tell us what a 6.8-million-dollar appropriation would do for downstate perinatal programs is absolutely intolerable. Likewise, the Attorney General had no way of telling us what was a two-hundred-and-fifty-three-percent increase in contractual services or why they were not handling litigation expenses under the Retail Rate Law, three hundred thousand dollars that the Commerce Commission says is anticipated - they don't even

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know what they're going to be - anticipated legal expenses. What do we have an Attorney General for? Attorney General was unable to answer any questions. Even after the Chair correctly sent for them, they came up and said we can't answer questions on our budget or anything else you're asking. Why bother to be here? These are improper handlings by agencies of State government, not by the committee or its Members. And I just want to use the occasion to say they have to be more careful in what they're doing and I think we should not pass their budgets next year if they're not going to be responsive, either the Attorney General or the Department of Public Aid.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

Yes. I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Rauschenberger, we are appropriating an additional 33.3 million dollars in -- in General Revenue funds. Could you tell me how we ended up having 33.3 million dollars more than we initially thought we would?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

There -- there are two major factors that have led the Economic and Fiscal Commission, about forty-five days ago, to adjust up the revenue estimates by nearly ninety-one million dollars above the level of which we developed the budget, as well as the fact that we think -- we're pretty -- we feel pretty confident that we're on track. Last year's spending levels were not at the budgeted level; they were somewhat lower. So we have

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an increased balanced, plus increased revenues - arguably in -- maybe in the neighborhood of a hundred and twenty to a hundred and seventy-five million dollars. Of course, during a fiscal year, it's hard to be exact. But clearly, it appears to -- to me, as Chairman, and to the Economic and Fiscal Committee, as well -- Commission, as well as the Bureau of the Budget, that we're well within the excess revenues from sales tax, income tax and the like.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

So, according to your estimates, we have an additional ninety million to one hundred and thirty million -- hundred and forty million dollars that we're not spending in this supplemental. Is that correct? He -- you're shaking your head yes, so -- so that answer is correct. The second question I have is this: How much money is in this supplemental for elementary and secondary education?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

There's nothing in this supplemental that addresses funding for primary or secondary education.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

That's what I thought. We have extra hundred and seventy-five million dollars. We've found 3.8 million dollars to build a road on Route 83. I've been down Route 83. I haven't noticed 3.8 million dollars in new building on that road necessary, not when you compare it to the needs of elementary and the secondary education. So once again, after this campaign that we just went



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through in 1996, where everybody said "The number one priority is elementary and secondary education funding", they don't get a dime. We're sitting on a hundred and seventy-five million dollars; we have a supplemental appropriation, and not ten cents goes to elementary and secondary education. Now that must really indicate what the priorities are. I mean, this is how you set priorities, is with your budget, not by rhetoric during election campaign. And here we are, in specific language, showing the priorities, and the priority for elementary and secondary education is zero, but Route 83 is more important. I mean, this -- this is a good indication of why our local voters in our districts tend not to trust us down here in Springfield. I -- I think we should vote No on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I'd like to point out - I did make a slight misstatement - there is no GRF for primary or secondary education in the State; there is actually ten million dollars of additional federal fund spending authority, which would go to primary and secondary. I would respectfully disagree with Senator Welch: This is not about setting the priorities of the next General Assembly; that begins tomorrow after swearing in. We thought it was appropriate to limit this to emergency action. As to the merits of Route 83, the merits of any projects in this State are subject to debate. Clearly the Daily Southtown and people in that area believe that's the most dangerous intersection in the State of Illinois. I've got an editorial. I should maybe send you over a copy. And I just wanted you aware that we did give some thought to that, and we think it's appropriate to deal with primary and secondary in the future. I appreciate Senator

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Carroll's remarks regarding cooperation of the Executive Branch agencies. I know how he feels; we experienced some frustration with Department of Public Aid in getting information of how they would do the rural -- rural perinatal program. One argument I guess I would make is: Support of this bill and sending it to the House and sending it on to the Governor tells the agencies clearly, whether they cooperate or not, that we set the agenda for the General Assembly. So I appreciate your kind comments. To home-delivered meals, I'd just make two points: four hundred thousand is not as much as many of us would have liked to have seen home-delivered meals get, but in the budget we passed together in -- in May, it was the first increase in home-delivered meals, I think, in -- in many years - five or six years. This is the second increase on top of the COLA that was given to that program. So it is progress in the right direction. I think we can all commend ourselves for that. I would hope for favorable support on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On Floor Amendment No. 1 to House Bill 3695, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, we have House Bill 3695. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This is the bill we've been discussing on 2nd Reading. I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3695 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes -- Yeas, no Nays, and 2 voting Present. And House Bill 3695, having received the required constitutional majority, is declared passed. If you turn your Calendars, your regular Calendars, to the top of page 3, in the Order of Secretary's Desk, Concurrence, Senate Bills, we have Senate Bill 21. Senate Bill 21. Mr. Secretary, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 21.

Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I've been waiting so long I think I need another haircut. The effort this evening is to correct a series of mistakes that were built into some legislation we passed in 1994. Actually, that 1994 legislation was to correct some mistakes we made in 1977. And we really did a great job, because in 1994, in correcting -- or, 1977, we made two major errors. Back in 1977, under federal law, interstate drivers were not paid overtime. And, indeed, that's still the case. But in Illinois, we carried on the books a law which said that interstate - and I have to be careful to make sure between interstate and intrastate

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- but we did have a law in Illinois that said that they should be paid overtime. But during all the intervening years, both the federal law and also in Illinois, literally, ignored that fact, ignored the conflict between Illinois and the federal law. And matter of fact, our own Department of Labor refused to consider any overtime for -- for interstate drivers. But in 1994, we decided to correct that and we -- and to bring then our Illinois law in compliance with federal law, and we then developed that 1994 law. Well, so far so good, except the legislation we passed did not end the problem; it created more problems. Frankly, we goofed. The big mistake was in the law we passed. We not only took out the interstate drivers from overtime requirements, but we also, at the same time, took out tens of thousands of clerks, dock workers, secretaries, in addition to the interstate drivers. So what we literally did was to strip away their legal protection guaranteeing them overtime. And so we literally exposed all of those thousands of workers. Right now - right now - in the State of Illinois, these workers have no protection under the law. None. Zero. Nada. They stand exposed. So the immediate benefit, if -- if you agree with me that 21 should be put into effect, is to restore the legal protection for these workers. The -- the interstate drivers will -- will continue to be exempt. All others are -- are protected. And to me, that's a good reason for -- alone for voting for this bill. But as I said before, we not only goofed once; we goofed twice in the same bill. And now we come to the crux, so I think, what most of the discussion has been, that many companies use an -- a system for overtime that pays more - literally more - than the time and a half required by law. Let me give you some specifics, and I'm going to use UPS for example because I think that's been talked about the most. By contract agreement - and I emphasize that - by contract agreement, overtime is paid on a per-day basis; they do not have to put in

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forty hours before they get overtime. Every day, eight hours; anything above eight hours is overtime. The second part of it is that each load -- as the driver leaves the terminal, each load is rated for a number of hours. For instance, if a driver is given a load rated at ten hours to complete it, he will get ten -- eight hours at regular time and two hours at overtime. He automatically gets that overtime. Now, there's never been an argument about that. There's no conflict with the labor contracts; everybody is in agreement. Now, as I said, if that driver completes that ten-hour load in eight hours, he -- if he really hustles, he can -- he's -- and his load is delivered, he's through for the day, but he continues to get his two hours of overtime. He can go to the -- he can go to the ball game. He can go out and play golf. He can go home and take a nap. While all that is going on, he's getting overtime. So what we're facing with this law now is that everybody is happy up to this point. Except, what happened is, some smart lawyers came along and spotted the loophole we had built into the law in attempting to create a correction in 1994 and they -- they said if drivers are not exempt then they ought to be paid overtime for working lunch. Now keep in mind that the driver's already paid overtime for working during lunch because, if he hustles, he gets two hours' overtime and he doesn't even have to do one speck of work. So the lawyers now claim that if the worker, indeed, did work during lunch, he should be paid for it. In other words -- in other words, he ought to work -- in other words, he ought to be paid twice - literally twice - for the hours he works during lunch. So the question facing us today is, should drivers be paid twice at time and a half for working during lunch -- lunch hours in order to get through that much earlier. Now I don't think any of us intended that we would -- we would allow that. It's not in the union contract. It's -- it's a system of paying overtime that's been in existence for years.

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Now, you and I created that loophole in 1994 and the -- but the lawyer now has convinced sixteen drivers that they ought to sue to recapture those years of lunch hours that they've already been paid for. Now, the -- the legislation we passed, I'm sure, did not intend that in any way. Incidentally - and I like to point this out also - the -- Senate Bill 21 allows those sixteen drivers who are now suing their employers for double pay for lunch will continue -- can continue to pursue their -- their -- their drive for, what I call, double-dipping. Now, nobody's rights are deprived; no overtime is being cut. I got calls, frantic calls, "Why are you taking away my overtime?" - which to me is kind of insulting to the average worker, because we are certainly not intending to do that. Senate 21 literally attempts to correct the legislative errors we built into -- into the problem. Now, unless we correct this, we're walking away from our responsibility. This is going to cost companies tens of millions of dollars. And I think that would be wrong. To me, this is a moral issue. This is a question of whether or not we're going to correct a very dumb error, and I think we do have the responsibility to make this right. We can't duck that responsibility. I think we've got to face the problem. I don't think we ought to grovel in front of anybody. This is literally -- as somebody said earlier today, this is really the right thing to do. And I would urge that you concur in the motion -- or, rather, approve the motion to concur.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Senator Butler, we really couldn't hear you over here. I wonder if you could start from the beginning and give the speech again?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Garcia.

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SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Garcia.

SENATOR GARCIA:

Thank you. Senator Butler, if I heard you correctly, there is a lawsuit pending in this case. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

Senator Butler, can you tell us how many individuals the court has certified as part of this class action suit?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I'm not -- I'm not sure. I know it's -- it's thousands. Safe to say, thousands.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

Yes. It's approximately three-thousand-plus UPS workers that would be affected by the outcome of this lawsuit. You stated earlier that there is a settlement that may come about if the lawsuit were allowed to proceed its course. Do you have an estimate of how much -- an amount of how much money might be settled by UPS with the workers who have brought about the lawsuit?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I have no idea.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

And you spoke about reinstating the rights of workers in this matter, what has precipitated this -- this bill that you're trying to pass here on the last night of the 89th General Assembly, but in your presentation the only thing I heard you talk about was the corporation's interest in trying to avert and avoid and get out of, possibly, paying workers who have filed the lawsuit and whom the court might find have a legitimate case. Why are we -- why are we seeking to pass this bill at 10:25 on the last night of the 89th General Assembly?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Well, I think some of us ought to be concerned about the moral issue involved in this. Is it right or is it wrong to bring this -- for -- for the drivers, for example, to sue the companies when they never have filed a grievance in the entire history of this kind of pay system, this bonus system, in effect? I repeat, I think this is a moral issue. Are we going to say, "Fine, double-dipping is great; your -- be our guest"? Is it right or wrong? And that's what each one of us has to -- has to face.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

To the bill: It's pretty obvious if -- if there was a problem and that it was detected by the Legislature that we've had more



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than ample opportunity to do something about it in good faith. By acting on this matter tonight, we are not showing good faith; we are showing partisanship of the worst type - not necessarily political partisanship, but partisanship on -- on behalf of special interests, on behalf of corporate welfare and corporate greed. That is what this bill tonight represents, Ladies and Gentlemen. If it is correct, as Senator Butler has stated, that we may have made a mistake in 1994, tonight we are on the verge of committing a wrong of compounding that mistake. Why? Because we are seeking to take the side of a corporation which is very, very profitable; we are preempting a decision of a court of the only avenue that these workers have had recourse to; and we are coming down clearly on the side of greed. It is unfortunate that we be placed in this type of a situation, because there was a mistake made. We should let the workers and the corporation involved deal with it in court and let that matter proceed. It would be the only way to test whether or not justice would be dispensed on behalf of human dignity. To do anything else and to act upon this tonight is just simply wrong and it demonstrates a lot of greed on our part. Thank you. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver.

SENATOR WEAVER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are five additional speakers. The Chair would remind the Members that this is final action. Additional... Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Thank you very much. Senator Butler, it is now 10:30, and if we were hourly workers, wouldn't you want your overtime for being here some four or five hours after we should clearly have adjourned for the day?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Senator, I don't think it's too early or too late ever to do the right thing. This would -- in effect, it would protect workers. I might add, we are not -- we are -- we are adding a protection to the workers now totally exposed. So if it's wrong at -- for -- in your mind to talk about this at 10:30, when would it be right? At eight in the morning? Twelve? Three o'clock in the afternoon? If it's wrong, it's wrong.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler -- Senator Hendon.

SENATOR HENDON:

Senator, my question is not about the time of the debate. I have no problem with the fact that you're bringing the issue up at this hour. I truly don't. Or in the morning - wouldn't have made me any difference. My question was: If we in the Senate were hourly workers, wouldn't we deserve overtime for have been here at this late hour, beyond -- above and beyond what would be our regular eight-hour day?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Senator, I repeat, there is nothing being taken away. If they work ten hours -- I mean -- yeah. If they had a ten-hour load and they did it in eight hours, they get two hours' overtime. This --

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and they can go home. They can play golf. Do whatever they want. This does not take away one minute of overtime.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

I'm -- I'm not going to belabor the debate with you, my good and dear friend, which you will be even after this debate is over, but I do want to say, for the record, that it amazes me how, in this Senate, we're always giving somebody something for their own good that they don't want. If the workers are saying that this is wrong, they don't want you to take away their ability and their opportunity to get this money, how -- who are we to say what's good for them? We do it all the time around here. It's amazing. Chicago schools, we say, "Well, this is for you, whether you want it or not." It is clear that these workers have a right to this money. And it is wrong for us, through legislative action, to preempt their ability to -- to deal with this in the Judiciary Branch, which is where they should be dealing with it at. I see this as -- as -- as a clear, continued intrusion into the life of the Illinois worker. And while I have sympathy for business and everyone - my track record is clear; I voted to help business a number of times with research -- tax breaks for research, tax breaks for retraining workers - but I agree with Senator Garcia: This clearly is taking a position of greed, corporate greed, over the worker, and we should not be in the business of doing that. Sure we should help business wherever we can, with tax breaks for research, tax breaks for retraining workers, to help those corporations stay in Illinois, but this is not the case. This is corporate greed on the back of the poor workers over at UPS. We should not be doing it, my friend, at any hour. And I guarantee you, because I remember the vote on the raise - so we could get the raise - if we -- if we were hourly workers, every one of us in

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here, including the sponsor, would want his overtime, and it's wrong to take away these poor people's overtime just because they don't have a vote in this Chamber.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. It's interesting that this issue was not brought to the forefront by the employees, but rather by an out-of-State plaintiff's attorney who stands to gain an incredible financial windfall by settling a class action lawsuit. In the almost twenty years prior to the attorneys getting involved, not a single union grievance was filed on this issue. The Illinois Minimum Wage Law was designed, and is intended, to protect the rights of workers who need this protection. It was not designed to provide cash windfalls for attorneys. The legislative history is clear: that the correction this bill makes was what was intended all along. It's appropriate and it's right, and it's the right thing to do: that the Legislature can correct its errors. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

Senator, where is this -- where did you say this case was now? You said sixteen workers and then you said the court had certified thousands, I believe. Exactly how many people is involved in this case? The certification means that they have become a part of the -- the class action suit, I take it.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

The sixteen workers, Senator, were -- were recruited by the attorney. The others were brought in as a class. Many of them probably are wondering what it's all about. But nevertheless, there's -- sixteen joined the suit, and three thousand, or whatever the figure is, are part of the class.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

So what this -- what your legislation does is eliminate the class. Is that -- is that what you're saying?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

No, that can still go forward. We -- we protect the sixteen that are in the suit, definitely.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, what about the other two thousand nine hundred and sixty -- seventy -- eighty something? Eighty-four. What about those?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I'm sorry, Senator. I -- I got a double feed in this and it collided inside. Would you repeat that, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

What about the other two thousand nine hundred and

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eighty-four? What does your legislation do to those people?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Well, I've been advised that the -- by my legal staff, that the sixteen are -- can move forward. They are permanently part of the suit. And the rest also move forward. They are not taken out - let's put it that way.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, what I'm -- what I'm trying to get at: What is the purpose of this suit if we're not eliminating anybody -- or, this legislation if we're not eliminating anybody in it? I thought that's what you said.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

The purpose is to clarify the law as it exists now. There is confusion. There is a loophole that the lawyers have seized on and we want to close that loophole.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Would that not -- would this legislation -- I'm trying to get a straight answer here. Would this legislation knock out basically everybody but the sixteen?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Oh. I'm sorry. No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Shaw.

SENATOR SHAW:

One -- one other question. It's in the courts right now. Is that right?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

And these are -- is this filed in Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

You -- I've been cautioned, we're getting into -- into the actual ramifications of the lawsuit. I think we ought to steer to our part in creating the problem. Maybe you can tell me how the -- how this whole thing ties together? I'd rather -- it's just the grounds we shouldn't be covering at this point.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, I don't want you to go into the whole lawsuit. You're not a part of the lawsuit. I would hope not, but maybe you're one of the sixteen. But -- but the fact of the matter is that it's in the courts and it's before some judge, whether it's one of our State judges or whether it's in the U.S. District Court. I don't know. That's what I was trying to get out of you. But -- but the fact of the matter is what you're saying here is that you're on the side of the corporation. And I believe that these -- the people that are filing the suit, the same as any other suit, I

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think the evidence have to show that they worked that overtime.  
Would you agree with that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I agree, and they were also paid for it, at time and a half.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, if the -- if the court's job is to sort it out, then I don't see any reason why we should be here. Because if the people did not work, then it would be clear that the courts could see that. But these people must have some kind of time card or sign-in sheet showing that they worked those hours. I think this is a travesty here: that a company, large as this, would come to the Legislature and ask them -- ask us to remedy their problem. What they have to do, it seemed to me, that they would have to go to the court and take their books and records and time cards to the court and show that these people did not work this -- the hours that they're claiming, and it would be adjudicated there, not here in this Body. We could do that on all lawsuits in Illinois. But if we're going to take up the business of solving lawsuits because some company is a friend of ours and -- who are being sued for something they did -- allegedly did wrong, then all they got to do is bring it here and give it to my colleague, Senator Butler, he introduces a bill and alleviate the problem. That's not right. And -- and -- and all of the lawyers over on your side of the aisle know that that's not right. It shouldn't come here. It shouldn't be here. And what you're doing is taking the side of the corporate people and leaving the poor working stiff out there, who have a time card, to prove what he did, or she did, and -- but here we want to wipe that out. I think it



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should be a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand correctly, that what they're suing for is to get double time, instead of time and a half?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Literally, double time and a half.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand correctly, there was never a grievance filed before?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

...in -- never in the memory of man on this particular issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am concerned about keeping jobs in Illinois, and I certainly don't think time and a half is a bad amount to take. As far as we in the Legislature go, we asked for this job, and I can tell my colleagues on the other side that I can remember being in the House and being there from 10 o'clock in the morning till

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4 o'clock the next morning many a time. We didn't expect any overtime. We didn't expect double time or anything else. I think what's fair about this is that since there never was a grievance filed before by the very employees involved, I don't think it's fair. So therefore, I feel that Senator Butler, who's been excoriated by some Members on the other side, should be congratulated for trying to bring an inequity and make equity out of it. I think the bill is a good bill. It's a -- a step in the right direction, because I want to see three thousand jobs remain in Illinois, not moved out of Illinois. And I speak for the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cronin. Senator Garcia, the... Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For a second time.

SENATOR GARCIA:

I rise for a point of order, and I apologize for rising a second time: to correct what I think was an inaccuracy that was stated earlier by the sponsor. He stated that with respect to the two thousand nine hundred and eighty-four claimants, that they would not be knocked out by the provisions of this bill. Let me read you one sentence in the bill, which I think will clarify this issue. It reads as follow: "These retroactivity provisions are effective as to any class of claimants who had not been individually named as of August 26, 1994." That is the two thousand nine hundred and eighty-four additional claimants. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon, for a second time.

SENATOR HENDON:

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Thank you, Mr. President. I -- I apologize for rising a second time. But, perhaps, Senator Butler -- I wanted to point out a few things, real quick, that he may not have -- may have missed. Senator Butler, did you know that the court has already ruled on the class action status of this lawsuit?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR HENDON:

In favor of the three thousand.

SENATOR BUTLER:

Is this in Illinois? If it is...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Did you also know that UPS has already lost a case similar to this in Washington State?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Let me answer that in this way: Yes, in Washington State, UPS did settle a lawsuit of its drivers who claimed overtime pay, which was filed by one of the attorneys who represents -- the same attorneys who are -- found this loophole in our law are the same guys that found one in Washington. There are -- but there are significant differences in the -- in the way the UPS drivers were paid in Washington and -- compared to those -- the way they are paid in Illinois. In Illinois the labor contract and pay system provide overtime benefits greater than those provided by State law. The Washington case has nothing to do with what we're talking about under Illinois law.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

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SENATOR HENDON:

Thank -- thank you, Mr. President. I appreciate your tolerance. In conclusion I just wanted to say to -- to -- to the person that I love the most on that side of the aisle, and that's Senator Geo-Karis - and you know I love you dearly, darling: the big difference between us, as Senators, and those poor little people working, those UPS drivers and loaders and all of that, is that we have an obligation to be here as long as President Philip say for us to be here. So that -- and -- and we have other perks and privileges, and we all understand that. Under this lawsuit, the -- the drivers and the workers are -- are claiming that they had to work through their lunch hours and they had to work through unscheduled days and they refused to pay them the necessary overtime. This should be settled in court. And there are some lawyers on that side of the aisle. Sometimes I begin to -- to believe that maybe they're not, but I know they are. I know you have an O'Malley over there that could probably be State's Attorney one day, and a -- a Petka that may run for Supreme Court. So there's got to be some lawyers over there that simply have to disagree with you, Senator Butler. This should be settled in court and not here in the Senate. I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler, to close.

SENATOR BUTLER:

Let me clear up a -- a few things. First of all, Senator Hendon, remember this is optional. Nobody's saying you got to work through lunch. If you don't want to work through lunch, have your lunch, but you don't get paid -- get paid for it. As it stands now, they get -- they -- they -- they not only want the -- the -- to be paid for lunch, they want it twice. And that's wrong. It's absolutely wrong. The other thing that Senator Garcia -- I apologize. You're absolutely correct; I misspoke.

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The -- the sixteen stay; the -- the two thousand -- whatever number came up there, they -- they remain in the suit. Senator Shaw, nobody disputes the fact that they were paid for the overtime. Unfortunately, you make it sound like they're not going to get paid. They've already been paid for the overtime. They want to get paid again for -- for the lunch hour. So I -- in closing - it's late...

END OF TAPE

TAPE 5

SENATOR BUTLER:

Yeah. I've been advised I should repeat my comment to Senator Garcia, that the sixteen stay in the suit; the rest are out. I said it during -- during my -- my first closing that, to me, it's a moral issue. You know, we can talk about those nasty employers, how terrible they are. But you know something? There's a right and wrong to all of this, and I think it's wrong when we're trying -- when we will condone the kind of attempt that's being made here to -- to literally -- to literally take advantage of the mistake we made and -- and create a situation that'll earn thousands upon thousands, upon -- millions, I should say, of dollars for the lawyers who discovered our own loophole. So I would urge that you do -- you do agree with the concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 21. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record. On that question, there are 28 Ayes, 28 Nays, none voting Present. And the motion fails. The... 28-28-none, and the motion fails. Senator Butler.

SENATOR BUTLER:

All right. Postponed Consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler moves for Postponed Consideration. Senator DeAngelis, what purpose do you rise?

SENATOR DeANGELIS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DeANGELIS:

Up front by the press box there are some homemade tiramisu, truffles, chocolate cupcakes, available to everybody, including everybody in the press box, except Rich Miller. No, Rich Miller, you're entitled to 'em.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan, what purpose do you rise?

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. When this General Assembly goes sine die, a Member of the Senate Republican staff is going to change hats, still work with Members of the Senate in a different capacity, and I just wanted to take a minute to thank the Gentleman for his many fine efforts on behalf of actually not only the Members of the Republican Party, but also the entire Members of the Senate. And I personally wanted to thank him for his previous efforts as a former precinct committeeman in

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Tazewell County and his progress up to and including his new position. And I wanted to point out that he has been a -- a facilitator and a fountain of information for both the Public Health Committee in the Senate and also on the Appropriation Committee as a staffer. And, Ladies and Gentlemen, he's going to be moving from a person that has been a facilitator and a fountain of information to the office on the Second Floor, for the Governor's Office. Where you've always, in the past, been able to get a straight answer from Scott Kaiser, starting tomorrow after the 90th General Assembly takes office, you'll know what the attitude of his will now become; it's "I don't know." So, Ladies and Gentlemen, if you would join me in saluting Scott Kaiser and wish him best of luck in his new position with the Governor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Congratulations, Scott. Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

For personal privilege. I'd just like to very briefly add my congratulations to those of Senator Madigan. All of us who have been here over the last four years have known that we've labored under a lot of difficulties in our Medicaid system. When I first took office, I think the accumulated unpaid bills in the Medicaid system were approaching 1.6 billion dollars. To a large extent, it was the wisdom, the hard work, the insight that Scott Kaiser brought to the appropriation process that have helped us eliminate that backlog. There's been no more contentious or difficult subject to work for than -- than Medicaid reform over the last four years. And with compassion and -- and hard work, he helped guide this Chamber. And I think not only we, but many of our children who are going to pay taxes in the future, should be grateful to Scottie. And I, too, am going to look forward to the way Scott will be now that he has different masters on the Second

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Floor. Congratulations, Scott.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver, to move the previous question.

SENATOR WEAVER:

For the purpose of an announcement, Mr. President. There'll be a Rules Committee meeting at 11 o'clock in the Anteroom, consider House Bill 375.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell, what purpose do you rise?

SENATOR FAWELL:

For a personal -- whatever -- privilege. We -- we are -- we are gaining Scott in the -- in the Governor's Office, to his credit. We are also losing a colleague who I think a lot of us have come to -- known and respect and -- and like. He is still going to be out at the Third Rail, but our friend, who has been our Liaison person from the Governor's Office, Mike, is going to leave us, and I think all of us would like to wish him, also, good luck on his new venture.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you look on your desks and pick up Supplemental Calendar No. 4, we will be going to that order of business shortly. On page 2 of Supplemental Calendar No. 4 is the Order of Secretary's Desk, Concurrence, Senate Bills. Senate Bill 675. Mr. Secretary, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 675.

Filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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



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House Amendments 1 and 2 to Senate Bill 675 serve two purposes. One is to adjust the salary of the Adjutant General, the State Fire Marshal, and the Director of Emergency Management Agency and bring them in line with the Director of our Veterans' Affairs. All three of these cabinet-level executives are paid based on statutory language that is older and has not been addressed by the Compensation Review Panel. Currently, the Adjutant General, who leads our National Guard, is forty-ninth out of fifty states in the level that we pay him. This will elevate him all the way to thirty-third in the nation. I would urge your support. The second provision eliminates from partisan consideration the Chairman of the Board of Higher Education, when the Governor selects one for appointment. In other words, currently the Board -- the Governor has to take partisan affiliation into consideration as he names people to the Board of Higher Education. This would exempt the Chairman from partisan consideration so that the Governor could select whoever he felt was best qualified to lead higher education in the State of Illinois, without partisan consideration. I would urge your favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Hello? Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senator Rauschenberger, let us also not forget that this is a quite confusing paragraph here with respect to the Board of Higher Education and its membership, and we have agreed that perhaps sometime in the next Session we ought to clarify even further the language here. So that what we are doing tonight takes care of the -- the chairmanship, with respect to the Lieutenant Governor, but it really should, I think, for public policy purposes later on, be really further clarified. So with that proviso, I rise in support of this bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Rauschenberger, didn't Governor Edgar just appoint four members to the Board of Higher Education? I think it was last month. And weren't they all Republicans?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Although I serve on the Executive Appointments Committee, there has not been a hearing to appoint four members that I'm aware. I thought there was a Message only. I have not seen the Message personally. You could be correct. I don't have the answer.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

Well, there is a requirement that the Board of Higher Ed be bipartisan. Isn't that correct? And what -- what are the configuration of that bipartisanship? Eight...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Currently, under the Statute -- not being an attorney, I will tell you what I think the Statute says. It says, currently seven members -- no more than seven members can be of the same political party of the ones -- of the members of that Board of Higher Ed that the Governor appoints. Senator Demuzio has correctly pointed

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out, it's a fairly confusing paragraph. I'm addressing a bill on whether the Chairman has to be considered in a partisan nature. I really don't have the information to tell you where the Board is currently in its partisan makeup. I apologize.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, let me give it to you, Senator. There are eleven Republicans out of fourteen on that Board. There were four just appointed: Jerry Blakemore, from Chicago; Bruce Chelberg, Edwin Moore, Jane Williamson - all Republicans. Now you want us to make the chairmanship nonpartisan so you can appoint another Republican. Well that -- boy, hey, that's fair. You know, that -- that makes a lot of sense to me. And on top of it, let's take a fellow to appoint as Chairman who currently is a Constitutional Officer, whose duties are defined by the Constitution. Now, if he doesn't have enough to do, let's amend the Constitution to specifically state the Lieutenant Governor of Illinois also serves on the Board of Higher Education as Chairman. If -- if he doesn't have enough to do, maybe that's what we should -- should do, is amend the Constitution. Instead, what we've got here is the Governor saying that Bob Kustra doesn't have enough to do or can't find enough to do, so we've got to make work for him. Let's find a job for him and put him in as Chairman of the Board of Higher Education. But in order to do it, we've got to change the law again, just like we do for every other position that you want to take over, whether it's U of I Board of -- Board of Trustees, whether it's the Illinois Supreme Court, and now tonight, one more time you're going back to the well to change the makeup of the Board of Higher Education so you can appoint another one of your Republicans to this position. I mean, how often are you going to bend the Statutes to appoint Republicans? And I don't see any

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reason why the Lieutenant Governor of the State should be appointed to another position that isn't listed in the Constitution. His duties are specifically set forth by the Constitution itself. We shouldn't be adding to them with a position like this. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAUSCHENBERGER:

I -- I appreciate everybody's thoughtful comments and concerns about this bill. I agree with Senator Demuzio. It's a fairly confusing Section of the Statutes, and I hope we can work on it. A lot of people's understanding, for your benefit, Senator Welch, is that the Governor is responsible for no more than seven of the ten that he appoints at large be of one political party, and so the Governor's Office, I think, perceives that they're in compliance with the Statute. The -- the named members who are -- who -- like the ICC Board Chair and those other things, he considers to be outside the realm of his appointment because they're dictated by job title, but it certainly would help if it was clarified. I do think that the idea of considering the new Board of -- Board Chairman of Higher Education may be the Lieutenant Governor deals more with Bob Kustra's particular personal skills, not with the constitutional change, but your point's well-taken. But I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 675. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and

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2 to Senate Bill 675, and the bill, having received the required constitutional majority, is declared passed. Senator Severns, what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SEVERNS:

I was in the phone booth at the time of the last vote. I would prefer to be recorded as a Yes vote, instead of a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record shall so reflect your intent.

SENATOR SEVERNS:

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson, what purpose do you rise?

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR PETERSON:

In the gallery behind us on the Republican side, have the new Lake County Board Chairman, Bob Grever, one of my constituents, and Ike Magalis, the Lake County Administrator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Smith, what purpose do you rise?

SENATOR SMITH:

Thank you. Personal privilege, sir.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

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SENATOR SMITH:

I wanted to say that something happened to this button of mine, so I would like to be recorded a Yes vote, please. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will so reflect. The Senate will stand at ease momentarily while the Senate Rules Committee meets.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Re-referred from Revenue Committee to Rules Committee - Conference Committee Report No. 2 to House Bill 375; and Be Approved for Consideration - Conference Committee Report No. 2 to House Bill 375.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

In the President's Gallery there are two of my constituents:

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Pat and John Tsausis - T-S-A-U-S-I-S - from Antioch, Illinois; and in the south gallery, I have some more of my constituents, and I have the best constituents: Dorothy and Fred Fettinger, from Lake Villa Township; Otto Sprenger, from Antioch Township; and our new County Board Chairman and my good friend, Bob Grever, from -- I think he's from Kildeer. Am I right? And Ike Magalis, from Libertyville Township, one of my constituents. And I'd like you all to welcome them. Did I get them all?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized.

SENATOR GEO-KARIS:

Oh! Wait a minute. There's one more.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will everyone in the gallery please rise and be recognized.

SENATOR GEO-KARIS:

Dee and Mark -- Dee and Mark Walkenbush, from Wauconda, and it's Senator Peterson's constituents and their daughter, Amy; and then Dale Johnson, from Winthrop Harbor, Illinois, who is my constituent and he's been out of the hospital and looks very well and hale and hearty. And I think I got 'em all now. Let's welcome them here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will everyone on the Senate Floor and in the gallery please rise and be recognized? Welcome, to our guests, to Springfield. On page 2 of Supplemental Calendar No. 4, on the Order of Conference Committee Report, is House Bill 444. Mr. Secretary, do you have a file on a conference committee report on House Bill 444?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 444.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Conference Committee on House Bill 444 simply abolishes straight party voting. That would include Republican, Democrat, independent, Citizens United Party, People's Party. Period. Now, you also should understand this, and this is what's happened in my county: When you vote a straight party ballot - Republican or Democrat - you are not voting for judges who are running on retention. And what happens, people come in there and they punch straight Republican, think they're voting for those judges who are running for retention. You have to vote straight party and then go back in your book and vote for those judges. So what we have done in my county, because we're afraid we may lose a judge because, as you know, on retention, you need sixty percent, so we put on the bottom of our letters, don't forget -- for instance, this last time we had Judge Galasso up - "Don't forget to punch 191 and vote for Judge Galasso." Also, if there's any kind of a proposition, a tax increase, if you vote straight party and walk out, you don't vote for or against that tax increase. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Obviously I rise in opposition, but I find it interesting. And we're taking away, really, a person's right to association, and I'm surprised, truly, at the Republican sponsorship of taking away a person's right to claim they're a Republican or claim they're a Democrat. You know, voting, as we know, is a privilege, and we encourage people to do it, but, unfortunately, we get longer and longer lines, and some people - thank God, in my area they're



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Democrats, but in yours they're Republicans - say to you and to me and to everyone else: I am a Republican, or I am a Democrat, and that's the way I want to vote. That is the way I do vote. Those are the candidates I choose because of their party philosophy. I declared myself in a primary. I chose the party I wanted to participate in, and I support the philosophy of that party. I want to be able to vote and get to work, or vote and get to church, or vote and get home. And I don't want to stand through long lines. And now you're saying, no, you cannot have that freedom of association. What's interesting is, while it is aimed, I'm assuming, because of the last Democratic straight party vote in Cook County, if you look at the list of Republican straight party votes, you will find, for the last two years a significant number of counties that had greater -- excuse me, greater Republican straight party vote than Cook enjoyed in a straight Democratic vote. Boone County, Carroll County, Champaign County, DeKalb, DeWitt, Edgar, Ford, Henry, Iroquois, Jo Daviess, Kane, Kendall, Lake, Lee, Livingston, Logan, DuPage, Marshall, McDonough, McHenry, McLean, Ogle, Sangamon, Stark, Stephenson, Vermilion, Warren, Whiteside, Will, Woodford - all had greater straight party Republican vote than Cook happened to have in Democratic vote. But I find it most interesting, what we're really talking about is party affiliation, possibly even under the Fourteenth Amendment or the First Amendment, the right to assembly and the right to affiliate. And somewhere recently I read where Republicans felt party affiliation was an important criteria, as you look and see whether there is an identifiable party affiliation, an identifiable group that has a right to office, a right -- an inalienable constitutional right not to have their party affiliation vote diluted. What I am doing, my friends, is quoting from the lawsuit you filed this morning on the Supreme Court map. If you were right this morning in the Federal Court

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that there is an identifiable group of party affiliation with an -- unalienable right, then -- then you're wrong this evening in taking away that right. You cannot say to a federal judge in a court suit you filed and signed that this is an inalienable constitutional right for a party affiliation and come here and do away with that right. I think you should all vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are two additional speakers. Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Philip, as I -- if I understood your opening statement, one of the reasons why you think we ought to pass this is because when people vote straight party, they don't vote for the retention, and there's a fear that they may not vote at all on those races. So, as a political party, you have to remind people, don't forget to vote to retain the judges. And the same thing goes on in Cook County. I'm just curious. In Cook County, we don't have very many judges that lose by retention because our party and the other party goes out and reminds them. In the -- in DuPage, when was the last time a judge lost for retention?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

I don't think we've ever had one lose, but we have them come

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very close, like getting sixty-one, sixty-two percent of the -- the vote. And -- and very honestly, because of some of the unusual things that go on in the Cook County court and all the bad publicity, a lot of people are turned off on judges, and so we're -- we're very sensitive about that. And also, of course, the referendums. If you vote straight party, if there's a tax increase there, you're not voting for it or against it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

You're correct, Mr. Philip. There are some -- there is some bad publicity going on in Cook County over some judges. In fact, right now, there's some bad publicity going on in DuPage County over some judges, as I recall. In fact, I think there's one judge who's under indictment. But, nonetheless, people still are going out and voting for retention, and they are voting predominantly to retain the judges. So, somehow, those people are reminded to vote. I think the problem with this is that we almost act like we're ashamed that people still vote based on political philosophy. People decide they want to vote for Newt Gingrich and the "revolution", like they did in '94, they go out and they vote straight Republican, and that's how many Republicans won throughout the entire United States. In Cook County this last year, there was a political philosophy to vote the other way. I think that's better, personally, than to go down the line and say: Okay, now, this guy's got a Polish name, I'll vote for him; he's got an Irish name, I'll vote for her; he's got -- she's got an Italian name, I'll vote for her. That's not in the form vote either. At least with straight party voting, there's a political philosophy that you're adhering to, even if you don't know the names and the individuals. And there's no question - and I think -- I'm sure your Caucus discussed this - this works both ways. And

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why you're doing this now -- you know, these things swing. And in two years, you might be better off with a straight party vote. So, I mean, why we're doing it -- I think I read in the paper why we're doing it. I don't -- I don't think that's a very good reason to do it, and I think that some of you should really think twice before you do this. I think this can be good for the Democratic Party; it can be good for the Republican Party. So why are we doing this to ourselves by -- by eliminating this right of the people to vote? I think it's the wrong move.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. It was the greatest leader of this State that said -- on his first inaugural to the Presidency, Abraham Lincoln, who said: Why should there not be a patient confidence in the ultimate faith and wisdom of the people? Is there any better or equal hope in the world? I think his words were right then, and they're certainly right today. I think the electorate demonstrates much greater wisdom than, often, we give them credit for having. I hope wisdom will prevail, and we vote No on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You could still vote straight Democratic, but you'll have to vote for each Democratic candidate. So let's clear that. And, secondly, Senator Carroll made the perfect case in why you Democrats ought to vote for it, because there's so many downstate Republican counties that -- that have a -- more straight Republican votes than they do Democrats. I suspect, Senator

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Carroll, you ought to vote Aye. So -- and I'll tell you one thing: Our judges aren't getting as many votes as they did ten years ago and still there's a lot of people that forget about those referendums. In my county, unfortunately, we have a lot of referendums, continually, and a lot of people do not vote on them because they punch a straight Democrat or straight Republican and forget to come back and vote for the judges on retention and any tax increases. So, I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt the Conference Committee Report No. 1 on House Bill 444. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 26 Nays, none voting Present, and the Senate does adopt the Conference Committee Report No. 1 to House Bill 444. And the bill, having received the required constitutional majority, is declared passed. Conference Committee Reports. House Bill 2735. Mr. Secretary, do you have a file on Conference Committee Report No. 1 to House Bill 2735?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 2735.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 on House Bill 2735 contains all the provisions that were originally in the bill, and I'll itemize that very quickly. It requires that the compensation of elected officials, township municipal officers that is, shall be set at least a hundred and eighty days before the beginning of their

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terms of office, and it requires for the assessors, for township assessors, that their compensation be set at least a hundred and fifty days. And this was the underlying bill originally. The language was added in the Senate that provided that the electors at an annual town meeting may add additional items to an agenda by a three-fifths vote of the electors in attendance, and that was still continued in the Conference Committee Report. The items that we added were the following: Under -- for the request of the Township Officials, we amended the Township Code to provide that the audits required in townships appropriating less than two hundred thousand dollars must be filed with the township and county clerks so that they'd be on file and available for public scrutiny. It makes a few other technical changes that were requested by the Township Officials. Senator Petka had asked for some legislation to allow the Kendall County Forest Preserve to transfer two parcels of land. One parcel is forty acres, and the Kendall County Fair Association will pay two hundred thousand dollars for it, I believe, and the other is a small parcel of about a half an acre that the Kendall Township highway department needed, and this was agreed to for that transfer of the parcel. For Senator Watson and Bowles and Clayborne, we put in the change of the Bi-State Development Agency Act to allow commissioners to participate in a meeting by phone, where all persons, including the public, can hear and communicate. This mirrors the Missouri legislation where they work jointly with. To assist Senators Luechtefeld, Clayborne and Bowles again, we changed the Intergovernmental Cooperation Act to allow the City of Columbia to buy drinking water from St. Louis and added that they could draw it out of the -- or, the Missouri River, along as they do it now currently out of the Mississippi River. For Senators Petka and -- Representative Hassert, we amend the Municipal Code and Counties Code and Insurance Code to require that health insurance benefits

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shall continue for surviving spouses and dependents of law enforcement officers who are killed in the line of duty. Local government shall pay those premiums. The benefits shall terminate, however, when the spouse becomes insured under any one of the following: a group insurance plan, the spouse remarries, or the spouse qualifies for Medicare. A technical change to ensure under the Insurance Code that was requested by Senator Madigan for CNA. This proposal deletes language for the exemption of bond posting requirements for reinsurers in Illinois. And for the last one, again for Senator Bowles and Senator Watson, we authorize the Southwest Industrial {sic} (Southwestern Illinois) Development Authority to create one additional enterprise zone, which is located and limited by the legislation, and it's supported by the Governor's Office and DCCA. And I have no opposition to any of the provisions, and I do ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. I want to encourage the Members on my side of the aisle to consider this bill. It contains a very important provision covering police officers and firefighters and deputy sheriffs who are killed in the line of duty, and it provides for health insurance benefits for the widows and the children of those officers. And it -- we had an occasion in Senator Petka's district, which was my old district, where a police officer was killed in the line of duty, and, believe it or not, the village where the officer was employed and lived, the insurance benefits for his widow and children were cut off after two years. And that's something that should not occur to a individual who was out protecting our lives, whether he be a fireman or a policeman. So I urge an Aye vote on this side.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 2735. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 2735, and the bill, having received the required constitutional majority, is declared passed. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

I am delighted to have with me today a young man who served in Desert Storm, who's an attorney in the Cook County State's Attorney's Office, and my constituent, from Warren Township, Peter Karlovics. Let's welcome him here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest please rise -- rise and be recognized? Senator Geo-Karis, how did you miss one earlier? Senator Fitzgerald, what purpose do you rise?

SENATOR FITZGERALD:

A point of personal privilege...

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR FITZGERALD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senator Geo-Karis just introduced Peter Karlovics. I would also point out that his wife Sara is my district office



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aide. I think she's down in my -- with my Senate office aide down here. But I also want to introduce some constituents of mine who are here in the President's Gallery, Vince and Lynn Farina, from Rolling Meadows, Illinois. Vince and Lynn, if you'd stand up.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield.

SENATOR FITZGERALD:

And also -- also, in the back gallery, I have Ty Schaffer, from Palatine, Illinois. Ty, please stand up.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest, also in the back, please rise and be recognized also? Welcome to Springfield. Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

Just want you to keep moving so you call my next bill. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the middle of page two of Supplemental Calendar No. 4, on the Order of Conference Committee Reports. Mr. Secretary, do you have a file on a Conference Committee Report No. 1 {sic} (2) to Senate Bill 350?

SECRETARY HARRY:

Second Conference Committee Report on Senate Bill 350.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. This is a very important bill because it -- it affects the rail safety initiative of the Governor and -- and many of you, and I, have worked on for some time. The Conference Committee Report deletes all the other provisions and becomes the bill. The Report -- and I might add,

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this is a result of an accident that happened in my Legislative District, in Fox River Grove, where you do recall seven young people were -- were killed by a train accident, and so this was the inspiration, I think, of both the National Safety Board and the Governor and everyone else trying to find out how we can improve our rail safety crossings in Illinois. I might add, we have nine thousand nine hundred and thirty-four rail crossings in the State of Illinois. We are one of the largest in the entire Union. So, let me go on and tell you what some of the provisions are. The proposal increases the amount of money the ICC can use in its rail safety program from seven hundred and fifty thousand to 1.5, or we're doubling that, and it's used in a phase-out of a three-year period. It requires the ICC to change its accounting system so that we go on a cash basis, rather than the accrual, so that we can do more funding and more programs, rather than tie up the dollars. Right now we have forty-six million dollars that is unspent in that Rail {sic} (Grade) Crossing Protection Fund. This will free that up. Additionally, we are asking that the ICC be given the jurisdiction over the rail-highway grade crossings, where the rail and the traffic signals are interconnected. Right now IDOT has part of it. This will tie it together. We have a -- a provision that conducts a study of the relationship between train speeds and the railroad crossing safety. At the request of Senators Carroll and Senator Rauschenberger, we've also put in appropriations -- and the Appropriations Committee, we've -- add a report that changes when the Governor must submit a State budget. Right now it's not later than the first Wednesday in March. This provision will require that the budget be submitted the third Wednesday in February, beginning in the calendar year 1988 {sic} (1998). This will allow our committees to do its work a little bit better. Another provision, we have changed the funding mechanism that we do for the railroads. Right now we have

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forty-three railroad systems in Illinois. Only twenty contribute to the funds. We've done a three-tier funding program for them, and I can explain that if there's any concern on it. We have a provision for the City of Springfield to grant them until June 30th, 1998, to continue their Capital City Railroad Relocation Authority Act so they can finish the program they had. We have a provision for a quick-take for Senator Fitzgerald in the Village of Schaumburg to improve the intersections of Roselle Road, Illinois 58 and 72. And, lastly, we have a quick-take provision - this is the second phase - to be granted to the Bi-State Development Agency for the acquisition of right-of-ways, and that's the operation of the MetroLink Rail System from East St. Louis to St. Clair County. The federal government has also given us fifty-four million dollars on that, and I believe that covers it. I'll answer any questions you have. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Burzynski. The question is, shall the Senate adopt Conference Committee Report No. 1 {sic} (2) to Senate Bill 350. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, and 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 {sic} to Senate Bill 350, and the bill, having received the required constitutional majority, is declared passed. Senator Raica, what purpose do you rise?

SENATOR RAICA:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR RAICA:

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

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The -- I tried to, over the past couple of weeks, jot down some notes on what I would say. And over the years, heard many a Member come through the Senate Chambers in passing, whether they were defeated in office or whether they were too ill to serve and had to leave or whether they were retiring. And every time I tried to jot something down, it was just too difficult, because it was -- there's so many things it's -- that you really had to say. When I joined the fire department, about twenty-two years ago, the fire commissioner then asked me to come to Springfield for the first EMS Act that was ever introduced into the General Assembly. At that time, myself and two other individuals worked with then Geo-Karis and Steve Nash, and twenty-two years later, I was actually the author of the rewrite of the EMS Act, as Chairman of Public Health Committee and a Member of the General Assembly. I came here representing people from the 24th Senate District, but maybe a little bit deeper than that, a group of individuals that weren't really recognized, for one reason or another, in the General Assembly, and that were health care workers throughout the State of Illinois. I tried to make their lives a little easier at times and, hopefully, a lot more safer, and I think I've done that. But I probably wouldn't have been able to do that without Senator Philip. Senator Philip allowed me to be the Chairman of Public Health and actually fulfill a dream that I never thought I would be able to do. I'd like to thank Senator Margaret Smith, who is my Minority Spokesman, for her kindness and gentle words in allowing me to be Chairman of that committee and do what not only I felt was right at times, but what a majority of the committee felt was right in assisting people not only in my district, but throughout the State of Illinois when it came to health care matters. To Scott Kaiser and Deb Lounsberry, as my staff people, who were two great individuals and actually helped me keep the ship afloat through some pretty rough waters at times. I also

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served on the Local Government Committee, and I probably had one of the greatest staffers there, Peg Mosgers, who, to me, was not only a -- a staff person, but a good friend. Penny Zimmerman, who is my press person here in Springfield, and I used to joke at times because she would come up to the Senate Floor and say, "Senator, do you want to review what I said in this press release, just to make sure everything was said right?" And after the first two or three times, I looked at the article she printed for me and knew that there was no way I could make those articles better, and I could not say 'em any better than Penny did. Jeanne Woody, my secretary, who served with me for almost the entire ten years that I was here, she served as a friend and confidante, and everybody who passed through that office, I hope, was made comfortable, including constituents, lobbyists and fellow Members of the General Assembly. To Tracey, the Sergeant at Arms, we developed a relationship that was more than a staff and a Senator relationship. We would joke about -- everyday I would come down here, he would ask me if he wanted me -- or if I wanted him to file a flight plan for the Batmobile on the way home, and it kind of became an everyday occurrence when I served in the General Assembly. Tracey, I will definitely miss you. To Senator Walter Dudycz, I remember when the Vietnam parade was held in the City of Chicago, and you were in the parade and I was detailed to the parade on that day, just before I ran for the General Assembly, and we met in the intersection of Congress and Michigan. And I guess, from there, the rest was history. I will truly miss you. I never had a big brother, but if I did, you were the big brother that I had here in Springfield and at home. One of the hardest things, I guess, tomorrow is going to be getting up in the morning and not hearing the words, "The hour of noon having arrived, the Senate will please come to order. Will the Members be at their desks and the gallery please rise." You were all truly friends.

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I would like to thank the people of the 24th Senate District for allowing me to serve here and represent them. And especially to you Members who allowed me to be myself, I love you all. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Supplemental Calendar No. 5 was distributed on the Members' desks. Supplemental Calendar No. 5, the Order of Conference Committee Reports. House Bill 375. Mr. Secretary, do you have a file on Conference Committee Report No. 1 to House Bill 375? I beg your pardon. Conference Committee Report No. 2 to...

SECRETARY HARRY:

Second Conference Committee Report on House Bill 375, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 375 is a little different than I thought it was going to end up being, but you recognize in this place sometimes that what comes out is not what you thought it might be. However, I am pleased to be the sponsor for the product that there is, so I'm going to need some help by some of the people who put some things on this. The first part is requested by the cities of Peoria and Springfield to expend -- extend the life of their TIFs from twenty-three to thirty-five years. The second part is a request of Senator Watson, and, Frank, I would like if you would just briefly explain what that does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes, thank you. This is a piece of -- of language that's supported by Senator Clayborne and Bowles in the Metro East area;

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deals with a sales tax or a actual transfer tax that's now being employed on the transfer of title. In other words, that would be an automobile, motorcycle, motor home, and in some cases, a trailer. It's a twenty-dollar transfer fee, instead of a sales tax. And what we're asking here is that if, in fact, that sale is less than the tax would be for twenty dollars, then it would be the sales tax or twenty dollars, whichever is less, and this would help those people who are -- selling trailers for two hundred dollars. And in current law -- current practice, they have to charge a twenty-dollar transfer fee. This would allow them to charge a sales tax, and then ultimately it'd be a fairer tax for those people who purchase lesser priced titled merchandise.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

The third part is a request from the Metropolitan Water Reclamation District to allow a de-annexation of a property in which there are no people. There is a piece of property in Mission Hills Sanitary District, outside of the Village of Northbrook in an unincorporated area, and they wish to de-annex. There is no mechanism currently. This bill permits, through this Act, the mechanism to be able to de-annex. So, before I ask for your favorable consideration, let me just -- if -- I have a request that I would like this Body to honor if they choose. We've been working for two years to reform the TIF law in the State of Illinois. It reached somewhat of an impasse recently, and as Lombardi used to say: We never lost a ball game; we just ran out of time. Well, we have run out of time; at least my time has run out for that. But I have been -- Representative Leitch has assured me that he will move forward. I have -- would like to have somebody pick up the gambit here on this side. If nobody picks it up, I have urged Senator Rauschenberger to -- to handle

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this, who would like to handle it with a mallet. So, we need to do something about the TIF situation in the State of Illinois. It probably is not as abused as we think it is, but we really need to clean it up. I would like to ask for your favorable support on House Bill 375.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I don't want to belabor anything here. I just have a quick area of inquiry. We're tired and it's late, and, you know, these kind of bills sometimes scare me because I don't really know what it says. And on page 12, it defines the TIF district that is apparently the -- the focus or the -- the goal of this legislation, but it doesn't -- it doesn't mean a lot to me. I mean, it's extending the life of a TIF district, and I don't know if it applies to a TIF district in the district I represent. I don't know if it applies to the TIF district in Senator Lauzen's district or anyone else's here. How can you assure us that this language only applies to the areas that you've noted in the Metro East areas and no other areas?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if you'll -- one refers to Springfield and the other refers to Peoria. And if you read the definition, it states that the size of the bond issue, when it was initiated, the dates it started, the dates it ended, and it's closely enough defined that they would recognize that it's those two districts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Clayborne. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:



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I just wanted to rise very briefly and express some concern. Hopefully someone rational will pick up the effort to reform TIF, and if not, I hope to be able to participate in it. I guess I'm concerned that we're again extending the life of TIF districts, which divert tax money which would normally rightfully accrue to the other governmental units, and you're shifting tax base responsibility. I realize it's late in Session, and I sure didn't want my last Aldo bill vote to be a No vote, but I'm not sure this is the right time to be extending TIF districts, in the -- the wee hours of the Session, and -- and -- but it's okay, I'm sure, Aldo, if it goes out 58 to 1. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 2 to House Bill 375. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 Ayes, 4 Nays, 2 voting Present. And the Senate does adopt Conference Committee Report No. 2 to House Bill 375, and the bill, having received the required constitutional majority, is declared passed. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, three of our colleagues are finishing tomorrow, and I'd like to say that I have enjoyed working with David Barkhausen, who is from my county. I enjoyed working with my former seatmate, Robert Raica, who is a delight and good-looking gentleman. And I delighted working with

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Senator Aldo DeAngelis. He and I came to the Senate at the same time. They're three very fine gentlemen. I know I'm going to miss them, and I'm sure they're going to be missed by all of us. And all I can do is say I wish you the very best of health, happiness and success in any of your future endeavors, and it's been a pleasure serving with all three of you. And I am going to miss all three of you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 283, offered by President Philip and all Members of the Senate.

(Secretary reads SR No. 283)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And, Aldo, I don't think I've enjoyed anybody more in the Senate than I have you. And I can remember when you were a freshman and we had a Leadership contest on our side of the aisle, and if I remember correctly, I think that you were the first freshman we ever put in Leadership. I took some criticism for that, but I will tell you one thing: I was justified. You certainly have added to this process down here. I'll have to tell you a little story about tonight. He came in my office here about two hours ago, and he said: "I happen to have some leftover dinner from last night. Would you mind if I brought it in your office and invited somebody in?" And I said: I certainly do object. I've been eating your leftovers for fourteen years, and I'm about fed up with it. I want to be invited for the main course when you serve it. I get the second or third or fourth day, and very honestly, I -- you know, I've had it about up to here, Aldo. But

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I'll tell you one thing: We all love you. You've got -- you've got one of the greatest sense of humor and attitude. You have a great attitude. You always see the bright side of everything. You're willing to work with people. You have an open mind. And, quite frankly, we're all going to miss you. Particularly in Leadership, we're going to miss you, Aldo. And I know you will do well. I understand you may come back to haunt us, and we will welcome you. And remember this: We're only a telephone away. If we can do anything to help you, we certainly will bend over backwards, because you have been a great Member of the Senate and reflect well on the system.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Collins.

SENATOR COLLINS:

I would just like to say that the twenty years that I've been here, if I would -- had to choose a person on the other side of the aisle to defeat, and I had a choice, it most certainly would not have been Aldo. I have had a very good relationship, working relationship, with him. Even the times when we've disagreed, he did it in such a way until he made -- at least he made me laugh about it. He taught me a lot, too, about myself, the years that I've been here. And when this side -- we were in control, I could always count on DeAngelis on those issues, borderline issues, to be sympathetic toward whatever the issue was that I was voting. Senator DeAngelis, and Roger Keats, was one of those other people on the other side of the aisle that I could go to and reason with and sometimes get support. As a matter of fact, I see him and have always seen him as a man that had his own beliefs and his principles and integrity, and he stood by those and he voted accordingly. With the exception of the last, I would say, two years, he basically didn't follow party lines; he voted his conscience, and I respect a person for that, even though I may

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have disagreed with some of the things that he'd done. I'm going to miss you, too, DeAngelis, even though I came out to your district and I campaigned against you. That's true. But -- I -- I want you to know it wasn't personal. I love you. But we needed a seat. Now, if we could have traded that off for somebody else over there, I know a lot of people over there I would've rather taken out than you. But you were just, unfortunately, easier to take, and so we had to take what we could. I'm going to miss you, and I wish you luck. And we're going to still be friends. I understand you're going to still be out there in the hallway, and I'm sure I can come out there on the Rail sometime, when it gets tough in here, and get a laugh. So it's just been great working with you, and I wish you every success in your new career.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

My friend, Aldo, this is a -- this is a day I have not looked forward to, at all. You and I met first in 309, after you had had a successful victory in the election of '78. We came to this place the same time, seated in '79, and it was a friendship that was automatic from the very beginning. And the neat thing, Aldo, is the fact that you and I have shared so many of the same concerns in the years that we've served together. And paramount among those issues has been the issue of school funding, and you have stood tall in that arena and made tough decisions and asked for some tough votes on some tough bills. But you always had the boys and girls across this entire State in mind. You are not parochial. You have been partisan when you have had to be, but you have been a statesman for most of the eighteen years that you've been here. My friend, I'm honored to have served with you. I'm honored to know your family. You are, indeed, a giant among men. The best of luck, my friend.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I came to Springfield in May of 1977, on the 22nd, the second time in my life I'd ever been to Springfield - once when I was ten years old. I came to attend a committee meeting regarding some changes that I felt were necessary if we were going to continue in Illinois in the steel industry. And the reception at the onset was fine. The bill went out of committee. In fact, it was sponsored by who was to be my opponent later on. It came out of the Senate, went over to the House. Speaker Redmond said the bill would be called at 7 o'clock. And true to his word, he called it at 7. But the bad news is, when the roll call was going against him, he adjourned the Session. Coincidentally, then, I -- through an accident of one of our Members that I came down with, who had to go to the emergency room, and unbeknownst to me, I ended up having dinner with the two gentlemen who were to be my opponents in the future. One was an incumbent State Rep, and the other was an incumbent State Senator. And I learned something from that night: I learned if you're going to drink, do it with good friends. I also learned something else: that you don't chastise the process that you're involved in. And they kept referring to "Well, that's the way things are; you can't do much about it." And on the way home the next day, I was thinking: Why do we need these two guys down here if that's all they're going to do? But I had not really given serious thought even at that time; however, I did call the Republican incumbent State Rep, who had indicated he wanted to run for the Senate, and asked if there was a possibility that I could run for State Rep. And he told me no, because they had picked somebody for that slot already. They picked a guy who later on was dismissed for theft, and they picked another guy who was

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unemployed. I got very mad and decided to go after the person who was going to make the selection to ensure that I could not run for State Rep. Now, let me tell you why I decided to run for State Rep, though. After leaving Springfield and going back home and thinking about what was going on, I saw the very things that had helped me get to where I was disappearing. My father came here from Italy when he was twenty-six. He came because he lived in a house with four people -- with four rooms that had twenty-eight people, and if he were to marry in Italy, he would have to bring his wife in, which was the tradition. And he came here because he wanted something better for his children. And at the same time these things were happening in Springfield, there was a President of the United States - a good, kind, gentle, honest, God-fearing man - by the name of Jimmy Carter, who said - who said: We must learn to live with less. And I did not want to be the first generation in American history to tell their kids: You have to have less than your parents. And when I looked around me to determine where I was most affected - and all through my business career, I used to draw these disaster wheels to find out who's hitting on you and then pick the one that was hitting you on the hardest to go after - I saw it was the State of Illinois. So I came down here. And I have to tell you: I came down here with absolutely no political experience; although, I have to admit for the first time tonight, that I was a precinct committeeman in Dallas, Texas - a Democratic precinct committeeman in the only city in the United States - major city - that gave Richard Nixon a plurality. But after returning back here in '65, I pursued the business end of it and forgot about politics. I came down here with the idea that those who served here only thought of themselves, weren't very concerned, and really didn't have an outstanding background, and didn't work too hard. I was absolutely wrong on all four of those. I learned, sometimes it was

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tough, that you had to do a lot of convincing. I can recall, the first word that I used that was considered to be an error was "economic development". It was almost akin to a social disease at that time. If you'll recall, "economic development" was the buzz word for being pro-business. Today, a Session doesn't go by that we don't talk about economic development. And I'm pleased with that, because people have learned that when you're talking about jobs, it takes everybody's involvement. Yes, I was wrong. This is the greatest fraternity in the world, right here in this Body. There are all kinds of people. And, frankly, as hard as it might be, I've learned one thing: that you don't take things personally. And, Senator Jones, as much as I wanted to rip your head off on election night, I knew that you were doing what you thought you ought to do. And I leave with the feeling that whatever has occurred is not personal. And I do not leave with the sense of defeat, because I feel I have accomplished a lot and I feel I've done it - to use Sinatra's words - "my way". It has been an extreme pleasure. I don't think I've ever enjoyed anything so much. And people have talked about my sense of humor. Well, a sense of humor comes from the feeling of feeling good, and I've always felt good in this Body, regardless of what was going on. And I leave with that feeling. And I want to say to all of you that -- thanks for letting me be here, but I owe two a special thanks: one to Pate Philip. And Pate Philip and I don't agree. In fact, Senator Jones used to taunt me during the campaign and say, "Isn't Pate coming here to help you?" And I said: He is, by not being here. But I've got to tell you: Nobody is a Leader like Pate Philip. And for him to give me the opportunity to become a Minority Leader -- Assistant Minority Leader in my freshman - which I believe you're right, Pate; it was the only time it's ever occurred in this Body - was indeed an honor that I will never forget. The other person I want to thank is my father,

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who has been long since dead, and my mother, because they made me the first and only Italian-American Republican Senator in Illinois history. And I'm real proud of both of those. So I will be leaving, and to not get too biblical, for a little while. I will return. And I hope that as I do, I can share with you the same friendship I've shared previously. I will not ask you, in my new endeavor, to do anything that's going to hurt you, and I will never ask you to do something that I can't pay back. But I do want to ask you - I guess you shouldn't be putting a plug in when you're leaving - to leave your door open a little bit so I can come in and talk to you every once in a while. Thanks for everything, and God bless you all.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 284, offered by President Philip and all Members of the Senate.

(Secretary reads SR No. 284)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I've been thinking about the first time I met Senator Barkhausen, and I believe it was when he was running for the Senate for the first time in Southern Illinois, unsuccessfully. But he was running in a Democrat district. I remember he did a lot of jogging, a lot of campaigning and was a very good candidate, and he came very close to winning. And then he saw the light. He saw the light in Northern Illinois in Lake County. Moved up there. As you know, he finally was elected to the Senate. He's been a very distinguished Member. He's done a great job as Chairman of the Finance Committee. And when I have a



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question that I'm pondering, I just walk down about four desks and talk to "Bark" about his opinion on my question, and he always makes it clear and straight to the point. Bark, we're going to miss you. The other night they had a retirement party for you, and I hadn't seen your dad in -- in a long, long time. His father was the Director of Conservation when I was first in the Illinois House of Representatives and was truly a fine gentleman and did a great job for that department, and you certainly reflect well on your dad. It was certainly nice to -- to see him. And -- and, very honestly, he's a little bit older than I am, but he's in a hell of a lot better shape than I. But, Bark, we're going to miss you. You've certainly -- have added to our process here, and you reflect well on this Senate. And we certainly are going to miss you.

END OF TAPE

TAPE 6

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you very much, Mr. President, and Senator Philip, for your kind words tonight, and certainly for your many kindnesses and helpful assistance over the years. You know, the hour is late and this campaign brochure that was just read into the record had more exaggeration than it would have if I had written it myself, but I appreciate the -- the tribute very much. By now, all of you no doubt feel, with some justification, that over these sixteen years, you've been subjected to enough boring speeches from me,

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too often about obscure legal subjects, to have to bear yet another one here at this advanced hour. So having, perhaps, used all of my allotted time, I am not sure I should be entitled to make these parting remarks. Even so, I ask your indulgence just one more time. If one can call an ambition to serve in the Illinois General Assembly an inspiration, I would say that it began for me in 1969. I had the chance that summer to work as a college intern in the brand new Illinois Bureau of the Budget under Governor Dick Ogilvie. I spent June of that year in Springfield and, you'd be interested to know, began then to learn how to stretch the value of the per diem that I would later receive as a legislator, saving almost all of my five hundred dollars a month salary. I stayed just a few blocks away from here on 4th Street at the Capitol Hotel. I bet most of you haven't even heard of it, for it was razed about the time I came here, in the early '80s. Stayed there for the unbelievable rate of fourteen dollars a week. That's right, per week, and I'm talking about 1969, not 1869. No, they didn't have maid service, and unlike my current digs over at the Best Inns, there was no free Special K breakfast. Well, June of 1969 was a very eventful time in the Illinois Legislature, and I was asked to follow a number of the committee meetings and regular Sessions, which I did from all of these galleries. At one point, when Governor Ogilvie was feeling particularly frustrated with the Republican Senate, not unlike today on some occasions, he expressed the hope to our group of interns that some of us would one day run for the Senate. Well, I did, and so did Carl Hawkinson, who I believe that same summer was working for the Republican State Central Committee. Even though I had the good fortune to come here at an early age, I did not take the most direct route, as Senator Philip has alluded to. Although a product of the North Shore, my father had a business and my parents had a second home in Southern Illinois.

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It was there that I went to law school when one opened at SIU in 1973, and there, in what is now my friend Senator Rea's district, that I first sought election to this Body in 1976. Though I was ultimately unsuccessful, the experience of campaigning over a year and a half through twelve counties in that unique and wonderful, but all too Democratic, part of the State taught me a great deal about people, about politics, and State government that has surely been very valuable to me both here and everywhere else in life since then. I started over politically, moving back to Lake County after that experience, as I went to work as a lawyer in Waukegan. With the help of my dear colleague to the north, Adeline Geo-Karis, and the support of the Lake County Republican Party, I was nominated to the House over an incumbent Republican in 1980, and when Senator Karl Berning retired two years later in the reapportionment year, I had the good fortune to move quickly here to the upper Chamber, as we like to think of it. Since then, I'd have to say I have led something of a charmed political and legislative life. I have been able to get reelected fairly easily, without all of the demands of a political nature that many or most of you face on a day-to-day basis. That has given me the chance to focus with some success, I'd like to think, on issues of particular interest, and it has enabled me to lead a fairly normal home life, as I have evolved over these sixteen years from the status of a hopeless and helpless bachelor to a happy husband and father of two young boys. My work here has been eased at every turn by my loyal, dedicated and ever-cheerful secretary, Shirley Milburn, and a capable and hardworking staff, many of whose members I would count among the best friends I've made here, and it has been made vastly more pleasant by the remarkable civility of this Body and, indeed, the genuine warmth and affection that most of us have for each other most of the time, and believe it or not, even tonight. While I am unlikely to seek further elective

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office, I look forward to staying active and being helpful where I can and continuing to work with many of you and enjoying your friendship as I do so. So, as my friend, Aldo, said, this is not a permanent good-bye. I simply take my legislative leave, sine die, with a sense of accomplishment and gratitude as, in the words of Abraham Lincoln upon leaving Springfield, "I bid you an affectionate farewell." Thank you and God bless you all.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 285, offered by President Philip and all Members of the Senate.

(Secretary reads SR No. 285)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And, Bob, I would honestly say that you're my favorite -- paramedic. I knew it was going -- I knew it was going to come out. And if I remember -- if I -- my memory, I hope, is as good as it used to be, that we had to twist your arm and kind of talk you into running for the Senate, for the first time. And I can't remember the name of the ward committeeman. I know he was Italian and it was a long name. And after a lot of kibitzing and twisting your arm, you finally decided to do it, and it was a tough race; you did very well and, of course, were elected and came down here and became part of the team. You've done a great job on the Public Health Committee. I liked the Public Health Committee because it didn't waste a lot of time. They came in and heard their bills and got out and got the job done. And it was one of the best-working committees, I think, that we've ever had, to Bob's credit. And we're certainly going to miss you. I know that

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you will be coming down here lobbying us for the Chicago Fire Department, I'm -- I'm assuming. But you've been a great Member. You've been a lot of fun, and you mix a great Caesar salad. Now you have to think about that, right? Well, anyway, good luck to you. Remember, we're only a telephone away.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica. Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Two quick stories. When -- when I was appointed to Chairman of Local Government, after our first -- or, it was either the first or second committee hearing, I got called into Senator Weaver's office. And he sat me down, and I'm thinking, "God, how could I have screwed up. We only had two committee hearings." He says, "Bob," and he looks at me like -- it was like sitting across from Abe Lincoln. He looks at me real seriously and he says, "Your committee hearings are much too fast. You have to slow down." And I'm sitting there thinking, you know, I've went into all these other committee hearings and they're like dragging it on and on and on. So I figured if we take forty-five seconds or fifteen seconds on -- to get in and out, that's pretty quick, 'cause everybody complains they don't have enough time to do. That was the first time, I think, anybody was ever yelled at for taking too little of a time in committee and not enough time. And then the other story is, I think a lot of people know that occasionally I had the tendency to vote on the other side of the aisle, which didn't make things bad. It loosened up -- well, anyway. Pate would call me in his office, or put his arm around me and goes, "Bob, can you tell me why I only have problems with you? I never have to talk or beg anyone else. I always have to talk to you." So yesterday and today, I think I voted more than I have in the ten years with Pate Philip. So, jokingly, Walter Dudycz and I are talking, and Pate come by and he put his arm

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around me. I says, "You know, Pate," I says, "I don't think I did bad the last two days. As a matter of fact, I think if I would have done this more often, I probably would have still been here." And he looked at me with a grin and he said, "Probably." So, Ladies and Gentlemen, once again, I had an experience in Springfield and met individuals that I would never have the opportunity of meeting before had I not had the opportunity to serve here with you. I kind of took things in a joking manner and allowed my sense of humor to overtake me at times, only because in the profession that I'm in, when you have people who literally are not surviving because of one tragedy or another, and you have the ability here to make a decision, whether it be right or wrong, but you have that ability and you have that time to make that decision. I think that's a pretty nice and comfortable position to be in. And -- and, actually, I wouldn't have given this up for the world, because you've allowed me to be part of a family that only -- and I would explain to my kids, I was one of fifty-nine individuals that had the pleasure and the opportunity to serve in this awesome, awesome Body. I would drive here and look at this building and it, to this day, means so much to me to have known that somehow, someway, maybe I made a difference. Be it so small, I was allowed to be here for ten of the greatest years of my life, and I thank you once again.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 286, offered by Senator Jones and all Members of the Senate.

It's a retirement resolution, honoring Senator Alice Palmer.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolutions

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283, 284, 285 and 286. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now, Senator Philip has moved for the adoption of Senate Resolution 283, 284, 285, and Senator Jones has moved for the adoption of Senate Resolution 286. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolutions are adopted. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent Calendar -- Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Is there any further business to come before the Senate? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I move that the Senate adjourn SINE DIE.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis moves that the Senate of the 89th General Assembly stands adjourned Session SINE DIE. The Senate is adjourned.

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