

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

November 15, 2000

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Good morning. The regular Session of the 91st General Assembly will please 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 Pastor John Standard, Springfield Bible Church, Springfield, Illinois. Pastor Standard.

PASTOR JOHN STANDARD:

(Prayer by Pastor John Standard)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

At this time, Senator Radogno will lead us in the Pledge of Allegiance.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, November 14th, 2000.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Myers.

SENATOR MYERS:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Myers moves to approve the Journal just read. There being no objection, it is so ordered. Messages from the House.

SECRETARY HARRY:

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

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

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House Joint Resolution 73.

(Secretary reads HJR No. 73)

Adopted by the House, November 14th, 2000.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution -- House Joint Resolution 73. Those in favor will say Aye. Those opposed, Nay. The Ayes have it, in the opinion of the Chair. The rules are suspended. Senator Weaver has moved for the adoption of House (Joint) Resolution 73. Those in favor, say Aye. Those opposed, Nay. The Ayes have it, and the resolution's adopted. Resolutions.

SECRETARY HARRY:

Senate Resolution 445, offered by Senator Lauzen and all Members.

And Senate Resolution 446, offered by Senator Lightford and all Members.

They're both death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 75, offered by Senators Obama, Burzynski and others.

It's substantive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senate will stand in recess until the call of the Chair, immediately following adjournment of the Joint Session, when substantive business will be considered by this Body. Senator Welch, for what purpose do you rise? Senator Welch.

SENATOR WELCH:

Yes. I just want to announce, at 10 o'clock, the Economic and Fiscal Commission will be meeting in Room C-1 in the Stratton

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Building. We had added to the agenda the gasoline tax report that the Commission prepared and passed out to everybody yesterday. Everyone is free to come. We've got plenty of seats. If you want to ask questions, we'll be glad to let you ask questions. The Economic and Fiscal Commission will explain what is in that report and hopefully we'll have more information than we did yesterday. Thank you.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

...(microphone malfunction)... The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports House Bills 4267 and 4279 Do Pass, as Amended.

Senator Klemm, Chair of the Committee on Executive, reports House Bill 4659 Do Pass; and House Bills 3612, 3617, 3619 and 4663 Do Pass, as Amended; and Senate Bill 1975 Do Pass, as Amended; Senate Amendment 1 to Senate Bill 1869 Be Adopted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Channel 3 WCIA and Illinois Information Service and Lawmaker Public TV request permission to videotape. Is leave granted? Leave is granted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. I'd like to introduce to you a Page I have with me today. Her name is Katie -- Katie Shepherd. She's a seventh-grade student at Chiddix Junior Elementary Grade School in Normal, Illinois. And

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her additional claim to fame is she is the daughter of Bill Shepherd, who, many of you know, used to be on our staff. And so would -- would you please welcome Katie Shepherd to Springfield, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Katie, welcome to Springfield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Myers, for what purpose do you arise?

SENATOR MYERS:

Thank you, Mr. President. I would like to introduce to the Body John Halloran, who is a Northwestern University student and my neighbor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Welcome to Springfield. Channel 20 News, Springfield, requests permission to videotape. Is leave granted? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following: Be Approved for Consideration - House Bill 1284 and Senate Bill 1191; and referred to the Committee on Executive - House Bill 851, Senate Amendment 1 to Senate Bill 1191, and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1281.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, if I could have your attention, please. Our first order of business this afternoon will be... Our first order of business this afternoon will be on the middle of page 8, Motions in Writing, Override of Total Vetoes. Senator Dillard. On page 8 of the Calendar is -- on the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Dillard, with respect to Senate Bill 1426. Mr. -- Madam Secretary, read the bill, please.

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ACTING SECRETARY HAWKER:

I move that...

PRESIDING OFFICER: (SENATOR MAITLAND)

Read the motion, please. I'm sorry.

ACTING SECRETARY HAWKER:

I move that Senate Bill 1426 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to make a motion to override the Governor's total veto of Senate Bill 1426, a bill that deals with juveniles and the Juvenile Code, and primarily juvenile delinquents in school situations. There were two portions of this bill: The -- the original portion of the bill that dealt with being able to send a child who -- who committed a crime on school property to a different school - that was my underlying bill - and throughout the course of the legislative process, we attached an amendment that came from Senator Sieben, which is the controversial portion of the bill, which the Governor apparently had a problem with. So I make my motion to override the Governor's total veto on Senate Bill 1426 and would like to defer to Senator Sieben, who brought us the part of the bill that the Governor apparently did not like.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Dillard has moved that Senate Bill 1426 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Is there any discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies...

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben, excuse me just a minute. Ladies and Gentlemen, this is the Senate. We are considering total vetoes. Please give the sponsor and the speakers your attendance. If not, you know, we'll take the staff off the Floor and lock the doors. Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation deals with a situation that had occurred this last year in a school district in my district, in Dixon, Illinois. And the legislation provides a -- a mechanism by which a school district can develop a policy to deal with a transferring-in student who has been expelled from a neighboring school district. The situation that happened, the student was expelled from Rochelle High School because the student was caught trying to burn down Rochelle High School. The student was putting gasoline into wastebaskets in the men's -- or the boys' rest rooms, and in the process of doing that, was caught and his scheme to burn down the school was discovered. Well, the school board in Rochelle met and discussed the situation and expelled the student for two years for this potential crime. That student, very shortly thereafter, tried to enroll in Dixon High School, just a few miles down the road. And under current law, the Dixon school board was not able to prevent that student from enrolling in their school district. So Representative Mitchell and I put the legislation together last year, worked out all the concerns that people had, and developed some very narrowly drafted language that permissively allows the school district that would be receiving that transfer student to adopt a policy that would not permit that student to enroll for that type of a situation. And it also would provide that they may provide for alternative school. Now, the Governor's veto message says that his main concern was this: That we didn't assure - that

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we did not assure - that that transferred student would be guaranteed an alternative school environment when they transferred to this other school. I would disagree with the Governor on that point. I don't think that's the purpose of the alternative schools. I don't think that a student that's committed this type of a crime and has been expelled from one school and then tries to get into another school should be given that guarantee. If the local school district, in their best judgment, decides that in their policy they want to provide for that --, that should be the decision of the local school board. So, for those reasons, I would ask your Yes vote. Every Representative last spring voted in favor of this bill. Every Senator last year voted in favor of this. We've all cast a unanimous Yes vote on this legislation, with the amendment. Was heard in all the appropriate committees. Strongly supported by the School Management Alliance, obviously. And for those reasons, Ladies and Gentlemen, I'd ask for your Yes vote on the motion to override the total veto.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Well... Thank you, Mr. President. Apparently there must be some kind of miscommunication here, because, obviously, if you and the Governor agree and we voted -- looks like we voted 59 to nothing. So I'm trying to get to the bottom of this, as why -- why we have this problem. When someone is expelled, if I get this right, someone's expelled at a certain school district - 182 - and the expulsion is for one year or a suspension for six months - whatever the disciplinary action is - the parents move and now they move to another school district. First question I would ask is, if they then -- say it's a fourteen-year-old child. Now they go to the school district and say, "I would like to enroll." Are they asked questions as to whether or not you've ever been

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expelled? Or do you have to answer? Or are there questions such as that? That's one question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard. I'm sorry. Senator Sieben.

SENATOR SIEBEN:

Yes. Senator Molaro, my understanding is that information would come with the records of that student when the student attempted to enroll in the new district.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

If I -- if I know the -- the rules correctly, as -- as we speak -- since the Governor vetoed this bill, it's not the law, so let's talk about the current law, as we speak. So, the current law, it would be that if the parents move and they go to this new school district and they bring the fourteen-year-old to this new school district and, say, they even disclose that he's under suspension or expulsion, it would be up to the discretion of that superintendent or principal - I don't know who makes the decision - as to whether or not they would then decide to take this student or whether or not to say, "Since you've been expelled in a different district, we are compelled by law not to take you." Who gets to make that decision? What's the current law today?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Conferring with Representative Mitchell, who is a former school superintendent, who's had these kind of situations before, current law says that you must accept that student, except there are three situations where you would not be required to take that entering student. Those would be if the expulsion was for reasons of using a gun in a school, assaulting school personnel, or a drug

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violation. Those are the only three that -- that are covered where they would be -- where they could not take that student. Arson is not one that's covered, hence this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

So, then, the -- the new school district where he's going then can -- does have the -- I guess it would be the authority to decide. Even if it's one of these three that you just mentioned, that school district, as we speak today, could say, "Well, I see what you were expelled for and I see that I could say no," but the school superintendent could say, "Yeah, but that's okay. I'm going to accept you as a student and I'm going to let you enroll." They could do that now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes, they could.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

I guess the question, where I'm getting confused with the veto message, is that does this law that we're -- the Governor was about to sign, would this take the discretion away from the superintendent and the -- what -- what exactly does the bill do then? If we already have the authority and each school district could decide their own fates, more or less, or decide this child's fate, I guess is the best way to put it, what does this bill do to change the current law?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

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This bill allows the local district to have their policy that would apply to any reason for expulsion, not just the three currently in the statutes. So it allows for local decision making for any type of reason that a student transferring in was expelled from their previous school.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

And so that would allow the local school officials to come up and say, even if it's not one of these major three items - no matter what the item was for expulsion - we could -- if you come to our district, we could decide to abide by the other district's decision and -- and we would make our own policy. Now, does it differentiate -- the bill itself, does it differentiate to what type of conduct that would be in these policies? Or could it be like if you were suspended for -- I don't want to say chewing gum; I don't want to belittle this. But, say, for whatever it may be, does it have any type of safeguards to make sure that it would be more or less a grievous matter than just a minor matter?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I think the language is -- the language is pretty clear in what this does. It's in one simple paragraph in the bill. "A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion before being admitted into the school district."

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

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See, that's -- but then that's not what you said earlier. Because from what you just read is, there is no discretion by the incoming -- by -- by the school district. Earlier -- and that's why there's some confusion. So maybe we can get this clear. A -- a kid's expelled for fighting - whatever it may be. Now he goes to the new school district. And I just asked, does that new school district, then, have the right to determine whether or not, in their own discretion, they want to take this child and enroll him. And you said that's the law today and you also said, well -- and it's -- and it's being told us that that discretion remains. Now, when you read the bill, it makes it sound as though if he's expelled in district A for any reason and comes to district B, district B, then, could set a policy stating that, for whatever reason, the school district doesn't have any discretion. If he's expelled in district A, he cannot enroll in district B.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I think -- I think what it says, Senator, in your example, is that school district B has the ability, under their local policy, if they have chosen to adopt a local policy dealing with this type of a transfer, to reject that student for the reasons contained within its policy.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Well, maybe someone else can pick up on this, because, unfortunately, I'm trying to get the bill and I can't read it. What you just read, I -- and maybe that's why the confusion, because it certainly confuses me because, just of your reading of the bill, it makes it sound like -- and -- and -- if you're expelled in district A and you go to enroll in district B, they're

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not going to take you because you've expelled in district A. So let me just change it and I'll let someone else -- you can answer this when someone else asks a question. If that's the case, what would be the problem? Is it monetary? Or what would be the problem to be able to afford them the possibility of going to alternative school?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Well, that can be a possibility under the language of the bill. The local district, in their wisdom, can adopt a policy that provides for alternative school if they feel that is in the best interest of the circumstances involved.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

The last point. It doesn't say -- here's the problem with the bill, and I think why the Governor has a problem, so we can understand it and then decide which way we want to vote. Says here "a school district may adopt a policy". Okay. That, to me, would mean that the district then decides what the policy is, but that's not the fact. We're dictating the policy and here's what it says: "A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion..." So, in other words, if you're expelled, we can go there and we could come up with a reason saying that, if you're expelled in one district, you must complete the terms of the expulsion in the new district and there really is no alternative. It's either A or B. There's no in-between. And I would just submit that it seems a little harsh.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Channel 17 requests permission to videotape. And The State Journal-Register requests to take still photos. Is leave granted? Leave is granted. Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. Just to follow up on Senator Molaro and maybe try to understand this. When this was brought to my attention, I called a few of my superintendents. They were under the impression that this is already the law. Now, granted, we talked about weapons, assault and drugs. What you're trying to do, Senator, is to just put everything under that same law, where no matter what the expulsion is, you do not change school districts -- or if you change school districts, you do not get to go back to school. You're out in the street.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Senator, very simply, what we're doing in the legislation is giving local school districts the ability to adopt a policy that would allow them to not accept a student until they had served their full expulsion from the previous school district. So we're -- we're -- we're creating a policy that supports the initial expulsion of a student from a school district. Now, you need to understand, suspensions can only be, in the State of Illinois, for ten days. They're for rather minor offenses. Such -- maybe as chewing gum or fighting or something. Expulsions are very serious matters. All right? And that's what we're trying to deal with here. And if a student has been expelled from a district, we're just saying that we want to create a policy that allows for local decisions, to adopt a local policy to honor that expulsion from the previous school district.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Halvorson.

SENATOR HALVORSON:

Because my issue here is I would like to see local control. So what you are saying is that local school board gets to say. Because let me tell you another scenario. In my district, even in one town, I have two high schools that serve that one town, a lot of people living in apartments. They can move out of one apartment because they got expelled, move into the other district. Now, this superintendent has the opportunity not to have to take them, but if they do not have alternative schooling available, that school district now has to pay to send that child somewhere. I guess what I'm getting at is this is a two -- I voted for your bill before, and I probably will again. This is not the issue. I think this is more far-reaching than that. This is about we do not want our young people on the street getting into trouble, never being able to get back into school. So I would hope that somehow I would encourage you to take on the issue of alternative schooling, because several of my superintendents have now lost funding. They have to close their alternative schools. And if they have someone that's been expelled, they have to pay probably three to four times the amount to put that child in -- in an alternative school, when our school districts can't afford to keep their doors open as it is. So there's a real problem here, and I understand what you're trying to do. That helps superintendents of close districts. So I'm just encouraging you to possibly take on this issue of alternative funding and what we're going to do about that for our children that could be put out on the streets.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I want to pick up on some of the points made by previous speakers. It seems to me we're --

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Senator, you're talking about -- let's just talk about suspensions now. And you're talking about some of the most serious cases of -- of children causing problems. And am I correct in assuming what the Governor's veto message is saying is that when a student is expelled from a school for a very serious problem or offense, it should be mandatory that alternative schooling is provided. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I believe the -- I believe the Governor's message says that that's his concern, that he would like to see that alternative education basically is mandated for a child that's expelled. That's a whole nother -- that's a whole nother issue. That's a whole nother issue about dealing with... The -- the universe of kids we're talking about here are only those that have been expelled that try to get back in school very quickly before their expulsion has -- has run out or expired by trying to transfer into another school district. Very narrow range of students here.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

But I think it's that narrow range of students that the Governor was concerned about and that I think we, as a Body, should be concerned about. Our concern should be -- these are the most problematic students in the whole State. It would be irresponsible for us to not make sure that instead of, after being expelled from school, they're just walking the streets with nothing constructive to do, but are in a -- a sound, supportive alternative school system. And I just think that makes sense, and I would therefore urge my colleagues to vote No on your motion. I think the Governor got it right.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you -- thank you, Mr. President. Just to -- couple of questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR SHAW:

What -- what is the -- is there a age limit on this when you -- say that a -- say that a six-year-old finds his father's gun or something at home, comes to school and the principal or the board expels him. Do we -- just kick him out, or her out, and leave 'em on the street? What does this bill do?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

The language of the bill does not have any age stipulations in it, Senator. I think that matter that you're describing there would be considered at the expulsion hearing at the local school district when they considered the age of the student and the type of violation that the student -- that the student committed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Could you tell me, what is the purpose of alternative schools?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

My understanding of the purpose of alternative school is to provide a different environment than the general public school to help students that are struggling with the -- the regular public school, to provide an alternative environment in which they can

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remain in school and complete their educational process or continue their educational process until such time they are ready to reenter the regular public school setting.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

But under this bill, there -- it's not mandated that the local superintendents or board would have to -- that these students would have to be accepted in a alternative school. They would be left high and dry on the street.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Again, that would be the local district. You're correct. The bill does not mandate that they be placed in alternative school if they are expelled. I think that would be, again, the local decision made by the expulsion board when they were dealing with the circumstances that precipitated an expulsion hearing. What this bill does is says that the second school, the -- the school that would receive this transfer student, can adopt a policy to deal with that situation if they get one of these students that's been expelled, tries to come to their school. Pretty few and limited number of students that this is going to apply to.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

I know that none of us here advocates the violence and disrupting of -- of various educational institutions, but it seem to me, as when you come up with a bill like this, certainly you are closing the door on a lot of students around this State, and some of those students could be helped. And what we are -- we are closing the door in terms of education, and this bill, it would

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probably be -- open the door wider for the various penal institutions in this State because you have all these young people on the street that -- that would not be able to get into alternative schools. And I think the very purpose of an alternative school, the way it was set up by this Body, is to try and help those students, and those teachers and educators that are in those alternative schools have special training to deal with the issues that you are talking about. And some of those -- some of those students maybe deserve to be expelled and maybe deserve to be completely out of this system. I understand that, but I think this bill is too far-reaching with -- to really do what you have in mind. It's doing what you have in mind and more. And certainly I -- I think it's -- it's a bad concept from the way it's written now. And I -- I really believe that probably we -- we need to listen to the Governor in his wisdom and maybe you need to bring this bill back next year for some study and look at it and talk to the various superintendents and -- and parents around this State and get a better handle on it. I would urge a No vote on the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shadid.

SENATOR SHADID:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR SHADID:

Would this -- what you're proposing, would that allow a student who's expelled to be tutored at home by the school district?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

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Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

It would allow for that student to be tutored at home then, by the parents or a tutor?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

Would -- would the district pay for that tutoring, do you know?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

My understanding is that the district probably would not pay for that, because this is an expelled student.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

Then the -- the district would not pay for that tutoring or that expense. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR E. JONES:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

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SENATOR E. JONES:

Senator, could you -- could you tell the Body or explain to the Body the various reasons why a student would be expelled from school? 'Cause you keep talking about violence only. I want to know the other reasons why a student would be expelled from school.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Well, I -- I think currently, now, local school districts look at the behavior of a student in a school and see what type of offenses have -- have been committed. The most common, where a student is expelled from school and the second school can object to the admission of that student, have to deal -- have to do with guns, have to do with personal assault of school personnel, and have to do with drug crimes. Those are the ones most frequently that result in expulsion of a student, and current law allows school district B not to accept the student from school district A. I mean, the bottom line here is, why should my school district have to accept a student from another school district when that school district has expelled the student and said you don't belong in our school for a period of time because of the offense you've committed? Why should we force that student on another school district?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

Well, only reason I'm addressing the issue is because -- I mean, you kept talking about someone with gasoline and violence, and I had the occasion to visit an alternative school and I was shocked to find out that you have students in third, fourth and fifth grades, sixth, seventh, eighth grade have been expelled from

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school. But a -- they provided an alternative school because these children -- parents were involved in drugs, they're tied up with drugs. And what you're saying, just throw 'em to the wolves. Well, I think, as a society, we should try to attempt to save those children, rather than hit all of them with the same brush. So each circumstance is different, but you -- you keep talking about violence and guns. But children are expelled because they may have drugs on their person, their families, their culture's involved in this, and so we should be about trying to save them, rather than just throw 'em to the wolves. And you can't hit -- you cannot hit all children with the same brush. And that's what you're doing. We should attempt to provide a alternative education for those children so that we can attempt to save them, not be in a position where we've got to continue to build more juvenile institutions and more prisons. And -- and I think the Governor saw that and that's the reason why he vetoed the bill. And I think we should, you know, listen to the Governor and sustain that veto and come back with another measure to try and correct it. But hitting it with a broad brush like this, you're not helping; you're -- you're making the situation worse.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Watson.

SENATOR WATSON:

Thank -- thank you, Mr. President. I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson has moved the previous question. There are one, two, three additional speakers. Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I simply rise in support of this fine piece of legislation. You know, I'm getting tired of hearing

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about we can't do this, we can't do that, school -- kids have got to be in school. They do need to be in school, but there's a reason that they're expelled. And what Senator Sieben has tried to do with this bill is to put it back to local control: local school board control, local administrator control. Students are expelled for a reason. This bill does not treat every child the same. It gives a school board the discretion to decide what they want to do when putting those kids back in school, or allowing them into school. You know, if kids are expelled nowadays it's not for tardiness, it's not for mischievousness; it's for a lot of other issues. And this gives discretion back to a local school board to do what's in the best interest of all of the students of the district, not one. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Obama.

SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR OBAMA:

I've got a couple of questions, Senator Sieben. It's my understanding -- I recognize that this bill is not designed to deal with the issue of alternative education. I actually had a bill last year that was designed to deal with the issue of alternative education that didn't go anywhere. I think we still need to move on that. So -- so this bill is not designed to address this. What the bill is designed to do is essentially, as I understand it, to give a school board the capacity to block the admission of a student who's now living in that -- that new school district, but has been expelled from the previous district. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Sieben.

SENATOR SIEBEN:

Yes. That's correct, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

I -- I respect what the previous speaker mentioned in terms of that a lot of these expulsions are pretty serious situations. And I might not want that student learning next to my daughter, let's say, in that school. But I want to point out - and -- and let me frame this as a question - as it currently stands, the school board already has authority not to admit the expelled student if it falls within the categories that have been enumerated in the bill. Am I correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

That's correct. Current law allows that school district to block the admission for drugs, guns, assault of school personnel.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

So, if I'm not mistaken then, basically violent -- if a student has committed a violent crime and is expelled for that reason, then the local school board of the new district is still able to bar that student from admission. Am I correct about that, or am I incorrect about that? That's what I -- that's what I'm asking, Carl.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I -- I think it's fairly specific. It doesn't -- the violence

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would have to meet the criteria in the bill. I don't have that language here, but... Is the mike picking up now?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

The current statute is pretty specific about gun violations, assault violations and drug violations. So you're -- I think you mentioned violence, which might be a broader term than the assault. And it's assault on school personnel. So those are the three that...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

So, if that's the case, then -- then am I correct to say, then, that really what you're trying to deal with, and -- and I may be incorrect about this, but -- but really what you're trying to deal with would be situations that we might all agree are violent situations, but don't fall within the parameters of this specific bill. Am I correct about that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

That's correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Well, here would be my suggestion -- the -- and -- and obviously you don't have to adopt this, but -- but I think that one way of getting at the same problem might be to further enumerate the categories that would justify a new school district not being forced to accept the new student because, for example, it -- you know, I think it was already mentioned: Arson, we

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might all agree is a pretty serious offense and we don't want a -- a child potentially who's been engaging in arson to have to go to this new school. Right? The problem that I see, in terms of just the way the bill is crafted, is that what you have is the potential for -- let's say, a student who has been expelled from a school because of delinquent activity, but nonviolent activity. Let's say that they were found drinking on school grounds or they, on a pretty consistent basis, have -- have not gone to school, et cetera. They're eventually expelled. The parents move. They've turned over a new leaf. They've decided, you know, they want to now really take their school situation seriously, but as I understand it, under this bill, potentially they would be barred from going to school in that new -- new school district. And I think that's the concern that a lot of us have, is that this is sort of a permanent bar irrespective of the -- the rationale or the reason for the expulsion. Now, I notice this gentleman here is shaking his head, so maybe I'm wrong about that. Describe to me what would prevent the new district from refusing admittance of a student who hasn't engaged in violent activity, hasn't done drugs on a -- on school grounds, haven't -- doesn't have a weapons possession charge against him, but has nevertheless been expelled. Am I not correct that the new school district could potentially still bar that child from going to school in the new district?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I think the way the language is drafted, if that new school district had a policy, it would determine what action they would take when they considered the transfer student coming to their district. They would look at the reasons for the expulsion from the previous school and based on the policy that they had adopted in their school to deal with the situation. Again, this only

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deals in a situation where you have a student that's been expelled that's trying to transfer into a new district before the expulsion has expired. So, based on their policy, if they had one, and I -- you know, I'm not sure every school district in the State's going to take the time through their school board to debate the issue of transferees and have some kind of a policy that goes beyond what current -- current law provides.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Just in closing then. I -- I guess I think you -- you made my point with your last statement there, and -- and that is, I think most local districts -- if I'm a local school district, I'm not necessarily going to engage in some sort of nuance policy making and debate, at my local school board level, how should we deal with this, what are the exceptions, when should we admit a child who's been expelled, when should we not. It's going to be much easier for me, as a local school board member, just to say, "You know what? If they've been expelled somewhere else, we're not going to take 'em. Period." And my suggestion, I guess, would be that that may be appropriate with respect to statewide policy when it comes to violent offenders, drug offenders or gun offenders. Where I -- I think it may not be appropriate is situations where there's been an expulsion as a consequence of alcohol consumptions, smoke -- smoking on -- on school grounds, violation of other school policies, but that child is basically ready to go back to school and now is prevented from doing so until their expulsion runs out. For that reason, I'm going to vote No, not because I don't appreciate the concerns that you have, but because I think you can draft a better bill that gets at the same issue. Thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Final discussion. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. There's been a lot of discussion about this, and I'd like to -- I just, first of all, rise in strong support for the override motion, and urge my colleagues here to consider the narrow question that we're -- that -- that is put to us by this legislation. Now, first of all, in response to one of my colleagues' questions, a child -- a student who's been expelled from a school can unilaterally, on their own, go and seek enrollment in an alternative school. They need not have, as their only mechanism to get into an alternative school, a recommendation by a school board. Secondly, at the expulsion hearing, the school district -- that local school district can make a recommendation, if asked to do so, about alternative schooling. But all of this discussion, if -- with all due respect to my colleagues, is really sort of ancillary to the main and narrow issue in this bill. And the main and narrow issue in this bill has to do with safety of students, security of students and a wholesome learning environment. That is the overwhelmingly most important issue in this bill. Everybody in this Chamber agrees that that's the kind of environment that should exist and we should promote in our schools. This bill is simply about honoring the punishment that was handed out by school district number one when the student seeks admission into school district number two. It's very simple. And when that school district number two is faced with a child who may have committed some violent offense, I think all of you if you have a student or you represent families who have students in those districts, I think they have a right to have that punishment that was originally directed to and imposed on that student, they have a right to have that punishment carried out for the safety and security of the learning environment. I urge your Yes vote.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben, to close, briefly.

SENATOR SIEBEN:

I think Senator Cronin articulated the issue very, very well. It's all about safe schools. It's all about trusting local boards of education to make decisions and administer the appropriate -- the appropriate justice in these circumstances. I think the issue of alternative school is another issue. Certainly alternative schools are important and we need to find ways to have students in alternative schools, but I think we need to support those local districts. When you have a situation with this type of a violation and that student seeks to transfer into another school, we need to support that original school's decision that prompted the expulsion. I'd ask for your Aye vote on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1426 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 30 Ayes, 28 Nays, no Members voting Present. Senate Bill -- the motion fails. Senator Molaro, for what purpose do you arise, sir?

SENATOR MOLARO:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point, sir.

SENATOR MOLARO:

In the President's Gallery to your right are students from John Marshall Law School, soon to be new lawyers of the great State of Illinois. Like the Senate to welcome them, if you may.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be welcomed by

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the Senate? Welcome to Springfield. Senator Trotter, for what purpose do you arise, sir?

SENATOR TROTTER:

Thank you very much, Mr. President. Just like to make note, I would have desired to vote No -- it was my desire to vote No on the last initiative. I don't have a key. Someone has taken my key out of here, so...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter, the record will indicate what your intent would have been. Thank you, sir. All right. Middle...(microphone malfunction)...middle of page 8. Motions in Writing to Accept the Specific Recommendations for Change. Senate Bill 810. Senator Karpziel. Senator Karpziel moves -- I'm sorry. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 810, in manner and form as follows:

Amendment to Senate Bill 810

in Acceptance of Governor's Recommendations

Motion filed by Senator Karpziel.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The Governor's recommendations for change, I think, made a great deal of sense. The bill calls for a income tax credit for start-up costs and operating costs for companies that have on-site day care facilities. The amendatory language in the -- the Governor's message simply said that these day care facilities must be in the State of Illinois. In the case of multistate corporations, we're talking about only the on-site day care facilities in the State of Illinois, which, of course, was our intent and -- and I'm glad that he spelled that out.

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Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel has moved to accept the specific recommendations of the Governor as to Senate Bill 810. Is there any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 810, in the manner and form just stated by Senator Karpziel. 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, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The specific recommendations of the Governor as to Senate Bill 810, having received the required constitutional majority vote of the Senators elected, is declared accepted. Page 8 of the Calendar, on the Order of Motions in Writing to Accept the Specific Recommendations for Change. Senator Silverstein, with respect to Senate Bill -- I'm sorry, 1382. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1382, in manner and form as follows:

Amendment to Senate Bill -- pardon me, 1382

in Acceptance of Governor's Recommendations

Motion filed by Senator Silverstein.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. Chairman. This is a technical change, which the Governor made -- Governor made to make it -- make it consistent with existing statutes. I know -- no opposition and I felt it was a good change by the Governor.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Silverstein has moved to accept the specific recommendations of the Governor as to Senate Bill 1382. Is there any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1382, in the manner and form just stated by Senator Silverstein. 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, Madam Secretary. On that question, there are 59 Ayes, no -- no Members voting Nay, no Members voting Present. On that question -- the specific recommendations of the Governor as to Senate Bill 1382, having received the required constitutional majority vote of Senators elected, are declared accepted. On page 8, once again, of your Calendar. On the Order of Motions in Writing is Senator Wendell Jones with respect to Senate Bill 1404. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1404, in manner and form as follows:

Amendment to Senate Bill 1404

in Acceptance of Governor's Recommendations

Motion filed by Senator Wendell Jones.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Wendell Jones.

SENATOR W. JONES:

Yeah. Once again, we think the Governor has improved the bill and we would concur, and ask for a unanimous Yes vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1404, in the manner and form just stated by Senator Jones. Those in favor will vote Aye.

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Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The specific recommendations of the Governor as to Senate Bill 1404, having received the required constitutional majority vote of Senators elected, are declared accepted. All right, Ladies and Gentlemen. Top of page 2. Senate Bills 3rd Reading. Senator Radogno, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Radogno does seek leave of the Body to return Senate Bill 1869 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1869. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Radogno.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This amendment simply extends the deadline on the Recycled -- Content Products Task Force. We passed this law two years ago, and the task force has not yet met. They are prepared to begin to do so and this simply extends the deadline to January 1st, 2002.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator, this bill -- this...

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch, excuse me just a minute. Excuse me, Senator Welch.

SENATOR WELCH:

Thank you. Senator, you said that this task force has been in existence two years and they haven't met yet, so they need another year. What's -- what is the problem?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno.

SENATOR RADOGNO:

As I understand it, from speaking with DCCA, who was the agency that's to conduct the hearings, the appointments weren't made. They're made now, and so they are prepared to begin to meet.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Who didn't make their appointments?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno.

SENATOR RADOGNO:

I don't have the answer to that right now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, Senator Radogno has moved the adoption of Floor Amendment No. 1 to Senate Bill 1869. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Again, top of page 2, is Senate Bill 1867.

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Senator Watson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1867.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Frank Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. This is the legislation that deals with sales tax on gasoline. We debated this yesterday, and I understand the Economic and Fiscal Commission had a hearing this morning. This deals with sales tax and taking the sales tax off permanently. As all of you know, we had the Special Session the Governor called in June. We put a six-month temporary elimination of the sales tax. That sales tax will be reimposed as of December 31st - or actually January 1st, midnight - if we do not do something during the Veto Session. So, that's why we're here today. We feel -- personally, I feel, and I think, hopefully, the vast majority of you also agree that this has been a very effective sales tax elimination and will be able to support this. And I'll be glad to debate and discuss and answer questions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Senator, I'm going to vote for this, 'cause I -- I am on the -- the border and we do want to be able to compete with our sister

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State of Iowa. But I do have a couple questions, if the sponsor would yield. And first off, Senator, is we have just went through a tremendous Illinois First program. We have fixed a lot of roads. We have put in new roads, et cetera. And I'm concerned for the future as to how we're going to pay for the maintenance of those roads that we put in. Have you considered, or would you consider, an amendment that could maybe have a little bit of the best of both worlds? If the price of gasoline's a buck and a half and we take this tax off for the future, we're saving motorists seven and a half cents. If we could put a two-cent motor fuel tax increase in there, which could go to our roads, we still are giving the consumers five and a half cents, if, in fact, that price is passed on to the -- the motorists. Would you be willing to entertain a motion to -- to that effect if it gets over to the House?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, I'm not sure that I would be. And let me just tell you why. The Motor Fuel Tax Fund has -- has benefited a great deal from -- from the elimination of the sales tax. The -- the motor fuel tax is in place, nineteen cents a gallon. That stays as it is. We've seen in Illinois, in July alone, seven million new gallons of gasoline pumped over the previous year. If we annualize that out, that's roughly thirty million dollars a year that is now being made available to the Motor Fuel Tax Fund that they didn't have prior to the elimination of the sales tax. So I'm not here advocating for an increase in the motor fuel tax. I'm here advocating for some tax relief for people in this State.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

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Second question, Senator. Is the ethanol subsidy removed in this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes, it is. That's -- that is unfortunate. I come from an area that agriculture is a big part of my district. I know a lot of you do, too. There is an incentive in the -- the former sales tax that we had on -- on gasoline and -- and motor fuel, but when we eliminated it July 1, why, then the -- the gasohol impact took place. And what -- the incentive is a formula by which there's a rebate based on -- on the number of gallons that's pumped of ethanol and the sales tax that's charged on ethanol, and it amounts to about two cents, I believe, a gallon. Something like that. So they get an incentive. When we take that sales tax off, we've eliminated that, except on the local tax, which is 1.25 percent, which still remains. They do have the incentive there, and it's, of course, not as great as what it once was.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Just in closing, and I think it's something that I would like to pass on to all of my colleagues in -- in support of the bill. You know, whenever -- there was a lot of debate whenever we took off the sales tax whether we're going to see any reduction at -- at the pump. That's debatable, whether we saw the full five percent at the pump. But I will guarantee you one thing, that if we don't pass this bill and the price of gasoline on December 31st is a buck and a half, we know that on January 1st it'll be a buck fifty seven and a half cents. So we definitely will see the increase where we may not have seen the reduction. And I -- I urge an Aye vote.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I rise in opposition to this bill, and I think Senator Jacobs just made a good point, which really highlights the fact that -- underscores the fact that this was a bad idea in the first place. We've gotten ourselves into this mess by -- by doing this and now in a situation where, while the decrease might not have been seen, the increase surely will in January. But back in the spring when we removed the sales tax, we said a couple things: We said that this would be a revenue-neutral bill, that this would increase sales of gasoline, that it would be passed on to the consumer. And I argued then that those things really weren't true. And what's different now is we have a report that proves those things were not true. We asked the Economic and Fiscal Commission to look into these things, to answer some questions, and I think the answers are very startling. And if you read the report, it makes it very clear that this is not a policy that should be -- should be implemented any further. The report asked whether there was a reduction, whether that reduction was passed through to the motorists. They said it was hard to -- to pinpoint that, maybe in the beginning but not clear that it was passed on later. The report asked if the -- the reduction was maintained throughout the period. The report says there were no definitive findings that it was. And then the report asked the question if the sales tax reduction resulted in an increase in total gallons of motor fuel sold. And you know what they said here? No identifiable {sic} (identifiable) relationship was identified. Then, what about ancillary sales? Was there an increase in total ancillary sales as a result of this reduction? And again, what the report said was no, they did not find that. You know what they did find though? The only -- the

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only thing that we know for sure is that we lost a hundred and seventy-five million dollars in revenue. And I say to you, Ladies and Gentlemen, we can't afford -- we couldn't -- didn't afford it then and it's going to be harder to afford it in this next year, because we're going to be talking about somewhere between three hundred and four hundred million dollars of lost revenue. We have many, many problems in this State that we need to face and the gasoline tax isn't really -- isn't even among the top ten. We need those revenues to -- to do a better job of funding our schools, to repair crumbling classrooms, to fund the early intervention program, to fix a -- a faltering mental health system. The -- the list is endless. We need these resources. We can't afford to be doing something that our data has shown has not had an impact on the -- on the price of gasoline. You know, we talked last spring about what the causes were of the increases, and we talked about the problems and the price and the -- the -- the quantity of gas, that there were gas line problems. That was found to be true. There was problems with reformulating the gas; that made it more expensive. But the other thing to remember is even with those things, all the studies showed that in the Midwest, our prices were higher than they had to be based on those things, and as a result, the Federal Trade Commission is studying this. And their -- and looking -- their preliminary findings say that it's very likely, or could be likely, that there was illegal price-fixing going on. So I think it would be extremely irresponsible for us to continue this policy when we know it hasn't worked and we know that implementing -- implementing it will put in jeopardy important, important programs. So I urge all my colleagues to vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

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...Mr. President. You know, it's kind of interesting. I have the Illinois Economic and Fiscal Commission report also. And I kind of read it differently. I read that a survey taken not...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. I read that the survey that was performed and answered by those that are in the business, and not as an interpretation by the Commission, shows a little bit different. It shows that eighty percent of all those that have reported increased fuel sales. Eighty percent of those that surveyed increased fuel sales when this tax went off. But also the fuel prices - ninety-eight percent had lower prices than they had before. I mean, that's -- that's significant to me. Almost ninety percent affected at the fuel pump, at least made it at least competitive somewhat with their neighbors and everything else, and that affects their prices. I think that's significant. When you look at the competition, does it make 'em more competitive? Eighty-seven and a half percent of those dealers and the gasoline operators said it did make them, finally, more competitive. What else can you ask for? When they asked for more sales and other goods, such as your food and drink and that, over seventy-five percent showed increase in sales. And there were like 4.17 percent that had other increases that I didn't even include. Lottery sales increased. Business changes - that over seventy-seven percent, their businesses improved. Now, boy, if that doesn't tell you something. And that was the answers from the very people that we're supposed to be doing and as savings to our consumer. I don't know how we can argue it. I ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The Associated Press requests permission to take still photos.

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Is -- is leave granted? Leave is granted. Further discussion?
Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. It's amazing, the comments from the previous speaker, my dear friend. Of course, the statements that you made were true, but you're asking -- you're asking the fox, who's watching the henhouse, how did he do? Of course, he's going to say he didn't eat the chickens. Of course, he's going to say everything's all right. You can't ask the gasoline station owners about this and think you're going to get an answer. I believe Economic Development {sic} and Fiscal is an honorable group. I believe, in the past, you have found them to be honorable and credible. But now, all of a sudden, because you want to give a big break to the oil companies, Economic and Fiscal's numbers, all of a sudden, are not reliable and dependable. I also read this report. In fact, I was up last night reading this report. And I sit on Economic Development {sic} and Fiscal. And time after time after time again, they say nothing good has happened to the consumer since we made this reduction. Nothing. And I remember Senator Watson standing over there saying if gallonage does not go up, we're going to beat the oil companies over the head. And guess what, Senator Watson? No increase whatsoever. In fact, this report from Economic Development {sic} and Fiscal says it's been a decrease. In addition to that, the Bureau of the Budget, the Governor's people, your guy is saying that this is a bad idea because it has not been passed on to the consumer, nor has it helped our economy. So we're going to willy-nilly get rid of three hundred and fifty million dollars that's been coming into the State. And what are we going to replace that with? What are we going to do? I challenge each of you who campaigned on being fiscally responsible, fiscal conservative, to take into account that this is not fiscally responsible. Why not take another two

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months and -- and get the data so that we can see if, in fact, there has been a benefit for the citizens? I'd like to ask Senator Watson a few questions. I wish he would yield. I hope he will yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator Watson, did you stand on this Senate Floor and say that if gallonage was not increased within this State, that you would be back here advocating that we reinstate the tax on big oil?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson. Senator -- Senator Watson.

SENATOR WATSON:

I'm not sure I totally understand his question, but, no, I wasn't here. We were over in the Howlett Building, I believe, when -- when I made that statement. But...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Here, there, wherever. Did you say it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Watson.

SENATOR WATSON:

Yes, it's -- yes, I -- I made that comment. And I think I will live by that, and I'm willing to discuss that and debate that, because from the indication that we have, the number of gallons, as I mentioned, July - we don't have a lot of information available; I'll grant you that - but in July, seven million more gallons of gasoline were pumped in Illinois than they were the previous year. Now, that's an increase, to me. And in most people's mind, I think seven million dollars is a significant

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-- seven million gallons is a significant figure. I think I can live with that. And I think this has worked. I think it's been very successful. I think it's doing exactly what we intended it to do.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

I'd like to refer you to page 24, if you would. You have the report in your hand there. It says in summary -- and this is for the other Members who do not have this data -- this information, and were not in Economic Development {sic} and Fiscal. It says, "In summary, of the limited data that does exist, no identifiable relationship is evident thus far between the tax suspension and fuel sales. Clearly, (several) more months of data are needed before even preliminary conclusions can be drawn as gallonage data lags approximately two months." Is it fiscally responsible, Senator Watson, to move forward with this today without the necessary data to bear, one way or the other, out what the conclusion should be? Is it fiscally responsible to move forward?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, if we don't -- if we don't do it now, if we don't do it during the Veto Session, it doesn't get done. And the tax will come back on January 1st. So we have this two-week window of opportunity to make this available to the citizens of Illinois, and that's what we're trying to do here today. If we don't do it now, the tax goes back on and it'll be the largest tax increase on motor fuel in the history of this State. Happy New Year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

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Well, I intend to have a happy New Year, Senator. But it -- when we return in January, can't we, at that time, since we will have all the information -- I want to remind you that I voted for this before. In fact, and I know you're tired of me saying this, but I was the original sponsor and it got bill-jacked. Republicans carried it, and I have no problem with that. I wanted it to pass so that the savings would go back to the citizens. I will vote for it again - not today. But I will vote for it because I believe in tax decreases for our people whenever we can, but there should be guarantees that it gets to the citizens. So can't we come back in January after we have all of the information? And all of us made a commitment to our constituents that we would do -- be responsible legislators, we would get the right information before we take votes on these various issues. Can't we come back in January, once we have all the information, and vote one way or the other to eliminate the tax? Can't we come back in January and do that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, the Session begins -- second Wednesday we'll come back in. Some of us will have our hands up and be sworn in for another two years. Others of us will be here for additional two years without an election. We could start that process all over again. Personally, I'd like to see us go uninterrupted. I'd like to see the tax remain -- the sales tax elimination remain without any -- interruption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. I'd like to also turn your attention to ancillary sales, Senator Watson. I recall you said on this

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Floor and in the Howlett Building, when we had to move, that ancillary sales, the sales of other merchandise, would increase dramatically. I'd like to turn your attention to page 25 and if you see the sampling chart there, you will see that ancillary sales, in fact, have gone down. So the revenue that you promised all of us would be increased from the additional sales based on reducing the tax has, in fact, gone down. How can you now justify, or do you still maintain, that ancillary sales will be increased and that way the State will get additional monies in through those sales? Or are you saying that Economic Development {sic} and Fiscal don't know what the heck they're talking about?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Watson.

SENATOR WATSON:

Well, one thing that I think happened is you didn't get all the pages, because if you turn to page 30, the question -- direct question is asked. Was there an increase in ancillary sales at motor fuel tax -- or, motor fuel establishments? Food, beverage, Lottery tickets, et cetera. Over thirty-one percent respondents believed merchandise sales increased between zero and five percent, twenty-seven percent indicated sales increased between five and ten percent, and over sixteen percent that -- said that sales increased more than ten percent. And then Lottery sales, obviously, increased accordingly, too. So, I mean, this is the survey that was done that they used to establish the summary. So this is the actual information. And I think it concurs that, yes, indeed, ancillary sales have gone up and there's been an increase in the traffic in our convenience stores and our gas stations throughout this State. You get more traffic, obviously people are buying more soda and sandwiches and hot dogs or whatever it is they're selling. And as a result, those sales go up, so does the tax revenue. And it's a benefit and an offset to the loss of

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revenue that some people have said we're going to incur.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Senator Watson, I have page 30, and in all due respect, once again, as I said to my dear friend, Senator Klemm, you -- the -- the survey that you're referring to was not asked of the consumer. The survey was asked of the people who want this tax off. You ask the gas station owner, he'll tell you whatever you want to -- want to hear. If you were down in Florida right now, if you asked a Republican should there be a recount, he'd say no. If you asked a Democrat, he'd say yeah. So you can ask -- you can ask the -- the gas stations all you want. They're going to give you the answer that they feel is in their best interest. And Economic Development {sic} and Fiscal has pointed that out time and time and time again. If you ask the consumer, they'll say no. Potato chips cost the same. Everything costs the same. They're not -- there is no benefit whatsoever. In my community right now, if you wanted to get some premium gasoline, it costs you a dollar ninety-two. If you want to get regular, it costs you a dollar eighty-one. That's exactly the same as it was before we passed this decrease in the first place. I support the decrease, but if it does not get back to consumer, it is absolutely wrong. In addition, let me say this in conclusion. To vote against this today is like a no confidence vote against Governor Ryan. That's what it is. It's a no confidence vote against the Governor if you vote with Senator Watson. If you believe in our Governor and what he's tried to accomplish, if you can't vote -- vote with us, at least vote Present. Don't vote a no confidence vote against Governor Ryan.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz. Senator Dudycz.

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SENATOR DUDYCZ:

Mr. -- Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz has moved the previous question. There are eleven additional speakers. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I'm -- I'm just trying to figure out which side of the aisle I'm on. Hint. Let me be very brief. Senator Hendon, you've had your opportunity. You keep talking about January. Perhaps we ought to come back in December. We don't have anything else to do this year. Perhaps maybe that'll be your next line. I want to reiterate just very briefly what I said yesterday, and that was that the -- Missouri -- State of Missouri is complaining, obviously, because of the fact that they have lost business. And the idea with respect to this was not only to help the consumer at the pump, but more importantly, it seemed to me that the major thrust of this -- of this bill was to bring competition back into the State of Illinois. The Post-Dispatch, as I indicated yesterday, gasoline sales in Missouri dropped 1.8 million gallons to fifty-six million, or an eight-million-dollar -- I'm sorry, or eight million gallons less. And it seems to me that we've gotten some of that competition back. I'd like to read another paragraph from another group that is in support of -- of this particular action - and I know very well we haven't had, really, ample time for us to examine the total impact that -- that the revenue has had to the State of Illinois - but one of the trucking associations that I have in front of me here says that prior to the repeal of the Illinois -- Illinois' reputation as a high-tax state penalized Illinois' intrastate truckers who could not travel to the surrounding states to purchase lower-taxed fuel. The unfair advantage forced Illinois truckers to compete against out-of-state operations that could afford to charge lower rates.

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The sales tax repeal has resulted in a more level playing field for our State's trucking industry. And more importantly, it indicates that feedback from some of their two-thousand-seven-hundred-member companies is that they see more diesel sales in Illinois locations and that the word among the over-the-road truckers is getting out that Illinois is no longer a pass-through state where you don't buy fuel. And it seems to me that it would take a few more months to get the trucking companies and their drivers to change their buying habits, but it seems to me that we've had some impact. Now, I would like very much to perhaps see that this bill, too, would have perhaps an extension of another six months till we get -- so that we could get further accurate numbers in order to make a -- a fully informed decision. The fact is, that is not before us today. This is a total repeal. So it seems to me that we who giveth can taketh away. And, therefore, if you, in fact, reduce or eliminate the sales tax on gasoline, if, in fact, it indicates to us that there is some problem with that, the Legislature's still in Session - we could always reimpose and go back to where we were previous. Finally, I would like to ask Senator Watson a question, if I might.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Demuzio.

SENATOR DEMUZIO:

My final question is, this bill is effective immediately upon -- effective immediately upon becoming a law. Does that mean -- perhaps, Mr. President, perhaps, I should pose this question to you. Does it take thirty-six votes to pass this bill today? Mr. President, let me pose that question to you, since it has an immediate effective date.

PRESIDING OFFICER: (SENATOR MAITLAND)

It does, Senator Demuzio. Further -- further discussion?
Senator Obama.

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SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR OBAMA:

Senator Watson, a lot of these arguments have already been made, so I'm -- I'm going to be relatively brief. The first thing is, do you know how many of these surveys were actually sent out and returned that we've been basing this evidence on?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

I do not have an exact figure, but I know that the -- those that participated said it was overwhelming the number of people that responded.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

My understanding -- and -- and I don't have it in front of me. My understanding is, is that survey was sent to approximately sixty petroleum marketers. Forty-eight were returned. That's out of seven hundred and ninety members of the Petroleum Marketers Association. That doesn't even include persons who aren't members of this association. So I just want to make clear that in addition to Senator Hendon's point that they may be somewhat self-serving in making these reports, this also is an extraordinarily small sample of gas stations across the State. And so I don't think we can give too much weight to that particular evidence. The second point that I'd just make -- like to make, very briefly, is that there is an organization, the Illinois Tax Accountability Project, that is in the process of

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trying to track the gap between wholesale prices and prices at the pump during the period since we took this -- we removed this tax, and what they have found so far - and the study is not yet complete, but apparently it appears that any decline in prices at the pump have been perfectly matched by declines at the wholesale level. That is, that what you essentially can attribute declines in prices to are declines at the wholesale level, that have nothing to do with the tax. That would indicate, at least at this point, that the elimination of the tax has not been passed on to the consumer. Let -- let me make one final point. And this is -- let me make this point in -- in the form of a question, Senator Watson. You've mentioned that sales appear to have increased by seven million dollars. Is that correct? My -- my question, and -- and, you know, you may not have the data, but do we know, let's say, in the previous year, how much sales increased in terms of gas sales in Illinois?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

From what I understand, the testimony that was given at the Economic and Fiscal Commission this morning said that the sales have been very flat for the last several years, and that, actually, we've seen the bump now as a result of the elimination of sales tax. Surrounding states now, it's just to the contrary; they are actually losing sales. And we have figures from Michigan and -- and Missouri that would -- that would support that. Now, you mentioned those -- the Economic and Fiscal Commission's survey. Now they -- they sent out -- sixty surveys were sent. Forty-eight responded - and their claim here - yielding an impressive eighty-percent response rate. Now, the Illinois Petroleum Marketers Association - which I understand they're -- obviously there's -- that's going to be tainted, because they're

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interested in seeing this because they're going to benefit because their sales are going to go up and their -- their business is going to be better off as a result of it, and the consumer obviously benefits, too - they have seven hundred and fifty members -- which they sent out surveys to, and I'm not exactly sure what kind of response they've got, but I've got a significant number here. And one that I'd just like to mention. And I know that this isn't in my district, but it's in the Metro East area, and -- and -- and a lot of us in that area have seen the success of this. And I think those of you -- most of you who -- who live around the border of the State are going to realize more benefit in this than those of you in the central part. I think that's just -- that's obvious. But, here's one station, in Hartford, Illinois, where its sales went up, in one month, sixty-six percent - in July, seventy-two percent in August, sixty-two percent in September. That's a -- obviously, a very significant increase. And the reason for that is because of the price differential between, now, Illinois and Missouri, and we are now competitive. And, in fact, in some cases, we are -- our gasoline costs are even less. So we've seen the results of this, the benefits of this. And, obviously, we'd like to see this made permanent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Mr. President, the -- I -- I just want to -- I appreciate the response, sort of, and -- and -- but -- but I -- I -- I want to pin down. I don't have any orders of magnitude in terms of seven million dollars of increased sales. What -- gallons, rather. What -- what percentage of that would be in terms of total gallons of sales? The -- is that a huge number? Is that a modest number? Is that one-percent increase, two-percent increase, half-a-percent increase?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

It's in comparison to four hundred and thirteen million, and now it was at four-twenty. So that was an increase of seven. So it's...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

So -- so an increase of maybe two percent, three percent, am I about right about that? I -- I guess -- the reason I'm asking this point is this, that the -- I don't know what the statistics are. Anecdotally, up in Chicago, when I look around, a lot more folks own SUVs than they did a year ago. It's not clear to me that we just haven't increased the amount of gas consumption in this heated economy, so that I can't tell whether, in my area or in the vast majority of areas of the State, there has, in fact, been a corresponding decrease in terms of -- in terms of prices and a corresponding increase in terms of sales. I have no doubt that right on border states, where people basically have an option to drive one mile to get cheaper gasoline across the border, that there is an impact there. The problem is, is that this big hole in our budget potentially is going to impact everybody, not just folks on the border states; i.e., public schools and other services that are potentially benefiting from this money from the General Revenue Fund, they're going to have to take it -- take the hit, despite the fact that potentially they're getting any benefits. My suggestion would be that, if we want to, we should extend the suspension of this tax until we have further data. I originally voted for the suspension because I thought that it was extraordinary circumstances, given the huge hike in prices, but I don't think that we have the evidence yet to make this a permanent

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three-hundred- or four-hundred-million-dollar hole in the General Revenue Fund. And for that reason, I'll be voting No at this time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I am going to abstain. I may have a conflict in this situation. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. You know, when we came back last spring and -- and this initiative was before us, I, like many of us here, were glad to vote for it, glad to say that, one, that we could -- we were going to cut some taxes here in the State of Illinois. And as someone who represents a border district -- right across the street from my district is Hammond, Indiana -- but -- I said this is something that we need so we can be competitive. Well, we haven't been all that competitive. Well, it may be because there's five riverboats right across the street from my district, and -- and cigarettes taxes are certainly lower over there as well, when we talk about ancillary sales. But -- but really what concerns me now, and -- and some of the other speakers have hit on that, and that is the shortfalls that we're going to be seeing next year. It has been estimated that we're going to have a two-hundred-and-ninety-four-million-dollar shortfall in our Medicaid program. We're going to be looking at issues dealing with our early intervention program that has been -- is something that all of us have been concerned about over the past couple of years. And when you add up those shortfalls also with the not so clear issue right now with the intergovernmental transfer for dollars for our Medicaid program that we've been getting from the

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County of Cook through the feds, which is another three-hundred-million-dollar program, and you add that up with a hundred-and-seventy-five-million-dollar loss over the last six months, I think we need to really reassess where we are right now and -- and really look at that and say "Is this the time for us to go even deeper in the hole?" especially when revenue growth in this State, and as much as we hate to admit it, is finally starting to go down. So we -- we have some big issues that we're going to be looking at, not in the next month, but certainly in the next six months and the next year, and we need to be taking that into consideration now. And I believe that all of us at this point, at this juncture, need to be voting No on this initiative till we get more facts.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. My district is one that borders the State of Indiana, and it's a large part of the Illinois-Indiana border. And it is -- has a great effect and has had a great effect on the persons that I know in my district, who actually have -- have experienced the increase in gallonage and the increase in ancillary sales. This reduction or elimination of the sales tax on gas is something that affects everyone who drives a car. In a rural district or in a --- in a more suburban district or in the city, a lot of people depend on that car to go to work, or to go to the doctor, or to -- to conduct the business that they need for their day-to-day living. So I think that this is something we can do to prove to the people of the State of Illinois that we care about them, that we are trying to eliminate a tax on tax. It's something that we can do to help almost everyone in the State who drives a motor vehicle. In addition, I have a very large agricultural area to -- that I

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represent. And I would like to state, too, that I am for our encouraging the use of ethanol. It does give ethanol a problem with this bill, but I think that there are other things that perhaps we can do to continue to encourage everyone to use ethanol and to continue to encourage the corn growers in our State and -- and the very good work that they do. So I would urge everyone to do something for the citizens of this State and something for the folks who are depending on that vehicle for a lot of the activities that they have. I would urge support for it. And I thank you so much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I spoke on this yesterday, so I'll -- I'll try to be brief. You know, I have some problem with my Chicago colleagues here. You know, if you remember, last spring the Governor announced a massive road program in the City - a ten-billion-dollar program in the City of Chicago. Half of that is funded, I'm sure, out of the motoring public, out of this six-hundred-and-twenty-one-million-dollar revenue stream, to retire these bonds. And -- and, you know, if you'll look at the jobs they have up there and -- and what they're doing to their inner-city transportation system, where do they think this is coming from? The motoring public is picking up over half of this cost for these road building and all these jobs in the City of -- of Chicago. You know, we're the transportation hub of the nation here in -- in Illinois. There's literally millions of automobiles -- out-of-state automobiles that are traveling our -- our roads and not spending a -- a penny. Every state that's removed the sales tax from motor fuel has generated additional revenue, not lost revenue. You know -- and they talk about the station operators making so much money. Have you saw a station

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operator look like he was really getting wealthy operating his station? OPEC is the one that's really fluctuating our prices on -- on motor fuel. But with every other state generating additional revenue, I don't see why Illinois would be any different. And I think we need to take a good look at this and -- and do something that's going to -- you know, over half of this six hundred and twenty-one million dollars, I'm sure, is coming from the increase in license fee and restoration fee. And the motoring public deserves some help out of this, especially if it will generate additional revenue. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. As the Co-chairman of the Economic and Fiscal Commission, I'd kind of like to defend them against all of the allegations about this report. Let me point out that, in -- in the report itself, one of the themes that runs through it is that they only had two months of -- of data. They just had data for July and August. So if you look at the -- the ancillary sales, for instance, it says there's no way to accurately compare the periods before and after the tax suspension. If you look at the -- the contribution to pump prices, I think that is more accurate. They did have a couple of -- of months that they could accurately compare it because that's a week-by-week comparison. And at that time the sales tax took place, the degree of reduction was passed on, can't be measured, but the reports to the committee pointed out that -- that it was. If -- if you look at the full report, the information that the report is based on isn't just on the surveys. It's not on those forty-eight surveys. The Commission went to the Oil Price Information Service, an arm of the AAA Motor Club, that has a -- Daily Fuel Gauge Report, which reports on the prices of gasoline. And what they do is they

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project the price of gasoline based on what the station pays for it and what they charge for it. And if you look at the -- if you look at the charts in this report, you can see that the -- the savings were passed on to consumers - might -- maybe not down to the last cent, but between six and eight or more cents, based on the report -- report to the -- to the Commission that was returned to them. In the committee, for the first time I have been there, we did take testimony from -- from somebody who submitted a witness slip. Nobody's ever really submitted a witness slip to that committee, but the Petroleum Marketers came in there and they did testify that there were a lot more sales of gasoline. They also testified -- several members said that they did sell more product. And while you might not believe self-serving statements like that, let's use a little bit of common sense. If you reduce the price of something, you're going to sell more of it. That's basically the economic system of the United States. It's what we have as capitalism. If you charge less - supply and demand - you're going to go where it costs less. That's obviously what's happening on the border areas, as everybody who has a border area seems to be for this bill. So, to me, it seems that we should go along and pass this as a permanent -- permanent repeal. We shouldn't have put it on in the first place. I think that there will be ancillary sales; we just can't tell now, in advance, how much they're going to be. The initial projection was a hundred and fifteen million in sales tax revenue coming in because of the repeal. I think we will get some sales tax revenue from it - may not be that much, but it will a significant sum. So, to me, this tax bill is one that will help those who are poorest the most, those who have to get a car to drive to their minimum wage job. Because when they have to pay this gasoline tax and pay for gasoline, it's a lot more out of their pocket than it is out of ours. We're all making over fifty thousand dollars here. For us

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to buy a gallon of gas, we have more discretionary income than you do if you've got a minimum wage job. So this is one of the best programs to help people who are at the bottom end of the earning scale than any other program we've had through the Revenue Committee, I know that. So I think it's a good bill. I'm in support of Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Noland.

SENATOR NOLAND:

Mr. President, I rise in support of Senate Bill 1867, but I wanted to raise awareness further of the -- of the effect the elimination will have on ethanol sales. And, Senator Jacobs, you mentioned it briefly to -- about that. Many in this Chamber have supported ethanol strongly as an alternative fuel, but unfortunately, one of the adverse effects is the fact that sales tax differential is what gives the retailer the incentive to offer ethanol as a -- as an alternative fuel. Now, more than ever, we need to work together to reduce our reliance on foreign oil. I think this Body needs to pull together and expand all of our alternative fuels, whether it's E85 or biodiesel, as well as ethanol. We can do that and we can expand our economy, improve our -- our environment and reduce -- reduce reliance on foreign oil. So, I rise in support of this, but also, at the same time, in support of expanding our alternative fuels. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Philip. Senator Philip.

SENATOR PHILIP:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Just listening to all this flak the last half hour, forty-five minutes, I started to think, which is always a dangerous thing for the President of the Senate to start to think. This is -- you know, and this -- this product -- this commodity

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may be the most abused, most over-taxed product in the history of the State of Illinois. And I was sitting here thinking that -- that we only had two taxes on gasoline. Well, we've got a lot more than two taxes, and let me refresh your memories, because I know we all don't have very good memories. Federal tax is 18.4. State motor fuel tax is nineteen percent. On diesel, we add another two and a half percent. Collar counties have up to four percent. My county happens to have four percent. Cook County has six percent. Home rule governments are -- some of them have up to five percent. The City of Chicago has got eleven percent. Then we pop on that the State sales tax at six and a quarter. And as you know, one percent goes to the -- to cities, and the quarter goes to counties. When you add that all up, you can't believe it. And if you represent the City of Chicago, or buy your gas in the City of Chicago, you have the highest tax in America, 52.5 percent. So all I can say is we're only taking five percent over. If we ever abused a tax or a commodity -- tell me what else we pop all those taxes on? Nothing that I can think of. Nothing even comes close. And whether you like it or not, we need gasoline. And a lot of low-income people buy gasoline. Now, I used to buy my gasoline in Wisconsin when I'd come home from my little fishing cabin, and I used to buy it in Wisconsin. Well, you know where I'm buying it now? Illinois, and I like it. So there ought to be a lot of green votes up there.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson, to close.

SENATOR WATSON:

Well, thank you very much. Thank you very much, Mr. President. I -- I just want to share my concern and views with the -- some of those who spoke about the ethanol industry in this State, and it's a -- it is a good industry and we're -- we're happy to have 'em, and we want to do everything we can to promote

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ethanol. And Senator Jacobs mentioned some comments about the possibility of other legislation that would bring about the incentive back again, and I'm willing to work with anyone on that regard and -- and would welcome that. Obviously, the corn growers are a big part of -- of -- of this State and agriculture a big part of it and we want to do what we can to promote it. One thing that I've learned from this debate today is -- is that this -- this truly is a spending versus the taxpayer issue. Those people who are concerned about the growth of government and -- and the money that's needed to supply that growth are -- are obviously -- or most of 'em have debated today that they're voting No. When I came here in 1978 election and first year 1979, State budget was 11.6 billion dollars. And I came here to Springfield to hold down the growth of government. Well, I've done a great job, because this current fiscal year the budget now is 47.8 billion dollars. That's an increase of 36.2 billion dollars over twenty years. Now that -- I have -- I have a feeling that the people at the public trough asking for more, and more, and more, have got to be satisfied over the last twenty years, because we've done a pretty good job of growing -- growing the expansion of government in this -- in this State. But what we set out to do and the issue that we talked about last June was two-pronged, as far as I was concerned. And someone said that I mentioned that this was going to be neutral -- revenue-neutral. I never said that. I did say there'd be some offset, and I think that's happening. But one thing that I wanted to do is I wanted to create a tax policy in this State that I felt was fair. And Senator Philip talked about it. We have a tax on tax. That is not good public policy to be taxing tax. And that's what this sales tax on gasoline does. By eliminating it, obviously, we eliminate that problem. Secondly, I think the competitive nature by which we've allowed our businesses in Illinois to compete with surrounding states has had a huge

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impact. And those were the two issues that drove this in the beginning. But what did we hope to -- the outcome would be? We hoped the outcome would be in more sales, and we've proven that. Yes, indeed, there have been more sales of gasoline in Illinois as a result of lowering -- or, eliminating the sales tax. We said that ancillary sales would increase. This is what we hoped would happen. Yes, indeed. The report says ancillary sales have gone up. That's part of the offset. Lottery sales - at those places, convenient stores, sales have gone up. City and county, which benefits from the 1.25-percent tax that remains, benefits from this. The cities and counties have benefitted. Economic development - some of you have told me about your area of this State in which there's a possibility of new -- new gas stations being built because of this. And we're able to compete with Wisconsin, and Iowa, and Indiana, and Missouri. Economic development was hopefully to be realized and it happened. More federal dollars will come to the State of Illinois. Why? Because we're selling more gasoline. So what we set out to do last June has been realized in a very short period of time. Very, very short period of time. And this is a very regressive tax. Many of you who oppose this -- and I recall taking the tax off of food and drugs and the very people that got up and spoke about sales tax and the elimination of sales tax talked about how regressive tax that is. Who does it impact? The low income, the seniors, the poor. That's who it impacts. We eliminate a regressive tax. And another thing that I think we should realize: There's a group out there that establishes what's called the Tax Freedom Day. And every year we work, all of us in this country work to a certain day to establish the ability to fund our local State and federal government. This particular year it was May 3rd. May 3rd - that's Tax Freedom Day. And the Tax Foundation in Illinois says that Illinois is the fifteenth highest taxed State to supply our

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local State and federal taxes. So don't you believe that maybe time is now we give a break to the Illinois taxpayer, the guy and gal who's making this happen and make it work? So let's do it and let's provide enough votes, thirty-six at least, to pass this legislation. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right, Ladies and Gentlemen. As Senator Watson said, it does take thirty-six votes to pass. The question is, shall Senate Bill 1867 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, Madam Secretary. On that question, there are 46 Ayes, 12 Noes, no Members voting Present. Senate Bill 1867, having received the required three-fifths majority, is declared passed. All right, Ladies and Gentlemen, middle of page 7, Secretary's Desk, motion nonconcurrency. Senator Rauschenberger, with respect to Senate Bill 1707. Mr. Secretary, please -- I'm sorry. Madam Secretary, please read the bill. Okay. Senator Rauschenberger. Senator Rauschenberger, oral motion.

SENATOR RAUSCHENBERGER:

Yes. I'd like to move to nonconcur in the House amendment to Senate Bill 1707.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger moves to nonconcur in House Amendments No. 1 and 5 to Senate Bill 1707. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the Senate does nonconcur. The motion carries, and the Secretary shall so inform the House. There is a Supplemental Calendar having been distributed. Supplemental Calendar No. 3. Senate Bills -- I'm sorry, Supplemental Calendar No. 1. All right. On the Supplemental Calendar is Senate Bill 1191. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 1191.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1975. Senator Myers. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1975.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1977, offered by Senators Rauschenberger and Noland.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR KLEMM:

Mr. President, for purposes of an announcement of a committee meeting.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your announcement, sir.

SENATOR KLEMM:

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The Executive Committee will be meeting at 3:30, but will be meeting in Room 400. So it's a change of room assignments. Room 400, at 3:30, Senate Executive.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Klemm. Senator Cronin, for what purpose do you arise sir?

SENATOR CRONIN:

Announcement, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your announcement.

SENATOR CRONIN:

The Education Committee shall meet in Room 212 immediately after adjournment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, sir. Senator Smith, for what purpose do you arise, ma'am?

SENATOR SMITH:

Thank you, Mr. President. To make an announcement. The Democratic will have a caucus at 5 o'clock in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

A Senate Democratic Caucus at 5 p.m. in Senator Emil Jones' room.

SENATOR SMITH:

That's right. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Smith. Is there any further business to come before the Senate? If -- if -- I'm sorry. All right. Is there any further business to come before the Senate? If not, Senator Karpel moves that the Senate stand adjourned until 9 a.m., Thursday, November 16th. The Senate is adjourned.

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