

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "The House will come to order. The Chaplain for today is Dr. Patrick Pajack, pastor of the Tabernacle Baptist Church in Decatur, Illinois. He is the guest of Representative John Dunn, who's with us this morning. Dr. Pajack."

Pajack: "Let's bow together for a word of Prayer. Our Lord, we invoke Your blessing upon this Session. We are thankful for these men and women who have dedicated their lives and given themselves for this State of Illinois. I pray that You would give them wisdom now, and that You would keep Your protective and watchful hand and Your eye upon them, that You would guide the decisions and the discussions and all that takes place, and for all of these things we will praise You and thank You, in Christ's Name. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by Representative John Dunn."

Dunn - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker McPike: "Roll Call for Attendance. One hundred and seventeen Members answering Roll Call, a quorum is present."

Clerk O'Brien: "We're prepared to take the picture now. If everyone will be seated and we can see if anyone's missing."

Speaker McPike: "Representative Harris."

Harris: "Thank you, Mr Speaker, I would just like to compliment the Chair on the trick that was used today of having the photograph at 9:00 o'clock so that we all would be here, but my next question is what's the technique to keep us all here?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "We don't know. Representative Matijevich, do you have some excused absences?"

Matijevich: "Yes, Mr. Speaker, on this side of the aisle Representative Dick Mulcahey is excused due to the illness."

Speaker McPike: "Thank you. Mr. Kubik, Jack Kubik here? Representative Kubik? Mr. Black."

Black: "Thank you very much, Mr. Speaker. All Members of the Republican Conference are here today."

Speaker McPike: "Thank you. Committee reports."

Clerk O'Brien: "The Committee on Rules has met, and pursuant to Rule 29(c)3, the following Bill has been ruled exempt May 13, 1992: Senate Bill 911. Signed, John Matijevich, Chairman. "

Speaker McPike: "The House will come to order. Government Administration, Second Reading, appears House Bill 2677, Representative Homer. Mr. Lang. Representative Hasara, 2809. Representative Currie, House Bill 2953. Mr. Keane, Mr. Keane. Representative Curran, 3227. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3227, a Bill for an Act in relation to labor. Second Reading of the Bill. This Bill has been read a second time previously. Floor Amendment #1, offered by Representative Black."

Speaker McPike: "Representative Curran."

Curran: "I move to table Amendment #1."

Speaker McPike: "On the Gentleman's Motion, Representative Black."

Black: "Thank you very much, Mr. Speaker. With apologies to the Sponsor for not talking to him in advance about this Amendment, and obviously his...I take it he's not in favor of the Amendment, but very briefly, all this Amendment does

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

is simply put Illinois in sync with the President's Executive Order of April 13, 1992, and that Executive Order simply was affirmed in 1989 by the United States Supreme Court in Communications Workers of America vs Beck. I don't think the Amendment in any way, shape, or form guts the Gentleman's Bill or simply renders his Bill moot. It just simply puts us in sync with a recent Federal Executive Order, and I would object; while I understand his Motion, I don't think it should be tabled. I think the Amendment's worthy of a Roll Call and should be adopted."

Speaker McPike: "The question is, 'Shall Amendment #1 be tabled?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. Amendment #1 is tabled. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Matijevec, 3561. Mr. Lang, do you have any Bills on this Order that you would like to call? Yes, six Bills, Mr. Lang. You have six Bills on this Order, do you want to call any of these Bills? Agriculture and Environment, Second Reading, Representative Jay Hoffman. Jay Hoffman, 2567. The Chair would like to announce the schedule for this morning. If we could have a little attention, please. It's the Chair's intention to go to Caucus.... Mr. Balanoff, could we have your attention just for a second, please? Thank you. Mr. Preston, would you tell this gentleman in the balcony to "shut-up". Who is that? Representative Edley? Mr. Preston.

Preston: "Thank you, Mr. Speaker. We can't hear your remarks here, because Representative Edley in the Speaker's Gallery is making so much noise that we're unable to hear the business of the day, and he is not paying attention up there. Maybe, if some of the students could ask him to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

quiet down just a bit?"

Speaker McPike: "Representative Edley, Mr. Edley, would you please hold it down a little. It is the Chair's intention, it's the Chair's intention to go to Caucus at 11:00 a.m., Republicans and Democrats at 11:00. We will be back at 12:00. At 12:00, we will then go to the Special Orders that are on the Calendar: Property Taxes; Telecommunications. So, for the next hour we are going to be doing Second Readings; then we're going to caucus; and at 12:00 noon, I would like everyone back on the floor for the major issues at 12:00, high noon. Representative Novak 3029. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3029, a Bill for an Act concerning household generated hazardous waste. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Novak."

Speaker McPike: "Representative Novak."

Novak: "Mr. Speaker, please take the Bill out of the record."

Speaker McPike: "Take this Bill out of the record. Representative Hoffman, 3039, Jay Hoffman. Representative Phelps, 3110. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3110, a Bill for an Act concerning the emission allowances authorized under the Federal Clean Air Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Phelps."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Representative Phelps."

Phelps: "Take it out of the record."

Speaker McPike: "Take it out of the record, Mr. Clerk.
Representative Kulas. Read the Bill, Mr. Clerk, 3666."

Clerk O'Brien: "House Bill 3666, a Bill for an Act to amend the
Solid Waste Planning and Recycling Act. Second Reading of
the Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. Representative Wait, 3712.
Representative Ryder, 4037. Representative Peterson, 4039.
Human Services, Second Reading. House Bill 849,
Representative Hicks, Larry Hicks. Read the Bill, Mr.
Clerk."

Clerk O'Brien: "House Bill 849, a Bill for an Act concerning
reimbursement of medical care providers. Second Reading of
the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed. No Floor Amendments."

Speaker McPike: "Third Reading. The Chair inadvertently skipped
over Senate Bill 911. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 911, a Bill for an Act to amend the
Park District Code. Second Reading of the Bill. No
Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative
Satterthwaite."

Speaker McPike: "Representative Satterthwaite."

Satterthwaite: "Withdraw the Amendment, please."

Speaker McPike: "The Lady withdraws the Amendment. Further
Amendments."

Clerk O'Brien: "Floor Amendment #2, offered by Representative
Manny Hoffman."

Speaker McPike: "Representative Hoffman."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Hoffman: "I withdraw that Amendment."

Speaker McPike: "The Gentleman withdraws the Amendment. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Manny Hoffman."

Speaker McPike: "Representative Hoffman."

Hoffman, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #3 is the Illinois Horse Racing Act of 1975. It extends from March 15, 1992, to October 30, 1992, the date before which the four-sevenths of all moneys paid into the Horse Racing Allocation Fund are deposited with municipalities or park districts in which the OTB is located. Without this Amendment, the four-sevenths for all the OTBs opened after March 15, 1992, would go entirely into the Chicago Park District. It's been agreed on. The communities involved are Champaign, Bloomington, Oakbrook Terrace, Bradley, Effingham, Quincy, Carbondale, and Richmond, and there's been no opposition as I see it."

Speaker McPike: "And on the Amendment, Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the sponsor yield? Representative, just to be clear -- it's very noisy on the floor even though half the members aren't here just to be clear, how much money will this divert from the Chicago Park District?"

Hoffman, M.: "We don't have that information at this time, but this has been routinely done every time a new OTB parlor has opened. There has never been any opposition from the park district, from the Chicago Park District or anyone else."

Lang: "Well, could you tell me how much money is involved altogether? Do you have any idea how many dollars we're talking about?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Hoffman, M.: "I don't have that figure, Representative Lang."

Lang: "Would it be fair to ask you to take the Bill and the Amendment out of the record until we can get that information?"

Hoffman, M.: "Would you allow me to move this to Third, with the opportunity to get you that information, and the Amendment. The Amendment really becomes the Bill on it."

Speaker McPike: "Representative Hicks might have the answer. Mr. Lang, Representative Hicks might have the answer."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What the Gentleman is attempting to do is something we've done for every parlor across the state, as they've come on line. We've made that money available to park districts. You are correct, Representative Lang, in saying that it does take money away from what it was originally designated for, but that was with agreements that were made all the way through, that as these came on line - not before, but as they came on line - their park districts, just like the Chicago Park Districts, were eligible for that money. As other ones came on line, the money that's generated at their locations would go for their local park districts, just like the money went for the City of Chicago."

Lang: "Mr. Speaker, thank you. I won't object to it going to Third Reading, but I would like to get an answer from the Chicago Park District at some time just to make sure that, if this is something they've agreed to over the years, if they're still agreeing to it, it's fine. If they're not, we should at least know. Thank you."

Speaker McPike: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I simply rise in support of the Gentleman's Motion for the adoption

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

of Amendment #3. There are several park districts that will have the advantage of coming in under the OTB legislation if this Amendment passes. It is bipartisan. There are people from both the Republican and Democratic parties who have park districts who will benefit by this Amendment, and I urge the adoption of the Amendment."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you very much. Representative Lang, I don't want to mislead you in thinking that the park district or anybody else is for giving up money, but realize that this is not taking, necessarily, money they currently are getting. It's money they would be entitled to though by the opening of the new parlors. So, it's not taking away money that they actually have currently, but it would be authorized money that they would have with the new parlors coming on line. So, it's been a tradition, even though they don't necessarily want to give up the money, they have done so in the past."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. Amendment #3 is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Currie, 2452. Representative Lang, 2758. Representative McGann, 3005. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3005, a Bill for an Act to amend the Department of Mental Health and Developmental Disabilities Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representatives Woolard and McGann."

Speaker McPike: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an agreed to Amendment that I think all parties involved have agreed is a good Amendment. I just move for its passage."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Jesse White, 3245. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3245, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3593, Representative Lou Jones. Is Lou Jones here? Representative Homer, 4078. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4078, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. Forty seventy nine, Representative Jesse White. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4079, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. (House Bill 4170, Representative Martinez. Do you have a fiscal note, do you have it? All right. Is it filed? All right, this Bill has been read a second time previously, the fiscal note is now filed. Third

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Reading. Is (sic) there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Martinez."

Speaker McPike: "All right, the Bill is still on Second Reading. Floor Amendment #2, Representative Martinez."

Martinez: "Thank you, Mr. Speaker and Members of the House. Amendment #2 asks the CMS to include in it's annual report filed on January 1st of each year, the number of persons receiving the bilingual pay supplement, established last year in Section 8a(2) of this Code. This is an agreed Amendment, and CMS is no longer opposed to it. My understanding is that a fiscal note does not apply."

Speaker McPike: "And, on the Gentleman's Motion, being no discussion, the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Keane, House Bill 3150. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3150, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Keane."

Speaker McPike: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. Floor Amendment #1 is a technical Amendment which was requested by the City of Chicago to clarify some language in the Bill. I would be happy to answer any questions, and move its adoption."

Speaker McPike: "The question is, 'Shall Amendment #1 be

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Children and Family Law. Second Reading. House Bill 487, Mr. Burke. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 487, a Bill for an Act to amend the Probate Act of 1975. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Burke."

Speaker McPike: "Representative Burke."

Burke: "Thank you, Mr. Speaker and Members of the House. Floor Amendment #2 basically exempts charitable organizations from the effect of the Bill."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' and on that, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Wennlund: "Could you explain Floor Amendment #2 again, please?"

Burke: "Yes, Representative. Basically, Floor Amendment #2 would exempt charitable not-for-profit social service organizations from the effect of the Bill, and the effect of the Bill would be that individuals who are given court - appointed attorneys, either the respondent or the petitioner, would pay for the attorneys who are appointed guardian ad litem. So, now, social service organizations not-for-profit, charitable social service organizations,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

are exempted from having to pay the fee for guardian ad litem, court - appointed attorneys."

Wennlund: "Thank you very much."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Curran, 2225. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2225, a Bill for an Act to amend the Juvenile Court Act of 1987. Second Reading of the...this Bill has been read a second time previously, it was held for a fiscal note, and the fiscal note is now filed."

Speaker McPike: "Third Reading. (House Bill) 3004, Representative Jay Hoffman. Mr. Hoffman? Representative Currie, 3260. Representative Woolard, 3311, Woolard. Representative Currie, 3416. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3416, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Representative Currie, there's a fiscal note request. No, it's not yet filed. The Bill remains on Second Reading. Representative Levin, 3998. Representative Williams, Paul Williams? Municipal, County and Conservation Law. Representative Steczko. Read the Bill, Mr. Clerk, 854."

Clerk O'Brien: "House Bill 854, a Bill for an Act to amend the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Counties Code. Second Reading of the Bill. Amendment #1
was adopted in Committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed. No Floor Amendments."

Speaker McPike: "Third Reading. Representative Brunsvold, 2919.
Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2919, a Bill for an Act concerning
municipal officers, recodifying certain portions of the
Illinois Municipal Code. Second Reading of the Bill. No
Committee or Floor Amendments."

Speaker McPike: "Third Reading. Representative Steczo, 2922.
Read the Bill, Mr. Clerk"

Clerk O'Brien: "House Bill 2922, a Bill for an Act to amend the
Illinois Municipal Code. Second Reading of the Bill. No
Committee Amendments."

Speaker McPike: "Representative Shaw. Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representatives
Shaw and Steczo."

Speaker McPike: "Mr. Shaw, Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. Amendment
#1 to House Bill 2922 simply tries to address situations
where we have off-track betting parlors located in the
State of Illinois. This Amendment indicates that if you
have an off-track betting parlor in a particular precinct,
that precinct cannot be voted dry, simply that."

Speaker McPike: "The question is, 'Shall Amendment #1 be
adopted?' All in favor say 'aye'. Mr. Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Wennlund: "This Amendment removes the ability of precincts or
municipalities, or townships, or road districts, to
prohibit the sale of alcoholic liquor in OTBs, is that what

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

we're talking about, Representative Steczo?"

Steczko: "Mr. Wennlund, I error in my original statement. The parlor, the off-track betting parlor that's located in that precinct, yes, cannot be voted dry. Cannot."

Wennlund: "That would only apply to the City of Chicago?"

Steczko: "Where ever it's applicable to be able to vote precincts dry. I believe it's only the city that engages in that practice now."

Wennlund: "But a municipality would not have the power to prevent an OTB from the sale of alcoholic beverages?"

Steczko: "No. Presently, right now, Representative Wennlund, keep in mind that it's the citizens that vote the precinct dry, not the municipality. So, in the case where you have an off-track betting parlor, if the municipality, or the citizens of that municipality, wanted to vote the precinct dry, the off-track betting facility would be exempted."

Wennlund: "Thank you very much."

Speaker McPike: "Representative Davis. Never mind. The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Homer, 3189. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3189, a Bill for an Act to amend the Illinois...."

Speaker McPike: "Out of the record. Representative Hartke, 3328. Mr. Hartke? Out of the record. Representative Jay Hoffman, 3374. Out of the record. Representative Keane, 3656. Mr. Keane? Out of the record. Mr. McGann, 3657. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3657, a Bill for an Act to amend the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Illinois Mandates Act. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. Thirty six sixty one, Representative McGann. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3661, a Bill for an Act to amend the Home Rule Note Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative McGann."

Speaker McPike: "Representative McGann."

McGann: "Thank you Mr. Speaker, Members of the Assembly. Amendment #1 to House Bill 3661 just moves from the area of reporting from the circuit court to either the Illinois Appellate and (sic) Supreme Court. This is relative to the Bill itself, which is pertaining to the Home Rule Note Act in regards to reporting from DCCA. DCCA said it would be quite cumbersome to go ahead and handle it from an area, you know, the entire circuit court system in the State of Illinois, so they would just go to the Appellate or Supreme Court reports (sic) on any kind of litigation that took place in their reports during any given year. That's all it does. It's in cooperation with DCCA, and I would ask some support in adopting Amendment #1 to House Bill 3661."

Speaker McPike: "Any discussion? The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Wyvetter Younge. Representative Brunsvold, 3969. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3969, a Bill for an Act to amend the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Wildlife Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Brunsvold."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Amendment #1 includes the dates, September 1st and January 1st, (sic-31st) for bow hunters as requested by the Department of Conservation, and I ask for the adoption."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Brunsvold."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you. Amendment #2 clarifies language regarding turkey hunting and permits required for turkey hunting, and I ask for the adoption."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Elementary and Secondary Education. Second Readings. Representative Mautino, 825. Frank Mautino. Representative Turner. Representative Hartke, 3066. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3066, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representatives Lang and Shaw."

Speaker McPike: "Mr. Lang withdraws Amendment #1. Further Amendments."

Clerk O'Brien: "Floor Amendment #2, offered by Representatives Lang and Shaw."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 2 to House Bill 3066 deals with mandates we previously have passed. In previous years, this House has passed, the Senate has passed, and the Governor has signed, requirements that school districts teach Black History, Women's History, and the study of the Holocaust. It's a previous mandate. What this Amendment would do, would be require school districts to report once a year as to what they're teaching in those areas. Not a new mandate, they are already mandated to teach these things, but we have no idea what they're teaching in these areas. I would ask your 'aye' votes."

Speaker McPike: "And on the Amendment, Mr. Black."

Black: "Thank you very much, Mr. Speaker. A question of the Sponsor."

Speaker McPike: "Representative Lang."

Black: "It is a mandate on a mandate, correct? I think that's what you said, clearly. It's another mandate."

Lang: "Well, in my view, it is not a mandate. Once we have taken it upon ourselves, and maybe we shouldn't have done it in the first place, but once we've taken it upon ourselves to require school districts to teach a particular subject and we leave in the mandate, the previous mandate, we leave it wide-open. Teach it anyway you want. We still should have

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

some idea what they're doing. We should know somehow that they are teaching Black History, that they are teaching Women's History, that they are teaching the Holocaust. If they don't report once in a while, how do we know they're doing it? We have no way of knowing they're doing it. I'm simply asking that once a year they fill out a simple form and just tell the State Board of Education, so that the State Board of Education will know, and any interested parties will know, that they are teaching it, and exactly what they're teaching."

Black: "Then would it be your intent... I guess it's so open ended. If they file this report and a Member, or Members, of the General Assembly don't like what they're teaching, then I assume that it's so open ended that that means eventually we're going to tell them what to teach, or that we don't like that unit, we'd rather it be taught this way. I mean it seems to me you're headed in a direction I'm not sure you really want to go."

Lang: "Well, frankly, my concern is not to tell them what to teach but to make sure they're teaching something in those areas, and if I can get that, I'll be very happy. My goal is not to tell them what to teach, only to make sure that they're doing what they've been asked to do."

Black: "All right, thank you very much."

Speaker McPike: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, and, Ladies and Gentlemen of the House with all due respect to the Sponsor, for whom I have great respect, and the Amendment, I think we lose sight of the fact that the people in the classrooms are supposed to be professionals. If we have a physical education teacher, I don't think we sit in this room and say 'you shall involve rope jumping', or 'you shall have volleyball', or

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

'you shall have swimming', or 'you shall have fencing', or 'you shall have basketball'. We say 'you are the professional trained in the classroom teaching of physical education, do your job', and we figure that if something really is going awry, we will find out about it. The speaker on the other side of the aisle who talked about a mandate on a mandate is exactly right here. We have mandates, and we have mandated the teaching of certain things and that's a policy decision by the Legislature in conjunction with the Governor, and, for the most part, I think those policies are correct. But the people we put in the classrooms are college trained; they take special courses on how to teach; they are licensed by this State; they are professionals; and once they are in the classrooms we should trust them to do what's right. If nothing at all is being taught on these subject matters, I think that will filter up to the administration, and it will come back and be corrected. I don't think we need another statute on the books to say that another piece of paper should be filled out; we are already over-papered, and we are over regulated, and I think this is an Amendment which, while well intended, should be defeated."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment it seems to me is kind of an indication that we really don't trust the people in our school districts. We have any number of requirements that school districts are expected to comply with in the School Code; and in none of the rest of them do we require that they somehow prove to us, we being the almighty and the all-wise here in Springfield, that they're doing what it is that the law requires, just for these

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

specific things that would be required. In other words, it implies that we don't think they're gonna do it unless they have to report to us, the all-wise, the almighty. I think it is a very bad idea, and I hope that this Amendment is either defeated, or that once the Amendment is on the Bill, the Bill is defeated. Thank you."

Speaker McPike: "Representative Preston."

Preston: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of the Gentleman's Amendment. I think the remarks he made are very well-founded, that we have on the books legislation requiring the teaching of Holocaust, the teaching of Black studies, the teaching of matters regarding the history of women in this state and throughout this country; it makes sense to me that since we require the teaching of it, we should know if, in fact, it is being done, how much time is being devoted, if any, to the teaching of those subjects. If we pass legislation that carries no penalty for noncompliance, we should at least know, if indeed, that those laws are being complied with. After all, the school districts certainly are coming to Springfield year after year asking for increased funding which they have a right to; however, we, as a legislative body also have a right to know if the legislation that we pass is being enforced and acted upon at the local schools. It's very reasonable; and we have no way of knowing whether or not legislation we pass is...continues to be necessary, if it's no longer necessary, if the legislation is being complied with or not, without some feedback. This very simple proposal permits that feedback, and I think it's a very good idea."

Speaker McPike: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, when many

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

of these mandates were passed, I indicated that I felt that this was a local responsibility and people who were interested in seeing these programs implemented needed to work with their local school boards. Here we are, it's the camel with it's nose under the tent again, coming back with more of the camel trying to get under the tent. If, in fact, we have local control at all, people should be dealing with their school boards in regard to whether or not the mandates that are currently on the books are being implemented and how they are being implemented. I do not believe that we should continue to make these mandates more complicated and requiring more administrative overhead, and giving less time to what is being taught in the classroom; and I realize the Gentleman is well intended, but I don't believe we should pass this Amendment."

Speaker McPike: "Representative Shaw."

Shaw: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of this Amendment. I think it's a good Amendment, and this Amendment is not the great wolf that it's made out to be. This is a simple Amendment that's asking the state board to report to the Legislature what the progress of the Holocaust and Women's History, to what extent it's being taught along with Black History. It's already been mandated by this Body and now the only thing that this Body is asking is to give us some idea whether this is being taught in the school; and I think that we need to know what's being taught about Women's and the Holocaust, and African-American History in this state; and certainly this is a good Amendment; it should be passed; and I'm urging all Members of this Body to vote for this Amendment; and I think that next year we will see the fruits of this Amendment."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Representative Davis."

Davis: "Thank you, Mr. Speaker. I, too, rise in support of this Amendment, and I do so because just as schools are mandated to teach reading, they are mandated to teach math, and they're also asked to report to the citizens and to the state on what has their success rate been and exactly what are they putting into that content or curriculum area. I certainly think a small report, in reference to other curriculum that the school is teaching, is not some new massive report that's due; it's simply in keeping with what schools already do and that is report to those who send you the appropriation to do what you do, and to just get an idea as to how successful you're being in teaching the history of Women, on teaching about the Holocaust, in teaching other history that has been left out of the curriculum for so many years. I think it behooves all of us to get a report, or to know exactly what our children are learning, and if they're supposed to be learning. School, certainly, is reading, writing and arithmetic but there's a lot more involved in 1992, and part of that is giving children information on areas that they have totally been denied information on. I support Representative Lang's Amendment, and I think he should receive a unanimous vote. Thank you."

Speaker McPike: "Representative Persico."

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. I rise in opposition to this Bill, with all due respect to it's Sponsor. As the previous speakers have mentioned, the teachers are professionals. We have passed laws; we've passed mandates to come down here, and to teach certain subject areas; as far as I am concerned, they are doing their job. For example, I know that in my

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

particular district we do teach the Holocaust; we do teach Black History; we do teach Women's History; I'm part of the group that writes these curriculum objectives. All you have to do is go to the school district and say are they teaching it, and it's already down there and you can see that they are. In 1929, we passed a Bill saying that every child in junior high and high school has to pass the Illinois Constitution and the U.S. Constitution. This mandate is being followed. Again, all you have to do is trust the professionals; they are doing the job; it is in the curriculum objectives; and I don't think this Bill is necessary."

Speaker McPike: "Representative Peterson."

Peterson: "I move the previous question, Mr. Speaker."

Speaker McPike: "Well Mr. Peterson, you're the last one seeking recognition so it won't be necessary. Representative Lang, to close."

Lang: "Thank you, Mr. Speaker. The only people that would call this a mandate are people that are against this. This is not a mandate. We have already mandated that school districts teach these things, and it seems to me that's just as we find out...the State Board of Education audits school districts to find out if they're teaching math, to find out if they're teaching English; why shouldn't we make sure they're teaching things that we've mandated for them to teach. Those of you who are against mandates -- and I'm against mandates -- if we want to de-mandate some things, we should do that. But in the meantime, these are three mandates that we have told the school districts that they must teach; and since they must teach them, I think it's required of us that we make sure they're teaching them. We don't know if every school district in the State of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Illinois is doing these things. We should find out. To those that are concerned about teachers' time and class time, this has nothing to do with teachers. It has nothing to do with class time. It's a simple administrative form to file to say 'yes, we're teaching these things, this is how we're teaching them', that's all that's necessary, an administrative form. To those that are concerned about the taking away of local control, we're not here to tell them how to teach these things. In fact, each of these Bills when passed were very broad and said to school districts, 'teach these things anyway you want, just teach them', and I think we have a responsibility to make sure that they're teaching the things that we've asked them to teach. Please vote 'aye'."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted? The Clerk will take the record. On this Amendment, there are 51 'ayes' and 60 'noes', and the Amendment fails. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. (House Bill) 3106, Representative Jay Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3106, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Jay Hoffman."

Speaker McPike: "Mr. Hoffman."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Hoffman, J.: "Mr. Speaker and Ladies and Gentlemen of the House, what Floor Amendment #2 does is, essentially clears up what the regional superintendent must do, under the Bill. It takes away some of the things that we had in Committee Amendment #1. I move for its adoption."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' Correction, '...Amendment #2 be adopted?' and on that, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Cowlshaw: "Are the changes that are included in this Amendment the things that were requested in committee to be worked out so that everybody with an interest in this would be willing to say that they're in accord with it?"

Hoffman, J.: "No. Are you talking about what you had requested to be in the Bill, Representative? That is still in the Bill. However, we have been unable to work out any type of agreement with the objectors; and I don't know, I think we're at an impasse, and the whole thing deals with the problem with the compulsory age."

Cowlshaw: "Well, Representative, I really do have a continuing concern, and I'm sure a lot of other people do, about the fact that although certainly we, none of us want to encourage people to drop out of school, but what this Bill does, and this Amendment continues to do, is to increase the compulsory age for attending school from 16 to 18. Therefore, some young person who doesn't want to follow these procedures becomes a truant. Suddenly, we have made a criminal out of a young person 16 or 17 years old who doesn't want to go to school anymore and doesn't want to go through the procedures that are being set up here. Now...."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Representative, are you discussing the Amendment or the Bill?"

Cowlshaw: "The Amendment."

Speaker McPike: "The Amendment."

Cowlshaw: "Because the Amendment continues to set that age at 18, rather than 16, which is a major change in our state laws. Representative, I would appreciate it... I am perfectly willing to have this Amendment adopted because I know it's very well-meaning; but I really do think that when this moves over to the Senate, if it does, that we do need to look at some kind of provision that does not make truants or criminals out of young people who simply do not want to go through these procedures."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?'. All in favor say 'aye', opposed, 'no'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. (House Bill) 3781, Representative Turner. (House Bill) 3882, Representative McDonough. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3882, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3903, Representative Rotello. Representative Wyvetter Younger? Representative McGann, 4022. Out of the record. Representative Currie on 4136. Economic Development - Second Reading. House Bill 1876, Representative Morrow. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1876, a Bill for an Act in relation to skilled workers. Second Reading of the Bill. No Committee or Floor Amendments."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Third Reading. Representative Wyvetter Young.
Banking -- Second Reading. Representative Flynn, 3437.
Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3437, a Bill for an Act to amend the
Deposit of State Moneys Act. Second Reading of the Bill.
No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative
Black."

Speaker McPike: "Mr. Black. Mr. Wennlund withdraws the
Amendment. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading.. Representative Hasara, 3569.
Read the Bill, Mr. Clerk."

Clerk O'Brien: "House 3569, a Bill for an Act to amend the Public
Officer Prohibited Activities Act. Second Reading of the
Bill. No Committee or Floor Amendments."

Speaker McPike: "Third Reading. Representative Paul Williams,
3647...3647. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3647, a Bill for an Act to amend the
Interest Act."

Speaker McPike: "Out of the record. (House Bill) 3711, Mr.
Williams. Read this Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3711, a Bill for an Act to amend the
Illinois Banking Act. Second Reading of the Bill. No
Committee or Floor Amendments."

Speaker McPike: "Third Reading. Higher Education -- Second
Reading. (House Bill) 3453, Mr. Edley. Mr. Edley. Mr.
Turner. Housing -- Second Reading. Mr. Turner and Mr.
Morrow. Insurance -- Second Reading. (House Bill) 2825,
Representative Daniels. Representative Currie, 3092. Read
the Bill, Mr. Clerk."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Clerk O'Brien: "House Bill 3092, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Currie."

Speaker McPike: "Ms. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. The underlying Bill is an effort to correct a technical flaw in the Bill we passed last year that would require insurers to continue coverage for women who have fibroblast breast conditions. Continuing discussions between the American Cancer Society and the insurance industry led to a negotiated language which would guarantee that, for people who are covered by group health care plans, but would make an exception for those rare situations in which the medical history of an individual confirms a chronic, relapsing symptomatic breast condition. So, I would be happy to answer your questions, and would urge your adoption of the Amendment."

Speaker McPike: "The question is, 'Should Amendment #1 be adopted?' All in favor say... Mr. Wennlund."

Wennlund: "Thank you, Mr. Speaker. The level of noise on the House floor has prevented me from hearing the explanation of the Amendment. If I could hear it one more time? I'm sorry about that, but the level of noise over here is perhaps worse than it is over there."

Currie: "The Amendment represents an agreement between the American Cancer Society and the insurance industry with respect to group health care coverage for women who have fibroblastic breast conditions. The Amendment will provide that coverage for all but the very few, a very small number

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

of women, who have a medical history that confirms a chronic, relapsing symptomatic breast condition."

Wennlund: "Does this involve a cost increase to the employer?"

Currie: "No."

Wennlund: "Is it adding an additional coverage that was not previously...."

Currie: "Last year we provided coverage for people with fibroblastic breast conditions. There was a flaw in the Bill so that not all insurance policies were included. This Bill corrects the flaw, but also, by virtue of the language that's in Amendment #1, resolves differences between the insurance industry and the American Cancer Society."

Wennlund: "Does it only apply to State employees?"

Currie: "No."

Wennlund: "Or does it apply to all health policies issued in Illinois."

Currie: "Yes."

Wennlund: "And the Insurance industry is not in opposition?"

Currie: "That's right, with the adoption of this Amendment."

Wennlund: "The Illinois Manufacturers at one time had opposition to the original Bill."

Currie: "I don't believe that they are opposing this, but you would have to ask them, to be sure."

Wennlund: "And the State Chamber of Commerce, likewise, which was opposed to the Bill?"

Currie: "My understanding is that there is not opposition to the Bill if this Amendment is adopted, but I would advise you to check with those sources directly."

Wennlund: "Thank you very much. Appreciate the explanation."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed, 'no'. The

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

'ayes' have it. The Amendment is adopted. Third Reading.

Mr. Clerk, any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Returning to 2825. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2825, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representatives Daniels and Parcells."

Speaker McPike: "Mr. Clerk, is the Amendment printed? The Amendment is not printed, Mr. Black. Take this Bill out of the record. All right, the Republicans will have a Caucus immediately in Room 118. The Democrats will have a Caucus immediately in Room 114. All Members are requested to attend these Caucuses. The House will stand at ease until the hour of 12:00 noon. Mr. Dunn, John Dunn."

Dunn: "We are urging all Members of the Downstate Caucus to attend the Democratic Caucus."

Speaker McPike: "Good. Mr. Wennlund."

Wennlund: "Thank you, Mr. Speaker. I would just ask that all Republicans proceed immediately to Room 118 for the Caucus. It's important that we get down there and get it over with."

Speaker McPike: "Thank you."

Speaker McPike: "The House will come to order. Special Order -- Property Taxes, appears House Bill 3455. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3455, a Bill for an Act to amend the Property Tax Extension Limitation Act. Third Reading of the Bill."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. We discussed this Bill extensively on Second Reading. This is the Bill that extends tax caps to Cook County and it also provides for a referendum for...the classification of real estate in DuPage County. I think the Bill has been well discussed in the...on the Second Reading. I'd be happy to answer any questions and would ask for a favorable roll call."

Speaker McPike: "The Gentlemen has moved for the passage of House Bill 3455 and on that Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Will the Gentlemen yield for some questions, please?"

Speaker McPike: "Yes, he will." Ryder: "Thank you, Mr. Speaker. Representative Keane, particularly concerned about the classification of property. That is not a concept that we downstate state deal with on a day to day basis. Could you explain what that is? And explain what your Bill does concerning the classification of property?"

Keane: "The classification, part of this Bill, does nothing more than sets up a referendum in DuPage County for classification. The reason that...that some of us are advocating classification for DuPage County is that it's the best way to get an immediate tax relief for the home owner in Cook County. Basically, a county that don't use this classification has to come out with a full county assessed at 33%, but what Cook County does in terms of classification is the home...the home owners, the homes are assessed at 16%. This would mean tremendous, tremendous real estate tax relief for the people in DuPage County and we feel that's appropriate because of the unbelievably high taxes: the home owner, senior citizens, and the other groups that are living on fixed income have with run away

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

values in DuPage County."

Ryder: "Since, an assessment program that you talk about doesn't change the amount of the total value for the county. Is that correct?"

Keane: "That's correct."

Ryder: "Then the relief that would go to the home owner is paid by somebody else, I assume."

Keane: "Yes..."

Ryder: "And who is that someone else?"

Keane: "The total taxes levied have to come out to 33, so when you under tax or you reduce the tax to 16% on the home owner, you make it up on commercial and industrial."

Ryder: "And your suggesting that this is a program that provides tax relief for the residents or the home owners in DuPage County."

Keane: "If the people in that county, so vote."

Ryder: "So, I'm wandering, Representative, why it is. If this is such a great tax relief program, that the folks in Cook County are now clammering for property tax caps, increased homestead exemptions and other items because they're so overly taxed under a classification system. It doesn't appear that in the application. At least, the way it's applied in Cook County that it's been able to provide any kind of tax relief, in fact, just the opposite appears to be the case."

Keane: "Well, it's probably difficult for downstaters to realize this, but when we passed the farmstead exemption. The tax relief program in, I think, 1977. We affectively, put a cap on property taxes in agricultural areas of this state. What has happened throughout the collared counties is a tremendous whether your in Cook County or DuPage County; Will County or Lake County the taxes have gone up

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

unbelievably. What you will find is, you will find that, if you drive down the county line road that separates Cook County from DuPage County the same house on the county side pays approximately half the taxes of the house across the street in DuPage County both of those people to my way of thinking have been overtaxed. The worst. The people who are suffering the most are people who are living on fixed incomes. The people who are senior citizens because of the tremendous escalations in values that has occurred throughout metropolitan area in the last ten years, so what I would like to do is to see the... I would like to see the classification vote be put up to all the other collar counties simply, I don't think there's any problems with letting the people decide. Let the people say, 'Do we want to have this or do we not?' If that's explained to them, believe me their going to go for it."

Ryder: "I just find it somewhat, amusing to this side that were going to change our real estate taxing processes by using the County of Cook as an example and their not exactly, in the lead as to how it is that they go about making their assessments. Since, I continue to hear lots of complaints from the folks within Cook County indicating that even under a classification system that their paying to much real estate taxes and it causes for me to have some concern about your piece of Legislation, Representative. Thank you, Mr. Speaker for the opportunity."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Will the Gentlemen yield?"

Kubik: "Representative Keane, if I might ask you a couple of questions... Curious, does not the Constitution provide that counties over 200,000 by referendum who are by board action, the county board can create a classification

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

system. Does that not exist in the Constitution at the present time?"

Keane: "You may be correct. I'm not a lawyer and I'm definitely not a Constitutional expert, so I would assume you are correct...judging, you know I mean, my great respect for your knowledge."

Kubik: "And assuming that the...the citizens of DuPage County can put this particular item on the ballot. Why is it that we need to do this from a legislative prospective...placing this particular question on the ballot. Why not let the citizens of DuPage County rise up and petition their government to put this on the ballot."

Keane: "It's basically probably something to do with leadership. I would say that...what we're doing with this is were giving the people the chance to speak by referendum. I don't think for whatever reason that the politicians in DuPage County or in Lake County or in Will County would feel comfortable taking on some of the fat cats by putting this forward, but I also think that at times like that when a matter has not been put before the people especially people in DuPage County who have cried long and hard about excess taxes. I don't think anybody in the State of Illinois can deny that their justifiably upset about their level of their real estate taxes in DuPage County and it's a job for the leaders in this Body to provide that opportunity for the down...people in the DuPage County."

Kubik: "Kind of like having leadership on the cap issue to. Representative, if I think in your earlier dialogue with Representative Ryder you pointed out that although we don't know the structure of what type of classification system would be enacted if this would be passed in DuPage County, they'd have the option of deciding that. I guess. Just

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

for a point of clarification when the people think of DuPage County they often think of Oakbrook. They think of places Lombard which may have things like Yorktown center in them and that there are other places which have primarily residential tax bases and have very little commercial base. My question is, 'What type of impact would a classification system have on those...those types of communities which virtually know commercial pace and now would be in the position of...taxing home or assessing home owner's at 16% or with 20% or whatever it might be.' 'What would be the impact?'"

Keane: "The impact of my Bill should the people of those areas...vote for classification system. The impact would be to remove the current situation where the elderly who are living in a home the same home for 30 or 40 years and who have may bought that house at the equivalent of 25 or \$30,000 are now sitting on a house that is...assessed at \$200,000. As you know, what happens to homes in DuPage County that we would call a modest home is as soon as the person dies or soon as a developer sees it and they go in and they tear down what we would call a modest three bedroom bungalow with a full basement, two bath and all that in order to put up a million dollar home. So what has occurred or what is occurring in DuPage County that because of the lack of a classification system the middle class and the lower income people and the fixed income people are being driven out of DuPage County because of the confiscatory level of real estate taxes on the home owner."

Kubik: "But I would not...My point is Representative Keane if you don't have the place to shift that revenue, as you well know in Cook County, when we assessed a homad 16%, we assessed businesses commercial and industrial at much

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

higher rates. In order, to shift that that those dollars, if those communities which are bedroom communities that don't have commercial property and don't have industrial bases? Where is that money going to shift to? Whose going to pick up those additional dollars?"

Keane: "What...What your trying to get us engaged in is the debate that should take place on the local level. I would think that...people would tell you on the local level to reduce just as their telling us in Springfield reduce government spending. I think that's what people will tell you and they'll tell you reduce county spending, reduce village spending, reduce city spending that message to me is coming out loud and clear and this is a chance to let the people of DuPage County give that message to their tax eaters."

Kubik: "But you would not... Then you would not concede that there may be no shift in certain communities because there is no commercial base?"

Keane: "But there would be a reduction in services."

Kubik: "There'd have to be a reduction in budgets. There's no doubt of that."

Keane: "I agree. I agree. I agree. And I think the public will vote for that."

Kubik: "Thank you, Representative Keane. Ladies and Gentlemen, to the Amen...to the Bill, I'm going to support this Bill as a member who has a...as a member who represents Cook County because for years I have seen our businesses move over into DuPage County because they are assessed at a lower rate in DuPage County. And so, for me, this is an economic development issue, Representative Keane, because I believe that some of those businesses may decide to come back into Cook County. But seriously, when we look at this

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

issue, because if we...if we are going to look at an Amendment or a referendum for DuPage County, we're going to have to start looking at Amendments or referendums for any county that has a population in excess of 200,000. And I don't think that anybody oughta be fooled into believing that this will necessarily be a reduction in your...in your property taxes simply by creating a classification system. This merely shifts who pays the taxes. As I pointed out with Representative Keane, if there is nobody to shift it to, then all we do is kick up the rates and keep kicking up the rates until you end up paying higher taxes. So, I'm...I think that I like the cap portion in this Bill, and I congratulate Representative Keane on his leadership on the cap issue, and I also would think that this is a good Bill for a Cook County legislator who are (sic) looking to see if they can bring business back into Cook County."

Speaker McPike: "Representative Keane, to close."

Keane: "Thank you, Mr. Speaker. I think we've fully debated the measures of...the value of this Bill, and I'd ask for a favorable Roll Call."

Speaker McPike: "The question is, 'Shall House Bill 3455 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Woolard changes from 'no' to 'aye', Mr. Clerk. Have all voted? Have all voted who wish? The Clerk will take the Record. On this Bill, there are 44 'ayes' and 67 'noes'. House Bill 3455, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 3556, Representative Steczo. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill..."

Speaker McPike: "Mr. Clerk, just a minute, please. Mr. Clerk, just a second. Representative Woolard, in the Chair for a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

brief introduction."

Woolard: "It indeed is an honor for me to have with us today, and I would like for each of you to extend a warm welcome to Geno Valente who is the Student Government Governor of this State for this year. The real Governor, Geno."

Speaker McPike: "Representative McPike in the Chair. Mr. Clerk, 3456. Read the Bill."

Clerk O'Brien: "House Bill 3456, a Bill for an Act to amend the Revenue Act of 1939. Third Reading of the Bill."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 3456 is a Bill which would extend and increase the homestead exemption, the general homestead exemption, in Cook County from the present \$3,500 to \$4,500 and increase the senior citizens' homestead exemption in Cook County from \$2,000 to \$2,500. This is an attempt to provide tax...property tax reductions to those classifications of individuals in the County of Cook. In addition, with the language that was adopted yesterday as part of Amendment #4, there has been some clarification on some of the issues that were discussed last week relative to the school state aid formula. Mr. Speaker, I would answer any questions the people might have. I...The issue is clear, so I would ask for a 'yes' vote if there are no questions."

Speaker McPike: "The Gentleman moves for the passage of the Bill, and on that, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker McPike: "Yes."

Parke: "Representative Steczo, I'm just kind of curious. I think this is a good Bill, but I have a question about the City of Chicago's position on this legislation. Can you,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

perhaps, share that with me?"

Steczo: "I have heard nothing from the City of Chicago, Mr. Parke. I think it's... We, as Members of the General Assembly, that are here to represent our constituents' interests... So, I've heard nothing from...from them, and, therefore, I don't know what their position might be."

Parke: "Thank you. What is Cook County's position on this Bill?"

Steczo: "Same. I've heard nothing from Cook County as to what their position might be."

Parke: "Now, isn't it my understanding that this...that the Cook County Board Chairman just passed on a tax onto the citizens and taxpayers of Cook County, and he has not contacted you on this Bill that will take revenue away from Cook County Government?"

Steczo: "Mr. Parke, what we're doing here, as President Reagan used to say, 'We're capping increases and stemming increases,' so the County of Cook probably will receive through the reassessment process more money; however, with the exemption, that amount of money will be less."

Parke: "I see. Let me ask you another question. Why are downstate homeowners not allowed the same reduction of property taxes under this Bill?"

Steczo: "Repeat the question, please."

Parke: "Why are not downstate homeowners allowed the same reduction in property taxes that this Bill offers to Cook County?"

Steczo: "Well, Mr. Parke, as you well know, this program has been...has been in effect for Cook County for a number of years, and there has been no interest, evidently, on behalf of other counties to buy into this program. There has been ample opportunity for Members of the House or the General Assembly to become part of this, but in Cook County, our

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

constituents, our taxpayers have said, 'We want to have this homestead exemption and senior citizen exemption increased,' so that's what we're about to do."

Parke: "Well, it's my understanding that there are homestead exemptions downstate, and that this could easily apply to them if you and the Members of this Body decided they wanted to do that. In addition, let me just get this straight now, this exemption applies to Cook County only, and that it is going to increase the homestead exemption for senior citizens from 3,500 to 4,500. Is that correct?"

Steczo: "No, it increases the senior citizen exemption from \$2,000 to \$2,500."

Parke: "Oh, and the general exemption from 3,500 to 4,500?"

Steczo: "That is correct."

Parke: "Okay. Now, therefore, then the local taxing bodies in Cook County will have less money to do the job that they're assigned to in terms of providing services, so this is a sort of a double-edged sword?"

Steczo: "Mr. Parke, I, uh, I didn't hear anything about double-edged swords last summer when we talked about property tax caps or anything else, so, if we use the Ronald Reagan school of philosophy we're capping increases."

Parke: "Well, I happen to think that it's marvelous that a Democrat would certainly highlight Ronald Reagan and the fine ideas that, uh, our past President put in place, and I think that he should be given credit for those good ideas, but I also would like to let the Body know that as much as I am for the concept of giving taxpayers a break and to give them a better opportunity to reduce the cost of living in Cook County, I think we all ought to be remembering that our local taxing bodies will have less money to operate

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

themselves, so that it's easy for us as a Body to say that we want to give relief, and I do, and I'm going to vote for this, but to let everybody else know that there is a price to be paid in terms of services to the taxpayers of Cook County. So, be aware that when you vote for, or against, this legislation, that it does have an effect, both ways, and that the taxpayers of this State have to understand that when we cut back services, they need to know why these services are being cut back by the local governments. Thank you."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you very much, Mr. Speaker. Representative Steczo, for the purposes of legislative intent on House Bill 3456, I have a couple of questions for you. How are school districts outside Cook County protected, or held harmless, from having their state aid reduced, as a result of the reduction of equalized assessed valuation, caused by the proposed increase of the homestead exemption in Cook County?"

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker. Mr. Hicks, first, the new tax added in Amendment #4 is located in that section of the School Code wherein the State Board of Education receives, on an annual basis from the Department of Revenue all equalized assessed valuations, of all school districts in the State, so as to calculate school aid. The text that we added requires the Department of Revenue to add this annually required transfer of data, the total amount by which the increased homestead exemptions in Cook County school districts exceed the amounts of the homestead exemptions previously allowed in the County. This data shall be certified each year to the Department of Revenue

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

by the Clerk of Cook County. Therefore, this data will require the Department of Revenue and the State Board of Education to add back to the EAV of Cook County school districts, the actual amounts reduced from the tax base of these school districts, thus protecting the state aid formula's allocations to school districts outside of Cook County."

Hicks: "Thank you very much."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Black: "Representative, can you tell me, approximately, the loss of revenue to the City of Chicago if this Bill should pass?"

Steczo: "Mr. Black, I think if you...I'm not sure exactly what those figures are, but I would really counter that question by saying that in this next reassessment process the City is going to receive, I believe, \$178 million in new revenues. With this homestead exemption and senior citizen exemption, they'll probably receive approximately \$150 million in revenues. So, actually, they will receive less of the increase that they are going to get, if you understand my drift."

Black: "Well, yeah, perhaps. But I...the bottom line is Chicago, being a home rule city, they probably won't suffer any loss, will they? They'll just raise the levy to capture whatever's been taken off the assessed valuation?"

Steczo: "Mr. Black, I think if you talk in terms of home rule, our Constitution provides home rule municipalities a great deal of flexibility, so, with the home rule power that they have, they have the authority to be able to do other things

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

to raise revenue."

Black: "And I guess the timing is such that, you know, all of us, downstate, whatever, have read a great deal lately about some of the, and I mean this sincerely, some of the misfortune that has hit the City of Chicago and the County of Cook, I...in your learned opinion, is this the time to reduce their EAV, when we don't have the final cost figures for the clean-up of the flood, and when the county is under some serious, perhaps even mandated, costly items on their county jail?"

Steczo: "Mr. Black, I think the two issues are not really related. We know that the State of Illinois and the city are going to be lobbying the federal government to try to get their fair share, and more, of the expenses for the clean-up of the flood, so I think it's premature at this point for us to inject that into this...this debate."

Black: "Well, let me just follow-up on what was asked about legislative intent. Amendment #4 was adopted in - well, let me be kind - let's say it was hastily adopted yesterday as a last item of business, and your statement notwithstanding to Representative Hicks, do you have any guarantees or any statements from the Department of Revenue or the State Board of Education that the action you're asking us to take will not change the distribution of state aid formula?"

Steczo: "Well, Mr. Black, it's clear from the language that we adopted last week and clarified yesterday and from the statement of intent that was read into the record today, that that in fact is the case. It's not intended to make a change in the state formula allocations for schools."

Black: "All right. Thank you."

Speaker McPike: "Representative Balthis."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen. Would the Sponsor yield? Would the Sponsor yield for a question? If we can get the Speaker's attention. Representative Steczo, since the Speaker's not paying attention to us, can I ask you a question?"

Steczko: "Okay."

Balthis: "Since the City of Chicago is home rule, the County of Cook is home rule, the only loser in tax revenues in this are suburban school districts, park districts, and non-home rule units of government. Is that not true?"

Steczko: "Could you repeat your question please, Mr. Balthis?"

Balthis: "Since Chicago and Cook County are home rule, the only losers in this Bill are suburban Cook County school districts, park districts, and non-home rule communities."

Steczko: "Mr. Balthis, I would disagree with that, in respect, (sic) because, as you know, as property assessments increase, those local districts are going to be generating additional revenues. What these exemptions seek to do is to provide the homeowner relief from those increases. So, in that respect, they may not be able to capture all that they might be able to under circumstances, but it does not necessarily mean that they will be capturing less."

Balthis: "Well, since the school districts have a fixed levy, if they are at their maximum levy, this is, in fact, going to reduce the EAV available to them, which is going to reduce their revenue, and they can't recapture that as a home rule community can."

Steczko: "As I said before, it will reduce the amount that's available to them. However, at times when those assessments increase and at times when they can capture more revenue, this will just stem the rate of increase or the amount of increase that they will be able to capture."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Balthis: "Thank you. Mr. Speaker, Ladies and Gentlemen, to the Bill. What we're really doing is taking away an opportunity for local governments -- non-home rule, school districts, park districts -- to provide the services that we all say we want them to provide, such as police and fire, such as education to our children. I support very wholeheartedly the fact that we ought to give tax exemptions and tax breaks to our senior citizens and others, but we are stopping local government from being able to do their job - plain and simple -- and I think this Bill has real problems in it, and I would urge everyone to vote 'present' or 'no'."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. I would like to ask the Sponsor a couple of questions."

Speaker McPike: "Proceed."

Kubik: "Representative Steczo, Representative Black talked a little bit about the Amendment which...that was adopted yesterday, #4. I guess my question is, and I really am not familiar with this particular section, does the current law identify the amount of senior citizen and homestead exemption at the present time?"

Steczko: "Yes, it does."

Kubik: "It does, and so that's already calculated?"

Steczko: "That's correct."

Kubik: "Okay. All right, I wasn't sure whether that was the case. The second question I have is..."

Steczko: "Mr. Speaker, can we have some order? I can't hear the Gentleman's questions."

Speaker McPike: "Please give the Gentlemen some order."

Kubik: "I only have one or two questions, Mr. Speaker. My second question, Representative, deals with the issue of - and I

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

understand what you're doing, this is a tax break to senior citizens and to home owners - have you been able to calculate, generally speaking, how much of a tax break the average citizen might receive in Cook County?"

Steczo: "Mr. uh...Mr. uh...Kubik. Yes. I believe that if we adopt this Bill, if the Governor signs this Bill, senior citizens will receive an additional \$50 per year in real estate tax, property tax savings. The homeowner will receive approximately \$75 to \$100 in additional reductions."

Kubik: "And you have...but you haven't calculated the total amount that this would reduce revenues or assessed valuation countywide?"

Steczo: "No, because that changes per district, per area, depending on the assessed valuations."

Kubik: "'Cause I've heard the figure of 100 million, you know, being tossed about, but, I guess, and I think we should try to be fair in this debate and point out that while it does reduce the amount of money that property taxpayers, homeowners and seniors pay, does this not create a shift and does not business, generally speaking, pick up the difference?"

Steczo: "I didn't hear the last part of your question."

Kubik: "I said, 'Does not business, business-owners, commercial, industrial, business-owners or businesses, pick up the difference in the...with the exemptions?'"

Steczo: "I would disagree with that assessment on your part."

Kubik: "Well, who picks up the difference?"

Steczo: "If...Mr. Kubik, if tax rates are levied, if tax rates are stipulated by the local governments, and those tax rates can't be increased, then it's simply the commercial levy, if you will, staying the same while the property tax

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

paid by the residential individual going down."

Kubik: "Well, I would disagree, because I think you have the same amount of dollars but it's just a shifting of who's paying the taxes and the amount they're paying. Now, that's not to say that I don't agree with the Bill, I think the Bill's a good Bill, but I'm just...I just think it's fair that we be honest and open about this and point out that this will shift an additional burden on businesses in Cook County, and they will pick up the difference in terms of the amount that's lost through these exemptions. You know, Representative, I'm going to support your Bill, but I just think we ought to let people know that this will shift more taxation on to businesses in Cook County. Thank you, Mr. Speaker."

Speaker McPike: "Representative Steczo, to close."

Steczko: "Thank you, Mr. Speaker, Members of the House. For the last number of years, we've been talking about property tax relief. We have discussed caps; in fact, caps were just defeated a few weeks ago, and there are some people who argue that by providing caps for local governments we are just...we are just creating specified increases per year. Very seldom have we talked about reducing property taxes. House Bill 3456 is an attempt to reduce property taxes for individuals, for senior citizens and for regular...for general homestead for general home owners. This is something I think that our constituents in Cook County need desperately, and I would ask for your 'yes' votes."

Speaker McPike: "The question is, 'Shall House Bill 3456 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this Bill, there are 82 'ayes' and 26 'noes'. House Bill 3456, having received a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Constitutional Majority, is hereby declared passed. House Bill 2996, Representative Novak. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2996, a Bill for an Act relating to general state aid for school districts. Third Reading of the Bill."

Speaker McPike: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2996 seeks to restore the delayed school aid payment that we enacted during the extended Session on July 18, 1991. Essentially it puts the double school aid payment schedule back to the...back to the pre-Senate Bill 45 schedule. So all the school districts, outside of School District 299, meaning the City of Chicago, will receive their delayed school aid payment on time. I'll ask for your support on this measure."

Speaker McPike: "Is there any discussion? Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker McPike: "Yes."

Ropp: "Representative, when we passed this legislation a year ago, we were attempting to make our bank balance some...the State...somewhat even, and is this -- the passage of this Bill -- is this gonna throw out our balance within the State Treasurer's office, significantly?"

Novak: "No. Representative, I don't think so. It requires the State to borrow the \$176 million at a much, much, much lower interest rate than what local school districts would be required to pay from lending institutions, and simply pay back the money during the...pursuant to the schedule that's stipulated in the Bill."

Ropp: "Well, I think this is a good idea. You know the whole business that we operate down here is one of perception and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

obviously there is a perception out in the hinterland that education is going to lose this amount of money. I don't in any way want them to feel that we are taking money away from them. I'm not fully in accord with the idea that even though we can borrow money cheaper, which is true, if we're going to have to pay interest with money we don't have, that is a continuous problem that we have here in the State of Illinois. I think the idea is a sound one. I know sometimes we have to make some decisions down here in order to keep the bank balance level but there has been a rather growing, large feeling that the State really screwed schools out of money, and I hope that we can, in fact, provide the reassurance to them that the State does feel that education is our #1 priority, and that we can find the money to pay the interest and get them back into a level that they have been on for many years prior to last years legislation."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Black: "Representative, can you tell me whether Superintendent Leininger is in favor of this Bill?"

Novak: "The State Board of Education is in favor of this Bill."

Black: "Oh, they're in favor of this Bill."

Novak: "Talking to Dave Carey, yes."

Black: "Last year...last year, this was a delay. So maybe it's not so much of a delay, I mean it's..."

Novak: "Last year, during the Senate hearings last fall, Representative, I was at the hearings, and quoting Superintendent Leininger (he) indicated that it was a 'permanent' delay."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Black: "Oh. So, he."

Novak: "So, 'permanent delay' means the money's not going to come back."

Black: "All right. Well, let me ask you, you know, and again, I don't quarrel with the underlying concept of this Bill, I don't quarrel with it at all, but you and I share some school districts that certainly have some very similar problems. But can't -- and I know the answer to this but give me some semblance of what you think -- can we stand here today and guarantee all these school districts in Illinois that the so-called delayed payment in July is even going to be made?"

Novak: "You're absolutely correct, Representative Black. We cannot guarantee them."

Black: "That's...that's my major concern. Now, follow with me if you will. If the July payment which we've promised could be in jeopardy depending on the final budget outcome, then would it not be putting them in double jeopardy if this Bill passes and we're going to borrow money that we don't have? In other words, I guess...I would try...I understand what you're trying to do, and I don't really oppose what you're trying to do, but I think in trying to correct the problem now, we may be exacerbating the underlying problem. If we go out and borrow money in a tight fiscal year (that we may not even be able to borrow), we may, then, endanger the July payment. So, what we might have as a net result here is a wash. They get one payment and not the other."

Novak: "Now, Representative, I respectfully...respectfully disagree with your proposition. As you know, the last day of the fiscal year for School District 299, a double school aid payment was advanced to the City of Chicago. The remaining downstate school districts only got one school aid payment."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

They have different...they have different fiscal years. This money was supposed to stay with..on the schedule with the school districts outside the City of Chicago. We can borrow the money and our bond rating is still in good shape; we can borrow it at much lower interest rate and pay it back according to schedule. Your school districts, as well as my school district and every school district in this State, teachers, parents have been yelling at us and screaming at us about this delayed school aid payment. This legislation only seeks to put everything on a level playing field; to get those dollars back, so we can take those pink slips back from teachers and other people that are being laid-off in school systems from around the state."

Black: "All right, let me, and perhaps you've already said this and in the overriding noise here I didn't hear you, how much money are we talking about here? That the full..."

Novak: "A hundred...one's a 176 million."

Black: "Okay. In other words, one full month's State aid payment?"

Novak: "Correct."

Black: "Okay. I appreciate your patience. Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. A very difficult vote as many of them are going to be this year. I find it very difficult to stand in opposition to the Gentleman's Bill. However, I have a legitimate concern and I think many of us should have the same concern. What we did last year in good faith, perhaps didn't turn out the way many of us were told that it would, or we thought that it would, and perhaps this Gentleman's Bill should, indeed, be passed. But in the fiscal crisis this State is in my immediate concern is

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

that we make the July payment that we have promised, and if we get to House Bill 600 and pay the interest on that, perhaps, it's the best we can do in this fiscal crisis. And next November the public gets a chance to decide as to whether or not education should indeed be the predominant priority of the State of Illinois. And given that fact, that that will be on the ballot, perhaps a 'present' vote is advisable on this because you're asking the State to incur another \$174 million in debt when we are already, by the Comptroller's figure, over \$800 million in debt. At some point, we simply have to bite the bullet. Let's hope that we make the July payment, and if we ever get out of this fiscal hole, maybe we can revisit the Gentleman's concept at that time."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. This Bill ought to be under the subject matter heading, 'Political Illusion'. All that happened last year was, we didn't make two payments in one month, we made two payments in two months. There is the loss of the use of money, for one month for one time only. Everything else is illusion. Do we have to stand here and pretend to the people of Illinois that we are going to pay \$174 million to satisfy the illusion? One hundred seventy-four million dollars that is already not in the budget and cannot be found. We're here wrangling over budget problems that don't include 174 million. But rather than address those issues, we stand up here and tell these poor people in the galleries that we're going to do something for education. It's baloney. The only loss realized from last year is one month's use of the money -- period. Everything else is bookkeeping. All we did by moving the payment from June to July was put it into a new

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

fiscal year. Tell 'em to adjust their books to take it into account. There is no other loss. And if your superintendents call you and give you a hard time, you tell 'em that you're sick of the political illusions and games that go on in Springfield. And the truth is they were not hurt."

Speaker McPike: "Representative Edley."

Edley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. All this Bill does is correct a shabby, financial trick that this State pulled on school systems throughout our state. You know, if this was a...if the state had to use business-like accounting principles, if the Governor and the Legislature were held to the same financial requirements that we...that we require our for-profit businesses to respond to, they'd be in jail. They'd be in jail. This is a...merely correcting a financial sleight of hand -- Smoke and mirrors budgetry -- that did not provide the state any more money to spend; it only delayed our payment of \$174 million by a couple of weeks. It was phony accounting; and for all the trouble that we've caused the school districts in our state and their accounting system, we've caused the State's budget, really, to go ahead and continue to spend money that we didn't have. This is a good piece of legislation; it is not costing the state any more money; it's simply requiring the state to pay it in the time-period in which we have, traditionally, made the school aid payment."

Speaker McPike: "Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. I'm probably one of the few on this side to rise in support of this Bill, and I think the argument can be made very effectively by those who have just opposed the Bill. They say it's not a loss,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

it's a delay. Well, if it's not a loss, then this Bill doesn't really do anything. It doesn't cost us anything. If they weren't taken back for loss before, then this Bill doesn't do anything. It just puts the payment back where it belongs. I wholeheartedly support your effort."

Speaker McPike: "Representative Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker McPike: "The Gentleman moves the previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The previous question is put. Representative Novak, to close."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2996 seeks to correct...correct an indignity that was done to our school districts last July. This Bill is parity, Ladies and Gentlemen. This Bill restores needed dollars, \$176 million, to all those downstate, and suburban, and collar county school districts. Now, if you want to vote against this Bill, you're gonna really hear it from home if you vote against this Bill, from teachers, from parents, from students, and from educators. This is a very important Bill for your constituents in your district. If we say we're for education, let's put our money where our mouth is. I ask for your support."

Speaker McPike: "The question is, 'Shall House Bill 2996 pass?' All those in favor vote 'aye', opposed vote 'no'. Representative Parke, one minute to explain your vote. Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker before this said that this is just a...won't cost any money. I mean that's ludicrous. Of course, it's going to cost money. They already agreed

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

that it's going to cost \$176 million that we don't have. You know, this Governor has made some very tough decisions. He's made decisions that your taxpayers expect you to make. Now, if you want this, then I expect the same Representative that just spoke against this, I expect you to put in a tax Bill to pay for this. Now, it's easy for you to stand there and say that the people are going to hold you accountable. I'll tell you who's going to hold you accountable, the taxpayers are going to hold you accountable if you vote for this. Now we all know that our school systems have it tough. When you don't have the money, you can't spend it. That's what this Governor has done time and time again. The citizens of this state are going to find this Governor very, very pleased that he's taken some tough decisions. But stand up and introduce a tax Bill to pay for this and pay for the other spending Bills that you guys do. Yeah, waive your hand. Where is the tax Bill you are going to introduce to pay for this, Representative?"

Speaker McPike: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. To address a couple of the concerns that I see in this piece of legislation, I truly believe that we are correcting a wrong, as has been stated before. Parity, yes, parity. I believe positively that we have done this very thing. The Governor of this state borrowed money to accommodate the needs of the City of Chicago' schools. We're asking for that same parity. We believe that our kids are as important as any other part of this state's kids. I believe that it's important that we do pass this legislation. I feel very good about it. I encourage everyone to join with us. I believe that this deserves a hundred votes."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, Representative Parke, the Governor did make some tough decisions. When the city...the schools in Chicago needed their money, he borrowed from the pension funds to be sure that they got their shortfall at our expense. And now we're asking to correct something that we know was a gross failure. And those of you that say it was an illusion, that this is not a real loss, ask the small school districts like my kids, Mel and Ray are up in the gallery, they had to do without. And it's just a bookkeeping matter. We ask for an 'aye' vote."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Let's be very clear what it is that we're doing. We all know the decision that was made collectively by this House and the Senate last year. We all knew the cost that was being made at that time. But the question now is, 'Where's the reality in this promise?' You're promising more money. Where's the money? Where's the beef? You're making promises that you can't keep. I thought we were trying to learn not to do that. But apparently we haven't learned that lesson. Apparently, we are continuing to put votes on a board knowing that the money is not there to follow them up. I want to be more honest with the taxpayers of this state. I would have hoped you would have been just as honest."

Speaker McPike: "Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this Bill, there are 100 'ayes' and 17 'noes'. House Bill 2996...House Bill 2996, having received a Constitutional Majority, is hereby declared passed. House Bill 600,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Representative Curran. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 600, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Representative Curran."

Curran: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. House Bill 600, as it was amended in Committee, authorizes the State Board of Education to pay the interest to the school districts for the late general State aid payment between June and July. This is the same language that was used in 1983 when the same circumstances arose. The cost is \$939,000. It is in the Governor's budget. I don't think there's a lot of controversy but we're soon to find out. Be glad to answer any questions. Ask for an 'aye' vote."

Speaker McPike: "On the Gentleman's Motion, Representative McCracken."

McCracken: "Thank you. I rise in support of this. This is the only loss that has resulted from making the payment in July, as opposed to two payments in June. This is our obligation to local education. This our obligation borne of our vote last year in Senate Bill 45. But no more than this. The prior vote, in my opinion, was not required. This is required to keep our word. I rise in support."

Speaker McPike: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield just for a question or two?"

Speaker McPike: "Yes."

Black: "Thank you very much. Representative, for the record, because of the background noise, this money is in the budget, correct?"

Curran: "That is correct."

Black: "The Governor has said he supports it and will sign it."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Is that correct?"

Curran: "That is correct."

Black: "It is fair and equitable and what we promised. Is that correct?"

Curran: "That is correct."

Black: "Congratulations, you have a good Bill."

Curran: "I wouldn't sponsor anything other than that."

Speaker McPike: "The question is, 'Shall House Bill 600 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 103 'ayes', 6 'noes'. House Bill 600, having received a Constitutional Majority, is hereby declared passed. On page 40 of the Calendar, Conference Committee Reports. Speaker Madigan in the Chair."

Speaker Madigan: "On page 40 of the Calendar, on the Order of Conference Committee Reports, there appears Senate Bill 511. The Chair recognizes Mr. McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In 1985, we in the General Assembly passed a Telecommunications Rewrite Bill that was one of the most progressive laws in the United States and it became a model for other states to follow. As a result of that Bill, today, in Illinois, we have some of the lowest phone rates in the United States, if not the lowest phone rates in the United States. The telecommunications field is changing every single day. We're living in an electronic world. We have to change our laws to keep pace with the changing marketplace. If we want to be prepared for the 20th...for the 21st century, then it's necessary for us to change our law today so that we, once again, have the most forward-looking, progressive telecommunications Bill in the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

United States, so that we can prepare both industry and the state's infrastructure for economic growth in the '90s and beyond. I think that that is exactly what this Bill does and I would move for its adoption at this time, and am prepared to answer questions on the specifics of the Bill."

Speaker Madigan: "Mr. Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think Majority Leader McPike was correct when he said that the '85 rewrite was one of the most progressive pieces of legislation and has become a model for the country. I was one of the Chief Sponsors in that legislation and have been involved, obviously, straight through in terms of telecommunications. And what I would suggest is we had a good law in '85, and it's still a good law. What isn't broke (sic) doesn't need to be fixed. I feel like the little Dutch boy over the last year and a half that's (sic) kept his finger in the dike and I recognize at this point there's a tidal wave that's coming. But I would suggest that what we need (is) to defeat this Conference Committee Report because there's still time to go back and make some concessions to the consumers, and also to the business community, that have not been made, that can be made if those groups are at the table, which they haven't been. The so-called freeze in this legislation is illusory. First of all, it doesn't apply -- and this is important particularly to the other side of the aisle -- the freeze that's provided for in this legislation doesn't apply to business telephone rates. The experience in other states is that rates under this kind of proposal have gone up substantially. In New York, New York Telephone asked for a doubling of basic telephone rates. They asked for a billion dollar increase when they got

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

incentive regulation. And you're opening up the business community, your business constituents, to the possibility of massive telephone rate increases even when our economy is as bad as it is now. Number two, the freeze really doesn't do a whole lot, even for consumers. The freeze in this legislation, in terms of telephone rates, first of all doesn't apply until the telephone company goes in and asks for incentive regulation. So right now, if we pass this legislation, the telephone company can go in for a regular rate increase, get that increase, and six months later they can go in for incentive regulation and the rate freeze would be at the higher rates for three years. So it's illusory. As far as what it does, that can be gotten around. Moreover, it doesn't cover all telephone service even for residential customers. It only covers line and untimed calls. If you live in the City of Chicago, it would not cover your calling from one end of the city to the other because your timed calls, they're more than eight miles away. This is bad for business. It's bad for consumers. It's not something we need because what we have isn't broken. This is a bad vote in an election year. All of us are up for re-election in new districts and how are you going to tell your constituents you voted for this unjustified is hard to say. Moreover, the telephone company, if they opt in under this legislation, if they say 'we want incentive regulations,' and they decide afterward they don't like it, they didn't make enough money, they can opt out. They are not even required to stick within the vows of this legislation. My suggestion is we need to defeat this Conference Committee Report, because we have a good law, and go back and negotiate and get some concessions, not only for the consumers, but get some

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

concessions for the businesses that are not protected because there is no freeze in this legislation. I urge a 'no' vote."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Probably the first and foremost point about...in favor of this Bill is the fact that the current Act is scheduled to sunset this Friday. We need to have something in the statutes to make sure that our telecommunications industry can go forward into the future and that needs to be done today. This is a good Bill. There are several parts of this Bill that tighten consumer protections. The Bill incorporates strict new standards to prevent cross-subsidies. It requires competitive services to be priced at levels that are greater than or equal to cost, which ensures a fair pricing for noncompetitive rates. The Bill requires proper and fair allocation of common overhead costs, things that were not incorporated in the previous legislation. This Bill does offer the opportunity of alternative rate regulation, but only under strict requirements, and, then, if that were to come into place, there would be a three-year freeze on basic service rates (and the way I understand that, that applies across-the-board to both residential and nonresidential rates). This Bill provides a basis for an orderly progression of the telecommunication services in this state. Illinois is long considered a transportation hub of the United States and I think we should also be called a communications hub of the United States. For us to keep our communications on the cutting edge, our laws must accommodate technological and scientific advances. We have to look down the road for decades to make sure that we

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

grant proper authority today for our communications industry to prepare for the future, and that's what this Bill does. It's a good Bill. It deserves your 'aye' vote."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House.

One of the last tax Bills, Representative McCracken titled it political delusion. This Bill ought to be titled rate rape - rate rape -- because that's what it is. We've heard a lot about alternative regulation. Believe me, alternative regulation will harm the consumers. In fact, it's a misnomer, because really what it is with regards to monopolies, where there isn't any competition, (and we're talking about Illinois Bell), it is deregulation. That's what it is. It will open the door and legalize excessive phone rates. Right now we have a system where the phone rate is tied to the actual cost of providing service. Under that system, the public utility, Illinois Bell, is guaranteed -- guaranteed -- a reasonable return on its investment. What company wouldn't like that? The ICC has determined that a 13% profit is a reasonable return. Actually, in the last few years, Illinois Bell has earned profits hovering at 16%. That's not bad -- not bad -- 16% profit, and guaranteed. But not good enough for Illinois Bell. No, they're greedy. They want more. Spokespersons for Illinois Bell have said publicly that the reason that they have been working (I should say lobbying) for alternative regulations is because the present law caps their profit at 13.1%. In other words, they admit they want more. Rather than tying rates to the cost of service, they would like to tie the rate hikes to the inflation rate. In other words, increase after increase after

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

increase. And if we would have had this alternative regulation for the last few years, the last three years, our rates right now would be 20% higher than they are now. Illinois Bell has set up some smoke screens to cloud their real intent and that's to gouge the customers, the consumers. They tell us, and I heard on the floor here (someone) saying we want to get into the 21st century, that we need alternative regulation to invest in new technologies. That's a lot of hogwash, because under the current law -- the current system -- that hasn't hampered Illinois Bell from establishing what is one of the most advanced telecommunication networks in the country. They have been able to use advanced technologies. Nowhere have I heard Illinois Bell tell what new service, new improvement, or new technology will be available because of alternative regulation. Nor have they said what they can't do in new technology because of the current law. They haven't told you that, because the present law doesn't hamper them at all. As we sift away the smoke, Senate Bill 511 really is a simple Bill. The effects of it are plain and simple. Illinois Bell will increase earnings, dramatically. Where will that increase come from? Where else, the consumers. We are going to foot the bill for Illinois Bell's greed. It will cost somewhere between \$300 million to \$1.6 billion. And you don't have to call it a rate increase, you might as well call it a tax increase, because that's what it is, because 96% of the monopoly of Illinois Bell are consumers...and that's...uh...are going to come under this alternative regulation. Now, it's been said that this is an agreed Bill. Agreed, to this extent. You all know...you all saw the history of this Bill -- it started two years ago when they tried to sneak through that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Amendment in the Senate. Now what happened was, there were...virtually everybody initially was opposed to it, right? Everybody! So, what did they do? One by one, the Illinois marksmen plucked them down like clay pigeons: they got...they got the cable TV -- they knocked them off; they got the AT&T; they got MCI; they got the Illinois Press Association; and they surely got the Chicago Tribune -- they didn't want that opposition; the Illinois Retail Merchants -- one by one they plucked those clay pigeons. They plucked them out of the air, so there was only one pigeon left -- one pigeon left -- and that's the taxpayers, the consumers. What did they do for us? As Ellis said, they gave us a so-called freeze. Are you kidding? First of all, they can put in another increase before they go to alternative regulation. That's a loop hole. Secondly, Illinois Bell wouldn't mind a freeze for a while, because the fact of the matter is the cost of providing the services is going down. So, rather than give refunds to the customers, they would establish this so-called freeze. Illinois Bell, you didn't give the consumers anything. And, we are not pigeons, we are going to stand for the consumers. Ladies and Gentlemen of the House, show that consumers are not pigeons, to be shot down. Vote 'no' against this lousy Bill. It is rate rape."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

McCracken: "Mr. McPike, I would like you to confirm whether I'm correct in certain legislative intent of the Bill. I'd like to read the statement and ask if this is a correct statement of legislative intent. 'The legislative intent of the Amendments to Section 13-507 is to establish that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

common facilities and expenses shall be allocated to noncompetitive services as a group and to competitive services as a group, and shall not be allocated to individual services. Aggregate revenues for competitive services as a group must be equal to or greater than the aggregate competitive service costs, including the combination of imputed tariffed rates on a protective basis for all individual services where required by new Sec. 13-505.1, all other individual services incremental costs, and all common facilities and expenses allocated to competitive services as a group. However, that portion of competitive services which is accounted for by imputation of noncompetitive tariffed rates shall be excluded from the basis for deriving the allocation of common facilities and expenses to competitive services as a group.' Is that correct, Sir?"

McPike: "Yes, Mr. McCracken. That is correct."

McCracken: "Thank you. I rise in support of the Bill. In addition to its providing our telephone companies, and other regulated utilities subject to this Bill, the ability to meet the demands of new technology in the 21st century, this Bill is a leader in the nation for the protection of proper competition in those areas where the phone company does not have a monopoly. That Section that I refer to, in particular, is one example of that fact. There are other examples that could be pointed to. This competition in new and emerging technologies is crucially important for Illinois to move forward and will serve as a model for the rest of the nation on this issue. I move its adoption."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Make no mistake about it, a vote for this Conference Report is a vote for higher phone bills than consumers

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

would pay under the current law. All you have to do is ask yourself why Illinois Bell wants this Bill so badly. Is it in order to make less money? Of course not. And where are those additional revenues going to come from? Out of the pockets of your constituents. 'But residential rates will be frozen,' they say. 'Isn't that a great deal?' The answer is no. Years ago, consumers paid, through higher rates, for Bell's technological improvements with a promise that they would benefit as costs dropped. Now is the time for consumers to get their dividend and Illinois Bell wants to change the rules. Bell's rates should be dropping and they have been dropping. Illinois Bell's costs have been going down and, under current law, phone rates, which are based on cost, were forced to go down also. Those of you who oppose new taxes should vote 'no'. This is a tax of the worst sort. You are approving a multi-million dollar utility tax but the money won't go to education and it won't go to senior citizens or infrastructure. It goes to Illinois Bell, a company which is telling us that a 15.2% return on consumer stock is insufficient to encourage investment, and to Ameritech who has out performed all other Baby Bells and most Fortune 500 companies for many years. If you truly want to encourage investment in new technologies, then the current form of rate-making, which guarantees Bell an enviable rate of return, is the way to go. This is a bad deal for consumers. It's a deal that was essentially made behind closed doors by special interests. This is not an agreed Bill. Consumers never agreed. This is nothing more than a special interest give-away. A vote for this Bill is a vote for higher phone rates than your voters should be paying for. The pro-consumer vote is 'no'. The re-election vote is 'no'.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Thank you."

Speaker Madigan: "Mr. Harris."

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, let me make a prejudicial statement. I like the phone companies. I like to have the ability pick up the phone, dial some numbers, and call Chicago or Cairo or Cairo, Egypt, or Tokyo, Japan. I don't want to limit that capability. I want to expand that capability and I think this Bill helps us do that. The passage of this Bill very well may be probable. We now have, if not total agreement, certainly substantial agreement: the phone companies, and there are many of them, (not just Illinois Bell) probably several dozen in the State of Illinois, who have agreed to the Bill. The long-distance carriers have agreed to the Bill; the newspapers, who (sic - which) carry information services now, and the Illinois Press Association have agreed to the Bill, and the cable television association have (sic - has) agreed to the Bill. And our compliments should go to the Gentleman from Madison, the Majority Leader, for putting together, through difficult negotiations, something which can be agreeable to all of those parties. Yet, there still is opposition, as you heard. Well, it might be helpful to look at this a little bit from a historical perspective. Back in 1985, when we rewrote the Public Utilities Act, we did it for all of the utilities. We did it for the gas companies. We did it for the electric companies. We did it for the telephone companies. But back in 1985, we said, 'Hey, we're gonna have the regulation of telephone companies expire in 1990.' Well, why didn't we do the same thing for the electric companies or the gas companies? The reason is that those people who were working on that rewrite, (and the Chairman

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

of the Public Utilities Committee was one of them, as was Congressman Dennis Hastert -- former State Representative Dennis Hastert, from our side of the aisle), they recognized that what was happening in telecommunications was different from what was happening with the other utilities. You know, phone rates are where they are today not so much because of the ICC but because of a judge who sits in Washington, D.C., who broke up AT&T. Now, maybe we didn't think that was a good idea. I don't necessarily think it was necessarily a good idea. My phone bill used to be \$30 a month for everything. Now, it's \$30 a month for local, \$30 a month for long-distance. Sure, I have a choice of 12 different phones and 25 different long-distance carriers, but I'm not sure I benefit from that. But I know one thing, I'm paying more money. But, that's not because of regulation here in the State of Illinois. That's because of what a federal district court judge did in Washington, D.C. So, when they rewrote that Act in 1985, they said, 'Hey, telecommunications is different from everybody else.' And what is that primary difference? That primary difference is technological change. An electric-generating plant, be it conventional or be it nuclear, is basically set. The operating efficiencies are there carrying gas...natural gas through a pipeline. That pipeline is in place. Those operating efficiencies are there. But that's not the case with communications. That's not the case with technology. Telecommunications technology is changing almost daily and we all know it. Look what's happened to computers. Look what's happened to...to...to switching networks. Day-in-and-day-out something new is invented which makes it better, which makes it easier for us as consumers to use

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

that telecommunications technology. That doesn't mean that it makes it cheaper but it does mean that the normal rate-of-return regulation which has applied to the industry up to now is not necessarily the proper way to go. New technology will offer new and improved services, perhaps to the home-bound elderly, to schools, and to businesses. Even if their rates aren't frozen, I contend they would rather have the new technology to proceed and move forward with their business than to have some guaranteed rate. While we're talking about rate increases, when I was driving down to Springfield yesterday, all I heard on the radio was that we were going to vote on a Bill that was going to raise telephone rates. Not might raise telephone rates, or could raise telephone rates, but that was definitely going to raise telephone rates. It is my belief that is not true, despite what the previous speakers have said. The telephone companies-plural - have said there is going to be a rate freeze, at least on the basic services, and I think that's fair. We're talking here about the future of our state. More than 30 other states across this nation have adopted alternative rate regulation. You know, back in the 1950s, this nation built a highway system to carry the goods that was (sic - were) going to help this nation grow and, indeed, we did grow for 20 and 30 and 40 years. Now, in the 1990s, we have to build a new superhighway but it's a superhighway of fiber optics. It's a superhighway that's going to carry the information services that's going to take this nation and this state into the next century. A 'yes' vote is the right vote. Thank you."

Speaker Madigan: "Mr. Homer."

Homer: "Thank you, Mr. Speaker. Those who know my record here in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

the General Assembly I think would concede that I have tried to champion consumer causes hereout (sic) and have not shied away from battles with utility companies-including Illinois Bell. In fact, I got into a good debate with them last year and the year before over call-blocking and caller I.D.. But I've tried to be balanced in this debate and to try to consider the points of view of both sides. And I've read all the materials that have been supplied to me by both sides, and I've compared those materials to the draft of the Conference Committee Report. And it brings to mind something an old law professor of mine used to say. He was in a trial advocacy case, he said, 'You know, when the ...when the law is on.... There's two parts to a case: there's the law, and the facts. When the law is on your side,...or.... When the law is against you, pound on the facts; and when the facts are against you, pound on the law. When both the law and the facts are against you, pound on the table.' And I can't help but feel that the opponents of this legislation have chosen to pound on the table because they recognize the validity of their arguments are shallow. In fact, yesterday I was called out by one of the consumer groups -- and let me hastily add that I hold them in high regard, and all of the groups that are opposed to this Bill, and have worked with them, been allied with them in the past -- but I was presented with a one-page (a couple of paragraphs) sheet that seemed to summarize their case. And it seemed to come down to the fact that somehow there was a conspiracy involved here by the telephone companies and Illinois Bell to gouge consumers. And the fact that what the telephone companies agreed to a three-year rate cap did not assuage them because of the theory that they had that the telephone

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

companies would do to get around that would be to rush into the Commerce Commission with a rate case increase, get the rates increased for residential consumers and then get it frozen under this plan. But if you think about that, it doesn't make a whole lot of sense, because, first of all, in their same argument they say that the cost of providing phone service is already falling; and, so, if a phone company were to go in with falling costs and a new rate case, the probabilities are that the Commerce Commission would have to lower their rates under that argument, not increase them. Further, a standard, rate increase case in the State of Illinois takes 11 months, and on top of that this Bill says there would have to be another 180 days after that 11 months in order to come in for alternative rate under the higher, increased residential rate that the opponents say is the conspiracy here. I think they're seeing shadows. I don't see that here. In addition, to the commitments made by the phone comp...the large company, Illinois Bell, that they intend to go in as soon as possible under this plan, I would also challenge how the rationale would apply that the Commerce Commission, who is being distrusted now by the opponents, with the alternative rate plan, are the parties who would be voting on a rate increase in the first place. So it's the same people that (sic - who) would be voting on a plan in either case. So I fail to see the argument. In addition, although the opponents say that there are no criteria in this Bill for which this alternative rate decision by the Commerce Commission could be challenged in the court, the Bill says otherwise. On page 22 of the Bill, it specifically provides what must be in an alternative rate plan. It says, it must be in the public interest. It must produce

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

fair, just and reasonable rates for telecommunication services. And it specifically says that it must identify how ratepayers will benefit from the efficiency gains-cost savings arising out of the regulatory change. If the commission approved an alternative rate plan that did not do these things, I would hope that the consumer groups would take it to court, just like they can do now under a rate case. You know, in 1985, I don't recall...I was here in 1985 when the last rewrite was done, and I don't remember it (sic - its) being as smooth as some others have said. I remember getting a lot of letters in opposition, a lot of consumer concern about that Bill. We enacted it nevertheless, and it has now been declared, seven years later, as one of the model utility rewrites for the entire nation. It established an Office of Public Counsel to advocate for consumers. It has been borrowed and adopted by other states that want to model themselves after us. I think this Bill before us today, Senate Bill 511, has that same potential to put Illinois and keep Illinois in a pre-eminent role in the technological advances of the future and to guide us into the 21st century. I read a book about 10 years ago that impressed me a great deal. It was by John Nesbitt, called 'Megatrends,' and he predicted, long before now, that our nation was moving into a global information economy. And we need little further proof than to look at what's happened in Illinois: we've lost 125,000 manufacturing jobs during the 1980s. It's too late to retreat to our past and to go back to the systems that did not work. We need to move forward, and I think that this Bill gives us a chance, through our telecommunications sophistication, to attract industry into the State of Illinois and to allow us to grow and prosper. That's why

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

the business groups support this Bill, that's why, I believe, my constituents would want me to support this Bill; and that's why I intend to do that. And the notion that, Mr. Speaker, that what is good for the telephone company has to be bad for the consumer, I don't think has to be an axiom that's true at all times, because progress that is good for a phone company is also good for our constituents and the consumers if it creates new jobs and puts Illinois on the cutting edge of technological advances in the 1990s and beyond. So, I've carefully considered the Bill on both sides, Mr. Speaker, and I intend to vote 'aye'."

Speaker Madigan: "Mr. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. I certainly want to take my hat off to the Members who have worked very diligently on this Conference Committee Report. It's been something that they have conducted hearings on, they've met often and have done an exceptionally good job. The thing that I'm delighted about this particular proposal is when you look at the number of people who are in strong favor of this. There isn't a time that this Body doesn't say we need to create more jobs, we need to provide the kind of incentive to people in Illinois that will provide for them work and opportunity. When you know that labor and business and management and chambers of commerce and economic development groups all support this Bill, truly, this is a positive step forward. Because of the tremendous amount of research and technology and changes that are going on in the telephone business, I am pleased and proud to support this Bill because of that uniform support. When consumers say that this is a tax increase... (I thought maybe it was a telephone that had fallen off of someone's

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

desk.) Anyway, it seems to me that this is a tremendous opportunity to be reassured by (sic) constituents and consumers that their costs will not go up for three years. Can we not take great pride in that fact, that the use of a service that we take for granted on a daily base (sic - basis) will not increase in cost, in a basic form, for at least three years? That's a plus. I am proud of that. I think that is something that consumers should be proud of and the fact that both business and industry are in support of new innovative measures that will provide all of us positive messages down the road and tremendous opportunities for economic development. It's a good Bill, and I urge your favorable support."

Speaker Madigan: "Mr. Wennlund."

Wennlund: "Thank you, Mr. Speaker. I move the previous question."

Speaker Madigan: "I believe that the Motion will not be needed. So, if you could withdraw the Motion, and the Chair recognizes Mr. McPike to close."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. You've heard that there are a few consumer groups against this. Let me tell you the consumer groups that are for it. The first consumer group that's for it is the largest consumer group in Illinois with 1 million, 250 thousand members, all consumers, that's the Illinois State AF of L-CIO. A second consumer group that's very, very supportive of the Bill is the Coalition of Citizens with Disabilities. You know why they're for this Bill? Because some of their members have hearing problems, some of them have sight problems, some of them do not have the ability to get around as well as we do, and, so, they want the most advanced telecommunications networks in their homes that we

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

can deliver to them. They testified strongly in favor of the Bill. The business groups are consumers: the Chamber of Commerce, the Manufacturers' Association, the Retail Merchants. All of these groups are consumers. Why are they for the Bill? They are for the Bill for a very, very simple reason. They hired the best lawyers, the best economists in the country, to make sure that there were no cross-subsidies. And that is that Illinois Bell did not have the ability to take from its monopoly business and subsidize its competitive business. So that...so that the consumers...the business consumers wanted to make sure that what they were paying for was what they were getting and that they were not paying for a monopoly business where moneys could be shifted to the competitive side. That's why they're for the Bill. They are sure there are no cross-subsidies. Now about the long-distance carriers? Why are they for this Bill? They are for the Bill for the same reason I just mentioned: there are no cross-subsidies allowed in this Bill. They're for that. And they're also for it because they get another piece of the action. You can now, under this Bill, instead of calling from Springfield to Decatur with Illinois Bell, you'll be able to call Springfield to Decatur with AT&T or with Sprint or with MCI. What's it do to the consumer? Competition. It's going to drive down the price. Of course, it's going to drive down the price. So, the long-distance carriers are going to be able to compete against Illinois Bell all over the state. That's good for whom? It's good for consumers. The...the nonsense that has upset me the most in the hearings on this are these absolutely ridiculous figures that come out about how much this Bill is going to cost. Now, if this Bill had been in law for the last five

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

years, it would have cost somewhere between \$300 million and \$1 million 500 thousand. Of course, that's not the real world. That's some kind of make-believe world that this group thought up, because let me tell you what happened in the real world in 1991. There were 33 states that have alternate regulation -- that is not the rate-of-return regulation that we've had in this state all these years, but alternate regulation -- 33 states had it. And how much did phone rates go up in those 33 states? Three hundred million? Fifteen hundred million? In all 33 states combined that have this, how much did rates go up? Well, they went down \$87 million. They went down \$87 million. They went down an average of \$3 million a state in all these 30 states. But not in Illinois. My God, if we enact this in Illinois, our rates are going to go up. Our rates are going to go up even though we put a freeze into this Bill. We put a freeze in the Bill and said to the Commerce Commission, 'If they come in and ask for one of these alternate regulation methods, freeze the rates. Or if you don't want to freeze the rates, you, the Commerce Commission, can lower em. But you can't raise 'em. You can't raise the rates.' And what else did we say to the Commerce Commission for the first time ever, for the first time ever, in law? We said to them, in statutory language, 'No cross-subsidies.' So that when a senior citizen has got their (sic - his/her) phone in their (sic - his/her) house, they're (sic - he's/she's) paying for their (sic - his/her) phone in their (sic - his/her) house and nothing else. We didn't put that in the Bill in 1985. We did not. We had cross-subsidies for the last six years. No more. There will not be any cross-subsidies. There won't be any rate increases for home own...for the residential

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

customers, and yet we have a great Bill. We have a great Bill because we are going to be able to invest in new technologies in Illinois, as Mr. Harris put it. We are competing in a world economy. We are competing against Japan that has a national industrial policy to get fiber optics in every home in Japan by the year 2000. Just like we built a highway system in Illinois and in the United States, Japan is going to make sure that they have the best telecommunications network in the world, in the world. We're going to have to compete with that. Our other competitor is the European Economic Market that is going to consolidate January 1 of '93. So for the first time in a hundred years, the United States will have the second largest economy in the world, behind the European Common Market. So we have to compete with these two super powers. How are we going to do it. With our hands tied behind our back, or with the best Bill in the country dealing with the common industrial telecommunications electronic era? That's what this Bill represents to us. It represents to us jobs and a better future. Mr. Speaker, I move for the adoption of this Conference Committee Report."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor of the Motion, signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Mr. Ryder, to explain his vote."

Ryder: "Thank you, Mr. Speaker. We have before us a Bill that creates a freeze on rates for at least three years. We have before us a Bill that creates competition among the telephone carriers. We have before us a Bill that statutorily prohibits cross-subsidies so that monopolies can't subsidize competing other businesses. That sounds like a pro-consumer Bill to me, that's why a green vote in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

favor of this Bill makes a lot of sense."

Speaker Madigan: "Mr. Robert Olson, to explain his vote."

Olson: "Thank you, Mr. Speaker. Representative Harris, Representative Homer, Representative McPike all talked about the new technology. I'm from a rural area, and there's a lot of Representatives in this chamber that (sic - who) represents (sic - represent) rural areas. And I want to tell you what that new technology might mean in some down-home, current terms. Last night we adjourned at 6:00, and many of you hurried someplace to watch the Bulls' game. I hurried home to watch the Bulls' game but it wasn't on my TV. We do not have cable TV in rural areas, and I am told that this technology, that fiber optic line into your home, no matter where you live, will provide you with the same facilities, the same programs that now that those who live in the urban areas receive. I think on that, alone, if you represent a rural constituency, that you should support this Bill. Thank you."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. We are prepared to conclude. Have all voted who wish? The Clerk shall take the record. On this question, there are 67 'aye', 44 'no'. For what purpose does Mr. Woolard seek recognition? Record Mr. Woolard as 'aye'. Record Mr. Woolard as 'aye'. On this question, there are 68 voting 'aye', 44 voting 'no'. This Conference Report is hereby adopted and the Bill, having received a Constitutional Majority, is hereby declared passed. If I could have the attention of the Members, our plan for the remainder of the day is to continue on Third Readings. When we convene in the morning, we will consider Second Reading Bills that are on Special Orders. And, in a change of policy, we would

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

ask Members who have a Bill that they wish to have considered on Second Reading tomorrow, where the Bill is on a Special Order, to notify the Clerk this afternoon that you wish to have that Bill called on the Order of Second Reading. Tomorrow, we will only call for consideration Bills on Second Reading where the Bill Sponsor has indicated to the Clerk that they want that Bill called for the purpose of Second Reading. So, once again, for the remainder of the day, we will do Third Readings. Starting tomorrow morning, we'll only do Second Readings on Special Order where the Bill Sponsor has told the Clerk that they want the Bill called on the Order of Second Reading. Representative Satterthwaite, in the Chair."

Speaker Satterthwaite: "Representative Kirkland, for what reason do you rise?"

Kirkland: "Madam Speaker, just a question. There was talk of an agenda in which Third Reading Bills that needed to be amended would be brought back to Second. Will those kinds of Bills that are on Third to be brought back to Second be included in the Bills that we give notice of tomorrow?"

Speaker Satterthwaite: "I don't believe that that was our direction. There will be a time announced for that purpose, however. But...the...Speaker Madigan indicated that Bills that are on the Special Order of Call on Second Reading, if the Sponsors are ready to have those called tomorrow morning, you should notify the Clerk this afternoon."

Kirkland: "Fine. That answers my question. Thank you."

Speaker Satterthwaite: "I believe that if there are people who have Bills on Third Reading that need to come back for Second Reading, that could also be given to the Clerk, but we don't know yet when those will be called. On the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Special Order of Elementary and Secondary Education -- Third Reading, the Sponsors who have Bills on the early order of that call are Representatives Stern, Hensel, Curran, Hartke, Hannig, et cetera. Will Members please look at their Special Order of Call on Elementary and Secondary Education -- Third Reading? Representative Stern, on House Bill 2679. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2679, a Bill for an Act in relation to the creation of new school districts within the State of Illinois. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Stern."

Stern: "Madam Speaker and Members of the House. For my district, this is the most important Bill I am carrying this year, and I hope you will all listen carefully. This is a shot off the bow of the Federal Government which I hope you will join in helping me fire. In my area, Fort Sheridan has sent children to the local schools over a period of many years. They pay an impact aid, \$2,100 per student. It costs our school districts \$6500 per student. We have tried every way we could. We have visited with our senators, we have visited before committees, we have talked all the way to the White House on the subject of increasing impact aid. In my county, we have one nearly-bankrupt school district, and one school district in my area which is about to consolidate with two others in order to save its fiscal skin. This Bill would permit a school district which includes a military base to disconnect the military base. We are trying to get the attention of the Federal Government. It is like hitting the mule over the head with a 2' by 4'. Are you listening, Ladies and Gentlemen in Washington? We mean it. You are hurting us. We have got to have relief. I ask you to vote 'aye' on this Bill, and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

let us see if we can get their attention. I will answer questions, of course."

Speaker Satterthwaite: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I have discussed this Bill at some length with Representative Stern. I certainly understand her motivation in introducing this, and indeed it is a matter of firing a rather loud shot at the Federal Government for failing to do something that is harmful to students. It is not right for the Federal Government to do that. I stand in strong support of Representative Stern's Bill. Thank you, Madam Speaker."

Speaker Satterthwaite: "Representative Davis."

Davis: "Yes, Madam Speaker, will the Sponsor yield?"

Stern: "Of course."

Davis: "Okay, my question is if children are attending these base schools and the Federal Government is not providing for them, what will happen to them?"

Stern: "The children are not attending base schools. The children are attending the public schools in Highland Park. And according to Section 6 of Public Law 81.874 on impact aid, such arrangements to provide free education may also be made for children of members of the armed forces on active duty, if the schools in which free education is usually provided for such children are made unavailable to them as a result of official action by state or local government authority. In order words, the Federal Government would have two options. Well, have myriad options. One option would certainly be to contract with the local schools by paying a tuition per child to send them, as they now do, to the local schools. Another option would be to form a base school and send the youngsters

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

there, and the Federal Government pay its way. I want you to understand that the Federal Government pays the full cost of students in West Point, New York; of students in Fort Knox, Kentucky; students of military personnel in Germany are fully paid for. It is only in other states, and Illinois is certainly one of the stepchildren in this regard, that insufficient funds are provided for the education of military children."

Davis: "Would this prove disruptive, Representative, to the children who are now attending school in Highland Park?"

Stern: "It might prove disruptive for a brief time. You have to understand, we have a long way to go before we have the full attention. We still have to go through the Senate, we have to persuade the Governor of the correctness of our position. We have not heard one word from Washington on this question, and this Bill has been in the hopper for several months."

Davis: "We have a fine Senator called Paul Simon down there in the Senate in Washington, and it would truly appear to me that we would do the children of Highland Park and those men and women who are in the service and their children a disservice to disrupt their education in the middle of the stream when we could certainly provide remedy by asking our honorable Senator Paul Simon, and soon-to-be Senator Carol Mosley Braun, to immediately address the situation of the children in Highland Park whose families are service members who are now going to the Highland Park school. I think it appears a bit, I just don't want to say un-American, but it truly concerns me that we would not consider the disruption to these children, but immediately uproot them because you're not getting money from the Federal Government. It would appear to me that we would

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

try some avenues of questioning, some avenues of requesting, some avenues of using our Representatives at the federal level to bring about a remedy, rather than dealing with this federal problem at the state level."

Stern: "I have the feeling... May I respond, or are there other questions? Well, we have really spoken to both Senators at great length. There has been testimony before federal committees on this. Our people have traveled back and forth to Washington on a regular basis. Senator Simon has not been able to help. Senator Dixon has not been able to help. And, with all due respect, I'm not sure Senator Carol Mosley Braun will be able to help unless we take a very strong, outspoken position. You know the Boston Tea Party was a little un-American, too. We watered down all that good water in Boston Harbor, for what avail? Taxation without representation. Damn it, they're going to listen to us this time."

Davis: "Well, as Acting Chair of Elementary (sic - and) Secondary Education in the State of Illinois, I find that any, any legislation that isn't needed on an immediate basis is truly not worthy of our disruption of the education of children whose parents are serving in the military of this country. We have men and women who will go to Desert Storm tomorrow if called upon, and yet we're saying these peoples' children are not worthy of going to school in Highland Park. Well, I say vote no on this un-American piece of legislation."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "She indicates she will."

Wennlund: "It's my understanding that in approximately six months Fort Sheridan will be closed by the Federal Government. Is

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

that correct?"

Stern: "I'm sorry, I've lost track of the speaker. Who's speaking?"

Speaker Satterthwaite: "Representative Wennlund."

Stern: "Ah, yes, Fort Sheridan is closing, and the Navy is moving in."

Wennlund: "So that there will still be the same amount of students involved?"

Stern: "That's correct, there will be a lot of youngsters, yes."

Wennlund: "What impact will this have on other school districts in Illinois?"

Stern: "We hope it will have the effect of generating some action from the Federal Government to increase impact aid. We love the children of Fort Sheridan. They are a wonderful resource for the children of our area, for the public schools. We only hope by this Bill to make the point that we are dead serious, that we really care about talking to them. They have chosen to ignore us in every area of negotiation on Fort Sheridan."

Wennlund: "The fiscal note filed by the Illinois State Board of Education indicates that there will be a loss of federal impact aid of about \$8.3 million, and a loss of general State aid to districts in the amount of \$2.8 million."

Stern: "The Illinois State Board of Education has taken, in my view and in the view of the superintendents of schools in my area, a very prejudiced position. They have chosen to ignore that Section 6, that I read to you a moment ago, which says that the Federal Government will provide education. They have put the worst case scenario before you on the impact, on the...what do you call em...the revenue."

Wennlund: "They seem to indicate that this Bill would affect

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

approximately seven schools districts but 5,100 students who will then not have a school district at that point."

Stern: "There are school districts available. We are happy to negotiate with them on the basis of a contract per student basis. We are happy to rent to them buildings, to deal with them with personnel. These youngsters are not going to go ignored. We care about them."

Wennlund: "The fiscal note also indicates that the impact of creating new school districts and new school infrastructure for some 5,100 students, averaging at about \$3,500 per pupil, would be about \$17.5 million."

Stern: "I think the State Board of Education is dead wrong."

Wennlund: "How do we... What certainty is there in the Bill that would assure us that these 5,100 students would indeed have the entire cost paid for by the Federal Government, whether it be by contract, or..."

Stern: "We're not... We are.... We have no guarantees for you, sir. We have done everything we possibly can do to talk to the Federal Government about this, what has become a very burdensome situation. I cannot tell you that they are going to hear us now. But I think that if we make a concerted effort, and certainly this is a Body that fights back against mandates handed down to us, this is an onerous mandate indeed, that has been ignored far too long."

Wennlund: "Can you tell me what the basis, or what you feel is the reason why the State Board of Education is opposed to this?"

Stern: "The State Board of Education testified before the committee about its concerns for the youngsters. We care about those youngsters, too. I would like to make the point that that bipartisan Committee on Elementary and Secondary Education, the temporary Chairman not

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

withstanding, (oh, it's going to be cool on this row from now on) the temporary Chairman notwithstanding, voted unanimously to send this Bill to the Floor."

Wennlund: "Thank you very much."

Speaker Satterthwaite: "Representative Matijeovich."

Matijeovich: "Madam Speaker, Ladies and Gentlemen of the House, I'm a Co-Sponsor of this Bill; however, I don't want the Navy nor my school district to get the feeling that I want the Navy to get out of our school district. None of us want that, nor does Grace Mary Stern want that. My school district, the North Chicago School District, pays the highest, property tax rate in the whole Lake County. Now Lake County -- you've heard a little bit about Lake County, it's something like DuPage county -- it's got a high, property tax rate. However, my community is about 70% minority. There's lot of poor people in my community. There's a middle income people in my community. They cannot stand more taxes, and the school district understands that. They are right by Great Lakes Naval Training Center, and at one time the North Chicago School District, because of the federal impact aid, was one of the better-financed school districts in the county. That is no longer the case. It has now gotten so bad that my school district is not only on the school...the school board...the State School Board's watch list, they are being threatened that the state may have to take over our school district. That's the condition of our school district. It is mainly because of the fact that we have lost that federal impact aid. Now, what Grace Mary Stern is trying to do, she isn't trying to disrupt any school, she is trying to tell the Federal Government, 'Let's live up to your responsibilities.' We have met with, as she said, with

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Congressman Porter, with Senator Simon's staff, Senator Dixon's staff, and all of them tell us that the monies in the Education... Federal Office of Education are limited and each year the federal impact aid is being reduced. However, however, there is a source that can be tapped. And that is the Department of Defense revenues. Now, isn't it logical that revenues that are under the Department of Defense ought to be used for impact aid for students; military establishments -- their dependents, their kids? That makes eminent sense to everybody. Now, what Grace Mary Stern is trying to do, and I think everybody, including her seat-mate, ought to help her to wake up the Federal Government. You know, this trickle-down theory we're talking about, we're talking about the education of our kids. I fear the day, if this doesn't happen, if some aid doesn't come about, what's going to happen to my school district in North Chicago? It is in bad shape, and they cannot go to the taxpayers. Does anybody here think that a minority community, 70% minority, ought to have the highest tax rate in the whole county? I don't think anybody believes that. So you ought to help Grace Mary Stern. I am going to vote 'aye'. And I wanted to tell the Navy that they do a good job, that we want their kids in our schools, we want them badly, but we want the Federal Government to live up to its responsibility and provide the resources it should."

Speaker Satterthwaite: "Representative Frederick."

Frederick: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I also rise in support of this very fine Bill. I remember, Ladies and Gentlemen, in the '40s and '50s, the impact aid that was offered to school districts of North Chicago and Highwood were fair and just. But every year

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

since then, the Federal Government has absolutely abrogated its responsibility to these children. All we're trying to do, is to alert the Federal Government that they are not being fair to these school children. So I ask you all to vote 'aye' on this good Bill."

Speaker Satterthwaite: "Representative Flinn. Representative Monroe Flinn."

Flinn: "Madam Speaker, I move the previous question."

Speaker Satterthwaite: "The Gentleman moves the previous question. All in favor say 'aye', opposed, 'nay'. The ayes have it, and the previous question is moved. Representative Stern, to close."

Stern: "I only want to add one more thing: I am smitten to the heart with the charge of 'un-Americanism'. This is about as American as a Bill can get. We are protesting in the most vigorous way we can find against what we believe to be injustice. I ask your 'aye' vote."

Speaker Satterthwaite: "The question is, 'Shall House Bill 2679 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. Representative Parcells, one minute to explain her vote."

Parcells: "Thank you, Madam Speaker. I join with Representative Stern in this Glenview Naval Air Station is also one of those air bases where they have asked again and again for the Federal Government to pay a reasonable amount of money. The people of Glenview have been taxed over and over again to pay for these children. They've done it very graciously, but it's unfair, and the Federal Government should ante up and pay for those children, hundreds and hundreds of them that are going to school in Glenview on the taxpayers of Glenview. I ask for your 'aye' vote."

Speaker Satterthwaite: "Representative Schoenberg."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Schoenberg: "Madam Speaker, Ladies and Gentlemen of the House, because of a potential conflict of interest with my wife's law firm I will be voting 'present'."

Speaker Satterthwaite: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 4 voting 'no', 5 voting 'present'. The Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Hensel, on House Bill 2726. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2726, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Hensel."

Hensel: "Thank you, Madam Speaker, Members of the House. House Bill 2726 amends the School Code. It provides that whenever boards of education determine that it is economically and practically feasible to do so, they shall ensure that all paper purchased by them and the schools and attendance centers in their districts for publication of student newspapers shall be recycled newsprint. What this is is just a little added recycling effort by some of the students that initiated this proposal in my district, and they would like to see that the student newspapers, when feasible, use recycled newsprint, and I ask for a favorable vote."

Speaker Satterthwaite: "Is there any discussion? Seeing no one seeking recognition, the question is, 'Shall House Bill 2726 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 1 voting 'no', 3 voting 'present'. The Bill, having received

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

a Constitutional Majority, is hereby declared passed. Representative Curran on House Bill 2755. Mr. Clerk, read the Bill. Excuse me. Mr. McDonough? Let the record show that on the last Bill Representative McDonough would have voted 'aye'. Mr. Clerk, before we hear Mr. Curran's Bill, there is an announcement in regard to tomorrow's order of business. We announced earlier that people who have Bills on Second Reading, Special Orders of Call, should notify the Clerk of any Bills that they are prepared to handle on Second Reading tomorrow. At some other time tomorrow there will also be a listing of people who have Bills on Third Reading, Special Orders of Call, who need to bring those Bills back to Second Reading for purpose of Amendment. If you have a Bill on Third Reading, on one of the Special Orders of Call, needing to be brought back to Second Reading, and your Amendment is ready for tomorrow, give that Bill number to the Clerk. We will proceed then, Mr. Clerk. Read House Bill 2755."

Clerk McLennand: "House Bill 2755, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Curran."

Curran: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill requires the board of control of cooperative education programs to contain time for public comment in their meetings. It also requires that the respective bargaining agents be allowed to attend such meetings without loss of pay. Frankly, this is necessary, because in my district, the board of control in my area rescheduled meetings during the school day when employees and other interested members of the public couldn't attend. I'm sure that was inadvertent, but in order to comply with this legislation, a boards of control may schedule their

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

meetings outside the school day so that employees can attend. I'd be glad to answer any questions. This Bill passed the House last year. It got stalled in the lower chamber. I'd ask for an 'aye' vote."

Speaker Satterthwaite: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "He indicates he will."

Cowlshaw: "Thank you. Representative, I would like to inquire about... I believe that this Bill applies to regular, special, and subcommittee meetings of the board of control, provided those meetings are open to the public. How many meetings would a group like this have that would not be open to the public? Don't all of their meetings fall into the Open Meetings Act?"

Curran: "Well, as you know, this Bill contains more provisions than just the provisions of public comment. So, I don't know the answer to your question, but I know that I was asked to put this also in the Bill, in addition to the other provisions which are really more driving for this Bill."

Cowlshaw: "All right, let me see if I understand this correctly. In addition to the provision that the president of the affected bargaining unit (or a designee of that individual) must be allowed to attend any of the meetings of this board without loss of pay or benefits, it also goes on to say that employees of the cooperative must be afforded time to comment and to attend these meetings. Now, do you mean that employees of educational cooperatives must be released from their duties to attend any meeting of the board of control that is held during school hours?"

Curran: "As a matter of fact, I'm glad you mentioned that. I

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

thought that I had mentioned in my comments that in order to comply with this legislation, boards of control may schedule their meetings outside the school day so employees can attend. So, I think this legislation takes care of your concern in that matter."

Cowlshaw: "Finally, I think it is important for legislative intent, since you used the term 'subject to reasonable constraints', that is...then that applies to the business of being afforded time to make comments. What do you define as 'reasonable constraints?'"

Curran: "I don't think I will be able to do that here and now. I think it applies to the given situation at the time. And I think we trust, in many cases in the law, that reasonableness will be the determining guide, and that reasonableness will not be...we'll try not to spell out every inclusion at this time, but we'll leave that up to the parties at that time."

Cowlshaw: "Representative Curran, because of your comments about the intent that none of these meetings should be held during the same time that school is in session, so that there would not be any of these kinds of conflicts involved as far as having available the staff that are needed in these cooperatives, would you be willing to amend this Bill in the Senate to put in the language that says that meetings of these groups shall be held at any time other than the time that the...the regular scheduling of classes?"

Curran: "You have forgotten that you asked me not to amend this Bill, Representative. And now you are asking me to do what you earlier asked me to promise not to do. What I..."

Cowlshaw: "I asked you not to amend it in the House, but now, of course, once it gets over to the Senate, it's another

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

situation entirely."

Curran: "Well, I see. Well, I'm not going to promise now to break my earlier promise to you by causing somebody else to do something which you asked me not to do on an earlier occasion. My Bill... What my Bill says is that these people ought to be able to attend these meetings and that if the board of control schedules these meetings only when the employees are normally working during normal school hours, then they shall be free to attend. However, we consider it, I consider it, I'm sure you consider it, much wiser for them to call those meetings when employees could attend outside the regular school hours, and this legislation also provides for that."

Cowlshaw: "I want to thank the Sponsor for being willing to answer these questions. I think some of the legislative intent was important to establish, and I thank you, Madam Speaker."

Speaker Satterthwaite: "The Chair would like to remind the Members that this Bill is on Short Debate, as are several of the other Bills later on this order. And, I will, because I did not mention that when the Bill was first called, I will recognize Representative Hultgren."

Hultgren: "Madam Speaker, I simply rise in support of the Bill. It seems to me an eminently reasonable proposal; it doesn't impose upon the co-op any additional expense if they choose to hold their meetings after the school hours; and if they hold their meetings during the school hours, it simply provides that someone from the employee bargaining unit should be able to be present at public meetings. That's an eminently reasonable proposal; it doesn't impose any cost on the co-op; and I would urge every Member to vote 'aye'."

Speaker Satterthwaite: "Representative Curran, to close."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Curran: "I think Representative Hultgren just did that for me. I ask everybody to vote aye."

Speaker Satterthwaite: "The question is, 'Shall House Bill 2755 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Add Stange as voting 'aye', and Laurino as voting 'aye'. On this question, there are 115 voting 'yes', none voting 'no', add Representative Manny Hoffman, making it 116 voting 'aye', none voting 'no', none voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Laurino: "Representative Laurino in the Chair. House Bill 3067, Representative Hartke. Read the Bill, Mr. Clerk. This Bill is on Short Debate."

Clerk McLennand: "House Bill 3067, a Bill for an Act concerning school bus driver permits and criminal background investigations of school employees. Third Reading of the Bill."

Speaker Laurino: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 3067 is the Amendment on it which guts most of the Bill, and, really what it does now, it just contains one provision of the original Bill. The Department of State Police charge the regional (school) superintendents for criminal background checks, who in turn are reimbursed by the State Board of Education. The school districts reimburse the regional supers for the background checks for part time substitute teachers. A part-time teacher may work at several schools, thus causing a double payment or a payment from more than one source. This Amendment and Bill allows just one direct payment from the State Board to the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

regional superintendent of schools for that purpose. I would ask for your support, and I'd answer any questions."

Speaker Laurino: "The Chair wants to remind you this is Short Debate. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Cowlshaw: "Thank you very much. Let me understand, if I may, Representative Hartke. Currently, if a regional superintendent asks for a background check for somebody who wants to be a bus driver, the local school district who wants to employ the bus driver has to pay for that background check."

Hartke: "I think that's correct."

Cowlshaw: "Your Bill requires that the State Board of Education would now have to pay for that. Is that correct?"

Hartke: "I think the State Board reimburses for those individuals that they hire and there's confusion if they were part time, and whatever, and there was a dual payment. It's my understanding that this language came from the State Board of Education and corrects that situation."

Cowlshaw: "All right, let me ask this question, then, in a different way. Does... Would the passage of this Bill impose any additional costs on the State Government?"

Hartke: "I don't believe so, Representative."

Cowlshaw: "Thank you very much."

Speaker Laurino: "The Chair wants to remind the Members that this is Short Debate. Representative Hartke, to close."

Hartke: "I think all has been said. Let's take the roll call."

Speaker Laurino: "Representative Hartke moves for the adoption or passage of House Bill 3067. All those in favor indicate by voting 'aye', opposed, 'nay'. The board is open. Have all

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 115 'ayes', 0 voting 'no', 0 voting 'present', having received the Constitutional requirement, is hereby declared passed. House Bill 3070, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3070, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Laurino: "The Chair would like to remind the Body that this Bill is also on Short Debate. Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This Bill was given to me by the regional superintendent of schools, and it clears up some language that we passed last year. It provides that in a petition to detach, that the regional superintendent of the region exercising supervision and control is also the individual who has jurisdiction, and that's simply all that it does, and I would ask for your favorable vote."

Speaker Laurino: "Any discussion? Seeing none, Representative Hannig moves for the adoption or passage of House Bill 3070. All those in favor indicate by voting 'aye', opposed, 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 112 'ayes', 0 'noes', 0 voting 'present', having received the required Constitutional Majority, is hereby declared passed. House Bill 3086, Representative Giglio. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3086, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Laurino: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

House. House Bill 3086 adds one word to the School Code. It requires the suspension or expulsion from school of any person who belongs to a gang. Right now it has fraternities, sororities, or secret society, and the school board members in my area ask that the word 'gang' be included and that's all it does. If there's any question, I'd be happy to answer em. If not, I would ask for your favorable support."

Speaker Laurino: "The Chair would like to take the opportunity to welcome classmates of Messiah Lutheran School. Their teachers are Mr. Siefert and Ms. (audible) and the school is represented by Representative Bugielski, and soon-to-be State Senator Jim DeLeo. Would you stand up and we'll give you a nice, warm welcome from Springfield. I've got a very special friend up there by the name of Jason Holmes. Welcome Jason. Further discussion. Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield? One question, just for legislative intent. Could you define what you want the term 'gang' to imply?"

Giglio: "Well, the intent is for any member that declares himself a gang member, who is disruptive or causes trouble in the classroom. If there is no disruption or trouble, even if you belong to a secret society, like it says now in the School Code, or a gang, nobody would know the difference. They... In my school district, they haven't expelled anybody for over 10 years. But I think it might be used as a deterrent, and that's the reason why they asked me to put it in."

Ropp: "Okay, I think it's a good idea. I wanted to make sure that you didn't include organizations like FFA, or Teacher's Club, or Science Club, or Letter Club, because those are potentially groups of kids that are attempting to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

do good and, I'm sure, yours are to the contrary."

Speaker Laurino: "Further discussion. Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?
Representative Giglio, I think this is a great idea and
matter of fact, you've awakened me to the fact that this
Section was in the School Code. I had no idea it was even
in the School Code. But, if it's mandatory for the school
boards to suspend a member of a public school fraternity,
or sorority, or a secret society, I never knew that was
there, but this adds 'gang' and I guess... How does the
school board determine whether a student is a member of a
gang? I don't know whether do they have ID cards they have
identification cards, maybe?"

Giglio: "Well, that's what I tried to answer with Representative
Ropp. Nobody would know if you're a member of even one of
the existing organizations that's in the School Code under
paragraph 122... Or (Section) 31-3, Chapter 122, unless
there was some trouble, or there was some action. And
that's the intent of the School Board, is that to put that
in there to deter these kids, or these students from
participating in any gang activity that they also could be
suspended."

Wennlund: "Well, thank you, I think it's a great idea.
I...Mmatter of fact, I didn't even know... To the Bill, I
mean, I think it should be there but...and when this
original legislation was passed, it also required a public
school to suspend any student who was promised to join, or
pledged, or to become...becomes a member of a secret
society. One has to wonder, if it's a secret society,
how's the public school going to know about it, if it's so
secret. But, in any event, I think this is good
legislation and we ought to support it."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker Laurino: "For what reason does Representative Wyvetter Younge seek recognition?"

Younge: "Thank you, Mr. Speaker. I wanted to welcome Francell Morgan...who is visiting from East St. Louis. She is the Chairman of the East St. Louis, 'Making St. Louis Beautiful'. She's done a lot of work in improving the community. Let's give her a hand."

Speaker Laurino: "Welcome, Francell. The Chair now... Representative Charlie Morrow. Charlie?"

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentlemen yield? Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Morrow: "Representative, what would, and I'm basically putting this into the record for intent, legislative intent, what if a person was to accuse a youth of being in a gang without any basis of that youth being in a gang, and he happens to get into a fight the next day? Would that be grounds for him to be thrown out of school, because someone says that he's in a gang, but they really don't have any proof?"

Giglio: "Well, Representative, I don't think any school principal or school...ultimately, the school board has the authority to expel. And, like I say, there hasn't been an expulsion in over 10 years that I know of in my school district, the people that I represent."

Morrow: "All right."

Giglio: "But, if that's the case, this may be in the intent of the school board, I think to put the word 'gang' in there, is to deter these individuals that if they are part of a gang that they ought to be fearful that they could be suspended and eventually expelled."

Morrow: "All right. So, is there a due process that the youth

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

will go through before he is thrown out of school?"

Giglio: "It's not spelled out in this, in this paragraph here, but I'm sure that there is a process that has to be followed in all schools from 1st grade on up before anybody could be thrown out of school, whether it's for this particular purpose or any other purpose."

Morrow: "Well, Representative, you and I are not lawyers, so I would need some help from some of our lawyers on the floor here. Would a young person receive due process before he is thrown out of a school? I have a real concern with that because now, supposedly, gang members either wear a certain color, tilt their hat a certain way, and just because a young person might have his hat or cap tilted, and he's then charged with being a gang member and he happens to have a fight, not a gang fight, but just happens to have some minor trouble, and if the school, or the principal or the school board has something in for that young person, I could see where this Bill could cause him a lot of problems."

Giglio: "I can understand where you're coming from, Representative Morrow, but I don't think that's the intent of the legislation of why the school board members asked me to put this Bill in. I think more so it was something to put in there to deter these individuals from being part of the gang. And this is a consequence if they do cause trouble, there's a possibility that they will be suspended or eventually be expelled if they are really causing a lot of trouble. You have to understand, that if there's one or two people in a classroom it's not fair to the other 25 or 30 if these individuals are constant trouble-makers and not causing the other children in the classroom to really learn, for the purpose that they're going to school."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Morrow: "I just have one last question. Representative Giglio, if this Bill passes out of the House and goes to the Senate, would you be willing, in the Senate, to amend the Bill, to address these concerns?"

Giglio: "I would be happy to work with any group or anybody to make it better, and the whole idea, I think, is to let these students know that we want them in school but if they're going to be trouble makers and they're going to cause a lot of hardships and dissension of the other people in the classroom, that they're going to be punished."

Morrow: "Thank you."

Speaker Laurino: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Lang: "Representative, I think your goal here was laudable. You want to keep kids out of gangs, but I don't see anything in this Bill that would allow for a due process hearing before a student was expelled under these circumstances."

Giglio: "Well, I don't... Truthfully I don't either, but if you look at the paragraph that we're changing the one word, there's nothing in here, in the paragraph that says now that if you become a member of any public school fraternity, sorority, or secret society, it shows due process. We're just putting the word 'gang' to that chapter. So, if that's challenging, or what you're saying, then the whole paragraph is wrong, and there's something wrong about it."

Lang: "I believe that may be the case. Would you be willing to add something to this Bill that would create a due process hearing so for a determination as to whether somebody was in a gang, or was in a secret society, or was in a fraternity?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Giglio: "No problem, Representative, but I've just been informed that there's another chapter (sic) pertaining to the procedure of due process before somebody is suspended or expelled."

Lang: "Well, unfortunately, I don't see that here. So, to the Bill. Mr. Speaker, Ladies and Gentlemen of the House, as the Bill stands now, in my view it's unconstitutional. Representative Morrow hit the nail on the head. There is no due process in this Bill. I don't know if there is some other statute that covers this. I don't see it here. But based on what I see here, there's no definition of what a 'gang member' is; there's nothing in the Bill that says how you determine due process, or have a due process hearing before someone is expelled from school. And I'm afraid without these not only is the Bill unconstitutional but in many school districts around the state this could lead to certain racist activities that I think we want to avoid. So, without something in this Bill, defining what a gang member is and creating some system for due process hearings before the expulsion of a student, regardless of how laudable the goal is, which is to keep kids out of gangs, I would urge a no vote."

Speaker Laurino: "Representative Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen. Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Davis: "Representative, your Bill that states if a student is a gang member, he will be expelled from school. Is that before he exhibits any negative behavior?"

Giglio: "No, he has... There has to be some indication that he's causing trouble, or some indication to the principal or teacher or school board, before anything takes part."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Davis: "Is that in your Bill?"

Giglio: "Well, it's not in my Bill, but if you read the paragraph that we're trying to put the word 'gang' in, it says already in there, 'school fraternities, sorority, or secret society. So, you know, if that's the whole issue, then the whole paragraph is wrong."

Davis: "Well, you know, there was a story recently in the Chicago Sun Times that told about how some young kids the young age of nine, might join a gang because they're forced to for protection to and from school, and they're not really acting in any negative way, but they feel they belong to something, and they do this. And, my question to you is, do you think there might be some teachers, not all, but some teachers out there who might say, yes, you are in a gang, and you're suspended for today? Now, the question becomes what does this suspended student or this expelled student do for the day without adult supervision, most people are at work, now what is this expelled student supposed to do for the rest of the day, or don't we care?"

Giglio: "Well, I don't know the law with regard to the proper procedure, like was mentioned with previous speakers, as to what the process is for the suspension or expulsion. But, I'll grant you that there's bad apples in every avenue of life and every organization. Some people do it maliciously, some people do it unconsciously, but there are people that are out to get people. I don't think that's the intent of this. I look at it, from talking to the people that asked me to put this Bill in, as a deterrent; hopefully, that they'll want to go to school; they won't cause trouble; and with the threat that they may be expelled...excuse me...they'll be suspended or expelled, and perhaps there won't be any disruption in the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

classroom."

Davis: "To the Bill. There is documented evidence that the larger number of expelled students are African-American males, and I feel this is just another piece of legislation to help increase those numbers. The district in which I come from, School District 299, their number...in fact, most children consider themselves as a part of a gang. Some of the gangs are violent, some of the gangs are simply family gangs, but I think that term itself has a negative impact upon anyone who views or sees it. I actually think, and I'm really kind of surprised, Representative, because you don't appear to be the type, but I think this is a piece of legislation to once again punish that African-American male simply because of the color of his skin. Your Bill does nothing to say he must misbehave, your Bill says nothing to do with...he must...he's exploiting people, your Bill does not say that he is extorting money, your Bill just says if you're a member of this particular group you are very possibly going to be expelled. I think it would set an extremely bad precedent if this General Assembly started to single out people, that is not based upon their behavior but based upon the perceived...or...membership that you may not approve of, and deem them for punishment -- and this punishment -- saying, you can no longer go to school, you can't go to elementary school, you can't go to high school. There are enough young people out there unsupervised, without us adding to that number for such a frivolous reason. It is the bad behavior we are against and not the membership to different groups, be they Hispanic groups, African-American groups, or maybe some ranger groups. What we object to is bad behavior, not belonging to those groups. I urge a 'no'

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

vote on this Bill."

Speaker Laurino: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I move the previous question."

Speaker Laurino: "The Lady has moved the previous question. All those in favor indicate by saying 'aye', opposed, 'nay'. The 'ayes' have it. The previous question has been put. Representative Giglio, to close."

Giglio: "Thank you, Mr. Speaker. I think we've debated it enough. I think some valid points have been brought out. If this Bill passes, hopefully we can do something in the Senate to make it more agreeable so everybody understands, and perhaps those people that are in the department of schools, perhaps they can look at the paragraph 122...or...Section (sic - chapter) 122, paragraph 31 (sic - Section 31-3) whether or not, as Representative Lang says, it is constitutional or not. I'd be happy to work with anybody. And, one other thing, the Bill was not put in, as one Representative mentioned, for any racial overtones or issues. In fact, the African-American members of the school board district were part of the round table discussion that unanimously agreed that I put this Bill in and insert the word 'gang'. So, with that, Mr. Speaker, and Ladies and Gentlemen of the House, I would ask for a favorable support."

Speaker Laurino: "The Gentleman has moved for the passage or adoption of House Bill 3086. All those in favor indicate by voting 'aye', opposed, 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 89 'ayes', 24 'no', 1 voting 'present', having received a Constitutional requirement, is hereby

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

declared passed. House Bill 3115, Representative Kubik.
Representative LeFlore?"

LeFlore: "Could you record me 'yes' on that last vote?"

Speaker Laurino: "Let the record reflect Representative LeFlore
wished to be voted 'aye' on House Bill... Or 'No', Rep...
'No'? 'No' on House Bill 3086. House Bill 3115,
Representative Kubik. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3115, a Bill for an Act in relation
to hearing impaired and behavior disordered children.
Third Reading of the Bill."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 3115 would amend the Interagency Board
for Hearing Impaired/Behavior Disordered Children Act and
the School Code. What the Bill does is basically to create
a Service Resource Center to help serve the needs of the
hearing impaired children who have a behavioral disability
as well. This is a product of the Citizens Council (on
children), it's a Citizens Council Bill. I would be happy
to respond to any questions, and I would appreciate your
support of the legislation."

Speaker Laurino: "Further discussion. Seeing none, the Gentleman
moves for the adoption of House Bill 3115. All those in
favor indicate by voting 'aye', opposed, 'no'. The board
is open. Have all voted who wish? Have all voted who
wish? Have all voted who wish? Take the record, Mr.
Clerk. This Bill, having received 116 'ayes', 0 voting
'nay', 0 voting 'present', having received the required
Constitutional Majority, is hereby declared passed. House
Bill 3278, Representative Cowlshaw. This Bill is on Short
Debate. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3278, a Bill for an Act to amend the
School Code. Third Reading of the Bill."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker Laurino: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. May I begin with an inquiry of the Chair, please?"

Speaker Laurino: "Proceed."

Cowlshaw: "May I make an inquiry, please, sir, I believe that this Bill is on this yellow calendar that was just distributed as Supplemental #1 - agreed Bill list. Do you want to skip over anything that's on the agreed Bill list or, since we're on this order of call do you want to proceed with this Bill now?"

Speaker Laurino: "Out of the record. House Bill 3358 (sic - 3385), Representative Hultgren. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3385, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Laurino: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The School Code currently provides that by referendum a district can elect school board members in subdistricts (sic). But once a school district has adopted that procedure by referendum, there is no similar statutory provision by which a school district can by referendum go back to the election of school board members by district of the whole. This would provide that statutory mechanism by which school boards could submit the issue to the voters and, if the voters approve, they could elect board members at large. For those that are concerned about the representation of minority subdistricts, each of the subdistricts would have to approve the referendum to return to an at large election system or the referendum would fail. This passed the House (Elementary and Secondary) Education Committee unanimously, I believe; it's noncontroversial; I know of no opponents; and would ask for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

a favorable roll call."

Speaker Laurino: "Representative, we'll take this Bill out of the record. It's on the agreed bill list, okay?"

Hultgren: "That's fine."

Speaker Laurino: "House Bill 3465, Representative Ropp. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3465, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Laurino: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker, Members of the House. House Bill 3465 is a Bill that expands the current VIP program, but allows the State Board of Education to approve through their Tech Prep Programs, academic teachers to go into the world of work during the summer for a period of learning -- learning new principles, learning new theories and concepts so that they can take those back into the classroom in the fall. This grant program is in place and is allowable up to \$2,000 per summer. I urge your favorable support."

Speaker Laurino: "The Gentleman moves for passage of House Bill 3465. Any discussion? Seeing none, those in favor will indicate by voting 'aye', opposed, 'nay'. The board is open. Representative Wennlund, for what reason do you arise?"

Wennlund: "Has the fiscal note been filed? Was there a fiscal note filed? Oh, it was removed. Okay, thank you. I got the answer."

Speaker Laurino: "This Bill, having received 111 'ayes', 0 voting 'nay'...112 'ayes'...113. Oh, take the record, Mr. Clerk. This Bill, having received 113 'ayes', 0 voting 'nay', 0 voting 'present', having received the Constitutional requirement, is hereby declared passed. House Bill 3800, Representative Schoenberg. Out of the record. House Bill

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

3881, Representative McDonough. Out of the record. We'll, let's proceed to Economic Development -- Third Reading, page 22 of the Calendar. House Bill 2952, Representative Matijevich. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2952, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill."

Speaker Laurino: "Representative Matijevich."

Matijevich: "Speaker, Ladies and Gentlemen of the House, House Bill 2952 is similar to a Bill we passed last year and was vetoed by the Governor that would provide that where the Department of Commerce and Community Affairs, prior to offering incentives to foreign firms shall first determine whether the nation in which the foreign firm is located offers similar incentives to U.S. industrial or manufacturing enterprises to locate in that nation, and whether the nation imposes duties or barriers against the importation from the U.S. of products of the type which the foreign firm proposes to produce in Illinois. This Bill...I was asked to introduce it by the Steel Workers of America...it...I believe...at this time because of the debate throughout this country, the concerns that many Americans have that there are...that this country too often provides incentives for foreign firms when we ought to be first taking care of our own concerns. I would appreciate your support."

Speaker Laurino: "Any discussion? Seeing none, the Gentleman moves for the passage of House Bill 2952. All those in favor indicate by saying (sic) 'aye', opposed, 'nay'. The...Vote 'aye', opposed vote no. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Bill, having received 108 'ayes', 3 voting 'no', and 1 voting 'present', having received the Constitutional requirement, is hereby declared passed. House Bill 3692, Representative Harris. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3692, a Bill for an Act concerning economic and community development. Third Reading of the Bill."

Speaker Laurino: "Representative David Harris."

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This used to be a meaningful, great Bill. Unfortunately, it is now a shell Bill, a mere shadow of its former self. It's going to be used simply for any changes with the Department of Commerce and Community Affairs that might be needed. It is a shell Bill, takes no meaningful action, and I ask your support."

Speaker Laurino: "The Gentleman moves for the passage of House Bill 3692. Any discussion? Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Lang: "Representative Harris, is there any chance that this technical change you're going to make will be to abolish DCCA?"

Harris: "Oh, I don't think there's a chance of that."

Lang: "Do you have any specific intention now for the Bill?"

Harris: "None whatsoever. As a matter of fact, we did not strip the Bill. It was because of the majority in Committee that said..."

Lang: "Well, we may have some ideas for it, thank you very much."

Harris: "Ah. Well, may I ask you a question? Do you intend to abolish DCCA?"

Speaker Laurino: "Further discussion? Seeing none, the Gentleman moves for passage of House Bill 3692. All those in favor

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

indicate by voting 'aye', opposed, 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 112 'ayes', 0 voting 'no', 1 voting 'present', having received the required Constitutional Majority, is hereby declared passed. House Bill 4070, Representative LeFlore. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 4070, a Bill for an Act concerning small business surety bonds. Third Reading of the Bill."

Speaker Laurino: "Representative LeFlore."

LeFlore: "Thank you, Mr. Speaker. Forty seventy creates a small business surety bonding guaranty. It provides administration by the State Treasurer; it creates a small business surety bonding fund, a special fund in the State treasury; and I met with the State Treasurer's staff and also some other individuals who was concerned about this Bill, and it was agreed that it was a good Bill. It's needed for our small businesses in the State of Illinois. So I ask for a favorable vote. Thank you."

Speaker Laurino: "The Gentleman moves for passage of House Bill 4070. All those...any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Black: "Thank you. Representative, as I understand the Bill, it's creating the Surety Bond Guaranty Act. It says this will be a special fund in the State Treasury, and will allow the State Treasurer to guarantee these bonds when a small business is otherwise unable to obtain adequate bonding on reasonable terms through normal channels. I have a few questions about that sentence. Where is the money going to come from to guarantee these bonds? A fund,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

or general revenue?"

LeFlore: "Representative Black, that fund will be established by the Treasurer's office."

Black: "Well, I understand it will be...I understand it will be created by the Treasurer's office, but I doubt seriously whether the Treasurer is going to guarantee these bonds out of his personal funds so I can only assume that we're going to be guaranteeing these out of general revenue dollars."

LeFlore: "Wherever he can find the money."

Black: "Okay. Now. It says when a small business is otherwise unable to obtain adequate bonding on reasonable terms. Is the word reasonable defined in the Bill? I mean, do we list an interest rate that would be excessive?"

LeFlore: "Not to my knowledge. As far as the interest rate, no."

Black: "All right, thank you very much. I appreciate your patience. Mr. Speaker, Ladies and Gentlemen of the House, this is not...certainly the intent of this Bill is laudable. But, the last few have gone out of here with 100 plus votes. This does create an obligation of the State of Illinois, and it's rather vague as to how that obligation will be financed. And what is the degree of reasonableness before a business can come over to the state and say, I don't like the terms of this bond, so you guarantee the bond. It's a laudable idea. I think it would give some smaller contractors certainly an opportunity to do business, and that's what we want them to do, but I'd be very careful of this. It needs a little more work. The Illinois Construction Industries Council is not in favor of this Bill, and even though the Sponsor has noble intent and I really can't quarrel with the direction in which he's going, you are creating a fiscal obligation of the State of Illinois and it's not really very clear in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

here just how pervasive that fiscal liability might be. So, in the absence of any Amendments or indications from the Sponsor that maybe he can work on this in the Senate, I think you have to be very careful of this vote, and perhaps a 'present' vote would be advisable."

Speaker Laurino: "Further discussion. Representative DeJaegher."

DeJaegher: "Mr. Black, I think why the word 'reasonable' is being used, is basically you cannot put a denominator on it, because there is a fluctuation there. And I think it's going to be the responsibility of the Treasurer to meet with the individual that's seeking this particular bond to come in at a lower rate than what the prevailing rate is. And I think that's why the word 'reasonable' was used."

Speaker Laurino: "Further discussion. Representative Bob Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. The whole bonding principal is the way that agencies and companies and corporations are protected from businesses that really can't survive and can't get the job done. A bonding agency goes out and it checks the credibility, checks the credit rating, it checks their previous record, whether or not they can accomplish what they're bidding on, and it's a way that you can weigh whether or not you should pick this small business to do business with. When you eliminate the investigation of the small business, then you're risking the possibility of hiring someone to do a job that it can't be done. And I'd advise a no vote."

Speaker Laurino: "The Gentleman has asked for the adoption of House Bill 4070. All those in favor indicate by voting 'aye', opposed, 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 76 'ayes', 20 'no', 13 voting 'present', having

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

received the Constitutional requirement, is hereby declared passed. The Chair will proceed to Banking -- Third Reading, page 20 on the Calendar. No-no, page 29 on the Calendar. Representative Brunsvold, House Bill 3439. Out of the record. House Bill 3674, Representative Capparelli. Out of the record. House Bill 3689, Representative Hicks. Out of the record. Proceed to page 18 on the Calendar, Higher Education -- Third Reading. House Bill 1077, Representative Curran. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1077, a Bill for an Act to amend the Illinois Purchasing Act. Third Reading of the Bill."

Speaker Laurino: "Representative Curran."

Curran: "This Bill simply says that the universities must adopt the same rules of Central Management Services when they're purchasing food. Glad to answer any questions."

Speaker Laurino: "Further discussion. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I am reluctant to rise against a Member's Bill, but this Bill is not really necessary. It will only cause confusion. The Gentleman is seeking to have universities treated differently than state agencies are already treated. State agencies have the ability to provide for variations from the purchasing requirements of CMS. If this Bill were to pass, my understanding is that universities would not have that option, universities would be required to follow the guidelines of CMS. Not only are universities not treated equal to state agencies in giving them some flexibility, but the Gentleman, as he has expressed in earlier discussion of this legislation, is seeking to save the state money. And, the food purchases at the universities are not purchased with state money. These purchases are

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

made with student money or with funds that are paid by people who go through the cafeteria lines. And, so, while the Bill does not do what the Gentleman seeks to do in saving state revenue, it also is hampering universities in their ability to purchase the food that they know from experience is food that will be used by the students or the others going through the cafeteria lines. So, in fact, it is my projection that if this Bill becomes law and the universities are not able to purchase the food supplies that they know to be the most desirable, we will in fact end up by wasting food in our dormitories, and in our cafeterias at our universities. And so, I believe it will be counter-productive and I would ask the Members not to support this legislation because it will neither do what the Sponsor wants, nor provide better food service within our universities. I urge a 'no' vote."

Speaker Laurino: "Any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Thank you. Representative, I had a call the other day from a college student in my district and I can't answer his question. Let me tell you what he has asked me about. As he indicated to me, student activism seems to be on the increase on campuses and he asked whether or not if they decide to boycott, or the students would ask the university to boycott, as they did in the sixties, table grapes from California or a particular food item that they had a problem with where it was raised or how or by whom, would this in effect allow the university to say 'I'm sorry, they're the low bidder. There's no way we can prohibit that and honor your request. So you're just out of luck?'"

Curran: "That's an excellent question. As a matter of fact,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

that's the first suggestion on this legislation that I will be willing to accept as a change, because I think that's a good point. Certain sensitivities, about certain kinds of food are grown in certain places, I think we should respect. What this Bill does, however, is it puts the universities in a position where they don't have some special set of circumstances for how they purchase food. And, I will read some examples later to you, but you have made a point that I will be willing to accept. And, I think it's a good point."

Black: "All right. Thank you."

Speaker Laurino: "Further discussion. Seeing none, Representative Curran, to close."

Curran: "Thank you, Mr. Speaker. I have several examples here of how we can save money as a result of adopting this legislation. But first I want to point out to you something that everybody here knows. When a previous speaker suggested that this wasn't state money that was being spent, I want all of you to understand what all of you know already. And that is that only one-third the cost of an education is paid for by tuition. The rest of it is paid for by State Government. So, two-thirds of the cost of all these things that we're talking about pertain to State Government expenses and not student tuition, or student fees. In many examples, I have seen that the way the universities have spent money has been extremely wasteful. At Northern Illinois University, in a bid opened on November 6, 1991, they demanded Fred's Frozen Foods. Those people at Northern Illinois had to have Fred's Frozen Foods. Nothing else would suffice. But at Central Management Services, just 12 days later, in a brand equal to Fred's Frozen Foods, they saved \$4,600. At Illinois

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

State, they had to have Heinz ketchup, but at Eastern Illinois, when there was no restriction on brand, they saved \$1,800. That's just one purchase. At Northern Illinois, they had to have Joan's Sausage Patties. But at the Hillsboro High School, just one little high school, there was no restriction on brand and they saved \$1,700. I can go on and on, but I want to get to the most significant one. That is that one of these savings was in the area where Illinois State had bid just about a month ago, two months ago on March 3, 1992. Their orange juice bid was restricted to Minute Maid. Central Management Services, just one month earlier -- there was no restriction on brand. Central Management Services saved \$36,700.00. Now, there is tremendous saving, after savings, after savings, that we can generate for our universities, for our taxpayers by adopting this legislation. Only one-third of the cost of the university expenses are paid for by tuition. And two-thirds of the cost are paid for by the taxpayers, who are prevented from further waste in State Government spending by this legislation. I ask for an 'aye' vote."

Speaker Laurino: "The Gentleman asks for passage of House Bill 1077. All those in favor indicate by voting 'aye', opposed vote 'nay'. The board is open. Representative Satterthwaite, for what reason do you arise?"

Satterthwaite: "Mr. Speaker, on a point of personal privilege. As I indicated in my earlier remarks on this Bill, food service is not taxpayers' money at universities. It is not part of the calculation of the cost of education, nor is it part of the calculation for tuition. And I want the record to be straight on that fact, that this is not going to save taxpayers money."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 94 'ayes', 13 'nays', and 1 voting 'present', having received the Constitutional Majority is hereby declared passed. We'll go back to Banking -- Third Reading. Representative Capparelli, on page 32, House Bill 3674. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3674, a Bill for an Act concerning the acquisition of other financial institutions by banks. Third Reading of the Bill."

Speaker Laurino: "Representative Capparelli. Representative Capparelli."

Capparelli: "Yes, thank you, Mr. Speaker. House Bill 3674 authorizes state charter banks to merge with healthy savings and loans. The federal law now permits national banks to merge with healthy savings and loans. This Bill would just codify the federal standards in Illinois about state banks to merge with state or national healthy savings and loan. I understand there is no problem. We will ask for a favorable Roll Call."

Speaker Laurino: "The Gentleman asks for passage of House Bill 3674. All those in favor indicate by voting 'aye', opposed vote 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 110 'ayes', 0 voting 'nay', 5 voting 'present', having received the required Constitutional Majority, is hereby declared passed. Higher Education, page 33. House Bill 3739, Representative Keane. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3739, a Bill for an Act to amend the Public sic - Community College Act. Third Reading of the Bill."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker Laurino: "Representative Keane."

Keane: "Thank you, Mr. Speaker. House Bill 3739 amends the Public Community College Act. It requires the Illinois Community College Board to establish uniform financial accounting and reporting standards for, and to develop the procedures and systems for the reporting of financial data by community colleges. It authorizes the State Board to approve or disapprove community college district participation in interinstitutional cooperation, and also allows the...empowers the State Board to discontinue district programs that fail to reflect educational needs within the district. This Bill is a Audit Commission Bill, and I would ask for a... I would be happy to answer any questions, and, ask for a favorable Roll Call."

Speaker Laurino: "Any discussion? Seeing none, Representative Keane moves for the passage of House Bill 3739. All those in favor, indicate by voting 'aye', opposed 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 109 voting 'aye', 3 voting 'nay', 2 voting 'present', having received the required Constitutional Majority, is hereby declared passed. Representative Keane, in the Chair."

Speaker Keane: "House Bill 2339, Representative Davis. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2339, a Bill for an Act relating to crime statistics reports at institutions of higher education. Third Reading of the Bill."

Speaker Keane: "Representative Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Twenty three thirty nine is a Bill that simply asks the universities to give the report to the state that they

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

now file with the Federal Government, that tells about the crimes that have been committed on or about campus, and that report is available to any student who is entering or plans to enter that university. It's given to the student, upon request. The report, we understand, is already done for the Federal Government, so we just ask that they do that submit that same report to the State of Illinois."

Speaker Keane: "Is there any discussion? Representative Ropp."

Ropp: "Mr. Speaker, will the Sponsor yield?"

Speaker Keane: "She indicates she will."

Ropp: "Representative, after this report is gathered, what is your plans for its usage?"

Davis: "Well it would depend, Representative, on who requested the report. If I, as a Legislator, requested the report and I found that there were some activities there that were criminal in nature and that there were a number of them and I felt they weren't being addressed, as a Legislator it would behoove me, or be my responsibility, to pass legislation. If I were a student, and I were going to attend that university, I would know how to protect myself, and so forth, because of what you have listed in that report.'

Ropp: "W... Isn't there some kind of criminal activity that may be going on in every institution? I mean, some...like stealing of shoes from time to time, and different things are?"

Davis: "Sometimes they steal other things too."

Ropp: "I didn't understand. Pardon? I didn't hear your answer."

Davis: "No, I said... You know how young students are, many times they steal shoes, or other things. You know there's a difference between a prank and a crime."

Ropp: "Okay, so you want a report of every one of these little

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

crimes or creams, or whatever you call them?"

Davis: "No. No, Representative. No, Representative, we only want what they already submit to the Federal Government. We don't want them to create any new administrative bureaucracy, bureaucratic report. We want a mere indication of what they have submitted to the Federal Government, in reference to what occurs on campus."

Ropp: "There... There's some question that this may cost some \$50,000 to implement this program."

Davis: "That is not the report I received."

Ropp: "It's the one that we've got over here, \$50,000."

Davis: "Did you say \$50,000?"

Ropp: "That's what our analysis says the State Police..."

Davis: "I don't think so, sir. I mean when you base it upon printing and that's all that it requires. And it isn't that they have to print this and give it to every student. They give it to a student upon request."

Ropp: "I guess at first I was thinking you were wanting this so that parents would determine whether or not they wanted to send their students to that particular university. Isn't that...wasn't that the intent?"

Davis: "No, it isn't. The intent... Well, the intent is if a person wants that information, it's available to them. This is a public... These are public universities. And if I want to send my child to a school, and I say, 'well', you know, 'do you have problems with this, or do you have problems with that, and, if you do, are they being addressed?'"

Ropp: "Are they being what?"

Davis: "Are you addressing the problem? Are you...are you finding a solution to the problem? Are you recognizing that it's a problem? Are you attempting to solve it?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Ropp: "Well I guess I would generally think that every institution who (sic) is in existence today is attempting to reduce crime, is attempting to provide quality education for everybody. This appears to be a...a...obviously, a reporting system that maybe very, very few people would ever want and is one that is somewhat costly. Even though \$50,000 isn't a lot of money, it is a program that if it's already available, maybe we don't need it. Thank you."

Speaker Keane: "Any further discussion? Representative Davis, to close."

Davis: "I would just like to say, based upon some of the activities that have occurred around the United States -- not in Illinois but around the United States -- and based upon some request of parents in the State of Illinois, it's a report that is already done, we're not asking the universities to do anything they don't already do, and we're merely asking that they make this report available for state officials if they so request it, for parents of children who attend those universities, or for the students themselves upon request. We ask for a favorable vote. Thank you."

Speaker Keane: "The question is, 'Shall this Bill pass'? All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 67 voting 'aye', 43 voting 'no', 1 voting 'present'; and this Bill, having received the required Con... Add Representative Mautino, 'aye', Representative Stern, 'aye'. This Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 2485, Representative McGann. Out of the record. House Bill 3051, Representative Laurino.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Representative Laurino. Mr. Clerk, read the Bill. (House Bill) 3051."

Clerk McLennand: "House Bill 3051, a Bill for an Act relating to student transcripts. Third Reading of the Bill."

Speaker Keane: "Representative Laurino."

Laurino: "Well, thank you, Mr. Speaker. It's a simple Bill that creates the Student Transcripts Act. In essence, what the Bill does is it provides that when someone requests that the college not lend out their age that the college or university comply with that request so that the person, if they do go back to school and feel that they are being discriminated on, after a certain amount of time can get an equal opportunity to get, possibly, employment. And they feel that this is one of the things that may be deterring them. So I'd appreciate an 'aye' vote."

Speaker Keane: "Is there any discussion? Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Keane: "He indicates he will."

Wennlund: "It's my understanding from your explanation that what the Bill does is, if a student at a college in Illinois requests that, the institution has to omit the student's age and date of birth from the transcript. Now, why do we want to allow that to happen?"

Laurino: "Well, here...here was the reason for it, Larry. A lady went back to school after raising her family, and said that she graduated college and then sought employment, and, of course, they asked for a transcript of her...degree...of her college credits. With the transcript went along the personal history and...it was...her age was included. Now, she said had she had the opportunity to have the employer uh...review (sic - interview) her with her transcripts, as

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

opposed to seeing her age prior to her even being there, she thought she would had a better chance. And, we all...I understand that half our universities do this, and half don't. So we're just trying to make it like a uniform thing, and help somebody become more employable on...on...on...their abilities, you know, not just on their age factor. She would had to bring in her age, I mean as soon as they saw her they would have known she was...uh...uh...you know, an adult woman as opposed to a college...just a college-age student."

Wennlund: "I see, even though...even though her age would be available either through the county clerk or through the Secretary of State's Office, on her driver's license."

Laurino: "Well, I mean...the trend...the employer would not call the Secretary of State or the county clerk's office and ask for her age. I mean he's concerned about her transcripts."

Wennlund: "Are there any penalties if the college fails to comply?"

Laurino: "There was a penalty but we amended it so that...it...it...if...if they do make a mistake, it allows for reasonable costs recovery, and for damages if there's a preponderance of the evidence established and a willful and wanton violation of the Act. So, I mean, it's only trying to accommodate people that are concerned about this."

Wennlund: "Thank you very much."

Speaker Keane: "Representative Black. Any further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor, vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present' and this Bill, having received the required Constitutional

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Majority, is hereby declared passed. House Bill 3197, Representative Edley. Out of the record. House Bill 3252, Representative Granberg. Out of the record. House Bill 3347, Representative DeJaegher. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3347, a Bill for an Act to amend the Board of Higher Education Act. Third Reading of the Bill."

Speaker Keane: "Out of the record. House Bill 3504, Representative Shirley Jones. Out of the record. House Bill 4156, Representative Satterthwaite. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 4156, a Bill for an Act to amend the Board of Higher Education Act. Third Reading of the Bill."

Speaker Keane: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House. This Bill authorizes the State Board of Higher Education to provide for flexible hour positions at our public institutions of higher learning. They will assist each of the institutions in setting some goals and trying to get those positions in a position of flexible hours. The first goal would be to have 10% of the positions at an institution on a flexible hour basis and once that had been attained, then to reach for a 20% goal. It is very similar to what currently occurs in state agencies and it's completely permissive in terms of any compliance by the universities. I would move for passage of the Bill."

Speaker Keane: "Any discussion. Representative Wennlund."

Wennlund: "Will the Sponsor yield?"

Speaker Keane: "Indicates she will."

Wennlund: "Thank you. You stated it is permissive."

Satterthwaite: "Yes, that's right."

Wennlund: "The Board of Higher Ed is not required to to."

Satterthwaite: "Well, the Board of Higher Education is required

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

to authorize flexible hours. They would have to make some statement to the institutions that they could define these flexible hour positions, but in terms of actually setting up the flexible hours, it's permissive."

Wennlund: "Has the Board in the past had a history of denying flexible hours?"

Satterthwaite: "No, I don't believe they've had a history of denying or proving. This is simply to give a nudge so that our universities would begin to do some of the same things our state agencies are doing."

Wennlund: "Has the Board taken a position in favor or opposed?"

Satterthwaite: "To my knowledge, they are not opposed."

Wennlund: "They are not opposed. Thank you very much."

Speaker Keane: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Keane: "She indicates she will."

Ropp: "Representative, I think you may have attempted to try to answer this, but why is it that the Board of Higher Education or the university, say the U of I, can't do this on their own now?"

Satterthwaite: "This is simply to encourage them to do it. I think a lot of times inertia keeps institutions from making changes and this would be just a nudge to say that we want them to try to attain these goals."

Ropp: "I guess sometimes you might think that people in higher education might be able to do this on their own without having the Legislature, who gets a lot of heat all the time for telling them what to do...to just do this good business, like policy, as a part of providing efficiency in the administration of a quality educational program at universities throughout the state, but if...if they feel they need."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Satterthwaite: "Well, in case they..."

Ropp: "I guess if they feel they need...another mandate...or the group to provide it for them."

Satterthwaite: "Well, it is not a mandate, Representative. But I think in case they would have any question about whether or not this was authority that they have, this legislation would make it clear that they have the authority to do that."

Ropp: "Thank you."

Speaker Keane: "Any further discussion? There being none, the questions is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 108 voting 'aye', 0 voting 'no', 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3504, Representative Shirley Jones. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3504, a Bill for an Act to amend the Medical Center District Act. Third Reading of the Bill."

Speaker Keane: "Representative Jones."

Jones, S.: "Mr. Speaker, 3504 is a shell Bill. I'm not going to do anything with it right now but it's for my district, to put a shopping center up on Roosevelt and Ashland, that's the south and west side of Roosevelt and Ashland. I would like a favorable vote on this. Thank you."

Speaker Keane: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Keane: "She indicates she will."

Jones, S.: "Yes."

Wennlund: "Can you tell us what the purpose of this shell Bill is?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Jones, S.: "This is to, this is to expand...well it's really to... It's for a shopping center that's going to be in my district, to expand the Medical Center. Right now they own the land and stuff that's around there, but we're not going to do anything right now with the shell Bill but it's for a shopping center."

Wennlund: "It's for a shopping center in? In what fashion is it for a shopping center?"

Jones, S.: "The land is currently owned by the Medical Center Commissions, and it's a possibility that we might have to expand the boundaries for the shopping center, and this is what it is about."

Wennlund: "So, would this be appropriating money, or will it be requiring a transfer from the State of Illinois?"

Jones, S.: "No. No money is involved in this. No."

Wennlund: "Well what I'm trying to find out is, is what the real purpose of the Bill is that you say it's for a shopping center and I..."

Jones, S.: "It's for... That's the purpose of the Bill. It's for a shopping center."

Wennlund: "What would it do for the shopping center?"

Jones, S.: "It would create jobs."

Wennlund: "I understand that, but how will your intentions for this Bill help facilitate the expansion of the shopping center."

Jones, S.: "I can't hear you."

Wennlund: "How will this Bill help facilitate the expansion of the shopping center, once you decide to use it?"

Jones, S.: "What do you mean, how would the Bill affect the shopping center?"

Wennlund: "What will it do for the shopping center?"

Jones, S.: "What will it do? I don't understand what you're

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

saying."

Wennlund: "Okay. Thank you. To the bill, Ladies and Gentlemen of the House. I'm sure that each and everyone of us on the House floor would like to have a little shell Bill out there for our own little pet project in our district and, furthermore not even know what shopping center it's going to be used for. I've got a few shopping centers I'd like to expand in my district too. But there's a dangerous practice for this House to allow all of its members to have little shell Bills out here to accomplish whatever purpose we might want to accomplish in our own district. It's bad public policy and a 'no' vote, or a 'present' vote, is the best vote to make on this issue."

Speaker Keane: "Representative Black. Okay, Representative Turner."

Turner: "Thank you, Ladies and Gentlemen of the Assembly. I rise in support of this Lady's Bill. In fact, the Medical Center will now be in my new legislative district. The intent of this Bill is to put the Commission in position to be able to potentially build a shopping center on land that is currently owned by the Medical Center. The shopping center will not only be created on Medical Center land but there's also some of the land which is publicly owned by the city at this point. So the intent of the legislation is to allow the Commission the ability to change the variance for the use of that land. Medical Center properties, under the statute as it currently is written, is to be used for medical purposes only, and because the shopping center, where it is intended to be built lies on both Medical Center land and public lands, the variance may be necessary and so they are still working on the boundaries for the shopping center, and that's what the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

intent of this legislation is to do. It will be to allow the Medical Center the ability to make that adjustment, if necessary. And I again rise in support of that legislation."

Speaker Keane: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Just a quick question of the Sponsor. Representative, and I appreciate Representative Turner trying, in fact he did a good job of telling us a little bit about where you might be headed with this Bill, I guess I have two questions. One of the things that might have concerned us is...that...why in the world was this Bill assigned to Higher Education Committee? Do you have any idea?"

Jones, S.: "Mr. Black, I do not know why it was assigned to the Higher Ed Committee. You would have to ask the Rule people about that, because I don't have anything to do with that."

Black: "Well, I don't either and so we both are in a total fog as to why it was assigned to Higher Ed. Can we have your assurance that the only thing this Bill will be used for is to help the Roosevelt-Ashland Partnership locate a shopping center in your area; that it will not be used for anything else dealing with the Medical Center District Act?"

Jones, S.: "That's right, you got my word on that."

Black: "All right, thank you."

Speaker Keane: "Representative. Roll Call. Okay. All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 90...100... Take the record, please. There are 101 voting 'aye', 1 voting 'no', 8 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. We now

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

go to the Order of Insurance -- Third Reading. First Bill on that Order is 2984 (sic), Representative Homer. We are on the Order of Insurance. Mr. Clerk, read the Bill.

Clerk McLennand: "House Bill 2987, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Keane: "Representative Homer."

Homer: "Thank you, Mr. Speaker. This Bill would allow for an insurable life interest in employees (both current and retired, of corporations) who are considered non-essential employees, for the purpose of allowing the company to better manage their pension and health care plans. Currently under Illinois law, it is not clear that corporations can purchase life insurance on the lives of their non-essential employees. They can, by statute, now purchase it on the upper-level management employees. Pursuant to an Amendment that we put on at Second Reading, that was requested by Representative Parke in committee, this Bill would require now that the employee give written consent before the company would take out a life insurance policy on that employee. So it's for portfolio risk management purposes; I know of no opposition; the companion Bill in the Senate passed out today 55 to 0; and I would be willing to answer questions. Move for the passage of the Bill."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 108 voting 'aye', 2 voting 'no', 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3323, Representative

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Brunsvold. Representative Brunsvold, House Bill 3323? Out of the record. House Bill 3803, Representative Brunsvold. Out of the record. House Bill 3909, Representative Ronan. Out of the record. House Bill 4073, Representative Homer. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 4073, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Keane: "Representative Homer."

Homer: "Thank you. This Bill would amend the Illinois Insurance Code to provide that provisions in a homeowners insurance policy that limit coverage for bodily injury to family members are not applicable when a third party acquires a right of contribution against a member of the injured person's family. In lay terms what it does is prohibit insurance companies from denying coverage on homeowners policies where the homeowner has filed a personal injury action on behalf of a minor child of that family and then is joined by the tort-feasor as a third party defendant under the theory that the parents lacked adequate supervision for the minor child. We've done this same thing in the Illinois Vehicle Code regarding vehicle insurance. This would simply extend the same concept to homeowners insurance. I would try to answer questions. I think the Bill is noncontroversial. I know of no opposition. I urge support for the Bill."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 112 voting 'aye', 0 voting 'no', 0 voting 'present', and this Bill, having received the required

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Constitutional Majority, is hereby declared passed. House Bill 4191, Representative Parcels. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4191, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Keane: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. I wonder if you could ask the Clerk if this Bill shows an Amendment has been added?"

Speaker Keane: "The Amendment has not been adopted, we're told."

Parcels: "Then I think I will put this on the list for tomorrow to go back to Second for an Amendment Thank you."

Speaker Keane: "Okay, if you'd give the Clerk a little note to that effect, I think we'd be sure."

Parcels: "Yes I will. Thank you."

Speaker Keane: "Okay. We'll now go to Civil Law -- Third Reading. House Bill 2681, Representative Currie. Out of the record. House Bill 2716, Representative Homer. Representative Homer. Representative Homer, do you want this Bill called? Out of the record. House Bill 2797, Representative DeLeo. Out of the record. House Bill 2803, Representative Homer. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2803, a Bill for an Act to amend the Clerks of Courts Act. Third Reading of the Bill."

Speaker Keane: "Representative Homer."

Homer: "Thank you. This is a clean-up Bill that cleans up the Fee Bill that we had last Session that increased...changed the filing fees in court cases in larger counties. By inadvertence, we deleted some provisions for fees in family matters. I would urge support for the Bill."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill...' Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Speaker Keane: "He indicates he will."

Wennlund: "Representative Homer, was this the one that really only affected Peoria County?"

Homer: "No, this is a different Bill. This one was brought to my attention; however, by the Chief Judge of Peoria County. Apparently, when we rewrote the Fee Bill last year, we omitted for counties between 180,000 and 650,000 inhabitants to put back in filing fees for family matters. So for some reason it was just deleted, so this would just put those fees back in that were in law prior to the change last year for petitions under the Adoption Act, marriage license fees, performance of marriage fees, and Parentage Act filing petition fees. So apparently what we did, Representative Wennlund, last year, was inadvertently strike the authorization for charging fees under these family matters, and this would just put it back in. So it's my understanding this is in the nature of clean-up, but it would affect all counties over 180,000 and less than 650,000."

Wennlund: "A year ago, didn't we double... Double the amount that the clerks of the circuit courts have to charge in certain counties, including Will and Winnebago?"

Homer: "Well, I don't know that in all cases the fees were doubled. In some cases they were doubled, but in the case of these family matters, we eliminated the authorization to charge any fee. I suspect those counties are probably still charging the fee, but they have no current statutory authority to do that. So this doesn't increase those fees. This just puts it in at what it was, before we passed the Bill last year."

Wennlund: "Excellent. Thank you."

Speaker Keane: "Any further discussion. There being none, the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'aye', 0 voting 'no', 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3079, Representative Lang. Mr. Clerk, read the Bill. (House Bill) 3079."

Clerk O'Brien: "House Bill 3079, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill."

Speaker Keane: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3079 addresses discrimination in private clubs. As we know, there are many clubs around the State of Illinois that won't allow Jews, won't allow Blacks, won't allow Catholics. What this Bill says is that if a club has more than 400 members and provides regular meal service and deals with outsiders for some of their services, that they shall not discriminate. There were some groups that were concerned about this -- notably the Elks -- and I've assured them that the Elks are exempt, because the Bill exempts religious corporations and benevolent orders. This is an important Bill in terms of protecting those that live in...even in neighborhoods where these clubs exist and aren't allowed membership, and I ask your 'aye' votes."

Speaker Keane: "Is there any discussion. There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 86 voting 'aye', 6 voting 'no', 9 voting 'present', and this Bill, having received the required

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Constitutional Majority, is hereby declared passed. House Bill 3126, Representative Sieben. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3126, a Bill for an Act to amend the Uniform Disposition of Unclaimed Property Act. Third Reading of the Bill."

Speaker Keane: "Representative Sieben."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3126, as proposed by the Department of Financial Institutions, relates to the State's unclaimed property law. Currently, Illinois and 41 other states are involved in a lawsuit with the State of New York to recover some unclaimed personal property. And, would the...is the board correct? We need to correct the board, please."

Speaker Keane: "If you could hold on for a second. Proceed."

Sieben: "Thank you. And what this Bill does, it makes a technical correction in our statutes now, on the advice of legal counsel, to allow us to accept those funds if we're successful in a law suit for this unclaimed property against the State of New York. There is no opposition to the Bill. Both the Governor's Office and the Attorney General support the Bill, and I move for the passage of House Bill 3126."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish. Mr. Clerk, take the record. On this Bill, there are 114 voting 'aye', 0 voting 'no', 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3174, Representative Hultgren. Mr. Clerk, read the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Bill."

Clerk O'Brien: "House Bill 3174, a Bill for an Act to amend the State Employee Indemnification Act. Third Reading of the Bill."

Speaker Keane: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. Under the Elder Abuse and Neglect Act, certain employees of the State of Illinois are entitled to representation and indemnification. However, the administration of that Act is done, at least in part, by the area agencies on aging. This makes it clear that those employees of the area agencies involved in the administration of that act are also entitled to the same representation and indemnification. It's a simple, fairly simple Bill, straight forward. I'll be glad to answer any questions, and if there are none, I would ask for a favorable Roll Call."

Speaker Keane: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. As I indicated to the Sponsor in Committee, I commend him for introducing this concept. However, as you will see from examination of this legislation, the concept is limited to the Department of (sic) Aging. This is one of those situations where if we can't do it for everyone, we shouldn't do it for anyone. This indemnity provision, if I understand things correctly, will not apply to those who receive grants from the Department of (sic) Aging, will not apply to the Department of Public Aid, Department of Public Health, Department of Children and Family Services, will not apply to the other agencies of State Government, and I don't think it's wise policy to single out one agency for preferential treatment, especially in this time of difficult economic situations and shortfalls in economic

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

revenues. Once this legislation is passed, you will immediately see a push by every other agency and every grant organization to have similar legislation adopted for them. I think that's the wise thing to do, if we can afford to do it. If we can't afford to do it to everyone, we shouldn't do it for anyone. So, reluctantly, I urge a 'no' vote on this piece of legislation."

Speaker Keane: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker. I believe Representative Hultgren explained his Bill rather thoroughly. I'm sorry to rise in opposition to the remarks that Representative John Dunn made, but I think it's a step in the right direction and I'm supportive of House Bill 3174."

Speaker Keane: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 110 voting 'aye', 1 voting 'no', 1 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3215, Representative Turner. Out of the record. House Bill 3284, Representative Giorgi. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3284, a Bill for an Act to amend the Mechanics Lien Act. Third Reading of the Bill."

Speaker Keane: "Representative Giorgi."

Giorgi: "Mr. Speaker, this Bill has to do with contractors, subcontractors, and mechanics lien. What this Bill purports to do is that if a subcontractor signs a receipt to the contractor that he's been paid, so that the contractor can get his money, the general contractor doesn't preclude the subcontractor from filing a mechanics lien, in the event that he has to because he hasn't been

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

paid. It'll be a court aired situation, so I think there's enough safeguards in the Bill."

Speaker Keane: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. If this is the legislation that I recall, this is an Amendment to the Mechanics Lien Act, which further complicates this complicated statute. This Bill arises out of a problem, if I understand things correctly, where a certain subcontractors have waived their lien rights in order to get payments. And this says that when you've contracted away your rights, you can still come back and file a claim for lien. What I suggest is if you don't want to lose your rights to file a claim for lien, don't sign them away by contract. And this legislation provides that a provision in the contract where the payment from a contractor to a subcontractor or supplier is conditioned upon receipt of payment from the other party, is valid but shall not affect the lien rights. Well, the lien right is to cover the situation where you haven't been paid. The mechanics lien statute covers subcontractors. They are to file a notice if they haven't been paid. They can control their waiver until they are paid, and they have a right under the statute. If we didn't see people contracting away this right, we wouldn't need this legislation. And yes, there may be people doing it; but I think this is a bad precedent, and I would urge a 'no' vote on this Bill."

Speaker Keane: "Representative Marinaro. Representative. Any further discussions? Representative Giorgi, to close."

Giorgi: "Mr. Speaker. Mr. Dunn tried to explain the Bill, but he had trouble in Committee. What this Bill does is: the general contractor is the biggest abuser of the...in the construction trades where they force their subcontractor to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

sign an agreement that they were paid; and they're intimidated so, they sign an agreement, and then the contractor who (sic) uses that agreement against the subcontractor. All the subcontractor is saying here is that...all the subcontractor is saying here is that even though he signs an agreement, doesn't get paid, he can go into court and get a mechanics lien. That's all it says. I urge your support of this Bill."

Speaker Keane: "Representative Ryder, the Gentleman has closed. You can explain your vote in debate. The question is, 'Shall.... All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Representative Ryder, to explain your vote."

Ryder: "I'm sorry, Mr. Speaker. I thought I would have an opportunity to ask the question of the Sponsor, but apparently that's not possible so..."

Speaker Keane: "Okay. Have all voted who wish? Have all voted who wish? Have all voted who wish? Lang, 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 60 voting 'aye', 31 voting 'no', 20 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3171 (sic), Representative Dunn. Representative Dunn. House Bill 3371. John Dunn. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3371, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Keane: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. We'd better take this out of the record."

Speaker Keane: "Out of the record. House Bill 3372, Representative Giorgi. Out of the record. Representative Giorgi, do you wish to call 3372? Mr. Clerk, read the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Bill."

Clerk O'Brien: "House Bill 3372, a Bill for an Act to amend the Clerks of Courts Act. Third Reading of the Bill."

Speaker Keane: "Representative Giorgi."

Giorgi: "Mr. Speaker, this has to do with the clerks of the court and all it indicates is that when a case is returned to the circuit court from the Appellate or from the Supreme Court, there's no fees to be charged and the case goes back to the same number and in the same vein that it was before it left for the Supreme Court or the Appellate Court."

Speaker Keane: "Is there any discussion? Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Even a blind pig can find an acorn. The Gentleman got hold of a good Bill. Please vote for it."

Speaker Keane: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Just a question, in clarification, of the Sponsor."

Speaker Keane: "The Gentleman indicates he'll yield."

Black: "Thank you. Representative, it is not your intent with this Bill to add any new fee or increased fee, correct?"

Giorgi: "None at all. This is specified that any Bill (sic) remanded from the Appellate or the Supreme Court goes back to the circuit court and no fees are to be charged. It gets the same number, it gets in the same file system."

Black: "By golly, I think Representative Dunn is correct. Congratulations. Is this your first Bill?"

Giorgi: "Thank you. You both belong to the same leper crowd."

Black: "Is this your first Bill? First good Bill. Thank you."

Giorgi: "First clean Bill."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

who wish? Mr. Clerk, take the record. On this Bill, there are 111 voting 'aye', 2 voting 'no', and 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3406, Representative Currie. Representative Currie. Out of the record. House Bill 3495, Representative Flinn. Out of the record. House Bill... Representative Brunsvold, for what purpose do you rise?"

Brunsvold: "Mr. Speaker, I just would like you to know I'm prepared to do 3412, if the well can find the Bill. The Good Samaritan Food Donor Bill."

Speaker Keane: "We're happy to find that the Members are prepared, and we will get back to you at the appropriate time."

Brunsvold: "Thank you, Mr. Speaker."

Speaker Keane: "House Bill 3567, Representative Matijevich. Representative Matijevich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3567, a Bill for an Act to amend the Illinois Dental Practice Act. Third Reading of the Bill."

Speaker Keane: "Representative Matijevich."

Matijevich: "Yes. Mr. Speaker, Ladies and Gentlemen of the House. This is an agreed Bill as between the Illinois Dental Hygienist Association and the Illinois State Dental Society. What it does is provide immunity from liability to dental hygienists who provide dental services for a free dental clinic. It does for the dental hygienist exactly what we did last year for the dentist. The legislation exempts them from liability while performing dental services to patients in free dental clinics. In other words, clinics which provide care to medically indigent patients. The dental services may not be compensated in any way and it does not excuse...the legislation does not

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

excuse wanton or willful neglect. I would ask for your support of House Bill 3567."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 116 voting 'aye', 0 voting 'no', 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3790, Representative Santiago. Mr. Clerk, read the... Representative Santiago, do you want to call 3790? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3790, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Santiago."

Santiago: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill amends the Illinois Vehicle Code. It provides that no person, firm, or corporation shall operate a commercial bicycle messenger service in a city with a population of more than 3,000,000, (sic -- 2,000,000) unless those bicycles used are covered by a liability insurance policy at the expense of the person, or the firm, or the corporation. This Bill... I introduced this Bill last year. It passed with an overwhelming majority, had 95 votes on it, and it went into...it was held in the Senate because the City of Chicago was planning to have their own law, their own municipal ordinance. The city failed to do that, so I brought the Bill back with the intention of passing this Bill. I think it's a good Bill. A footnote to the Bill on how I became involved with it. I was a victim of one of these messenger services. I was hit by a bicycle and I've...since then I've done a study and I have

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

found that 25% of all the bicycle accidents in the City of Chicago involve messenger services and most of these people do not have any regards for the traffic laws. So I move to adopt this Bill."

Speaker Keane: "Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. Was Floor Amendment #1 adopted or withdrawn?"

Speaker Keane: "The Bill was never returned to Second for Amendment."

Black: "Okay, so Floor Amendment #1 is not part of this Bill."

Speaker Keane: "Correct."

Black: "A very quick question of the Sponsor, if I might, Mr. Speaker."

Speaker Keane: "He indicates he'll yield."

Black: "Representative, this Bill only received one 'no' vote in committee and yet that 'no' vote was from a rather influential Member on your side of the aisle. Representative Anthony Young have a problem with this Bill? Or has it been worked out, or..."

Santiago: "I don't know what his problem is, but I'm sure, I think he'll vote for it now."

Black: "Is he a bicycle messenger, perhaps?"

Santiago: "He's too tall to be a bicycle..."

Black: "Okay. All right. Thank you very much."

Speaker Keane: "Representative Pedersen."

Pedersen: "Will the Sponsor yield?"

Speaker Keane: "He indicates he will."

Pedersen: "Representative, are these messengers employees of a business?"

Santiago: "Some of them are. Some of them...I believe most of them are."

Pedersen: "You think most of them are employees of a business."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

And they're not insured? The business doesn't insure them?"

Santiago: "That's my information."

Pedersen: "So, what you're really doing is mandating insurance for one, tiny little part of the private sector, is that right?"

Santiago: "We're not mandating anything. All I'm trying to do is to protect the public from these individuals that do not have any regards for the public's safety."

Pedersen: "Are you requiring that they carry insurance?"

Santiago: "Pardon."

Pedersen: "Are you requiring that these bicyclists carry insurance?"

Santiago: "Yes sir, I think they have a responsibility to the public and to the pedestrians."

Pedersen: "Well that's a Mandate then, isn't it?"

Santiago: "Yes, and this only applies to the City of Chicago."

Pedersen: "You were aware.... Now these are employees of a commercial business. They're not just individuals riding around on a bicycle, right?"

Santiago: "You're correct."

Pedersen: "So you're not applying to just...say, to someone like myself who happened to be riding a bike?"

Santiago: "No, Sir, just for commercial purposes."

Pedersen: "Thank you. Thank you, Representative. To the Bill, Mr. Speaker, and Ladies and Gentlemen of the House. I really find it difficult to understand why we pick out one business in the State of Illinois to require that they carry insurance. Any business, any business carries insurance. That's the responsible thing to do. And we...you do have a cause of action against an individual even if they don't carry insurance. So I just wonder why

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

we're doing this and I think it's really kind of an over-reaction to a particular incident, and do not think that it's a good idea to mandate these kind of requirements on the private sector. If it's a good idea to have insurance, we should all be carrying insurance, and this is...we're just kind of picking out one business and hitting them with a mandate, so I urge a 'no' vote."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. And we'd like to recognize the presence on the floor of a former Member, John Countryman. Welcome back, John. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 88 voting 'aye', 22 voting 'no', 3 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative. (House Bill) 3794, Representative Santiago. Out of the record. Mr. Clerk, Agreed Resolutions."

Clerk O'Brien: "House Resolution 1934, offered by Representative DeJaegher; 1935, DeJaegher; 1936, DeJaegher; 1937, DeJaegher; 1938, Speaker Madigan; 1939, McAfee; 1940, McAfee; 1941, Granberg; 1942, Churchill; 1943, Churchill; 1944, Churchill; 1945, Churchill; 1948, McAfee; 1949, Capparelli; 1950, Balanoff; 1951, Balanoff; 1952, Balanoff."

Speaker Keane: "Representative Giorgi moves the adoption of the Agreed Resolutions. All in favor say 'aye', all opposed, 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Death Resolution."

Clerk O'Brien: "House Resolution 1946, offered by Representative Hultgren with respect to the memory of F. Carter Stanton."

Speaker Keane: "Representative Giorgi...or...Representative

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Matijevich moves the adoption of the Death Resolution. All in favor say 'aye', all opposed, 'no'. The 'ayes' have it, and the Resolution's adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1947, offered by Representative Hannig and Matijevich."

Speaker Keane: "Committee on Assignments. Introduction of (sic) First Reading."

Clerk O'Brien: "House Bill 4208, offered by Representative Bernie Pedersen, a Bill for an Act concerning regulation of electricians and electrical contractors. First Reading of the Bill."

Speaker Keane: "Rules Committee. On Agreed Bill list #1, the Supplemental #1, we're going to be going to those tomorrow. The Clerk is going to read the Bills on Second Reading tonight and hold them on Second. Tomorrow, we'll consider whatever Amendments have been offered, and then pass them to Third Reading. Representative Matijevich moves the House stand adjourned, allowing perfunctory time for the Clerk, 'til 11:00 AM tomorrow. 11:00 AM. We are going to... Those of you who are to be in Appropriations -- General Services and Appropriation -- Public Safety, your committees meet at 5:00 PM tonight; and tomorrow Appropriations -- Education and Appropriations -- Human Services begin at 8:00 AM and go 'til 11:00. Representative Matijevich moves the adoption of the Adjournment Resolution -- Adjournment Motion. All in favor say 'aye', all opposed, 'no'. The 'ayes' have it and the House stands adjourned. We're now in perfunctory."

Clerk O'Brien: "House Bills, Second Reading. House Bill 809, a Bill for an Act to amend the School Code. Second Reading of the Bill. House Bill 2467, a Bill for an Act to amend the Juvenile Court Act of 1987. Second Reading of the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Bill. House Bill 2825, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. House Bill 2884, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. House Bill 3282, a Bill for an Act to amend the Comprehensive Health Insurance Plan Act. Second Reading of the Bill. House Bill 3374, a Bill for an Act to amend the Counties Code. Second Reading of the Bill. House Bill 3479, a Bill for an Act concerning governmental efficiency. Second Reading of the Bill. House Bill 3490, a Bill for an Act to amend the Whistle-blower Reward and Protection Act, Second Reading of the Bill. House Bill 3946, a Bill for an Act to amend the Illinois Purchasing Act. Second Reading of the Bill. House Bill 3971, a Bill for an Act to amend the Public Utilities Act. Second Reading of the Bill. And House Bill 4022, a Bill for an Act to amend the School Code. Second Reading of the Bill. These Bills will be held on Second Reading. A message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following titles, and passage of which I am instructed to ask concurrence of the House of Representative, to wit: Senate Bills #1485, 1496, 1499, 1508, 1509, 1516, 1519, 1521, 1523, 1531, 1536, 1539, 1548, 1550, 1565, 1581, 1589, 1591, 1604, and 1606, passed by the Senate May 13, 1992. Linda Hawker, Secretary of the Senate.' Senate Bills, First Reading. Senate Bill 1485, offered by Speaker Madigan, a Bill for an Act to authorize conveyance of certain state property. First Reading of the Bill. Senate Bill 1496 offered by Representative Capparelli, a Bill for an Act in relation to public transportation. First Reading of the Bill. Senate Bill 1805 (sic - 1508), offered by

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

141st Legislative Day

May 13, 1992

Representative Matijevich, a Bill for an Act to amend the Fish and Aquatic Life Code. First Reading of the Bill. Senate Bill 1548, offered by Representative Hasara, a Bill for an Act to amend the Civil Administrative Code of Illinois. First Reading of the Bill. Senate Bill 1604, offered by Representative McGann, a Bill for an Act relating to transition supports for youth with disabilities or handicaps. First Reading of the Bill. A message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following titles, and passage of which I am instructed to ask concurrence of the House of Representative, to wit: Senate Bills #1615, 1624, 1628, 1629, 1635, 1641, 1643, 1648, 1650, 1664, 1677, 1679, 1684, 1688, 1693, 1740, passed the Senate May 13, 1992. Linda Hawker, Secretary of the Senate.' Senate Bills, First Reading. Senate Bills 1643, offered by Representative Currie, a Bill for an Act to amend the Revenue Act of 1939. First Reading of the Bill. Senate Bill 1679, offered by Representative Obrzut, a Bill for an Act in relation to stormwater management. First Reading of the Bill. There being no further business the House now stands adjourned until 11:00 AM tomorrow."

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 13, 1992

HB-0487	SECOND READING	PAGE	11
HB-0511	CONFERENCE — 5B511	PAGE	58
HB-0600	THIRD READING	PAGE	57
HB-0809	SECOND READING	PAGE	148
HB-0849	SECOND READING	PAGE	5
HB-0854	SECOND READING	PAGE	12
HB-0911	SECOND READING	PAGE	5
HB-1077	THIRD READING	PAGE	114
HB-1876	SECOND READING	PAGE	26
HB-2225	SECOND READING	PAGE	12
HB-2339	THIRD READING	PAGE	119
HB-2467	SECOND READING	PAGE	148
HB-2679	THIRD READING	PAGE	80
HB-2726	THIRD READING	PAGE	89
HB-2755	THIRD READING	PAGE	90
HB-2803	THIRD READING	PAGE	133
HB-2825	SECOND READING	PAGE	30
HB-2825	SECOND READING	PAGE	148
HB-2884	SECOND READING	PAGE	148
HB-2919	SECOND READING	PAGE	13
HB-2922	SECOND READING	PAGE	13
HB-2952	THIRD READING	PAGE	109
HB-2987	THIRD READING	PAGE	131
HB-2996	THIRD READING	PAGE	48
HB-3005	SECOND READING	PAGE	8
HB-3029	SECOND READING	PAGE	4
HB-3029	OUT OF RECORD	PAGE	4
HB-3051	THIRD READING	PAGE	123
HB-3066	SECOND READING	PAGE	16
HB-3067	THIRD READING	PAGE	94
HB-3070	THIRD READING	PAGE	96
HB-3079	THIRD READING	PAGE	135
HB-3086	THIRD READING	PAGE	97
HB-3092	SECOND READING	PAGE	28
HB-3106	SECOND READING	PAGE	24
HB-3110	SECOND READING	PAGE	4
HB-3110	OUT OF RECORD	PAGE	5
HB-3115	THIRD READING	PAGE	106
HB-3126	THIRD READING	PAGE	136
HB-3150	SECOND READING	PAGE	10
HB-3174	THIRD READING	PAGE	137
HB-3227	SECOND READING	PAGE	2
HB-3245	SECOND READING	PAGE	9
HB-3278	THIRD READING	PAGE	106
HB-3282	SECOND READING	PAGE	148
HB-3284	THIRD READING	PAGE	138
HB-3347	THIRD READING	PAGE	125
HB-3347	OUT OF RECORD	PAGE	125
HB-3371	THIRD READING	PAGE	141
HB-3371	OUT OF RECORD	PAGE	141
HB-3372	THIRD READING	PAGE	141
HB-3374	SECOND READING	PAGE	148
HB-3385	THIRD READING	PAGE	107
HB-3385	OUT OF RECORD	PAGE	108
HB-3416	SECOND READING	PAGE	12
HB-3416	HELD ON SECOND	PAGE	12
HB-3437	SECOND READING	PAGE	27
HB-3455	THIRD READING	PAGE	30
HB-3456	THIRD READING	PAGE	38
HB-3465	THIRD READING	PAGE	108
HB-3479	SECOND READING	PAGE	148
HB-3490	SECOND READING	PAGE	148
HB-3504	THIRD READING	PAGE	127
HB-3567	THIRD READING	PAGE	142

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 13, 1992

HB-3569	SECOND READING	PAGE	27
HB-3647	SECOND READING	PAGE	27
HB-3647	OUT OF RECORD	PAGE	27
HB-3657	SECOND READING	PAGE	14
HB-3661	SECOND READING	PAGE	15
HB-3666	SECOND READING	PAGE	5
HB-3674	THIRD READING	PAGE	118
HB-3692	THIRD READING	PAGE	110
HB-3711	SECOND READING	PAGE	27
HB-3739	THIRD READING	PAGE	118
HB-3790	THIRD READING	PAGE	143
HB-3882	SECOND READING	PAGE	26
HB-3946	SECOND READING	PAGE	148
HB-3969	SECOND READING	PAGE	15
HB-3971	SECOND READING	PAGE	148
HB-4022	SECOND READING	PAGE	148
HB-4070	THIRD READING	PAGE	111
HB-4073	THIRD READING	PAGE	132
HB-4078	SECOND READING	PAGE	9
HB-4079	SECOND READING	PAGE	9
HB-4156	THIRD READING	PAGE	125
HB-4191	THIRD READING	PAGE	133
HB-4191	OUT OF RECORD	PAGE	133
HB-4208	FIRST READING	PAGE	147
SB-1485	FIRST READING	PAGE	149
SB-1496	FIRST READING	PAGE	149
SB-1508	FIRST READING	PAGE	149
SB-1548	FIRST READING	PAGE	149
SB-1604	FIRST READING	PAGE	149
SB-1643	FIRST READING	PAGE	149
SB-1679	FIRST READING	PAGE	149

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER MCPIKE	PAGE	1
PRAYER - DR. PATRICK PAJACK	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
COMMITTEE REPORT	PAGE	2
SPEAKER MADIGAN IN THE CHAIR	PAGE	58
REPRESENTATIVE SATTERTHWAITTE IN THE CHAIR	PAGE	79
REPRESENTATIVE LAURINO IN THE CHAIR	PAGE	94
REPRESENTATIVE KEANE IN THE CHAIR	PAGE	119
AGREED RESOLUTIONS	PAGE	146
DEATH RESOLUTION	PAGE	147
GENERAL RESOLUTION	PAGE	147
ADJOURNMENT	PAGE	147
PERFUNCTORY SESSION	PAGE	147
MESSAGE FROM THE SENATE	PAGE	148
PERFUNCTORY SESSION ADJOURNMENT	PAGE	149