

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

129th Legislative Day

May 11, 1994

Speaker Currie: "The hour of noon having arrived the House will be Session. Members will please take their Chairs. Our Chaplain for today is the Reverend Arthur Davis of the Victory Temple Church in Danville, Illinois. Reverend Davis is a guest of Representative Black. And the guests in the gallery are invited to rise and join us for the invocation. Reverend Davis."

Reverend Arthur Davis: "Will you bow your heads with us? Precious Father, we thank You this morning for Your kindness and for Your grace and for all that You have done for us. We pray Your blessings and Your guidance upon these men and women. Who have been given the responsibility of guiding our lives, and guiding our state, and guiding our cities. Give them courage to make the right decisions, give them the ability to stand behind that which they decide. In Jesus name we pray. Amen."

Speaker Currie: "We will be led in the Pledge of Allegiance by Representative Walsh."

Walsh - 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."

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Speaker Currie: "Roll Call for Attendance. Representative Kotlarz, are there any excused absences to report?"

Kotlarz: "Madam Speaker, the only excused absence on the Democratic side of the aisle would be Representative Morrow."

Speaker Currie: "Let the record so reflect. Representative

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Kubik."

Kubik: "Thank you, Speaker. Let the record reflect that Representative Ryder is excused today."

Speaker Currie: "Thank you. Clerk, please take the record. One Hundred Sixteen answering the roll call, a quorum is present. Agreed Resolutions?"

Clerk Rossi: "House Resolution 2610, offered by Representative Moseley; House Resolution 2612, offered by Representative Weller; House Resolution 2613, offered by Representative Hughes; House Resolution 2614, offered by Representative Lindner; House Resolution 2615, offered by Representative Novak; House Resolution 2616, offered by Representative Lawfer; House Resolution 2617, offered by Representative DeJaegher; House Resolution 2618, offered by Representative DeJaegher; House Resolution 2619, offered by Representative DeJaegher; House Resolution 2620, offered by Representative DeJaegher; House Resolution 2621, offered by Representative DeJaegher; House Resolution 2622, offered by Representative Stephens; House Resolution 2623, offered by Representative Laurino; House Resolution 2624, offered by Representative Deuchler; House Resolution 2626, offered by Representative Tom Johnson; House Resolution 2627, offered by Representative McAfee."

Speaker Currie: "Representative Steczko moves adoption of the Agreed Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Resolutions are adopted. Death Resolutions."

Clerk Rossi: "House Resolution 2611, offered by Representative Balanoff, with respect to the memory of Esler Cain Crane. House Resolution 2625, offered by Representative Homer, with respect to the memory of Don Cardosi."

Speaker Currie: "Representative Steczko moves the adoption of the

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Death Resolutions. All in favor say 'aye'; opposed, 'no'.
The 'ayes' have it. The Resolutions are adopted.
Representative Woolard in the Chair."

Woolard: "I have a delegation of individuals with me this evening
from Herrin, Illinois. The Herrin Italiana Fiesta is an
annual event that we do and we have a resolution we'd like
to have read at this time."

Clerk Rossi: "House Resolution 2361, offered by Representative
Woolard: WHEREAS, Herrin's Italian festival, the
Herrinfesta Italiana, will take place on May 26th to 30th,
1994; and WHEREAS, The Herrin community will celebrate the
fun and gaiety of the early Italian social clubs during
this last week in May; and WHEREAS, Events will include the
Miss Herrinfesta Pageant, the Mayor's Banquet, a Prayer
Breakfast, a Tiny Tot Pageant, a Baby Contest, a Health
Fair, a Fine Arts and Crafts Exhibit by artists of Southern
Illinois, a Golf Tournament, a Historical Display, a
Carnival and Flea Market, a Kids, Bikes and Pet Parade, a
Magic Show, a Car Show, the Herrinfesta Italiana Parade,
the Bigga Nose Contest, walking tours, a petting zoo, the
Pasta Sauce and Pasta Eating Contests, a Hot Air Balloon
Race, Follyfest, a Special Intention Mass, the Bocce
Tournament, a Grape Stomp, the 13th Annual Memorial Day
Road Races, the Memorial Day Ceremony at the Doughboy
Statue at Herrin City Park, the Taste of Herrin Food Court,
Herrinfesta Bingo, and authentic Italian entertainment; and
WHEREAS, Grand Marshall of the Parade will be Netta Bragga,
a member of the Italian Community; and WHEREAS, Herrinfesta
Italiana will honor the East Side Lumberyard Supply Company
and its president, Ralph G. Reis; his sons, Ralph F. and
Don Reis, Sr.; and his grandchildren; and WHEREAS, The East
Side Lumberyard Supply Company is a family-owned

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corporation with three generations actively involved in its successful operation; the Company is celebrating its fifty-fifth year in business; and WHEREAS, The Company will be honored at the annual Mayor's Banquet and will sponsor the Herrin Chamber of Commerce's Festa Golf Tournament; company executives will serve as Parade Marshalls in the Festa Parade; and WHEREAS, Frank King serves as Chairman, and Joey Helleney, Pam Hendricks and Jim Gentile serve as Co-Chairmen of the Herrinfesta Italian for 1994; President of the Herrin Chamber is James Storch, Sue Douglas is the Executive Director, RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the citizens of Herrin on the upcoming Herrinfesta Italiana on May 26 to 30, 1994; that we commend the community on its fine spirit and enterprise; and that we wish everyone a festive time at the festival; and be it further RESOLVED, That suitable copies of this preamble and resolution be presented to the corporate officers of the East Side Lumberyard Supply Company and to the Herrinfesta Italiana Committee. Adopt, this resolution has been previously adopted by the House of Representatives."

Woolard: "Thank you, Mr. Clerk. You know I think that probably everyone in this Body has witnessed a few things in their communities. Probably many of you have some local events that generate lots of interest, but I doubt that there's any of you who have an event that has two such unique events as we do in Herrin. First off we have the Bigga Nose Contest and I think that Lou Lang, if he happened to live in our area, would probably not only be a participant, but probably would be a successful winner. But he doesn't live there so some lucky Italian from Southern Illinois

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will probably have a great chance to win this event. We could also talk about the second part that is very unique, how many of you have ever saw a beautiful lady with beautiful legs standing in a vat stomping grapes? I'm here to tell you that I am so excited about this new event that we have in Herrin, Illinois and I invite each and everyone of you to come and participate with us in watching the great grape stomp of Southern Illinois. It's also a pleasure for me to introduce to you and I think that we are all interested in the State of Illinois and economic development and business growth. I think that each and everyone of us have probably involved ourselves in trying to create atmospheres that were conducive for business. Probably each of us have been involved in putting together incentive packages to make that happen. Very seldom do we find local businesses that make a differences, a real difference because they choose, not because we give. Representing the East Side Lumberyard Supply with us today is the Honorees of Southern Illinois and the City of Herrin, East Side Lumberyard Supply, great friends and great business entrepreneur, Don Rice."

Don Rice: "Thank you, Representative Woolard, this is the first time I have stood before the House and it is an honor to be here. Whether somebody can hear me or not it is still an honor."

Woolard: "They can hear you."

Don Rice: "Good. Okay. But, we are a corporation who has been in business 55...54...going on 55 years in Southern Illinois in East St. Louis and we have weathered a lot of things. A lot of legislation has come out, good or bad, but we are still in business. I really...I don't have a lot to share today, except to say that I was touched by the

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prayer that you had this morning, before the Session, I didn't realize that you prayed before you had Session. And I also want to share that I think about what would I say to, I didn't come up here to pick a bone or to get on my own bandwagon, but I came here to encourage you in the work that you are doing for this state, and I encourage you, yes, maybe you have knowledge out there, good head knowledge, but along with head knowledge you need wisdom. Wisdom to enforce, to enact, and to apply the knowledge that Your God blessed you with. Wisdom to see Bills that come forth, what they are going to do down the road, to the general public as a whole. And I just pray to God that you would exercise the wisdom that God has given you and seek that wisdom with all your heart. Thank you."

Woolard: "In closing, I would like to say that the other participants are very hard working individuals for the City of Herrin in Southern Illinois, in general. The Mayor, Mayor Ed Kwaya, has been here and fought many battles with us and will continue to do so. We can look forward to many, many returns to a great city prospering is Southern Illinois for the good of all."

Speaker Currie: "Representative Currie in the Chair. Government Administrations, Second Reading on Page 5 of the Calendar appears House Bill 2528, Representative Brunsvold. Representative Brunsvold. Out of the record. On Page 14 of the Calendar appears, House Bill 3040, Representative Edley. Representative Edley. Out of the record. On Page 33 of the Calendar, House Bill 3840, Representative Erwin. Representative Erwin. Out of the record. Representative Monroe Flinn. Representative Flinn. Page 22 of the Calendar, House Bill 3332. Clerk, that Bill has been read a second time previously?"

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Clerk Rossi: "House Bill 3332 has been read a second time previously. No Committee Amendments."

Speaker Currie: "Are there any Floor Amendments?"

Clerk Rossi: "Floor Amendment #1, offered by Representative Flinn."

Speaker Currie: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. Amendment #1 to House Bill 3332 takes Cook County out of the Bill. We inadvertently put them in, we did not intend to include them in the Bill. Therefore, we would...I would move for the passage of the Amendment."

Speaker Currie: "Representative Flinn moves adoption of Amendment 1 to House Bill 3332. And on that Motion, Representative Black."

Black: "Yes, thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Currie: "He will."

Black: "Representative, I guess the question obviously, is why? Why do we want to take Cook County out of what appears to be a pretty decent Bill?"

Flinn: "Well, Sir, in answer to you, they tell me that they've got a pretty good system working there now. And last year I passed the same Bill, and it got caught up in the Senate, and didn't get passed out with a whole lot of other Bills. And we took Cook County out then without any objection and Cook County already has a better system, a good system, working in their opinion. Ours is flawed and we need to change it and we didn't intend to change Cook County to start with. So mistakenly when the reference bureau drew it up they included Cook County, they included all the counties, and I offer now to take it out."

Black: "Okay. That sounds reasonable to me. Thank you very

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much. Thank you Madam Speaker."

Speaker Currie: "The Chair would like to announce that the Rules Committee is meeting immediately in the Speaker's Conference Room behind the chamber. Representative Flinn has moved adoption of Amendment 1 to House Bill 3332. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk Rossi: "House Bill 3332, a Bill for an Act concerning the service of process. Third Reading of this House Bill."

Speaker Currie: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. What this does is authorizes sheriff's of all, but Cook County, to appoint special deputy's by a written instrument served, rather than by endorsement on the document being served by a special deputy and authorizes special deputy's as well as persons licensed under the Private Detective Act. Basically what the Bill does, it frees up deputy's that need to be out on the road policing and let's other people who are perfectly qualified to deliver legal papers. I would move for the adoption of the Bill."

Speaker Currie: "Representative Flinn moves passage of House Bill 3332. And on that Motion, Representative Cross."

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

Speaker Currie: "He will."

Cross: "Representative, under this Bill, does a judge have to approve the special sheriff or the special deputy or will it happen automatically?"

Flinn: "Yes. Yes."

Cross: "It is the same as the current law then?"

Flinn: "Same as the current law, the only thing is, instead of a

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staffing each and every document, he can approve a one mass approval of a whole issue and let him appoint anybody that wants to deliver, who is qualified."

Cross: "Anyone within that particular..."

Flinn: "Yes."

Cross: "Sheriff's department?"

Flinn: "Yes, it is mentioned in the Bill."

Cross: "Would they then have the authority to serve or do service in both the civil and criminal cases?"

Flinn: "No. Just on these particular cases where we are dealing with tax...tax buyers."

Cross: "Okay. Thank...Thank you very much."

Speaker Currie: "Further discussion? If not, Representative Flinn moves adopt the passage of House Bill 3332. All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, will take the record. On this Motion, there are 113 voting 'aye', none voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby...Representative Balthis, do you want to be added to the roll call?"

Balthis: "Yes, Madam, thank you."

Speaker Currie: "Add, Balthis. That is 114 voting 'yes', none voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Page 42 of the Calendar, Government Administration, Second Reading, House Bill 4213, Representative Flowers. Clerk, that Bill has been read previously. Are there any Amendments?"

Clerk Rossi: "House Bill 4213, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Pedersen."

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Speaker Currie: "Representative Black. Withdraw the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Flowers."

Speaker Currie: "Representative Flowers on Amendment 2."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. Amendment #2 provides for several changes. It amends the number of members that will sit on the advisory panel for the minority health, from 15 to 25 and also states that the advisory panel shall assist the Department of Public Health, instead of operating independently. And I move for the adoption of Amendment #1 to House Bill 4213."

Speaker Currie: "Representative Flowers moves adoption of Amendment 2 to House Bill 4213. And on that Motion, is there any discussion? If not, all in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Moffitt."

Speaker Currie: "Representative Moffitt. Representative Moffitt."

Moffitt: "Thank you, Speaker, Ladies and Gentlemen of the House. Amendment #3 would amend the Civil Administrative Code. Requires that the Department of Public Health conduct a study of spousal abuse and would require that the Department of Public Health report its findings and recommendations by January 1, 1996 to the Governor and to the General Assembly. We think to know the scope of the problem of spousal abuse, we would really need to have a study, and that's why I was proposing this Amendment. So that we would be informed of the actual extent of it, that exists in the State of Illinois."

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Speaker Currie: "Representative Moffitt, moves adoption of Amendment 3 to House Bill 4213. And on that Motion, Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. I think Representative Moffitt has an excellent Amendment and I do urge for the House to concur with Amendment #3."

Speaker Currie: "Further discussion? If not, all in favor vote 'aye'; opposed vote 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, would you read the Bill on third and ring the bells."

Clerk Rossi: "House Bill 4213, a Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Currie: "Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. House Bill 4213, deals with the Minority Health Panel and also with the spousal abuse and I would urge for the passage of House Bill 4213."

Speaker Currie: "Representative Flowers moves passage of House Bill 4213. On that is there any discussion? 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? Have all voted who wish? Clerk, please take the record. On this Motion, 108 voting 'aye', none voting 'no'. And this Bill, having received the required Constitutional Majority...Representative Lang voting 'aye'. One Hundred Eight voting 'aye', none voting 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. On Page 46 of the Calendar under Government Administration, Third Reading, appears

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House Bill 3412, Representative Erwin. Clerk, read the Bill."

Clerk Rossi: "House Bill 3412, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Currie: "Representative Erwin."

Erwin: "Thank you, Madam Speaker. House Bill 3412 is a piece of legislation that was unanimously approved in the House Health Care...Health Care Committee this year, originally sponsored by State Representative Carol Ronen. And the Bill essentially extends the child care services to former recipients of public aid who have found work. We're talking about extending an additional 12 months for those women and families who have actually made the transition from welfare to work. But because the current program only permits 12 months many we find, that many women are in jeopardy because the income level is so low to fall back into welfare. So, the feeling is, an additional 12 months of this assistance for child care will provide the necessary time to be firmly established in employment. I would urge your favorable roll call."

Speaker Currie: "Representative Ronen...Erwin, moves passage of House Bill 3412. And on that Motion, Representative Black."

Black: "Yes, thank you very much, Madam Speaker. I have an inquiry of the Chair."

Speaker Currie: "State your inquiry."

Black: "Yes. We show that three Amendments were filed to this Bill, #1,#2 by Representative Skinner, #3 by Representative Roskam. Where those Amendments ruled not germane or simply not filed on a timely fashion or what happened to them?"

Speaker Currie: "Representative, we'll check with the Clerk but

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it's the Chairs recollection that the Bill was on third when the Amendments were filed."

Black: "Yes, I am aware of that. I am aware that the Bill is on Third Reading. I just don't know what happened to those Amendments."

Speaker Currie: "Right. I believe they were filed too late. Clerk, could you enlighten us?"

Clerk Rossi: "This Bill was placed on Third Reading on April 21st and the Amendments were filed on April 25th."

Black: "Was that not timely?"

Clerk Rossi: "That's not timely."

Black: "Oh. All right. Thank you."

Speaker Currie: "Further discussion? No. Yes, the Chair would say yes indeed not timely. Further discussion? Representative Skinner."

Skinner: "Let's see. First your costs are going to be \$1.1 million, the second year costs are going to be \$9 million. That probably is enough reason to vote against the Bill."

Speaker Currie: "Representative Moseley."

Moseley: "Thank you, Madam Speaker, Ladies and Gentlemen. Although the previous speaker just alluded to the fact that this is costly, having welfare mothers is much more costly to society. Not simply, in the fact, that it cost the state money to maintain them, but it costs them respect, it cost their children respect. This Bill is a lot more than just giving an additional help. This is about giving hope to people where we've already given hope and are on the verge of taking that hope away. I have met with some of these mothers who have been on transitional welfare, on transitional day care. I know the feeling of frustration they have at the fact that they're having their only rug pulled out from underneath them. The extra year may not be

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enough for everyone, but as we all know children grow up and go to school and two years gives more of an opportunity to more mothers than our current 12 month system. At some point we are going to have to realize that we can't just give platitudes about getting women off welfare. We have to do something about it and this is something we can do today. I urge your support of this very important piece of legislation."

Speaker Currie: "Representative Weller."

Weller: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Currie: "She indicates she will."

Weller: "Representative, I recall from committee, there was some...Representative Erwin, there was some discussion regarding the income levels of many of these AFDC recipients, who are receiving this child care assistance. What is probably the average wage that someone who's trying to get off welfare receives, one of these welfare moms would be receiving, can you give a figure?"

Erwin: "Well, Representative, we're usually talking about women on a minimum, in a minimum wage job. They just are transitioning off of welfare and as you can imagine they're usually not very high paying jobs. So we are talking minimum wage but trying to get established in the workforce with a steady record of work, while knowing that you have care for your children. And it's trying to create that stable existence that we want to include for an extra 12 months. Let me add, Representative Weller, that it is entirely possible that the state can get a federal waiver, which will cover much of this 1.1 million that has been discussed, so we would hope that when this becomes law, we know that the Clinton administration is becoming much more

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flexible about granting states waivers in these areas, and we would urge them to seek a waiver, and receive federal money that we believe is available."

Weller: "If we are looking at someone who is making the minimum wage that is somewhere probably around \$4 to \$5 an hour, something around \$200 a week. Do you recall from the testimony in committee what the average cost for a...one of the participants in this program for child care a week was?"

Erwin: "Well, you know, child care is...can be up to about \$400 a week and so the...if you do not have assistance in child care, \$400 a week is not... \$200? Is not unreasonable, depending on the type of care that one has."

Weller: "Yes. I believe this assistance is about \$90 a week that they receive to help with their day care, child care cost?"

Erwin: "That's correct."

Weller: "So, if someone where at the end of the...working for a year, minimum wage job, trying to raise their family, get back into the workforce. At the end of the first year, if they are making \$200 a week, and you were to take away this child care assistance, essentially their income would be cut in half. And as I see it, that recipient would have to go back on welfare just to recover the income that she had to raise her kids. Is that the case?"

Erwin: "That is exactly the issue, Representative Weller. It goes to the heart of what our attempt is here. It's to keep people working, be it not for this assistance, on child care, it is very very likely that women have to fall back into welfare."

Weller: "Thank you. To the Bill. Ladies and Gentlemen of the House."

Speaker Currie: "To the Bill."

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Weller: "I rise in support of this legislation. I think we all admit that our current welfare system has failed. It has failed because we've spent billions of dollars that have not effectively brought people off of welfare and put them into the workforce. It's failed because the incentives are in the wrong place. Here is someone who is trying to get themselves off welfare, gain job experience so they can get a good paying job, raise their kids, and we are talking about single moms here. And at the end of the first year we're trying to give them a helping hand, 12 months after they have been on this, we take that helping hand away, and that forces them to go back on welfare just to maintain their current income level. Two Hundred Dollars a week is \$800 a month, we are only talking \$360 a month in assistance, the cost is minimal. But the right vote is a 'yes', vote because this is positive welfare reform that heads in the right direction. I urge everyone's support for this legislation."

Speaker Currie: "Representative Krause."

Krause: "Will the Sponsor yield for one question?"

Speaker Currie: "She will."

Krause: "I also join in support of this Bill, because I do think that it is to try to keep people on the employment. But Sponsor do you see any need to go beyond the proposed 24 months that is in the Bill, or do you think now that the 24 months would answer the concern that you have?"

Erwin: "I believe so. I think that the additional 12 months is a very reasonable proposition and we would not seek to extend it at this point."

Krause: "Okay. Thank you."

Speaker Currie: "Representative Wennlund."

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

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Speaker Currie: "Yes."

Wennlund: "Representative Ronen..."

Speaker Currie: "It's Erwin."

Wennlund: "Erwin, I'm sorry. I'm just trying to understand what the analysis, and the fiscal note from the Department of Public Aid appear to indicate that after the first initial year of 1995, in 1996 there will be an additional \$9 million, and then it appears to indicate that, over the base, and then for the following year, 1997, is an additional \$10.9 million. Does this thing keep growing at the rate of about an additional \$10 million a year, is that what they're saying?"

Erwin: "Representative, that is not my understanding. We are talking about one additional year of 12 months for women that have transitioned from welfare to work. It was not our estimate that this went into multiplies."

Wennlund: "The Department of Public Aid's analysis also reflects the same figure as mine do, that an additional \$9 million more in 1996, and then in 1997 an additional 10.9 million."

Erwin: "Yes."

Wennlund: "My question is, does this keep growing at an annual rate?"

Erwin: "Representative, I think quite to the contrary. It is...there is a capped limit, currently is 12 months, under this legislation it would be 12, they're off and out of the system. Now would there be new public aid recipients as we have...certainly there are new clients. But it is not, public aid did not indicate that the case load would actually be growing by that much, so we do not see it as growing."

Wennlund: "What is TCC or TTC? Yes. What is that?"

Erwin: "Transitional child care."

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Wennlund: "Okay. And how much of a match do we get from the federal government or does the federal government participate in this program, if we extend it?"

Erwin: "I'm sorry, Representative, I couldn't hear you..."

Wennlund: "How does the federal government participate in the program with respect to funding?"

Erwin: "Well, it...we do believe that a waiver, that the state could apply for a waiver to be able to attract more federal dollars into this transitional child care program. In other words there is federal money available for 12 months, and if we extended the state level to 24, we should be able to retrieve half of the amount from the federal government."

Wennlund: "So, that would be half of that additional \$10 million that..."

Erwin: "Exactly, well, exactly so that the federal government would essentially could pay 50% of whatever our state increase is."

Wennlund: "I see. As I read the Bill, the only change in the existing law, would be to extend from 12 months to 24 months for this TCC."

Erwin: "That is correct."

Wennlund: "Okay. Thank you very much. It sounds like a good idea."

Speaker Currie: "Representative Tom Johnson."

Johnson, Tom: "Yes. Will the Sponsor yield?"

Speaker Currie: "She will."

Johnson, Tom: "Representative, I just have a couple questions on this. This is transitional, is there any sorts of means, testing or so on. Say I get a job and all of sudden I'm into the money, okay?"

Erwin: "Yes."

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Johnson, Tom: "Do I still end up being entitled to the day care for this 24 months?"

Erwin: "No you do not, Representative. It is...there is a means test that is applied for these, you are essentially talking about women who are working, they are in transition, if you will, newly employed, and our object is to keep them stabilized there for long enough to be off their feet. But it is a means test, your income goes to a certain level and you're off this program."

Johnson, Tom: "Okay. Secondly, are facilities or what is the availability of the day care providers to handle this increase load and so on?"

Erwin: "Well, I think that statewide, if not nationally, we realize that there is a lack of quality day care available. So I do think that that is an ongoing problem that this does not necessarily cure; on the other hand, I think that if we have moms that have the means with which to pay for day care, that the market place will effectively help correct some of that but you raise a very good point in it's something that we are continuing to work on down here."

Johnson, Tom: "Basically I am entitled to these funds for day care and I...if I don't have a facility or someplace to place this child. Where do these funds come from?"

Erwin: "Well, Representative, if you are a mom and you're newly employed and you are...and you have been with an employer now for nearly 12 months, but you know that if you didn't continue this assistance with day care your child is already somewhere. Otherwise the likelihood is you wouldn't be working full time in the first place. So we...that instance we are talking about a working mom here, so the child is in placement, and what is happening is

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that, once the 12 months is up, the mother loses this assistance, and then her income doesn't fill the gap in the cost of day care. So we're trying to allow this additional 12 months to stabilize it, so if the clients of the state in this program really have children already placed."

Johnson, Tom: "Okay. And is the money paid directly to the mother or to the day care provider or how is that worked?"

Erwin: "You know I'm not sure. You know, I'm told that the state program that administered...the state agency that administers this either usually provides the grant to the center or in many cases they...we will provide a waiver for the fee, in other words, the state may direct voucher or some sort of payment of that kind but the recipients do not receive the cash."

Johnson, Tom: "Okay. Just one other question that I have. If I am receiving this and I have my job for 24 months, I then either quit or leave my job, go back on public aid. Now does that qualify me for another 24 months, if I get something say within a month or two? What kind of controls are put on this?"

Erwin: "You know my guess is, Representative, and I'm not positive, I think that the existing program that lasts for 12 months probably deals with this somehow, and I confess, I will find out, but I do not exactly know how they deal with those clients right now. We...it is obviously a program designed to assist moms working and in transition. So how DCFS deals with this right now, I'm not sure."

Johnson, Tom: "Good. I appreciate your answers and I support this legislation, I think it's great. Those are issues though that are of concern and I hope they're monitored carefully, and quite honestly I would rather see money paid to the mothers as opposed out to the centers. I mean the

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key is whether they are getting child care or not. So, thank you."

Speaker Currie: "Representative Salvi."

Salvi: "Thank you, Madam Speaker. Would the Sponsor yield for a couple of questions."

Speaker Currie: "She will."

Salvi: "Representative, you indicated to Representative Johnson that you believe that vouch...simply a voucher program would be created here where there would be private funding, public funding of private day cares. Did I hear you correctly or is that wrong?"

Erwin: "No I don't...I don't believe I did say that, Representative. There is a current program in place that the state administers to moms that are newly employed to provide the transitional child care assistance while the moms are working. The actual administrative, you paperwork, on how that works, Representative, I must confess I am not totally familiar with but I will find out from the agency which paper gets sent to whom. But I do know that it works right now for 12 months and what we are asking is to try and make it work for 24."

Salvi: "I understand that and I think the...don't get me wrong, I think it is a great idea to publicly fund private day cares and I think this great Bill. To the Bill, I would just like to say that."

Speaker Currie: "To the Bill."

Salvi: "Yesterday I was being interviewed by a local newspaper, and I was somewhat critical of the welfare system in this state, and this nation, and the interviewer asked me if I wanted to get, if it were up to me would I get rid of the welfare system. And I said, absolutely not, and I think that's a misconception of a lot of conservatives. So we

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don't want to get rid of the welfare system, we want to make sure that the welfare system works. It's not working now and it hasn't worked very well in the past. This is the kind of Bill that will make the welfare system work. Representative Pugh presented a Bill, for example, that said, hey, if somebody goes into this earn fair program, their food stamps shouldn't be taken away, and I think some Members on the Democratic side were surprised to see how much Republican support there was for that. I think we all should want to see welfare work, we all want to help people who are in need. This is the kind of idea and I commend you Representative Erwin and Representative Ronen for presenting this Bill, because this is the kind of thing that helps make welfare work. I also strongly urge a 'yes' vote."

Speaker Currie: "Representative Hanrahan."

Hanrahan: "Thank you, Madam Speaker. Will the Sponsor yield for one quick question?"

Speaker Currie: "She will."

Hanrahan: "First of all, I...this is the kind of investment, Representative, that I think we need to be making in our people in this state. I applaud this piece of legislation. My question is more one of implementation, is there any track record or any statistics that would indicate how successful the additional time that an individual has to use these child care services in their ability to land permanent employment."

Erwin: "Well yes, Representative, what we did here in committee and what studies seem to show is that if we can get women in, off of welfare, into even if it is a minimum wage job in the beginning and working, knowing that their children are well cared for. Then as they gain work experience they

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can seek greater advancement, their incomes do go up, and then they can go off of the assistance, and are able to fully pay for themselves. I mean clearly, a very large percentage of the households in the state are headed by females only and so we do know there are very many working moms with kids, you know, that pay taxes and do a darn good job of taking care of their families as well as their professional lives."

Hanrahan: "But there are indications that income increases and then...so there is some stability to the household."

Erwin: "Yes, Representative, yes."

Hanrahan: "Okay. Thank you."

Speaker Currie: "Representative Erwin moves passage of House Bill 3412. 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? Clerk will take the record. On this Motion, 112 voting 'aye', none voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Returning to Government Administrations, Second Reading on Page 35 of the Calendar. House Bill 3922, Representative Gash. Clerk, what is the status of the Bill, has it been read a second time previously?"

Clerk Rossi: "House Bill 3922 has been read a second time previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Tom Johnson."

Speaker Currie: "Representative Johnson on Amendment 3. Withdraw Amendment 3. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Salvi."

Speaker Currie: "Representative Salvi. Representative Salvi."

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Representative Gash."

Gash: "I believe that Representative Salvi was going to withdraw this Motion. We can wait until he gets back if that would be better."

Speaker Currie: "He was here a minute ago. Representative Salvi wishes to withdraw the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Gash."

Speaker Currie: "Representative Gash."

Gash: "Floor Amendment #5 is basically an agreement...withdraw #5."

Speaker Currie: "Withdraw #5. Further Amendments?"

Clerk Rossi: "Floor Amendment #6 offered by Representative Gash."

Speaker Currie: "Representative Gash."

Gash: "Floor Amendment #6 is an agreement with the NRA. It adds the...this is an agreed Bill now at this point, with the NRA, but we feel that it still does a significant amount to protect children from having firearms near their schools. The Bill as amended, in the Jud II Committee amends section 243.3 to provide that it's unlawful to sell, or give a firearm to any person within a half mile of a school. It provides a grandfather clause, for a federally licensed firearm dealer while they are transacting business at a retail store, if the dealer transacted business at the retail store prior to the Bills effective date, and there are various exemptions to the Bill such as that for emancipated minors who posses firearms on their own land, gifts, or transfers of a firearm by a person over 21 to a spouse, child, or ward, and certain other exemptions that we have agreed with the NRA to exempt."

Speaker Currie: "Representative Gash moves adoption of Amendment 6 to House Bill 3922, and on that Motion Representative Tom

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Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Currie: "She indicates she will."

Johnson, Tom: "Representative you know I think it's important that everybody knows now exactly what this Bill is about and does. Maybe you could explain that to us. As I understand it, this is prohibiting any person from selling, giving, delivering to another person in a school on the real property comprising the school, or within one half mile of the school. Is that correct?"

Gash: "That is correct and there are several categories which are exempted."

Johnson, Tom: "Okay."

Speaker Currie: "We're on the Amendment Representative Johnson. I think you have described the Bill and we are on the Amendment."

Johnson, Tom: "Right, the Amendment does not do away with the Bill."

Speaker Currie: "No."

Johnson, Tom: "I think it's important to know what the Bill itself does."

Gash: "The Bill itself is an agreement with the NRA. They have agreed with this Amendment, to not oppose it."

Johnson, Tom: "So except with these exceptions that are now contained in your Amendment 6."

Gash: "Yes."

Johnson, Tom: "The underlying Bill would still prohibit all of this within a half of mile of a school. Is that correct?"

Gash: "Right, with very significant exemptions that the NRA has agreed to."

Johnson, Tom: "Thank you."

Speaker Currie: "Further discussion? Representative Wennlund."

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

Speaker Currie: "She will."

Wennlund: "Amendment #6 doesn't become the Bill."

Speaker Currie: "Representative Gash."

Gash: "Amendment #6 does not become the Bill. It exempts many categories from the Bill of the prohibition against gun sales within a half mile of a school."

Wennlund: "Well, let me ask you a question. If I give a firearm...if I live within a half mile of the school, which in a city like Chicago, or Peoria, or Springfield, a lot of people can live within a half mile radius of a school. If I give a gun to my son..."

Gash: "Can you repeat, can you say that again? If you give one of your sons..."

Wennlund: "Yes."

Gash: "Yes, that's an exemption."

Wennlund: "I have an 18-year old son who is veteran of Desert Storm. If I give him one of my guns in my house and my house is within one half mile of a school."

Gash: "That is specifically, I understand your valid concern and that is specifically exempted in the Bill. Gifts or transfer of a firearm by a person over 21, to a spouse, child, or ward over whom the person is the legal guardian would be exempted."

Wennlund: "Well, I am not the legal guardian for my nineteen year old son. He is an emancipated individual and a veteran of Desert Storm. This Bill would prohibit that is that...is that correct? I would be in violation of that if I gave my nineteen year old..."

Gash: "I believe you may be. This was drafted by the NRA, this particular Amendment, with an agreement from them."

Wennlund: "Who was it with the NRA that drafted this Amendment?"

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Gash: "I'm sorry the Illinois State Rifle Association, Patrick Valentino."

Wennlund: "She drafted this Amendment?"

Gash: "He gave us this Amendment, yes."

Wennlund: "And how does this Amendment change the original Bill?"

Gash: "It changes the original Bill from what I understand, because of instead of just having all sales prohibited within half mile of the school, many categories are exempted, such as the one we just discussed, several others which I would be happy to read to you if you would like."

Wennlund: "How is it that the half mile radius changed by this Amendment? It was in the original Bill."

Gash: "That is not."

Wennlund: "It is not?"

Gash: "No."

Wennlund: "So the transfer within the half mile is still part of the Amendment?"

Gash: "It's part of the Bill and the Amendment does not exempt that, but it exempts many categories that the State Rifle Association felt were important, the categories to exempt from this Bill. It addressed their concerns, completely."

Wennlund: "Are there any other Amendments other than Amendment #6?"

Gash: "Excuse me."

Wennlund: "Are there any other Amendments other than #6 that would effect the original Bill?"

Gash: "There were two other Amendments in committee. One removed from the Bill a provision that was concerned with keeping loaded firearms accessible to children and preventing that. We've completely deleted that from the Bill. We have also added a grandfather clause and that was another Committee Amendment."

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

Speaker Currie: "Further discussion? Representative Biggert."

Biggert: "Thank you Madam Speaker, will the Sponsor yield?"

Speaker Currie: "She will."

Biggert: "Is...you spoke of a grandfather clause. Does the Amendment have a, say anything about a seller who has been in business within a half mile, are they then unable to, to sell?"

Gash: "Yes."

Biggert: "They would be prohibited?"

Gash: "Can you repeat the question?"

Biggert: "Does the Amendment in effect eliminate any seller within a half mile of a school who has been in business from selling?"

Gash: "Right, yes. If you are a federally licensed firearms dealer transacting business at an address that has a zoning classification permitting the operation of a retail establishment, if you were in business before the effective date of this, it grandfathers you in, or out of the exemption, of the prohibition."

Biggert: "Is that in the Amendment, or is that..."

Gash: "It is in the Amendment."

Biggert: "Thank you."

Speaker Currie: "Further discussion? Representative Homer."

Homer: "Thank you, Madam Speaker, just to say that I presided over the Committee in which this Bill was presented. The Judiciary Committee, Jim Valentino who is the lobbyist for the Illinois Rifle Association, sat next to Representative Gash and they together worked out an Amendment. In fact, I think Me. Valentino drafted this Amendment, and Representative Gash agreed to the Amendment, passed the Bill out of committee that this would be added as a second

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Amendment or as an Amendment on Second Reading, the Bill. The amended Bill seemed to be okay with the Illinois Rifle Association and I can't see why we would have any concern with the Bill in its current form. I urge support for the Amendment."

Speaker Currie: "Representative Black."

Black: "Thank you very much, Madam Speaker. Will the sponsor yield?"

Speaker Currie: "She will."

Black: "Representative, I need a little information from you. A little more information from you about the grandfather clause. Is it your understanding that the grandfather clause appears in Committee Amendment #1?"

Gash: "Yes."

Black: "And if I read it correctly, it only affects a federally licensed firearm dealer who has been transacting business at an address who would fall within that half mile zone prior to this law going into effect. That dealer could, in fact, continue his or her business, correct?"

Gash: "That is my understanding."

Black: "All right, would that also include...yes it would cover a retail because they would have to be licensed."

Gash: "Yes."

Black: "But no other behavior would be grandfathered under this Bill."

Gash: "I'm not sure what you mean by 'other behavior'."

Black: "Well, you know in a very small town, you're going to be hard pressed within the corporate boundaries of that town to be a half a mile in any direction from a school. So if leave home on my way to hunt pheasants one bright morning, early one morning, and I put my shot gun in the trunk of my vehicle. I'm within a half mile of the school. Now am I

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going to be suddenly charged with a criminal act for something I have done for 25 years as a legal act?"

Gash: "This Bill applies to the sale of guns, and there is a specific exemption for what your talking about. Transportation of firearms by exempted persons..."

Black: "Yes, but the Amendment clearly says, 'sells, gives, or delivers a firearm to another person regardless of age. There are several of us going hunting, or perhaps my neighbor, and I live within a half mile of a school. My neighbor on occasion will let me use his shotgun. So he'll deliver that gun to me at 5:00 in the morning. I put it in my trunk, and I am within a half mile of a school. This act has been legal for all the years that I have been hunting. I want to know if this Bill suddenly makes me a criminal because I am accepting delivery of my neighbor's shotgun within a half mile of a school?"

Gash: "There is a specific exemption for the transportation."

Black: "Well I can appreciate that..."

Gash: "And for hunting and trapping."

Black: "Where is that exemption? I did not see that. Is it in the Bill itself?"

Gash: "Line number, Amendment #6 section 6 line 45."

Black: "Is it in the Amendment or the underlying Bill?"

Gash: "Amendment #6."

Black: "Okay, hang on just a second if your would please. All right, thank you very much."

Gash: "That does address your concern."

Black: "Yes, I think it does. Now another question, I think would have to do with and...I want to make sure I am correct. I think your Amendments, your Committee Amendments delete all safe storage provisions of this Bill, is that correct?"

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Gash: "Yes, they do."

Black: "In other words, if I leave a loaded weapon in my home even though my children are no longer minors, I'm not now in violation with Committee Amendment #1 and 2. I don't have to worry about following some kind of storage provision about storing a loaded firearm in my home?"

Gash: "Do you want an answer to that?"

Black: "Yes, I'm not sure, because on the original Bill you had to have it in a securely locked box..."

Gash: "I understand you question."

Black: "Yes."

Gash: "I have a very serious concern about that issue. I would like to see a Bill like that passed. That is not in this Bill now."

Black: "All right, the secure storage language is out."

Gash: "That is now out in an agreement. We want to make a difference, and we want to do something to protect kids in schools, and we have made the agreement to remove that part from this Bill for purposes of having this part of the Bill passed."

Black: "Okay, then the warning labels, that were going to appear on firearm and ammunition transfers that has been removed from the Bill by your Amendments."

Gash: "Can you repeat the question it is sort of loud in here."

Black: "The original Bill required some warning language on firearm and ammunition transfers. Has that language been removed by your Amendments?"

Gash: "Yes."

Black: "Okay, one last question. I know this is going to sound silly, but I really would rather ask it now, than go home and have someone ask me this weekend, and I don't know the answer. In the committee Amendment #1, line 13, beginning

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section B, a person so forth and so forth and so on, who sells, gives, or delivers a firearm to another person regardless of age in a school on the real property of a school or within one half mile of a school or this is what I am interested in, or who takes a firearm into a school commits a Class III felony. Now I have to assume that if we have a ROTC program in that school, those weapons that belong to that program are exempt. I also then would have to assume, but I want you to make sure that my assumption is correct, that if I am a, if I have been invited to that school to speak on firearm safety, and I bring my unloaded weapon to school to demonstrate those safety techniques that I'm not going to be charged with a Class III felony."

Gash: "The first part of your question deals with something I would like to tell you specifically exempted by agreement with the NRA, are members of the armed services or reserve forces of the United States or the Illinois National Guard, peace officers and corrections officials provided the firearms are used in their official duties."

Black: "Okay now, I can only assume, I don't know how high school ROTC is organized, but I assume that's covered correct?"

Gash: "I believe so."

Black: "Okay, now what about someone and I'm really not trying not to be facetious here, if you are invited into a school to speak on your hobby, or your advocacy, or give a demonstration on firearm safety. As I read this language I'm taking a firearm into a school, and your language says if I do that I could be charged with a Class III felony, now surely that isn't your intent. I mean if I'm invited for that specific purpose, I just don't see any exemption on that kind of a situation. Did you hear the question?"

Gash: "Can you repeat the question?"

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Black: "Let's say that in the course of a school year, one high school wanted to have a gun safety demonstration or a demonstration by a gun smith having to do with careers or what have you, and so this person brings a unloaded firearm..."

Gash: "Not with the intention of selling or giving it?"

Black: "No, for a demonstration asked for by the school. Surely that person is not going to be charged with a felony?"

Gash: "This Bill deals with the sales and gifts."

Black: "But, if you look on your Amendment on line 17, it says or who takes a firearm into a school commits a Class III felony. End of sentence."

Gash: "There is an exemption in the Bill for..."

Black: "Okay."

Gash: "The transportation of firearms by exempted persons if the firearms are unloaded, and fully enclosed in a container."

Black: "So I...for purposes of legislative intent I think you've answered the question. Surely if somebody is invited to come in to for example I remember during the D-day celebration that we're coming up to. I know a lot of veterans are being invited into various high schools to talk about D-day, and there service in World War II, and some of them are taking their military firearms into the school. Now their not taking them in loaded obviously, but I want to make sure of is that some well meaning veteran talking to kids about D-day and World War II, who takes his military rifle that he had during World War II into the school is not going to be charged with a Class III felony."

Gash: "I would expect that probably some one coming in..."

Black: "Yes, I think you..."

Gash: "I understand your concern."

Black: "I appreciate your patience. The only other question I

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have deals with the grandfather clause on a previously licensed...federally firearm licensed dealer. If I own such an establishment, and I am grandfathered, but say five years from now I want to sell that shop, and I have a willing buyer, willing to pay my price, what happens then? Can I sell it to this person and the grandfather clause still works, or is the Grandfather clause going to be limited to the owner, the original owner at the time this Bill goes into effect?"

Gash: "Right, my understanding is that you can't transfer that ownership."

Black: "Would that be your intent? If we get to that point?"

Gash: "That would be my intent, and I believe the State Rifle Association is clear on that."

Black: "Thank you very much, Representative. I do appreciate your patients."

Speaker Currie: "Any further discussion on Amendment 6? Representative Weaver."

Weaver: "Thank you, Madam Speaker. Will the sponsor yield?"

Speaker Currie: "She will."

Weaver: "Just a brief follow up. On the previous question, I have got several communities in my districts in which the school there's are a number of school buildings, and if perchance the school buildings were approximately a mile apart spread throughout the city, would this not effectively prohibit any new arms sales any where in the city?"

Gash: "There is a grandfather clause that would..."

Weaver: "Well, I guess and that leads to the second part of my question, which is I think what Representative Black already touched on, if the grandfather is not transferable doesn't that create a basically a monopoly for those gun

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shops that are currently there, in a city that has school buildings kind of sprinkled throughout?"

Gash: "This Bill does prohibit sales except for exempted categories within a half mile of school."

Weaver: "I'm sorry I couldn't hear."

Gash: "The Bill does prohibit gun sales, within a half mile of a school except for these exemptions."

Weaver: "But if the school buildings are sprinkled throughout the city and you're not able to grandfather basically the gun shops or gun sales that are occurring there now are the only ones from this point forward that would be allowed is that correct?"

Gash: "I understand your concern, and this Bill does prohibit gun sales within half mile of a school. This was something that was addressed by the State Rifle Association; it seems to be okay with them."

Weaver: "Well, I would assume their membership that currently have gun shops would be real happy with this, because it doesn't allow for the establishment of any new ones. So one other question, does this apply strictly to elementary and secondary schools? It does not cover community colleges or universities?"

Gash: "I believe it covers any school public or private from preschool through college."

Weaver: "Excuse me."

Gash: "It is defined in the criminal code. Can you bear with us for one second."

Speaker Currie: "Representative Weaver, I think you're talking about the underlying Bill rather than the Amendment 6, which is what we are on right now, although..."

Weaver: "It deals with schools and I'm trying to establish what kind of schools we are talking about."

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Speaker Currie: "Yes, but that's the underlying Bill not the Amendment that is now the subject of our discussion."

Weaver: "No the Amendment deals with a half mile from existing schools. I'm just trying to figure out what schools we're talking about."

Gash: "We're double checking something. If you can bear with us. Any school public or private, from preschool through college."

Weaver: "I'm sorry I did not here last part."

Gash: "Through college."

Weaver: "Through college, so it would include community colleges and universities as well?"

Gash: "Yes."

Weaver: "And preschool?"

Gash: "From what I understand, yes. My children are with me on the floor, and that's something that's particularly of concern to me. I come from an area where there have been some gun incidences. The incident with Lori Dan, where she went into a school and killed and injured children. Before she went to that school she stopped at my children who are pages on the House Floor today, at their preschool."

Weaver: "Well, Thank you very much. Ladies and Gentlemen, to the Amendment..."

Speaker Currie: "To the Amendment, to the Amendment Representative."

Weaver: "To the Amendment, I think the Lady's intent is well placed and she is really trying to do the best that she can do. But understand what the effect of this Amendment is going to be. It will most...communities have pre-schools have elementary, and high schools, and junior high schools, or community college campuses, or universities spread throughout the community. This would basically prohibit

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the establishment of any new gun sales, whether it's a store or an individual dealer from the point of time that this Bill goes into effect. So it's going to establish a monopoly for those that are currently there, but it will not allow any new gun stores from this point forward. It sounds like it needs a little bit more work on. I don't disagree with the general idea, but it sounds like it needs a little bit more work. Thank you."

Speaker Currie: "Representative Gash moves adoption of Amendment six to House Bill 3922. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk Rossi: "House Bill 3922 a Bill for an Act amending a Criminal Code of 1961. Third Reading of this House Bill."

Speaker Currie: "Representative Gash."

Gash: "We have pretty much, I think, just discussed what the Bill does. I would ask for its passage. Violence in schools is becoming a very serious problem. I recently had a meeting of teachers, superintendents and principals in Wheeling. In my district where there have been several gun incidences in the school. This is a concern that was also coming up recently at an IEA meeting when they had...there was a tremendous amount of discussion at their convention. Teachers are very concerned, students, and parents are very concerned. This Bill does something to finally address that, and I would move for its passage."

Speaker Currie: "Representative Gash moves passage of House Bill 3922. On that Motion Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Fortunately I have an announcement to make to the

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Members of the House. Today, today is the deadline in the Senate to get any Bill out of committee. Thank God. So garbage like this is totally useless. It will do nothing to save anyone. You take a city like Springfield, there is always a school in every neighborhood within a half mile of every home in the City of Springfield. It will eventually bar the delivery, or transfer, or gift to even my nineteen year old son a veteran of Operation Desert Storm, because he's 19, he is under 21. But he is over 18, carried weapons all over the Middle East, but I can't give my son a gun for his nineteenth birthday in my own home, because I live within a half mile of a school. It makes absolutely no sense whatsoever, but like I said, the deadline to get Bills out of Senate committees is today the end. Let's quit wasting time, defeat this legislation, and get out of here."

Speaker Currie: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, a question for the Sponsor. Are there any other groups or associations that are actively supporting this besides the IEA and the State Rifle?"

Speaker Currie: "Representative Gash are you prepared to answer the question? She indicates she will."

Gash: "Can you repeat the question?"

Rutherford: "I understand the IEA is supportive of this. Are there any other organizations that are actively supporting this effort?"

Gash: "Yes, Illinois Council against Handgun Violence, The League of Women Voters, The Cook County Circuit Court Clerk, several other groups, and as I said the State Rifle Association has worked with us."

Rutherford: "I appreciate that. What about retailers? Where

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would they stand on this. At one time I understand there may be some opposition from the retailing community."

Gash: "I am not aware of any opposition since we added the grandfather clause."

Rutherford: "I'm sorry, after the grandfather clause you're not aware if there is opposition?"

Gash: "Yes, that's right."

Rutherford: "Okay, thank you. I also just...being in the committee as well when you did make the commitment to come to some negotiated agreement to this, I appreciate your active participation with the State Rifle Association. I'm confident that this is some relationship that as you look to groom and grow with that team that you will find some real opportunities there. Thank you Representative."

Speaker Currie: "Representative Schoenberg."

Schoenberg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I find it quite regrettable that we sink to new depths every day here, when the Gentlemen from across the aisle stoops so low as to indicate that the Sponsor who not only has the interests of state public policy at heart, but who's been affected by a personal set of circumstances when this initiative having been negotiated with people on both sides of the issue is being called, 'garbage'. When if anything, it's a commendable that she sat down and discussed this matter with people who do not share her views on firearms in order to make schools safer places. I'd urge my colleagues very strongly to disregard that Gentlemen's comments, and consider them from where they came from, and to support this legislation. It's the very least that we can do for our children."

Speaker Currie: "Representative Gash moves passage of House Bill 3922. All in favor vote 'aye'; oppose vote 'no'. Voting

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is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion 78 voting 'aye', 29 voting 'no'. This Bill having received the...who? Somebody want to be added? This Bill having... Representative Clayton votes 'aye'. 79 voting 'aye', 28 voting 'no'. This Bill, having receive the required the Constitutional Majority, is hereby declared passed. On Government Administration, Third Reading, appears House Bill 3320, I'm sorry 3386. Representative Pugh. Clerk, read the Bill."

Clerk Rossi: "House Bill 3386, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Currie: "Representative Pugh."

Pugh: "Madam Speaker. I am requesting that this Bill be taken back to second for the purpose of an Amendment."

Speaker Currie: "The Gentleman asks leave to return the Bill to Second Reading, for purposes of an Amendment. Does he have leave? Representative Pugh moves that the Bill be returned to Second Reading for purposes to Amendment. All in favor vote 'aye'; opposed vote 'no'. . . Voting is open. Representative Black, on the Motion. Have all voted who wish? This Motion requires 60 votes. Have all voted who wish? Representative Davis, on the Motion."

Davis: "Thank you, Madam Speaker. This was suggested yesterday, he is merely doing what people suggested that he do. The Amendment was drafted incorrectly, he sent it back to have it drafted correctly. He was merely doing what this Body asked him to do yesterday."

Speaker Currie: "Representative Homer, on the Motion."

Homer: "Thank you. This is an interesting roll call because those who are concerned about their law and order records

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should be voting 'green'. The Gentleman would purport to toughen this Bill by making it more difficult for people to get paroled through his Amendment. So those of you voting 'no' are going to have to explain why you opposed the Gentleman's efforts to do that. Now if you oppose this Bill I suggest you vote to allow him to return the Bill to second, amend it, and then oppose his Bill on Third Reading. But by not allowing him to do this, you are actually perpetuating what you purport to oppose."

Speaker Currie: "Representative Granberg."

Granberg: "Thank you. As the previous speaker indicated, a number of us have problems with the Bill itself. But the Gentleman is trying to bring the Bill back to make it tougher, which I am in favor of. I want to see the Bill made tougher, so all of us who are trying to be tough on crime, should allow the Gentleman simply to move his Bill back, that is all this is and do whatever you want to do on the Bill itself, but just allow the Gentleman to put the Bill in the shape he would like to do, which was part of the recommendation from some of the other Members yesterday."

Speaker Currie: "Representative Black."

Black: "Well, thank you very much, Madam Speaker and to the Motion. Obviously, it appears that this is going to pass now, but I again rise to object to the lack of inherent equity and fairness in this process. Here's a Gentleman who is getting a third opportunity to advance a Bill, we have not had a Bill on the Calendar called since April 29th. This Gentleman is going to have three opportunities to hear this Bill. Now if that's fairness and that's equity, somehow it goes completely over my head and I object to the process and that's why I am voting 'no'."

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Speaker Currie: "On the Motion, to return the Bill to Second Reading, House Bill 3386. There are 70 voting 'aye', 44 voting 'no'. And the Motion succeeds, the Bill is now on Second Reading. Clerk, are there any Amendments.?"

Clerk Rossi: "Amendments 1 and 2 have been withdrawn. Floor Amendment #3, offered by Representative Pugh."

Speaker Currie: "Representative Pugh."

Pugh: "Madam Chairman. I would like to withdraw Amendment #3."

Speaker Currie: "Withdraw Amendment #3. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Pugh."

Pugh: "Yes, Madam Speaker."

Speaker Currie: "Representative Pugh."

Pugh: "Madam Speaker, Ladies and Gentlemen of the House. Amendment #4 was drafted in order to address some concerns raised by Members from the other side of the aisle, particularly Representative Pankau, in regard to the number of individuals that had final determination, relative to the Prison Review Board and the members who had final decision as it relates to three members going in, doing an actual interview, and making a report back to the full body. It would actually take the majority of vote, it would take a majority vote by the full body, by the full members of the board, in order for an individual to be released under supervised mandatory parole. And I am at this time requesting a favorable vote and I'll be ready to answer any questions."

Speaker Currie: "Representative Pugh moves adoption of Amendment 4 to House Bill 3386. And on that Motion, Representative Black."

Black: "Yes, thank you very much, Madam Speaker. I would yield my time to Representative Pankau, I believe this was an

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Amendment that she wanted to pursue yesterday."

Speaker Currie: "Representative Pankau."

Pankau: "As I'm looking at Amendment 4, I'm looking at lines 10 and 11 and it appears that the words are being added, determined by a majority vote of the Prison Review Board. Is that correct, Representative Pugh?"

Speaker Currie: "Representative Pugh."

Pugh: "Yes, Ma'am, you are absolutely correct."

Pankau: "So, if I'm understanding, if this Amendment were to pass, the process would be that there would be at least three people that would have to go out and interview, which is something that I agreed with you on."

Pugh: "Right."

Pankau: "We should have more than just one out of the 12 but it would take 7 people to vote for the release of that prisoner, rather than just a majority of the three. Is that correct?"

Pugh: "You are absolutely correct."

Pankau: "Then as...as it is I would also concur and urge you to vote for the Amendment and then for the Bill, as it...and in the state it is in."

Pugh: "Thank you very much."

Speaker Currie: "Further discussion? Representative Salvi."

Salvi: "Thank you, Madam Speaker. Would the Sponsor yield for a question?"

Speaker Currie: "He indicates he will."

Salvi: "Representative, I just want to make sure that I understand this. Right now this Bill says that, at least three members of the Prisoner Review Board have to personally be part of the interview and then they go back and all 12 will vote or at least 7 have to vote."

Pugh: "Right."

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Salvi: "Is that right?"

Pugh: "Well not 7 the majority..."

Salvi: "The majority will rule."

Pugh: "Right. Will make the final determination."

Salvi: "Okay. So and this is only regarding first degree murder cases, is that right?"

Pugh: "This...this."

Salvi: "Prior to 1977."

Pugh: "Right. This takes it to the original, this is what's the original law reflects."

Salvi: "I understand. Very good. I can't imagine to the Amendment, I can't imagine anybody opposing this Amendment. I seems to do what they originally wanted to do, and that is to have at least three members of the Prison Review Board interview, and then go back to the 12 for a final vote. I strongly support this."

Speaker Currie: "Further discussion? Representative Lindner."

Lindner: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Currie: "He will yield."

Lindner: "I just wanted to make sure I had this straight too and I'm sorry if this was asked before but..."

Speaker Currie: "Representative Pugh, Representative Lindner would like to ask you a question."

Lindner: "Yes. Representative Pugh, I'm sorry if this was asked before, but this applies to people who have the indeterminate sentences, is that correct?"

Pugh: "Yes, Ma'am. You are absolutely right."

Lindner: "Approximately how many people is that?"

Pugh: "There is approximately 700 individuals that have, that were caught, when the law changed in 1978."

Lindner: "And only for the first degree murder charge then?"

Pugh: "This...this particular piece of legislation is designed

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just for...will allow those individuals with first degree murder charges to receive the 12 member board review."

Lindner: "All right. Those are not 700 people, those are last..."

Pugh: "Of the 700 members, of the 700 people, I don't know how many are charged with that particular offense."

Lindner: "All right. Thank you."

Pugh: "You're welcome."

Speaker Currie: "Further discussion? Could we have a little order in the chamber? A little order in the chamber. Thank you. Representative Tim Johnson. Representative Tim Johnson."

Johnson, Tim: "Could I have just one minute? Just...if I could have just one minute I would like to address the issue, but I need one minute before I do that. So call on somebody else."

Speaker Currie: "So then we will turn to Representative Wennlund while we wait to...to find Mr. Johnson. Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. And before I speak to the Amendment, pursuant to Rule 55 (c), I would request a record vote and I am joined by four of my colleagues for that purpose. To the Amendment."

Speaker Currie: "To the Amendment."

Wennlund: "Which would applicable to all prisoners after February or who are incarcerated after February 1, 1978. Since February of 1978 the prison population in Illinois has more than tripled. It has more than tripled, now it may be making it tougher, but it's going to apply to all those who had a determinate sentence after 1978, when the prison population tripled. I don't think this Amendment makes it tougher at all. There is a hidden agenda here and you

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ought to vote 'no' on the Amendment."

Speaker Currie: "Representative Biggert."

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

Speaker Currie: "He indicates he will."

Biggert: "Okay. Representative Pugh, I just have one question, I'm sorry if it brought up before, but I can't hear very well with all this noise."

Speaker Currie: "Could we have a little order again a little order in the chamber, we can't hear questions and answers."

Pugh: "He is saying that this would affect people after 1978. He's got it backwards."

Speaker Currie: "Representative Biggert."

Biggert: "On line 10 and 11, where it says determined by a majority vote of the Prisoner Review Board. As current law now when there is a vote, is it a majority vote of the prison board?"

Pugh: "Right. The current law...the current law mandates that a majority of the board would be responsible for making the determination. The only thing that I am changing is allowing for three people to participate in the interview as opposed to one. That's the only change in the Bill."

Biggert: "All right. Now does that mean that if it is a 12 member board that it has to be a majority of those members, or a majority of those present at the board meeting?"

Pugh: "A majority of those present at the board meeting."

Biggert: "So it could be, if there is three people present, it could be three people?"

Pugh: "Well."

Biggert: "I mean it could be two people, if there's only three of the members present at the board meeting."

Pugh: "No, it couldn't because you have to have a quorum in order to constitute a board."

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Biggert: "Okay. And what is the quorum?"

Pugh: "A quorum is a majority of the members."

Biggert: "Okay. So there has to be 7 there?"

Pugh: "Exactly."

Biggert: "All right. And then that would mean that there would have to be four voting in the affirmative?"

Pugh: "Yes, Ma'am."

Biggert: "All right. Thank you. Just one other question, in the original Bill on Page 5, is the language under B of Section 335 still...where it says three members of the board shall interview the person and decide by majority vote upon the person's parole."

Pugh: "That hasn't changed and the majority vote would refer back to the full member board."

Biggert: "Wouldn't it have been clearer then though to put, by the majority vote of the review board? It seems to me that, that's not quite clear, if that's what it says."

Pugh: "Well, the Bill upon amending it...for the second time, it was clarified so that the pages...the Amendment #4, line 10 and 11 would make sure that the final determination is left to the full board."

Biggert: "Well, I really, I don't think that is quite clear and I...I hate to ask you, but I think maybe you should put another Amendment to clarify that line."

Pugh: "Thank you."

Biggert: "Thank you."

Speaker Currie: "Further discussion? Representative Tim Johnson, are you ready?"

Johnson, Tim: "Yes, I'm ready. I stand in support of this Amendment and this Bill of Representative Pugh's. Contrary to some of the rhetoric, this Bill simply interjects fairness and due process into a system that needs fairness

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and due process. This is not contrary to the assertions of some of the opponents, an effort to open up the flood gates to the prisons. It simply says that if we have a system that is designed to be able to provide reasonable hearings, allow proponents and opponents to come in and present their cases. Why shouldn't it be done as a Judicial system is done, so that the people who make the decision are there to hear the testimony, are there to be present, are there to see the witnesses, and are there to see the aggravating and mitigating circumstances around this situation. When we changed the law with Class Acts and major reform back in 1978, a lot of people fell into the cracks. I'm not saying that they ought to always come out of the cracks, but what I am saying is, that there ought to be fairness in this system and if you believe in due process, if you believe in the constitution, if you believe in the Illinois Constitution, Representative Pugh's Amendment and Representative Pugh's something...Bill is something that makes a lot of sense and is long overdue. It's not going to mean extra money, it's not going to mean a burden on the system, it simply means fairness and justice to a system that needs fairness and justice interjected into it."

Speaker Currie: "Representative Pugh moves the adoption of Amendment 4 on House Bill 3386, all in favor vote 'aye'; all opposed vote 'no'. Voting is open. Have all vote who wish? Have all voted who wish? On this Amendment there, the Clerk...Clerk, please take the record. On this Motion a 105 voting yes; 10 voting no. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk Rossi: "House Bill 3386 a Bill for an..."

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Speaker Currie: "Representative Black, for what reason do you rise?"

Black: "Pursuant to Rule 37 (d), we stand in absolute objection to this Bill being run on the Third Reading, he took from third to second for the purpose of an Amendment."

Speaker Currie: "Sorry, sorry...Third Reading, right, right, right, the Gentleman asked leave to hear the Bill on Third, and it doesn't sound that leave will be granted. Leave is not granted the Bill will remain on Third Reading. Representative Pugh makes a Motion for immediate consideration of the House Bill 3386, on Third Reading. Seeing no discussion. All in favor of the Motion vote 'aye'; those opposed to the Motion vote 'no'. Voting is open. The Motion requires 71 votes to be adopted. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion there are 60 voting 'aye', 48 voting 'no'. And the Motion fails. And now a special order of call, Municipal problems on page 44 of the Calendar, appears House Bill 3058, Representative Kubik. Clerk, read the Bill."

Clerk Rossi: "House Bill 3058, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Bill."

Speaker Currie: "Representative Kubik. Representative Kubik is busy accepting congratulations."

Kubik: "Madam Speaker, do I even need to explain the Bill?"

Speaker Currie: "Representative Kubik, your choice, you have the floor."

Kubik: "I would ask for a moment to get the file, Madam Speaker. Thank you, Madam Speaker, House Bill 3058, is a Bill which has a couple of Amendments to it; and essentially the underlying Bill, would amend a Bill that we passed last year, allowing for the expediting of the removal of certain

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buildings which are hazards within a community. We passed the Bill to allow the City of Chicago, for the expediting process. This Bill would move the threshold down to 25,000 population or more, and we have also added an Amendment to the Bill, which was Sponsored by Representative Kotlarz, which essentially is House Bill 2824, which amends the Public Building Commission Act, and the Code of Civil Procedure to allow for the acquisition, allow for the Public Building Commission to acquire a number of buildings in the City of Chicago, for to be used for school buildings by the Board of Education. I'd be happy to respond to any questions and certainly would appreciate your support."

Speaker Currie: "Representative Kubik, moves passage of House Bill 3058, and on that question 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? Clerk, please take the record. On this Motion 112 voting 'aye', 1 voting 'no', and this Bill, having received the required...Representative Steczo, 'aye', Steczo, 'aye'; 113 voting 'aye', none voting 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Schoenberg, for what reason do you rise?"

Schoenberg: "Madam Speaker, there was some time delay in Mr. Kubik's retrieving his file. I understand that he's soon to walk to the altar, and I would certainly hope that his state of preparedness and readiness is far greater than what we just saw now."

Speaker Currie: "Representative Daniels, for what reason do you rise?"

Daniels: "Well there is some thought on this side of the aisle that because he is the Chairman of the House Republican

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campaign committee, they called his Bill."

Speaker Currie: "On Government Administration, Second Reading, appears on page 40 of the Calendar, House Bill 4106, Representative Giolitto. Is she in the chamber? Take that Bill out of the record. On page 44 of the Calendar, on Third Reading, appears House Bill 3061, Representative Granberg. Is Representative Granberg in the chamber? On the same order of call, page 44, House Bill 3020, Representative Hartke. Clerk, what is the status of the Bill? On Third Reading."

Clerk Rossi: "House Bill 3020, a Bill for an Act amending the Illinois Highway Code. Third Reading of this House Bill."

Speaker Currie: "Representative Hartke."

Hartke: "Thank you, very much Madam Speaker and Members of the House. House Bill 3020, is a township officials Bill. It addresses a situation were this would require the county superintendent of highways to notify the treasurer of the township road district of the balance in their funds, on a periodic basis. Twice a year, within 30 days I believe, and makes other minor adjustments to that Act. I would be happy to answer any questions."

Speaker Currie: "Representative Hartke moves passage of House Bill 3020, and on that Motion, Representative Hughes."

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

Speaker Currie: "He indicates he will."

Hughes: "Thank you, for clarification Representative Hartke, is it correct that these reports will be provided upon request, as opposed to being a mandate?"

Hartke: "No I don't think it is upon request. I think it's mandated."

Hughes: "And there was corrections made from the original Bill to extend the time, in responsive concerns from 10 days to 30

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days?"

Hartke: "Yes, it did, and rather than quarterly this in now once every six months."

Hughes: "Semi-annual?"

Hartke: "Yes."

Hughes: "Okay, thanks, all right, thank you, to the Bill."

Speaker Currie: "To the Bill."

Hughes: "Madam Speaker, This is a Bill that did come through the counties and townships and none of the small problems we have discussed had strong support, and I should also note that township officials is in support of the Bill, and I urge a 'yes' vote from my colleagues."

Speaker Currie: "Representative Hartke moves passage of House Bill, 3020. All in favor vote 'aye'; opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion 114 voting 'aye'; 1 voting 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Backing up to Representative Granberg, who as it turns out is back on the floor. House Bill 3061, page 44 of the Calendar. Clerk, read the Bill."

Clerk Rossi: "House Bill 3061, a Bill for an Act amending Mechanics Lien Act. Third Reading of this House Bill."

Speaker Currie: "Representative Granberg."

Granberg: "A question of the Clerk. Is there an Amendment filed to this?"

Speaker Currie: "Clerk, tell us the status of the Bill."

Clerk Rossi: "Amendment #1 is filed to the Bill."

Speaker Currie: "The Bill is on Third Reading."

Granberg: "Oh, I'm sorry. House Bill 3061 provides that in a suit to enforce a mechanics lien, the courts may require

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the owner to pay the reasonable attorneys fees of the lien claimants, who had perfected or proved his claim. The Home Builders Association, was in opposition to this Bill last year. We have worked out an agreement; they have withdrawn their opposition, so I would ask for passage of the Bill."

Speaker Currie: "Representative Granberg, moves passage of House Bill 3061, and on that Motion Representative Wennlund."

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

Speaker Currie: "He indicates he will."

Wennlund: "My understanding and indication from the file is that the title industry, particularly starter title, but the title industry in general was opposed to this. Are they still opposed to it or...?"

Granberg: "Representative Wennlund, the only title company I know that is in opposition is Chicago Title. To my knowledge, because I met with Representatives of some of the other title companies, they withdrew their opposition."

Wennlund: "Why is Chicago Title still opposed to it?"

Granberg: "I don't know. I don't know. The other representatives of the other title companies I met with, they withdrew their opposition. The only opposition, the opponent I know of is Chicago Title, and why that is Larry, I really don't know."

Wennlund: "Would the attorney's fees recovery only be permitted in a situation where it goes to trial, to enforce the mechanics lien?"

Granberg: "It would apply to mechanics lien. It would apply to claims a raising after the effective date, as well as claims that arose prior to the date, that hadn't been resolved by the court yet. So..."

Wennlund: "In other words, if I represent a contractor who doesn't get paid, when I file the Claim for lien can you

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include within that claim attorney's fees, and if so how are they determined?"

Granberg: "It would be based on what a reasonable attorney's fees would be. I...that would be my understanding that they could do that. I was also...I'm not sure about Chicago Title, but I think they have a policy against any Amendments to the Mechanics Lien Act as well."

Wennlund: "Well, the other question arises, you what I think are reasonable attorneys fees, Ellis Levin might double, or triple."

Granberg: "I can't imagine you getting unreasonable attorneys fees, Larry."

Wennlund: "Well, I know, I wouldn't, but you know in Chicago they are a lot different than they are in a New Lenox, I'll guarantee you that, and I'm sure they are not as high in your home county as they are in downtown Chicago at \$350 an hour."

Granberg: "Representative Novak thinks your's might be minimum wage, but I don't know if that's true."

Wennlund: "Well, yes, I have been known to do that too, particularly when I haven't gotten paid on most of them. But actually after considering it, I think the contractors ought to be able to recover their expenses, reasonably incurred, and in the enforcement of payment for goods and services delivered to the job site, and matter of fact, I rise in favor of this Amendment or this Bill, and I'll certainly support it."

Granberg: "Representative Wennlund, thank you for rising in support of the Bill."

Speaker Currie: "Representative Biggert, Representative Biggert."

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

Speaker Currie: "He will."

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Biggert: "Representative Granberg, was there an Amendment on this Bill?"

Granberg: "Representative, that was my question of the Clerk, when the Bill was called. There was an Amendment filed, but apparently it is not on the Bill."

Biggert: "All right, thank you. The language in the Bill for just cause if an owner...how does an owner decide whether there's just cause that he can withhold payment?"

Granberg: "I'm sure that will be determined in other cases, because how just cause is defined by common law. So without just cause they cannot go into court."

Biggert: "I'm sorry I can't hear you."

Granberg: "How just cause...."

Speaker Currie: "Could we have a little order, could we have a little quiet in the chamber."

Biggert: "Well, all right."

Speaker Currie: "Try again, Representative."

Biggert: "Well, it seems like every time an owner then would think of just cause, that it really is going to be a law suit, isn't that correct? Really wouldn't that be for the courts to decide?"

Granberg: "I wouldn't think so. I think that person without just cause because they would know what they would have to do, in order to prove what that is. So I can't imagine everybody running to courts to do that."

Biggert: "All right, well let's say the situation of the owner who has a contractor and the owner receives, the lien releases from the subcontractors and pays the...and receives the waiver from the contractor, and the contractor has an addition to the work, and so it's very hard for the owner to keep track of the how much was in the original bid and how much is an add on. So they pay so much and then

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discover that the contractor has not really paid the subcontractor, when there is a lien filed against their property by the subcontractor. Now, they think that that's just cause, because they are paying for something else, and they really have to go to court. Now, if they go to court and it's decided that the owner did have just cause. What about their attorney's fees, then, shouldn't they be entitled, if the contractor is entitled to attorney's fees?"

Granberg: "Well, Representative, you can make that case for any law in the books, so if you'd like to introduce an Amendment to that, I would be more than happy to look at it."

Biggert: "Well, I have just a one sided... for attorney's fees in this situation?"

Granberg: "Because they're the ones who have been wronged."

Biggert: "Well not necessarily if the court decides that they were not wronged."

Granberg: "Well, then there's no fees."

Biggert: "Well, there are attorney fees if the owner then has to go to to court to establish that the contractor that he had just cause."

Granberg: "That person is not under an obligation to retain an attorney."

Biggert: "Well, it's very difficult to decide that without having an attorney."

Granberg: "They do not have to retain an attorney to do that, besides our rules provide that frivolous claims can be...attorney's fees can be awarded."

Biggert: "Well, to the Bill, Madam Speaker. I really have an objection to this Bill, that it...I don't think that the language is clear in how you decide without just cause and

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who's to be responsible. And there's really no protection for other parties who would be...for a construction lender or for other people who have an incumbrance on the property, and for that reason I would urge a 'no' vote."

Speaker Currie: "Representative Churchill."

Churchill: "Thank you, Madam Speaker. Will the Gentleman yield for some questions?"

Speaker Currie: "He will."

Churchill: "When does the rate to the attorneys fees arise?"

Speaker Currie: "Representative Granberg. Representative Granberg? Back to your post, Sir."

Churchill: "I guess he did not..."

Granberg: "I'm sorry Madam Speaker, what was the question?"

Speaker Currie: "Representative Churchill repeat your question."

Churchill: "When does the right to the attorney's fees arise?"

Granberg: "Under this Bill, Representative, it would apply to any mechanics lien claim that arises on or after the effective date of this, and also to that arose but had not been finally adjudicated, so if they had been filed but not adjudicated."

Churchill: "So in other words if a law firm is hired to file a mechanics lien, there's a dispute between the contractor and the owner, the law firm files the mechanics lien, then that law firm has the right at that point to file a law suit and have a court determine that attorney's fees should be awarded."

Granberg: "The claim would have to have been filed."

Churchill: "The lien claim?"

Granberg: "The previous ones, yes."

Churchill: "The lien claim?"

Granberg: "Right."

Churchill: "So, I guess I am trying to get at is, is there a

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situation here where you are getting ready to go to a real estate closing there are a series of mechanics liens filed on the property, no court at this point has awarded any attorney's fees. You go to close it out, you pay the amount of the lien claim with out the attorney's fees, and then at some point after the closing, the court comes back and says that attorneys have the right to fees, and that becomes an additional lien on the property?"

Granberg: "No, no Representative that is truly not the intent, because I think that was the concern of the Home Builders had last year, the Home Builders Association. I think that was one of their concerns that would certainly not be the intent of the legislation, to reopen everything."

Churchill: "Okay, is there language in the Bill that says that once there has been a closing and the lien claimant has been paid that that extinguishes the rights for the attorneys fees?"

Granberg: "Yes, Bob, the second paragraph merely states that it applies to mechanics lien that arrives before and any mechanics lien claim that arose, but had not finally been adjudicated. If that is a concern, if that is a concern we will certainly be more than happy to address it, because we have been working with the Home Builders on it."

Churchill: "I think my concern that I would like to address, is that when you go to a closing if the title company thinks that some court may at a later date, award attorney's fees then the title company is going to require an amount of money to be put up in escrow to cover the cost of potential attorney's fees, and so what your going to do is just add another thing to the closing where you have an amount of money sitting in a fund some place for a length of time. Since that right is not going to be extinguished for such a

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long time, that title indemnity is going to be there for a real long time. So we need something in the Bill to extinguish the rights or least terminate those rights so that the funds aren't sitting in the title company for five or ten years."

Granberg: "Well, Representative Churchill, we would be more than happy to look at that in the Senate if the Bill would be called."

Churchill: "I think we will revisit that issue again, here. Thank you."

Granberg: "Thank you, Bob."

Speaker Currie: "Representative Black."

Black: "Yes, thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Currie: "He will."

Black: "Representative Granberg, explain to me, the Bill seems so simple and yet when you get into the mechanics lien process, for example the general contractor may file a lien, the subcontractor may file a lien, and the supplier may also file a lien. Does the Bill address any of the problems that often go on in the mechanics lien process, who has the best position? I mean, do all of them have to be satisfied, and can get attorney's fees, or is there a hierarchy in the Bill that I don't see?"

Granberg: "Representative, I believe that's already in the statute. The mechanics lien is the priority of payment."

Black: "It doesn't change, anything in the underlying mechanics lien process?"

Granberg: "Absolutely not."

Black: "Of course, there are some who would think that maybe we should do that. I, I am trying to see...I am trying to figure out what's wrong with this Bill, and I don't really

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see anything wrong with it. I grew up in a family owned business where we were generally subcontractors, and it seems to me it's more prevalent today for people to ignore liens than ever before, and I would...what would precipitated the recovery of attorney fees? Simply because of the bills being somewhat higher than they probably were 35 years ago, or what's the sticking point on this issue?"

Granberg: "I think, Representative Black, the idea was to make people hold because there was intentional nonpayments, those who have performed services, would have to go to extraordinary lengths to try to recover those costs, not only in filing the mechanics lien itself, but in trying to recoup those costs. And this will allows them some reasonable way to make themselves hold by going though the trouble of going through the entire legal process, for claims that are valid."

Black: "Well then, it might well send a message to that individual, if you're just going to ignore the lien you may end up paying a lot more money than you would have if you had just satisfied the lien. Would not that be a constructive notice?"

Granberg: "That's exactly correct, because if someone intentionally does not have any reason, or with intentionally refuses to pay a valid lien. This would indicate to them that it is in their best interest to operate in good faith, to pay the claims as they are filed, so every one operates in good faith, and the payments are taken care of. That is all."

Black: "Well, I appreciate that very much. I think you are on the right track and I certainly rise in support of your legislation."

Speaker Currie: "The Chair would like to announce that the

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Speakers Task Force on Motor Voter Legislation is meeting now in the Chief of Staff's office behind the House chamber. Further discussion, Representative Lang."

Lang: "Thank you, Madam Speaker, Ladies and Gentleman. I rise in support of this legislation. It's really very simple legislation. It simply says that if you owe me let's say a \$1,000 on a mechanics lien and I have to sue you to get it, I have to pay my lawyer. If I have to pay my lawyer, and I end up with two-thirds of what I started out with, then your failure to pay me has caused me not to be whole, and what this Bill would do is be allow parties to be whole. This is really a pro-business Bill, because most of these folks that have mechanics liens are in business. They're trying to get their money back. If you want these business to stay open to keep employing people to be viable, they should not have to be spending additional funds on attorney's fees. So that if you have failed to pay me, you don't have just cause to do it as determined by a court, then you should pay my attorney's fees, because I shouldn't have to pay them. If you had paid me in the first place I wouldn't be paying those attorney's fees. That's all this Bill does. It won't hold up real estate closings. It's good legislation. It's pro-business legislation and accordingly you should be voting 'aye'."

Speaker Currie: "Representative Tom Johnson."

Johnson, Tom: "Yes, will the Sponsor yield?"

Speaker Currie: "He will."

Johnson, Tom: "Representative I only have one major concern with this, and that is, you know, right now if there is a mechanics lien pending, and I want to either refinance, and I am talking about major commercial properties or whatever, so there are big bucks involved, either refinance or sale."

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You know, currently the process is: I go to the title company and I can T.I. over whatever that claim is, and of course move to either the refinance or the sale, because the title company knows exactly how much we are on the hook for, and we can proceed, and settle the lien claim later. Now I am concerned that on these bigger transactions that what we are going to run into here, of course, is the title companies will not know how much that potential liability is. Would you consider an Amendment that would at least put a cap on the liability of a title insurance company, as it relates to this so that we can proceed with these types of transactions, and I would suggest either a third or an hourly whatever is greater or something to be held out later, but I am concerned that we are going to run into problems on the major transactions here. It is where most of the fights end up, the big ones."

Granberg: "Representative, if you look, and some week we can consider that; we can't consider that today. But this says, any contractor who unjustly, without cause, refuses to pay a lien, now that person should have to pay the lien."

Johnson, Tom: "And I agree with that."

Granberg: "And pay reasonable attorney's fees."

Johnson, Tom: "Right, and I think that is fair, right."

Granberg: "So the title company when they do the title search, would know of how many liens are filed. They would have record notice. They know how many are filed. They know if they have been paid, or will be paid, and they know the amounts. The only thing they may not know is what reasonable attorney's fees are. Now if your talking about a major transaction..."

Johnson, Tom: "Exactly."

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Granberg: "...if they have, a lien filed for a \$150,000, I don't think it's unreasonable, for them to work with the person seeking the title insurance to say, 'Is this going to be paid?' If not, then they have to factor in what reasonable attorney's fees might be. And I think they have the ability to do that, particularly in the Chicago Metropolitan area. They have an understanding of what those fees might be. So I don't think it's a real problem, Representative. But if you want to try to address it in the Senate. I'll be more than happy to look at it."

Johnson, Tom: "I happen to believe that it is, especially on the bigger transactions, because that is where we get into major disputes in terms of whether it's a legitimate or not legitimate claim on a mechanics lien type claim. And these are big dollars, and also there's big dollars in terms of the financing involved where you have got major lenders involved in these transactions, you lose the date because you can't agree to get that title indemnity. I mean you are talking some very substantial dollars here, and you know I can't support this if there's at least not some way in which the title companies can feel assured to go ahead and issue insurance on these things..."

Granberg: "Sure."

Johnson, Tom: "...without prejudging whether they are wrong or whatever, so. If you would agree to hold it in the Senate till they are satisfied, I'd be more than willing to support this."

Speaker Currie: "Further discussion? Representative Levin."

Levin: "Would the Gentleman yield?"

Speaker Currie: "He will."

Levin: "Okay, Representative, is there any exemption in this Bill for residential property, or does this Bill apply equally

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to residential and commercial?"

Granberg: "No, that's what I am saying they would apply to everyone, because every person, every owner, everyone who is a contractor, performs services should be paid."

Levin: "So, if you or I or one of our neighbors wants to sell their house, and somebody has a claim, you know, no matter how old it is, no matter how specious it is, they're going to be covered. It's not just going to be, you know, the big property owner. It's not just going to be the commercial property. It's going to be the little guy who wants to sell his house it's going to be covered by this Bill?"

Granberg: "No, it would not be the little guy who owns the house, because this would not effect a bonafide purchaser for value who buys the property unknowingly, right?"

Levin: "Well."

Granberg: "When they have the title insurance or they update the deed research, they would show the mechanics liens have been filed. The leins will be recorded."

Levin: "Well, you know if I own a house, and I am not buying a new house, I am selling my existing house, and I made some repairs, and some renovation, you know somebody may have a claim for a lien that they say wasn't fixed..."

Granberg: "It would apply to you, if you have not paid your lien. If you have not paid those contractors the amount for the improvements to your home."

Levin: "So it would affect the little guy, then..."

Granberg: "It would affect anybody if they do not pay their bills."

Levin: "Is there any reason why it's not limited, just to the big guy, to the business property..."

Granberg: "Because every business man, business person, every

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small business person, throughout the state should be paid, for work done. They performed their work in good faith. They should be paid."

Levin: "Well, I agree with the underlying theory. The problem is the practical effect of trying... the title company trying to figure out, what reasonable attorney's fees are..."

Granberg: "Everybody...they should pay their bills. If you contracted with someone to do improvements on your home, and they file a mechanics lien because you have not paid them, then you should pay them."

Levin: "But what is..."

Granberg: "Because..."

Levin: "The question was asked earlier, which I think is a very valid one, 'What is just cause?' You know, you're not using as a standard, prevailing party, using just cause as your standard, and I do not totally understand that. If I don't think that the work by the...by the person that filed the lien, that they did their job, I think they did a lousy job, they didn't do what they were supposed to do. So therefore, I am not going to pay them because I didn't think they did the job they were supposed to do, and then subsequently I want to sell my house, this is an impediment to doing that. Now if the matter goes to court the judge may ended up ruling that even though they didn't do their job, they'd be entitled to the lien to their judgment. I may however, acted in good faith, in feeling that they didn't do the right job, that they should not get paid."

Granberg: "If you for the home owner, if you for the small business person, if you're for the business that performs the work, who have not been paid for unjust cause. Unjust cause. Then you are for the Bill. If you are concerned about one title company that might be worried about what

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reasonable attorney's fees might be, then you are against the Bill."

Levin: "Okay, if I may speak to the Bill."

Speaker Currie: "To the Bill."

Levin: "The problem I have is knowing what just cause is, it doesn't say, prevailing on the merits. The question is, 'If somebody doesn't do the proper job, what do I do if I'm the home owner?' You know, the Gentleman has already indicated, this Bill does not exempt the single family dwelling. It doesn't exempt the residential property owner. This applies to everybody, and you get into disputes, you get into situations where somebody does not do a good job in terms of making repairs, and you are going to be stuck in this particular case with a serious problem. Either you pay them or have got the threat of being sued, and there nothing in this legislation to encourage settlement or resolving of this particular kind of problem. Attorneys charge different amounts, you know I am an attorney and I don't charge a whole lot, compared to a lot of other that practice in the same area that I charge. When the title company goes to determine how much escrow he's got to put up, are they going use my fee or are they going use the guy that charges ten times as much an hour, who papers the case. I think that's a problem. So the concept I think is fine. I don't think anybody has a problem with the concept, but in practical sense, what this is going to do is going to make more difficult for you as an individual to sell...you and your neighbor to be able to sell your residential house."

Speaker Currie: "Representative Walsh."

Walsh: "Thank you, Madam Speaker, I think that the debate on this issue has been very enlightening and I'd like to move the

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previous question."

Speaker Currie: "Representative Walsh, moves the previous question. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The precious question is put. Representative Granberg to close, and others of course, will be welcome to explain their votes. Representative Granberg."

Granberg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a very, very simple issue. There are some scare tactics being raised. What it says is, if I perform work on property, I file a lien. That's everyday life. I get paid if...if the owner of that property unjustly without cause without cause at all, without just cause does not pay me, I am entitled to file a law suit against him. That is the current law. That is the law right now. This says, this provides a deterrent that says if we go into court I might be able to recoup attorney's fees. It's not a frivolous thing, a person as the previous speaker tried to imply, is not going to go in and file these things cause the burden of proof is on the person who files the lien. It's not on the home owner. It's not on the commercial property owner. It's not on the commercial property owner. It's not on the title insurance company. It is on the person who performed the good faith work on the property. That is all it is. It is very simple. We are just trying to protect these small business people, We're trying to protect business people. That is all and I would ask for an 'aye' vote."

Speaker Currie: "Representative Granberg moves passage of House Bill 3061. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Pankau, one minute to explain your vote."

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Pankau: "I don't really know how to vote on this question, because I had an honest to goodness question to ask the Representative and I am now told this is the only way I can ask it, so may be he could just wiggle his head. Years ago we owned an auto body repair business, and a person came in we repaired their vehicle, the damage was about a \$1,000. The person then came in, never picked up their car, said they didn't have the money for it. We went, we hired a lawyer he told us the only thing we could do was to file a mechanics lien. To make a long story short, two years later, we finally got title to the vehicle sold the vehicle for \$2,000. Then the lawyer's Bill came in and it was \$3,000. Does your Bill help my situation or not?"

Speaker Currie: "Representative Granberg, is shaking his head, no. Representative Brady one minute to explain your vote."

Brady: "Thank you, Madam Speaker, to explain my vote. I'm...I intend to vote 'yes' for this Bill, but I think it's got some things that hopefully will be addressed if it would come back to us. One of them that I didn't get a opportunity to ask a question, was regarding a bad lien. If, for instance, the...someone filed a lien unjustifiable, if then the court could also rule, for the defendant of the lien claimant to be able to have the court award them reimbursement from the claimant on their attorney's fees. Additionally I, yesterday we passed a Bill that called for a limit of \$3,000 for hearing of sewage treatment complaints, and I think that a light cap could have been placed on this. So I think the idea is good, it is good, pro-business, but it needs some work."

Speaker Currie: "Representative Davis, one minute to explain your vote."

Davis: "Madam Speaker, I am usually quite law abiding; however, I

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would be remiss If I did not introduce Congressman, former Congressman Charlie Hayes's great grandson, Michael Eversly. So could we, wave Michael. And here is his granddaughter Mrs. Eversly. Thank you, very much."

Speaker Currie: "Welcome. Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion there are 79 voting 'aye', 17 voting 'no'. And this Bill having received... and the Motion succeeds. This Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Wennlund."

Wennlund: "Thank you, Madam Speaker I rise to request Republican Conference in room 118, immediately."

Speaker Currie: "Could you tell the Chair how long you anticipate the conference will take."

Wennlund: "Not longer than one hour."

Speaker Currie: "Do you want to try for 45 minutes, see if we could come back by 3:00."

Wennlund: "Yes, we will try."

Speaker Currie: "Okay, the House will be in recess until the hour of 3:00. Republicans will conference in room 118."

Speaker Currie: "The House will be in Session. On the Order of Pension, Second Reading, appears House Bill 2836, Representative Daniels. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 2836, has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Currie: "Third Reading. Representative Black are we ready to hear this Bill on third? Clerk, read the Bill."

Clerk Rossi: "House Bill 2836, a Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Speaker Currie: "Representative Black."

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Black: "Thank you, very much Madam Speaker and Ladies and Gentleman of the House. House Bill 2836, sponsored by Representative...Minority Leader Daniels and Speaker Madigan, amends the pension code. Perspectively closes a loophole for those Members in the General Assembly, retirement system. I think the law is probably needed, all of you are familiar with it. I think it is a good piece of legislation, I would be glad to answer any questions that you might have.."

Speaker Currie: "Representative Black moves passage of House Bill 2836, and on that Motion is there any discussion? 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? Clerk, please take the record. On this Motion there are 115 voting 'aye', none voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby declared passed.Probate on page 26 of the Calendar, appears House Bill 3539, Representative Dunn, is Representative Dunn in the chamber? Out of the record? On page, back to Government Administration, Second Reading, on page 40 of the Calendar, House Bill 4106, Representative Giolitto. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 4106, in on Calendar Order, Second Reading. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoeft."

Speaker Currie: "Representative Hoeft, withdraw. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Cowlshaw."

Speaker Currie: "Representative Cowlshaw, Representative Black

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are you withdrawing that Amendment? Withdraw the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Hoeft."

Speaker Currie: "Representative Hoeft, withdraw the Amendment. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk Rossi: "House Bill 4106, a Bill a for a Act relating to education funding. Third Reading of this House Bill."

Speaker Currie: "Representative Giolitto. Representative Giolitto."

Giolitto: "Thank you, Speaker and the Ladies and Gentlemen of the House of Representatives. I come to you with House Bill 4106, which is the Fund Education First Act. Beginning with fiscal year 1995, and in each additional year thereafter, this Bill will provide, that any additional funds over and above the previous year, that one third will go towards education. The reason why I feel this is very important, is that I am ashamed as a Member of this Body of the State of Illinois, that we are 48th, in the amount of state funding that we give towards education. And I think it has really shown in the conditions of our schools. So I hope that you agree with me, and are able to vote 'aye' on this Bill."

Speaker Currie: "Representative Giolitto moves passage of House Bill 4106, and on that Motion, Representative Black, Representative Persico."

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

Speaker Currie: "She indicates she will."

Persico: "Representative, I'm sorry what exactly does this Bill do?"

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Giolitto: "Well, Representative as I was just saying. This is a way to increase funding for education, without a tax increase. Which I'm sure everybody would agree is the best way to go about this. Therefore any new revenue, such as this year we are expecting over 600 million new revenues over and above last year. One third of those would be designated and ear marked just for education, elementary and secondary."

Persico: "So for example, if the natural growth is 600 million this year, 200 million has to be designated towards education."

Giolitto: "That correct."

Persico: "And each year from now on?"

Giolitto: "Up until, we reach the 50% mark in state and federal dollars. Which of course as you probably know is something like 32.7, which I feel is pathetic, at this point."

Persico: "Now, this new money, does it then go back into the present school age formula?"

Giolitto: "Yes."

Persico: "For example, if we finally do reach 50% of what the states share would be it would really, if we continually put it back into the school aid formula it would not do very much for areas, such as I represent, and high assessed evaluations. So this does not deal with the property tax reform in any way shape or form?"

Giolitto: "No, it does not."

Persico: "If, let's see...so it is your goal then to eventually...how long do think that would be? How many years do you project this before you reach 50%?"

Giolitto: "That is pretty hard to estimate, not knowing how much the economy will grow in the next few years, but I believe it is a good earnest beginning to accomplish the goal, that

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we want to get to, which is 50% of the funding from the state."

Persico: "Would this in any way decrease federal expenditures for public education? In other words, if we reach a certain threshold, will then we receive less money from the federal government?"

Giolitto: "Not necessarily, no."

Persico: "Well, let's say for example that we continually fund education at one third, in other words, move money at one third. This then, in effect, would leave less money for other governmental programs such as Medicaid, for example. Then we would receive if we are not able to come up with the states share for Medicaid, then, in effect, what we would be doing is leaving, or giving less, receiving less money from the Federal Government. Is that correct?"

Giolitto: "I'm sorry you interpret it that way, Representative. It is not that at all, because all we are doing is, is ensuring that education is going to get a increase every year, and we are not cutting anything."

Persico: "Well, I have no qualm with your concept because obviously as an educator I firmly believe that the state should be funding more of education. But one of my fears is that one of the things that could keep us in Session longer this year is the Medicaid crisis that we are facing."

Giolitto: "Certainly."

Persico: "If we designate, one third of all new money to just education, some other programs obviously then would have to suffer, and if one of the programs would be Medicaid let's say, then we will not be able to receive or give as much in matching dollars, and receive that from the federal government."

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Giolitto: "Yes, that still leaves two thirds of all new monies to go towards those other programs. So we are not cutting anything really."

Persico: "Is there any particularly reason that you picked one third?"

Giolitto: "I would prefer one half, I would prefer 100, but I feel that this is more flexible and negotiable."

Persico: "So, what you are trying to say, then is that education should receive the number one priority in the state?"

Giolitto: "That is exactly what I'm saying. And I think that is time that this state did make education a number one top priority. I feel that all the other social ills are connected to our lack of concern on educating our children."

Persico: "So, in other words then things like the lack of funding for DCFS and Medicaid and that maybe have to be, may have to be put on the back burner, in order to achieve your particular goal."

Giolitto: "No, we are talking about new funds, new revenues, and if you want to talk about DCFS, I believe that we would have a lot less problems with DCFS if we really showed deep concern for educating our children, for making sure that we did not have so many people on the DCFS rolls because they are better educated people."

Persico: "Well, I don't disagree with that either. But by the same token we are going to have to find money, in order to solve some of these social ills, I mean education is good as a job as we are doing in terms of solving these, it would take years and years in order to reach that point of solving things like DCFS and you know working skills, and things like that. So, I guess my question is as much as I want to support your concept, and I believe in your concept

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that the state should take a more active roll, and a more you know, fund education at a higher rate. I am still fearful that some of the other programs, and some of the other ills that we are going to have to solve, such a Medicaid this year, maybe put on the back burner, and my question then would maybe that's why 33 1/3% might be too much, maybe it should be 25%, maybe it should be 10%, maybe we should really even look at the school aid formula while you are at it, because some of the areas that I represent are very very concerned about not receiving a fair share from the state and having the property tax or property owners, fund all of the education practically for that particular region. So hopefully we are going to be able to address that concern as well. Thank you."

Giolitto: "Okay, I just want to add, that a couple of years ago when this Bill was first introduced, Representative, it was at 50%, so we have all ready compromised."

Speaker Currie: "Further discussion? Representative Black."

Black: "Yes, thank you, very much, Madam Speaker. Will the Sponsor yield?"

Speaker Currie: "She will."

Black: "Representative, this Bill sounds vaguely familiar to me."

Giolitto: "It should."

Black: "Have you ever heard of the priority one plan?"

Giolitto: "No, this is not the same thing."

Black: "Well, it is like a first cousin. I mean, you know how relationships are with first cousins. Priority one plan was a very very similar to this, offered by the House Republicans about four years ago, and it tried to do some of the same things, but you know by gones are by gones. Let me ask you a couple of questions about the Bill. Very simple Bill."

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Giolitto: "Yes, it is."

Black: "What I don't understand, are you going to bring this increase funding about, your Bill does not mention new taxes."

Giolitto: "No, it does not."

Black: "So we are going to put more money into education without any new taxes. What is it, a gradual addition? Over a period of years?"

Giolitto: "Right, this would come from new revenue growth."

Black: "Oh, it is going to come from new growth, I like that. That is very similar to the priority one plan, did not call for any new taxes. How much money do you think this Bill could add to education next year? Do you have any idea?"

Giolitto: "It is very hard to estimate those figures not knowing what the economy will be like a year from now. However it would be another 200 million. But like I said before to Representative Persico, this would ensure an increase for education each year, provided, of course, that there are new revenues to work with."

Black: "That is true, that is very true. I can appreciate that, I...how was this Fund Education First Act, how does that meshed with the Comptroller Netsch's plan to increase funding for education?"

Giolitto: "It is quite different."

Black: "How was that different? It is quite different, yes, but how is that different?"

Giolitto: "Well, as you should probably be very happy to know that this does not include any tax increase. Therefore, it is a gradual increase in revenue. But also we are talking, about we are not talking about property tax relief as Netsch's plan does."

Black: "So, this Bill does not call for a 43% tax increase?"

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Giolitto: "Nor does it relieve any property tax increases."

Black: "Well that is shame. Which plan do you really support? Are you going to support this one or are you going to support the 43% tax increase plan?"

Giolitto: "They are independent of each other, Representative Black."

Black: "Oh, in other words you do not have any intentions of amending the tax increase on to this one."

Giolitto: "Where are you getting your figures any way?"

Black: "Oh, I am getting them from the media, our friends in the media. They were talking about a 43% tax increase that Comptroller Netsch wanted to add to education. I mean, I don't know if that is right or not but I read it in all the papers."

Speaker Currie: "Representative Black, if you could confine your remarks to this Bill, House Bill 4106, the Chair and the Members would appreciate it."

Black: "Yes, I understand. Well, Representative, I commend you for trying to fund education a little more substantially than we do without raising taxes. A plan the House Republicans advanced some three or four years ago."

Giolitto: "I'm glad you agree with it."

Black: "You know, I think we probably support this Bill."

Giolitto: "Great."

Black: "And as we get closer to November, I think your Bill sounds better all the time, and I appreciate you calling this to our attention. By golly, I intend to vote for your Bill. I think it is a good idea."

Giolitto: "Thank you very much."

Black: "We need to put more money into education without raising taxes, you are on the right track, Representative, and I am going to right in there with you. Thank you."

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Speaker Currie: "Further discussion? Representative Churchill."

Churchill: "Thank you, Madam Speaker. Will the Lady yield, for a question?"

Speaker Currie: "She will."

Churchill: "This new revenue growth? Is that correct?"

Giolitto: "New revenue growth is correct."

Churchill: "And is that new revenue growth the total new revenue growth or is that only from the income tax?"

Giolitto: "All revenue."

Churchill: "So that would include sales tax revenues public utility revenues, cigarette tax revenues, riverboat gambling..."

Giolitto: "Anything that goes into GRF."

Churchill: "And you feel that just a natural revenue growth taking this percentage is sufficient to fund education over the next decade?"

Giolitto: "I think it is certainly a step in the right direction to show that we are serious about gaining additional revenue for education."

Churchill: "Do you have any idea what the projected natural revenue growth of the state is for the next decade?"

Giolitto: "No, do you?"

Churchill: "I think the Economic and Fiscal Commission puts it at some where around \$500 to \$600 million revenue Bills. So you would be talking about somewhere in the neighborhood..."

Giolitto: "Per year?"

Churchill: "Yes, they have made a projection for the future based on...several different base factors."

Giolitto: "That is for this year."

Churchill: "No, no, I am talking they have made new projection for several years in the future..."

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Giolitto: "For several years in the future. It's not going to grow any more than that? I think that is pretty hard to tell."

Churchill: "Everybody's crystal ball is equally murky, but they're projecting that based on certain factors that they look at, in the economy such as unemployment, sales, gross national product, increases, and stuff like that. So, I guess the question is that would come out to about a \$200 million a year."

Giolitto: "That increase, that is a \$200 million increase over and above what has been budgeted the previous year."

Churchill: "Right, so then is that \$200 million going to go into the common school fund?"

Giolitto: "Elementary and secondary education."

Churchill: "Into the common school fund, or is it going to go into general revenues to be appropriated to education?"

Giolitto: "I would have to check on that for you."

Churchill: "Well, it's important because as you recall as a Member of the Legislature I'm sure you are always asked, 'Where do the lottery money's go?' Because originally that was supposed to go into the common school fund, and it went into the general revenue funds and then the money was not appropriated, which is what caused the problem, so..."

Giolitto: "Yes, you are correct."

Churchill: "So the question I have for your Bill is, does the money go into the common school fund, or is this one of those things where it goes into general revenue fund, it can be appropriated to any source and you know, this Bill is worthless?"

Giolitto: "Actually I'm not changing the direction of any of the revenue strings at all. But you're right. There are people that are very suspicious about the lottery money,

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and perhaps we should really make sure that we know these things. Thank you, for that question."

Churchill: "So then if this money goes into the general revenue fund, I guess my question then is, how do you provide the \$200 million into the common school fund, how are you going do that?"

Giolitto: "Okay, the consensus is that you take the general revenue growth and take one third of that. That would go into either the common school fund or the GRF."

Churchill: "Okay, but your Bill should say that, it should say whether it goes into common school fund, or else it's going to go into general revenue. And if it's general revenue is subject to appropriation by the Legislature which means it is not necessarily going into common school fund which means that your Bill could be raising \$200 million and we could be putting into the roads or public aid, or other programs and not going into education."

Giolitto: "No, I don't think so. It is designated specifically for education funding. It's not going to roads."

Churchill: "So, it is earmarked is what you are saying."

Giolitto: "Yes, it is earmarked for education."

Churchill: "So what happens if for some reason those earmarked funds go into general revenue funds, and it being used for some other subject matter. Will you then supplement the income through some other source?"

Giolitto: "I don't see that happening. I see that this specifically earmarked to go for education and that is where it is going to go."

Churchill: "So, if for some reason it doesn't, I guess this is my question, if you are making a commitment to the people that you are going to give them approximately \$200 million more a year and if that money is insufficient, are you then

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going to add to the money through some other revenue source?"

Giolitto: "We've not appropriating the amount. We are appropriating the percentage of the increase each year."

Churchill: "I asked you a revenue question, not a appropriations question. Will you supplement the income? Will you add to the income tax or add to the sales tax to supplement the income to bring it up to the \$200 million?"

Giolitto: "Yes, that is an appropriation decision, that is not my decision in this Bill."

Churchill: "It is a revenue question on how we raise money, and whether we raise the money."

Giolitto: "Right, well I am not saying, I am not talking about raising taxes, if that is what you are getting at."

Churchill: "Okay, so you don't support raising taxes to supplement the dollars to make sure that they get the \$200 million?"

Giolitto: "That is not the issue. That is totally independent of this."

Churchill: "No, but I support..."

Giolitto: "What this is doing is, I'm saying to you, you want to get serious about increasing funding every year for education until we get up to what our share of the bargain is, and that is 50% of the funding. We are at 48th in the nation of what we spend, as a state on education. This is one way to show that we are serious about giving increases annually. So I ask for your 'aye' vote."

Churchill: "Does this money go to construction for schools, too?"

Giolitto: "No, it does not."

Churchill: "So, there will no money for construction, for new construction of schools?"

Giolitto: "That would have to come out of somewhere else, and it

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is a completely other issue."

Churchill: "Okay, and there is no property tax relief built into your Bill."

Giolitto: "That is not a part of this plan, no."

Churchill: "Okay, so it is just new dollars going into education, and then I think when you keep expressing that you are doing this for education. Why did you not just take it all and give it all to education?"

Giolitto: "Of course there are other worthy programs, and other situations that need improving, and I just want to show that education is a top, one of our top priorities, at least when this Bill first came up a couple of years ago, it was asking for 50%. This is a compromise."

Churchill: "Okay, thank you."

Speaker Currie: "Further discussion? Representative Novak."

Novak: "Yes, Madam Speaker, to the previous speakers. It is a well-known fact that this Lady is running for reelection and she is on a targeted list. We know this hazing has been going for quite some time. This Bill passed overwhelmingly last year, the year before last. I don't anybody was against this Bill. Why don't we get with the business of the day, vote for the Bill, and move on to the next subject matter?"

Speaker Currie: "Further discussion? Representative Cowlshaw, timers on."

Cowlshaw: "Thank you very much, Madam Speaker, I am, I rise in strong disagreement with the statement made by immediately prior speaker. I think that so far at least this issue has been dealt with as an issue has nothing whatever to do with who happens to be the Sponsor. I have an inquiry of the Chair. Could you please tell me which if any Amendments have been adopted to this Bill?"

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Speaker Currie: "We will check with the Clerk. Clerk, can you inform us whether any Amendments have been adopted?"

Clerk Rossi: "No Amendments have been adopted. Amendments 1, 2 and 3 were withdrawn."

Cowlshaw: "Were withdrawn, thank you. Will the Sponsor yield please?"

Speaker Currie: "She will yield to a question."

Cowlshaw: "Thank you. Representative, I want to begin if I may on a purely personal note, but I spent Thursday, Friday and Saturday of last week in Washington D.C. at meetings of the National Conference of State Legislatures, and it was my privilege there to meet your daughter Amy, I'm sure you must be very proud of her, she is a very lovely young woman."

Giolitto: "Yes, I am, thank you very much."

Cowlshaw: "Now if may, what is the difference between this specific legislative proposal and what was originality to begin with a Republican proposal known as the priority one plan? What are the specific differences between those two proposals?"

Speaker Currie: "Representative, I'm not sure that Representative Giolitto who's quite new to the Assembly is in a good position to answer that question."

Giolitto: "That is right..."

Cowlshaw: "She has quite a few number of people, quite a few experienced there who are helping her to figure out how to answer questions, so I would think they could help."

Giolitto: "Yes, that is my hesitation, I wasn't here when that came up at first, and I have no knowledge of that it was ever before this Body."

Cowlshaw: "Okay, let's move on to the next question. This is something, since this is your Bill, that you certainly

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ought to know the answer to. We need to know exactly how many dollars we are talking about here. If this Bill had been in effect before the current fiscal year began, how much more money because of this Bill would there now be distributed to elementary and secondary schools than there would have been without this? The exact amount of money?"

Giolitto: "My understanding is that we are expecting an increase in revenues of over \$600 million, which would make it \$200 million this year."

Cowlshaw: "All right, now \$200 million is not a lot of money in terms of the total amount that we spend for schools."

Giolitto: "I agree."

Cowlshaw: "But it certainly is an appreciable amount of money. Is there anything in this legislation that would give us some indication of what we get for that \$200 million do we require any improvement in our schools? I think that most of us would agree that a lot of improvement out there are needed, are we just going to give them the \$200 million or we going to ask something for it?"

Giolitto: "Well, Representative Cowlshaw, I for one, have been on many different tours of schools throughout my district, and I have seen some grave need out there. I have kids that are going to school that are so over crowded and teachers that have the burden of well over 30 kids per class. I think there is no question in my mind, that this money could be well used."

Cowlshaw: "You are just trusting that somehow the schools who seem to be giving us high school graduates who can't read will suddenly transform them selves with this \$200 million that we are going to give them."

Giolitto: "Well, I think we are...actually we are tackling that problem with the school improvement plan."

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Cowlshaw: "The one that one of your colleagues on your side of the aisle does not even what to have go into effect for another year because we don't want them to be accountable. Is that the same plan you are referring to?"

Giolitto: "Well, if you want to talk about accountability that's what addresses it."

Cowlshaw: "Okay, to the Bill please Madam Speaker."

Speaker Currie: "To the Bill."

Cowlshaw: "I think this Bill has a lot of merit, a great deal of merit. I thought it had merit when I first introduced it as an incentive the original Bill that did very much like what this Bill proposes to do was a Republican incentive. In addition to which, so I think we ought all vote for this Bill, this is an excellent Bill, in and for one thing my friends think about this very carefully. When you cast a vote in favor of this Bill, you are saying something far more important, far more long lasting, far more meaningful than simply that you favor this particularly piece of legislation. When you vote yes for this Bill, you are saying yes to the kinds of proposals that have come from Governor Jim Edgar's Office, and this side of the aisle, and you are saying no to the plan put forward by Dawn Clark Netsch. I think we should all vote yes. Thank you Madam Chairman."

Speaker Currie: "Representative Flinn."

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

Speaker Currie: "Representative Flinn moves the previous question. All in favor say 'aye'; opposed...Representative Flinn moves the previous question on this apparently non-controversial Bill. All in favor of the Motion vote 'aye'; opposed vote 'no'. On this Motion, there are 65 voting 'aye', and 50 voting 'no', and the Motion fails. We

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will go back to the discussion, and Representative Biggert, on the Main Motion, the timer is on."

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

Speaker Currie: "She will."

Biggert: "Representative, my notes show that the Illinois Manufacturers Association is opposed to this Bill. Is that true? or do you know why?"

Giolitto: "No, I have no idea. They do not talk to me on a daily basis."

Biggert: "Is it because they might be afraid that it is an income tax?"

Giolitto: "Well they are then they are in total misunderstanding."

Biggert: "Okay, and it would not be graduated income tax?"

Giolitto: "No."

Biggert: "Okay, well if we have this revenue then is there would there be a decrease in the property taxes?"

Giolitto: "I have already addressed that. The answer is 'no'."

Speaker Currie: "Further discussion? Representative Olson."

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

Speaker Currie: "If it is a new question she will."

Olson: "Yes, it is new. Representative, how do other states compare with the State of Illinois, and how they fund schools, and my question is, do other states, you ranked us 48th in state funding to schools. How do, do other states use solely state taxes, do they use a combination of state taxes and property taxes as we do. How do they do it?"

Giolitto: "They are all different and I don't wish to get into a discussion about each and every state."

Olson: "Okay, let me point out, and I don't have the charts with me now, but I had them in the past when we have discussed funding of schools. Not all states use property taxes to

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fund schools, not all states use property taxes to fund schools. If you combined property taxes in Illinois for school funding with state funding for schools we rank fourteenth in funding of schools, we rank 14th. Now, I think you have to put that into the mix of things when you rank where we fund schools. Yes, with state funds we are 48th but with property taxes combined we are 14th. I have never really been able to accept that argument that we are 48th, do you have any comment?"

Giolitto: "Representative, I think part of the reason the people are screaming about their property taxes is because we put the burden of paying for schools on the property taxpayer, because the state has shirked it's duty."

Olson: "Agreed, agreed, but does you Bill address this problem?"

Giolitto: "Of course, the more revenue we have from the state, the less is going ot be required from property taxes."

Olson: "Do you realize that property taxes in Illinois are larger amount than our state general revenue taxes? In other words, what I am saying is \$200 million if we reduce property taxes by \$200 million that would be a rather insignificant reduction."

Giolitto: "This Bill is not about property taxes."

Olson: "I understand, my point is Madam Speaker, that we are not 48th in state funding of schools in this state with state funds, yes, but otherwise we are 14th. Thank you."

Speaker Currie: "Further discussion? Representative Maureen Murphy."

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

Speaker Currie: "If it is a new question she will."

Murphy, M.: "Thank you. My questions are in the area of distribution, and accountability, Representative, and more to point of about distribution. The Bill calls for one

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third of new revenue to be held or earmarked for the funding of education until such time, as the state funds at 50%. Now trying to figure an x factor of just how much does it cost for education, not how much are they spending, but how much does it cost? Could we anticipate in what year we would finally reach that 50% plateau?"

Giolitto: "I have already addressed this issue. It depends totally on the economy. What this does indicate is that it is a way to get new dollars new revenue for education every year."

Biggart: "All right, but going back to 50%, is there anything in your legislation to reach that x factor. Let me digress a little. My Equity in Education Act which never made it out of House rules, which would do away the funding formula would come up with that x factor. How much does it cost to educate a child, and we would distribute money based on a cost factor. What is distribution going to be based on, would it be per capita, and would the halves the districts that are only getting 7% funding catch up? And will the 70% of unfunded districts have to tax appropriately and higher levels, or will they be held harmless and they'll get even more state dollars, thereby, increasing the inequity and the already inequitable distribution formula?"

Giolitto: "You know this is a completely separate issue that you are bringing up. Everybody campaigns totally on making education a top priority."

Murphy, M.: "I really agree with this concept..."

Giolitto: "And this is what moves in that general direction. That is the whole point to this Bill. It does not address accountability, it does not address disbursement, it just simply says we want to make education a top priority, and it is putting our money where our mouth is."

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Murphy, M.: "How much more money will my suburban Cook County, district get in a distribution? We need to know how the money will be distributed?"

Giolitto: "That depends on the formula, through the school aid..."

Murphy, M.: "The current school aid formula is how it will be distributed. I needed to hear that. Now with regard to accountability, because there all these Amendments, Representative, where we could tinker with this formula, and I agree with your concept that education is a priority, but I need to figure something about accountability if we are going give those 70% even more money, with out any accountability that will mean less money for my district, is that not true?"

Giolitto: "Representative I have already answered the question about accountability three times."

Murphy, M.: "Well, again to the Bill."

Giolitto: "That is a separate issue from this Bill."

Murphy, M.: "To the Bill. This concept of making education number one, is very important. I want to as Chairman, Education Chairman of ALEC for Illinois, point out that we are 24th in the nation in spending. We have to differentiate between spending and funding. And this Bill, while it does have potential, it does need some work. We have talked about how to equitably distribute this new found revenue stream that the Representative speaks to. We also should factor in some accountability, and when you visited schools that cannot open, because they need buildings there should be some money set aside for construction purposes. So I would really hope that the Sponsor and her integrity for putting for education first would notice that it is the inequity in funding that's the

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very first priority of any priority spending plan. Thank you."

Speaker Currie: "Representative Weaver."

Weaver: "Thank you, Madam Speaker. If the Sponsor would yield just for a short question. While I agree with the program and probably will support it, we have been visited today as you may know by the Community College Trustee Association, and I have some concerns about how higher education is funded? Is there any way that we can include some kind of guaranteed money or increase for higher education as I understand the Bill, it deals only with elementary and secondary, is that your intent?"

Giolitto: "It says right in the Bill, it's for elementary and secondary education. I agree with your point there and that should be addressed in addition to this, but it is not a part of this Bill."

Weaver: "Would you consider, at some point maybe considering doing that, either in conjunction with this Bill or some other legislation?"

Giolitto: "I'm sorry, I can't hear you."

Weaver: "Would you consider, either with this Bill later on or with other legislation, providing that some guarantees that higher education would also see some increase in revenue?"

Giolitto: "Yes, I would like to do that. I am very supportive of that."

Weaver: "That is fine, thank you."

Speaker Currie: "Representative Meyer."

Meyer: "Thank you, Madam Chairman. Would the Sponsor yield for a question?"

Speaker Currie: "She will."

Meyer: "I have just a couple of questions. I would like to just talk a little bit about the school aid program. My

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understanding and I did not hear a answer from you, I heard one from an other Representative. My understanding is that it is under you Bill, your funding mechanism would be through the school aid formula."

Giолitto: "I can't hear you very well."

Meyer: "I said, under you Bill your funding mechanism for dispersing new moneys would be under the school aid formula, is that correct?"

Giолitto: "Right."

Meyer: "Did you consider allocating moneys through a per pupil basis at all?"

Giолitto: "No, not at this point."

Meyer: "Could you enlighten me as to why not."

Giолitto: "I am not changing. All I am doing with this Bill is increasing revenues each year with the growth of the economy? That is all I am addressing, period."

Meyer: "Okay, and I guess we have addressed in some instances, money distributed on per pupil basis, and also through the school aid formula, I was just interested in your comments. Thank you."

Speaker Currie: "Representative Biggins."

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

Speaker Currie: "She will."

Biggins: "Representative you mentioned earlier about the amount of funding percentage wise that Illinois provides for education, and I wondered if you are aware of how much per pupil spending is done on education in Illinois, on per pupil basis?"

Giолitto: "Compared to what?"

Biggins: "How much money per pupil do you think should be spent on education in your district let's say?"

Giолitto: "This does not have anything to do with the Bill."

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Let's just stick with the Bill. It's just simply how to increase funding. That is a separate issue, Representative."

Biggins: "Well, a lot of times people mention how much we fund, what percentage is funded for education but in the end one of our sources, a lot of times it comes down to a per pupil basis that is very close throughout our state. Sometimes a majority being between 4/\$8,000 per pupil and some a lot closer than that, and this Bill does not address any of that, spending and distribution of state formula, does it?"

Giolitto: "That has nothing to do with this Bill."

Speaker Currie: "Representative Giolitto, to close."

Giolitto: "All right, just to close I ask for your 'aye' vote."

Speaker Currie: "Representative Giolitto moves passage of House Bill 4106. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Lang, one minute to explain your vote. Representative Skinner, one minute to explain your vote. Timer is on. Representative Skinner..."

Skinner: "Well I am amazed that we can get a unanimous vote that Dawn Clark Netsch's tax plan to raise the income tax by 42% is absolutely unneeded. I thank you Democrats for your endorsement of a no tax increase proposal."

Speaker Currie: "Representative Davis, one minute to explain your vote."

Davis: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Since Dawn Clark Netsch is not here I would just like to say on her behalf, if this Bill helps education and I know she is one of those who does support education, we'll all be just as happy as Dawn Clark Netsch, whatever we can do for education. Hurray for Dawn Clark Netsch."

Speaker Currie: "Representative Schoenberg, one minute to explain your vote."

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Schoenberg: "Thank you, Madam Speaker. I don't quite understand what all the partisan carping is about when I first came to this Body Representative Lang carried this Bill and it was with the help of Republicans, all the Republicans in the committee and myself that we were able to get this Bill out of committee in the first place. So I can't quite understand what all the to-do is about."

Speaker Currie: "With a vote of 115 to 1, Representative Black, would like one minute to explain his vote."

Black: "Well, thank you very much, Madame Speaker. I just simply rise, obviously Governor Edgar is not here, and many of the other Constitutional Officers are not here, and I think it goes without saying in response to my colleague's point that most everybody in the State of Illinois wants to put more money into education. We just can't seem to agree on how we are going to do it, and who we are going to tax and how much, and where the money comes from. That is the issue and when we are ready to debate that in all seriousness most of us on this side of the aisle are ready to debate it with you and work towards education, a profession that I spent 28 years of my life in. We all want more money in education. We just can't seem to agree on where it is going to come from."

Speaker Currie: "With the vote still at 115 to 1, Representative Hoeft, one minute to explain your vote."

Hoeft: "Thank you, Mrs. Chairman. The greatest tragedy here is, I have worked so hard. A lot of people have worked so hard to properly fund education in this state. My question to all of us is why wasn't this addressed two weeks ago, when it really counted. Why, in fact, if we are serious about helping, and it looks like we are, why wasn't this addressed when, in fact, we could have made a difference

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for the children."

Speaker Currie: "Representative Levin, with the vote still at 115 to one, one minute to explain your vote."

Levin: "Yes, I am supporting this because I disagree with those on the other side of the aisle, that say: 'Oh you have to add property taxes to what the state is providing to determine how well we are doing in education.' That is our problem. We're relying too much on property taxes, we have gone from about 40% reliance on property taxes to today we are over 59%. And the result of that is the many long term residences in areas can no longer afford to live in their communities and have been forced out, and that is wrong. And we need to address the issue of the over reliance on the property tax, and this is I think a good policy statement in that respect."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Clerk, please take the record. There are still 115 voting 'aye', there is now nobody voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby...54 minutes later, is hereby declared passed. On page 42 of the Calendar, Government Administration, Second Reading, appears House Bill 4207. Representative Hawkins. Clerk, tell us the status of the Bill please."

Clerk McLennand: "House Bill 4207, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hawkins."

Speaker Currie: "Representative Hawkins."

Hawkins: "Madam Speaker, this Amendment simply changes this a...this is a technical change to change the language to reflect the way the Department of Mental Health with the new dialog, new language they use."

Speaker Currie: "Representative Hawkins, moves 'do adopt' on

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Amendment 1, to House Bill 4207. On that Motion is there any discussion? All in favor say 'aye'; opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there further Amendments."

Clerk McLennand: "Floor Amendment #2, offered by Representative Hawkins."

Speaker Currie: "Representative Hawkins."

Hawkins: "Yes, Madam Speaker this Amendment simply changes the Mental Health Advocacy Commission to simply say the advocacy commission which is now the term, it's a technical Amendment."

Speaker Currie: "Representative Hawkins moves to adopt Amendment #2, to House Bill 4207. And on that Motion, Representative Black."

Black: "Thank you, very much Madame Speaker. Will the sponsor yield? Representative on the Amendment on line 3, it says, Amendment #2. Replacing Mental Health with Mental Health. I am not seeing something here."

Hawkins: "Okay, I didn't either, but what that does is, is we're striking well wait a minute here, I had it figured out a while ago, and now I am having problems too... we're removing those two words, is what are intentions are, and I am assuming that this Amendment does that. We are removing the two words Mental Health, we are striking through it. In other words, we are striking through the words Mental Health, taking that out."

Black: "Okay, and so we're not replacing it with anything? I thought we were suppose to replace it..."

Hawkins: "No, we are not replacing with anything, okay I got it now, I figured it out, now."

Speaker Currie: "Further discussion Representative Cross."

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

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Speaker Currie: "He will."

Cross: "Representative this Bill deals with the payment of attorney's fees does it not?"

Hawkins: "Yes."

Cross: "And your Amendment, attorney's fees for Mental Health Commitment Hearings, is that correct?"

Hawkins: "Yes."

Cross: "What is the reason for deleting the words Mental Health from the Bill or that provision?"

Hawkins: "That changes that, in this section of the law there is a reference to the Mental Health Advocacy Commission, that is no longer the name of that agency. It is now simply the Advocacy Commission."

Cross: "What remains in the Bill with your Amendment?"

Hawkins: "With that Amendment, every thing except the two words Mental Health, and in Amendment one there was a change there to reflect the new terminology that is used by the department of Mental Health and Developmentally Disabilities."

Cross: "I am a little curious, why we would, doesn't the person accused, or the one that for the commitment hearing that we are talking about here have access to the public defenders office?"

Hawkins: "I don't know what you are talking about. We are talking about an Amendment 2 and I am confused on your question."

Cross: "Well, your Amendment deals with your Bill along with this Amendment deals with paying attorney's fees for commitment hearings to someone who is allegedly being committed, is that correct?"

Hawkins: "We're talking about my Amendment here and I don't understand your question."

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Cross: "Do you understand the Bill?"

Hawkins: "I understand that you are out of order Sir, but I am not the Speaker."

Cross: "I am asking you some questions Representative."

Hawkins: "Ask about Amendment 2 and I can answer that."

Cross: "Under Amendment 2, do we still pay attorney's fees to those that are under a commitment hearing?"

Hawkins: "Yes."

Cross: "Okay, who's going to pay those attorney's fees?"

Hawkins: "Under my, under...Amendment 2 that doesn't deal with that issue."

Cross: "Pardon me, Representative."

Hawkins: "Madam, Chairman..."

Speaker Currie: "Perhaps Representative Hawkins would like again to tell us what the Amendment 2 does, so that we can make sure..."

Hawkins: "I did, he is not talking about Amendment 2 at all, Madam Chair... Speaker. He is not referring to Amendment 2 in any way."

Speaker Currie: "If you wish to address the underlying Bill, there will be that opportunity on Third Reading."

Cross: "I understand that Speaker, the question is, the Amendment still deals with Mental Health, excuse me still deals with paying attorney's fees, to those representing an indignant person, at least I am trying to find that out and I can't get an answer."

Speaker Currie: "Representative Hawkins."

Hawkins: "I'll talk to you on Third Reading."

Speaker Currie: "I take it Representative Cross, that the Sponsor of this Amendment believes that the issue you are raising is an issue about the underlying Bill, not about the Amendment that he now proposes in Amendment 2."

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Cross: "That may be I'm just...if he does not want to answer the questions, I'll ask them on third reading then. Thank you."

Speaker Currie: "Representative Hawkins moves 'do adopt' on Amendment 2 to House Bill 4207. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Currie: "Third Reading. Clerk please read the Bill on third."

Clerk McLennand: "House Bill 4207, a Bill for an Act that amends the Mental Health and Developmental Disabilities Code. Third Reading of this Bill."

Speaker Currie: "Representative Hawkins."

Hawkins: "Madam Speaker, this legislation would simply if in a county where there is a mental health facility if the attorney for the guardianship and Advocacy Commission can not represent recipients, and the court cannot obtain a public defender, and there must be a private attorney to defend the recipients at these hearings. That those costs are born by the county where the recipients resides."

Speaker Currie: "Representative Hawkins moves 'do pass' on House Bill 4207, and on that Motion, Representative Cross."

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

Speaker Currie: "He indicates he will."

Cross: "Thank you, Representative, dealing with the Bill now and not the second Amendment. We are now going to hire private attorney's to handle indignant and commitment hearings, is that correct?"

Hawkins: "No, that's not the case."

Cross: "Will private attorney's be handling these commitment hearings under this Bill?"

Hawkins: "Just as they have been before. This legislation does

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not change that."

Cross: "Under the current law, do public defenders represent indigent people in commitment hearings."

Hawkins: "Yes."

Cross: "Why are we hiring private attorney's when we have the public defenders office available to represent people."

Hawkins: "This legislation doesn't do that."

Cross: "You just, well, then, what does it do then in that area, private attorneys in reimbursing them?"

Hawkins: "This legislation, this legislation simply says that the county where the recipient resides will bear that cost, not the county where the facility is located."

Cross: "What costs?"

Hawkins: "The cost to provide legal counsel for people that can't afford it. Recipients that can't afford it."

Cross: "I'm not arguing that there's some times that people that can't afford it shouldn't have legal, legal fees, or legal counsel. But, my question is, if we have public defenders representing people, why do we now incur additional cost with private attorney's."

Hawkins: "That's not the question in this legislation at all, it doesn't, it's not germane to this legislation."

Cross: "Well, I would ask the Speaker to determine whether my questions are germane or not."

Hawkins: "He doesn't understand it, actually."

Speaker Currie: "Representative Cross, are you waiting for an answer?"

Cross: "I'm waiting for my answer, I haven't gotten it yet."

Hawkins: "Would you repeat the question."

Speaker Currie: "Representative Cross, please repeat the question."

Cross: "Why are we paying private attorney's to represent

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indigents, when we have public defenders?"

Hawkins: "Judges sometimes appoint private attorneys to do this."

Cross: "I'm sorry, I didn't hear that."

Hawkins: "Judges sometimes appoint private attorneys to do this, when they can't. Under current law, when they cannot obtain a public defender, and when they cannot obtain services of the advocacy commission. That's the current law, this legislation doesn't affect that in any way."

Cross: "Okay, who's going to pay for there attorney's fees?"

Hawkins: "The county where their recipient resides."

Cross: "Are you having in your district one county handling all of the commitment hearings?"

Hawkins: "Yes, that's the law."

Cross: "Representative, how many other counties does your particular states attorney handle?"

Hawkins: "Only his county, that's the law."

Cross: "Well, I'm reading that it says the, the attorney appointed by the court that represents the person at the hearing shall be paid by the county in which the person was a resident before institutionalization. So, are we having people from other counties come into your county?"

Hawkins: "Yes."

Cross: "So, we're having your county reimburse, we're having the prior county reimburse, is that correct?"

Hawkins: "Repeat, repeat your question."

Cross: "We are reimbursing your states attorney's office or your private attorney's for people that come from different counties, is that correct?"

Hawkins: "Currently, my, my district has been bearing the entire cost, this will spread it out more fairly."

Cross: "That's all I wanted to know. Thank you very much."

Speaker Currie: "Representative Biggert."

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

Speaker Currie: "He will."

Biggert: "So Representative, the only issue here is which county would pay the fee?"

Hawkins: "Yes."

Biggert: "So, it really doesn't involve the fact that, that the county has to pay, but only which county and now the one that, the residency of the person who is being committed. Is that right?"

Hawkins: "I didn't understand. The last part of your statement."

Biggert: "The only issue is which county would pay, the county that they, the institution is in, or the county that the patient is from or residing."

Hawkins: "That's absolutely correct."

Biggert: "All right. So, that's the only change? It doesn't change the entire Bill."

Hawkins: "That's the entire Bill."

Biggert: "All right. Thank you very much."

Speaker Currie: "Representative Andrea Moore."

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

Speaker Currie: "He will."

Hawkins: "Yes."

Andrea M.: "Representative Hawkins, it has been so frustrating to be on this side of the aisle for this entire spring session, and not be able to get a Bill called. Now, you have two Bill's called on the exact same thing, trying to get additional state's attorney's moneys for your, for your county. Why did you not combine both of those Bills into one so that we could of deal, we could of dealt with this, this issue one time through the House. We understood what you were trying to say with the state's attorney's office. Now, you're with the public defenders office, and you are

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again bringing us a Bill to the House that could of been more efficiently handled all at one time. Tax dollars support, both of those entities, and, in fact, I think it could of been done much more efficiently. Can you tell me why you did not bring this through together?"

Hawkins: "It's a different Bill."

Andrea Moore: "It's a different Bill, but you are taking up our time when some of us are so desperate to try and get one Bill through here."

Speaker Currie: "Representative Salvi."

Salvi: "Thank you, Madam Speaker. We passed as Representative Moore pointed out. We passed a Bill earlier in this Body that authorized the Department of Mental Health to increase payments to counties, such as the Representative's county for work performed by assistant state's attorney's in connection with mental health institutions in their counties. At that time, I expressed some concern, my concern at that time was you get all the benefits from these facilities, you woo them to your county, you bring in the tax revenue, you bring in the jobs, and you get all these different benefits, but you don't want to pay any of the costs. You want all the neighboring counties to pay the cost. Now, this Bill before us here now is an example of going too far. In the last Bill, he asked us to say the counties around these counties with these facilities had to increase the payment so the formula would change so the counties that have these facilities would get more money. And, I thought that was a little much, but I voted for it, because I felt, well, there is some extra burden for counties that get these facilities. I pointed out that there are benefits, too, but now this is going too far. Now they're saying if there's a person in one of these

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mental health facilities who wants a private attorney, then let's look to the county that that person lived in before, and let's hire a lawyer for this person, a private lawyer for this person because we don't want our public defender's to handle this case. And let's pay, let's have that go back to that county and tell that county that hey, you remember Joe from your county, he's been in our mental health facility for many years now, he wants a private attorney, and you're going to pay for it. This is unreasonable. He's going to far, I strongly urge a 'no' vote on this Bill."

Speaker Currie: "Representative Rutherford."

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

Speaker Currie: "He will."

Rutherford: "During the discussion on the issue of the state's attorneys that, and the funds and so forth there, one of the questions that was asked and I'm not sure that it was really made clear on the record, and I think this is somewhat similar, when we are talking about the county of residents. I mean, how do you define residency so we know what county we're going back to, to look for these funds."

Hawkins: "It's where the county where they resided before they was committed."

Rutherford: "So, where they lived either with their families or with their own residency, so forth like that, then that's identifiable and we could trace it back to that means."

Hawkins: "Yes."

Rutherford: "Okay, thank you very much."

Speaker Currie: "Representative Schoenberg."

Schoenberg: "Thank you, Madam Speaker. I rise on a point of personal privilege. Behind me in the gallery are the students from the eighth grade of my parish, St. Athanasius

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School. Please give them a Springfield welcome."

Speaker Currie: "In clear of violation of the rules, the House joins you in welcoming the school children. Representative Kubik."

Kubik: "Thank you, Madam Speaker. Would the Sponsor yield for two questions?"

Speaker Currie: "He will."

Kubik: "Representative, I've listened very carefully to the debate, and I guess I have two questions, because I'm not, I'm not as familiar with this area of the law as perhaps some of the other speakers are. You talk about reimbursement, well, let me, two questions. You talk about reimbursement for attorney's fees. Who pays these fees? Are they paid by the counties, or are they paid by the state?"

Hawkins: "They are paid by the county where the facility is located."

Kubik: "Okay, so in other words this is not state money that's involved?"

Hawkins: "It is not state money."

Kubik: "And the second question I have is, you spoke about the fact that if somebody could not get a public defender, or could not get somebody from the Guardianship and Advocacy Commission, why would that situation develop? I'm not familiar with that area of the law, why wouldn't they be represented by those people?"

Hawkins: "I really don't know the answer either, except that's just the law. That's the law now."

Kubik: "But, there are..."

Hawkins: "I would assume, first of all, the state doesn't have enough money to provide enough people for the guardianship and advocacy commission to do their job. Okay, the state

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in another case is not fulfilling their responsibilities. Okay, so the public defender, well, he may have ten other cases that he has to represent. So, in that case, then, under the law the court must appoint a private attorney."

Kubik: "Okay, so the court actually says this person ought to be represented, and..."

Hawkins: "Yes."

Kubik: "Okay, and the public defender doesn't make that decision, the court actually makes it?"

Hawkins: "Yes."

Kubik: "Okay, but essentially what we're talking about here then is the, is essentially a shift of dollar from one county to another, and your, your proposal is that the individual who's institutionalized, or going to be committed, the money should come from the county on which this person priorly resided, is that essentially what you're doing here?"

Hawkins: "Yes."

Kubik: "Okay, so."

Hawkins: "In other words, in one county in my district there is a mental health facility that has 600 recipients and they have to be recommitted every 180 days, that means there's at least two hearings a year, and sometimes more if they change medications and some issues, and so there is a substantial amount of cost that is born just because the public defender and that is in that county."

Kubik: "Thank you."

Speaker Currie: "Representative Lindner."

Lindner: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Currie: "He will, if it's a new question."

Lindner: "Yes, it is. Just following up on what Representative Rutherford was talking about, how you would determine what

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county. So many of the people in mental institutions now a days are homeless people. What happens in the case of homeless people, how are you going to determine exactly where, where they're from?"

Hawkins: "If, for the purposes of Legislative records, what's the word, Legislative, Legislative intent. I would assume if a homeless person was found, and they could not determine where that person came from, that the, the county where there were found would be their county of residence."

Lindner: "Where they were last found before they went in."

Hawkins: "Where they were found."

Lindner: "Before they were found..."

Hawkins: "If they could not determine where they were from."

Lindner: "Before they were put in the mental institution, you mean."

Hawkins: "Yes."

Lindner: "But, that might have nothing to do with really where they're from, or what county they're from, and then your going to ask that county to pay for that person's attorney's fee."

Hawkins: "Well, it's a lot better than the current system, and I don't know how to draft the language any clearer than it is. Obviously there, you know you can read it any way, and I'm sure there might be one case in a million that come up that would fit the questions that you just raised there, but for the most part, the language that's in this legislation would be sufficient to for the Department of Mental Health to administer this Act."

Lindner: "Well, I don't think only, I think that would happen quite a bit, because there are so many homeless people that go in and out of the Mental Institutions now."

Hawkins: "Okay, thank you."

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Lindner: "Thank you."

Speaker Currie: "Representative Brady, and the people not entitled to the House floor, please retire to the rear of the gallery. People who are not entitled to the House floor should please, people not entitled to the House floor should please retire to the back of the gallery. Representative Brady."

Brady: "Thank you, Madam Speaker. Representative Hawkins, in the scenario that you're setting up, you are, you're suggesting that right now many public defenders do provide this legal service, but that they are overworked and therefore the court appoints counsel, is that right?"

Hawkins: "Well, that can happen. I'm not suggesting that that happens, that's why I, I'm just quoting what the law says."

Brady: "In this scenario, do you, do you know what the cost differential between private counsel attorney and the public defender would be?"

Hawkins: "That's not really germane to this."

Brady: "Well it is germane, because what we're doing here is we are shifting the cost of litigating this from the county where the facility is, to the county of last residence. That's very clear in your Bill."

Hawkins: "Yes."

Brady: "But, what you're doing when you're shifting that cost is we need to know how we're shifting it and if, do you know who pays the public defender right now?"

Hawkins: "Who pays the public defender, the State of Illinois."

Brady: "The State of Illinois pays the public defender."

Hawkins: "Each county, that's the states attorney..."

Brady: "That's right, each county pays the public defender."

Hawkins: "The state's attorney is paid by the State of Illinois. I am sorry."

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Brady: "That's okay, that's what I want to get to, is, no one, no county in their right mind would appoint one of these cases to a public defender anymore because, they are going to lost money by doing so, and you are not just shifting the over burden of these cases to the county of the last residence, but you're in fact going to shift every one of these cases at a cost that I'm afraid much higher, and the reason my question is pertinent is, are we going to provide inefficient, in terms of cost, legal services. Because, it's told to me that a public defender's wage to litigate these as much, much less than a court appointed private counsel, and that's why my question is important. Can you tell me, given that, what the differential would be?"

Hawkins: "The court decides who will represent the recipient."

Brady: "I understand. But, what I'm suggesting is that they will decide to use private counsels much more often if not all the time, because they can charge the last county of residence for that fee, reducing their county's budget, and their public defenders services. And the question, and I don't necessarily have a problem with that, but what I don't have a problem with is if we're going to increase the aggregate cost, because public defenders cost less, than court appointed by the counsel, and if I knew the answer to the differential, it would help me decide how to vote on this issue."

Hawkins: "I don't know the answer to that."

Speaker Currie: "Representative Hawkins to close."

Hawkins: "Okay, this is a very simple Bill. It's a matter of fairness, it's a significant burden to counties that have these facilities and I ask for an 'aye' vote?"

Speaker Currie: "Representative Hawkins moves passage of House Bill 4207. All in favor vote 'aye'; opposed vote 'no'."

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Voting is open. Representative Skinner, one minute to explain your vote."

Skinner: "Madam Speaker, this is the second Bill this Representative has Sponsored that will result in a tax increase without a referendum for every county except his. Now, if you want to be on the record for being in favor of higher county expenditures, vote in favor of this, if you don't, wait till this fall."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion there are 61 voting 'aye', 47 voting 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. On page 49 of the Calendar, under Senate Bills, Third Reading, appears House Bill 1776. Representative Hannig asks leave to return this Bill to Second Reading, for purposes of Amendment. Does he have to leave to return the Bill to Second Reading for purpose of Amendment? Representative Black, leave is granted. The Bill is now on Second Reading. Are there any Amendments filed? Clerk, to the Bill."

Clerk McLennand: "Floor Amendment #1, offered by Representative Hannig."

Speaker Currie: "Representative Hannig. Withdraw. Further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Hannig."

Speaker Currie: "Amendment #2, Representative Hannig."

Hannig: "Thank you, Madam Speaker and Members of the House. This basically does two things: one, it does provide for a \$220,000 transfer for a community college in Southern Illinois, and it provides that \$75,000 be made available to

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the State Board of Education to provide for GED tests during the period after which the Regional Superintendent of Schools in Cook County is abolished, and that's what this Amendment does, and I'd be happy to answer any questions and move for it's adoption."

Speaker Currie: "Representative Hannig moves 'do adopt' Amendment #2 to Senate Bill 1776. On that is there any discussion? All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Are there further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Currie: "Third Reading. It's back on Third Reading, but it's not to be called now. On Government Administration, Second Reading, appears on page 40 of the Calendar, House Bill 4137. Representative Hicks. Clerk, tell us the status of the Bill."

Clerk McLennand: "House Bill 4137, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Churchill."

Speaker Currie: "Representative Churchill."

Churchill: "Thank you, Madam Speaker. Floor Amendment #1 authorizes the conversion of a mutual insurance company into a stock insurance company. Basically, it provides a frame work for the conversion plan, to be adopted by the Board of Directors, approved by the Department of Insurance, and approved by all the mutual share holders. I ask for approval of the Amendment."

Speaker Currie: "Representative Churchill has moved adoption of Amendment #1 to House Bill 4137, and on that question, Representative Hicks."

Hicks: "Thank you, Madam Speaker. I just stand in support of Amendment #1."

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Speaker Currie: "Representative Novak."

Novak: "Well, Madam Speaker, on the previous Bill, my switch did not work, can I have the record reflect that I would vote 'yes' on that Bill. On the previous Bill."

Speaker Currie: "Let the record reflect that Representative Novak would of voted 'yes' on House Bill 4207, would of preferred to have been voted 'yes'. Representative, under Representative Churchill's Motion, all in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Are there further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Walsh."

Speaker Currie: "Representative Walsh. Withdraw. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Hicks."

Speaker Currie: "Representative Hicks, Amendment #3."

Hicks: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #3 deals with the township code that would authorize a township boards to be able to increase by resolution by the number of board of directors for township hospitals. I would be happy to answer any questions about this, in reality I believe there's only three hospitals in this state currently who would fall under this category, and I'd be happy to answer any questions."

Speaker Currie: "Representative Hicks moves adoption of Amendment #3 to House Bill 4137. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk McLennand: "House Bill 4137, a Bill for an Act that amends

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the Illinois Insurance Code. Third Reading of this Bill."

Speaker Currie: "Representative Hicks."

Hicks: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. You heard the two Amendments that have been adopted to the Bill. The underlying Bill is still in place, which would allow that domestic stock companies could, in their bi-laws provide for a variable range of number of directors of their board. That would set up minimum and maximum with the difference being no more than five. I'd be happy to answer any questions about the Bill."

Speaker Currie: "Representative Hicks moves passage of House Bill 4137. All in favor signify by voting 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion there are 114 voting 'aye', none voting 'no', and this Bill, having received the required Constitutional Majority, is hereby declared passed. On the Order of Government Administration, Third Reading, page 12, page 43 of the Calendar, appears House Bill 2736. Clerk, read the Bill."

Clerk McLennand: "House Bill 2736, a Bill for an Act concerning child deaths. Third Reading of this Bill."

Speaker Currie: "Representative Hoffman."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2736 would create the Child Death Review Team Act. This is a result of a bipartisan study group that was set up by previous legislation that was passed by this House. We met on several occasions, that are still meetings, as matter of a fact, we have a meeting here tomorrow regarding not only this Bill, but other items. What was done is a bipartisan group was appointed by the Governor, the Speaker of the House, and the, and Leader

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Philips. Got together and began to look at infant deaths that have occurred in the State of Illinois over the last year, year and a half. This is a result of this bipartisan group would set up a child death review teams in each sub-region of the state. They would be made up of multi disciplinary teams of pediatricians, representatives of DCFS, States Attorney's Office, local law enforcements, psychiatrists, health departments, social workers, pathologists, etc. What they would do is, is in the event of the unfortunate incident of a child's death, they would review that death, what made it occur, and make recommendations to the Director of the Department of Children and Family Services in order to save children in the future. I would like to thank everyone who served on this commission, thank Senator Faywell who is also going to Sponsor this in the Senate, and ask for your 'aye' vote."

Speaker Currie: "Representative Hoffman moves passage of House Bill 2736, and on that Motion, Representative Black."

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

Speaker Currie: "He will."

Black: "Representative, the Bill is silent, I believe on whether or not this body will receive expenses. Is, is it your desire that it remain silent, or is it your desire that, that be handled by administrative rule, or generally it's in the Bill."

Hoffman: "Yes, it's my desire for the Department to make that determination. Whatever needs to be made in order to make this effective. Right now, there is a similar group that is, that meets in Cook County, and I do not believe that there is any type of reimbursement. They meet, they function, they and they do some good. So, I don't know, it

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would be up to the department as to what is needed in order to make this an effective working group."

Black: "Okay. Thank you very much."

Speaker Currie: "Representative. Further discussion? Representative Biggins."

Biggins: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield? Sponsor, will you yield?"

Speaker Currie: "Yes, he will."

Biggins: "You mentioned, I believe a few minutes ago that this Bill has bipartisan support, is that correct?"

Hoffman: "Yes."

Biggins: "I'm reading the board, and I didn't know, did any of those Sponsors up on the board, did they make some political changes in the last few minutes, or so that some of them are now on our side of the aisle?"

Hoffman: "If you would like to be a Co-Sponsor, I'll sign the sheet, Representative."

Biggins: "I'd be honored to do that."

Speaker Currie: "Representative Hoffman moves passage of House Bill 2736. 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? Have all voted who wish? Clerk, take the record. On this Motion 114 voting 'aye', none voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby, add Representative Bugielski to the roll call voting 'yes'. One 115 'aye', none 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. On Government Administration, Second Reading, House Bill 25, I'm sorry 3459, Representative Homer. That Bill is on Second Reading. Clerk, tell us its status."

Clerk McLennand: "House Bill 3459 has been read a second time

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previously. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Hoeft."

Speaker Currie: "Amendment #2, offered by Representative..."

Clerk McLennand: "Hoeft."

Speaker Currie: "Representative Hoeft withdraws Amendment #2. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Cowlshaw."

Speaker Currie: "Representative Cowlshaw. Representative Cowlshaw. Does anybody know Representative Cowlshaw's intention with respect to this Amendment? Representative Cowlshaw, would you like to let us know your intentions with respect to this Amendment?"

Cowlshaw: "Thank you very much, Madam Speaker. Please withdraw Floor Amendment #3."

Speaker Currie: "Further Amendments?"

Clerk McLennand: "Floor Amendment #4, offered by Representative Homer."

Speaker Currie: "Representative Homer."

Homer: "Withdraw 4, please?"

Speaker Currie: "Further Amendments?"

Clerk McLennand: "Floor Amendment #5, offered by Representative Hoeft."

Speaker Currie: "Representative Hoeft. Withdraw. Further Amendments?"

Clerk McLennand: "Floor Amendment #6, offered by Representative Homer."

Speaker Currie: "Representative Homer."

Homer: "Thank you, Madam Speaker. I would offer Amendment #6, to House Bill 3459, the Amendment becomes the Bill. It would create the Public Education Affinity Credit Card Act."

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Under this Amendment the state treasurer would be granted the authority to enter into credit card agreements with banks, and credit card issuers to establish in education Affinity Credit Cards for customers where the customer could actually designate a local school district, elementary, or secondary education school district, to be the recipient of the portion of the charges that the issuer has agreed to donate to the school district. So, this is really a win-win issue for the school children of Illinois, and for the taxpayers of this state. Because without raising any taxes, through the Affinity Credit Card concept and this Bill, we encourage credit card issuers to, to donate a portion of the amount charged by the holder of the credit card to the designated school district of the holders choice. The State Treasurers Office would simply act as the intermediary for the purpose of distributing these, these funds to the school districts. So, this is a way that we can help school districts, help fund education in this state, without a tax increase of any kind, or without dipping into any state revenues. I would answer any questions that you may have, I would urge support for the Amendment."

Speaker Currie: "Representative Homer moves adoption of Amendment #6, to House Bill 3459, and on that Motion, Representative Black."

Black: "Thank you very much, Madam Speaker. Will the Sponsor yield? Representative, is legislation necessary to, to accomplish this?"

Homer: "Well, actually, Representative Black, I got the idea from First of America which has offices in Peoria. They're doing this now, voluntarily. I talked to the president of that bank about why they hadn't done it earlier, and then I

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talked to other banks about why they haven't done it, and the answer is because Illinois has so many school districts, almost 1,000, that the administration of the program is very cumbersome. And, so what we've tried to do here is to provide a mechanism where the state would facilitate the distribution of those funds, so as to remove the impediment that is now there, but the answer to your question is, no, legally banks can do it now, but they're not doing it."

Black: "If the legislation becomes law, then it sets up a, a mechanism that appears to limit it only to public schools, is that, that your intent?"

Homer: "Yes, it would only be for public schools."

Black: "All right. Is that because of the way you envision the Act of being administered through the investment pool?"

Homer: "Well, my view was that, that we should limit the state's involvement to the funding of public schools. If we're going to have the treasurer and the comptroller administer the program, it ought to be for the benefit of public schools."

Black: "All right, is then it's your intent that the Treasurers Office will be required to administer this Act?"

Homer: "Right."

Black: "Of the 950 or whatever it is now, school districts in the State of Illinois, do we have any idea how many of them currently participate in the Illinois Public Treasurer's Investment Pool?"

Homer: "No, I don't know. Now, it is true that this Bill funnels the money through the IPTIP program however, it would not require that school district to invest other of it's resources in IPTIP. They would simply register for the purpose of being a recipient under, under the Affinity

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Credit Card Act."

Black: "Have any of the banking entities or credit card entities talked to you about this. I mean on it's surface it certainly seems like an idea that no one could object to, but I'm just wondering about the forms, the record keeping, those kinds of details."

Homer: "Well, yes, I have talked to some of them, and they've told me they're not into this program now, because they're so many school districts, and it would be cumbersome to, to account for the different donations, and then, distribute them to the various school districts. As you mentioned, possibility of 950 in the state. So, this Bill is simply to remove the impediment by allowing them to simply turn the proceeds over to the treasurer, and have the treasurer distribute those funds."

Black: "I guess where it gets complicated if somebody has a, a credit card or a the Canton School District for example, and they spend a weekend in Chicago, and use that credit card, then somehow, somebody has to track that I suppose, and send it back to that school district. It isn't limited to where they spend the money, correct?"

Homer: "No, it's like if you have a credit card, a Mastercard say, from some bank that's participating, and it's an Education Affinity Card, even if you made charges overseas, or out of state, a percentage of the charges that you make will be earmarked for the school district that you've designated, perhaps the Danville School District. So, each month the credit card issuer would, would send a check to the Treasurer for the amount that has been set aside from all the card holders, and then the treasurer would determine to which school district those funds go."

Black: "I guess I'm having trouble figuring out why the

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Treasurer's Office is involved, rather than the State Board of Education, since they have the code numbers, and the formula, and distribute the money now. Is it because we need the investment pool as a tracking device? Or, I don't, I just don't, I guess most of the money is distributed through the State Board, Regional Superintendents, et cetera, and now it seems like we're setting up an entirely new machinery to distribute this money."

Homer: "Well, the moneys that go from the State Board, go according to the general state aid formula or the categorical grant. And even those, Representative Black go through warrant process where the treasurer and the comptroller actually get involved in the issuing and the signing of the checks. So, this isn't really much of a deviation."

Black: "Okay, thank you very much, Representative."

Speaker Currie: "Representative Persico."

Persico: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Currie: "He will."

Persico: "Representative, what, what was the genesis of this Bill? Where did you get the idea for this particular Bill?"

Homer: "The genesis of it, you say? You mean, where did the idea come from?"

Persico: "Right."

Homer: "The First of America Bank has it's home offices in Michigan, and they use this program there, I guess in the past, but they have an office in Peoria. And that bank in Peoria, recently announced on a limited basis that it was going to issue these cards in the Peoria area. And so I read about it in the paper and then talked to the president

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of the Bank and some school officials and, because I thought it was a good idea. And that led me to the conclusion that it wasn't being done extensively because of the concern about the number of school districts, and the difficulty in, in administering the program."

Persico: "So, basically the, the money that was raised through this program in Peoria went directly to the Peoria school districts, whatever percent of that it was..."

Homer: "Well, the Peoria area schools, actually they didn't just limit it to Peoria school district, but they limited it to a three county, they call it the tri-county area."

Persico: "Who carried out the logistics of the distribution of the funds? The Peoria banks?"

Homer: "Right, the Peoria bank on a quarterly basis determines, they've only issued I think 100 cards so far, but they, on a quarterly basis make distributions to the school districts that have been designated."

Persico: "Do you know how much money that was raised thus far for the Peoria school districts."

Homer: "It started like a month ago, so, it isn't much, but they gave me the example. In their case, they're setting aside 40 basis points, which is .4 tenths of a percent to the amount of the charges, and they've, they gave me an example that if the average card holder charges \$5,000 a year, which I guess is the average, and there were 6,000 card holders designating a particular school district, that that school district would get a \$120,000 a year under their program, through this program."

Persico: "That, that sounds very good to me, so, it's like my American Visa Card, I'm building up miles for free airline trip. This would be just designating this money to the school rather than..."

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Homer: "For example, Discover Card, they give you, they give the card holder a rebate each year for a percent of the charges. Well, in this case the rebate would go to the school district designated by the card holder."

Persico: "To the Bill, Madam Speaker."

Speaker Currie: "To the Bill."

Persico: "I think this is an excellent Bill. I think that the Representative Homer presented it in committee, he explained it very well, with the example that he just gave with the Peoria School District, and I requested to be an hyphenated Sponsor, and I urge you to support this excellent Bill."

Speaker Currie: "Representative Lawfer."

Lawfer: "Thank you, Madam Chairman. Will Representative Homer yield for a question?"

Speaker Currie: "Yes."

Lawfer: "I see in that, a tax credit, if I'm a may credit card issuer, would there be a tax advantage to doing this?"

Homer: "No, I'm glad you asked that. The original Bill did provide a tax credit, but this Amendment, Tate, gets rid of that. There's no longer a tax credit."

Lawfer: "So, even this amount that, donated to the school would be in a taxable mode prior to the donation?"

Homer: "Well, the issuer would not receive any, the credit card company would receive no tax advantage by enrolling in the program. The advantage would be to them is that we would, the state would help facilitate the administration of the program by collecting the money and then paying it out to the school districts."

Lawfer: "And, the amount that is divided with the school, or designated would come out of their earnings part of the credit card?"

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Homer: "Right, in other words, it would be up to the card holder to designate the preferred, the recipients school districts. So, if, if for an example in your area, people got these cards and designated your local school district, then that school district would be the recipient of these credits."

Lawfer: "So, whether I designated anything to a school or not, there would be no difference as far as tax credit."

Homer: "No. No tax implications at all."

Lawfer: "Thank you very much."

Speaker Currie: "Representative Rutherford."

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

Speaker Currie: "He will."

Rutherford: "Representative, just to follow up a little on that tax question. Would that not be a business expense for the credit card company to them when they give that money to the state treasury so they have to deduct that?"

Homer: "That, that may well be, I'm not a tax accountant, but it would be whatever the treatment is afforded to them now for their Affinity Credit Cards. I assume if they, if they donate those funds to a school district that, that would be a deduction, an expense deduction on their taxes, yes."

Rutherford: "Okay. Well, I don't understand that much in the detail of the infinity side of it. What kind of a percentage are we talking to that would come out of the revenues charged on a credit card? Are we talking a quarter percent or a full percent?"

Homer: "Well, the program in Peoria, that's 40 basis points which is .4% of all the charges that are made against that card. So, that's, that's not fixed by the Bill, that would be left to the market place, and the issuer would determine the percentage that would be designated."

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Rutherford: "What about the administration of this in the Treasurer's Office. What type of a, what type of state resources additional would we have to commit in the Treasurer's Office or is there a mechanism in place, you feel that can already absorb this processing, and..."

Homer: "Well, they've done a fiscal note to my request, indicating that they anticipate no additional financial costs since all the related transactions would take place within their normal conduct of their responsibilities."

Rutherford: "Okay. What about, alright, the school districts itself then, how, I think I heard, I just want to clarify, that the school district would actually receive a check cut by the state sent to them. Is that correct, and if so, how often do you see that, cash flow taking place?"

Homer: "The program in Peoria is a quarterly basis. This Bill doesn't require monthly or quarterly, but I would think quarterly would be the standard business operation cycle."

Rutherford: "For example, in the, in my Legislative District, there's very small school districts, examples, Sparland School District. What if only, one person, for example signed up for the affinity program to dedicate the moneys to Sparland School District, and the total revenues that we're talking about go to that school district within a quarter, may only be, especially since it's, say 4/10 of a percent, may only be four, five, six, seven, eight dollars. At what point do we say, or do we say, for the state treasury to administer both staff time, the cost of process through the Comptroller's Office, Treasurer's Office. At what point, or do we say, return on investment at that effort going into that area is awfully small for one person, for an Affinity, is there, is there a mechanism to protect that?"

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Homer: "No, there's nothing in the Bill to address that, but, you know I think you'll find this would be a popular program for the people in the Sparta School District, or any other one because they realize that no cost, no additional costs to them simply by using their Visa or Mastercard, they can benefit their school district. I think you'll see a number of people sign up, but the answer to your question is, there's nothing in the Bill limiting or setting a minimum number of applicants for our program."

Rutherford: "And, then the last question, I think is actually probably very important to this whole concept, is who is responsible to market this to the consumer, is this responsibility of the affinity, the credit card company, is this the responsibility of the state treasurer, whose going to be the responsible person to market this whole concept?"

Homer: "All right, the marketing responsibilities will fall upon the credit card issuer, the bank, who issues the credit card to advertise and to solicit card holders by advertising that the Educational Affinity Card."

Rutherford: "So, you don't envision any state dollars needed to market the program state, something through the treasurers office for marketing, and promotions?"

Homer: "No. No, I don't think that will be necessary."

Rutherford: "Thank you very much."

Speaker Currie: "Representative Hartke."

Hartke: "Thank you very much. Will the Sponsor yield?"

Speaker Currie: "He will."

Hartke: "Representative Homer, I think this a fantastic idea. Tom, I think this is a fantastic idea, I got a question, though. When you say this rebate, what you want to call it, would go to a designated school, and I heard you mention the 950 schools in the State of Illinois, public

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schools. Could a private or parochial school be also designated?"

Homer: "The Bill, this Bill is limited to public schools, Representative Hartke."

Hartke: "Thank you."

Speaker Currie: "Representative Leitch."

Leitch: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Currie: "He will."

Leitch: "I happen to be Vice-President of First America Bank and my other wife and we started this program about two months ago, and I guess I'm curious, why do we need to involve the Treasurer's Office, or State Government at all? In our program, the consumers simply designates the school district to whom he wishes the funds to be sent, and that's it."

Homer: "I, I talked to, Bob Stevenson, and I understand that the program first was adopted in Michigan where the home office is, and it's doing quite well there. The difference between Michigan and Illinois though, is we have more school districts in Illinois than in any other state, and that has served as a disincentive for credit card issuers to get in the Affinity Credit Card business for schools in Illinois, because theoretically, they may have card holders designating all 950 school districts, and it would become very, could become an administrative nightmare for them, and so, what we've tried to do is take out that concern by having the state treasurer responsible for the distribution of the funds. That would remove an impediment that apparently is there in the market place now. Yours is the only bank whose into this program in Illinois, and I think the reason, they're to be commended for that, but even their program's limited to the tri-county schools. They're

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not willing to branch out into other schools."

Leitch: "Well, I think that is a program that would be, could be expanded. I guess I don't fully understand the problem, because I think, I think the, one of the major selling points of the program is for the consumer to designate him or herself where they want the funding to go, and I think that, that would suggest that there won't be that many undesignated, undesignated areas, but, you may have a point, but that. I don't see why we need to add the state bureaucracy to it I guess is what I'm saying."

Speaker Currie: "Representative Hughes."

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

Speaker Currie: "Yes."

Hughes: "Representative Homer, is it, is it fair to say, I'm not saying this is good or bad idea. I think it has a lot of merit to it, but that there is a cost incurred in distributing these funds to whatever number of school districts there are. And in effect, what we're doing here is shifting that cost from the card issuer to the Treasurer's Office and the taxpayer's."

Homer: "Well, there's clearly a savings to the credit card issuer, the bank, because they won't have to distribute the funds. All they'll have to send a single check to the state and let the state do the work. But, the treasurers office has filed a fiscal note saying they don't anticipate any additional financial cost, because they already have in place the mechanisms, and they regularly distribute funds to school districts and so, they don't see this as any additional cost upon them."

Hughes: "Thank you. To the Bill. I find it extremely hard to believe there would be no additional costs to this. Thank you."

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Speaker Currie: "Representative Homer moves 'do adopt' Amendment #6 to House Bill 3459. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Are there further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk McLennand: "House Bill 3459, a Bill for an Act that amends the School Code. Third Reading of this Bill."

Speaker Currie: "Representative Homer moves 'do pass' on House Bill 3459. 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? Clerk, please take the record. On this Motion there are 109. Representative Blagojevich, 'aye'. 110 voting 'aye', 3 voting 'no'. And this Bill, having received the required Constitutional Majority, is...pardon me, Representative Brady votes 'no'. All right, Representative Leitch wishes to vote, 'no', 'present'. Representative Phelan votes 'aye'. Somebody else, Representative Lawfer, Lawfer votes 'aye'. Further changes? Not. 111 voting 'aye', 3 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Special Order of Call, Women's Health on page 48 of the Calendar, appears House Bill 2884, Third Reading. Representative Wojcik. Clerk, read the Bill."

Clerk McLennand: "House Bill 2884, a Bill for an Act that amends the Department of Public Health Act. Third Reading of this Bill."

Speaker Currie: "Representative Wojcik."

Wojcik: "I'm almost afraid to talk. I don't know how to talk anymore."

Speaker Currie: "Representative Wojcik, could we have quiet

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please?"

Wojcik: "Ladies and Gentlemen, this truly is a merely Bill. It's gone through the process in the House last year, it got tied up in the Senate. Both sides of the aisle agreed to this, it is the Osteoporosis Bill, it is at the Public Health Department shall print a pamphlet which would educate both men and women regarding Osteoporosis. State funds, and federal funds would cover the cost, and I just want to thank you all for listening to me and I ask for its favorable passage."

Speaker Currie: "Representative Wojcik moves 'do pass' on House Bill 2884, and on that Motion, Representative Weaver."

Weaver: "Thank you, Madam Speaker. Just a brief question of the Sponsor. See is how you are the second Republican in the past weeks to have a Bill called, we felt we had figured out why the first Republican got his Bill called, what do you attribute your success to?"

Wojcik: "I went and talked to the first Republican and he told me what to do."

Weaver: "Well, continued success. Maybe we'll actually see a third Republican Bill called for a vote."

Speaker Currie: "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? The Clerk, will take the record. On this Motion 116 voting 'aye', none voting 'no'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. The Chair would like to announce to all of you, some happy cheerful news, and that is that we won't be in session on Friday. Representative Granberg, are you ready. Representative Granberg moves that the House, wait, wait... Representative Granberg moves that the House stand

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adjourned until the hour of noon tomorrow, Thursday, May 12. All in favor say 'aye'; opposed, 'no'. The, with leaving Perfunctory time for the Clerk. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and with perfunctory time for the Clerk, the House does stand adjourned until the hour of noon tomorrow."

Clerk McLennand: "House Perfunctory Session will be in order. Messages from the Senate.

Clerk McLennand: "A Message from Jim Harry, Secretary of the Senate. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate is concurred with the House of Representatives in the passage of a Bill. The following title to wit. House Bill 460, a Bill for an Act to amend the Illinois Vehicle Code. Together with the Senate Amendments #1, to which I am instructed to ask concurrence of the House. The Senate is concurred with the House of Representatives and the passage of House Bill 537, a Bill for an Act to amend the Illinois Vehicle Code. Together with Senate Amendment #1, and ask concurrence of the House. The Senate has concurred with the House of Representatives on the passage of House Bill 1332, a Bill for an Act to amend the Open Meetings Act, with Senate Amendment #1 and asks the House of Representatives to concurrence. The Senate has concurred with the House of Representatives in the passage of House Bill 3192, a Bill for an Act to amend the Environmental Protection Act, with Senate Amendment #1, and asks the, for the concurrence of the House of Representatives. The Senate has concurred with the House of Representatives on the passage of the Bill with the following title, House Bill 3197, a Bill for an Act to amend the Illinois Vehicle Code. Together with Senate Amendment #1, and asks the concurrence of the House. Jim

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Harry, Secretary of the Senate'."

Clerk McLennand: "Being no further business, House Perfunctory Session stands adjourned, and the House will reconvene at the hour of 12:00 noon on Thursday, May 12."

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