

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "The hour of 12:00 has come and the House will come to order. The Chaplain for today is Reverend John Keifer of the Zion Lutheran Church in Bonfield, Illinois. Reverend Keifer is the guest of Representative Weller. All guests in the gallery may wish to rise for the invocation."

Reverend John Keifer: "We pray to Almighty God at this time. Dear God, as You rule our land, and rule all of us here today, we ask for Your guidance, and Your wisdom to guide the Representatives of our nation, of this state, and Your word. We ask wisdom from Your holy word and from Your holy spirit. Bless us, bless our country, and help us to pray to You everyday for help to sustain our lives. We know we are also people who sin, we ask Your forgiveness through Christ, who died and rose again for salvation for all who believe. We ask Your blessings to bless our land, give us freedom, and to give to us as Lincoln talked to us about many years ago, in this great state. Bless our land, help us to study Your word everyday. We pray through Christ our Savior, we ask for the Holy Spirit to guide and Bless the people today. Through Christ we pray. Amen."

Speaker Flowers: "Representative Virginia Frederick would led us for the Pledge of Allegiance."

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

Speaker Flowers: "Roll Call for Attendance. Representative Kubik, are there any excused absences on the Republican side today?"

Kubik: "Thank you, Madam Speaker. Let the record reflect that Representatives Hassert, Johnson and Weller are excused today."

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "The record will so reflect. Which Johnson are you in reference to."

Kubik: "We're talking about Tom Johnson, Representative Thomas Johnson."

Speaker Flowers: "The record will so reflect. Representative Currie, are there any excused absence on the Democratic side?"

Currie: "Thank you, Speaker. Let the record show that Representative Kaszak is excused because of the death of an uncle."

Speaker Flowers: "The record would so reflect. One Hundred and Fourteen answering the call, a quorum is present. Take the roll, Mr. Clerk. Excuse me Representative Hoeft, for what reason do you rise?"

Hoeft: "Thank you, Madam Speaker. A matter of personal privilege. In the balcony is an elementary school from Representative Pankau and Hoeft's district, Horizon, and I would like to welcome them to this thus Body."

Speaker Flowers: "That's against the rules. Welcome to Springfield. Committee Reports."

Clerk Rossi: "Corrected Committee Report: Representative Phelps, Chairman from the Committee on Health Care and Human Services, to which the following Bills were referred, action taken on May 17, 1994, reported the same back with the following recommendation: 'do pass' Senate Bills 1710 and Senate Bill 1165. Representative Lang, Chairman from the Committee on Judiciary I, to which the following Bills were referred, action taken on May 18, 1994, reported the same back with the following recommendation: 'do pass Short Debate' Senate Bills 1296, 1447, 1545, 1730, 1435, 1251 and 1221. 'do pass as amended Short Debate' Senate Bills 454, 1299, 1346, 1558, 1437, 1700 and 1328. 'do pass consent

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

134th Legislative Day

May 19, 1994

calendar' Senate Bill 1751. Representative Edley, Chairman from the Committee on Appropriations Education, to which the following Bills were referred, action taken on May 19, 1994, reported the same back with the following recommendation: 'do pass as amended' Senate Bills 1763, 1765, 1768, 1767 and 1764. Representative Phelan, Chairman from the Committee on Constitutional Officers, to which the following Bill was referred, action taken on May 19, 1994, reported the same back with the following recommendation: 'do pass as amended' Senate Bill 1159. Representative Granberg, Chairman from the Committee on Personnel and Pensions, to which the following Bills were referred, action taken on May 19, 1994, reported the same back with the following recommendation: 'do pass as amended Short Debate' Senate Bills 1728, Senate Bill 1149 and Senate Bill 1421.

Speaker Flowers: "On page 52 of the calendar, Consent Calendar, Second Reading. Read the Bills, Mr. Clerk."

Clerk Rossi: "Consent Calendar, Second Reading. Senate Bill 1329, a Bill for an Act amending the Illinois Professional Land Surveyor Act of 1989 together with Committee Amendments 1 and 2. Senate Bill 1332, a Bill for an Act amending the Medical Practice Act of 1987 together with Committee Amendment #1. Senate Bill 1448, a Bill for an Act concerning the practice of dentistry by limited liability companies. Senate Bill 1468, a Bill for an Act concerning the reproduction of business records. Senate Bill 1502, a Bill for an Act amending the Hospital Licensing Act. Senate Bill 1624, a Bill for an Act in relation to real estate transactions. Second Reading of these Consent Calendar Senate Bills."

Speaker Flowers: "Third Reading. Committee Reports, Mr. Clerk."

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

134th Legislative Day

May 19, 1994

Clerk Rossi: "Representative Levin, Chairman from the Committee on Revenue, to which the following Bills were referred, action taken on May 19, 1994, reported the same back with the following recommendation: 'do pass' Senate Bills 1384, Senate Bill 1510 and Senate Bill 1509. 'do pass as amended' Senate Bills 1279 and Senate Bill 1339. 'do pass as amended Short Debate' Senate Bill 1693, Senate Bill 1336, Senate Bill 1302, Senate Bill 1726 and Senate Bill 1369. 'do pass as amended Consent Calendar' Senate Bill 1211, Senate Bill 1191, Senate Bill 1691 and Senate Bill 1365.

Speaker Flowers: "Mr. Clerk, we're going to go to the Order of Senate Bills, Second Readings, where there has been no Amendments filed. And on that order we will go to Senate Bill 128, Representative Moore. Andrea Moore on Senate Bill 128. Out of the record. Senate Bill 1200, Representative Hughes. Representative Hughes. Read the Bill. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1200, a Bill for an Act amending the Illinois Highway Code. Second Reading of this Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Flowers: "Third Reading. Going back to Senate Bill 128, Representative Andrea Moore on Senate Bill 128. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 128, a Bill for an Act amending the Election Code. Second Reading of this Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Third Reading. Senate Bill 481, Representative McPike. Representative McPike. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 481, a Bill for an Act amending the Unemployment Insurance Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions

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

134th Legislative Day

May 19, 1994

filed. No Floor Amendments."

Speaker Flowers: "Hold it on second, Mr. Clerk. Senate Bill 1230, Representative Woolard. Representative Woolard. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1230, a Bill for an Act amending the Illinois Swine Disease Control and Eradication Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Third Reading. Senate Bill 1260, Representative Wennlund. Representative Wennlund. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1260, a Bill for an Act amending the Wildlife Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Flowers: "Third Reading. Senate Bill 1267, Representative Woolard. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1267, a Bill for an Act concerning Livestock Market Development. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Flowers: "Third Reading. Representative McGuire on Senate Bill 1285. Representative McGuire. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1285, a Bill for an Act amending the Counties Codes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Third Reading. Senate Bill 1200 is on Third Reading. Senate Bill 1311, Representative Kotlarz. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1311, a Bill for an Act concerning the dissemination of credit information. Second Reading of

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

134th Legislative Day

May 19, 1994

this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Flowers: "Third Reading. Senate Bill 1326, Representative Granberg. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1326, a Bill for an Act amending the Public Utilities Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Senate Bill 1376, Representative Daniels. Third Reading for Senate Bill 1311. Representative Cowlshaw, for what reason do you rise?"

Cowlshaw: "Madam Speaker, I see that Senate Bill 1376 is there, and I would like it moved to Third Reading, if that's possible?"

Speaker Flowers: "Senate Bill 1376 has been moved to...oh I'm sorry, hold on."

Clerk Rossi: "Senate Bill 1376, a Bill for an Act amending the Illinois Emergency Management Agency Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Third Reading. Senate Bill 1479, Representative Brady. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1479, a Bill for an Act amending the Illinois Insurance Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions are filed."

Speaker Flowers: "Third Reading."

Clerk Rossi: "Amendments 1 and 2 were adopted in committee to Senate Bill 1479. No Floor Amendments."

Speaker Flowers: "Third Reading for Senate Bill 1479. Senate Bill 1528, Representative Balthis. Read the Bill, Mr. Clerk."

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

134th Legislative Day

May 19, 1994

Clerk Rossi: "Senate Bill 1528, a Bill for an Act concerning the rural bond bank. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Representative Balthis, out of the record? Out of the record. Senate Bill 1528 will be held on second. Senate Bill 1708, Representative Black. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1708, a Bill for an Act to create the Illinois Conservation Foundation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Flowers: "Third Reading. Committee Reports."

Clerk Rossi: "Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Bills were referred, action taken on May 18, 1994, reported the same back with the following recommendation: 'do pass' Senate Bill 1172. 'do pass as amended' Senate Bill 1721. 'do pass Short Debate' Senate Bill 1138. 'do pass as amended Short Debate' Senate Bill 1724."

Speaker Flowers: "The Order of Government Administration, Third Reading. We have Representative Schoenberg on House Bill 2521. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2521, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Flowers: "Representative Schoenberg on House Bill 2521."

Schoenberg: "Madam Speaker, could you please take House Bill 2521 out of the record?"

Speaker Flowers: "Out of the record. Representative, on the Order of Government Administration, Second Reading. Representative Steczo on House Bill 2928. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2928, the Bill has been read a second

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

134th Legislative Day

May 19, 1994

time previously. No Committee Amendments."

Speaker Flowers: "Any Floor Amendments?"

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

Speaker Flowers: "Withdraw. Floor Amendment #1 to House Bill 2928."

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

Speaker Flowers: "Representative Steczo, on Floor Amendment #2."

Steczko: "Thank you, Madam Speaker, Members of the House. Amendment #2 provides that athletic events conducted in premises with an indoor seating capacity of more than 17,000 do not have to prescribe the...are not prescribed by the ticket requirements of the Department of Professional Regulation, and do not have to pay a tax on their gross receipts. That's what the Amendment does, Madam Speaker. We would be happy to answer any questions, but we move for the adoption of the Amendment."

Speaker Flowers: "On the question of the Amendment, Representative Black."

Black: "Thank you very much, Madam Speaker. An inquiry of the Chair. My file shows that I have requested a fiscal note on this Bill. If I haven't withdrawn it, I wish to withdraw it at this time."

Speaker Flowers: "Representative Black, if you did file a fiscal note, we will withdraw it. Representative Steczo, move for the adoption of Amendment #2 to House Bill 2928. All those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Flowers: "Third Reading. Read the Bill, Mr. Clerk."



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

134th Legislative Day

May 19, 1994

Clerk Rossi: "House Bill 2928, a Bill for an Act amending the Professional Boxing and Wrestling Act. Third Reading of this House Bill."

Speaker Flowers: "Representative Steczco."

Steczco: "Thank you, Madam Speaker, Members of the House. House Bill 2928, in its amended form, repels the gross receipts tax that we pay for boxing and wrestling events in the State of Illinois in venues of 17,000 and over. And basically what the rationale for this Bill is as follows: this Bill was...this tax was passed a number of years ago in terms...so the State of Illinois could try to get better revenue from these events. In actuality what has happened, the state has not had a professional heavyweight championship fight within its borders since 1964. So this tax has really done its job. What this does is repeal that gross receipts tax for two major venues of 17,000 in the state and hopes that they will be able to attract...hopefully able to attract these large fights, and hopefully in terms of doing that provide for more revenue to the State of Illinois. Madam Speaker, I would answer any questions the Members might pose. If not I would ask for your favorable support."

Speaker Flowers: "Representative Roskam."

Roskam: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Steczco. I think the notion of lowering taxes to encourage commercial activity in the State of Illinois is a tremendous idea. I am willing to work with you on all kinds of Bills if that is the underlying premise, go get 'em."

Speaker Flowers: "Representative Steczco to close."

Steczco: "Thank you, Madam Speaker. I just ask for a favorable passage of the Bill, and would like to thank Representative

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

134th Legislative Day

May 19, 1994

Black for withdrawing the fiscal note, although I did have one prepared for the file, I would just ask for 'yes' votes, Madam Speaker."

Speaker Flowers: "The Gentleman moves for the favorable passage of House Bill 2928. All those in favor vote 'aye'; opposed, 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. All voting 'aye'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Hawkins would like to be recorded as voting 'aye'. Representative Turner on House Bill 3174. Representative Art Turner. Out of the record. Representative von Bergen-Wessels on House Bill 2459. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2459, the Bill has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed."

Speaker Flowers: "Any Floor Amendments?"

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

Speaker Flowers: "Representative Moseley on Amendment #2. Mr. Clerk, Madam Clerk, Representative Moseley on Amendment #2."

Moseley: "I would like to table Amendment 2, Madam Speaker."

Speaker Flowers: "You would like to withdraw?"

Moseley: "Withdraw Amendment 2."

Speaker Flowers: "Withdraw Amendment #2. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Flowers: "Representative von Bergen-Wessels on House Bill 24. Third Reading."

von Bergen-Wessels: "Am I on? Thanks. Thank you, Speaker."

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "Read the Bill, Mr. Clerk. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2459, a Bill for an Act amending the Illinois Enterprise Zone Act. Third Reading of this House Bill."

Speaker Flowers: "Representative von Bergen-Wessels on House Bill 2459."

von Bergen-Wessels: "Thank you, Speaker. This Bill empowers DECA to provide detailed and comprehensive assistance to Illinois businesses in obtaining venture capital financing. Currently Illinois is lagging behind in the amounts of received by businesses when compared to other parts of the nation such as, the Silicone Valley in California, and the research triangle area of North Carolina. This will help entrepreneurs in high risk, start up companies to be able to get financing from capital venture funds that they might not otherwise know about, and I would ask for your favorable consideration."

Speaker Flowers: "The Lady moves for the passage of 2459. On that Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Inquiry of the Chair. First of all, was there a fiscal note filed?"

Speaker Flowers: "Mr. Clerk, is there a fiscal note?"

Clerk Rossi: "A fiscal note was requested on the Bill, but the Bill has been amended. The request was not as amended."

Wennlund: "The Bill was amended in committee, is my understanding. Committee Amendment #1."

Speaker Flowers: "Representative Wennlund, the answer to your question is, the Bill was amended, and the fiscal note should have read as amended. Representative Wennlund."

Wennlund: "No, Madam Speaker, if the fiscal note was filed after the Bill was amended in committee. So as it came out of

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

134th Legislative Day

May 19, 1994

committee, in whatever form it was in, the fiscal note was filed and applies to the Bill, as it came out the committee."

Speaker Flowers: "Is that what the fiscal note...is that what the fiscal note said, as amended?"

Wennlund: "I don't know...it doesn't make any difference whether the fiscal note said, as amended, or not. The Bill was amended in committee, then the fiscal note was filed. And it applies to the Bill in whatever form it comes out of committee as."

Speaker Flowers: "Representative Wennlund, if the Bill was amended in committee, the fiscal note should have indicated that you were referring to the Bill, as amended, not the Bill."

Wennlund: "Madam Speaker, is that the ruling of the Chair? In that case, I move to appeal the ruling of the Chair, Madam Speaker. And pursuant to Rule 55 (c) I demand a record vote, and I am joined by four of my colleagues on the House Floor. That is absolutely ridiculous. The Bill comes out of committee and whatever shape it's in, the fiscal note applies to it. The fiscal note doesn't have to say as amended, that's not what the rules provide for."

Speaker Flowers: "The Gentleman...the Gentleman move to appeal, to overrule the ruling of the Chair. All those in favor say 'aye', vote 'aye'; opposed vote 'no'. The voting is now open. Have all voted? Have all voted? The Clerk shall take the record. On the Motion, 49 'ayes', 65 'nays'. The Motion fails. Representative von Bergen-Wessels on House Bill 2459. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2459, a Bill for an Act amending the Illinois Enterprise Zone Act. Third Reading of this House

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

134th Legislative Day

May 19, 1994

Bill."

Speaker Flowers: "Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you. Just to reiterate, this is a good Bill for economic development, we in Illinois should be getting our fair share of venture dollars, venture capital dollars. The market for these dollars is highly competitive and our new entrepreneurs in Illinois could certainly use the assistance by DECA in giving them a...detailed information about how to go about getting venture capital funding. And I would ask you for a favorable vote on this Bill."

Speaker Flowers: "The Lady moves for the passage of House Bill 2459. All those in favor vote 'aye'; opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there is 91 voting 'aye', 17 voting 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Clayton."

Clayton: "Would you have me as voting 'yes' on that Bill, please?"

Speaker Flowers: "Representative Clayton, the record will so reflect, that you would have voted 'yes' on House Bill 2459. Representative Woolard on House Bill 2795. Out of the record. Representative Wyvetter Younger on House Bill 37...this is Government Administration, Third Reading. House Bill 3765, Representative Wyvetter Younger. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3765, a Bill for an Act amending the Public Community College Act. Third Reading of this House Bill."

Speaker Flowers: "Representative Younger."

Younger: "Thank you very much, Madam Speaker. House Bill 3765 is

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

134th Legislative Day

May 19, 1994

a Bill that would permit a referendum in reference to state community college. To have the people of the 601 college district pay the local share of the equalization formula by sales tax rather than property tax. This request comes from the mayors of the cities involved in State Community College District 601, it comes from the President of Sate Community College, it comes from the President of Bellville Area College, and it comes from a vast majority of the opinion makers, and setters in that district. The problem is, that the local real estate tax in the district is \$21 per \$100 assessed evaluation, whereas the average in the state is only three dollars. The real estate taxes are excessive, and therefore, the people would rather pay for state community college by sales tax. You will understand that state community college is an experimental district, that has not until this point paid real estate taxes or paid its local share. We certainly are willing and want to pay our local share now, and the only point of this Bill is that how we would pay it. We want to pay it by sales tax. The Bill calls for a rainy day fund that as it accumulates it would be used only for educational purposes. The Bill calls for the initial short fall of \$65,000 being made available by the...the treasurer...the general fund...out of the general fund to be paid back with funds from the sales tax. This is a very important Bill to my district, we are seeking to transfer State Community College to a locally autonomous college, and it would be a better for the people if they could pay for the college by sales tax. And I move for the passage of the Bill."

Speaker Flowers: "The Lady moves for the passage of House Bill 3765. On that, Representative Wennlund."

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

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "She will."

Wennlund: "Is this Bill limited in scope to one community college in the state?"

Younger: "It is limited in scope to District 601 state community college only."

Wennlund: "So it only applies to this community college in East St. Louis?"

Younger: "That's right. It would be a referendum locally and 601."

Wennlund: "And who collects...it authorizes community college district to impose a retailers occupation tax, plus a service occupation tax?"

Younger: "All those are part of what a sales tax is, a sales tax includes all those kinds of taxes."

Wennlund: "So it would be a sales tax on barber, for instance. So when you went to get a haircut, it would be a 1/4% sales tax on the haircut?"

Younger: "It would be a .25% sales tax on everything that is not exempt from state sales tax, the money that goes to the state like, liquor. Anything that would go to the local municipality for sales tax, it would...that would be the subject matter of this Bill."

Wennlund: "What I am trying to get to, it also imposes service occupation tax, which we currently don't have anywhere in the State of Illinois."

Younger: "I understand that the categories listed in this Bill are the usual categories for sales tax and at .25 rate, in other words, the sales tax now is 7.5 for East St. Louis. This would make it 7.75."

Wennlund: "I understand that, but what I am trying to get to, did this also extend the sales tax to services, isn't that correct?"

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

134th Legislative Day

May 19, 1994

Younge: "For all categories that are the subject matter of sales tax."

Wennlund: "Would a beautician services be subject to this new tax?"

Younge: "If that is included in the current sales tax, anything that is currently."

Wennlund: "It is not. Currently we don't have a service tax. Do you understand my question?"

Younge: "Yes. I understand your question. The Bill includes that into the definition of...in sales tax."

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

Younge: "Yes, the Bill includes service tax in the sales tax definition."

Wennlund: "So it would apply even to the services of an undertaker?"

Younge: "The Bill includes services and items..."

Wennlund: "Is that correct?"

Younge: "Yes, that's correct."

Wennlund: "It will, okay. And that would also apply to the local service station that changes your oil. The service tax would apply to the sales of those services, or beauticians, or barbers, or people in that kind of business. Is that correct?"

Younge: "The intent of the Bill is to include what is currently a part of sales tax, Representative."

Wennlund: "It would...could this apply by virtue of the committee Amendment to other new community colleges districts that are formed afterwards?"

Younge: "No."

Wennlund: "You would they have the power to do this?"

Younge: "No. Not by virtue of any Amendment. To this Bill, the Bill says that the board of State Community College would



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

134th Legislative Day

May 19, 1994

have to go back to the voters by referendum if any additional sales tax where added. But it has nothing to do with any other district other than state community college."

Wennlund: "Who, who would collect this tax?"

Younge: "The Department of Revenue would collect it, it collects taxes now."

Wennlund: "Oh the State of Illinois would collect this additional tax?"

Younge: "That's correct."

Wennlund: "From all of the services and all of the businesses in East St. Louis community college district? And what is it going to cost the Department of Revenue to go out and try and collect this tax?"

Younge: "Well the Department of Revenue already collects sales tax and I think it is a matter of pushing a button on a computer, it collects now the 7.5% sales tax which is...that applies down there."

Wennlund: "But they don't have..."

Younge: "So I think it will be..."

Wennlund: "They would obviously have to hire additional personnel to go into one particular county, or one particular district, community college district in the state, and go in there, and monitor, and audit all of the services, that are not currently being taxed, and all of the additional revenue it would collect from existing businesses. So there is something new here, they are going to have to go in and for the first time in this state, tax services and monitor the sales of all services in this community college district. It is going to be, obviously, additional personnel and additional time and additional money. And to the taxpayers all of Illinois so that this one district can

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

134th Legislative Day

May 19, 1994

have an additional tax, is that what we are saying here?"

Younge: "I'm saying that the Department of Revenue has a computer program by which it handles all of the collection of sales tax. I don't think an undue burden is put upon them, or requested of them in reference to what we are talking about. They're already collecting 7.5% sales tax down there and to just...to add to that 25% I don't believe is a big imposition. We go about computerizing, and automating our departments, and we should be able to have the benefit of that, Representative. That is what I am saying, and so I don't think it is...this is a home rule unit, a home rule unit has the power to increase its sales tax we're just...we have to come to the General Assembly only because we are talking about this is the way we want to pay for our junior college. It is already in the Bill that there will be a referendum where the people speak, that this is what they want to do. And I think that under the circumstances where we pay such high real estate taxes we ought to be...we ought to be permitted to do that. My request is to not add to the burden of the people in reference to real estate taxes but permit those people in District 601 only to have a referendum as to whether or not they want to pay for this college through sales tax. And that is my request to you today."

Wennlund: "Thank you. To the Bill, Ladies and Gentlemen of the House. This Bill sets a bad precedence for the State of Illinois. By allowing one...after we just spent years in bringing about a uniformity to our entire sales tax system. This Bill sets a bad precedence by allowing one district to impose a sales tax on sales of goods and on services. And then we're going to make all the taxpayers in Illinois pay for the cost of collecting it, and auditing it by the

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

134th Legislative Day

May 19, 1994

Department of Revenue, and monitoring every service industry, barber shops, corner gas stations, beauticians, morticians, whatever. We are going to put that burden on the entire state so this one community college district, which already relies heavily on funding from all of Illinois, this sets a real bad precedence. No wonder the Department of Revenue is so violently opposed to this thing. We could have Junior colleges throughout the state coming back and asking for the same thing and they would be right back into the hodpodge of sales taxes that we cleared up only just a few years ago. This is a bad Bill, it sets a bad precedence and it forces the rest of the taxpayers in Illinois to share the burden of collection and auditing. This Bill ought to be defeated, it sets a bad precedence and I'll tell you what, you don't want to have on your record coming in the fall election, the fact that you voted to increase sales taxes and impose a tax on services. Can you imagine the spin that they will put on that one? You ought to be able to defeat this Bill."

Speaker Flowers: "Representative Brady."

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

Speaker Flowers: "Yes, she will."

Brady: "Representative, I heard, I think I heard you say that this would only impose an additional tax that the Department of Revenue is now collecting. It is only on what they are collecting on now, is that right?"

Speaker Flowers: "Representative Wyvetter Younge. Representative Younge, would you please use Representative Coy Pugh's mike? Thank you."

Younge: "Thank you very much, Madam Speaker. Representative Brady, as I understand it, the Department of Revenue collects sales tax...taxes and right now it is collecting

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

134th Legislative Day

May 19, 1994

7.5% sales tax in the East St. Louis area and it will be just a matter of collecting 7.75% sales tax."

Brady: "Then something's not right, because they don't presently collect sales taxes on services. And your Bill calls for the community college to be able to impose that sales tax on services, does it not?"

Younge: "That is the way the Bill is written to this point, it may be that it will have to be adjusted. But what I am trying to do..."

Brady: "But Representative, I believe the Bill is on Third Reading, might I suggest that even if you get beyond the philosophical part, which I'm interested in the dialogue on of whether or not colleges ought to collect through this. Why don't you take it back to second and work out the Amendment so that we do know what we are voting on? Because there is a major impact that the Department of Revenue has to now start collecting sales tax from services. I don't think anyone wants to vote for that on either side of this aisle and be put in a spot of making this decision. We understand this is important to your district, but that is a major problem, is it not?"

Younge: "This is a major problem in my district, yes."

Brady: "I understand that, but the difference in the way in which this is worded. To put it on services versus just goods as today is a major difference and you could be opening something that I don't think you want anyone to vote on without knowing the answer."

Younge: "All right, Representative Brady, I will ask that this matter be taking out of the record, and I will amend it and ask that it be called again today. Madam Speaker, I would like to take this Bill out of the record. And I would like this important matter to my district and I would like to it

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

134th Legislative Day

May 19, 1994

called again today after I have prepared the Amendment."

Speaker Flowers: "Representative Younge, the Chair...would you please turn on Representative Coy Pugh?"

Younge: "Are we going to be here tomorrow?"

Speaker Flowers: "Yes, we will be here tomorrow."

Younge: "Okay. Thank you. I'll ask that this matter be taken out of the record and I would like to prepare an Amendment."

Speaker Flowers: "Thank you, Representative Younge. Representative, we will go back to the Order of Government Administration, Second Reading. Representative Art Turner on House Bill 3174. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3174, the Bill has been read a second time previously. No Committee Amendments."

Speaker Flowers: "Any Floor Amendments, Mr. Clerk?"

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

Speaker Flowers: "Representative Cross, on Floor Amendment #1. Withdraw. Are there any further Amendments, Mr. Clerk?"

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

Speaker Flowers: "Representative Cross."

Cross: "Thank you, Speaker. Amendment #2 amends the Criminal Code to provide a defendant who is admitted to bail for a felony, or a criminal offense in which the victim is a family, or household member. And who is charged with any other felony or criminal offense in which the victim is a family or household member while on release must appear before the court before bail is statutorily set."

Speaker Flowers: "The Gentleman moves for the adoption of Amendment #2 to House Bill 3174. On that, Representative Turner."

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

134th Legislative Day

May 19, 1994

Turner: "Madam Speaker, I will accept Amendment #2."

Speaker Flowers: "All those in favor say 'aye'; opposed, 'nay'.  
Amendment #2 to House Bill 3174 is adopted. Are there any  
further Amendments, Mr. Clerk?"

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

Speaker Flowers: "Representative Skinner, on Amendment #3."

Skinner: "Pursuant to Rule 55 (c) I would like to have a roll  
call on this and I am joined by four others. I believe,  
who would also appreciate a roll call. I see dozens. This  
Amendment is a short Amendment, it has to do with witnesses  
to executions, and it says that in selecting witnesses to  
the execution of a death sentence, first preference shall  
be given to the next of kin of the victim's of the  
defendant. It seems to me that this is a self explanatory  
Amendment, it is stimulated by hearing the victim's of John  
Gacy's or kin, the relatives of John Gacy's victims  
complain on the radio that they were in some room that was  
not close to the place where John Gacy was executed and  
they would have liked to have been in the witness room. I  
see no reason that if a relative wants to be in the witness  
room that he or she should not be allowed to be in the  
witness room. I ask for an Affirmative Roll Call."

Speaker Flowers: "On the Amendment, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the  
House. This is absolutely absurd. In the first instance  
you couldn't get all of the relatives of the victims of  
John Wayne Gacy in the same room, you would need the whole  
University of Illinois coliseum. Secondly, how insensitive  
to the families of violent crime than to allow them to  
witness the execution of the defendant. How insensitive to  
make it such a circus atmosphere, to the feelings of

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

134th Legislative Day

May 19, 1994

victims, of victims relatives, who will have to or feel like they have to witness the execution of this person. This is totally insensitive to the feelings of victims families, who will feel guilt because they don't show up and witness the execution of the defendant. This is a bad idea, the reason of the existing rules with the Department of Corrections don't provide...exclude relatives just for that reason, it brings back the memory. Years later, fourteen years later, it brings back the memory of the violent death of their relative. This is totally insensitive and inhumane to permit this. I urge a 'no' vote on this Amendment."

Speaker Flowers: "Representative Maureen Murphy."

Murphy, M.: "Thank you, Madam Speaker. This is very serious when we do put to death a heinous criminal, I hope we have the intention, this is a serious Amendment. The people, the victims families, have been taught that nothing is absolute. How often do victims families have to go to parole hearings to keep their beloved ones perpetrator in jail? Can we even imagine why there are parole hearings for Charles Manson? Why an elderly man, but a murderer who killed the Grimes sisters was let out because of his age? When I came back to Springfield from the execution of John Wayne Gacy. I responded to the victims families who felt they needed closure. And those who would want to attend should be given some priority. Thankfully, we don't have a lot of serial murderers who have 33 victims. But to not allow closure to those families who feel they owe it to their beloved one to see that justice is served is just a small price we can pay for the victims families. Again nothing is absolute. We have put the on as on victims families to keep people in jail. When I heard how upset

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

134th Legislative Day

May 19, 1994

they were it saddened me deeply. That they had asked to participate, and were not allowed, and I know for good reason. But we owe it to look into the ritual that we have created at executions. I also think we should be naming the victims to the perpetrator before he dies, but that is the second part of the story. I would appreciate your 'yes' vote and we do not have another criminal on death row that has killed 33 people. I do believe that it is...in the least a dignified way of bringing closure to the pain that the families victims have gone through. Thank you."

Speaker Flowers: "Representative Granberg."

Granberg: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Flowers: "He says he will."

Granberg: "Representative Skinner, I kind of understand but let me ask you a few questions first. Would there be any limitation on the family members on all family members?"

Skinner: "Obviously there would be a limitation with regard to room, of the size of the room."

Granberg: "So how would...how would the Department of Corrections actually do this? So in the case of...in the case of Gacy, where you have 33 innocent children brutally murdered and their families. How would the Department of Corrections go out and..."

Skinner: "With all due respect we're not talking about John Gacy here, we are talking about people who have not yet been executed. And to the best of my knowledge we do not have another serial killer on death row. So I think your..."

Granberg: "So how would the Department of Corrections do it hypothetically?"

Skinner: "First come, first serve."

Granberg: "Do they give the...do you make them line up like baseball tickets outside? First they camp out the night



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

134th Legislative Day

May 19, 1994

before and..."

Skinner: "I would assume it would be the first one that contacted the Department of Corrections."

Granberg: "Do you go to the ticket-a-tron and get tickets and put your order in first or..."

Skinner: "I'm sure that would make at least as much sense as how the Legislators on this House Floor were chosen to do the execution."

Granberg: "Yes. Now, it's easy..."

Skinner: "If the current system, Mr. Representative, is that the Department of Corrections director makes this decision. What I am suggesting that this, I am suggesting that this is a decision that is worthy of our voting. Now if you don't like the idea that's fine, if you think victims families should not be able to be in the room, instead you should be there, that's fine, Representative."

Granberg: "Representative Skinner, I tend to agree with you, but I think it would make more of a point if Legislators were excluded then. I see a Sponsor to the Amendments, with all due respect, I think it is more of a point that that person would give up their seat to a victim than themselves. I think that would be a much more dramatic point instead of a Legislator sitting in the execution room saying, why don't I give up my seat to this event and give it to the victim the victims family."

Skinner: "I believe the victims family, if the victim...the victims family have suffered a lot."

Granberg: "I agree."

Skinner: "And some of them most obviously, because it was on radio, wanted to be in that room and Director Peters would not allow them to be in that room. It was his arbitrary and capricious decision."

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

134th Legislative Day

May 19, 1994

Granberg: "Well, I...maybe the Legislators who attended instead of the families, should not have gone and given up their seats. Would you agree with that?"

Skinner: "I'm sorry, would you repeat the question?"

Granberg: "Would you agree then that maybe the Legislators who attended should have given up their seats and not attended and offered them to the victims families?"

Skinner: "Had they done so, the Director of Corrections would not have allowed them to be replaced by the victims relatives."

Granberg: "Don't you think that it might of been appropriate for them to offer?"

Skinner: "It would have made no difference. The decision had been made by Director Peters that no victims families would be allowed in the room and that is his current policy. I'm offering this Amendment to change that current policy."

Granberg: "And how would the departments...you said they would do this on a first come, first..."

Skinner: "Well, that makes sense to me."

Granberg: "Well what makes sense to you doesn't often make sense to a lot of other people."

Skinner: "Representative, if you want to vote against the victims families that's fine with me. I don't. I mean that's fine."

Granberg: "I'm just asking a serious question, how would the department implement it?"

Skinner: "You'll have your record to live with, I'll be able to live with my record."

Granberg: "If we just look at this, how would the department implement this policy? That's all I am asking, how would they do it?"

Skinner: "Well I have offered a suggestion, and it is certainly not meant to be a dictation to the department."

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

134th Legislative Day

May 19, 1994

Granberg: "Well, would the department serve notice to all families, second cousins, first cousins, where does it stop?"

Skinner: "Well, I happen to know a cousin of the I-57 murder."

Granberg: "Okay. I...in the Bill."

Skinner: "I don't know if she would want to go or not, but if she would want to go, Representative, she surely ought to have the precedence in that room over me."

Granberg: "Would the department..."

Skinner: "Or over you, or over anyone else in this room."

Granberg: "Would the department be obligated to inform every family member?"

Skinner: "I don't think so. I think the policy would be made known by the media."

Granberg: "Well, for purposes of legislative intent then this Amendment is adopted. How far do you want the department to go in sending notifications?"

Skinner: "I think issuing a press release would be adequate."

Granberg: "Issuing a press release?"

Skinner: "Yes."

Granberg: "Now when it comes, first come first serve, I mean...you say family members in the Amendment. How do you define family members?"

Skinner: "The way a genealogist would."

Granberg: "How far do you go? Do you go second cousin removed, uncle, I don't know..."

Skinner: "If the second cousin were a very close friend of the person that was murdered the answer would be yes."

Granberg: "So the department would have to determine whether the second cousin is a close friend?"

Skinner: "Representative, we have suggested..."

Granberg: "Representative, I'm just asking how you would define

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

134th Legislative Day

May 19, 1994

this."

Skinner: "I have suggested that I do not have all of the answers on how to do this. I mean, you suggested how they would do it, I said first come first serve. You have said, how would you define relative and I said I would define it as a genealogist would."

Granberg: "So, fourth cousin, fifth cousin, no..."

Skinner: "I would assume that the department would give precedence to those people who are closer relatives over those who that where farther away."

Granberg: "Well if you are trying to give direction to the department I would...I'm asking you to do that. How far do you want to go with this?"

Skinner: "Well I am not an expert in family law, but we would start with the immediate family, which would be mother, father, brother, sister."

Granberg: "And then after that?"

Skinner: "And after that would be grandmother, grandfather, grandson, granddaughter, niece, nephew."

Granberg: "And then after that?"

Skinner: "Uncle, aunt, cousin."

Granberg: "So the department would have to do a background check to do a family history of genealogy and say...I mean you are putting an obligation on them to notify, and I just want to put for legislative intent. How far do you want them to notify? How many people do you want them to notify?"

Skinner: "I think that's far...I suggested that they didn't have to notify any of them, I suggested a press release would be adequate."

Granberg: "So, they should issue a press release and then if someone says, I'm a member of the family, then they would

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

134th Legislative Day

May 19, 1994

be able to witness the execution?"

Skinner: "I am sure that the Department of Corrections can handle this at least as well as it handled the machine that killed John Gacy."

Granberg: "Representative, I understand what you are trying to do, but in determining the idea in its practical effect. That's what I am wondering about and how you actually go about implementing this."

Skinner: "Well, I think we've put enough legislative intent into the record."

Granberg: "So you would leave it up to the..."

Skinner: "To allow the Department of Corrections to figure it out."

Granberg: "You would leave it up to the discretion of the department and Director Peters?"

Skinner: "Yes, basically. I agree...I disagree with his basic presumption that victims...that families of victims should not be allowed to be in the room, see the execution, if those kin want to be. We are not mandating that they be in there, this is not meant to be punishment of the victims families."

Granberg: "Thank you."

Speaker Flowers: "Representative Ryder."

Ryder: "Thank you, Speaker. Inquiry of the Chair. Would it be against the rules if I were to introduce the fifth graders of Gilson-Brown School of Godfrey, Illinois?"

Speaker Flowers: "Yes it would be, Representative Ryder."

Ryder: "Thank you, Speaker."

Speaker Flowers: "Thank you. Representative...Representative Walsh on the question of the Amendment."

Walsh: "Thank you, Speaker. I agree with the Gentleman's Amendment. We're not making the families of the victims go

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

134th Legislative Day

May 19, 1994

to this, but right now they are restricted from going, and if they should contact the Department of Corrections and say, I personally wouldn't have any interest in attending this type of thing, but I have never lost a close family relative to a serial killer, or to anyone else, thank goodness. But if they want to go and witness it, these people have suffered long enough, and if they want and if they are interested in that. All this Amendment is doing is giving them the opportunity to witness the execution, if that's what they want to do and I think it is a good Amendment."

Speaker Flowers: "Representative Cowlshaw, on the Amendment."

Cowlshaw: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I rise in somewhat reluctant support of this Amendment. I have never had the terrible tragedy of losing one of my children, my husband and I have three children and they are now all adults and I treasure them more than anything else in my life. I have never lost one of my children let alone to lose one under conditions of a violent death. So I can't tell how someone would feel to whom that had happened, and I suggest to you that nobody can tell what that would be like, if it hasn't actually happened to you. Everybody who faces a tragedy, a terrible lose, of someone they truly love deeply reacts in a somewhat different way than anyone else. I for one, believe that if I had lost one of my children to a violent criminal, that I would not want to witness that individuals death. But on the morning when John Wayne Gacy was going to be put to death I heard on the radio one of the fathers of his victims being interviewed, and the reporter asked him, why would you want to be present to witness the death of Gacy, and his answer was; 'He was the last man to see my

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

134th Legislative Day

May 19, 1994

son alive. I wanted to be among those who were the last to see him alive.' If that was going to give that bereaved father any solace then certainly we should of permitted him to be there. And it is because I think that option ought to be available to the people who have faced this incredible tragedy, that I stand in somewhat reluctant support of this Amendment. Thank you, Madam Speaker."

Speaker Flowers: "Representative Saviano."

Saviano: "Thank you, Madam Speaker. You know, I rise in opposition to this for a couple reasons. Number one, this is not a circus, I mean, I...sympathize with the families, the 32nd victim of John Wayne Gacy was a childhood friend of mine, he went to school with me, Jimmy Mazarra. And this procedure, that we witnessed was an official procedure that should be done by professionals. It is not an outlet for revenge or anything like that. We went there, we witnessed it as state officials, there was official witnesses there. This is not a circus, this is not an event. I could tell you and I think the other Legislators who were there with us, will also go along with me on this, most of them probably will not go back to witness another execution. It wasn't as uneventful as everybody said it was, it was pretty eventful. It was...it was something else. So I have to say and I sympathize with the families. I was invited to go there, I felt as the Representative of my district, some of those victims where from my district, particularly the childhood friend that I had, and I have to say that let's not make this...this is not something that's trivial. And it is something that the professionals should handle, let them do their job, because you know what, that was John Gacy, I don't care if it could had been anybody in that chamber. But a human life was being taken and we

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

134th Legislative Day

May 19, 1994

witnessed it. I had no sympathy for John Gacy, but the fact that we were in that chamber, and a human life was taken is something that shouldn't be taken lightly. Some of you agree with this Amendment, that families should be there. Well I'm going to tell you what, they shouldn't be there. It's just not right. Thank you."

Speaker Flowers: "Representative Lang."

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

Speaker Flowers: "He indicates that he will."

Lang: "Representative, your Bill says that preference should be given to your next of kin. How you define next of kin?"

Skinner: "Well, Representative Mulligan has suggested that the answer that I should have given is, those that are notified in a parole hearing."

Lang: "Those who what?"

Skinner: "Would be notified in a parole hearing. But I think it could be broader than that, the people that I have named to the former question are not included in that notice."

Lang: "Well, are these next of kin notified in any particular order? So let me ask you this, so..."

Skinner: "I imagine if the Department of Corrections uses the technique I have suggested, which is issuing a press release, that it would be at the same time for everybody reading the paper or hearing the news report."

Lang: "So there is a finite number of people that can fit into this room, so if you are a second cousin and I'm a fifth cousin, but I have notified them first, do I get preference over you?"

Skinner: "Well within...let's assume that within one family it seems to me that the closest of kin should have first choice."

Lang: "And that's how it seems to you. So how does...what do you



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

134th Legislative Day

May 19, 1994

want the Director of the Department of Corrections to do in determining these? Are these people suppose to come with proof of I.D., blood lines, how are they suppose to prove that they are a fifth cousin?"

Skinner: "You know, this is the type of a question that an opponent to the death penalty would probably ask. What we are talking about here is victims rights, and to suggest that someone should have to bring a birth certificate to prove that they are a victim, that they are the wife or the son or the mother..."

Lang: "I'm not suggesting that, Representative."

Skinner: "Or the daughter."

Lang: "I'm asking..."

Skinner: "That insults the intelligence of the Director of Corrections."

Lang: "Excuse me. Sir, I'm not asking about the death penalty and I'm not asking about anything except the Bill. Your Bill says next of kin, the question is..."

Speaker Flowers: "Excuse me, Representative Lang. Representative Turner, for what reason do you rise?"

Turner: "Yes, Madam Speaker, take this Bill out of the record."

Speaker Flowers: "Out of the record. Representative Weaver, for what reason do you rise?"

Weaver: "Thank you, Madam Speaker. Point of personal privilege. I would like to chamber to help me welcome the students, the teachers, and the parents from Bennett School in Mattoon, right up above the gallery there."

Speaker Flowers: "Representative Wyvetter Young on House Bill 3765, Government Administration, Third Reading. Representative Wyvetter Young on House Bill 3765."

Young: "Speaker, in reference to Representative Wennlund's point we have concluded that an Amendment will not be necessary,

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

134th Legislative Day

May 19, 1994

that just the taxes that are collected now by the Department of Revenue, would be involved in Senate...in House Bill 3765. So it would not be a use tax or an additional tax, just the ones now and so I move for the adoption of the Bill."

Speaker Flowers: "Excuse me, Representative Wyvetter Younge. Representative Cowlshaw, for what reason do you rise?"

Cowlshaw: "Thank you very much, Madam Speaker. I am grateful to you for be willing to recognize me for this purpose. It is my pleasure to introduce to you one of the trustees of the University of Illinois who has come to join us and be with us today. She is the Lady sitting next to Representative Churchill, her name is Susan Loving Gravenhorst, let us welcome her please."

Speaker Flowers: "Representative Wyvetter Younge continue on with House Bill 3765."

Younge: "All right. In November of this year there will be a referendum in the State Community College district, in that referendum the people will be deciding whether or not they want a locally autonomous, district paid for by the local residents or whether or not State Community College will be a next to Bellville Area College. The people welcome that opportunity. What this means is, that although in the past, the state has made available some \$3 million to State Community College that, will no longer happen, and we will assume the burdens of this college locally. But we are a district that is heavily taxed by real estate, and the effort in this Bill is to have the local share of the equalization formula paid for by sales tax rather than real estate tax. And this is very important, because we are heavily taxed by real estate, and it will help to stimulate the economy, and help to grow. The Chamber of Commerce

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

134th Legislative Day

May 19, 1994

supports this Bill, the local Chamber of Commerce, the Leadership, all the Leadership supports it. So I ask for your help in reference in to passage of this Bill."

Speaker Flowers: "Representative Lindner on House Bill 3765."

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

Speaker Flowers: "She will."

Lindner: "It is my understanding that through this Bill we are just giving you the right to put this on a referendum."

Younge: "That's right."

Lindner: "What will the referendum language be? Will it just say sales tax, or will it enumerate what is included in the sales tax. So that the voters are clear as to what is going to be taxed? Or do you have the language that is going to be on the referendum?"

Younge: "Yes, I have the specific language which is in the Bill. For the establishment of a community college district replacing the existing experimental district, and having the authority to levee retail...retailer occupations, service occupation, and use taxes at a rate of 0.25 on all goods sold."

Lindner: "I'm sorry, what was the last word on..."

Younge: "On all goods sold. It is not on services just on goods sold. That's the difference and it's just the taxes, sales taxes that are collected at this time, there is no new category."

Lindner: "All right. Thank you."

Younge: "Sure."

Speaker Flowers: "Representative Black."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Sponsor's Bill and I think you have to take a look at...to go beyond the particular district that she is trying to

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

134th Legislative Day

May 19, 1994

help, and that she worked so very hard to try to help. If you...if you approve this concept, then you are going to set a precedent that you can create an entirely new taxing district which may or may not be contiguous to the taxing district already under consideration, that would be a community college district. Now, if you adopt this, then let's not kid ourselves, there are 49 community college districts, and I would imagine in the next four years that everyone of them will come down here, and want the same kind of consideration. And it might be easy for us to agree to that because it is a front door referendum to levee this sales tax for the purposes of education for a community college. But then if we do that, what we did four years ago in trying to reform the hodpodge of sales tax rates around the State of Illinois, will simply be null and void and we'll have to visit that question again. And so I certainly cannot quarrel with the Sponsor's good intention to help the community college that means so much in her district, but I cannot in good conscience support it by using a sales tax which then I think would set a precedent for almost any local government to come down here and ask to be created. So for that reason, I feel I must vote 'no' and ask the Members of the Body to consider voting 'no' as well."

Speaker Flowers: "Representative Meyer."

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

Speaker Flowers: "She will."

Meyer: "Representative, under your current Bill all you are doing is suggesting a tax for a community college district."

Younge: "Yes, that is correct."

Meyer: "Given the circumstances of your district, do you envision

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

134th Legislative Day

May 19, 1994

that you'll be back to us again next year, or the year after to include other taxing bodies for the same type of tax being allowed for them to..."

Younge: "No. Representative Meyer, I have no intention to come back and ask for other types of taxes. This is a special, peculiar, unique situation. State community college has received a grant of \$3 million a year from the state up to now, to November, it won't get that. Now the handle under permanent college districts, with an equalization formula, so the question is, what is...how will the local share of that equalization formula be raised? And we are simply saying that we would like to raise it by sales tax, rather than real estate taxes. And there is no intention to keep coming back, certainly the district is contiguous, all the community college districts are contiguous. And so this is a one time situation and the other thing is, that if this matter is presented again in some other form, then that is the decision at that time, all we're saying is this peculiar, special situation which I think is justified because of the high property taxes. Real estate taxes are high in the East St. Louis area than any place in the state, \$21 per \$100 assessed evaluation, everybody else pays an average of \$3. So it's these special circumstances that I am asking this House to assist me with, in reference to this matter."

Meyer: "Representative, who is the biggest sales taxpayer in your district?"

Younge: "I think that probably the most people are the taverns, I think that the biggest businesses are the tavern owners, I believe, probably. And the local Chamber of Commerce supports this Bill."

Meyer: "Thank you. To the Bill, thank you to the Bill, I

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

134th Legislative Day

May 19, 1994

certainly understand the plight of the Representative in that district. Unfortunately, I think that it does set a bad precedent, and I think the membership of this Body should be encouraged to look at what we are doing when we vote on this Bill towards the future. Are we setting that precedent that will have park districts, library districts, other community colleges, other taxing bodies in this state besieging the House of Representatives to pass legislation specific for their purposes? And I would encourage a 'no' vote."

Speaker Flowers: "Representative Monique Davis, for what reason do you rise? Representative Monique Davis."

Davis: "Thank you, Madam Speaker. At this time there is a history convention taking place at the Prairie State Convention Center, and one of those in attendance is this young lady next to me, Miss Amenna Bennett, who won the regional competition for her essay on the history of the Chicago Housing Projects. I think we should give her, raise your hand, her a warm round of applause for being the regional winner in a history contest. Thank you very much for Amenna Bennett."

Speaker Flowers: "Representative Maureen Murphy."

Murphy, M.: "Thank you, Madam Speaker, Ladies and Gentlemen. About this Bill, this will create a new tax, service tax and occupation tax for a huge community college district without referendum, so the people in Springfield will be on record voting in tax increases for all the people in a community college district. There are only 20 or 30 college districts throughout this state. This is without referendum and while we all are burdened by a large property taxes, and we would like to be able to do this, there are villages and cities that have home rule power.

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

134th Legislative Day

May 19, 1994

Where they can enact their own tax if they need additional monies. The collection by a community college district will be a nightmare. A community college district does not have neat little border lines and takes in many villages and cities. I urge you to not pass on taxes to people that are not representative of your district, on the guise of helping them into taxation. I urge a 'no' vote."

Speaker Flowers: "The question is...Representative Wyvetter Younger to close."

Younger: "Thank you very much, Madam Speaker, for permitting me to close. The Bill clearly states that there will be a referendum, and the people will be able to decide whether or not they would like to pay for state community college by sales tax. All we're asking for is an opportunity to present that matter to the people. And I think it is a very, very important matter. I would not be here asking for this if our real estate taxes were not as high as they are, they're the highest in the state. We're all trying to give economic opportunity to severely depressed areas, I am saying by having the opportunity to pay for our junior college by sales tax that will stimulate economic growth. And I think that it is a fair and good Bill and I know that it is very important to my district. So I ask for your help. This whole Body is about helping districts with problems, we have this special problem and we're attempting to mature and to grow up and be stable economically. So we are asking and pleading for your help in reference to this matter."

Speaker Flowers: "The Lady moves for the passage of House Bill 3765. All those in favor vote 'aye'; opposed vote 'no'. The voting is now open. The Rules Committee meeting will be meeting immediately in the Speakers Conference Room.

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

134th Legislative Day

May 19, 1994

Rules Committee meeting in the Speakers Conference Room immediately. Have all voted who wish? Have all voted who wish? Representative Coy Pugh to explain his vote."

Pugh: "Madam Speaker, Ladies and Gentlemen of the House. Last week we discussed a measure similar to this, and the other side of the aisle informed us that we are brought here so that we can help each other as Representatives represent our districts in the best capacity that we could. This is not a tax increase, this Bill merely allows the community, in East St. Louis, to decide whether or not it wants a tax increase. It is a referendum, this is not a tax increase and if we're...if we're here in order to help each of us better represent our district, then we should have more 'green' votes on there. I can't understand why when issues affecting the minority community receive only minority votes. But issues affecting caucasian communities receive Republican and Democratic votes. I think it is wrong, I think that each community deserves the opportunity to determine for themselves whether or not they want to be taxed. I expect that we should have more 'green' votes."

Speaker Flowers: "Representative Davis, to explain her vote. One minute to explain her vote."

Davis: "Thank you, Madam Speaker. I rise in support of Wyvetter Young's Motion here. I believe that this legislation, that gives the residents of her community an opportunity to vote on whether they want a tax increase, or whether they want to increase funding for something. They have a right to that, and I really don't understand why we would be opposed to her community having the opportunity to vote on this kind of an issue. I have to agree with Coy Pugh that too often when those of us from the African-American community present legislation for our community, it is



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

134th Legislative Day

May 19, 1994

usually opposed. There are many times when Wyvetter will give most of you a vote and I have often asked her why? But she will vote to support your issues with that constant fervent hope that you will help her with her community. If you know something that we don't know that we should be pushing a red button too, tell me. If there is a reason that I should not vote green on here, please tell me. Do you know something about this district that I don't know? I urge you to consider in your heart the very fact that this person is from this district. The Bill is for her district and it would certainly be a novel idea for you to support someone who always supports you."

Speaker Flowers: "Have all voted who wish? Have all voted who wish? Representative Younge."

Younge: "I was wondering if the Body would give me enough votes to put it on Postponed Consideration. Could I have 7 more votes to put this on Postponed Consideration?"

Speaker Flowers: "The Lady is asking for enough votes to put the Bill on Postponed Consideration. Five more votes to put it on Postponed Consideration."

Younge: "If you will help me put it on Postponed Consideration, I would appreciate that very much."

Speaker Flowers: "The Lady wishes the Bill to be placed on Postponed Consideration. Take the record, Mr. Clerk. Thank you. 50 voting 'aye', 59 voting 'no'. This Bill, having received...This Bill will be placed in the Order of Postponed Consideration. On the order of Government Administration, Second Reading. Representative Clem Balanoff on House Bill 3786. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3786, a Bill for an Act amending the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions

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

134th Legislative Day

May 19, 1994

have been filed. No Floor Amendments."

Speaker Flowers: "Third Reading. Excuse me, Representative Ann Zickus, for what reason do you rise?"

Zickus: "Thank you, Madam Chairman. I rise in a point of personal privilege. We are privileged today to have the women from the Christ Hospital Women's Auxiliary in the back of our chambers. These pretty ladies in the orangeish shirts, we have 17 women with 169 years of service. They have volunteered their time for the hospital, and they told me that they have never gotten a pay raise. And I would like you all to give them a nice warm Springfield welcome. Thank you."

Speaker Flowers: "Representative Balanoff on House Bill 3786, Third Reading. Read the Bill, Mr. Clerk. Representative Balanoff. Representative Balanoff on the Bill."

Balanoff: "Yes, Madam Speaker, Ladies and Gentlemen of the House. House Bill 3786 would require that any cement product manufactured in a kiln that burns hazardous waste must bear a warning label currently as residue is mixed with the cement product. Heavy metals, like lead, cadmium and chromium which can cause cancer in and impair childhood development would end up in the cement. Many by-products of combustion including chlorinated dioxants and flourants end up in the cement and these also can cause cancer infertility and immune suppression. What we are doing is unknowingly spreading toxins to the walls of hospitals, schools, and houses, workers are unknowingly exposed. It is simply a consumer right to know Bill."

Speaker Flowers: "Excuse me, excuse me, Representative Balanoff, some of the Members are complaining that they cannot hear. Can you please lower your voices? Please lower your voices."

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

134th Legislative Day

May 19, 1994

Balanoff: "Workers are unknowingly exposed, it is simply a consumer right to know Bill. Also it protects jobs in Illinois. Because none of the four cement kilns in the State of Illinois currently burn hazardous waste. So we'll protect Illinois, these Illinois jobs from unfair and dangerous competition of waste burning companies outside of the State of Illinois. Illinois citizens must be protected from some such exposure. And as consumers and workers have a right to know that the product they're buying or working with could cause such...could contain such hazardous and toxic chemicals. House Bill 3786 could prevent another costly cleanup similar to that the asbestos one which proved that an ounce of prevention is worth a pound of cure. And I would be happy to answer any questions."

Speaker Flowers: "Mr. Clerk, can you check to see if this Bill has been read a third time?"

Clerk Rossi: "House Bill 3786, a Bill for an Act that amends the Environmental Protection Act. Third Reading of the Bill."

Speaker Flowers: "Representative Wennlund."

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

Speaker Flowers: "He indicates that he will."

Wennlund: "Thank you. Representative Balanoff, I guess I am missing something. Do any of the companies that make cement lime or aggregate, do they burn hazardous or toxic waste now?"

Balanoff: "No. Currently in the State of Illinois none of the four companies that make cement burn hazardous waste as part of the fuel. But many companies out of state do, and it provides unfair competition then for those incinerators, and it also provides an unsafe condition for cement products coming into the State of Illinois, so to protect Illinois jobs and Illinois workers."

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

134th Legislative Day

May 19, 1994

Wennlund: "So they...do companies outside of Illinois, what do they do, burn hazardous waste?"

Balanoff: "What they do in a cement process, in making process, in a kiln they burn as part of the fuel, hazardous waste. They take the ashes that is left over from this hazardous waste and mix it with the cement and put it in bags. Just like they would take the ash instead of disposing of it anywhere, just mix it with the cement product. So what you have is, you have toxic ash potentially in product."

Wennlund: "Well it currently, matter of fact, I think it was the United States Supreme Court, currently ruled that many of these types of laws to be unconstitutional and in violation of the Interstate Commerce clause. Is that..."

Balanoff: "Well, no, no, what the U.S.. Supreme Court recently ruled was that the ash from incinerators, municipal waste, not from a cement kilns that burn hazardous waste has to be tested and it should be disposed of in a hazardous waste landfill often times. That is what the Supreme Court recently ruled."

Wennlund: "But, so currently it would not apply to any of those manufacturing operations in Illinois? It would only be applied to imported cement?"

Balanoff: "That is correct. Because nobody in the State of Illinois is currently burning hazardous waste. What it does in essence, it protects Illinois jobs, because if there was two bags of cement sitting in a hardware store and one of them was labeled and it would say and I will read you the exact wording that we had suggested: WARNING This product was made while burning hazards or toxic waste, and may contain various amounts of that waste including; lead, cadmium, or other toxic metals. This waste may leach out of this product and result in environmental

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

134th Legislative Day

May 19, 1994

contamination for which you may be partially liable. Use at your own risk. So what you are doing is, if those to bags of cement were sitting in a hardware store, and because none of the ones in Illinois would have to have that labeling, probably, consumers would want to buy the one that they knew to be free of toxins. That is what this Bill is attempting to get at."

Wennlund: "Do any other states have this same type of provisions? So that..."

Balanoff: "I am not aware if they do or not."

Wennlund: "Thank you very much."

Speaker Flowers: "Representative Persico."

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

Speaker Flowers: "Yes, he will."

Persico: "Thank you, Representative, according to the detail of your Bill what will have be on the label, and will it have to be in certain languages or just english, or could you tell us in more detail..."

Balanoff: "As I said, I just now read what would be on the warning label and I would imagine that they would..."

Persico: "I'm sorry I can not hear you, right."

Balanoff: "It should be, we, we as suggested I just read what would be on the label. And it should be printed in english and spanish and at least on quarter in size bold face letters..."

Persico: "So any wholesale..."

Balanoff: "Oh, no I am sorry that for in wholesale it would have to be in, yes."

Persico: "How about retailer?"

Balanoff: "Retail would have to just appear as warning notice on the bag."

Persico: "In both english and spanish?"

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

134th Legislative Day

May 19, 1994

Balanoff: "Yes."

Persico: "And how much to you estimate that this will cost businesses to adopt these labeling procedures?"

Balanoff: "I think it would probably cost nothing at all. Because when they print the labels on bags as they do now, it would just be adding more print to the front of a bag. I think it would cost zero, and I think it would save us a tremendous amounts, potentially in the long run if we had something like the clean up that has been involved, very costly clean up with asbestos."

Persico: "If the cost is zero then why are so many groups against it, like the Illinois Manufacturing Association, the Chemical Industry Council, and so on. If it is going to cost business no more money then why do you think they would be against this Bill?"

Balanoff: "I absolutely have no idea. You would have to ask them. Because I know that though when you mention organizations that are in opposition, certainly there are some that are in opposition. But in this case, interestingly, a lot of times when you do things that are, well to be considered more environmentally friendly there is a question that is posed, it is a question that people say are you for jobs or are you for the environment? Well this is one that not only the environmental community behind this legislation, but the AFL-CIO and working men and women are also and behind in support of this legislation, to protect jobs in Illinois."

Persico: "So, Representative if a wholesaler or manufacturer's sell or manufacture the cement or lime in California and they sell it to Illinois, they have to put this labeling on there product? On the bag?"

Balanoff: "Yes, they would."

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

134th Legislative Day

May 19, 1994

Persico: "In order to sell it in Illinois, they are going to have to do that?"

Balanoff: "Absolutely."

Persico: "And you are saying that this does not go against the Interstate Commerce Act?"

Balanoff: "No, because you are allowed as long as every, whether you are in state or out state you have the same rule and regulation, my understanding is that in this type of situation it would be legal."

Persico: "And there have been court decisions to say that, is what you are saying?"

Balanoff: "We believe it would be upheld."

Persico: "Well thank you, Representative and to the Bill. I rise in opposition to this Bill. I believe that if this labeling would cost zero, as the Representative has said, then I do not believe that groups such as the Illinois Manufacturing Association, the Chemical Industry Council, the State Chamber of Commerce, the Department of Energy and Natural Resources, the Illinois Environmental Protection Agency, the Bureau of the Budget, and the Construction Industry Council of Illinois, would be against this particular Bill. And I urge you to vote no on this Bill."

Speaker Flowers: "Representative Rutherford."

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

Speaker Flowers: "Yes, he will."

Rutherford: "Representative Balanoff, just as a question. Is there some way to determine or is there some gauge or some barometer to tell how much hazardous waste may be in this ash that is in this product being distributed."

Balanoff: "No, because right now there they don't, if you were to burn hazardous waste you are not required to test the ash from cement kilns. Cement kilns are the least regulated

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

134th Legislative Day

May 19, 1994

when it comes to burning hazardous waste."

Rutherford: "Okay, I understand that they are not burning it in Illinois. We have other states that are doing that. But in those other states is there any type of indication of what would be brought into our state of Illinois in regards to hazardous waste within this product that is mixed?"

Balanoff: "What we know that cement from other states enters the state of Illinois and from...it is entering from often times from states that allow it to be burned and from kilns that do the burning, possibly in Michigan or in Indiana."

Rutherford: "Another question then, who would be responsible to monitor products coming into our state, to sure that it is appropriately labeled with this Hazardous labeling?"

Balanoff: "I imagine it would be the Illinois Environmental Protection Agency."

Rutherford: "The Environmental Protection Agency?"

Balanoff: "Right."

Rutherford: "Or the Illinois Commerce Commission, or the State Police, who?"

Balanoff: "I believe it would be the Illinois Department of Environmental Protection."

Rutherford: "And what mechanism does the EPA have in place to regulate and monitor product proper labeling coming into our state?"

Balanoff: "Well, I do not think they have anything currently in place, but I think that what they could do is, I mean it is a pretty simple kind of thing. If you either and incinerator burns this stuff, a cement kiln either does burn it or does not burn it. And if they do, are one of the operations that does burn it as part of the fuel, then it would have to be labeled. I will repeat that, I'm sorry. I think it will be a pretty simple procedure



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

134th Legislative Day

May 19, 1994

because either a cement kiln does burn this stuff, the hazardous waste or it does not. It is not like there is a middle ground on this one. And so if it was an operation, then it would be very easy to be able to find out from that state the surroundings, it is not like we are talking about 20,000 cement kilns in the country. There is probably very few. The State of Illinois has I said has four."

Rutherford: "I understand the point in regards to..."

Balanoff: "I mean it would not be able to come from Calabasas California, because their cement kilns does burn hazardous waste."

Rutherford: "I understand the point in regards to, what hazardous waste is. But it does not sound to me as though there is a mechanism in place to enforce, or regulate this law that if it did go on the books. Is that pretty accurate?"

Balanoff: "Well, I think that within the Illinois Environmental Protection Agency. It is the kind of thing that could be very easily set up and monitored."

Rutherford: "What would the fiscal impact be to the EPA to have to monitor and regulate this?"

Balanoff: "To the best of my knowledge, they have not filed any, you know any slip to say what if any cost there would be. And I am sure it is the kind thing that could be very very easily enforced."

Rutherford: "How much product, are we talking about that is coming into the state now that would come from hazardous waste burning facilities?"

Balanoff: "I would say that you are talking about quite a bit of product actually, but you're also...it is a question of remember it is a question of protecting jobs in Illinois, and protecting the public from unknowingly maybe getting, buying a bag of cement that may or may not they may contain

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

134th Legislative Day

May 19, 1994

hazardous waste and chemicals like leads, which can cause learning disabilities in children, from buying a bag of cement that we might patch a wall at a hospital and or...a like situation, so it is something that would protect the consumers and the public."

Rutherford: "Thank you, to the Bill. I appreciate where the Representative is coming from, on this especially the last statements he's made in regards to protecting the children and the hazardous materials that could be coming into our state. The biggest concern I have, and to be quite frank about it, the biggest concern I have, is the fact the we could well be passing legislation, that we do not have needs to enforce or to regulate and that seems to be the biggest question mark too. I would take deference though the Sponsors comment, that he did not believe that there would be a fiscal impact to this. Because obviously any time we have to enforce some type of law or regulation in Illinois, there is some fiscal impact to that. So for that reason I would suggest a 'no' vote."

Speaker Flowers: "Representative Pedersen."

Pedersen: "Thank you, Madam Speaker and Ladies and Gentleman of the House, you know asbestos is a lousy example. I have been reading in the last three or four years, that all of this asbestos removal deal was just another big boondoggle and a rip off of the taxpayers and it never should have been done. The tragedy is that some of our governing bodies are still removing asbestos. What they ought to be doing is going to court and telling them for scientific reasons they should not have to be doing this. So if this is the kind of example that our Sponsor is using, I think he is maybe just as off base on the basic Bill, and let's vote 'no'. Because all these alarmist out there are just

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

134th Legislative Day

May 19, 1994

trying to create a scare, so that they can spend money, and control us all the more. So I urge a 'no' vote."

Speaker Flowers: "Representative Black."

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

Speaker Flowers: "Yes."

Black: "Taking this Bill to extreme..."

Speaker Flowers: "Excuse me Representative Black. Representative Mautino, for what reason do you rise?"

Mautino: "A question for the Sponsor."

Speaker Flowers: "Representative Black."

Black: "Okay, for example Representative, under your Bill. Let's say that a bag of cement came into my home town of Danville, and I know never go to a hardware store that I do not read every word on a label of cement. God knows that I want to know what is in that cement sack. But let's say that it was labeled, I mean it was produced in plant that does not burn anything except solar energy, but, but the guy, the guy, or the male or female who picked the sack up and put it in the box car for shipment, now should we label that bag of cement because that person who loaded it on a box car was smoking a cigarette. I don't know whether we have declared that hazardous waste yet, we might. Well obviously he does not think maybe we would. Let me just say this to the Bill, Madam Speaker and Ladies and Gentlemen of the House. I think we should carry this to the extreme, I think we ought to put labels on cement trucks when they run up and down the highway, or they are coming to your house to pour your footings, or your driveway, there ought to be a label on that drum, and when that drum goes round and round you can read that label, cause God knows we might not know what is in that load of

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

134th Legislative Day

May 19, 1994

concrete. I on, I on the other hand assume that the only thing that is in there is concrete, but heavens no there might be something in that concrete. There might be ozone. I do not know what is in there. I just see that there is just no end to what we could do. I think if we are really going to label something and with this is really a environmental issue of the century, and we are going to be the only state in the 50 that has to have cement brought in to the state of Illinois labeled, that they might have burned creodote railroad ties, to produce the steam that made the concrete. Now we are going to be the only state in the union that has that. And that of course will be good for business, the hardware stores will love it. If we want to label something, why don't we label this area here back in the back of the chamber, where everybody goes back there and smokes a hazardous weeds, may be we ought to label that. But oh, no we will leave that alone. I know for a fact that I am going to sleep more soundly tonight knowing that we might label bags of cement, in the state of Illinois. You know, I used to use nothing but margarine, I read all those labels that said margarine is good for you. My, God I picked up the paper yesterday and now they tell me margarine is bad for me. I am telling you things are out of hands, I quit eating apples five years ago because of A-LAR. Now they tell me that there was not any A-LAR on there at all. They tell me that my automobile puts out hazardous waste, but there is no label on my automobile, so maybe we could label the automobile with the left over labels from cement sacks. Well, I don't know about you, but I am just a little tired of chicken little, margarine is bad for you, no it is good for you, no it is butter bad for you, milk is bad for you, the seven basic food groups

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

134th Legislative Day

May 19, 1994

that I learned in grade school, are out the window. We have so many labels on top of labels that nobody pays any attention to them any more. I think this Bill should go back to that great environmental laboratory in the basement for a little more study and research and vote no. Now if you are really concerned about this, maybe we will let our good friends in California pass this law first and if you want to buy organically grown and produced cement may be could have it shipped in from California with everything else you want from that state. I do not want to do that. If I want to go home and patch my sidewalk I just want to do get a bag of cement. You can keep your label. I intend to vote 'no'."

Speaker Flowers: "Representative Hughes."

Hughes: "Thank you, Madam Speaker. To the Bill, this is a Bill that went to the wrong committee. It is not about health and safety, it is not about anything to do with the environment this Bill is about job protection. It should have gone to labor and commerce in the first place. I am going to vote against House Bill 3786, because I believe that it is irresponsible for us to be providing information that is misrepresentative to the public and even more so to do it when it is for job protection, not for safety and I urge you to look at that issue and vote no."

Speaker Flowers: "Representative Skinner."

Skinner: "I wonder if the Sponsor could tell us where these four kilns are?"

Speaker Flowers: "Representative Balanoff, Representative Skinner is asking a question."

Balanoff: "Can you repeat the question. I was thinking about Representative Black sleeping well at night and why he should have voted for this Bill. But yes."

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

134th Legislative Day

May 19, 1994

Skinner: "I wonder where the four kilns are located."

Balanoff: "The four cement kilns to the best of my knowledge are located in...one is located in Oglesby, Illinois one in La Salle, one is either the Sterling Dixon area and one is down state and I do not know where that is."

Skinner: "Well none of those are in your district."

Balanoff: "I am concerned about protecting the public and protection jobs."

Skinner: "No one on the House Floor from any of those districts has spoken yet."

Balanoff: "Well, I think if you look up at the board I know Representative Mautino, is a Co-Sponsor of this Bill, and is waiting his turn very patiently while the question on this piece of legislation. He is from a district that does have I think, I believe it is two is that right Frank? He has half the cement kilns in the state of Illinois in his district."

Skinner: "Well, I am certainly anxious to here him, but before I hear him. But before I hear him I would like to know these four kilns?"

Balanoff: "There is Illinois Cement and I do not who the are, I can tell you the names of the kilns. I would rather...defer, when it comes time for Representative Mautino. He will tell you the names of the kilns in his districts. I do not know what the names of the four plants are though."

Skinner: "What about the names of the two that are not in his district?"

Balanoff: "I am saying that I do not know what the names of those plants are."

Skinner: "Why is the Illinois Environmental Protection Authority..."

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

134th Legislative Day

May 19, 1994

Balanoff: "I was not aware that they were opposed to this piece of legislation. To the best of my knowledge, I do not remember in committee that they expressed opposition."

Skinner: "You, listed a long list of elements that you contented were hazardous materials."

Balanoff: "Well there are heavy metals that are in hazardous waste, leads, cadmium, that are in heavy waste, by products of combustion, and things like dioxins and furens that are created."

Skinner: "Assume that lead is under the acceptable limit, according to the federal EPA. Would the cement manufactures still have to list this as a hazardous material?"

Balanoff: "Pardon me. Can I here the question again."

Skinner: "Yes, with regard to lead, if the lead contents in the cement were under the acceptable limits the safe..."

Balanoff: "First of all Representative Skinner, stop right there."

Skinner: "May I finish the question please?"

Balanoff: "Stop right there, because the question of a safe limit is when many of these things bio-accumulate in you until they cause a problem. So it is like that they say is this safe, well if that is all you have, yes maybe that would be considered safe, but when you have an accumulative effect often, times of what will end up causing the problem. We all acknowledge all doctors acknowledge that many of these things bio-accumulate in you, until they do damage or kill you."

Skinner: "Representative, in my district is probably the leading company in getting rid of lead in the country at this point. I do not need the lecture. If it can not be measured by the instrument which measures lead content. Do

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

134th Legislative Day

May 19, 1994

they have to put that lead is in the bag?"

Balanoff: "What the label would not say that lead is in the bag, it said that it may contain heavy metals, leads, and things are possibilities. It does not say specifically that it would contain lead or it may have cadmium or that it has a dioxins or furons in it. So that it may contain because of the way that the product was produced."

Skinner: "You are asking us to mandate a label that may have irrelevant comments in it."

Balanoff: "Well, not really, the U.S.. Supreme Court just a couple of weeks ago, said that look ash from municipal waste incinerators, incinerators that burn just every day garbage, we should test that ash to find out its level of toxicity. The environmental defence fund said that 43% in there tests of...."

Speaker Flowers: "Representative Skinner are you finished with your question?"

Skinner: "No, I have not and I am sure that I have not used up five minutes, but perhaps it is time to go to committee and in which case I would be perfectly happy to have the Bill taken out of the record and we can go do something useful."

Speaker Flowers: "Representative Balanoff, please."

Balanoff: "Yes, I was going to continue. That when the environmental defence fund did, they tested ash from municipal waste incinerators and they found that 43% of the ash tested, was contained was above the standards to be considered it would have to be disposed of as hazardous waste. That is in part the and others brought the law suit, now what they found was, the Supreme Court said that from now on, all ash from municipal waste incinerators remember they are burning household garbage, they are burning hazardous waste, would have to be tested, and if it contains toxins



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

134th Legislative Day

May 19, 1994

or hazardous waste would have to be disposed of in an appropriate hazardous waste landfill."

Skinner: "I understand what you are saying..."

Balanoff: "When you have a cement kiln, they are much less regulated. We are not talking about them burning household garbage, we are talking about them burning hazardous waste and toxic waste. The ash from these is untested. So what you are doing is you are unknowingly putting hazardous waste some of the ash certainly is toxic."

Skinner: "But what if it is tested and it is below the Federal EPA's..."

Balanoff: "The problem is that they do not do that now..."

Skinner: "What if they do, would they still have to label it?"

Balanoff: "Well, what, I think that is something that when we come to that bridge we certainly will cross it in the future. But particularly, currently that is not the case with cement kilns burning hazardous waste."

Skinner: "All right I am wondering when you are going to attack a real lead problem, like the lead alongside every road in the state of Illinois, that is there from the use of leaded gasoline. Decades of use of leaded gasoline. Do you really want to find a lead hazard in this country, go scrape up some dirt next to your nearest road, that is where you are going to find it."

Speaker Flowers: "Representative Mautino."

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

Speaker Flowers: "Yes, he will."

Mautino: "Have you had contact with members of organized labor?"

Balanoff: "Yes, I have."

Mautino: "Specifically, have you spoken with the masons the bricklayers, the people who work with this material every day?"

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

134th Legislative Day

May 19, 1994

Balanoff: "Yes. I have spoken with the cement finishers, with the masons, with carpenters, and every one of them is very concerned about their workers and are in support of this legislation as is the AFL-CIO."

Mautino: "Thank you, to the Bill. Ladies and Gentleman, I was approached not only by environmental groups within my district. I do have cement kilns which do not burn hazardous waste, but also by members of organized labor, and their concern being, if they do work with these materials day in and day out, and someone who is working in the masonry, if you are not familiar with it, there is something called a cement burn. That is when you stand in the cement throughout the course of the day, they develop burns. Sometimes they take months to heal, these men work very hard, men and woman both, and what they are saying is we want to know what is in the cement that we are using, if there is toxic waste. And I have also talked to members, I also have the chemicals industry, within my district and talked to Representatives from some of the major corporations dealing in chemicals, their feeling, which they have also given in a letter is if there, in fact, house hold hazardous waste within the cement, then there probably should be some notification. People should know the material that they are using to build there homes, to make their living, to build their communities are environmentally safe. I stand in support of the Gentleman's Bill, and I would appreciate 'aye' votes."

Speaker Flowers: "Representative Lawfer."

Lawfer: "Thank you, Madam Chairman. To the Bill. I am concerned about future generations, and I am also concerned about the future of young people such as the girl scouts that are serving as pages down here in this corner of the aisle. We

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

134th Legislative Day

May 19, 1994

need to protect them, but we also need to discuss other matters. I think we need to be discussing education, so that these people can go off, so that they can read the labels if we are going to label different products that is the important thing. I urge a no vote on this. Thank you."

Speaker Flowers: "Representative Balanoff, to close."

Balanoff: "I think that we had a lot of discussion about the Bill. I just like to say, in closing that it is not only good for the environment, it is a consumer right to know issue, and it protects workers, and it protects jobs in the state of Illinois, and I would appreciate your 'aye' vote."

Speaker Flowers: "The Gentleman moves for passage of House Bill 3786. All those in favor of the Bill, vote 'aye'; opposed, vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, shall take...the Clerk, shall take the record. The Sponsor asks for the poll of the absentees."

Clerk McLennand: "There are no Members not voting."

Speaker Flowers: "Representative Davies, changes her vote to 'aye'. Representative Black, for what reason do rise?"

Black: "Thank you very much, Madam Speaker. An inquiry of the Chair. Did you not take the record?"

Speaker Flowers: "No."

Black: "All right, I will ask for the affirmative of the or a verification of the affirmative roll."

Speaker Flowers: "Representative Hawkins, changes his vote...you wanted a verification? Representative Edley, changes his vote to 'aye'. Mr. Clerk, take the record. On this question there are 61 voting 'aye', 51 voting 'no'. And the Gentleman asked for a verification. Mr. Clerk, please pull those voting in the affirmative."

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

134th Legislative Day

May 19, 1994

Clerk McLennand: "Poll of those voting in the affirmative. Representatives Balanoff. Blagojevich. Bugielski. Burke. Capparelli. Curran. Currie. Dart. Davis. DeJaegher. Dunn. Edley. Erwin. Flinn. Flowers. Frias. Gash. Giglio. Giles. Giolitto. Granberg. Hannig. Hanrahan. Hawkins. Hoffman. Jones, Lou. Jones, Shirley. Kotlarz. Lang. Laurino. Levin. Martinez. Mautino. McAfee. McGuire. McPike. Moore, Eugene. Morrow. Moseley. Murphy, H. Murphy, M. Novak. Ostenburg. Phelan. Prussing. Pugh. Raschke-Lind. Ronen. Rotello. Saltsman. Salvi. Santiago. Schakowsky. Schoenberg. Sheehy. Steczko. Stroger. Turner. Wennlund. Younge. Mr. Speaker."

Speaker Flowers: "Mr. Black any questions of the affirmative?"

Black: "Yes, thank you very much, Madame Speaker. Representative Prussing?"

Speaker Flowers: "Representative Prussing, she is the front..."

Black: "Representative, Stroger?"

Speaker Flowers: "Representative Todd Stroger, is standing at his chair."

Black: "Representative, very hard to see, there are so many people on the floor. Representative Blagojevich?"

Speaker Flowers: "Representative Blagojevich is standing in front of his chair."

Black: "Madam Speaker, it would be most helpful if we could get the aisles clear, I can not see."

Speaker Flowers: "Representative Brunsvold would like to be recorded as voting 'aye'."

Black: "That is a really good vote for him."

Speaker Flowers: "Representative Moseley would like to have leave to be verified, please. Does she have leave?"

Black: "That's fine, sure, that is fine. Representative

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

134th Legislative Day

May 19, 1994

Laurino?"

Speaker Flowers: "Representative Jones would like to have leave to be verified."

Black: "That is fine, sure."

Speaker Flowers: "Representative Laurino, is in his chair."

Black: "Oh, I can't see that far. Representative Wyvetter Younger?"

Speaker Flowers: "Representative Wyvetter Younger, is the Lady in the chamber? Representative, yes."

Black: "She is over there? Okay. Is Representative Dunn, in the chamber?"

Speaker Flowers: "Representative John Dunn, is the Gentleman in the chambers? Representative John Dunn. Remove him Mr. Clerk."

Black: "Representative Flinn?"

Speaker Flowers: "Representative Monroe Flinn, is the Gentleman in the chambers? Monroe Flinn, remove him Mr. Clerk."

Black: "Representative Wennlund?"

Speaker Flowers: "Representative Wennlund, Representative Wennlund, is the Gentleman in the chambers? Remove him Mr. Clerk. Mr. Clerk, would you please restore Representative John Dunn, to the roll call, and voting in the affirmative. Representative Ben Martinez would like to have leave?"

Black: "Sure that is fine."

Speaker Flowers: "The Gentleman has leave."

Black: "Again I can't see over there, so I will call Representative Burke, but there are so many people between us, I can not see over there."

Speaker Flowers: "Representative Dan Burke is sitting in his chair."

Black: "If all those folks would move away, there I could see. Now I can see him. Okay, Representative Phelan?"

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "Representative Phelan, Representative Phelan is in the back of the chambers."

Black: "He is in the Back, Okay. I have nothing further. You can put it on Postponed Consideration."

Speaker Flowers: "On this question, this Bill, having received the required Constitutional Majority, is hereby declared passed. There are 60 voting 'yes', 50 voting 'no'. Again this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Blagojevich on House Bill 3289, out of the record. Representative Granberg for what reason do you rise?"

Granberg: "Having voted on the prevailing side, I would like to move to reconsider the vote, on House Bill 3786."

Speaker Flowers: "Representative Dart."

Dart: "Thank you, Madam Speaker that, that Motion Lie on the table."

Speaker Flowers: "All those in favor of the Motion being tabled, say 'aye'; opposed, 'nay'. The 'ayes' have it. The Motion is tabled. Representative Brunsvold, on House Bill 2528, on the Order of Second Reading. Out of the record. Representative Dart, on House Bill 3935, Representative Dart. Out of the record. Representative Edley, on House Bill 3040. Representative Edley. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3040, the Bill has been read a Second time previously. Amendments 1, 2, 3 and 4, were dealt with on the Floor. Floor Amendment #5, offered by Representative Edley."

Speaker Flowers: "Representative Edley, on Amendment #5."

Edley: "Thank you, Madam Speaker. Amendment 5 meets some of the objections that I heard in Committee, concerning allowing parents to opt.. out of this parenting program. So I would

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

134th Legislative Day

May 19, 1994

ask favorable roll call...support."

Speaker Flowers: "Representative Black, on the question of the Amendment. Representative Cross on the question of the Amendment."

Cross: "Thank you, will the Sponsor yield?"

Speaker Flowers: "Yes, he will."

Cross: "Representative, what parenting or family courses are you talking about, in this Amendment?"

Edley: "The underlying Bill, would require a unit of instruction and family and parenting education. And when I brought it before the Committee, there were some Members who were concerned about allowing parents who did not want their children to partake in this unit of instruction, to be able to opt. out of it, and so this Amendment meets their objections, it satisfies their objection."

Cross: "What do mean by parenting education and family education?"

Edley: "Look, we can do that at the time of the Bill, this is simply an Amendment that I put together to address the problems that people had about whether this was voluntary or mandatory."

Cross: "Well, it made, it does, the Amendment does relate to the underlying Bill, with respect to family and parenting, of course I am just trying to figure out what they are."

Edley: "Madam Speaker, can we have a roll call on this?"

Cross: "I would, I have a few more questions Madam Speaker."

Speaker Flowers: "Representative Cross."

Cross: "Yes, I would like to know what he means by parenting and family courses?"

Speaker Flowers: "Representative Edley."

Edley: "It is a unit of instruction that can be provided, in the high schools and junior highs on the problems that families

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

134th Legislative Day

May 19, 1994

face in budgeting and the responsibilities that you have as a parent, and how you address your children and how you can ameliorate problems that they have, things like that to avoid some of the problems, the family violence and family problems that we have in our society. I think much of the social problems that we have as one of your I am sure statewide leaders have identified as the deterioration of the American family, and I think today our public schools have to play a larger roll in insuring that the proper values are instilled in our young people."

Cross: "I am not necessary arguing that. Why are we giving people an opportunity to get out of the class?"

Edley: "Sorry I did not hear that."

Cross: "Why are we giving children an opportunity to get out then, if it so worth while?"

Edley: "Because I think ultimately the parents, have a stronger responsibility than the state does. And you had some Members of the Committee, who said that if a parent did not want their children to partake of this program, they ought to be allowed to have a waiver. And I would tend to agree with that."

Cross: "What are we going to do in a situation with, if three quarters of the class or four fifths of the class opts. out. Are we still going to require the course to be taught?"

Edley: "A unit of instruction would be provided to the students who were in the class, and who were willing to partake in the instruction."

Cross: "Now, I am not necessarily quarreling with the idea, but are we going to have class room of two or three students, where we normally have 30. Is that a potential."

Edley: "Well, I think you are taking this to the extreme on it."



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

134th Legislative Day

May 19, 1994

I..you can always fantasize about what may or may not happen, in the real world I think most parents would like to have this kind of instruction and I think that you will find, that there will be the rare exception, where the parent will want to opt out."

Cross: "Representative do we have in our college level of teaching kids who are going to be teachers similar courses?"

Edley: "You know there are so much noise here, I can not really hear your questions."

Cross: "Are we teaching our college students who are going to be our teachers of tomorrow, this particular curriculum, are we going to teach them how to do that?"

Edley: "You know, I think that that question is probably would be beneficial in discussing the Bill on Third Reading. This is an Amendment question. And I would rather just adopt the Amendment and move it to Third, and we can discuss those kinds of things on Third Reading."

Cross: "All right, couple of other questions, I see at the end of the Amendment that in this situation where we have a written objection, shall not be a reason for failing or reducing the grade or suspending or expelling the pupil. Is this going to be, it almost infers from here that this is going to a mandatory class."

Edley: "It is a unit of instruction."

Cross: "What is a unit of instruction?"

Edley: "What this is saying is that the student would not be penalized in the class that they were taking for not being involved in this unit of instruction."

Cross: "So what do we do with them if they opt.. out? Do they take a different another class, or do they opt out of the class for three weeks?"

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

134th Legislative Day

May 19, 1994

Edley: "I think I would leave that up to the local school board to decide and teacher."

Cross: "Well, that may be, but we have some legislation here or proposed legislation that addresses that, and I don't...I am concerned with leaving that open ended. Is there, what do we do with the student who opts.. out? Under the language of your Amendment?"

Edley: "You are going to have to speak in to the microphone consistently so I can hear you. You kind of come of go."

Cross: "What do we do with the student who opts. out of the class, who's parents want him, he or she opt. out. Where do we put the pupil?"

Edley: "Like I said earlier, to your question, I would leave that to the local school board and school administration, and teacher to decide. I am sure that they perfectly capable of doing that."

Cross: "Well do we need this legislation, if they are perfectly capable of doing what you are just describing?"

Edley: "I think we need to provide the option for parents who for whatever reason do not want to allow their children to receive family and parenting education. That is what this Amendment is about, and I have no problems supporting it. You are going to have to make a decision, whether you support the concept or not."

Cross: "Thank you, very much."

Speaker Flowers: "Representative Hoeft."

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

Speaker Flowers: "Yes, he will."

Hoeft: "Just for legislative intent, I believe that this is a fairly good idea, and wanted to clarify that there were no problems in the future. There are a number of mandates,

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

134th Legislative Day

May 19, 1994

one of them is senior economics, which gets into family economics, and it is not your intention that they can opt out of that. Correct?"

Edley: "Repeat that again."

Hoeft: "There is a senior requirement for economics. All students in the State of Illinois shall have one unit in economics. They have family economics, they have a lot of things dealing with that. This has nothing to do with that, correct?"

Edley: "What it has to do with, is a unit of instruction. And they can provide that in a number of different courses, and we will leave that up to the local school board to decide where they plan to provide that unit of instruction."

Hoeft: "Okay, there is a another unit of instruction; health, in P.E. class and it has family health also. But those are distinctly separate from this Bill, correct?"

Edley: "They can...the local school board could decide where they wanted this unit of instruction to be provided, and they could...we are not designating any specific high school or junior high class that this unit of instruction must be provided in. We are leaving it to the discretion of the local school board."

Hoeft: "But it is the family education unit, not the economic unit, or not the Health unit. That is what I am trying to get at. And it distinct to your particular Bill and it does not have any thing to do with the other curricular mandates."

Edley: "As I said earlier, my intent is to allow the local school board to determine where they want to provide this unit of instruction."

Hoeft: "We are at cross odds. It was a small point. I will take it up with you later. Thank you."

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "Representative Black."

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

Speaker Flowers: "Yes, he will."

Black: "Representative, the Amendment does not remove the curricula mandate, is that correct?"

Edley: "The Amendment does not address the mandated question, except allowing the parents to..."

Black: "Yes, I understand..."

Edley: "...to determine whether they receive receive this unit of family instruction, parenting instruction."

Black: "Right, the curriculum mandate stays the Amendment just says you have to opt.. out provision on an individual basis, correct?"

Edley: "On an individual basis."

Black: "Okay, now let me ask you a couple of other questions. Could not, and you have mentioned the local school board several times. Could not, under existing law in Illinois, if a school board and a community that elects that school board wants to have a parenting unit, in that community schools they are certainly free to do so, is that correct?"

Edley: "Yes."

Black: "So while existing law would allow them, if the community that elects that school board decides that this is a good idea....I knew it, I knew it. Take this Bill out of the record, let's get out of here."

Speaker Flowers: "The House will stand in recess until the call of the Chair. In recess until the call of the Chair."

Speaker Flowers: "The House is not prepared to adjourn, we are ready to continue on with our work. Agreed Resolutions Mr. Clerk."

Clerk McLennand: "House Resolution 2710, offered by

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

134th Legislative Day

May 19, 1994

Representative Schoenberg; House Resolution 2711, offered by Representative Frederick; House Resolution 2712, offered by Representative Churchill; House Resolution 2713, offered by Representative Skinner; House Resolution 2714, offered by Representative Currie; House Resolution 2715, offered by Representative Noland; House Resolution 2716, offered by Representative Granberg; House Resolution 2717, offered by Representative Granberg; House Resolution 2718, offered by Representative Clayton; House Resolution 2720, offered by Representative Moore, Andrea; House Resolution 2721, offered by Representative Moore, Andrea; House Resolution 2722, offered by Representative Moore, Andrea; House Resolution 2723, offered by Representative Moore, Andrea; House Resolution 2724, offered by Representative Moore, Andrea; House Resolution 2725, offered by Representative Moore, Andrea; House Resolution 2726, offered by Representative Moore, Andrea; House Resolution 2727, offered by Representative Moore, Andrea; House Resolution 2728, offered by Representative Moore, Andrea; House Resolution 2729, offered by Representative Kubik; House Resolution 2730, offered by Representative Cross; House Resolution 2731, offered by Representative Ronan; House Resolution 2733, offered by Representative Dart; House Resolution 2736, offered by Representative Weller; House Joint Resolution 158, offered by Representative McPike; House Resolution 2741, offered by Representative Cowlshaw; Senate Joint Resolution 162, offered by Representative Moseley."

Speaker Flowers: "Granberg moves for adoption of those Resolutions, the Agreed Resolutions. All in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The resolutions are adopted. Death Resolutions."

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

134th Legislative Day

May 19, 1994

Clerk McLennand: "House Resolution 2719, offered by Representative Kaszak, with respect to the memory of Stephen Lythcott. House Resolution 2734, offered by Representative Homer, with respect to the memory of John Keets.

Speaker Flowers: "Granberg moves for the adoption of the Death Resolutions. All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Resolutions are adopted. Committee Reports."

Clerk McLennand: "Committee Report offered by Representative Giglio, Chairman from the Committee on Rules, to which the following Bills referred, action taken on May 19, 1994, reported the same back with the following recommendation: 'do adopt' House Resolution 2737.

Speaker Flowers: "Supplemental Calendar announcement."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Flowers: "Committee Reports."

Clerk Rossi: "Representative Homer, Chairman from the Committee on Judiciary II, to which the following Bills and Resolutions were referred, action taken on May 19, 1994, reported the same back with the following recommendation/s: 'do pass' Senate Bills 1705 and 1698; 'do pass as amended' Senate Bills 1125, 1233, 1516; 'do pass Short Debate' Senate Bills 1707, 1253, 1352, 1517, 1694, 1153, 1228, 1722, 1515, 1146; 'do pass as amended Short Debate' Senate Bills 1232, 1610, 1357; 'do adopt' House Joint Resolution 96."

Speaker Flowers: "Representative McPike."

McPike: "Thank you, Madam Speaker and Ladies and Gentleman of the House. I move for the adoption of House Resolution 2737. This extends the Third Reading deadline for House Bill's from this Friday, until next Friday. And extends the Third

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

134th Legislative Day

May 19, 1994

Reading Deadline for Senate Bills from next Wednesday, to next Friday. I move for the adoption of this Resolution, Madam Speaker."

Speaker Flowers: "The Gentleman moves for the adoption of Resolution 2737. On that question, Representative Black."

Black: "Yes, well thank you very much, Madam Speaker. To the Gentleman's Motion. I think this is the fifth time, we have changed the dead line for Third Reading. I..in order to now that we are going to label cement sacks. I would just like the rules on the Third Reading Deadline, to be written on one of those little magic eraser slates that I had when I was a young child, so we could just write on there and erase it and then put it back on there, we could save a lot of trees. I...for the life me I can not understand why we want to extend the Third Reading dead line again. By that time I think the Senate is scheduled to adjourn, but whatever, just so you promise me we will not escape a full debate on this, by the underhanded trick that I have never seen in all my years, in Springfield, when the questioning gets tough, as well it should on a Bill that we were debating and somebody sets off the fire alarm. That goes to far Madam Speaker, completely to far. Now let's have a reasonable debate on this Motion, without any more fire alarms or things that would tend to upset us. And with that I relinquish my time, Madam Speaker."

Speaker Flowers: "The Gentlemen moves for the adoption of House Resolution 2737. All those in favor say 'aye'; opposed, 'nay'. The Gentleman moves for the adoption of House Resolution 2737, on that we have a Roll Call Vote. All those in favor vote 'aye'; opposed, 'nay'. The voting is now open. Have all voted who wish? The Clerk, shall take the the record. On this question there are 65 voting

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

134th Legislative Day

May 19, 1994

'yes', 47 voting 'no'. The Resolution is adopted.  
Representative Parke, for what reason do you rise?"

Parke: "Madam Speaker, I had my speak light on, and I would expect the courtesy of the Chair to recognize when somebody would like to speak to something as important as this Amendment. And you did not even take time and courtesy to recognize that. I think that is fair, you can ahh if you want. But I think that that is fair, and I think I have the right...ahh McPike is crying, I am sorry to hear that, I am sorry to see that. Thank you, Madam Chairman."

Speaker Flowers: "Representative Wennlund, for what reason do you rise?"

Wennlund: "Thank you, Madam Speaker. To explain my vote, what this House needs, and I really discovered it today, what this House really needs, is an evacuation plan. That not only includes the fire alarm, but also includes the House, when is this House going to evacuate and get out of here. We are never going to do it, you keep extending the dead line. We might as well extend it until December, for crying out loud. We need an evacuation plan, so that we can get the Hell out of here, and go home."

Speaker Flowers: "Representative Brady, for what reason do you rise?"

Brady: "For the same reason that everyone else did, to complain. I just...will it do me any good, to ask that you put the issue back up and let every one reconsider it, I mean I know neither side of this aisle wants to be here any longer, especially for the purpose of what we have been here. If I can complain and whine a little bit about it, I will feel better."

Speaker Flowers: "Representative Cross, for what reason do you rise?"



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

134th Legislative Day

May 19, 1994

Cross: "Well, Representative Brady told me he would pull the fire alarm again, if you do not allow us to debate this issue one more time. Madam Speaker, in all seriousness, if we could reconsider this resolution one more time, we had our lights on this side, we wanted to debate it. We wanted to verify the vote, and we had neither opportunity. We would appreciate a ruling from the Parliamentarian on the reconsideration."

Speaker Flowers: "On the Order of Second Reading, Representative Cross were you not finished?"

Cross: "Was that a question? Because I did not get an answer. Was ignoring me a no?"

Speaker Flower: "Use your imagination, Representative."

Cross: "Could we have an answer, we would like to readdress this issue. We had our lights on. The wipers were not on, but the lights were on. In all seriousness Madam Speaker, if we could have another vote on this to let us allow some debate? Are going to let us do that?"

Speaker Flowers: "We are going to move on to another order of business, and we will take what you are saying under consideration."

Cross: "When will we find out?"

Speaker Flowers: "We will let you know."

Cross: "Today."

Speaker Flowers: "We will let you know."

Cross: "Okay."

Speaker Flowers: "Thank you."

Cross: "Thank you."

Speaker Flowers: "Representative Edley, on House Bill 3040, that is on the Order of Government Administration. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3040, the Bill has been read a second

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

134th Legislative Day

May 19, 1994

time previously. Amendment 1 thru 4 have been withdrawn.  
Floor Amendment #5, offered by Representative Edley."

Speaker Flowers: "Representative Edley on Floor Amendment #5."

Edley: "Madam Speaker, I move to adopt Amendment #5, I think we  
have had a long debate, I got so heated that we had a fire  
alarm, and a little bit of hot air flowing around, I guess  
it is time to adopt the Amendment and move it to Third."

Speaker Flowers: "The Gentleman moves for the adoption of  
Amendment #5, to House Bill 3040, on that question  
Representative Maureen Murphy."

Murphy, M.: "Thank you, Madame Speaker. In all seriousness, all  
though there has been a delay. Let's refresh the Bodies  
memory, that the Sponsor kept referring to local school  
boards making decisions, and if this Amendment if I am  
correct, was an other mandate even though, he trying to say  
it is okay, because some kids can be opted.. out. A  
reading shows that it is for one unit of instruction, in  
four years. For those of you, that really believe that the  
state can design a curricula to teach good parenting  
skills, to teach how not to engage in child abuse, to teach  
about child development, in one unit of government, even if  
you believe that the state should that the state should be  
the teacher of that and dictate down to local schools,  
irregardless of this school boards decision, to frame  
curricula according to the needs of their districts that  
they were elected by, one unit of education would not even  
be enough, so this is waving the tea bag over the water  
once again. For those that really want the state to  
dictate to local schools, one unit probably is not enough.  
Number two where are we going to fit this in, when we are  
failing kids they are not learning Math, are not learning  
English and Reading. What course should we take this away

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

134th Legislative Day

May 19, 1994

from. And if that is not a concern enough. Let's talk about they all ready have the ability of local school boards, who walk amongst their constituents, who are elected by the constituents, if their constituents want them to have this type of curriculum, the law is already there, that allows and permits them. This is another mandate, waving the tea bag, thank you, Representative; over the water. But seriously, the Sponsor thinks that this is good Amendment, I really believe that we are dictating again, the local school board that he proposes that he indorses, their solutions."

Speaker Flowers: "Representative Hartke for what reason do you rise."

Hartke: "Thank you very much, Mr. Speaker. I appreciate the Speakers comments, but she is talking about the Bill and not the Amendment, and I think a point of order would be that she, talk about the Amendment."

Speaker Flowers: "Point well taken, Representative Persico on the Amendment."

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

Speaker Flowers: "Yes, he will."

Persico: "Representative, it has been awhile since we talked about this, can you refresh my memory, and just exactly what your Amendment does?"

Edley: "The Amendment provides for a parent to opt.. out, to have their child withdraw from this unit of instruction. And it ensures that there is no penalty for the student in whatever class this unit of instruction is being provided in. It is a parental option. Which is a response to some of the members of the Education Committee supported the Bill coming out of Committee, under the condition that I would put this parental option on the Bill."

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

134th Legislative Day

May 19, 1994

Persico "And then for the rest of the student, if they or their parents chose to opt, does it have to be the parents or can a student choose to opt.. out of this part of the curriculum?"

Edley: "Parent or guardian, only."

Persico: "If they chose to opt.. out of it, is this unit of instruction, is that one unit of instruction every year in the high school years, or just one unit of instruction through the high school career?"

Edley: "One unit of instruction through their high school career."

Persico: "So the parent only has to opt.. out one time then?"

Edley: "That is correct."

Persico: "Thank you, I have further questions, but I will wait until the Bill is called."

Speaker Flowers: "Representative Cowlshaw."

Cowlshaw: "Thank you very much Madam Speaker. Will the Sponsor of this Amendment yield for a question please? There are some very, very, small high schools in Illinois, not the kind of high school that for example, would exist in the north western part of the state, or even the north eastern part of the state, but in very rural areas. There may a high school with no more than a total of perhaps 200 or 250 students. Let us suppose that for some reason that we may not know much about at the moment, that all of the parents who happen to live in that school district, strongly object to the idea of their children being taught parenting education in the school. And all of them object to their children being put in this class. Then how does the school district, how does it go about meeting this mandate, if there is a 100% refusal on the part of the parents to permit their children to participate in this. What does

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

134th Legislative Day

May 19, 1994

the school district do then?"

Edley: "The school I would have met the responsibility of providing this unit of instruction. With this outlet, if there are no students that have...avail them selves to it. But the school district would have met there responsibility."

Cowlshaw: "Oh, I see, all right. So that in fact, because they do not really have to give any reason, if the parents just really do not want to, if they can all just object to it, and the school district gets...relieved, of the responsibility of offering the course at all, but.."

Edley: "That would be my, yes, that would be..."

Cowlshaw: "Does the district still have to hire someone to teach this, and do they still have to teach even though there is not one living soul in the class room?"

Edley: "Now, that's facetious, don't you think, on it's merit, are you, are..."

Cowlshaw: "Oh, no I have served on the Education Committee a long time and I have heard of things that actually go on in these schools that are even more ridiculous than that."

Edley: "As ridiculous as... I doubt that you would have a teacher teaching to a empty class room."

Cowlshaw: "Well, I am relieved to hear that. We might even finally be able to figure out a way here to save the tax payers, and the parents, and the community members a little bit of money. In the mean time I think this is just another one of those examples, of the things of which we burden our schools. If we believe that every child in our schools throughout Illinois, is now being thought adequately to read, write and compute. Then we ought to be adding more requirements. If we do not believe our schools are doing an adequate job of teaching those essential

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

134th Legislative Day

May 19, 1994

skills, then this and anything else like this is simply a farce and it ought to be voted down, thank you."

Hartke: "Thank you, very much Madam Speaker. Members of the House I think this Amendment as in response to the Bill that was presented in Committee. I had some concerns about the parental training that we are being offered, and so forth, and so I suggested that Representative Edley amend this to give parents the opportunity to except this responsibility themselves, and teach parental education and so forth and training at home. And Representative Edley has responded to that with this Amendment and I really support this Amendment. I really think maybe it is a little bit late, teaching a little parenting and family education in the 9th - 12th grade, maybe it should have been lowered to the 6th - 8th grade. But at least it is a response. I think this will make the Bill better, and it relieves some of the demands on a mandate, and some of the concerns of those individuals who are pro-family and pro-life and I am going to support this Amendment."

Speaker Flowers: "Representative Edley to close, on the Amendment."

Edley: "Thank you, Madame Speaker, I would simply remind the Membership that this is not a vote on the merits of the underlying legislation. It is strictly a vote on allowing parents who determine whether their children are going to receive, family and parenting education in our public schools, and it gives them the opportunity to opt...out of it. So even if you oppose the underlying Bill, I can't see where you oppose this Amendment."

Speaker Flowers: "The Gentleman moves for the adoption of Amendment #5 to House Bill 3040. All those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The Amendment

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

134th Legislative Day

May 19, 1994

is adopted. Third Reading. Are there any further Amendments?"

Clerk Rossi: "No further Amendments, but a fiscal note and a state's mandates note have been requested on the Bill."

Speaker Flowers: "Representative Edley."

Edley: "Madam Speaker, I have no objection to that mandate note, that is fine. Just leave it on Second Reading."

Speaker Flowers: "The Bill will be held on Second Reading. Representative Bugielski on the Order of Government Administration. Third Reading, House Bill 3066. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3066, a Bill for an Act Amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Flowers: "Representative Bugielski."

Bugielski: "Thank you, Madam Speaker and Members of the House. House Bill 3066, amends the Metropolitan Water Reclamation District it increases from \$25,000 to \$35,000 the amount of materials and services which may be purchased with out advertising for operating under emergencies. The last time that this has been increased was ten years ago, and when they have sewer emergencies that where the public health is endangered and they have emergencies that come up at different times through out the year, all they are asking for in an increase. Right now the cap is \$25,000 and they are raising to 10,000 another \$10,000 up to \$35,000 and this is the first increase in ten years. And I ask for your approval on this Bill."

Speaker Flowers: "The Gentleman moves for the passage of House Bill 3066, on that Representative Kubik."

Kubik: "Thank you, Madam Speaker. Would the Sponsor yield, please?"

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "Yes, he will."

Kubik: "Representative, why do we need to do this?"

Bugielski: "Just because of the increase in costs over the last five or six years, when there are emergencies. When this was put in. This was put in ten year ago, the \$25,000 and there are times now where there is an emergency that is going to cost \$30,000 or \$32,000 in repairs. All they are doing is to ask to lift the limit from \$25,000 to \$35,000 because of the increase in cost of labor over the last ten years."

Kubik: "How often have we needed to utilize this kind of proposal?"

Bugielski: "It is not It is not that often. It is not an on going situation, but there are emergencies several times through out the year, I guess there were certain emergencies that were over \$25,000."

Kubik: "So we have some data which suggests that they have used this and it has been a problem?"

Bugielski: "Right, there were a few situations, and I mean they're minor. It is minor situations, it is not something that is on going all the time. And it has just been I guess where a few situations where it came it up where it was over \$25,000 and they are asking for just a \$10,000 increase. Which I do not think is that large of an increase over ten years."

Kubik: "Well, you know Representative you and I have sat through Committee hearings and had a number of agencies come in and request increases for this purpose, and I do not mean this, I do not mean any disrespect to you as the Sponsor to this Bill, but it seems like all of these agencies are now coming in and saying hey, the cost of living has gone up, let's jack this thing up and I guess I do not see, they are



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

134th Legislative Day

May 19, 1994

not coming in a providing a whole lot of data, which suggests that this is a real problem. Other than the fact that the cost of living has gone up. So, you know, I just, I do not know, it just seems like we are doing this just to keep the up with the cost of living and we are not really making a good public policy decision that indicates that there is a problem here. It just seems to me like, just one of those Bills that I do not know is that necessary."

Speaker Flowers: "Representative Brady."

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

Speaker Flowers: "Yes, he will."

Brady: "Representative, who pays the taxes in this particular area that we are talking about that funds these kinds of things?"

Bugielski: "The people that are represented by the water reclamation district."

Brady: "How big, can you describe that district for me a little bit."

Bugielski: "Mainly, Cook County."

Brady: "Mainly Cook County. Would...and I understand the rational of increased prices, but I think Representative Kubik asked a question that really has not been a reason you needed this. Has there been a emergency, there has not been an emergency has there that would have requested this?"

Bugielski: "There has been emergencies that you know, where maybe the expense is going to be maybe sometimes it is \$50,000 and they have to get the board together to approve that spending for that, but there are also cases where it has been \$30,000 or \$32,000. And the main thing is, is that it has been, it has not been touched in ten years. Ten years ago, it was listed at \$25,000. We are looking at a \$10,000

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

134th Legislative Day

May 19, 1994

I do not think it is that much of an increase. We are not asking for a doubling of it. It's just that it does not change the procedure for the competitive bidding and all it's doing, mainly because of the cost of certain construction material that they are using."

Brady: "Who authorizes this spending and declares it an emergency?"

Bugielski: "The Board."

Brady: "Pardon."

Bugielski: "The Board."

Brady: "So, the Board still has to get together."

Bugielski: "They do not have to call a Board meeting if right now if it is \$30,000 they would have to call a Board meeting. Get every one together to approve the spending. Because right now the limit is \$25,000, and if it's over \$25,000 then they have to call the Board together."

Brady: "But, what if it is less than \$25,000?"

Bugielski: "No, because it is right in the statutes right now, that they could spend up to \$25,000."

Brady: "Who makes that decision and declares it an emergency?"

Bugielski: "When a store collapses I do not think you need anyone to declare it an emergency when you have a store that collapses, I think anyone with a high school or grammar school education could tell you that it is an emergency."

Brady: "Is this required curriculum in Representative Edley's Bill? No further questions."

Speaker Flowers: "Representative Meyer."

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

Speaker Flowers: "He indicates that he will."

Meyer: "Representative, is this an aggregate amount of an event or is it a per item basis, of the event?"

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

134th Legislative Day

May 19, 1994

Bugielski: "For the emergency, the total emergency. It is not for an item, you know one item, that if they need certain things. It is the total amount for that one specific emergency."

Meyer: "Thank you."

Speaker Flowers: "On that, Representative Bugielski to close."

Bugielski: "Again just as a recap, this procedure did, this would not change the procedure for competitive bidding on any of the requirements, it only allows for the immediate purchase of materials in case of an operating emergency. And this is the first time they have asked for this increase in ten years. It is not a large increase, so I ask for your 'aye' vote."

Speaker Flowers: "The Gentleman moves for the passage of House Bill 3066. All those in favor vote 'aye'; opposed, 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. There are 48 voting 'yes', 64 voting 'no'. This Bill having failed, to receive the required Constitutional Majority, is hereby declared failed. On the Order of Government Administrations. Second Reading. Representative Judy Erwin. House Bill 3840, 3840, out of the record. On the Order of Second Reading, House Bill 3938. Representative Stroger. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3938. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 offered by, Representative Flowers."

Speaker Flowers: "Representative Stroger, on Floor Amendment #1."

Stroger: "I would like to withdraw, Amendment #1."

Speaker Flowers: "Withdraw."

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

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

134th Legislative Day

May 19, 1994

Speaker Flowers: "Representative Stroger, on Floor Amendment #2."

Stroger: "Thank you, Madame Speaker. Members of the House, floor Amendment #2, replaces everything and becomes the Bill. And it would change the original Bill by placing the Community Service Commission within the Lieutenant Governor's office and renaming it the Lieutenant Governors Commission on Community Service. The Lieutenant Governor, shall appoint a director of the Commission who shall serve at the discretion of the Lieutenant Governor and receive such compensation as Lieutenant Governor determines. The Commission is authorized to initiate and promote community service programs and networks within the state of Illinois, and to implement federally funded grant programs in Illinois, such as the National and Community Trust Service Act. This version of the Bill, gives the Governor the power to appoint 13 voting members and 3 non-voting members of the commission and it give the four legislative leaders the power to appoint 3 voting members and 3 non-voting members."

Speaker Flowers: "Representative Black, on the Amendment."

Black: "Thank you, very much Madam Speaker and Ladies and Gentlemen of the House. I rise to support the Gentleman's Motion on Amendment #2. Commend the Sponsor for working with the Office of Lieutenant Governor, by making, by putting this Amendment on the Bill, it will allow the Office of Lieutenant Governor to access a new federal program on community service, and there is a educational stipend allowed, in that may be particularly attractive to some people. It allows us to participate in what I believe that the president is calling Americorp, it is a good idea, commend him for this Amendment, and Madam Speaker, I would withdraw my request for a fiscal note, and I intend to vote

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

134th Legislative Day

May 19, 1994

'aye' on Amendment #2."

Speaker Flowers: "The Gentleman moves for the adoption of Amendment #2, to House Bill 3938, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The Amendment is adopted. And the Bill will remain on Second Reading. Representative Currie, we will now move to Government Administration Third Reading. House Bill 2691, Representative Currie. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 2691, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Flowers: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Bill is amended in Transportation Committee. It would merely requires the Department of Transportation to do a couple of demonstration projects, with respect to use of crumb rubber which is to say concrete that would include some portion of salvage tire, in order to meet the requirements of the Federal ISTEA legislation and provides for a advisory committee to assist in the implementation of crumb rubber programs. Cities and states across the country have found that the use of scrap rubber and asphalt paving material is a helpful process that improves highway durability, generates economic development, and job opportunities, as well as, helps us take care of our scrap rubber problem. The Bill has introduced, was a good deal stronger piece of legislation, but at this moment all it is demonstration program in the Department of Transportation with the creation of an Advisory Committee to help assist the state, when the federal ISTEA requirements become even stronger than they are today. I would appreciate your support for the measure and would be happy to answer your

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

134th Legislative Day

May 19, 1994

questions."

Speaker Flowers: "The Lady moves for the passage of House Bill 2691, on that Representative Brady."

Brady: "Thank you, Madam Speaker. An inquiry of the status of the Amendments."

Clerk Rossi: "Amendment #1, was adopted in Committee. Floor Amendments 2 and 4 failed. Floor Amendment #3, was ruled not germane."

Brady: "Would the Sponsor yield?"

Speaker Flowers: "She indicates that she will."

Brady: "Representative did you say, this is going to enable us to receive some federal monies?"

Currie: "No, what I said is that under Federal ISTEA requirements, states are supposed to be embarking on the use of crumb scrap rubber in asphalt paving projects and this legislation, I think, will ensure that we are not out of compliance with the Federal ISTEA law. In addition, there are good environmental, and economic, and highway durability reasons for moving forward in this very limited fashion, requirement that we do a couple of demonstration projects and for that reason too, this Bill is well worth passing."

Brady: "Does, this Bill change common practice?"

Currie: "Today, most of our paving I believe is done with concrete. And what this Bill would do be to ask the Department of Transportation to embark upon a couple of demonstration projects using crumb rubber in the asphalt paving, and would create an advisory Committee with DOT and ENR Participation. So as best to guide the state as we implement the requirement down the road from the federal government that will require greater usage of waste, scrapped tires in our highway paving program."

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

134th Legislative Day

May 19, 1994

Brady: "What kind of cost implications does this have?"

Currie: "Well, I would think that the costs would be if any minimal. Today, crumb rubber tends to be marginally more expensive, but the durability factor in states like New Jersey, many of the western state show that you actually make up the price difference by virtue of the longer years of use that kind of pavement offers. We have not been as aggressive in Illinois in testing that proposition. We have not been as aggressive as these states. In Illinois in figuring out what kind formula might work best for us, but this measure, as I say a demonstration project, is intended to help us on the road to figuring out answer to those important questions."

Brady: "You, talk about durability in the western states, would the climate of those states have anything to do with durability?"

Currie: "Colorado is a state where they have done a lot of work with scrap tires. As you know, right around the Grand Canyon, the temperature extremes are at least as considerable as they are in northern Illinois, and Colorado finds that it is cost effective, that it improves highway durability. Another state New Jersey, which has a climate not so dissimilar to our own has decided that this is, in fact, the way to go for the highway program. So I think that..."

Brady: "I think, my question is not necessarily..."

Currie: "You, asked about the climate, I am telling you that a state like Colorado, near the Grand Canyon, with huge temperature differences from one time of year to the next, one time of day to the next. Has found this a very effective program."

Brady: "And just to explain my question, I was not looking at the

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

134th Legislative Day

May 19, 1994

huge differences. Often times, the impact can have to do with the freezing and thawing within a particular season, and that can create..."

Currie: "And that is true in the Colorado and the areas where they have tested the crumb rubber..."

Brady: "How many demonstration projects, does this call for?"

Currie: "Two."

Brady: "And do the demonstration, do you know where, is there any tie to on where those are located?"

Currie: "Pardon me?"

Brady: "And do the demonstration, do you know where, is there and tie to on where those are located?"

Currie: "Yes, one would be done, in a municipality, in a million or more, and the other could be any place else."

Brady: "Thank you, I appreciate it."

Speaker Flowers: "Representative Novak."

Novak: "Yes, Madame Speaker. I simply rise in support of this fine legislation. Other states around the country are utilizing on a experimental basis a certain percentage of crumb rubber mixed in with asphalt to increase the longevity of our roads. We know that our infrastructure in this country, in many areas of this country is deteriorating very quickly. And if there means possible that we could extend the more of our asphalt road by utilizing the crumb rubber, I think these demonstration projects would prove out that the vast utility factor would be beneficial to our roads in Illinois, I think it is a logical Bill, it was changed in committee to make it more amenable to the various interested parties and I would urge all my colleagues to support this legislation."

Speaker Flowers: "Representative Black."

Black: "Thank you very much, Madam Speaker. Will the Sponsor



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

134th Legislative Day

May 19, 1994

yield?"

Speaker Flowers: "Yes, she will."

Black: "Representative, the Bill as amended, calls for funding two demonstration projects. One of those two will be in the metropolitan City of Chicago. How are we to direct the Department of Transportation to fund the demonstration projects out of road fund money, or do you have an other source in mind?"

Currie: "They could have other sources if funds from the Department of Energy and Natural Resources. The Bill is silent of the funding question. It is certainly not the intention of this Bill, to require them to go out and pave road way that does not need paving. So it certainly the thought behind this Bill, that the Department would incorporated these demonstration projects, in road repaving that is already within the Departments planning program. And, as I say, there is no harm to using funds that might be available through the Department of Energy and Natural Resources to help them accomplish this goal."

Black: "I would certainly think, and I am sure you did not mean to imply, that the Department of Transportation is in the habit of resurfacing roads that do not need it."

Currie: "Well, I just wanted to clarify for you, and for the record that it is not the intent of this Bill, to require the Department of Transportation to do just that."

Black: "You, must have a guilty conscience, I never thought of that for one second. I mean I am shocked, that you would think that our Department of Transportation would even consider in their wildest dreams resurface a road that does not need it. But any way going on to federal law. Did not the United States Congress remove all enforcement provision in the 1994 Highway Bill. So that states are under no

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

134th Legislative Day

May 19, 1994

federal mandate, to move towards the crumb rubber modified asphalt process?"

Currie: "It is my understanding that while there was some dilution of the enforcement requirement, this year. The mandate is still good federal law. And as I said earlier, of course it is not only for the reason that we like to comply with federal law, when it makes sense. There was a lot of good since behind this proposal. This will help us create jobs, it will help us protect the environment, and it may even provide Illinoisians with better highways."

Black: "I...gee whiz, I can't wait to drive on a rubber, crumb rubber, modified asphalt road. Particularly on my motorcycle, so if I fall off, maybe I could just bounce to the side, and there for I won't get hurt, assuming that I have not forgotten my helmet. Thank you, very much Representative. Madam Speaker and Ladies and Gentleman of the House. I have no particular objections to the Bill. But I would like to point out that to Members of the House. One of things we often do here, that kind come back and make me a little squeamish about voting for something like this. See the fiscal note that my colleague, Representative Wennlund, asked for on this Bill, was ruled non applicable. Now, here we are prepared on Third Reading, to vote for a Bill, that requires the State Department of Transportation to fund, and I assume, and carry out two demonstration projects in the State of Illinois, using crumb rubber modified asphalt. Now, since we do not have a fiscal note, all I have is a note from the Department of Transportation saying due to the fact that the location of these demonstration project and the details ie. length, width, et cetera, are not known, we can not identify any hard cost's. However, it should be noted the

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

134th Legislative Day

May 19, 1994

costs associated with these demonstration projects will increase the cost of these two roads to be repaved, 20 - 50 % with the passage of this Bill. So we do not have any real idea what it costs because the fiscal note was ruled inapplicable. I intend to cast my vote, based on the fact that it is a good idea, it would be a better idea if we had an idea how much it would cost. I intend to vote a very courageous present, simply because I do not know what the Bill costs."

Speaker Flowers: "Representative Rutherford."

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

Speaker Flowers: "Yes, she will."

Rutherford: "Thank you, very much. How is this advisory committee appointed? And who appoints them, please?"

Currie: "I could not hear what..."

Rutherford: "I'm sorry who appoints the Advisory Committee, the 17 members on this task force?"

Currie: "Just a minute, I am searching in my files."

Rutherford: "That is fine, thank you."

Currie: "Here I have it. The director of the Department of Transportation, will do the appointing."

Rutherford: "He will appoint all 17 members then, okay."

Currie: "Yes."

Rutherford: "Is there a specific time frame that they are to meet and have an opinion and suggestions on this?"

Currie: "They are not required to give us a report on any particular date certain, the point of the task force is to advise the Department on how it might proceed with the use of this wonderful technology for Illinois roads. And I assume that it will only act as long as the director who appoints the task force finds that it has any worth while recommendations to offer."

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

134th Legislative Day

May 19, 1994

Rutherford: "Help me to understand that too, is there a certain time frame in here to which these two tests projects are to be implemented?"

Currie: "On or before May 1, 1995."

Rutherford: "On or before, so that they would have to have met and have the report back by then."

Currie: "I'm sorry, the projects are on or before May 1st, and the Department of Transportation will define the place, the sighting of the demonstration projects in cooperation with the Department of Energy and Natural Resources."

Rutherford: "Okay, and one other quick question. I assume the cost issue has all ready been debated out. But can assume then from what I hearing that the suggestion is the cost would come out the existing DOT budget? It is not any thing, you are not looking for additional..."

Currie: "With perhaps, there maybe some grant availability, from the Department of Energy and Natural Resources. In addition, all though it is true that the original price of crumb rubber may be marginally higher as Mr. Black told us on the basis of the fiscal note that apparently he had but was not filed. The long term durability of the road way, may turn out to mean that this is less expensive than current paving materials."

Rutherford: "I think that the last question maybe with reference to Representative Balanoff's previous legislation, with regard to hazardous materials, is there any potential hazardous material that we would have to label on the bags of rubber..."

Currie: "No, no."

Rutherford: "...that maybe put in to this..."

Currie: "No, scrap tire is not hazardous material, under current definitions in Illinois law."

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

134th Legislative Day

May 19, 1994

Rutherford: "Thank you, Representative."

Speaker Flowers: "Representative Hartke. Representative Hartke."

Hartke: "Thank you, very much. Will the Sponsor yield?"

Speaker Flowers: "She indicates that she will?"

Hartke: "Am I correct, there are two demonstrations projects. One in northern Illinois, and the other one any place else. Representative are you aware that there are two projects now?"

Currie: "It is my understanding that the Department has begun doing some work in this area. It is our view, the view of the environmental council and other proponents of this Bill that it is time to do a little more work in the area, and also appoint the task force that would be required by this legislation."

Hartke: "Okay, to the Bill. This Bill came through my Committee, and at first I thought it was kind of different and I was not sure whether I was going to support this piece of legislation or not. We in the State of Illinois, have a real problem with a lot of tires around. I think that some of my thoughts were well we will use rubber today, we will corn tomorrow and soybeans the next day, but maybe not. We have got to get rid of these some way or another. I am going to support this piece of legislation, simply because, I do think that we do need a study. One of my colleagues informed me that Illinois has the highest maintenance cost and repair cost per mile of any state in the nation. We are continually renewing and redoing our roads. Maybe it is because we are using all asphalt, rock, and cement. Maybe a blend or a mixture of the right crumb rubber, and so forth will extend the life of our roads. So, this is a demonstration project, I would like to know what it costs too, and I think we all know that these things do cost

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

134th Legislative Day

May 19, 1994

money to do a little research and to put it in some practical applications. So I would urge my colleagues to support this piece of legislation and hopefully it will come out in a positive manner, so that when we're finish our roads and resurface our roads with crumb rubber, that we can extend the life in those roads, and actually save the state of Illinois money in the long run."

Speaker Flowers: "Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Chairperson. I would like to read to you briefly a couple of excerpts from Marvin L. Trailer Jr. who is the Director, of Engineering and Research, for the Illinois Asphalt Pavement Associations. And he says: 'Last year I wrote to each Member of the Illinois Congressional Delegation, concerning the economic impact of the federal requirement about incorporation of crumb rubber from scrap tires into asphalt pavements. When I wrote to the Illinois delegation, I was focused primarily on economics. Within the last several months a more serious problem with asphalt rubber has emerged. The asphalt institute states in its recently released report, review of studies conducted to evaluate environmental concerns of crumb rubber modified asphalt.' Now, what follows is a quotation from that report. 'The results from these environmental tests have generally indicated that emission levels rise with the addition of crumb rubber in asphalt. Several studies show significant increases in levels of total particulates, polly nuclear aromatic hydro carbons, hydrogen sulfide, and benzine solubles. Additionally studies have show, an increase in carcinogens, and suspected carcinogens, but this I think is the most important Madam Speaker, the third point he make here is:

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

134th Legislative Day

May 19, 1994

'Worker exposer, to crumb rubber modified asphalt emissions may have caused several suspected health problems in some states. elevated temperatures of the CRM asphalt mix, may contribute to the cause of these illnesses, with the concern over worker safety, being added to the economics of the issue, Congress has reconsidered and placed a moratorium on its own mandate. I would hope that the Illinois Legislature would look at the issue carefully before buying into a program that would cost the taxpayers millions of dollars and could jeopardize the health of it's citizens.' Thank you."

Speaker Flowers: "Representative Lawfer."

Lawfer: "Thank you, Madam Chairman. Will the Sponsor yield for a question?"

Speaker Flowers: "Yes she will."

Lawfer: "In reading the analysis in your discussion, I believe I understood there would be two projects."

Currie: "That is right."

Lawfer: "One in Chicago, and one downstate."

Currie: "That is right."

Lawfer: "Now, my understanding that a lot of road projects they are 80% federal, 10% local, and maybe 10% county. This would be a project then that could cost a little more on a project than ordinarily. If we pass this Bill, do we have agreement from the Governments that are involved in this, that they would consider this project and would be agreeable to this?"

Currie: "Representative, we think there would be agreement, as I say it is already required by the federal ISTEA legislation that states: 'begin developing ways to use waste tire', and I would be very surprised, first of all I'm sure the Department of Transportation would not go into a community

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

134th Legislative Day

May 19, 1994

and force this proposal on that community if the community does not want to do it. And I certainly have not heard from the City of Chicago, or any other municipality in the state that they object to this Bill."

Lawfer: "But on the other hand, we are saying to the City of Chicago that they do have to have one project that this Bill would pass."

Currie: "And the reason for that is to see whether climate and traffic usage, the volume of vehicles on the road ways make a difference in either the formula or the effectiveness of crumb rubber, asphalt as against the old every day kind."

Lawfer: "In the request, from the federal government which I have not studied. Is it more economical, to use crumb rubber or used tires as in asphalt, or would it be more useful to use them for other energy sources?"

Currie: "It is my understanding that the current costs tend to run some what higher for crumb rubber asphalt, but because the findings are that the crumb rubber asphalt is more durable as in fact environmentally and in terms of traffic patterns sounder than plain asphalt that the value of the investment pays for the addition in the up front cost. Now of course part of the reason that it is more costly, is because there are not very many plants that right now are processing our used tires, there is one I believe in the Rockford area. What a boost to the Illinois economy, what a boost to recycling efforts and what a help, to our over crowded land fill space, if a passage to legislation like this would help to develop the kind of market, that would bring more producers of crumb rubber into the market, would help us alleviate our environmental problems, even as they are helping to create better, more durable highways for us. Certainly that would in the long run lower the cost."



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

134th Legislative Day

May 19, 1994

Lawfer: "Well, thank you. To the Bill, I see that this is lacking in agreement from any other municipalities and I feel that lacking that agreement that I would have to vote no on this."

Speaker Flowers: "Representative Balthis."

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

Speaker Flowers: "Yes, she will."

Balthis: "Representative are familiar with a report that indicates that indicates that there is about 20 years of experience with the use of crumb rubber and that those reports would indicate that the performance of rubber asphalt does not justify the additional cost that is estimated by the United States Department of Transportation to be about 50% more? Are you familiar with that report?"

Currie: "I am not. I am familiar with a letter from the Illinois Asphalt Pavement Association, the trade association that of course objects to the use of alternative materials because they have a direct economic stake, and insuring that we continue to use asphalt. I am aware of a variety of reports that say that environmentally, from a safety perspective, and from a durability perspective, the use of crumb rubber is sound technology."

Balthis: "According to the United States Department of Transportation the cost is about 50% more?"

Currie: "That is not my understanding, if you remember Representative Black read to us from the non-existent fiscal note that the Department of Transportation created on this Bill. And they said it could be 20% additional cost. I can't remember what he said the outside cost might be. But I think the general experience is 20%, and if you heard my answer to the previous question, it may well be that the difference in price reflect only the fact that we

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

134th Legislative Day

May 19, 1994

are not encouraging the use of this recycled material in our roads and other ways."

Balthis: "I agree whole heartedly with the recycling part of it, but I think all of the information that is in this letter from the Illinois Asphalt Pavement Association, would indicate that we are going spend around \$7.50 per tire to get rid of them. And I think there is a less expensive way to get rid of those tires. There are several processes today. One in fact being proposed in my legislative district. That would get rid of tires at about 1-10th of that cost. So I think that there are other ways to do this, with out doing this. So, thank you."

Speaker Flowers: "Representative Skinner on the Bill."

Skinner: "I wonder if the sponsor could tell us if the evaluation of the project is going to include the proportionate environmental hazard that have been outlined in the debate?"

Currie: "I represented a task force that is created under this legislation, and would work with both of the Department of Transportation and the Department of Energy and Natural Resources will evaluate the results of this program. I believe the previous speaker and on other opponent was quoting from a letter from what you might call a competitor to the crumb rubber asphalt approach. That is to say if it turns out crumb rubber is good for our highways then presumably we will use a little less of the material that the pavement association provides us today. I have a variety of quotes from the United States Environmental Protection Agency, from the Army Corps of Engineers, from the American Public Works Association, from the Circus Transportation Policy Project, the U.S. Conference of Mayors Municipal Waste Management Association, the

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

134th Legislative Day

May 19, 1994

Environmental Defence Fund, the National Environmental Health Association, and the American Council for a Energy Efficient Economy, all of which say, that the use of scrap tire in asphalt paving for out highways is environmentally sound, is good for the road way it self, and is not, does not create hazardous or unsafe conditions for the motorists, so I am not quite sure where the competitor association got it's information, but all the studies that I have seen give good marks to use of crumb rubber asphalt in highway programs."

Skinner: "Can you tell us the results of the experiments in Beardstown and Lawrenceville."

Currie: "I believe that the Department of Transportation mumbled about those projects, when this Bill was heard in committee many months ago, and I am sorry to tell you I do not recall exactly what they said. It was my recollection that they did the paving in relatively unused stretch where there were not but a car or two a day, so it might be difficult to evaluate the effectiveness of the paving material if there was not much usage to tell us what happened."

Skinner: "Well I have been over the stretch in Beardstown and I must admit that I can not tell the difference between asphalt and crumb asphalt is it?"

Currie: "Yes."

Skinner: "Well, thank you."

Currie: "Well, it is called a bunch of things."

Speaker Flowers: "Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. I think this issue has been well debated, from the environmental perspective the perspective of recycling of encouraging the development markets for scrap tire, from the perspective of highway safety, the idea of using crumb rubber in modified

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

134th Legislative Day

May 19, 1994

asphalt paving has shown to be very effective one on all those fronts, we are seeing a rapid development in the use of crumb rubber in states across the country including those areas that have climate similar to our own. This Bill as introduced would have required a substantial investment in crumb rubber in our paving programs, as amended in the Transportation Committee, the Bill merely requires two demonstration projects in the Department of Transportation and the creation of task force coordinated between the Department of Transportation and the Department of Energy and Natural Resources to guide this date, so that we can take advantage of better technology, if that is the right way for us to go, and to the extent that the enforcement provisions of the Federal ISTEA Legislation are restored in the coming weeks and months that Illinois will not find itself losing federal highway funds. I would appreciate your support for this measure that has been proposed by the Environmental Council, by the Sierra Club, by Citizens For A Better Environment, and which would attract for Illinois the successful experience in this area of other states."

Speaker Flowers: "The Lady moves for the passage of House Bill 2691. All those in favor vote 'aye'; opposed, 'no'. The voting is now open. Have all voted? Have all voted? Have all voted? The Clerk, shall take the record. 96 voting 'aye', 13 voting 'no'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Hannig, for what reason do you rise?"

Hannig: "Yes, thank you Madam Speaker and Members of the House. I would just like to remind the Members of General Services Committee, Appropriation Committee and the Human Services

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

134th Legislative Day

May 19, 1994

Appropriation Committee, that we are having, that we are reconvening the recessed meeting of the Medicaid Committee tomorrow at 9:00 at Room 114, and we would like to have all the Members there. Thank you."

Speaker Flowers: "Representative Andrea Moore."

Moore, A.: "Thank you, Madam Speaker. Today we have been pleased to have with us the Illinois Girl Scouts Legislative Monitoring Network. There are many young women here today paying for the House. This is their 8th Annual Girl Scout Legislative Day, 17 out of the 22 councils in the State are represented two from each council, and please join me in welcoming them and thanking them for their help today."

Speaker Flowers: "It is the intend of the Chair to adjourn tomorrow, and to return again on Tuesday. Representative Granberg moves that the House now stands adjourned, until 10:00 tomorrow morning, allowing perfunctory time. The House is now Adjourned. All those in favor say 'aye'; opposed, 'nay'. Ten o'clock tomorrow, the 'ayes' have it. The House is Adjourned."

Clerk McLennand: "Perfunctory Session will be in order. Second Reading of Senate Bills with the intent of leaving them on the Order of Second Reading. Senate Bill 1367, a Bill for an Act amending the Illinois Municipal Code, Second Reading of the Bill. Senate Bill 1397 a Bill for an Act to amend the Illinois Vehicle Code, Second Reading of the Bill. Senate Bill 1706, a Bill for an Act concerning insurance, Second Reading of the Bill. No further business. The House Perfunctory Session will be adjourned, and the House will reconvene on Friday May 20th at the hour of 10:00 a.m. First Reading of these Senate Bills."

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

94/10/18  
12:42:58

MAY 19, 1994

HB-2459	SECOND READING	PAGE	10
HB-2459	THIRD READING	PAGE	11
HB-2521	THIRD READING	PAGE	7
HB-2521	OUT OF RECORD	PAGE	7
HB-2691	THIRD READING	PAGE	85
HB-2928	SECOND READING	PAGE	7
HB-2928	THIRD READING	PAGE	9
HB-3040	SECOND READING	PAGE	62
HB-3040	SECOND READING	PAGE	73
HB-3040	HELD ON SECOND	PAGE	79
HB-3040	OUT OF RECORD	PAGE	68
HB-3066	THIRD READING	PAGE	79
HB-3174	SECOND READING	PAGE	21
HB-3174	OUT OF RECORD	PAGE	33
HB-3765	THIRD READING	PAGE	13
HB-3765	THIRD READING	PAGE	33
HB-3765	POSTPONED CONSIDERATION	PAGE	41
HB-3765	OUT OF RECORD	PAGE	21
HB-3786	SECOND READING	PAGE	41
HB-3786	THIRD READING	PAGE	43
HB-3786	MOTION	PAGE	62
HB-3938	SECOND READING	PAGE	83
HB-3938	HELD ON SECOND	PAGE	85
SB-0128	SECOND READING	PAGE	4
SB-0481	SECOND READING	PAGE	4
SB-0481	HELD ON SECOND	PAGE	5
SB-1200	SECOND READING	PAGE	4
SB-1230	SECOND READING	PAGE	5
SB-1260	SECOND READING	PAGE	5
SB-1267	SECOND READING	PAGE	5
SB-1285	SECOND READING	PAGE	5
SB-1311	SECOND READING	PAGE	5
SB-1326	SECOND READING	PAGE	6
SB-1367	SECOND READING	PAGE	101
SB-1376	SECOND READING	PAGE	6
SB-1397	SECOND READING	PAGE	101
SB-1479	SECOND READING	PAGE	6
SB-1528	SECOND READING	PAGE	7
SB-1528	OUT OF RECORD	PAGE	7
SB-1706	SECOND READING	PAGE	101
SB-1708	SECOND READING	PAGE	7
SB-2737	ADOPTED	PAGE	72
HR-2737	RESOLUTION OFFERED	PAGE	70

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER FLOWERS	PAGE	1
PRAYER - REVEREND JOHN KEIFER	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL ATTENDANCE	PAGE	1
COMMITTEE REPORTS	PAGE	2
CONSENT CALENDAR - SECOND READING	PAGE	3
COMMITTEE REPORTS	PAGE	4
COMMITTEE REPORT	PAGE	7
AGREED RESOLUTIONS	PAGE	68
DEATH RESOLUTIONS	PAGE	70
COMMITTEE REPORT	PAGE	70
HOUSE ADJOURNED	PAGE	101
PERFUNCTORY SESSION	PAGE	101
PERFUNCTORY SESSION ADJOURNED	PAGE	101