

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

151st Legislative Day

June 29, 1994

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend Gary McCants of the Allen Chapel African Methodist Episcopal Church in Alton. Can we have some order, please. The guests in the balcony may wish to rise and join us for the invocation."

Reverend McCants: "May we bow our hearts. Oh, Lord, You are our refuge and strength and ever present help in trouble. Therefore, we will not fear, though the earth give way and the mountains quake with their surging. Our prayer today involves thanks and praise for the things You have done to bring us to this point in our lives and in our work. As we attempt to address the major issues of the day, issues which may seem to be earthshattering, may we keep in mind that You are able to calm raging seas, to make water stand upright, to send rain or to zip up the clouds. As we recall that You own the cattle on a thousand hills and that You even watch over sparrows, should discouragement enter our way, may we be still and know that You are God. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by Mr. (Tierney?)."

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

Speaker McPike: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Let the record show that Representative Phil Novak is excused today."

Speaker McPike: "Representative Kubik."

Kubik: "Well, Mr. Speaker, you still haven't lost your touch in keeping us all on the edge of our chairs. Let the record reflect that no Republicans are absent today."

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

151st Legislative Day

June 29, 1994

Speaker McPike: "Thank you. Mr. Clerk, take the roll. One hundred seventeen Members answering the roll call, a quorum is present. Representative Stephens in the Chair."

Stephens: "Thank you, Mr. Speaker. I bring before you House Resolution 2641. Mr. Clerk, would you read the Resolution."

Clerk Rossi: "House Resolution 2641 offered by Representative Stephens. WHEREAS, The members of this Body are happy to recognize the excellence of our young citizens and wish to congratulate Lesley Chen of O'Fallon, who was recently named Illinois High School Student of the Year by the Chicago Tribune; and WHEREAS, She was also selected for the 10-member 1994 Chicago Tribune Illinois High School All-State Academic Team; this honor includes a \$1,500 scholarship from the Chicago Tribune Foundation; and WHEREAS, She was chosen by a panel of educators on the basis of her high school grades, college entrance exam honors, awards, extracurricular activities, community service, and the essay she wrote for the competition; and WHEREAS, Lesley Chen is a senior at O'Fallon Township High School and the valedictorian of her class; her list of credentials also include a National Merit Scholarship, the outstanding attorney award at the State Mock Trial Contest, the Tandy Technology Scholarship, the Tylenol/Wal-Mart Leadership Award, the Rensselaer Medal, and competing in the National Chemistry Olympiad; and WHEREAS, She has been a member of the National Honor Society, the JETS Team, the Math Team, the Chemistry Team, the Ecology Club, and the Fine Arts Club; and WHEREAS, She has served as a student and recruiting leader in S.A.D.D., participated in D.A.R.E., and performed as a member of the handbell choir of the St. Louis Municipal Opera; and WHEREAS, She was

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

151st Legislative Day

June 29, 1994

recently selected for the Illinois State High School Association's All-State Athletic Team; she has qualified twice for the State tennis tournament and also served as a sophomore cheerleader and Panther mascot for home basketball games; and WHEREAS, Lesley Chen is the daughter of Richard and Cecile Chen, who can be justly proud of their contribution of support and inspiration to their daughter; and WHEREAS, Lesley Chen's achievements confirm our belief that hard work and dedication are effective when you set goals and strive to achieve them; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Lesley Chen on being named Illinois High School Student of the Year and a member of the 1994 Chicago Tribune Illinois High School All-State Academic Team and extend our sincere best wishes to her for continued success in the future; and be it further RESOLVED, That a suitable copy of this resolution be presented to her as an expression of our admiration and esteem."

Stephens: "Thank you, Mr. Clerk. All in favor of the Resolution please signify by voting 'aye'; the opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Ladies and Gentlemen if I could have your attention for just a minute. Lesley Chen has been chosen the outstanding high school student in the State of Illinois. We are proud that she is from O'Fallon and we'd like her to address the Body."

Lesley Chen: "Thank you very much for having me here and thank you for the Resolution. I'm really proud to be from Illinois, and I hope you all get a lot of work done so you can meet your deadline and all go home. Thank you again and have a nice day."

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

151st Legislative Day

June 29, 1994

Speaker McPike: "Committee Reports."

Clerk Rossi: "The Committee on Rules has met and pursuant to Rule 14(a)4, 14(a)5 and 14(a)6 recommends consideration, and the Bills be placed on the following orders of business: Second Reading, Senate Bill 487; Concurrence, House Bill 410; and Conference Committee, House Bill 3197 and Senate Bill 230."

Speaker McPike: "Representative Daniels in the Chair."

Daniels: "Mr. Clerk, will you read House Resolution 3019, please."

Clerk McLennand: "House Resolution 3019 offered by Representative Daniels. WHEREAS, 1994 proved to be a triumphant year for the Addison Driscoll Catholic High School's baseball team, The Highlanders; and WHEREAS, On June 4, 1994, in Springfield, Illinois, The Highlanders were crowned the Illinois Class A champions for the second time in three years by defeating Lewistown in the final game by a 6-0 victory; and WHEREAS, Even though the road to the finals was long and winding, the Highlanders continued to devote themselves towards the quest for the championship; and WHEREAS, Driscoll's state semifinal game, a 13 inning, 3-2 victory over Nashville, was the longest playing game in state tournament history; and WHEREAS, head coach Jeff Sefcik and assistant coaches Paul Mazzuca, Rod Molek and Tim Racki's leadership and support has taken the Highlanders to the top; and WHEREAS, By energetically and tirelessly devoting themselves to excellence, the entire team contributed to Driscoll's successful season, including Jason Aspito, Knute Beckford, Mike Burchill, Craig Bennett, Torry Caniglia, Rick Costa, John Crick, Ryan DiFatta, Erick Fritz, Buddy Fugitt, Steven Hardman, Josh Lumbreras, Jason Mika, Tom Nowicki, Steve Pawlak, Mike Sperling, Chris

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

151st Legislative Day

June 29, 1994

Tolentino, Jim Turcan, Bob VanWinkle, Jim Vavrek, Brian Vena and Erick Zaleski; and WHEREAS, Winning the Class A state baseball title is indicative of the high caliber of athletes attending Driscoll Catholic High School and stands as a testimony to the work ethic, and commitment of all persons associated with the team; therefore be it RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate and applaud Coach Jeff Sefcik and his assistants, the entire Highlanders baseball team and the whole school on a successful 1994 season; and be it further RESOLVED, that a suitable copy of this preamble and resolution be presented to Driscoll's school president, Brother Thomas Hetland."

Daniels: "Thank you. Ladies and Gentlemen of the House, I wonder if I can have your attention just for a second, cause this is a very special occasion for me and I know for the young men up here right now. On June 4th, 1994, the Highlanders from Addison Driscoll Catholic High School were crowned as the Illinois Class A champions for baseball. I've had an opportunity to visit with these young men during today and they've had a tour of the Capitol and they are now here visiting all of you in Springfield. I've explained to them the importance of victory and the importance of winning and feeling the importance of what it means to be #1. They know that all of you are winners in the General Assembly, and they're impressed not only by the procedure here but also our state government. And I wondered if you would just please join me in congratulating this wonderful team in their championship as the state Class A champions for baseball, Driscoll High School. I want to introduce to you Brother Thomas Hetland of Addison Driscoll Catholic High

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

151st Legislative Day

June 29, 1994

School. Brother."

Brother Hetland: "I would just like to take this opportunity to thank Mr. Daniels and to thank all of you for taking the time from your busy schedule to recognize excellence and achievement on the part of some of the young people of the State of Illinois. And at this time it gives me pleasure to introduce the head coach, Jeff Sefcik, who in only his second season as head coach of this baseball team has brought home a state championship. Mr. Sefcik."

Jeff Sefcik: "Thank you, Brother and thank you, Mr. Daniels. First, I would like to wish you all luck in passing your budget today and getting home tomorrow. I know all your wives and husbands would like to see you. All right, real quick. I'd just like to introduce everybody from the team that made it here today. All the way on my right I have Steve Pawlak, John Crick. Raise your hand. Steve Hardman, Erick Zaleski, Torry Caniglia, Bob VanWinkle, coach Paul Mazzuca, Christian Tolentino, Mike Sperling, Jim Vavrek, Jason Aspito, Knute Beckford, Brian Vena, Jim Turcan, Josh Lumbreras, and on the bottom step, all five foot six of him, Ricky Costa and Craig Bennett, and Mr. Bob Crow our assistant coach, who last year was inducted...I sorry, this year was inducted to the Illinois Hall of Fame for basketball. He's done 15 years of service for our school. I'd like to thank him, too. Thank everybody for your time and good luck on passing the budget. Thank you."

Speaker McPike: "Supplemental Calendar announcement."

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

Speaker McPike: "Representative Granberg. On page 52 under Nonconcurrency appears Senate Bill 1251."

Granberg: "Thank you, Mr. Speaker. I move that the House refuse to recede to House Amendment #1 and put this in

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

151st Legislative Day
conference."

June 29, 1994

Speaker McPike: "The Gentleman moves that the House refuse to recede from House Amendment #1 and asks for a Conference Committee. On that Motion, all in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Motion carries and a Conference Committee will be appointed. On Special Order State Operations appears Senate Bill 138. Mr. Hannig. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 138, a Bill for an Act that amends the River Conservancy Districts Act. Third Reading of this Senate Bill."

Speaker McPike: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is the Bill that we debated at some length last week, the rewrite of the Purchasing Act. It has a number of very important considerations that were taken from the blue ribbon proposal that we passed earlier as well as some of the improvements and good points that were in a Senate Bill that was sent over by that Body but unfortunately was technically flawed and philosophically differed on some very important points and has not been considered by this Body at this time. But it has... Let me just touch on a few of what I consider to be the most important points. We provide for a policy board to act...to create a system of checks and balances for the first time in the State of Illinois, so that those individuals who make the policy decisions will be different and separate from those individuals who actually purchase the products. There'll be this check between these two responsibilities which will minimize opportunities for people to determine rules that are favorable towards individuals that they would like to see get the contracts. We have a bulletin that will be put

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

151st Legislative Day

June 29, 1994

out so that all people will be aware of opportunities to bid on contracts. We have competitive bidding process which provides what we believe to be a vast improvement over the way the state presently does business. All bids are disclosed, so anyone who has a question about the outcome and where they stood in relation to any other bidder can examine those bids. We have a conflict of interest provision which we believe to be the strongest of both Bills. In fact, we took the both...we took the strongest language from both Bills and blended them together. In short, Ladies and Gentlemen, the Purchasing Act that we are proposing here is by far the best of all that has surfaced today, and I'd highly recommend that it be passed to the Senate and I'd ask for your 'yes' vote and be happy to answer any questions."

Speaker McPike: "On the 'do pass' Motion, Representative Cross."

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

Speaker McPike: "Yes."

Cross: "Representative, does this board that is being created with this Bill have the power to perform audits?"

Hannig: "The Auditor General does the audits."

Cross: "But does this board also have, in addition to the Auditor General, doesn't this board also have the power to audit?"

Speaker McPike: "Mr. Hannig."

Hannig: "Generally speaking, the power to do audits after the fact are done by the Auditor General on an annual basis. Is there a specific line that you'd like to ask us about?"

Cross: "Under Article V on page six of your Amendment, Section 55 paragraph B, it appears to give this board the power to audit. And I just wonder why we allow that power in this legislation along with the Auditor General or in addition to the Auditor General."

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

151st Legislative Day

June 29, 1994

Hannig: "Could you repeat the page and reference in the Bill that you'd like us to explain."

Cross: "Page six of your Amendment to Senate Bill 138. Look at... Line 27 is where it started."

Hannig: "Which line? I'm sorry."

Cross: "Twenty-seven."

Hannig: "So, yes it does, Representative. Well, to audit the implementation."

Cross: "Why are we giving two different authorities the power to perform audits? Aren't we going to have some conflict there and additional expense?"

Hannig: "We're auditing the implementation of the rules to make sure that the agencies are following the rules as written by the board. The Auditor General actually set, as a member of the blue ribbon panel, he was the chairman, and he certainly would not create a situation that would put his office and the Purchasing Act in conflict."

Cross: "Doesn't the Auditor General perform the same services as we're outlining in this Bill?"

Hannig: "The purpose... What the Auditor General does is after the fact, on an annual basis generally, sometimes every other year, he goes into the books of state agencies to determine that they are spending their money in compliance with state law."

Cross: "Aren't we setting ourselves up for conflict between this board's audit power and the Auditor General?"

Hannig: "No, I don't think so. And, in fact, I feel very strongly that if there was a problem the Auditor General, who as I said was...who participated in this proposal, in drafting this proposal, would have been the first one to object to this."

Cross: "And is this their specific request then?"

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

151st Legislative Day

June 29, 1994

Hannig: "Well, we tried as best we could to use the model proposal for purchasing as established by the American Bar Association, and that's where this language, for the most part, got into the blue ribbon proposal."

Cross: "Does the Auditor General, have they gone on record in supporting this language?"

Hannig: "The Auditor rec...the Auditor General's position has always been that he will audit whatever Purchasing Act that the State of Illinois through the Legislature and the Governor enact, this Bill or any other Bill. He will tell us about what he thinks to be differences between Bills, for example, but he is not actually an advocate or an opponent of any Bill. His position is he will audit to the law."

Cross: "But he was a member of the blue ribbon panel, I understand."

Hannig: "He was, under the Resolution that was passed that created the blue ribbon commission, each caucus was allowed to appoint four members; and he was the chairman of that blue ribbon panel and his job was to try to find and bring together a consensus so that we could actually present a product to the Reference Bureau that they could draft from. And I might add that he did a very good job and there was a unanimous agreement on the blue ribbon language that ultimately we had debated earlier in this chamber."

Cross: "Representative, moving on to the bid requirements of this legislation. Does the...does your Amendment in this Bill require...or provide for a 28 day notice for bids?"

Hannig: "It requires at least 20...yes, at least...it requires 28 days."

Cross: "Does this..."

Hannig: "That was a provision that Common Cause felt was

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

151st Legislative Day

June 29, 1994

important."

Cross: "Does the 28 day bidding process or 28 day provision, is there potential for delays in the contracting process by having this 28 day period?"

Hannig: "The concern that Common Cause expressed to us on the 28 days was that it was important to have a time frame long enough so that small businesses could become part of the process. So if you have a small business in your district or mine that by the time they receive this bulletin, take a look at it and say, you know I think we can bid on that. We maybe don't ordinarily bid on state projects but this is something that we could do and could do at a very good cost to the taxpayers. But they would have the opportunity to put that proposal together and submit one. So, this was something that's really to the benefit of small businesses in the State of Illinois and Common Cause felt very strongly and that's why we included it."

Cross: "Representative, can you give us a brief explanation of how the bidding process works for the professional services? Professional and artistic."

Hannig: "So an agency submits a request, informs...publishes a request for a proposal. In other words, they put it in the...it's published in the bulletin and notice that a certain agency, IDOT or CMS or whomever, is interested in an accountant or maybe the state fair is interested in bands to play at the next state fair. So that's advertised. So then...so then the bids come in...and then the bids come in, they're opened, it's all opened to the public, and then they would pick the lowest bidder or if they felt that there was an appropriate reason not to pick the lowest bidder because for example, maybe someone in the case that I just suggested bid one dollar cause they wanted

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

151st Legislative Day

June 29, 1994

to play out at the state fair but the band was no good. So the state fair director says, well we don't want that. We're going to take the Beach Boys even though they're higher. And then they would have to explain in the bulletin why it is that they would take that less than a low bid."

Cross: "In the area of say legal services for example; that we have a bid for \$50,000 for legal services and then we have a bid of \$100,000 for the same services, and we pick...the agency picks the \$100,000 bid. What explanation will they have to provide if they pick the higher bid?"

Hannig: "They would have to justify in writing why it is that they feel that the other agency is more appropriate."

Cross: "Are there any guidelines that need to be filed in that explanation?"

Speaker McPike: "Mr. Cross, are you about finished?"

Cross: "Almost."

Speaker McPike: "Good. We'd like to get out of here Friday."

Cross: "I'd love to get out of here."

Speaker McPike: "Not at this rate."

Hannig: "The request for the proposal would also include the criteria, Representative. So, for example, in the case that I've been talking about with the fair, they would include the idea that they want to have established bands, or in your case, they want to have maybe a legal service group that represents, knows about workman's comp or things of that nature. Now, other people may still submit bids and they may disqualify them based on the fact that they don't have the background."

Cross: "Just a couple of more quick questions, Representative. Are, and this was discussed last week. I just want to confirm it under this...the final version. Are community

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

151st Legislative Day

June 29, 1994

colleges exempt under your language?"

Hannig: "Yes."

Cross: "All right."

Hannig: "Community colleges are not included. They're included under a different provision in existing law."

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

Speaker McPike: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker McPike: "Yes, he will."

Churchill: "We... At the current time we have House Bill 1705 sitting in the Rules Committee which has already passed the Senate. We could bring that Bill to the floor and vote on it and pass the Procurement Code right to the desk of the Governor. Why don't we just do that instead of having to consider this Bill and send it over to the Senate?"

Hannig: "Well, Representative, first of all, we believe very strongly that this is a better Bill. It's true that there are some things in that Bill that are good and perhaps even better than in the blue ribbon proposal. So we lifted those...those...that language out of that Bill and combined it and blended it with the best of the blue ribbon proposal in order to get a Bill that's better than the other two. This is clearly a Bill that's not only better than the blue ribbon but better than the Senate Bill."

Churchill: "Why... I know that one of the big differences in this Bill is the board which you have put in place that Senate Bill 1705 didn't have. Tell me why are we better off to put in this purchasing warrant that you're using?"

Hannig: "Representative, it's the same principle that's in operation when we have the checks and balances between the three systems of government, where we try to divide those points of authority between the Legislative, the Executive

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

151st Legislative Day

June 29, 1994

and the Judicial. Here, and today, we have a system where one agency creates the rules and then they purchase the goods and services under the rules that they just created. We feel, and I think the American Bar Association and their (motto) feel, that it's more appropriate and certainly a better system to have a check and balance where you have one group, a group of professional people, who are appointed for the purposes of determining the policy and the rules, and then another agency whose purpose it is to file...to do the purchasing, so that there's no conflict between trying to create a rule that will fit a case where we want to make a purchase from a certain company. This way, CMS, IDOT, CDB, the people that actually purchase the goods and services would still retain that part of what they do but a professional board would actually create the official policy for the State of Illinois."

Churchill: "This is a board that has a staff. Right?"

Hannig: "We would anticipate that this would be a group of professional people who have background in purchasing that would probably come from the private sector. Perhaps some of them would have public sector background, and for the most part would understand the process themselves. But they undoubtedly would need at least some small staff, one or two people..."

Churchill: "Is there any women on the...staff that the board's going to have?"

Hannig: "Representative, let me back up. I'm erred when I said they get a staff. They do not get a staff. The board member's procurement officer is provided with a small staff."

Churchill: "Okay. So the chief procurement officer gets a staff, the board does not get a staff. And is there any limit on

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

151st Legislative Day

June 29, 1994

the amount of staff that the chief procurement officer can put in place?"

Hannig: "Yes. He's limited by law to three people."

Churchill: "Okay. So, then what your trying to do is make sure that this doesn't just become another growing bureaucracy of the state. Right?"

Hannig: "I share your concern wholeheartedly on that, Representative."

Churchill: "It's our understanding that the proposed Procurement Code is subject to the Administrative Procedures Act. Is that correct?"

Hannig: "Yes, it would be, Representative."

Churchill: "And does the policy board have the final approval of all rules concerning procurement?"

Hannig: "They would propose the rules, Representative, just like CMS does now for example, but of course the Joint Committee on Administrative Rules would have a final review."

Churchill: "Okay. So, you're telling me that JCAR would be the agency that would have the final approval on all the rules?"

Hannig: "Well, that's the way it is now, Representative."

Churchill: "But what would it be under the statutes you're proposing in this Bill?"

Hannig: "I'm sorry. Could you repeat the question?"

Churchill: "I'm trying to get to the question of whether the authority has the final approval or whether JCAR has the final approval. Because the way we read it is that you're cutting JCAR out of the process."

Hannig: "Representative, JCAR does not...does not promulgate any rules, they simply...they simply say yea or nay and...and"

Churchill: "Who has the final authority of approval for the rules?"

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

151st Legislative Day

June 29, 1994

Hannig: "Because they fall under the Administrative Rules Act...I mean they would come under JCAR and JCAR would have the right, as they do with any rule, to..."

Speaker McPike: "I'm sorry, I was distracted. Representative Churchill. Mr. Churchill, I had the five minute light on is why it was turned off."

Churchill: "Thank you, Mr. Speaker. We are right in the middle of just settling one point and then I'll conclude."

Speaker McPike: "Okay. Thanks."

Churchill: "If you'll be so kind. Thank you. I'm sorry. If we could just get back to the point on JCAR. I just want to know whether we read that the board has the final approval process which would cut out JCAR, and what you're telling me is the exact opposite that JCAR has the final approval process over the rules that are promulgated by the board. I just want to know which it is, that's all."

Hannig: "It is, and when we'd had the discussions on this question with blue ribbon it was always assumed that JCAR would have the final say, that this would be know different than any other agency, that if they by chance should error that JCAR would have that opportunity to check their error before it became law. And it's my understanding the way we read this Bill, that that is that that would be the case here too, Representative."

Churchill: "Okay. Thank you very much. No further questions."

Speaker McPike: "Representative Moore. Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I have just a couple questions for the Sponsor, please."

Speaker McPike: "All right. Yes, he will."

Moore, A.: "The policy under your legislation, does it promulgate binding rules covering purchasing? Binding rules?"

Hannig: "That's correct. The rules would be binding."

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

151st Legislative Day

June 29, 1994

Moore, A.: "Does that include the Supreme Court?"

Hannig: "They have the right under this proposal to make binding rules for purchasing for the court system. For the Supreme Court."

Moore, A: "Do you think that there might be a separation of powers problem there with our binding rules covering the Supreme Court?"

Hannig: "But we also say that this agency would have the right to make binding rules for the Legislative Branch, for our branch. Now, under this proposal the courts would have their own purchasing authority. We...you know, we wouldn't buy it for them. They would buy it under the rules and regulations that's set out by the state. The Speaker of the House would purchase under the rules and regulations that's set out by the state."

Moore, A.: "But this Bill provides for a body that's appointed by the Governor with the Executive Branch which will promulgate rules to oversee both the Judicial and the Legislative Branch. It would seem like there might be a concern for the separation of powers under that scenario."

Hannig: "That was never raised during any of the debate, nor has it been raised during the amount of testimony that we've had both in the House and the Senate. I know that the court system does monitor. The Supreme Court monitors much of what we do here and oftentimes will weigh in with an opinion in some way shape or form as you probably well know too, and they have not suggested to us that this is a problem. And quite frankly I don't know why the Executive Branch, the Legislative Branch and the Judicial Branch all could not use the same principles and policy when it comes to purchasing."

Moore, A.: "Thank you. This is a question that I've been asked

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

151st Legislative Day

June 29, 1994

over and over as we've been going through all three of these different Bills, and so it's one that we really should have clearly into the record. Is the General Assembly covered under this Amendment?"

Hannig: "Yes."

Moore, A.: "A scenario: If I, as a Representative, hire a legislative assistant for over \$10,000, are they covered under this Purchasing Act?"

Hannig: "I'm sorry, I didn't hear your question. Could you repeat it?"

Moore, A.: "As a State Representative, if in my district office I were to hire a legislative assistant for over \$10,000, are they covered under this Purchasing Act? Would I have to bid that out?"

Hannig: "Yes. You would be required to ask for bids for personal...for professional and artistic...a personal service contract."

Moore, A.: "So anybody that has a legislative aide, any Representative that has a legislative aide that is paid on contract, every year would be required to bid that out and the lowest bidder would...you would have to define why you didn't take the lowest bidder?"

Hannig: "If the contract ultimately is over \$25,000, you would have to disclose why you did not pick the lowest bidder."

Moore, A.: "Okay. Thank you."

Speaker McPike: "The question is..."

Moore, A.: "All right, thank you."

Speaker McPike: "The question is..."

Moore, A.: "Just one other point, and that was to reiterate Representative Churchill's comment earlier. Representative, did you read the Springfield paper this morning and the editorial that appeared and encouraged this

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

151st Legislative Day

June 29, 1994

House to approve 1705?"

Hannig: "I did not. Let me correct a prior error that I made. When you said 10,000, I believe that the threshold is 25,000."

Moore, A.: "Under the professional and artistic services? So if the legislative aide, the proposed contract were to be over \$10,000 but under 25,000, it would have to be bid out. It would not..."

Hannig: "No."

Moore, A.: "...have to be bid out. Only over 25,000 for a legislative aide. Under those circumstances, all Representatives would have to bid out their legislative aides."

Hannig: "Yeah. I just wanted to make that clear and I'm sorry if I misspoke earlier."

Moore, A.: "No, that's okay. I just thought for the record it really should be clear that it would have to be over 25,000. Well, I am...I'm glad to see this advance but I am disappointed that it is not 1705, as we could have passed this out of here and sent it straight to the Governor. This is important legislation and it's one of the most substantive things that this Body has been able to accomplish this year. I'm disappointed that it's not 1705, but I am glad to see it advance."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Representative Phelps to explain his vote. Someone turn his light on. Mr. Phelps votes 'aye'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there's 117 'ayes', no 'nays'. Senate Bill 138, having received the Constitutional Majority, is hereby declared passed. Senate Bill 357,

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

151st Legislative Day

June 29, 1994

Nonconcurrency. Mr. Steczko."

Steczko: "Thank you, Mr. Speaker. I move that the House refuse to recede in House Amendments #5 and 6 to Senate Bill 357 and ask for the appointment of a Conference Committee."

Speaker McPike: "The Gentleman moves that the House refuse to recede from House Amendments 5 and 6 to Senate Bill 357. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Motion carries, the Conference Committee will be appointed. Supplemental Calendar appears House Bill 410. Representative Steczko."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would move that the House concur with Senate Amendment #3 to House Bill 410. House Bill 410 is a Bill that passed this House last year. It has come back to us in essentially the same form, but this Bill enacts the senior citizen tax freeze homestead exemption. This Bill that passed the House unanimously last year is a Bill that makes taxpayers eligible for this exemption if they are 65 years of age or older and make under \$35,000 a year. In order to qualify, those taxpayers must make application to the county's chief assessment officer by each May 1st and the determination of eligibility will be made by those various assessing officers. This Bill is a substantial Bill and proposal that seeks to help those senior citizens throughout the State of Illinois and is something that this House should act on today as unanimously as it did last year. Mr. Speaker, I'd answer any questions, and if not, would appreciate a favorable vote on the Concurrence Motion to House Bill 410."

Speaker McPike: "The Motion is 'do pass', and on that, Representative Cowlshaw."

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

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

151st Legislative Day

June 29, 1994

yield for a question or two?"

Speaker McPike: "Yes, he will."

Cowlshaw: "Thank you very much. Representative Steczo, I believe there is some provision in Senate Amendment #3, which becomes the Bill, that has to do with the effect at the time when this freeze on the EAV would become effective. And I believe it says either when the person who is seeking this benefit is...reaches the age of 65 or some other factor. What is that other factor?"

Steczko: "Representative Cowlshaw, the provision in the Bill says that the youngest person in the household must be 65 years old. That's the qualification."

Cowlshaw: "All right. There's is..."

Steczko: "And it begins in taxable year 1994. That was a change in a provision that we sent over there."

Cowlshaw: "All right. Representative, the reason I want to ask this question and make sure that your answer is on the record is that there are a couple of people in the municipality where I live, who are with the municipal government, who are concerned about this proposal. Partly, because of course it might result in there being slightly less property tax revenue for that municipality, but they way they read this, there question was; If somebody is now 85 years old, can that person go back and get this thing for the past 20 years because they became 65 20 years ago?"

Steczko: "Representative Cowlshaw, absolutely not, to answer your question."

Cowlshaw: "Very good. That's all I needed, on the record, to have an answer to that question. Thank you very much, Representative Steczo."

Speaker McPike: "Representative Skinner."

Skinner: "I concur with the Sponsor that we ought to vote with

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

151st Legislative Day

June 29, 1994

this Bill...vote for this Bill, but there are some problems with it which will provide a source for future Amendments. Number one, there is an income limit. The family can't earn over \$35,000 a year. Now what this means is, that everyone's income that applies for this tax break will end up at the courthouse. Now I don't know about you, but I don't think the courthouse employees ought to be...ought to have the access to what you and I are going to earn or that is received in income after age 65. So, I think this has to go and it's only a matter of time before it does go. I'm sure you'll hear some horror stories within a month after people start submitting their income data. Number two. Let's see, what was number two. Number two, the Senate made a dilatorious change. Originally the base year was going to be the 1993 assessment year and now it's the 1994 assessment year. Which will mean there will be know savings for at least two years. So, don't go promising the world with this Bill when you write your campaign literature, because there won't be a tax cut next year. It won't come until the year after that. Thank you very much, Mr. Speaker."

Speaker McPike: "Representative Hoeft."

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

Speaker McPike: "Yes, the Sponsor will yield."

Hoeft: "I have a number of concerns that have been expressed to me about this Bill and I'd like to know, one, is there any compensation to the governmental bodies that are going to lose revenue because of this Bill?"

Steczo: "Mr. Hoeft, no, there is not."

Hoeft: "The school districts that are in under the tax cap, the municipalities under the tax cap, will be unable to recoup the money that they will lose because of this."

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

151st Legislative Day

June 29, 1994

Steczo: "They will not be able to recoup the money, but the thing to keep in mind, Mr. Hoeft, is that the people who this applies to, those senior citizens that make under \$35,000 a year, have paid those property taxes all their lives. So, we're still allowing that they will pay property tax, but it will be frozen at the level it is the year they turn 65 years of age."

Hoeft: "Secondly, there's the question of the...how this is administered. My county clerk, my county board, has written to me saying that this is an absolute nightmare to try and verify these limits. The book work in this is enormous. It is a fine goal, but this is a Bill that is going to take tremendous amounts of energy to try and implement, and therefore, is something that the Kane County Board at least is very strongly against."

Speaker McPike: "Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker. Ladies and Gentlemen, I'd like to point out that I believe the language in this is identical to House Bill 3367 offered by Representative Daniels, and that this Amendment passed the Senate unanimously. So, I would urge concurrence with regard to the Sponsor's request and urge and 'aye' vote. Thank you."

Speaker McPike: "Representative Wennlund."

Wennlund: "With all 117 votes I move the previous question."

Speaker McPike: "Thank you. The question is, 'Shall the House concur in Senate Amendment #3 to House Bill 410?' All in favor vote 'aye'; opposed vote 'no'. This is final action. ...Mr. Hoeft. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 117 'ayes' and no 'nays', and the House does concur in Senate Amendment #3 to House Bill 410, and this Bill having received the Constitutional Majority, is hereby declared

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

151st Legislative Day

June 29, 1994

passed. House Bill 979. Representative... Who wants to be recognized? Is it Mr. Balanoff? Mr. Balanoff."

Balanoff: "Mr. Speaker and Ladies and Gentlemen of the House, I rise to move that we concur in Senate Amendments 1, 2...1, 3 and 5 to House Bill 979. I will explain the Amendments. Amendment #3 deletes Amendment 1, so it's probably not of interest to anyone in this chamber. Amendment #3 would repeal the retail rate law for what are called qualified...qualified solid waste energy facilities. The situation is...is...of the retail rate law is like this. If you run a waste energy facility that generates electricity, for the first 20 years Commonwealth Edison is required to buy that electricity at the rate that they would charge the consumer from the incinerator. So, if they...if it costs twelve cents a kilowatt hour, the consumers, they would be required to buy that from the company at that rate even if the cost of generation to them was only three cents a kilowatt hour. This difference of nine cents an hour would then be taken by Commonwealth Edison as a tax break on their state income tax. Twenty years down the line, the incinerator company, if they wanted to or if they didn't want to, would be basically, decide if they were going to start paying back this interest free loan. How much money are we talking about? The Illinois Commerce Commission has said that this will cost the taxpayers in Illinois \$1.4 billion. A tax break of \$1.4 billion. Amendment #5... So that is Amendment 3. Amendment #5 is one that would allow the retail rate subsidy for wood burners and tire burners. Something that I personally do not agree with. But the... In relation to the entire cost, the \$1.4 billion. Amendment 3 saves the taxpayers 1...will co...if we do not pass this Bill.

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

151st Legislative Day

June 29, 1994

Amendment #3, by not being passed, would cost the taxpayers \$1.2 billion. So a very small percentage will be put back in by Amendment #5. There's going to be lots of people that are going to be talking about this Bill, and I would certainly be happy answer any questions and then I will close."

Speaker McPike: "All right. The Gentleman moves to concur in the three Amendments, and on that Motion, Representative Morrow."

Morrow: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What the previous Gentleman failed to mention, and I hold him in a high honor and high esteem. But what he really failed to mention, he mentioned Commonwealth Edison, but what the real purpose of Senate Bill 979 does is to take away economic development for the City of Robbins that the Mayor, who I see in the gallery, good to have you down Madam Mayor, has worked hard for over the years. She won her...she ran for Mayor last year with this hanging over her and she won 70% of the vote. So the city or the residents of the City of Robinson...of the City of Robbins is behind her. What this Bill does, basically, is to stop a tax credit that we voted on last spring to help the City of Robbins build a waste incinerator. That's what this Bill does. And I find it hard to believe that some of the comments that have been made to me, that this project will not give that many jobs, that we should not subsidize trash facilities, that we...and one that was even told to me yesterday. We can bring some different economic development into Robbins. Well, I say this. To those who have been here longer than me and were representing Robbins before I got here, what economic development did you try to bring into Robbins? None. Someone mentioned to me, you're

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

151st Legislative Day

June 29, 1994

making two white men from Philadelphia rich. Well, give me two white men from Illinois that wanted to bring some economic development in Robbins and I will sit down with them. But, where are they? They haven't come forward. And finally, when you say you don't want to subsidize this project, well, I'll tell you. We subsidized the White Sox park, \$150 million. What repayment have we gotten for the White Sox park? None. We subsidized Mitsubishi, \$300 million. What repayment have we received from Mitsubishi? None. Motorola, \$36 million. What repayment did we receive? And the worst subsidy that we ever did was when we gave \$200 million to Sears Robuck. Now, when we were giving that subsidy to Sears to send them to Hoffman Estates, one of the wealthiest areas in this state, no one said, Sears relocate to Robbins, they are economically depressed. We can help them. Where was the uproar from our so called environment...environmentalists? Where was the uproar from some of the Members on this side of the aisle? Yes, some of you voted to send that money so Sears could move to Hoffman Estates. One of the wealthiest areas in this state. No one said, send it to Robbins. One of the most depressed areas in the state. And then lastly, we're not dealing with it this Session, but the third airport at Peotone. That's going to be subsidized by the state and I haven't heard...no one said build an airport in Robbins, they need some economic development. No, all I said...all I hear is we can't have trash. Well, I will tell you environmentalists, stop making trash and then we won't have to get rid of it. So, a 'no' vote is the right vote. That is the right vote. And I know you are getting calls back home, but the issue of trash is something that is not going to go away. And until one of you offer that

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

151st Legislative Day

June 29, 1994

Mayor some different proposals to try to create economic development. Now she could have come down here and ask for \$300 million in welfare. What are you going to tell her? No! She could have come down here and asked for \$300 million for anything to her community and you would have said no. She is coming down here saying make us viable and let us stand up on our own and you're still saying no. And I think some of it has to do with the fact that she is going control what happens into her city, and some of you are mad because you can't get some of those jobs and contracts from her. Well, if you work with her maybe you might. But don't take that from that Mayor up there who won her reelection, and the Representative from her area that represents her wants it also. Vote 'no' on House Bill 979."

Speaker McPike: "Representative Lindner."

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

Speaker McPike: "Yes, he will yield."

Lindner: "Thank you. Isn't true that there is a federal law that says that Com. Ed. will still have to continue buying the power?"

Balanoff: "Not to the best of my knowledge. And you should know, and Commonwealth Edison asked me to let people know, that they are neutral on this Bill."

Lindner: "But there is no federal law that says they still have to buy that power?"

Balanoff: "To the best of my knowledge there is not."

Lindner: "Thank you."

Speaker McPike: "Representative Murphy."

Murphy, H.: "Thank you. Would the Sponsor yield? Mr. Speaker, will the Sponsor yield?"

Speaker McPike: "Yes, Sir. Yes, he will. Proceed."

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

151st Legislative Day

June 29, 1994

Murphy, H.: "Representative, there has been a lot of none truth going around in these chambers and outside of them. Let us set the record straight as it relates to the law, the federal law. That is, Commonwealth Edison and no other company are buying energy from incinerators. None. Now that is the law. So that those people who passed out petitions and signs saying just the opposite is not true. Now that's the law."

Balanoff: "What the law currently is, and Representative Lindner..."

Murphy, H.: "Excuse me. Excuse me. Excuse me, Representative."

Balanoff: "I want to answer your question. I would like to answer your question."

Murphy, H.: "No, I didn't finish. I didn't finish."

Balanoff: "Okay."

Murphy, H.: "I wasn't asking you a question. I'm making a statement here."

Balanoff: "Okay. Well, I want to respond to as much as we go... I would like to respond to the parts of the statement as we go along."

Murphy, H.: "That's what the law is."

Balanoff: "I would like to respond to part of the statement as we go along, so that we do not have any misinformation."

Speaker McPike: "Mr. Balanoff, Mr. Balanoff."

Murphy, H.: "Mr. Speaker."

Speaker McPike: "Mr. Murphy."

Murphy, H.: "I never asked the Representative a question. I am trying to explain...."

Speaker McPike: "Mr. Murphy. Mr. Murphy. Mr. Murphy. Mr. Balanoff. Mr. Doorman, would you escort this lady up here that is displaying a bed sheet, would you escort her out of the balcony, please. Thank you. We don't allow displays

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

151st Legislative Day

June 29, 1994

from the balcony. Proceed Mr. Murphy."

Murphy, H.: "Thank you very much. Let's make clear what the law is. No Commonwealth Edison or no other company is buying electricity from an incinerator. Landfills, yes. We're not talking about landfills. We're, in fact, trying to get rid of landfills. That's number one. So that should be perfectly clear. Number two is; I've sit in these chambers almost a year now, and we talk about sending people to prison for long periods of time because they are in violation of the law. But I stand here today urging you all to vote 979 down for a lot of reasons, and one of those reasons is, it gives people jobs. If people had employment, crime rates would be down for more than two-thirds. Now there's been a lot of untruth about that. The truth of the matter is we're talking about over 600 jobs, construction jobs, well paying jobs, and that's why the union supports us on this. And for those of you who support labor you ought to know that labor supports this Bill, and labor has signed on to defeat 979. But more than that, more than that, we're dealing with a deprived community. A community where we all the citizens or the majority of them want to see the incinerator built; the whole city council, the people who ran in opposition to that city council, and I believe that the greatest mayor in the world. And the reason I say that, because if you look at that the economic development and if you look at the taxes that Robbins receives, and she is doing such a good job with so little, she must be the greatest. So I just stand here and encourage you to vote this 979 down. We're talking about...we're talking about economic development. We are talking about helping a people that need help. We're talking about putting people to work that's out of

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

151st Legislative Day

June 29, 1994

work. And we have some people to say, well what we ought to do is give Robbins several million dollars. But we're not asking for gifts. We believe in working for our money. And secondly, all the companies that was named that would give money to...to stay in Illinois, would give money to come to Illinois, we're saying we're trying to borrow the money, and for every dollar we borrow we'll pay back \$21. I would urge a 'no' vote on Senate Bill 979. Thank you. House Bill 979."

Speaker McPike: "Representative Pugh."

Pugh: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Will the Sponsor yield for a question?"

Speaker McPike: "Yes."

Pugh: "Representative Balanoff, who represents Robbins? What Representative represents Robbins of the Members that are on this Bill?"

Balanoff: "My understanding is Representative Harold Murphy represents the Village of Robbins."

Pugh: "Which of the Representatives on this Bill represents Robbins?"

Balanoff: "This Bill is about spending \$1.4 billion of taxpayers money in the State of Illinois."

Pugh: "That's not the question I asked, Sir. Representative Balanoff, I asked a question, which of these Representatives on this Bill represents Robbins?"

Balanoff: "I represent the taxpayers in my district. I, if Representative Murphy's name is not on the Bill, it would become obvious that none of the Sponsors on this Bill are..."

Pugh: "We are not talking about obvious, we are talking about truth. We are talking about duly elected Representatives in the State of Illinois. It's my understanding that

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

151st Legislative Day

June 29, 1994

Harold Murphy was represented...was elected to represent Robbins. He was duly elected by the citizens of Robbins, Illinois, and the citizens of Robbins, Illinois say that they want an incinerator in their community. If we are duly elected Representatives of our community and we are being shackled from representing our constituents, then what is our purpose for being here?"

Balanoff: "One of the problems I think with this chamber is the parochialism oftentimes. I say that because it takes 60 votes to pass a Bill. Every vote that we take not only effects our own district, but it effects every district in the State of Illinois. And it is time to often...we should be understanding our role in a much bigger sense."

Pugh: "Our role in a bigger sense is to generate revenue for the State of Illinois. It is my understanding, and Representative Murphy mentioned, that we would be receiving a 21% increase on our dollars if this incinerator was allowed to be located in Robbins, Illinois. It would also create six hundred new jobs for the depressed area in Robbins, Illinois. I hate to see...I hate to see that this issue be decided along racial lines. When it comes to issues effecting the black community, it is no more Democrat versus Republican. It is no more labor versus management. It is black versus white. And I hate to see that this kind of divisiveness continue to eat at the fabric of this State of Illinois."

Balanoff: "I really find it necessary to respond to a couple of things that were said. One, the developer says that 80 jobs are the number of jobs that would be created by the Robbins incinerator; and I would like to read a letter from, or at least certainly portions of a letter, which I would be more than happy to give you. It is from

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

151st Legislative Day

June 29, 1994

National...NAACP. And it is from the NAACP..."

Pugh: "The NAACP, wait a minute...wait a minute. The NAACP, the NAACP, you are reading from the NAACP now and they are not representing Robbins. Harold Murphy represents Robbins. He was elected, not the NAACP. Harold Murphy was elected to represent the issues and concerns of Robbins, Illinois."

Balanoff: "Well, I think if you are going to make that argument that..."

Pugh: "That's a fact. It is not an argument. It is a fact that he was elected by 96,000 individuals to represent, by a majority of 96,000 individuals, to represent the concerns of the district that he was elected to."

Balanoff: "You know, I would like to read part of that letter that was...it's dated June 28th, 1994. Please be advised, Dear Representative Balanoff...."

Pugh: "If we are...wait a minute if who... What the does NAACP have to do with the incinerator in Robbins?"

Speaker McPike: "Mr. Balanoff."

Balanoff: "Well, I would just like to read in response. Certainly that letter and it is..."

Pugh: "Representative Balanoff, excuse me I happen to be a member of the local NAACP. We are all members of the state NAACP. Now you are talking about the National NAACP that has no jurisdiction here in the State of Illinois, let alone in the local community of Robbins, Illinois. And I submit to you, Sir, that the NAACP has no place in deciding issues of policy as it relates to legislation in the State of Illinois. The NAACP is a National Advancement for the Association of Colored People and they deal with civil rights issues. This is not a civil rights issue."

Balanoff: "Well, you know what, I would beg to differ with you then on the question of Robbins. Dr. Ben Chavis who is the

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

151st Legislative Day

June 29, 1994

executive director and chief executive officer..."

Pugh: "Did Ben Chavis sign that letter? Did Dr. Ben Chavis sign that letter?"

Balanoff: "No he did not. No he did not."

Pugh: "Okay, then the letter has no..."

Balanoff: "He has been a pioneer in the environmental justice movement in the United States."

Pugh: "Did the state NAACP chairman sign that letter?"

Balanoff: "No, we are talking about a national..."

Pugh: "Did the local NAACP chairman sign that letter?"

Balanoff: "No, because they are talking about a national problem regarding siting of the waste disposal facilities."

Pugh: "Once again, Sir, I submit to you and I maintain that Representative Harold Murphy was duly elected by the citizens of Robbins, Illinois to deal with the issues effecting their community. Whether or not this is good for his constituents, his constituents gave their faith in him with their vote to make sure that their issues were addressed. He's merely doing that. We as Members in the House of Representatives should be assisting him in his efforts to represent his community. Anything apart from that is wrong, is discriminatory and is racist."

Speaker McPike: "Representative Lou Jones."

Jones, Lou: "Thank you, Mr. Speaker and Members of the House. Will the Sponsor yield? A few minutes ago, Representative Balanoff, you made reference to that we should always...we should now support legislation issues not necessarily in our districts. Am I correct?"

Balanoff: "What I am saying is, that in order to pass any piece of legislation in the State of Illinois, it takes 60 votes. No, no, and so that..."

Jones, Lou: "No, no answer my question. Is that what you

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

151st Legislative Day

June 29, 1994

said..."

Balanoff: "I'm saying that you're right, that we should look at it in a bigger sense."

Jones, Lou: "Is that what you said, Clem? Is that what you said?"

Balanoff: "Yes."

Jones, Lou: "Well, then you have a very short memory because I remember about two years ago when they were going to do the airport out in your district, which is not in my district, not in Representative Davis' district, or in any of the rest of the African Americans here. But we supported you because it was your district and it was going to hurt your constituents and it reflected that away. We joined you...and... Just hold on, I'm not through talking. We joined you at that particular time because I was not worried about an airport coming down on 39th and King drive. But I supported you because that is your district. They duly elected you to serve that district, and if I am not mistaken majority of us walked around here wearing buttons and pins and hats and supporting you. I don't understand why you are doing this when it's going to bring economic development to a distressed district. I also do not understand why you are taking such a great stand in regard to this, unless there is a hidden agenda somewhere that we don't know anything about. But I would just like...I would...the same courtesy that we extended to you when they were going to displace 50,000 people in your district. I wish you would extend that same courtesy to Representative Harold Murphy, and I urge a 'no' vote on HB 979."

Speaker McPike: "Representative Monroe Flinn."

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

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

151st Legislative Day

June 29, 1994

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

Steczko: "Thank you, Mr. Speaker and Members of the House. Much has been said during the debate today about the fact that...that House Bill 979 and the passage or concurrence with these three Amendments would somehow inhibit economic development. The fact is, when this subsidy was first approved by the General Assembly it was not an economic development issue. It was never touted to be an economic development issue. It was an issue that dealt with solid waste pure and simple. No other reason, no other rationale. The state was in the middle of a garbage crisis and we had to try to address it in some way. Nothing was ever said about economic development, nothing at all. One of the things, though, that has come up, is the question of the incinerator that is located in the south suburbs in Robbins, and the so called economic boon that would be provided, and the confidence evidently that somebody says that they have about the incinerator being placed there. But there are other facts that this legislature should know. The fact is, that the South Suburban Mayors and Managers Association which comprises 38 municipalities, and the Southwest Council of Mayors which is another 20 municipalities, of all those who originally had asked perhaps that people look at this possibility for their area, only ten of them, only ten of those municipalities have signed up to use this facility. Only ten. So what happens? In order for this facility to work, they have to get their garbage from someplace else; including Indiana, including Michigan. Who knows, even New York. So we will

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

151st Legislative Day

June 29, 1994

be providing a \$300 million subsidy to burn garbage from New York, Michigan and Indiana. That is where your tax money is going to be going because this community with this incinerator cannot make it based on the amount of trash that it would generate locally. So, we will be taking a facility that will be burning out of state garbage, burning \$300 million of your money, and there are some people who say, well, you know, if...if we don't kill this Bill, then all downstate is going to get the garbage. What you're going to get now if this Amendment...if these Amendments fail, if this Bill fails, what you will wind up getting is the toxic ash from this incinerator. That's what you'll get. You'll pay for the cleanup of those toxic ash sites and on top of that you will be paying \$300 million for this one facility and \$300 million for three others. One point four billion dollars, \$1.4 billion out of your pockets, out of our pockets, out of our constituents pockets and \$186,000 a job. That is the cost, \$186,000 a job. My response to the people that want to build these things, if they're such great economic development, then build them, but do not take \$300 million of my money to do it. If it is good economic development, do it, but not with my money. Not with \$300 million of state money and that is the bottom line. Mr. Speaker and Members of the House, I would encourage the House to do the right thing today and to concur in Senate Amendments #1, 2 and 3 to House Bill 979."

Speaker McPike: "That is Senate Amendments 1, 3 and 5. The question is, 'Shall the House concur in Senate Amendments #1, 3 and 5 to House Bill 979?' All in favor vote 'aye'; opposed vote 'no'. Representative Giles to explain his vote. Mr. Giles."

Giles: "Thank you, Mr. Speaker. I urge my colleagues on both

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

151st Legislative Day

June 29, 1994

sides of the aisle to vote 'no' on this Bill. There has been much debate. The previous speaker mentioned that there is a \$300 million subsidy that the State of Illinois has given to this community. Well, this community is one of the communities that will pay back that subsidy. We have a list of various companies that have gotten money and tax subsidies from the State of Illinois and have not paid them back. It is just a shame for a Representative who do not represent that community to not support this Bill. It is just a tragedy for...it is just a tragedy of justice, as my colleague have said, for a Representative to take issue and side for a community that is depressed, for a community that can have economic..."

Speaker McPike: "Representative Prussing."

Prussing: "To explain my vote. The size of this subsidy, \$1.4 billion over 20 years, let's compare that with what bailing out our pension systems is going to cost. It's about the same per year. About \$70 to \$80 million a year. And I think in view of that large subsidy and the other demands that we have on our budget we can't afford this, so I am voting 'yes'."

Speaker McPike: "Representative Balanoff."

Balanoff: "Yes, just briefly to explain my vote. A \$1.4 billion dollar subsidy. I would ask all that are voting 'no', where do they want those dollars to come from? Should they come from education? Should they come from health care? Should they come from public aid? Should they come from corrections? Should they come from raises from home health care workers or from the AFSCME contract? Where is that money going to come from? And just a couple of other things. One of the problems with that...you know, in all of these things that we have heard, is that the...the issue

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

151st Legislative Day

June 29, 1994

that we're all talking about is really the subsidy. This Bill doesn't say this incinerator can't be built or an incinerator can't be built. It just says that the taxpayers in Illinois are not going to subsidize it; the bringing of out of state waste into the State of Illinois. And remember, just a question of incineration for those downstaters that are voting 'no', incinerators keep us dependant on landfills."

Speaker McPike: "Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentleman. The reason that they are looking for our state money, it is not just money for Robbins, it is money coming from our General Revenue Fund. No bank would make this loan. The incinerator could be built if they would go reconfigure their debt and get private funds. Let me remind you of your hydroelectric vote, 91 to 17. The downstate people already have two more incinerators on the drawing board, and the toxic ash coming from the Robbins incinerator will come to a town near you, believe me. We have the richest subsidy in the United States. It's an open invitation to bring incinerators to Illinois. As far as the jobs, \$36 million for 3,000 jobs from Motorola is a good cost return. Three hundred million dollars for the Robbins incinerator for 80 jobs or less, low paying jobs, is not economic development. Illinois cannot pay its medical bills, it cannot fund their schools, we cannot repair our infrastructure. I urge an 'aye' vote. Thank you."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I wish to respond to some of the speakers who have said that this is a vote of black and white. I have to tell you I am disappointed with that, because I want to

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

151st Legislative Day

June 29, 1994

tell you that my constituents who are sitting next to a...an incinerator in Summit, believe that it is wrong for us to subsidize an industry that may be killing people. And that's the issue."

Speaker McPike: "All right, just a minute. If we have another outburst from the balcony we will clear the balcony. We do not allow that in this Body. Continue, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. That is the issue. I've joined my colleagues on the other side of the aisle. African Americans and Hispanic alike on a lot of issues. This issue is an issue of people who care about the environment and don't want their tax dollars being used to subsidize that sort of activity."

Speaker McPike: "Representative Pugh, you spoke in debate. For what reason do you rise?"

Pugh: "Yes, Sir. Thank you, Mr. Speaker. I would like to call for a roll call if...a verification if this Bill receives the requisite number of votes."

Speaker McPike: "Thank you. Mr. Dart."

Dart: "Thank you, Mr. Speaker and Members of the House. I too have problems when people start pointing their fingers making this a racial issue and saying certain people cannot vote because it is not their district. I would like everyone to know that I live maybe a mile from where they are going to put this thing and the people don't like it. And just because they aren't in physically that district does not mean their voice has been silenced. More importantly, we are sending a real loud and clear message here, when we cannot afford to pay our medicaid bills, we cannot afford to open our schools. We go through a crisis every two years. What's the message we're sending back loud and clear to the voters back there who like this

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

151st Legislative Day

June 29, 1994

stuff? We'll subsidize the big guys that are going to come in here from out of state, set up their incinerators. We'll pay them money. And tell you what, in addition to that you can bring your out of state waste in here and you can burn it and we'll pay you to do it. That is great. That's something I'd be real proud to take back to the voters in my district. You know, I can't open the schools, we can't pay medicaid bills, but guess what, the big company from out in Redding, I will give them money to come burn other peoples garbage in my area. Garbage that we know could kill people. That's a great signal. I hope the voters are watching this one real carefully."

Speaker McPike: "Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 51 'ayes' and 60...on this Motion there are 51 'ayes' and 60 'noes' and the Motion fails. Representative Turner."

Turner: "Having voting on the prevailing side, I move to reconsider."

Speaker McPike: "Mr. Turner, that will not do you any good on this particular type of Motion. Anyone can file another Motion to concur. There's nothing in our rules that would prevent anyone else from filing this Motion. So the Motion you are attempting to make is not...would not assist you. Representative Turner on Nonconcurrency on Senate Bill 881. Mr. Turner."

Turner: "Thank you, Mr. Speaker. I move to nonconcur...I move to refuse to recede on House Amendments 5 and 9 on Senate Bill 881 and I move for a Conference Committee."

Speaker McPike: "All right. The Gentleman moves that the House refuse to recede on House Amendments 5 and 9 on Senate Bill 881. All in favor say 'aye'; opposed, 'no'. The 'ayes'

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

151st Legislative Day

June 29, 1994

have it and the Motion carries and a Conference Committee will be appointed. Mr. Homer, Senate Bill 1232."

Homer: "Thank you, Mr. Speaker. I move that we refuse to recede from the House Amendments listed and I would ask for appointment of a Conference Committee."

Speaker McPike: "The Gentleman... He moves that the House refuse to recede from Amendments 1, 2, 3, 4, 6, 10 and 11. All in favor of the Gentleman's Motion say 'aye'; opposed, 'no'. The 'ayes' have it. The Motion carries and a Conference Committee will be appointed on Senate Bill 1232. Senate Bills Third Reading. 1311, Mr. Kotlarz. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 1311..."

Speaker McPike: "Out of the record. 1447, Mr. Kotlarz. Mr. Clerk, read the Bill."

Clerk McLennand: "1477?"

Speaker McPike: "1447."

Clerk McLennand: "Senate Bill 1447, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker McPike: "Mr. Kotlarz."

Kotlarz: "Can I move it back to Second Reading for an Amendment?"

Speaker McPike: "The Gentleman asks leave to return the Bill to Second Reading. Hearing no objections leave is granted. The Bill is on Second Reading. Are there any Amendments?"

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

Speaker McPike: "Mr. Kotlarz."

Kotlarz: "I'd ask for passage, Mr. Speaker."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say... Mr. Wennlund."

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

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

151st Legislative Day

June 29, 1994

Speaker McPike: "Well, he usually doesn't like to explain his Amendments, so..."

Wennlund: "He didn't explain anything."

Speaker McPike: "No, he usually doesn't. Mr. Kotlarz, would you like to yield?"

Wennlund: "Would you like to tell the Members of the House exactly what Amendment #2 does?"

Kotlarz: "Yeah. Mr. Speaker, Members of the General Assembly. It changes on page one, line twelve. It inserts 'negligence or'. It was a suggestion by the trial lawyers. It's an addition of two words."

Wennlund: "All right, thank you very much. I appreciate the explanation."

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

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. We'll take this out of the record just for a minute. Mr. Steczo on 1381. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 1381, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker McPike: "Mr. Steczo."

Steczko: "Mr. Speaker, I would yield to Representative Ostenburg."

Speaker McPike: "Mr. Steczo. Mr. Clerk, did you read the Bill?"

Steczko: "Mr. Speaker, I yield to Representative Ostenburg."

Speaker McPike: "Representative Ostenburg."

Ostenburg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is another attempt to..."

Speaker McPike: "Representative Currie in the Chair."

Ostenburg: "...eliminate the creation of the position of the superintendent of schools in the regional area of suburban

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

151st Legislative Day

June 29, 1994

Cook County. And we've discussed this a number of times before and I would urge your support of the Amendment."

Speaker Currie: "Representative Ostenburg."

Ostenburg: "I move adoption."

Speaker Currie: "Representative Ostenburg moves adoption of Senate Bill 1381, and on that Motion is there any discussion? Representative Wennlund."

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

Speaker Currie: "He will."

Wennlund: "What's the... This calls for a total elimination of the regional superintendent of schools in Cook County that was adopted a year ago?"

Ostenburg: "That's right."

Wennlund: "That was just put into place a year ago. Isn't that correct?"

Ostenburg: "That's right, Mr...Representative. One year ago an action was taken which reversed the action of the General Assembly of one year prior to that. One year prior to that by overwhelming numbers, the position of regional superintendent of Cook County was eliminated. Now, at the eleventh hour last year without any level of debate because it was part of a package of Bills, this position was recreated for suburban Cook County only. That means that there's going to be a two-tiered system in Cook County. The City of Chicago will be handled one way with a number of costs that will come to the state as a result of that, and the rest of the suburban area will be handled in another way that's going to add costs for the suburban residents. So, by creating that two-tiered system last year without the opportunity to adequately debate it, we, in fact, caused more costs to taxpayers in Cook County. What my measure will do, what this Bill will do, is bring

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

151st Legislative Day

June 29, 1994

us back to the point of what the General Assembly did two years ago, which is to eliminate unnecessary units of government."

Wennlund: "So what you're going to do is, you're going to take the costs that are currently being incurred by Cook County and spread it throughout the State of Illinois so that all 102 counties are going to pay the cost of administering the duties of that office."

Ostenburg: "No, that's not correct. In fact, that's completely incorrect. In fact, what we're going to do is say that the more than one million...half a million dollars that right now the State of Illinois is subsidizing for the positions of superintendent and three assistant superintendents will no longer be done by the State of Illinois. And, in fact, the limited amount of money that's going to be caused to operate these functions of the state board is going to take over. The combination of what taxpayers in Cook County are paying to the state plus what the fees generate, will more than adequately cover those costs. So we're not spreading costs around the rest of the state, we're actually saving taxpayers money because they're no longer going to have to subsidize the salaries of bureaucrats in Cook County."

Wennlund: "And what's the position of the State Board of Education?"

Ostenburg: "I don't know what the position of the State Board of Education is. I haven't talked to them about it."

Wennlund: "All right, to the Bill. Well, I'll tell you. The State Board of Education is opposed as well as the Illinois Education Association, and what will happen is, is that the local residents of Cook County will, in fact, lose control. Instead of being able to go to their local Cook County suburban offices of the regional superintendents, now

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

151st Legislative Day

June 29, 1994

they've got to depend on Springfield and the State Board of Education if this Bill passes. So what you're doing for the residents of suburban Cook County is taking all their control away, all the local control away in the selection of who's going to administer the programs of the regional superintendent, and pass it on down to Springfield where they'll never get any attention. It's a bad concept and the proper vote is a 'no' vote."

Speaker Currie: "Further discussion? Representative Hoeft."

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

Speaker Currie: "He will."

Hoeft: "Here we go again with the hocus-pocus Bill that will somehow magically allow the districts of Cook County to be administered from an entity 200 miles away. We discussed this before and some of the interesting things that came out of the discussion was that the Sponsor doesn't understand or know how some of these responsibilities will be handled. Let me add to some questions for the Sponsor, please. Certification. Who is going to do the certification of the substitute teachers under this new plan?"

Ostenburg: "Representative, I think we've answered that question before. That's a duty that's going to be passed to the State Board of Education. The method by which the state board will handle that has not yet been determined. And incidently, Representative, whether we pass this Bill or not the state board is going to be doing exactly that for the City of Chicago, because under the measure that was passed last year that creates this two-tiered system, those responsibilities in Chicago are going to be at the state level anyway. So, I appreciate and understand your question, but I think you're misdirecting the Assembly by

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

151st Legislative Day

June 29, 1994

focusing on this particular issue when you know as well as I do that it's going to be a two-tiered system and the state is going to have to provide those services in the City of Chicago no matter what. It's the State Board of Education that will handle it."

Hoeft: "And the State Board of Education said that they could do this same task for \$600,000 more than what is presently done. That is the state board's fiscal impact note given to this Body. Is is not?"

Ostenburg: "Representative, I believe the state board has said that it will cost them \$600,000 to do that. That is not necessarily more money because..."

Hoeft: "More. More. One half... It was two and a half million dollars is what they said was the fiscal impact statement and the Cook County Board presently is doing \$1,900,000. So that's \$600,000 more with this plan. Six hundred thousand dollars more that the taxpayers in this state will have to spend. Let's review another statement you made. GED..."

Ostenburg: "Wait a minute. Wait a minute. Wait a minute. You made a statement. Let me respond to that. What you're saying is absolutely incorrect. The state board has made estimates at other times of what the costs will be by assuming various responsibilities; and in fact, the costs that they anticipated have not been met. What we've just gone through with the taking over of the GED by the Educational Testing Service, one of the most esteemed services in the nation when it comes to educational testing, which will, in fact, provide more services than currently are being provided under the superintendent in Cook County, will not cost the expectation that was projected originally by the state board. So I can't trust

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

151st Legislative Day

June 29, 1994

the numbers in that fiscal note nor can you, because, in fact, we've already seen that they're not completely accurate. ...Anticipate the costs that involve a number of other things that won't necessarily come about."

Hoefft: "The state agency doesn't know the cost but you do. Let me ask about GED. Did you not say on this chamber floor that the cost of the new GED program would be covered by the fees and there would be no additional costs to the citizens of the State of Illinois? Did you not make that statement just a week ago on this floor?"

Ostenburg: "Representative, what I said a week ago on the floor was that the current amount of taxes that are being paid at the state level by people in Cook County and the fee combined. When you take what's being subsidized right now, would equal the cost of the GED. And that, in fact, is correct. Every time you talk about costs to the rest of the State of Illinois, you seem to ignore that those of us in Cook County are paying taxes too. And what the state will bring back in in various services, in part, is generated by us. When you combine what we're putting into that state next, plus the fees, it's a good deal for the State of Illinois."

Hoefft: "The truth is that the state board just signed a contract for \$630,000 of extra fee to the State of Illinois to Educational Testing Service in New Jersey to cover the cost that previously had been held by the county of Cook. This is a great deal if you want to reduce taxes in Cook County and a lousy deal for every one of the 101 extra counties in the state. It is a lousy deal for the citizens of Cook County because they're turning over the control of their schools to a bureaucracy 200 miles away. It's costing more to the state. It is less efficient, and for the record,

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

151st Legislative Day

June 29, 1994

Sir, the state board has told you and has gone on record as saying they oppose this structure. They don't like this Bill, and that is a fact."

Ostenburg: "Representative, I can appreciate what you just said. The state board is on record as opposing this Bill. You're certainly correct there. But there have been many times before when bureaucracies have opposed measures of good government. I don't think that has any effect whatsoever on the effectiveness of this Bill in eliminating another unnecessary unit of government in a state where we have more than 6,000 units of local government, more than any other state in the nation already. We have more than Texas, more than California, more than New York. It's about time we start cutting back. I can't, for the life of me, understand somebody on the other side of the aisle standing up and saying that the creation of more bureaucracy is going to save taxpayers money. It's absolutely ridiculous."

Speaker Currie: "Further discussion? If not, Representative Ostenburg moves passage of Senate Bill 1381. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Representative Hartke wishes to vote 'aye'. Would you vote him 'aye'. Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion there are 54 voting 'aye', 62 voting 'no', and the Bill fails. We now move to Supplemental Calendar #1, Conference Committee Reports. Senate Bill 230. Representative McPike. Repre... Okay."

McPike: "Thank you, Mr. Speaker. I move for the House to concur and...or to adopt the First Conference Committee Report to Senate Bill 230. This was the rider for the closing of nuclear plants that we discussed about three or four weeks

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

151st Legislative Day

June 29, 1994

ago. The IMA changed it to make clear that this rider applies specifically and only to those costs associated with the decommissioning of a nuclear power plant, and in order to get the support of those people from Disneyland or Disney World...in order to get CUB support we changed the effective date from July 1st until January 1st. So we made that major change for CUB and now they're neutral and I know of no opposition to this, so I move for the adoption of the Conference Committee Report."

Speaker Currie: "Representative McPike moves adoption of the First Conference Committee Report on Senate Bill 230. And on that Motion, is there any discussion? Representative von Bergen-Wessels."

von Bergen-Wessels: "I also rise in support of this Bill. Originally, I said that I thought we needed legislation but not the legislation that had been before us. And I think it is the people from Oz, those great protectors of the Munchkins, little consumers that got together with the big and the nuclear giants and came to an agreement. And I think this is the second time in this Session that the consumers and the utility companies got together and came up with an agreement. I think that's wonderful and I would urge your support."

Speaker Currie: "Further discussion? Representative Levin."

Levin: "I would just like to compliment everybody who is involved in reaching the compromise embodied in Conference Committee #1, particularly the Manufacturer's Association that played, I think, a very critical role in helping to get the various parties together. I think this is a good compromise and I commend everybody for bringing it to us."

Speaker Currie: "Representative McPike moves adopt...I'm sorry, Representative Skinner."

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

151st Legislative Day

June 29, 1994

Skinner: "Mr. Speaker, I didn't like this idea last year and I like it less this year. I'm really happy that it hasn't worked out. It seems to me what has happened in this Bill is that various people in this General Assembly have blackmailed Commonwealth Edison into donating, and put that in quote mark transcribing folks, in 'donating' \$500,000 a year. In effect Com. Ed. was told, if you want this Bill, donate \$500,000 a Bill. That's an atrocious process for this General Assembly to take part in and I'm not going to vote for it."

Speaker Currie: "Representative McPike moves adoption of the First Conference Committee Report on Senate Bill 230. Representative McPike, to close."

McPike: "Well, I think Representative Skinner was incorrect. We didn't blackmail them on this Bill, we blackmailed them on a Bill they wanted last year."

Speaker Currie: "On the Motion, all in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion there are 113 voting 'yes', 3 voting 'no', and the House does adopt the First Conference Committee Report on Senate Bill 230. On Supplemental Calendar #1 appears, on Senate Bills, Second Reading, House Bill...sorry, Senate Bill 487. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 487, a Bill for an Act to amend the Minimum Wage Law. Second Reading of this Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Kaszak."

Speaker Currie: "Representative Kaszak. Representative Kaszak."

Kaszak: "Thank you, Speaker. This Amendment is...would amend the Illinois Child Labor Laws to deal with a peculiar problem

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

151st Legislative Day

June 29, 1994

we have in Illinois law that affects children who are appearing in movies. The filming of films. Many times because of the situation involved with the filming it is necessary for the child to work after the time specified in the Illinois statute. After 9:00 p.m. during certain periods and after 7:00 p.m. at other times. And what this would allow would be a waiver signed by the Department of Labor, the parent or legal guardian and the authorized representative of a collective bargaining unit, to allow the child to work for a period after the time specified in the statute. This...what this would do would be allow more flexibility in the filming and hopefully attract more films to be done in Illinois, and in no way would it require the child to work longer than the eight hours that is specified in the contract. So I would ask for your support."

Speaker Currie: "Representative Kaszak moves adoption of Amendment 1...House Amendment 1 to Senate Bill 487, and on that Motion is there any discussion? Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. By way of further explanation, every time a movie is filmed in Illinois, millions of dollars, not only in taxes, but millions of dollars are spent in this economy. In movies that have night scenes, can only be filmed at night. Which is why this exemption is needed, so that we can have more movies filmed in Illinois and that the night rules won't change. This doesn't promote child labor. What it does is it creates an exemption process so that we can film. Many times we have to film all night cause some scenes are re-shot dozens of times. This will help economic development in Illinois and bring jobs to the people in Illinois, and an 'aye' vote is a correct vote."

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

151st Legislative Day

June 29, 1994

Speaker Currie: "All in favor of the Amendment say 'aye';
opposed, 'no'. The 'ayes' have it. The Amendment is
adopted. Are there further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Currie: "Third Reading. On page 52 of the Calendar on
the Order of Nonconcurrency appears Senate Bill 1595.
Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and
Gentlemen of the House. I move to recede from all of the
Amendments that were adopted to this Bill here in the
House. I do so with the concurrence of Representatives
Brunsvold and others who have looked at this material. Let
me explain what that then leaves us with. This Bill will
then have the material in it...that it had in it... Excuse
me, Representative Skinner, did you want the floor? At any
rate, what will be left in this Bill is the original
provisions that were here when it came from the Senate,
which is that there is some material that has to do with
the program, the special services for children who are
hearing impaired and behavior disabled. We have to provide
for a kind of an assessment of where the needs for the
services for hearing impaired and behavior disordered
children are the greatest throughout the state. That has
to be done in order for us to continue to qualify for the
federal funds for this program. This is a good program and
it is totally federally funded. Not one penny of state
money is spent for this program. For the sake of children
throughout this state who are hearing impaired or behavior
disordered, I move that we recede from all Amendments to
Senate Bill 1595 and therefore adopt this Bill. A vote to
recede from all Amendments would be a vote in favor of
passing this Bill as it came to us originally to serve the

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

151st Legislative Day

June 29, 1994

hearing impaired and the behavior disordered. I would be glad to answer any questions and thank you very much."

Speaker Currie: "Representative Cowlshaw moves that the House recede from a variety of Amendments on Senate Bill 1595, and on that Motion, Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I join the Lady in the Motion to recede from the House Amendments. Most of those House Amendments are on other Bills, and we are in the process now of constructing a Conference Committee Report with the agreed...with an agreed Educational Amendments on it. So, I think this is a very important Bill as Representative Cowlshaw has indicated and we need to pass it. So, I would ask everyone to vote to recede from the House Amendments."

Speaker Currie: "Further discussion? Representative Rotello."

Rotello: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm a little...I rise with somewhat reluctance in terms of taking these Amendments off. However, we've agreed that a lot of the language that was approved in these Amendments would be moved to a different Senate Bill which is in Conference Committee. I would be a lot more secure if perhaps we had that done first, but I would ask if the Sponsor would yield and make sure that we have a commitment that there's agreement to move this legislation on a different Bill."

Speaker Currie: "Do you want to respond, Representative Cowlshaw?"

Cowlshaw: "Madam Speaker, I'm not certain whether that was a question or what it was, but it is my understanding that those provisions that were yours that were incorporated into this Bill by Amendment, will be incorporated in the

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

151st Legislative Day

June 29, 1994

Conference Committee Report on Senate Bill 881. At least I have made...given my word from our side of the aisle that that is what would happen and I would see know reason, Representative Rotello, considering that it's not at all controversial, why that would not happen."

Rotello: "Thank you."

Speaker Currie: "Further discussion? Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you, Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Currie: "She indicates she will."

von Bergen-Wessels: "Just a point of clarification. You understand we are receding from all the House Amendments even though not all of them are up on the board."

Cowlishaw: "I beg your pardon."

von Bergen-Wessels: "Not all of the House Amendment numbers are on the board right now but we are receding from all of them. Is that correct?"

Cowlishaw: "That is correct."

von Bergen-Wessels: "Okay. Thank you."

Speaker Currie: "The Clerk informs the Chair that not all of the Amendments would fit on the board. So, that was the reason why only a few of them are listed. But Representative Cowlishaw's Motion is indeed that we recede from all House Amendments. Representative Cowlishaw, do you want to clarify that?"

Cowlishaw: "Madam Speaker, I think one of the reasons that the Amendments will not all fit on the board is because some of you may recall that this is what I believe we began to call the peony bush. I was sorry afterward because I was told that peony bushes attract ants, and apparently I attracted a great many ants to Senate Bill 1595. And you see, what

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

151st Legislative Day

June 29, 1994

I'd like to do now is just, you know, make sure that all the ants are taken off of this peony bush so that it can thrive and help those who are hearing impaired and behavior disordered. It is as I said, entirely federally funded. And in closing I would ask, please, that all of my colleagues join me in supporting Senate Bill 1595 by receding from all of the House Amendments that were adopted. Thank you."

Speaker Currie: "Representative Cowlishaw has moved that the House recede from all House Amendments to Senate Bill 1595. And on that Motion, those in favor vote 'aye'; those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion there are 113 vote...114 voting 'aye', 1 voting 'no', and this Bill, having received the required Constitutional Majority... Add both Representative Eugene Moore and Representative Lou Jones to the Roll Call voting 'yes'. 116 voting 'aye'. This Bill, having received the required Constitutional Majority, is hereby declared passed. On page 52 of the Calendar under the Concurrence Motions appears House Bill 3322. Representative Jones. Lou Jones."

Jones, Lou: "Thank you, Madam Chairman (sic-Speaker), Members of the House. I'd like to concur with Senate Amendments 1 and 2 of House Bill 3322."

Speaker Currie: "Representative Jones moves concurrence with Senate Amendments 1 and 2 to House Bill 3322, and on that Motion is there any discussion? Representative Wennlund."

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

Speaker Currie: "She indicates she will."

Wennlund: "And can you tell us what Senate Amendments we're

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

151st Legislative Day

June 29, 1994

concurring in here? What do they do?"

Jones, Lou: "The Amendment allows for the sale of alcoholic liquor by the United States Army Corp of Engineers concessionaire for on premise consumption. Also, the Amendment allows for a restaurant located on a marina in Pike County to sell alcoholic beverages."

Wennlund: "A restaurant where? I'm sorry."

Jones, Lou: "Pike County. The marina is located on federal land and cannot be issued a liquor license by the local Liquor Control Commission. This provision would allow for the restaurant to sell alcoholic beverages."

Wennlund: "Okay. Thank you very much. I appreciate that explanation."

Speaker Currie: "Further discussion? Seeing none, Representative Jones moves that the House do concur in Senate Amendments 1 and 2 to House Bill 3322. All in favor vote 'aye'; opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion there are 115 voting 'aye', none voting 'no', and this Bill, having received the required Constitutional Majority, is hereby declared passed. On the Nonconcurrency Calendar on page 52 appears Senate Bill 1721. Representative Persico."

Persico: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I want to move to refuse to recede from Senate Amendments 1, 3, 4, 5, 6, 7, 8 and 9, and call for a Conference Committee, please."

Speaker Currie: "I think you mean House Amendments 1, 3, 4, 5..."

Persico: "The House Amendments."

Speaker Currie: "Representative Persico moves that the House refuse to recede from these House Amendments to Senate Bill 1721. All in favor say 'aye'; opposed, 'no'. The 'ayes'

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

151st Legislative Day

June 29, 1994

have it and the House refuses to recede from those Amendments and a Conference Committee will be appointed. Agreed Resolutions."

Clerk McLennand: "House Resolution 3049, offered by Representative Lawfer; House Resolution 3050; House Resolution 3051, offered by Representative Lawfer; House Resolution 3052, offered by Representative Sheehy; House Resolution 3053, offered by Representative Balanoff; House Resolutions 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, and 3062, offered by Representative DeJaegher; House Resolution 3063, offered by Representative Hawkins; House Resolution 3064, offered by Representative Woolard; House Resolution 3065, offered by Representative von Bergen-Wessels."

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

Clerk McLennand: "House Resolution 170...House Resolution 3068, offered by Representative Edley; and Senate Joint Resolution 173, offered by Representative Hoffman."

Speaker Currie: "Committee on Assignment. Representative Zickus, for what reason do you rise?"

Zickus: "I wish the record to reflect that I would have voted 'yes' on House Bill 3322. Thank you."

Speaker Currie: "The record will so reflect. On the Education Order of Call appears Senate Bill 1144, Third Reading. Representative Phelps. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 1144, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Currie: "We wish to note that we've been joined in the back of the chamber on the Democratic side of the aisle by

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

151st Legislative Day

June 29, 1994

Barney the dinosaur. Representative Phelps. No, Turner. Representative Turner."

Turner: "Yes. Thank you, Madam Speaker. I'd like to know, does Barney chase ratites, and if he does, does the legislation deal with Barney? Is Barney a ratite or does he chase ratites?"

Speaker Currie: "Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. 1144 is quite a comprehensive piece of work here that's reflecting a lot of...several weeks. We might... I'll try to quickly run through the 19 Amendments that are included in this Bill. This is sort of the Education, I guess, Omnibus Bill for substantive matters anyway. Amendment 1 has several items that Representative Brunsvold has incorporated and had a lengthy discussion on. So I'll try to real quickly give you a run-down on what Amendment 1 is first. It includes House Bill 2528 which is the denial of re-enrollment. House Bill 2638, which the State Board of Education changes, no longer contains the expansion of the parenting programs which are important to many of us. House Bill 2639, by Santiago, is the early childhood certification bilingual certification. House Bill 2640, Governor's Purchase Care Review Board. Allowable costs and payments for special education is in here. That's by Levin. House Bill 2642, by McGuire, is public notice for the safety bonds suggested by the Chapman and Cutler people. House Bill 2680, Hoeft, has the substitute teacher's concern in there. House Bill 2771, by Representative Kubik, transfer of student records. House Bill 3151, Representative Persico, Chicago Board of Education requirement contracts. House Bill 3164, by Burke, has the four-year performance contracts for

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

151st Legislative Day

June 29, 1994

principals; and House Bill 3191 is the...by Turner, is the changed date of the local school council elections training for LSC members; and then House Bill 3457, by Representative Sheehy, has the eight hours of school improvement plan. Also, House Bill 3519 by Representative Black, hearing officers for labor and employees relation matters. House Bill 3553, by Giolitto, has the sexual misconduct by school personnel towards students item in it and the Abused and Neglected Child Reporting Act training. House Bill 3825, by Hoeft, has the in-service training item; and then House Bill 3904, by Persico, has the reconvening of individualized education programs; and then the last portion in Amendment 1 is House Bill 4028, has the education for race track workers. That was by Representative Flowers. Now, Amendment 2 is House Bill 3455, by Representative Ostenburg, has the one year moratorium on school improvement process; and Amendment 3 has the...by Skinner, has the...I think was withdrawn. Number 4 was withdrawn, by Cowlishaw, and #5 is...by Cowlishaw has the...breaks up the Chicago Board of Education into nine elected districts; and then #6, by Daniels, has the chartered schools language in it; and #7, by myself, restores the...excuse me. Withdrew that one, but #8 has Representative Younge's House Bill 3765, the East St. Louis Community College; and then we have 9 and 10 that were withdrawn and also 11 and 12. Let's see. And then #13 has the...by Penny von Bergen Wessels, has the MIA/POW scholarships item. Let's see. We have #14, I believe, eliminates the suburban Cook County Regional Superintendent, GED to Cook County, bus driver permits to the school. Let's see. Number 15, encourage but not mandate the LSC training. Number 16, the school district

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

151st Legislative Day

June 29, 1994

bonds by referendum only; and then #17 has the ESR revolving fund for Cook County which was the same as Senate Bill 1186; and then #18 by Hoffman, is the tuition for children in juvenile detention homes; and finally, #19 has the \$100,000...excuse me, \$100,000,000 school construction in Chicago, by Representative Frias. And that, Ladies and Gentlemen, includes the total package wrapped up in 1144. I'd be happy to answer any questions."

Speaker Currie: "Representative Phelps moves passage of Senate Bill 1144, and on that Motion, Representative Lang."

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

Speaker Currie: "He indicates he will."

Lang: "Thank you. Representative, that was a very long explanation and I appreciate it. But there are a few things I'm not sure I understood."

Phelps: "Can you repeat all that for me?"

Lang: "No, I'm not going to ask you to do that. Amendment #5, relative to dividing Chicago schools into nine separate districts. Is that on the Bill or not on the Bill?"

Phelps: "Amendment #5?"

Lang: "Yes."

Phelps: "By Cowlshaw, is... Yes, I believe it is. According to my notes, it is and what I explained, it is. It's not?"

Lang: "Did that Amendment fail? Can we ask the Clerk if that Amendment failed?"

Clerk Rossi: "Amendment #5 lost."

Phelps: "Is that the one that tied and declared it lost? I may have it marked wrong then. Sorry."

Lang: "Thank you. There was an Amendment 6 regarding chartered schools. Is that on the Bill any place?"

Phelps: "No. No, it isn't."

Lang: "So, there's nothing on this Bill regarding...dividing the

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

151st Legislative Day

June 29, 1994

Chicago public school system and there's nothing on chartered schools. Is that correct?"

Phelps: "That's correct."

Lang: "All right. Now, you had an Amendment 7 relative to the reading of historical documents and class. Is that still on the Bill?"

Phelps: "It's on the Bill, but I don't believe that's the Amendment. I believe it became another Amendment, maybe...let's see... It was attempted early and I withdrew a couple and then it...but it did get on, yes."

Lang: "So, regardless of the number, it reads the same as Amendment 7 reads. Is that correct?"

Phelps: "Yes. No change. That's right."

Lang: "All right. So, you'll recall we debated this thoroughly, previously. Is that correct?"

Phelps: "Yes."

Lang: "All right, and this is the Amendment that would allow the reading of what you call venerated historical documents into...in schools to students. Is that correct?"

Phelps: "That's correct."

Lang: "All right. Was there any effort to deal with what I call, during that debate, the unconstitutionality of page 2, lines 10 through 13 or 13 through 16."

Phelps: "I remember that being an item of concern by yourself, Representative, and discussed that with other Co-Sponsors and people who are interested in the original part of the Bill and we did not work out any agreements. So..."

Lang: "So, there were no changes there. Correct?"

Phelps: "No. No changes to my knowledge. No."

Lang: "Thank you, Mr. Phelps. Madam Speaker, Ladies and Gentlemen, to the Bill. There's a good deal in Senate Bill 1144 that I support. It's going to be very difficult for

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

151st Legislative Day

June 29, 1994

me not to vote 'aye', but I cannot vote 'aye'. The provisions... Madam Speaker, can we have some order in the chamber?"

Speaker Currie: "Can we have some order. Order."

Lang: "You can bang that harder, Madam Speaker. It's all right. Thank you. Ladies and Gentlemen, I cannot in good conscience, no matter how good 90% of this Bill may be, vote for this Bill. This Amendment, which we thoroughly debated previously, is not even a problem for me. For most of it it says we can read the Mayflower Compact and the Declaration of Independence and speeches of the founding fathers, and all that makes good sense. But there's a clause here on page 2 that says that, 'Historically significant or venerated documents, writings and records listed in this subsection shall not be construed to be exclusive'. Now that is a very vague sentence. And I think that you will all agree with me that we have a responsibility to protect the separation between church and state. So, it isn't a question of reading something to students that may allude some way to God or some way to religion. The question here is a constitutional one. Is this clause, this sentence in this Amendment that is part of this Bill, too vague to pass constitutional muster? Does this go too far? Is it too broad? My answer to that is of course, yes. Because what this sentence says, very simply, is that we've listed these 10 or 12 items and we've said, well, these are okay, and now we go on to say everything else is also okay. We're going to let every school superintendent, every instructor, every principal, make a decision as to what can be included in lists of venerated historical documents and what cannot be listed in such a list. Now, I have no problem with reading the

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

151st Legislative Day

June 29, 1994

Declaration of Independence in class even though it says God in that Declaration of Independence. I'm not...I'm not so extreme as to say that. But what I am here to tell you, is that if we believe in the separation of church and state, we cannot allow a situation where we pass legislation that is so vague that leaves to the imagination of anyone who reads it, any choice they wish to make. And so therefore, under this Amendment that's part of Senate Bill 1144, we have the absolute possibility that anything can be read to a school room of students under any theory, under any guise, for whatever reason a teacher, principal, or superintendent deems it to be appropriate. That is a violation of the Constitution whether we're talking about the separation of church and state or not. We cannot and should not pass legislation in this Body that is so vague as to allow anyone to have any possibility of misconstruing it in a way that will violate other constitutional rights. And therefore, because of this simple one sentence in Senate Bill 1144, I do not intend to vote for it and I would invite all of you to do the right thing. Make this Bill go to a Conference Committee, or make them make this change so that we can pass the other good things that are in this Bill."

Speaker Currie: "Further discussion? Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker. Having looked carefully at the provisions of all of the Amendments that were adopted to this Bill, and Representative Phelps, I extend to you my sympathy. It looks as though they made a peony bush out of Senate Bill 1144 as well as Senate Bill 1595, which was mine. There are two of the Amendments that are still in this Bill that I need to call to your attention so you know what it is on which you are voting.

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

151st Legislative Day

June 29, 1994

We just defeated a Bill to abolish the regional superintendent's position in suburban Cook County. That it is in this Bill. So, if you voted 'no' on that you may want to vote 'no' on this. The other thing, however, that I particularly want you to note, is that this Bill contains an Amendment, Amendment #19, which requires the Chicago Board of Education to adopt and the School Finance Authority to approve an FY '95 budget that includes \$100,000,000 for the construction of new schools in the Chicago school district. I understand that there are needs, infrastructure needs, in the Chicago public schools. And I think that because of the proposal Governor Edgar has brought forward for a general assistance in bond authority in a matching grant kind of way for school districts throughout the state, that that would be a way for us to try to provide some help for all school districts in Illinois that may require some sort of bricks and mortar assistance. However, this Amendment makes no sense whatsoever. It says, no matter whether you have the \$100,000,000 or whether you don't, you are obliged to spend it. Now we all know that the Chicago public schools are in increasingly difficult financial times. They are in even worse shape than most of the other governments, including the state government in Illinois, because of the lack of our economy to catch up and recover as fast as some of the others. For us to come forward with this requirement only makes the hole that the Chicago public schools are going to fall through, that financial hole, bigger. Instead of \$700,000,000 that will be the newest disaster next year, this will make it \$800,000,000. This is a bad Amendment, and as long as this Amendment is in it or the one that I mentioned earlier, it would seem to be that the appropriate

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

151st Legislative Day

June 29, 1994

vote on this Bill is 'no'."

Speaker Currie: "Further discussion? Representative Davis."

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

Speaker Currie: "He indicates he will."

Davis: "Representative, is there an Amendment on this Bill that mandates training for local school council members?"

Phelps: "Hold on just a second. There's...Turner's Bill had the change to the date the local school council elections training... You're not referring to that are you? Let's see."

Davis: "So, it does change the elections of LSC members from October to what?"

Phelps: "That's what I wasn't sure about. I knew it changed but I don't know the date."

Davis: "There is a change in the local..."

Phelps: "Right."

Davis: "But you don't know the date?"

Phelps: "And it has the training for the LSC members too."

Davis: "Okay. And it also has, I think I was listening to the previous speaker. It has the abolishment of the suburban Cook County regional supt. Is that correct?"

Phelps: "Yes, it does."

Davis: "Okay. It think that those two reasons are ample reason to vote 'no' on this Bill. Thank you."

Speaker Currie: "Further discussion? Representative Meyer."

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

Speaker Currie: "He will."

Meyer: "Representative, it's fairly noisy in the chamber. When you were going through the status of some of the Amendments I may have missed this or misunderstood you. My understanding was that Floor Amendment #4 was not adopted."

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

151st Legislative Day

June 29, 1994

My records indicate that it was adopted voice vote. Could you clarify that? Perhaps the Clerk."

Phelps: "Amendment #4, I believe by Cowlshaw, took out the provisions that were in House Bill 3457 and 3455. That was added by Amendments 1 and 2."

Meyer: "So, is Amendment #4 still in the Bill? Because I indicate here by my analysis that it was adopted on voice vote."

Phelps: "You show that it is?"

Meyer: "Yes. That's what I show."

Phelps: "I think you're correct."

Meyer: "It is in there, then?"

Phelps: "Yeah."

Meyer: "Okay. Likewise, Floor Amendment #7 which is your Amendment. I understood that it was no longer in the Bill but I am showing that it was adopted."

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

Meyer: "Floor Amendment #7. I understood that that was no longer in it when you were running through the Amendments. My analysis indicates that it is. Jhis clarification."

Phelps: "Well, there was a similar Amendment that was deleted but replaced by the same language. So, yeah, that language is in the Bill."

Meyer: "Okay, and one more. Floor Amendment #8..."

Phelps: "It's the East...East St. Louis Community College, by Representative Younge."

Meyer: "Yes, and my analysis indicates that was withdrawn. I think you indicated that it's still in the Amendment...it's still in the Bill."

Phelps: "That was not adopted. Okay, I'm sorry."

Meyer: "It was not adopted?"

Phelps: "Yeah, she did withdraw it. I was thinking there was two

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

151st Legislative Day

June 29, 1994

things she had but I think you're correct there also.

With...I think she withdrew it."

Meyer: "Okay, thank you."

Speaker Currie: "Further discussion? Representative Hawkins."

Hawkins: "Madam Speaker, Ladies and Gentlemen of the House.
Would the Sponsor yield?"

Speaker Currie: "He will."

Hawkins: "Earlier when you was explaining the Bill, you indicated something about a parenting program. Could you explain that? I thought... Did you say the parenting program was taken out?"

Phelps: "Let me find it here. Hold on just a second. No, I think it restored House Bill 2638 which included the State Board of Education changes that... It no longer contains the expansion of the parenting program."

Hawkins: "It doesn't. Was that taken out in the Senate or..."

Phelps: "It was taken out in this Amendment 1 which included House Bill 2638 by Representative Brunsvold."

Hawkins: "So the parenting program, the expansion of it, is no longer in there?"

Phelps: "I'm not sure I heard it all. I'm sorry, Jerry. I didn't hear you."

Hawkins: "Okay. Is the expansion of the parenting program for the State Board of Education has been taken out of this legislation?"

Phelps: "Right. Right. It does not contain that language."

Hawkins: "It has been taken out?"

Phelps: "Right."

Hawkins: "Thank you."

Phelps: "The expansion. The expansion."

Hawkins: "Okay. Madam Speaker."

Speaker Currie: "To the Bill."

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

151st Legislative Day

June 29, 1994

Hawkins: "I am concerned about the taking out of that program. I think that is good program and something that should be in there and very concerned about the part...point that's been taken out, and I am also concerned about the length of this legislation without any ability to read it or anything. Thank you."

Speaker Currie: "Representative Phelps to close. Representative Phelps to close."

Phelps: "Thank you. I believe there is a lot of confusion about the Bill. Representative Hawkins referred to the last part of the parenting. I'm very much in favor of protecting that but maybe I didn't very well explain it. But House Bill 2638, Representative Brunsvold's attempt with the Department of Education to clarify some of the misunderstandings of that program, we were no... Jerry, I wouldn't be in favor of taking the parenting out either. But this particular Bill addressed some of the items that those people were concerned about from last Session but it just didn't contain the expansion. So I don't believe there's anything that's threatening to the parenting program incorporated in this Bill. So with that, I know it's a comprehensive Bill and I'll be...wish to join me in an 'aye' vote to pass this comprehensive omnibus Bill."

Speaker Currie: "Representative Phelps moves passage of Senate Bill 1144. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion there are 53 voting 'aye', 39 voting 'no'. Representative Phelps."

Phelps: "Speaker, there's a lot of confusion and I didn't have staff back here cause there was a lot of Amendments here to

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

151st Legislative Day

June 29, 1994

explain. I might have been misleading on a couple of items. I'm going to ask for Postponed Consideration."

Speaker Currie: "Postponed Consideration. Representative Olson, for what reason do you rise?"

Olson: "Thank you, Madam Speaker. It was necessary for me to be absent from the chamber on House Bill 979. I would like the record to indicate that had I been here I would have been a 'yes' vote."

Speaker Currie: "The record will so reflect. Speaker Madigan, for what reason do you rise? Speaker Madigan."

Madigan: "Madam Speaker and Ladies and Gentlemen, for the purpose of an announcement. Some of you may have heard already but apparently the Governor's Office has discovered some loose change around their office. Only about \$350,000,000 that wasn't available yesterday. And so the members of the budget summit are meeting right now with a view toward constructing a budget. The Governor has called a meeting for tomorrow at 11 o'clock with the Governor and the Legislative Leaders. All of this may indicate that we may be able to move to a conclusion of our business sometime this week. But, sometime this week would mean probably on Friday, maybe on Saturday. So, let me repeat all that again. There were some developments today which indicate that we may be able to finish our work this week, and that might mean Friday or Saturday. I just don't know when it would happen. I tell you that because we'll be in Session tomorrow. We'll come in at 2 o'clock in the afternoon and everybody should be prepared to possibly be here on Friday and possibly to be here on Saturday. But, if that were to happen why we would not return for the remainder of the summer, much to the regret of Mr. Hawkins. So with that, Madam Speaker, I move that we stand adjourned until 2 p.m.

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

151st Legislative Day

June 29, 1994

tomorrow afternoon."

Speaker Currie: "Speaker... Allowing the Clerk perfunctory time, Speaker Madigan moves that the House stand adjourned until tomorrow at the hour of 2:00. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and this House stands adjourned."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 4252, offered by Representative Tim Johnson, a Bill for an Act making appropriations. First Reading of this House Bill. Being no further business the House will stand adjourned until the hour of 2 p.m. tomorrow."

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

94/11/18
08:37:24

JUNE 29, 1994

HB-0410	CONCURRENCE	PAGE	20
HB-0979	CONCURRENCE	PAGE	24
HB-3322	CONCURRENCE	PAGE	55
HB-4252	FIRST READING	PAGE	70
SB-0138	THIRD READING	PAGE	7
SB-0230	CONCURRENCE	PAGE	48
SB-0357	NON-CONCURRENCE	PAGE	20
SB-0487	SECOND READING	PAGE	50
SB-0881	NON-CONCURRENCE	PAGE	40
SB-1144	THIRD READING	PAGE	57
SB-1144	POSTPONED CONSIDERATION	PAGE	69
SB-1232	NON-CONCURRENCE	PAGE	41
SB-1251	NON-CONCURRENCE	PAGE	6
SB-1381	THIRD READING	PAGE	42
SB-1447	RECALLED	PAGE	41
SB-1447	THIRD READING	PAGE	41
SB-1447	OUT OF RECORD	PAGE	42
SB-1595	NON-CONCURRENCE	PAGE	52
SB-1721	NON-CONCURRENCE	PAGE	56
HR-2641	ADOPTED	PAGE	3
HR-2641	RESOLUTION OFFERED	PAGE	2
HR-3019	RESOLUTION OFFERED	PAGE	4

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER MCPIKE	PAGE	1
PRAYER - REVEREND GARY MCCANTS	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL ATTENDANCE	PAGE	1
COMMITTEE REPORT	PAGE	4
SPEAKER CURRIE IN THE CHAIR	PAGE	43
AGREED RESOLUTIONS	PAGE	57
GENERAL RESOLUTIONS	PAGE	57
HOUSE ADJOURNED	PAGE	70
PERFUNCTORY SESSION	PAGE	70
PERFUNCTORY SESSION ADJOURNED	PAGE	70