

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

163rd Legislative Day

November 30, 1994

Speaker McPike: "The House will come to order. The House will come to order. The Chaplain for today is Reverend Dan Harry of the First United Methodist Church in Jerseyville, Illinois. Reverend Harry is the guest of Representative Ryder. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Harry: "Would you pray with me. God of us all, we invite Your special presence into this place and among our leaders as they begin this Legislative Session. We do remember how You brought forth leaders to be accountable first to You, then to Your people, to rule with justice and compassion. May they serve You well along with serving their people. Keep before them the knowledge that their people are praying for them by name. Encourage each one and grant them special wisdom to meet the needs of the wonderfully diverse citizens of this state who are of differing ethnic backgrounds and races, differing beliefs and languages, differing abilities and disabilities, differing gender, differing social standard. Remind them of the special place reserved in Your heart for the children, for the poor, for the widowed, for the defenseless. Thank You for these special people who give themselves to public service. To You, everlasting and compassionate God, do we pause and give thanks. To You do we look for wisdom. To You, do we seek to please You. In these days of meetings and legislation stay near to this place and people, we pray. Amen."

Speaker McPike: "Be led in the Pledge of Allegiance by Representative Pankau."

Pankau - 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

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for all."

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

Currie: "Thank you, Speaker. Representative Lou Jones is absent today because she is ill."

Speaker McPike: "Representative Kubik."

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

Speaker McPike: "Thank you. Mr. Clerk, take the roll. One hundred and sixteen Members answering the roll call, a quorum is present. Committee Reports."

Clerk Rossi: "The Committee on Rules has met and pursuant to Rule 14(a)(4), Conference Committee - House Members appointed, recommends consideration and the following Bills be placed on the Order of Conference: House Bill 282. House Bill 1594. Senate Bill 1232 and Senate Bill 1724. Signed, Frank Giglio, Chairman."

Speaker McPike: "Agreed Resolutions."

Clerk Rossi: "House Resolution 3482, offered by Representative Hanrahan; House Resolution 3483, offered by Representative Biggins; House Resolution 3484, offered by Representative McPike; House Resolution 3486, offered by Representative Hassert; House Resolution 3487, offered by Representative Giolitto; House Resolution 3488, offered by Representative Krause; House Resolution 3490, offered by Representative Phelps; House Resolution 3491, offered by Representative Erwin; House Resolution 3492, offered by Representative Erwin; House Resolution 3493, offered by Representative Erwin; House Resolution 3494, offered by Representative Daniels; House Resolution 3495, offered by Representative Wennlund; House Resolution 3496, offered by Representative Black; House Resolution 3497, offered by Representative

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Moffitt; House Resolution 3498, offered by Representative Moffitt; House Resolution 3499, offered by Representative Moffitt; House Resolution 3501, offered by Representative Dart; House Resolution 3502, offered by Representative Dart; House Resolution 3503, offered by Representative Dart; House Resolution 3504, offered by Representative Dart; House Resolution 3505, offered by Representative Dart; House Resolution 3506, offered by Representative Dart; House Resolution 3508, offered by Representative Leitch; House Resolution 3509, offered by Representative Levin; House Resolution 3510, offered by Representative Novak; House Resolution 3511, offered by Speaker Madigan; House Resolution 3512, offered by Representative Hoffman; House Resolution 3513, offered by Speaker Madigan; House Resolution 3514, offered by Representative Meyer; House Resolution 3515, offered by Representative Meyer; House Resolution 3516, offered by Representative John Turner; House Resolution 3517, offered by Representative Lawfer; House Resolution 3518, offered by Representative Brunsvold; House Joint Resolution 178, offered by Representative Tom Johnson; House Joint Resolution 179 and 180, offered by Representative Meyer."

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

Clerk Rossi: "House Resolution 3465, offered by Representative Black, with respect to the memory of Nadean D. Martin. House Resolution 3468, offered by Representative Tim Johnson, with respect to the memory of Harvey Shirley. House Resolution 3469, offered by Representative Tim Johnson, with respect to the memory of Richard J.

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Longbucco. House Resolution 3471, offered by Representative Ryder, with respect to the memory of Ira S. Loeb. House Resolution 3472, offered by Representative Ryder, with respect to the memory of Joan Leach. House Resolution 3473, offered by Representative Ryder, with respect to the memory of Hargiss Maholland. House Resolution 3477, offered by Representative Davis, with respect to the memory of Bernard Taylor. House Resolution 3481, offered by Representative Currie, with respect to the memory of Robert J. Blakely. House Resolution 3500, offered by Representative Kubik, with respect to the memory of Michael Longo."

Speaker McPike: "Representative Granberg moves for the adoption of the Death Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Death Resolutions are adopted. On page 52 of the Calendar under Motions appears House Resolution 3476, Representative Kaszak."

Kaszak: "Mr. Speaker, I have an Amendment to the Resolution. I move adoption of the Amendment."

Speaker McPike: "You have to do the Motion first. The Lady...Pursuant to Rule 77(a), the Lady moves to discharge Committee on Personnel and Pensions, advance this to the Order of Speaker's Table; and on that Motion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Would the...I'll speak to the Motion. I stand in opposition to the Motion to discharge, and joined by five of my colleagues request a Roll Call Vote on the Motion. I believe...An inquiry of the Chair. I believe it would take 71 votes to discharge?"

Speaker McPike: "Mr. Black, it takes 60 votes."

Black: "Oh."

Speaker McPike: "But...I'll give you a roll call but it takes 60 votes."

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Black: "In the transition I'm having...I'm having trouble keeping the old rules and new rules straight. I'm sorry."

Speaker McPike: "It'll probably take 71 votes under the new rules."

Black: "Well, thank you very much. I just wanted to make sure."

Speaker McPike: "Ms. Kaszak, do you want to proceed or not? Ms. Kaszak? Ms. Kaszak, would you like to proceed or not? Do you want to proceed with this Motion or do you want to take it out of the record?"

Kaszak: "I'd like to take it out of the record."

Speaker McPike: "All right. On page two of the Calendar under Government Administration appears Senate Bill 1211. Mr. Clerk, what's the status of the Bill?"

Clerk Rossi: "Senate Bill 1211 has been read a second time previously. Amendments 1, 2 and 3 were adopted in Committee. No Motions have been filed. Floor Amendment #4, offered by Representative Maureen Murphy."

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

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

Speaker McPike: "Mr. Kubik. Mr. Kubik. Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. I would withdraw Amendment #5."

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

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

Speaker McPike: "Mr. Rutherford. I can't see the Gentleman. Is Mr. Rutherford here? The Gentleman withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Ryder."

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Speaker McPike: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This Amendment clarifies some language in the original Bill and also concerning the Tort Immunity Act. Be happy to answer any questions."

Speaker McPike: "Is there any discussion? The question is...The question is, 'Shall Amendment #7 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #8, offered by Representative Steczo."

Speaker McPike: "Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. Amendment #8 is the language contained in the Governor's Amendatory Veto of Senate Bill 357 which related to TIFS. The Governor made some changes, took out some language in that Bill. This Amendment reflects the language as amendatorily vetoed by the Governor. That's what it does. I move for the adoption of the Amendment."

Speaker McPike: "Mr. Steczo. Mr. Steczo, would you like to withdraw this Amendment?"

Steczko: "On reflection, Mr. Speaker, yes."

Speaker McPike: "Thank you very much. Further Amendments? Representative Murphy."

Clerk Rossi: "No further Amendments."

Speaker McPike: "Representative Murphy."

Murphy, M.: "Sorry. Could you explain if that...Is he withdrawing that Amendment?"

Speaker McPike: "Yes, he withdrew the Amendment."

Murphy, M.: "Or is he taking it out of the record?"

Speaker McPike: "He withdrew the Amendment."

Murphy, M.: "Thank you."

Speaker McPike: "Yes. Further Amendments?"

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Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1211, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker McPike: "Who's the Sponsor of the Bill?"

Clerk Rossi: "Representative John Dunn."

Speaker McPike: "Representative John Dunn is the Sponsor. Representative Dunn would yield to Mr. Ryder. All right, Mr... Hey, hey, hey. Hey, slow down up there. Hey, slow down a little bit. All right. All right. Where's Mr. Deering? Where's Mr. Deering? Mr. Deering, would you clear the balcony. Clear the balcony. Clear the balcony. All right. Would you please clear the balcony. Would you...I'm looking at a police officer from the Secretary of State. Would you clear the balcony, please. Would you clear the balcony. Would you clear the balcony. Would you please clear the balcony. Would you...All right. I don't know. Would you please clear the balcony. Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to announce that my good friend of 12 years here on the House floor, my district mate from the quad cities, is having a birthday and he's also retiring. Bob DeJaegher has been in a class...Let's give him a big hand. We cannot find out how old Bob is. No one knows. So basically...Someone mentioned dirt, but I don't know if that's true or not. But we'd like to congratulate Bob and thank him, and I personally thank him for his 12 years on the floor and being a good comrade in issues dealing with the quad cities, and everyone is invited over to have a piece of cake and congratulate Bob on his birthday and his retirement."

Speaker McPike: "All right, Mr. Ryder, it appears like your

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cheering section has left so you can proceed."

Ryder: "Mr. Speaker, those were the folks that were here in gratitude that this was one of your last days on the podium. As you can tell they were overwhelmed with emotion."

Speaker McPike: "Yeah."

Ryder: "The Amendment that we recently passed to Senate Bill 1211 now becomes the Bill. The Amendment restricts the abilities to operate under that Tort Immunity Act. There was some problem when the Bill was originally passed. This puts in the restrictions that are necessary for the operation of the Bill."

Speaker McPike: "There being no discussion, the question is, 'Shall Senate Bill 1211 pass?' All those in favor vote 'aye'; opposed vote 'no'. Representative Tim Johnson votes 'aye'. Tim Johnson, 'aye'. Have all voted? Have all voted who wish? Representative Turner votes 'aye'. Have all voted who wish? The Clerk will take the record. On this Motion there are 110 'ayes' and no 'nays'. Senate Bill 1211 having received...Representative John Dunn votes 'aye'. On this Motion there are 111 'ayes' and no 'nays'. Senate Bill 1211, having received the three-fifths Constitutional Majority, is hereby declared passed. House Bill 1297. Mr. Clerk, what's the status of this Bill?"

Clerk McLennand: "Senate Bill 1297 has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2, is offered by Representative Wennlund."

Speaker McPike: "Mr. Wennlund, Amendment #2. Mr. Wennlund withdraws the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Hughes."

Speaker McPike: "Representative Hughes. She...The Lady withdraws



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the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #4, offered by Representative Daniels."

Speaker McPike: "Representative Daniels on this Amendment. Gentleman withdraws the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #5, offered by Representative Meyer."

Speaker McPike: "Mr. Meyer. Gentleman withdraws the Amendment."

Clerk McLennand: "Floor Amendment #6, offered by Representative Stephens."

Speaker McPike: "Okay. Mr. Stephens. Gentleman withdraws the Amendment."

Clerk McLennand: "Floor Amendment #7, offered by Representative Gash."

Speaker McPike: "Representative Gash. The Lady withdraws the Amendment."

Clerk McLennand: "Floor Amendment #8, offered by Representative Bugielski."

Speaker McPike: "Representative Bugielski. Gentleman withdraws the Amendment."

Clerk McLennand: "Floor Amendment #9, offered by Representative Hartke."

Speaker McPike: "Mr. Hartke. Mr. Hartke, does your Amendment strip the Bill or do we need to table Amendment #1?"

Hartke: "Let's withdraw Amendment #9, we go with #10."

Speaker McPike: "Representative Hartke withdraws Amendment #9. Further Amendments?"

Clerk McLennand: "Floor Amendment #10, offered by Representative Hartke."

Speaker McPike: "Mr. Hartke, does the Amendment strip the Bill or do we need to table Amendment #1."

Hartke: "The Amendment strips the Bill."

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Speaker McPike: "All right. There appears to be some disagreement, so why don't we just offer a Motion to table Amendment #1 and then proceed with this?"

Hartke: "That's fine with me if you want to table Amendment #1."

Speaker McPike: "All right. The Gentleman moves to table Amendment #1. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. Amendment #1 is tabled. Amendment #10, Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Last year the General Assembly passed House Bill 1792 or which has now become Public Act 88-476. Many of the provisions in that Act were found unacceptable to the agricultural community and the farmers in the State of Illinois as well as the farm equipment dealers and so forth. Over this summer we have worked diligently on both sides of the aisle having hearings up and down the state, and we have come to a final conclusion on a piece of legislation that is acceptable not only to upstate/downstate but also the Illinois Farm Bureau, the Illinois Farmers Union, the Department of Transportation, the Illinois State Police as well as the general contractors in Illinois. This piece of legislation corrects what was passed a couple of years ago and will have an immediate effective date. This piece of legislation calls for the self-permitting of those implements of husbandry that are moved up and down our roads, and when it reaches a width of 14 foot 6 it would be a requirement for a one escort. Over that, two es...over 16 foot, two escorts. It also requires that wide loads be properly signed and led and flagged to make oncoming traffic aware. We've also agreed, and it's not in this legislation, that we will take a look at this issue in the

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coming Sessions to see if we can't do what we can to make the movement of farm implements safer up and down our highways. So, I would ask for your support for Senate Bill 1297, Amendment #10, and will be happy to answer any questions."

Speaker McPike: "We have an honor here today. We have President Phil Rock with us. Representative Stephens."

Stephens: "Simply to rise and support this...This Amendment has the support of the Governor's Office, Department of Transportation, Department of State Police, and I would hope it gets support on this side of the aisle."

Speaker McPike: "Representative Rotello."

Rotello: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The last time I looked this Senate Bill 1297 was under my sponsorship. Can the Clerk check into what happened there, please?"

Speaker McPike: "What was the question?"

Rotello: "The question is...is, Senate Bill 1297 was under my sponsorship and I don't know what happened here. I haven't signed any slip or anything."

Speaker McPike: "It appears like you've been replaced by Mr. Hartke."

Rotello: "Is there a slip to sign..."

Speaker McPike: "Yeah. Mr. Clerk, can you give him a slip to sign. All right. Is there further discussion? There being none the question is, 'Shall Amendment #10 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. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 1297, a Bill for an Act concerning

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toll bridges. Third Reading of this Bill."

Speaker McPike: "Mr. Hartke."

Hartke: "Thank you very much, Ladies and Gentlemen and Members of the House. I will just ask for your support and favorable vote on Senate Bill 1297 as it now stands."

Speaker McPike: "Question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Mr. Morrow votes 'aye'. Have all voted who wish? Clerk will take the record. On this Motion there are 113 'ayes' and no 'nays'. Senate Bill 1297, having received the three-fifths Constitutional Majority, is hereby declared passed. Representative Steczo in the Chair."

Speaker Steczo: "On page 52 of the Calendar appears a Motion with respect to House Resolution 3476. The Chair recognizes Representative Kaszak."

Kaszak: "Thank you, Mr. Speaker. I would ask that under the appropriate rules I move to discharge this Resolution from the Committee on Pensions."

Speaker Steczo: "The Lady moves, pursuant to Rule 77(a), to discharge the Committee on Personnel and Pensions from further consideration of House Resolution 3476 and advance it to the Order of the Speaker's Table. On that question is there any discussion? Representative Black."

Black: "Yes, inquiry of the Chair. I'm sorry, I do find the Motion in writing on the Calendar, and so pursuant to the rule it would take 60 votes then to discharge. Correct?"

Speaker Steczo: "That is correct."

Black: "Will the Speaker indulge me? Could I ask a question of the Sponsor?"

Speaker Steczo: "Please proceed."

Black: "Representative, I assume that what...obviously you have intent to amend the original Resolution. Is that your

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intent?"

Kaszak: "That's correct."

Black: "Can you tell me briefly what the purpose of your Amendment will be?"

Kaszak: "The Amendment is just to clarify some of the language in the Resolution to get the information in such a stage as it would be more useful."

Black: "The Amendment doesn't have anything to do with a pending legal action by an agency of state government?"

Kaszak: "Absolutely not. Absolutely not that I know of. I have no idea."

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

Kaszak: "Okay."

Speaker Steczo: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield for some questions?"

Speaker Steczo: "She indicates she will."

Parke: "Thank you. Representative, this is a Resolution that you're proposing for a study?"

Kaszak: "That's correct."

Parke: "And what is the purpose of the study?"

Kaszak: "Well, I was going to get to that when we were discussing the Motion and after it was discharged, but I'll be happy to do that now for you, too. I can tell you that what the study does is it requires that the Economic and Fiscal Commission collect information from venture capital funds that...in which pension funds have deposited investments or have...who in turn invest pension fund moneys. It tends to collect information regarding the extent to which the investments are in state and out of state, the extent to which it is invested in companies that are early stage or late stage in development, and also determines the extent

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of the return that we are getting from these investments. It's modeled after a report that was done by the Pennsylvania State Teachers Retirement Fund which was very very useful, and it was very useful for a couple of reasons. Number one, there was a study done by Coopers and Lybrand in the last month which was reported in Crain's Chicago Business that demonstrated that 88% of the venture capital moneys raised in Illinois are invested outside of Illinois for primarily on the East Coast and West Coast. So there's much concern about funds that are raised here encouraging economic development activity on the East Coast and West Coast. There's also a common belief by many people in the business community that it's extraordinarily hard to raise venture capital moneys here in Illinois, and many times they take their businesses to the East Coast and West Coast so they can get venture capital money there. On the other hand, one of the requirements, obviously, of pension fund managers is to assure that the participants in the pension fund, the owners of the pension fund, get a safe and effective return on their money. A profitable return on their money. So, the question that comes up is, to what extent could we in Illinois here be over...looking over or not recognizing economic development activities and venture capital opportunities here in Illinois. Before we get into any question of legislation, I think it's important that we have a study and that we understand what the practices are of these venture capital funds, and I think this information will provide that kind of guidance to us."

Parke: "So, in other words there's no other place that has that information available and compiled for us..."

Kaszak: "Not that I know of."

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Parke: "Now you're talking about venture capital. Are we just simply talking about money to help small businesses get started or risky businesses get started, or are we talking about investing your capital in junk bonds? What are we talking about in terms of how this money will be used?"

Kaszak: "Currently, all the pension funds invest in venture capital and as part of their portfolio. It's a very small amount of their activity. The venture capital is used for start ups, either as seed capital or later stage in development, and the idea is that they help new businesses start in Illinois and on the East Coast and on the West Coast and throughout the United States. It requires that equity in capital in order to encourage the development of the economy."

Parke: "Now, I think I have a better understanding of this Resolution, but did you not in your original Bill have a start up date of March 31st, something to that effect, and now you've moved it to...the report being filed to the Illinois General Assembly on October 1st?"

Kaszak: "In spite of my best efforts, I could not hear a word you said."

Parke: "The report is to be presented to the General Assembly on October 1st of '95. Is that correct?"

Kaszak: "That's correct."

Parke: "And who are they...They're going to give it to us and then we will decide whether or not we want to take any kind of action based on that study."

Kaszak: "That's correct. That's correct."

Parke: "And that, in essence, is all that this does?"

Kaszak: "That's correct."

Parke: "Thank you, Representative."

Speaker Steczo: "Is there any further discussion? Representative

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Kaszak, do you wish to close?"

Kaszak: "I would ask that...for the support of the...and passage of this Resolution and the discharge from committee. I believe that this will give us important information that we need in which to make critical decisions which effect the future economic development of the state."

Speaker Steczo: "All those in favor of the Lady's Motion will signify by voting 'aye'; all those opposed by voting 'no'. The voting is open. Have all voted who wish? Mr. Black, for what purpose do you seek recognition?"

Black: "Yes. Thank you very much, Mr. Speaker. Simply to ask for a verification of the Affirmative Roll should this Motion to discharge committee receive the appropriate number of votes, and would ask my colleagues on this side of the aisle to either vote 'no' or 'present' on the Motion to discharge."

Speaker Steczo: "Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion there are 64 voting 'aye', 33 voting 'no', 18 voting 'present', and Mr. Black has asked for a verification. Mr. Clerk, please poll the Affirmative Roll Call."

Clerk McLennand: "Those voting in the Affirmative: Representatives Balanoff. Blagojevich. Brunsvold. Bugielski. Burke. Capparelli. Curran. Currie. Dart. Davis. Deering. DeJaegher. Dunn. Edley. Erwin. Flinn. Flowers. Frias. Gash. Giglio. Giles. Giolitto. Granberg. Hannig. Hartke. Hawkins. Hicks. Hoffman. Shirley Jones. Kaszak. Kotlarz. Lang. Laurino. Levin. Lopez. Martinez. Mautino. McAfee. McGuire. McPike. Eugene Moore. Morrow. Moseley. Harold Murphy. Novak. Ostenburg. Phelan. Phelps. Prussing. Pugh. Raschke-Lind. Ronen. Rotello. Saltsman. Santiago.



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Schakowsky. Schoenberg. Sheehy. Steczo. Turner. von Bergen-Wessels. Woolard. Younge, and Mr. Speaker."

Speaker Steczo: "Representative Younge wishes to be verified. Representative Wyvetter Younge, Mr. Black, wishes to be verified. Representative Wyvetter Younge. The Lady has leave. Mr. Black, do you have any questions of the Affirmative Roll Call?"

Black: "Yes. Thank you very much, Mr. Speaker. Representative Curran?"

Speaker Steczo: "Representative Curran. Is Representative Curran in the chamber? Mr. Clerk, please remove him. Mr. Black."

Black: "Yes. Thank you, Mr. Speaker. Representative Hoffman?"

Speaker Steczo: "Representative Hoffman. Representative Jay Hoffman. Is the Gentleman in the chamber? Mr. Clerk, please remove him. Mr. Black, further questions?"

Black: "Thank you, Mr. Speaker. Representative Schoenberg?"

Speaker Steczo: "Representative Schoenberg. Representative Schoenberg. Representative Homer. Representative Homer wishes to be voted 'aye'. Representative Schoenberg is in the back of the chamber. Mr. Black."

Black: "Yes. Representative Lou Jones? Oh, that's why I didn't see her. I'm sorry."

Speaker Steczo: "Mr. Black, she is excused today."

Black: "Okay, thank you. I apologize for that. I should have looked at the board. Is Representative Burke with us today?"

Speaker Steczo: "Representative Burke. Representative Dan Burke is in the second row on our side here, Mr. Black. Representative Burke..."

Black: "Okay, I see him."

Speaker Steczo: "...Wave at Mr. Black, please."

Black: "I see him."

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Speaker Steczo: "Mr. Black, any further questions?"

Black: "A fine figure of a Representative, he is. Representative Blagojevich?"

Speaker Steczo: "Representative Blagojevich. Representative Blagojevich is in the back of the chamber. Mr. Black."

Black: "Yes. Congresswoman Davis...I mean Representative Davis?"

Speaker Steczo: "Representative Monique Davis is in her chair."

Black: "Oh, I see her. All right. No further questions, Mr. Speaker. Thank you."

Speaker Steczo: "There being no further questions on the verification on this Motion, the 'ayes' are 63, there are 33 voting 'no', 18 voting 'present', and House Resolution 3476...the Motion carries and House Resolution 3476 is advanced to the Order of Speaker's Table. Representative Kaszak on House Resolution 3476."

Kaszak: "I would move to adopt Amendment #1 to the Resolution."

Speaker Steczo: "Mr. Clerk, are there any Amendments?"

Clerk McLennand: "Floor Amendment #1, offered by Representative Kaszak."

Speaker Steczo: "Representative Kaszak on the Amendment."

Kaszak: "The Amendment was really described earlier. It clarifies some language so that the information we get is more valuable in understanding the investment practices of these venture capital firms, and also clarifying the intent of the Legislature in passing this Resolution."

Speaker Steczo: "The Lady has moved for the adoption of Amendment #1. On that is there any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Yes, Representative, it was a little noisy in here awhile ago. Let me make sure I understand the intent of your Resolution, as amended. Is it your intent to study

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the current system of investment of public pension funds with an eye towards saying you cannot invest in opportunities outside the State of Illinois?"

Kaszak: "Absolutely not."

Black: "Is it the intent then of your study to simply find out where and how they are investing currently our pension funds?"

Kaszak: "That's correct."

Black: "And do you have a time table in the Amendment? Forgive me. I don't have a copy."

Kaszak: "The...It calls for a report to the Legislature by October of '95."

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

Kaszak: "Okay."

Speaker Steczo: "Is there any further discussion? Representative Kubik."

Kubik: "Would the Sponsor yield?"

Speaker Steczo: "She will."

Kubik: "Representative, who currently invests the funds of the pension fund?"

Kaszak: "I'm sorry. I couldn't hear you."

Kubik: "Who currently invests the funds that we want to take a look at?"

Kaszak: "There are...Each of the funds has a manager that handles the investments. Sometimes there are groups of funds at the state level that jointly have one manager. Those managers then invest in certain funds. Some of those funds are venture capital funds. So then those venture capital funds then use their best judgement and invest in various corporations."

Kubik: "Now, are the investment managers appointed by the board members of the particular pension fund retirement system?"

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Kaszak: "The pension fund managers are selected by the boards of the pension funds. That's correct."

Kubik: "Okay. Does the Treasurer have any involvement in this issue?"

Kaszak: "I believe the Treasurer sits on some of the pension fund boards. I really don't know. I suspect..."

Kubik: "You know, I was wondering whether the current or soon to be Treasurer would have any position on this legislation."

Kaszak: "I have not consulted with the Treasurer on this, but I have consulted with the pension fund managers. In fact, I had a meeting with the pension fund managers and the venture capital funds two weeks ago to talk about this proposal and to get their guidance in this area. This language has been specifically worked out with the manager of the state pension funds."

Kubik: "You mentioned earlier in your remarks that something similar was done in the State of Pennsylvania?"

Kaszak: "Yes. In the State...Pennsylvania State Teachers Retirement Fund has a report that they issue on an annual basis. We're not asking for any kind of annual report, we're just asking for a one time report. That's very useful because people are able to get a better understanding of what the practices are and proceeding with knowledge is always better than proceeding without the appropriate knowledge."

Kubik: "Has the report, the annual report, resulted in any changes in the pension system? Fund investments?"

Kaszak: "I couldn't hear that."

Kubik: "I said, has the report, the annual report that you speak of that is done in Pennsylvania, has it resulted in any change in the way that funds are invested?"

Kaszak: "I believe it has. I have talked with the people at the

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pension retirement fund. They actually have a much more aggressive state directive from the Legislature to invest locally and there is a tremendous amount of pressure that the Pennsylvania Legislature has placed on them statutorily. I don't want to go that far because I think we need to understand what the practices are before we start creating remedies that may or may not solve any problem."

Kubik: "Okay, thank you."

Speaker Steczo: "Is there any further discussion? There being none, all those in favor of the adoption of the Amendment will be...will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The Amendment's adopted. Representative Kaszak on House Resolution 3476, as amended."

Kaszak: "I would ask, Mr. Speaker, that we pass the Resolution."

Speaker Steczo: "The Lady has moved for the adoption of the Resolution. All...Is there any discussion? There being none, all those in favor of the adoption of the Resolution will signify by voting 'aye'; those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 104 voting 'yes', 7 voting 'no', 2 voting 'present' and House Resolution 3476 is adopted. On page 52 of the Calendar appears a Motion with regard to House Resolution 3489. The Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to discharge the Executive Committee for immediate hearing on House Resolution 3489."

Speaker Steczo: "The Gentleman rules pursuant...moves pursuant to Rule 77(a) to discharge the Committee on Executive from

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further consideration and advance House Resolution 3489 to the Order of the Speaker's Table. On that is there any discussion? Representative Black."

Black: "Yes, thank you very much. An inquiry of the Chair. Was this Resolution indeed ever assigned to the Committee on Executive? All I show is it was put on the committee...assigned to the Committee on Assignment."

Speaker Steczo: "Mr. Black, the Resolution was assigned to the Executive Committee on November 29th which was yesterday."

Black: "Was there...is there any posting that would show that, that I might look at? I don't remember seeing a posting for Committee on Executive. I'm on that committee. I don't remember being notified of any committee meeting."

Speaker Steczo: "Well, the Committee on Assignment, if you'll notice, is posted in the Calendar every day."

Black: "Oh, I see. So, now we're going to move to discharge the Committee on Executive..."

Speaker Steczo: "The Committee on Executive."

Black: "I see. And it was carried on the Calendar, so that only requires...68 votes, right?"

Speaker Steczo: "Sixty votes, Mr. Black."

Black: "Oh, 60 votes, that's right. Okay."

Speaker Steczo: "Nice try though."

Black: "Thank you."

Speaker Steczo: "Mr. Kubik. Representative Granberg has moved to discharge the Committee on Executive on House Resolution 3489. All those in favor will signify by say 'aye'...by voting 'aye'; those opposed by voting 'no'. The voting is open. Representative Skinner."

Skinner: "Thank you for your timely recognition, Mr. Speaker."

Speaker Steczo: "Your welcome, Mr. Skinner."

Skinner: "I would point out that it is a good thing we have a

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tripartite system of government so that Motions like this and Resolutions like this have no effect whatsoever on the Executive Branch. Why are we wasting our time on it?"

Speaker Steczo: "Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 66 voting 'yes', 46 voting 'no', 4 voting 'present', and the Motion is adopted. Representative Granberg on House Resolution 3489."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We've all dealt with big government and an obtrusive government and sometimes trying to intimidate people. This Resolution seeks to address one instance in this state where our state Department of Central Management Services has filed a lawsuit against our own state employees union. We can talk about absurdity. We can talk about big government and intimidation. Certainly this is the case. It's...really smacks of being ridiculous, of government trying to intimidate its employees over a rightful action. This lawsuit has been called frivolous by numerous legal experts. It's a waste of taxpayers money. Not only did the department refuse to go to the Office of the Attorney General but it obtained an outside attorney. It hired an outside attorney to file a lawsuit for a liable. A state institution suing its own people for liable. How ridiculous is this? This Resolution mainly says...essentially it says this is, in fact, ridiculous. We urge the Governor to prohibit this type of action. Our state government should not be in the business of filing lawsuits against its own employees for liable. This is absurd. If the last election taught us anything, it is that government has become too big. It has become too much and it's tried to reach into the individual lives of

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people. Government should not be in the business of intimidation. Our employees have rights like every single individual and this states those rights should not be abrogated by a government institution. That is the message we're sending to our government. That is the message we're sending to the Governor and the Department of Central Management Services. Our employees have their jobs. Those working men and women should be protected from not exercising their rights. They have exercised their rights and they should not be punished for it. This House, being a body of the people, should stand up for working men and women. That's what we should do and that's what we will do if we pass this Resolution. I'd be happy to answer any questions."

Speaker Steczo: "The Gentleman has moved for the adoption of House Resolution 3489. On that, is there any discussion? Representative Black."

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Let me speak in opposition to the Resolution. I won't belabor the point, it is a Resolution. We're not addressing the merits of the case, but I want to say this to my friends on the other side of the aisle. The Sponsor of this Resolution pointed out to you clearly about the ridiculousness of litigation, the asininity of our litigious society and that we file ridiculous lawsuits. I simply put the ball in your court. In about one month when we become the Majority, you keep that in mind when we want you to join us on tort reform. That's the issue on this Resolution and that's why I'll vote 'no'."

Speaker Steczo: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, the action of a state agency in suing its own



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employees borders on the ridiculous. In fact, people in my community that have learned about it have called me to discuss their embarrassment that a state agency would accuse its employees, union employees, of libeling a state agency. There's no allegation that any individual person was liable and the liable laws require that a person be liable. How can you defame an institution, especially an institution of government? We're talking about an arm of state government. Now for someone to step forward and say that criticizing an office of state government is libelous is an abrogation of free speech. Men and women on the street corner do that, they complain about what we do. They...they say that Representative so and so has not represented them properly. Senator so and so has not represented them properly. We don't like the way we're represented by this government official or that government official. Is that libelous? I don't think it's libelous. I think that's the exercise of free speech and if we as a government are going to countenance state agencies being so thin skinned as to sue their own employees for criticizing that state agency, then I say that we're going in the very wrong direction here. Let me also say that what they've done here violates the law. It's clear, and even the lawyers I'm sure that CMS hired to pursue this litigation, know that a 1923 case ruled that there is a bar against a government entity filing a liable action. It's against the law. It can't be done. The case is going to be dismissed but in the meantime, what has happened here is that a state agency on their own is taking taxpayer dollars to step forward and spend taxpayers dollars, your constituents money and my constituents money, to sue people who are criticizing them. Now, this makes absolutely no sense. We

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should have an accounting from CMS and from the law firm that was hired as to how much was spent, what limits were put on their expenditure and how far they're willing to go. Was the hiring of this law firm unlimited? Were they given carte blanche to spend whatever they want? What hourly rate are they paying? Did they go to the Attorney General and say, we want you to pursue this for us? Mr. Attorney General we have been defamed. Will you take this case for us. You're the lawyer for Illinois government. They didn't do that. What they did was say, we're going to spend a lot of taxpayer dollars. We're going to do something that's not legal under this 1923 case and we're going to spend as much money as we want to attack our own employees, to attack this union that are filled with state and county and municipal employees. Why? Because they criticized them? Well, Ladies and Gentlemen, people in government, us and the people that work for state agencies and the people that run state agencies, have no right to be that thin-skinned and they surely have no right to spend our money illegally and improperly and therefore this Resolution should be approved."

Speaker Steczo: "Representative Skinner."

Skinner: "You know, if the ASCME union leaders and members really care, they would be up in the gallery shouting at us. They're not, so they don't care. So why should we vote for this? Especially when they have already admitted that they did not tell the truth. What they said was false, they knew it was false. It seems to me those are a couple of the elements of liable. The Director of the Department was liabled. The department had to spend postage and printing to mail out a newsletter contradicting the false allegations of ASCME. I think the ASCME ought to admit that

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it's wrong and maybe the case will be dropped. Maybe we should have some good faith in this instead of beating on the union drums."

Speaker Steczo: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. My learned colleague on the other side of the aisle would have you think that we're suing the poor people that work for ASCME. In fact that's not true. We're suing through CMS, the leadership that sent out false reports. It has nothing to do with the working man and woman, it has to do with the union leadership putting out false reports which they admit was not correct. They understood that. They were being sued to say to all state agencies, if you tell the truth you have nothing to fear, if you lie, you will pay the risk, and you know what they're suing for? They're suing for \$15,000. Why? Because they want a return of the taxpayers dollars that they had to use to mail the correct information out to the state employees that were told incorrect information in the first place. You'd think if you're going to argue the issue you would at least understand what you're arguing on it. In addition they're suing for punitive damages that say, hey folks, if you're going to do something incorrect there is a price to be paid on it, and hopefully that message will sink out to all areas of government. Again, also, I find it really unique that my learned colleague on the other side says that...that it should not be, it's against the law to do this. Well, don't you think it's the court's responsibility to...to decide that? I mean, that's what you're there for. That's what the courts are there for. It's not our decision. This is bogus. All this is is trying to make somebody look bad. I would ask all of you,

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be reasonable. This is a reasonable approach to sue for a regress under the laws and system that we have in this state. And I think it's...it's a bad Amendment and a House Resolution that should be defeated and I would ask all my colleagues to vote 'no'."

Speaker Steczo: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker. I think the voting public made a very definite statement in many campaigns this year saying that they were sick and tired of distortions, lies, and whatever. One of our Members even has a lawsuit against his opponent because of it. I think this thing should have been done and it's time that everybody that speaks has to pay the responsibility for what they say and when they say it, and I would encourage a 'no' vote."

Speaker Steczo: "The Gentleman has moved for the adoption of House Resolution 3489. Representative Lawfer."

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

Speaker Steczo: "He indicates he will."

Lawfer: "The...Representative, the Resolution says that it has been deemed frivolous and grounded by legal experts. Could you name some of the legal experts?"

Granberg: "Thank you, Representative. I think they have been numerous, the ones...the only two I...the ones I can cite. Certainly there have been editorials in newspapers including the St. Louis Post Dispatch citing their legal authorities and others, so we referenced that in the Resolution."

Lawfer: "In other words this would be a corporate legal authority then?"

Granberg: "Well, I can cite for example, the St. Louis paper in their editorial. Now, what they cite, I think is a

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same...is the same reading of the basic case that was decided against the Tribune Company in the City of Chicago in 1923, a landmark based case. So just on that interpretation alone we feel it is indeed frivolous."

Lawfer: "But I think that this is a case where there...it has been entered into the courts and I think it's open for a decision, and I think that that is what we have a court system for, and so I would like to see that process continue. Thank you."

Speaker Steczo: "Is there any further discussion? There being none, all those in favor of the adoption of the Resolution will signify by saying 'aye'; those opposed by say...All those in favor of the adoption of the Resolution will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. I was going to explain my remarks but just one point. My learned friends on the other side of the aisle, all of a sudden I see them defending government intrusion in asking for more litigation. This is really indeed interesting. And wanting more government and wanting big government to step into the lives of individuals and trying intimidate people. I find this incredible. We on this side of the aisle are certainly standing up for working men and women. That is what we believe we should do. It is our...it is our role here in this Body and I applaud anyone on that side of the aisle who will stand with us in standing up to protect working men and women from intimidation by large government institutions. And so, when I see how my friends talk and then actually how they vote, there seems to be a bit of a difference. But we on this side of the aisle are committed to protecting these working men and women and that is what

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we intend to do."

Speaker Steczo: "Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 67 voting 'yes', 46 voting 'no', 3 voting 'present' and the Resolution is adopted. Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendars #1 and 2 are being distributed."

Speaker Steczo: "On page 50 of the Calendar appears a Motion with relation to Senate Bill 1200 on the Order of Amendatory Veto Motions Gubernatorial Compliance. The Chair recognizes Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I wish to make a Motion to concur with the Amendatory Veto of the Governor."

Speaker Steczo: "Representative Hughes, could you please explain to the Members what the Bill does."

Hughes: "Yes, I will. This is a Bill which provides for some local tax dollars to be set aside over a period of time to be used for upgrading public non-dedicated roads to township standards to be dedicated to the township. It is a problem that exists almost uniquely in McHenry County. This Bill has no opposition to it. The Amendatory Veto clarifies the wording in two instances and was done with the support of the Senate Sponsor of the Bill and with myself, actually at our request. The Bill passed both Houses with no opposition by overwhelming majorities and I would ask your support in concurring with the Amendatory Veto."

Speaker Steczo: "The question is, 'Shall the House accept the specific recommendations for change with respect to Senate Bill 1200?' All those in favor...Mr. Black."

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

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for a quick question?"

Speaker Steczo: "She indicates she will."

Black: "Thank you. Representative, a question has arisen as to whether there's any language in here that will allow a transfer of road fund dollars within..."

Hughes: "No."

Black: "...to bikeways or..."

Hughes: "There is not."

Black: "No change in the road fund formula at all?"

Hughes: "No."

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

Speaker Steczo: "The question is, 'Shall the House accept the specific recommendations for change with respect to Senate Bill 1200?' All those in favor will signify by saying 'aye'...by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 114 voting 'yes', none voting 'no', none voting 'present' and the House does accept the specific recommendations for change with respect to Senate Bill 1200, and this Bill having received the required Constitutional Majority, is hereby declared passed. On the Order of Amendatory Vetoes Gubernatorial Compliance appears Senate Bill 1726, Representative Walsh."

Walsh: "Thank you, Mr. Speaker. I move that we concur with the Governor's Amendatory Veto on Senate Bill 1726. (Senate Bill) 1726 is a Bill that has several good proposals. I don't think there's any opposition to concurring with the Governor's Amendatory Veto and I would ask for its favorable passage."

Speaker Steczo: "The Gentleman has moved that the House accept the Governor's recommendations for change with relation to

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Senate Bill 1726. On that is there any discussion?  
Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Steczo: "He indicates he will."

Granberg: "Representative, you said there was several very positive changes. It's not that we would doubt you. We might doubt Representative Black but certainly not you. But could you just list the changes that the Governor made in the Bill? Could you briefly..."

Walsh: "I sorry, I couldn't hear you."

Granberg: "Could you briefly just list the changes that the Governor made in his Amendatory Veto?"

Walsh: "What he did is, originally in the Bill there was an Amendment to increase the homestead improvement exemption to \$45,000 beginning January 1st, 1995, and he... That has been pulled out of the Bill."

Granberg: "Representative, I'm sorry, there was some conversation here. Could you repeat that, please."

Walsh: "One of the provisions of the original Bill was to change the homestead improvement exemption to \$45,000 from the current \$30,000. He took that provision out of the Bill. Everything else continues to be in the Bill. If you'd like me to list what's in the Bill I'd be happy to do that."

Granberg: "No, Representative, that's fine. Thank you very much."

Speaker Steczo: "Is there any further discussion? There being none, the question is, 'Shall the House accept the specific recommendations for change with respect to Senate Bill 726 (sic-1726)?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On



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this question there are 110 voting 'yes', 3 voting 'no', none voting 'present' and the House does accept the specific recommendations for change with respect to Senate Bill 1726, and this Bill having received the required Constitutional Majority, is hereby declared passed. Supplemental Calendar #2 under the Order of Nonconcurrency appears Senate Bill 1153, Representative Dart."

Dart: "Thank you, Mr. Speaker. In regards to Senate Bill 1153 I move that we refuse to recede from the Amendment 2, Senate Bill 1153, and I request a Conference Committee to be appointed."

Speaker Steczo: "The Gentleman moves that the House refuse to recede from House Amendment #13 to Senate Bill 1153. All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it and the Motion is approved and the House refuses to recede to House Amendment #13 to Senate Bill 1153 and requests a Conference Committee. On page 50 of the Calendar under the Order of Nonconcurrency appears Senate Bill 1715, Representative Hassert. Mr. Hassert."

Hassert: "Yes. I ask that we refuse to recede from House Amendments #1, 2, 3, 4, 6, 7, 9, 10, 12, and 16 and request a Conference Committee."

Speaker Steczo: "Mr. Hassert, what about #17 and 19?"

Hassert: "If that's on there, 17 and 19, also."

Speaker Steczo: "The Gentleman moves that the House refuse to recede on House Amendments #1, 2, 3, 4, 6, 7, 9, 10, 12, 16, 17, and 19 to Senate Bill 1715. All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it and the House does refuse to recede to House Amendments 1, 2, 3, 4, 6, 7, 9, 10, 12, 16, 17, 19 and ask that a Conference Committee be appointed. On page

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46 of the Calendar on the Order of Senate Bills Second Reading appears Senate Bill 1147. Mr. Clerk, what's the status of the Bill?"

Clerk Rossi: "Senate Bill 1147 has been read a second time previously. Amendments 1, 2 and 3 were adopted in committee. No Motions have been filed. Floor Amendment #4, offered by Representative Stephens."

Speaker Steczo: "Representative Stephens, Amendment #4, Senate Bill 1147. The Gentleman withdraws the Amendment. Any further Amendments, Mr. Clerk?"

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

Speaker Steczo: "Representative Schakowsky, Amendment #5. Representative Schakowsky."

Schakowsky: "I withdraw the Motion...the Amendment."

Speaker Steczo: "The Lady withdraws the Amendment. Mr. Clerk, any further Amendments?"

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

Speaker Steczo: "Representative Schakowsky."

Schakowsky: "Withdraw this Amendment."

Speaker Steczo: "The Lady withdraws the Amendment. Mr. Clerk, any further?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Schakowsky."

Speaker Steczo: "Representative Schakowsky."

Schakowsky: "...This Amendment."

Speaker Steczo: "The Lady withdraws the Amendment. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #8, offered by Representative Skinner."

Speaker Steczo: "Representative Skinner. The Gentleman withdraws

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Amendment #8. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #9, offered by Representative Stephens."

Stephens: "Mr. Stephens withdraws Amendment #9. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #10, offered by Representative Meyer."

Speaker Steczo: "Representative Meyer withdraws Amendment #10. Mr. Clerk, any further?"

Clerk Rossi: "Floor Amendment #11, offered by Representative Krause."

Speaker Steczo: "Representative Krause."

Krause: "Withdraw."

Speaker Steczo: "The Lady withdraws the Amendment. Mr. Clerk, any further?"

Clerk Rossi: "Floor Amendment #12, offered by Representative Krause."

Speaker Steczo: "Representative Krause. The Lady withdraws the Amendment. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #13, offered by Representative Krause."

Krause: "Withdraw."

Speaker Steczo: "The Lady withdraws Amendment #13. Mr. Clerk, any further?"

Clerk Rossi: "Floor Amendment #14, offered by Representative Krause."

Speaker Steczo: "Representative Krause on #14. The Lady withdraws. Mr. Clerk."

Clerk Rossi: "Floor Amendment #15, offered by Representative Woolard."

Speaker Steczo: "Representative Woolard. The Gentleman withdraws Amendment #15. Any further?"

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Clerk Rossi: "Floor Amendment #16, offered by Representative McAfee."

Speaker Steczo: "Mr. McAfee withdraws the Amendment. Mr. Clerk, any further?"

Clerk Rossi: "Floor Amendment #17, offered by Representative Currie."

Speaker Steczo: "Representative Currie withdraws Amendment #17. Any further Amendments?"

Clerk Rossi: "Floor Amendment #18, offered by Representative Frias."

Speaker Steczo: "Representative Frias. The Gentleman withdraws the Amendment. Any further?"

Clerk Rossi: "Floor Amendment #19, offered by Representative Granberg."

Speaker Steczo: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #19 is at the request of the Department of Public Aid to come into compliance with the Federal Omnibus Budget Reconciliation Act of 1993. Specifically, it has three components. One, with regard...They're all regarding child support specifically. The department would like to establish a system for the administrative determination of paternity as required by OBRA. Secondly, the department may also impose such retroactive support, child support, on AFDC grants. I'm sorry, Mr. Speaker, could you withdraw 19. We thought this was a..."

Speaker Steczo: "The Gentleman withdraws #19. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #20, offered by Representative Davis."

Speaker Steczo: "Representative Davis on Amendment #20."

Davis: "Thank you, Mr. Speaker. At this time we withdraw

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Amendment #20."

Speaker Steczo: "The Lady withdraws Amendment #20. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #21, offered by Representative Currie."

Speaker Steczo: "Representative Currie on Amendment #21. The Lady withdraws the Amendment. Mr. Clerk, any further?"

Clerk Rossi: "Floor Amendment #22, offered by Representative Ryder."

Speaker Steczo: "Representative Ryder on Amendment #22. Should...Withdraw the Amendment? The Gentleman withdraws the Amendment. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #23, offered by Representative Granberg."

Speaker Steczo: "The Chair recognizes Representative Granberg on Amendment #23."

Granberg: "Thank you, Mr. Speaker. I'd like to transfer my remarks on Amendment #19 to #23. Those two components and additionally the department would also like to implement its own omnibus child support legislation for automated statewide enforcement systems. I'd be happy to answer any questions."

Speaker Steczo: "Any further discussion on the Amendment? Representative Black. Mr. Black."

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

Speaker Steczo: "He indicates he will."

Black: "Yes. Representative, are you just revising and extending the remarks you made on Amendment #19?"

Granberg: "Yes, Representative. I've learned that tactic from you over the course of the last two years."

Black: "And may I say you've been one of my most apt and able

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pupils."

Granberg: "And always a strong supporter."

Black: "But...But I assure you the lessons will continue but that's another story."

Granberg: "Yeah, I understand that."

Black: "Well, anyway, be that as it may, this Amendment is a, so that I have it on record, a clean Amendment simply designed to bring child support...child support enforcement in line with federal mandate. Correct?"

Granberg: "Yes."

Black: "There are no rate increases, nothing in here that would say that a judge can give a higher percentage of your pay in child support. There's none of that kind of issue in here?"

Granberg: "No, Representative. This makes us come in compliance with OBRA. There are no rate changes, anything of that nature."

Black: "And, in fact, isn't there a movement toward an on-line system where, heaven forbid, we could get child support payments where they're suppose to be in a more orderly, let's just say a quicker fashion, than what we have now?"

Granberg: "Yes."

Black: "Sounds like a good idea to me. Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, what we have here is a product of compromise. Many people have withdrawn Amendments. The Amendment becomes the Bill and I think it's an outstanding measure. I intend to vote 'aye'."

Speaker Steczo: "Representative Krause."

Krause: "Thank you, Mr. Speaker. Will the Sponsor yield for one question?"

Speaker Steczo: "He indicates that he will."

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Krause: "Okay. I also join in support of this Bill. But the one question relates to the child support modification provisions, in particular where there's the downward modification, the requirement that the attorney is actually representing the department exclusively and regardless of the designation of the plaintiff, the attorney/client relationship does not exist. But I think it also provides that the confidentiality is to continue. But on the question is that where the attorney maybe formerly maybe represented the custodial parent and now in the downward modification represents the non-custodial parent, the issue becomes for the department that, in fact, should that not be within the department two separate attorneys."

Granberg: "Thank you, Representative. When it is a small office the department will ask other representation, and that does...that can occur."

Krause: "I couldn't hear the response. I'm sorry."

Granberg: "When it is a small office the department will, in fact, have the ability to retain another attorney when that is the case."

Krause: "Yes, I appreciate that. Again, just briefly to the Bill. I think the Bill again as expressed does have a great deal of merit. It does indeed come into compliance now with federal law and will help in a number of areas of child support expedite the procedure, and I also join in urging a 'yes' vote."

Speaker Steczo: "Is there any further discussion? All those in favor of the adoption of the Amendment will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it and Amendment #23 is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

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Speaker Steczo: "Third Reading. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1147, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Steczo: "Representative Granberg, could you take it out of the record momentarily? Gentleman asks that the Bill be taken from the record. Supplemental Calendar #1 appears House...on the Order of Conference Committee Reports appears House Bill 282. The Chair recognizes Representative Hoffman."

Hoffman: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 282 contains three provisions. The first one is with regard to the St. Clair County and the Metro East Transit District sales tax. What it would do is it would allow for the purposes of the light rail metro link tax of 1/2%, that that would not be applicable to licensed vehicles such as cars, trucks and boats, and that the Metro East Transit District would have the authority to make that not applicable. In addition, this contains a provision which would amend the Income Tax Act and the Civil Administrative Code relative to electronic filing of tax returns and would allow the department authority to adopt rules providing for alternatives to handwritten signatures, and this is at the request of the Department of Revenue. I don't know...I know of no opposition to that. In addition, this has a provision which has been put forward by the Community Bankers Organization regarding homestead exemption and clarifying language, clarifying it that we have only 75...or that...clarifying that there is a limit of \$15,000 for the homestead exemption regardless of the number of owners within the house. That is a clarification



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made necessary because of a recent court decision. Also this contains a provision regarding the widows and orphans worker's compensation fund, and it allows them to borrow...they're borrowing power from all sources to go from 1.5 million to \$2.5 million. This insures that the rate adjustment fund which pays cost of living increases to survivors of workers killed in job related accidents and totally disabled individuals, that it will be properly funded and we'll continue to make those payments. I ask for the adoption of the Conference Committee to House Bill 282."

Speaker Steczo: "The Gentleman has moved for the adoption of the First Conference Committee Report on House Bill 282. On that question is there any discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczo: "He indicates he will."

Wennlund: "All right. Two questions on two portions of this Conference Committee Report. Number one being, what provisions are contained in it that effect in any way the homestead exemption?"

Hoffman: "The provisions specifically provides that if two or more persons own property that is exempt as a homestead, the value of each personal exemption may not exceed his or her proportionate share of 15,000 based on the percentage of ownership. For instance, you and your wife own, with regard to the homestead exemption, own property, you would go in and sign up for \$7,500 apiece. If you, your wife and your wife's sister lived with you and was ownership, you couldn't get \$7,500 apiece. You would get \$15,000 total. That's the intent of the original law but what has happened is, is there were some...there was a court case, a recent

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court case, that specifically said that they...that it was believed that the Legislature had to clear that provision up. So what it says, is that's \$15,000 per household."

Wennlund: "Does this in any way reduce the amount of the homestead exemption that has existed prior to this date?"

Hoffman: "No, not at all."

Wennlund: "Not at all. Okay. The second question relates to the provisions effecting the rate adjustment of worker's comp. We know there wasn't enough money in the fund and how does this effect it?"

Hoffman: "Well, the...what happened, was the funds statutory borrowing authority expired on October 1st of 1994. As a result..."

Wennlund: "This extends it?"

Hoffman: "Excuse me. Yes."

Wennlund: "This extends their bond issuing authority to borrow?"

Hoffman: "And increases it from 1.5 million to 2.5 million."

Wennlund: "Just borrowing authority, no additional bonding authority?"

Hoffman: "Yes."

Wennlund: "Okay. Thank you very much."

Speaker Steczo: "Representative Stephens."

Stephens: "Simply to rise in support of the Bill. How could you stand against a Bill supported by, first of all, the Department of Revenue, community bankers, widows and orphans, and most notably St. Clair County? I move for unanimous consent."

Speaker Steczo: "Is there any further discussion? Mr. Hoffman, do you wish to close?"

Hoffman: "Thank you, Speaker. I would just ask for affirmative vote on Conference Committee Report #1 to House Bill 282."

Speaker Steczo: "The Gentleman has moved that the House adopt the

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First Conference Committee Report on House Bill 282. All those in favor will signify by saying 'aye'...by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 113 voting 'yes', none voting 'no', none voting 'present', and the House does adopt the First Conference Committee Report on House Bill 282, and this Bill having received the required three-fifths Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1 under the Order of Conference Committee Reports appears House Bill 1594. The Chair recognizes Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1594 was a Wildlife Bill containing some of those provisions. Went to the Senate where those provisions were stripped off and Conservation 2000 was added. Those...Both of those provisions are now off this Conference Committee Report. The Conference Committee Report contains basically two items. One, dealing with landfill siting as per a case 1993 U.S. District Court case where landfill siting law was unconstitutional. The siting law was...violates the federal commerce clause as it applies to shipment of interstate solid waste. Those provisions are addressed there. This is the same as the Senate Bill which Doris Karpriel, Senator Karpriel had in 1721, Amendments 6 and 12. The second part of it deals with the underground utilities notification, or JULIE, waiving notification to owners of underground utilities if no such utilities or facilities are located in an excavation or demolition area. It also delays the effective date on Public Act 88-578, on notification of

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underground utilities for six months, to July 1, 1995. Proponents of this; Illinois Environmental Council, Citizens for Better Government, Sierra Club, Chemical Industries, Manufacturer's Association, and some more. One opponents list is the Municipal League. I have talked to the Municipal League and they would like to...they have some things they'd like to be included which are of course are not going to be included in this. But I have given them my word and they have talked to Senator Karpel about working out some minor changes that will help them. So, we have discussed it with the Municipal League. At that point I would like to allow the Chairman of the Environment Committee, Representative Novak, to make a few comments on the Bill, Mr. Speaker."

Speaker Steczo: "The Gentleman has moved that the House adopt the First Conference Committee Report on House Bill 1594. On that is there any discussion? The Chair recognizes Representative Wennlund."

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

Speaker Steczo: "He indicates..."

Wennlund: "Representative Brunsvold, just so everyone knows what this Bill really does and it doesn't come back to bite you when you go back home, currently there's...to define...Under the Environmental Protection Act, to define landfill facilities for instance or incinerators or composts or a feature like that, one, is a regional pollution control facility which is located outside a municipality, outside the jurisdiction. The second one is a local siting facility. For instance, if the City of Danville would...may site a landfill within its jurisdiction to serve only that jurisdiction. The federal district court for the southern district of Illinois in a

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case called 'Tennessee vs. Gatey' has said that that distinction between the two and under current law, the City of Danville, for instance, would not be obligated to take out of state garbage or garbage from outside the jurisdiction of the City of Danville. And what this does is this changes the law to conform to the federal district court opinion..."

Brunsvold: "Absolutely."

Wennlund: "...Saying that they now have to take out of state waste just like a regional pollution control facility does."

Brunsvold: "That's right."

Wennlund: "So, just so everyone knows that. That's the reason for the question."

Brunsvold: "Yeah, we have the same situation in my area in my district where we have...we are taking at a local landfill wastes from the State of Iowa and we have to do that according to the U.S. law. And of course we object to that too and this court decision is in that same vein."

Wennlund: "Thank you very much, Mr. Speaker and Representative Brunsvold. To the Bill, Ladies and Gentlemen. Unfortunately, we have no alternative but to bring the Environmental Protection Act into compliance with the decisions of the federal district court for the southern district of Illinois, which is a higher court than any of our court system, and we have to bring the Environmental Protection Act into compliance with that. It's a good Bill. The provisions that I... I'm kind of the father of the JULIE Bill. What we're doing is extending a date until JULIE can bring its computerized system into a closer grid, a bigger pattern. So, I encourage your support of this Bill and urge its passage. Thank you."

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Speaker Steczo: "Further discussion? Representative Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I simply rise in support of this Legislation. As the previous Speaker has indicated, the federal court case that occurred seriously threatened the existence of Senate Bill 172. As you well know, that requires local siting approval for the siting of landfills or other solid waste management disposal facilities. So, this language change is very, very important to perpetuate a sound public policy that this General Assembly adopted over a decade ago. So, I certainly would ask my colleagues to support this legislation."

Speaker Steczo: "Representative Persico."

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of Conference Committee...House Bill 1594. It contains the changes as mentioned that is needed to correct the constitutional problem in the current siting crisis...or process. Without this correction, landfills and incinerators could site at any of our district, with as little as a permit from the Illinois EPA and local zoning approval. This will ensure that we retain local control over any landfill or incineration. This is necessary legislation, and I urge your support."

Speaker Steczo: "Representative Balthis."

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

Speaker Steczo: "He indicates he will."

Balthis: "Representative, you mentioned the Illinois Municipal League and some of their concerns. Is this doing anything with the local community's ability to either site or to refuse to site a facility in their community?"

Brunsvold: "Representative, I think this would make it the same

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process dealing with whatever location that the siting or whatever type of siting it would be. It would all be the same under the under the 172 provisions. So, I think...you know, it makes everything the same as far as going through this process and still gives, as Representative Novak has said and Representative Persico, that you have your local siting requirements."

Balthis: "So, the local government is still in the process?"

Brunsvold: "Oh, it's still in the process, yes. There are some language changes the Municipal League wanted, and I've made a commitment to them that we were still going to work on these with Senator Karpiel."

Balthis: "So, there are still some potential changes we can make that will satisfy that?"

Brunsvold: "Yes. Absolutely."

Balthis: "Thank you."

Speaker Steczo: "Representative Turner."

Turner: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Steczo: "He indicates he will."

Turner: "Representative, I just have one question. I'm trying to be clear on this. This Amendment or this Conference Committee Report does not affect the village of 'Robbins', am I correct?"

Brunsvold: "No. It does not have any...it has nothing to do with Robbins."

Turner: "Thank you very much."

Speaker Steczo: "Any further discussion? There being none, Representative Brunsvold to close."

Brunsvold: "Thank you, Mr. Speaker. I think the Bill...the Conference Committee has been well discussed, and I would ask for the adoption of the First Conference Committee

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Report on House Bill 1594."

Speaker Steczo: "The Gentleman has moved for the adoption of the First Conference Committee Report on House Bill 1594. All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative...Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', none voting 'no', none voting 'present', and the House does adopt the First Conference Committee Report on House Bill 1594, and this Bill, having received the required three-fifths Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1 under the Order of Conference Committee Reports appears Senate Bill 1232, Representative Homer."

Homer: "Thank you, Mr. Speaker. During this last election, there were two constitutional issues on the ballot. The first one asked the voters whether to amend the Illinois State Constitution to strike the words 'face to face' from the Bill of Rights in the State Constitution. That was so that the Illinois Legislature could reimplement the Child Shield Act, which we passed back in 1992 and which was struck down by the Illinois Supreme Court earlier this year as being unconstitutional. The Illinois Child Shield Act, you'll recall, is the law that allows a child who is the victim of a child sexual abuse or assault case where a judge grants authority to testify by video cameras, opposed to appearing in the courtroom where that person may be subject to intimidation by being face to face with the perpetrator of the offense. So, this Conference Committee Report would reenact the 1992 Illinois Child Shield Act in the same form that we passed it at that time which we now can implement



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because of the voters' decision to change the Constitution upon which the Supreme Court made its ruling. The second part of this Bill would make a language change in the Illinois impact incarceration program to remove an ambiguity which had resulted, in some cases, in some judges granting boot camp for offenders who were convicted of Class X felonies. It was never the intention of this Legislature to allow Class X felons to receive boot camp, and by making this language change that's in the second part of this Conference Committee Report, we make it absolutely clear that those eligible for boot camp cannot now be convicted of a Class X or ever have been convicted of murder or a Class X. So, it tightens up that language and implements what our intention had been when we passed the Boot Camp Bill in the first place. I would answer any question. I think this should be noncontroversial. I would urge support for the Conference Committee Report."

Speaker Steczo: "The Gentleman has moved that the House adopt the First Conference Committee Report on Senate Bill 1232. On that, is there any discussion? Representative Wennlund."

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

Speaker Steczo: "Yes. He will."

Wennlund: "Representative Homer, there was some concern by a very few voters who actually read the explanation of the Constitutional Amendment, and I mean very few, but the Constitutional Amendment was vague in that it could apply to any witness, and there was no age limitation or no circumstances set out. My question is...and I don't remember the '92...I remember vaguely the '92 Child Shield Bill, but I don't remember what the provisions were with respect to the ages of which might be...which might use this program where a defendant would not have the

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opportunity to directly confront the witness against him."

Homer: "Alright. Well, first of all now, this language is identical to the statute that we passed in '92. The age limit then and now is 18 years, for victims under the age of 18 years, where the judge makes a ruling in a pretrial fashion that in order to serve the ends of justice that there was a need to have this judicial procedure where the person would testify by closed circuit television. Now, the concerns I think you heard talked about back then at the election by some members of the Bar was that the change in the Constitution was not limited to child witnesses and that maybe someone would try to pass a Bill here saying that even...even if you have an adult victim that they could testify by video camera. The safeguard...first of all, no one here has ever proposed such a law but secondly, I think there's every reason to believe that if such a law were enacted that the U.S. Supreme Court would strike it down. The U.S. Supreme Court has ruled on language in other states very similar to this language that's in this Conference Report. A very narrow ruling saying in the case of children who are alleged victims of sexual assault and abuse, we will allow that technique to be used, and it will be in conformity with the United States Constitution. But I think it's reasonable to assume that if some Legislature tried to do something more expansive, there's every reason to believe the U.S. Supreme Court would not permit it. So, I think there is that ultimate safeguard."

Wennlund: "So, the ultimate or the bottom line is that what this Bill does is, it applies the new constitutional provision to those 18 and under?"

Homer: "Right. Right."

Wennlund: "It limits the types of cases, is that correct?"

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Homer: "Yeah. To be...to be precise...just one moment. Just for legislative purposes, on the top of page two, you'll see that this Bill is limited to child victims under the age of 18, and that was the same as the previous law. So, it's limited to children under 18."

Wennlund: "Thank you very much, Representative Homer. Mr. Speaker and to the Bill, Ladies and Gentlemen, this has been a long needed Bill in Illinois to protect the victims of child sexual abuse and, in particular, to prevent them from having to appear in open court and undergo a very traumatic, a very traumatic recreation of the crime in front of people, in public, in front of the press, and it will protect children. It will protect them from that type of being subjected to extensive cross-examination in front of the public and from having to describe the crime in public and in front of the press. It will protect the victims of child sexual abuse, and it's long needed in this state. I urge your passage."

Speaker Steczo: "Any further discussion? Representative Balthis."

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

Speaker Steczo: "He indicates he will."

Balthis: "Representative Homer, along the line that Representative Wennlund was talking about, there was a lot of discussion amongst attorneys that the language was too vague as to what types of offenses that this could be applied to. As I read this language, it's very specific and it really has to do with criminal sexual assault and that type of thing. Is that your understanding?"

Homer: "Right. Yeah. Representative Balthis, you see, what was before the voters in November was a proposed change to the Constitution, and some attorneys said well, you're not

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proposing that this be limited to children. No, the Constitution wouldn't do that. This Bill is what provides the limiting factors. All that we did...all the voters did, in amending the Constitution was to make the federal constitutional provisions and the the state constitutional provision consistent. So, now the State Constitution reads the same, 'the right to confrontation', and we get rid of these words 'face to face' that the Illinois Supreme Court latched onto to justify striking down our statute. With those words now gone, and the U.S. Supreme Court already saying these kind of laws are okay, then we should now be reenacting a Bill that should meet constitutional muster. But the Bill, Representative Balthis, as you point out, is very specific."

Balthis: "Okay. Thank you."

Speaker Steczo: "Representative Skinner."

Skinner: "Can we ask the Gentleman if he would yield to a couple questions?"

Speaker Steczo: "Yes, he will."

Skinner: "One previous speaker asked about the public and the press being allowed to be present. You know, it's no intent under this Bill that the public and the press cannot be in the courtroom and hear over the closed circuit television set the same way that the defendant may hear the testimony, is that correct?"

Homer: "That's correct. It really won't impinge on the press' right. What would happen is that in the other room where this video camera is, there would be the judge, the victim, the defense attorney, and the prosecuting attorney. Those four people would be in a separate room. But in the courtroom would be the jury, the defendant, the t.v. monitors, the people sitting in the galleries or whatever,

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along with the press. So, there would be no change. They would have access to the same view as the jury."

Skinner: "Why did you pick the breaking...the age level of 18? Why wouldn't someone between the age of 17 and 18 be capable of not...be capable of reasonably communicating in the presence of the defendant or be capable of not being severely emotionally distressed."

Homer: "Well, that's admittedly somewhat of an arbitrary age, but it's also the age at which we, in the criminal code, define various offenses in the field of sexual abuse and sexual assault. And so, what we're saying is that, under the age of 18, that children could, with the authority of the court, testify by closed circuit t.v. But those over 17, this procedure would not apply to them, and the other reason that age was selected is because the U.S. Supreme Court made rulings with regard to other state statutes which drew the line at 18 and so, we have a known quantity here."

Skinner: "Can you give us some standard for the second reason a judge might pick that a child should be allowed to testify over t.v., specifically that the child will suffer severe emotional distress that is likely to cause a child to suffer severe adverse effects."

Homer: "Right. The language of the Bill is the best way that where the prosecution petitions to allow the child to testify by closed circuit television, the judge must in a hearing determine that testimony by the child victim in the courtroom will result in the child suffering serious emotional distress such that the child cannot reasonably communicate or that child will suffer severe emotional distress that is likely to cause the child to suffer severe adverse effects. So, it's not an automatic procedure. The state would file a petition, there would be a hearing, and

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the judge must make these findings before authorizing the procedure to be used."

Skinner: "Do you...would you care to offer some guesses as to what percentage of the cases will be viewed by the jury over t.v. rather than in person?"

Homer: "I think it'll be a relatively small number. As a former prosecutor, you will find, I think, that prosecutors by and large will use this procedure very sparingly, because where they have a witness capable of testifying in a courtroom as a victim of one of these offenses, it has a certain impact on the jury. And so, before I think a prosecutor would give away that tactical advantage, it would have to be in a special case where the prosecutor was convinced that child simply would clam up and would not be open to testify in the courtroom."

Skinner: "Representative, I've been trying to put myself in the place of a juror, and I've asked myself if I saw somebody testify on t.v., could I tell whether they were telling the truth or not as well as I could in the courtroom. And I've concluded that I couldn't tell as accurately if they were telling the truth. Would you concur with that?"

Homer: "Oh, I don't know. We've got millions of t.v. viewers that have been watching the O.J. Simpson proceedings on t.v., and they all have opinions. In all candor to your question, you know, I guess it's a question of whether you would be able to glean the truth more by seeing a child testifying by video camera versus, perhaps, having that child intimidated and not willing to speak at all. And so, it becomes a question of finding the truth. What is the most, you know, useful techniques to bring out the truth, and this is deemed to be the way to do that in those cases where the child would be likely intimidated to be sitting

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there face to face. Further, most of these cases are children who have a relationship with the defendant. It could be a parent, a step-parent, or some other close relationship, and by putting the two of them face to face in an encounter where the child, who has been the victim of a sexual abuse, is now asked to testify not only in front of the jury and the judge, these strange people, but in the very presence and proximity of the perpetrator of that offense. It becomes a very awesome undertaking and for that reason, many sex offense cases against children go unpunished, and this is an attempt to seek the truth. Safeguards are built into the Bill. The defense lawyer can be there to cross-examine the child in the presence of the jury through the video camera, and the truth can come forward."

Skinner: "Well, I think you've stated the case as well as it can be stated. It seems to me we have two goods here that we're trying to...that are budding up against each other. Number one, whether a juror is more likely to be able to tell the truth if he can see the person eye to eye, if you will, rather than through a t.v. set and counter...and against that, being able to get people to even testify, perhaps, against sex offenders. Thank you very much for your erudite explanation."

Speaker Steczo: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. As somebody who has been a state's attorney for quite a while prior to doing this and, unfortunately, had the pleasure of trying a lot of cases like this where children were raped and sexually abused, I rise in very strong support. I have seen the damage that has been done to these children, and without a measure like this, you would not believe the

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damage that will be done to them yet a second time. The age limit that has been put in this was one that has been debated before and long thought out. In my experiences dealing with children who have been raped, some of the more difficult ones are the older children because, of course, they understand what's happened to them. That's why the safeguard is in there for judges to determine based on the age and based on what's happened whether or not this should be used or not. More importantly, the judges stand in the best position to determine what is to be...when this is to be used and when it's not to be used, and they always do make a very long and labored decision prior to using this. As I said, from trying these things, I've seen the results of what has happened to these kids. I've had children who have...I've worked on for weeks, if not months, to testify who in...when they walk into the courtroom and see the person that did this to them, will run out of the courtroom. They'll scream, they'll hide inside the podium, they'll do things like that. This is something that would prevent that. The jurors will take it for what it's worth. Namely, it's a small child who cannot come in and testify in front of them. They will view it with the credibility they would view any other witness, and they'd understand the age of the child. This is something that is well thought out and has been well debated in the past, and it's something that we have to do, and we have to do it now. I urge your support."

Speaker Steczo: "Is there any further discussion? There being none, Representative Homer to close."

Homer: "Well, thank you, Mr. Speaker and thanks Ladies and Gentlemen for the full discussion of the Conference Committee Report. Make no mistake about it, this is a



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very, very important tool to be used in going after and bringing a halt to the rising incidence of child sexual abuse and assault. This mechanism will allow the courtroom, the jury, the judge, the trier of fact to glean the truth and to make sure that justice is done. It would be quite ironic if the victim of a sexual crime...that youthful victim were made a victim a second time by the judicial system in the form of intimidation in the courtroom. This Bill is designed to remove that intimidation where the safeguards are imposed. The Bill has been upheld by the U.S. Supreme Court. The people of the State of Illinois have spoken on November 8th that they want to change the Constitution just so this Senate Bill 1232 can become law. It's our responsibility to them and to the children of this state to pass this Conference Committee Report, and I urge you to do so."

Speaker Steczo: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 1232?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Please vote Representative Schoenberg 'aye'. He's voted 'aye'. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', none voting 'no', none voting 'present'. The House does adopt the First Conference Committee Report on Senate Bill 1232, and this Bill, having received the required Constitutional three-fifths Majority, is hereby declared passed. On Supplemental Calendar #1 under the Order of Conference Committee Reports appears Senate Bill 1724. The Chair recognizes Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1 to Senate Bill 1724

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contains a few pieces of legislation that were incorporated. I would like to speak directly to the underlying contents of the Bill. There are two phases to the underlying contents of the original Bill. One deals with internal environmental business audits. That was an initiative of the Illinois Manufacturers' Association, the Chemical Industry Council, and the State Chamber of Commerce. The intent of the language is to encourage owners and operators of facilities, specifically manufacturers, to conduct voluntary internal environmental audits in order to reduce environmental pollution by assessing and improving compliance with state environmental laws. The second part of the underlying Bill deals with petitioning the Pollution Control Board for hearings. It simply extends from 35 to 90 days, the period during which someone could petition the Pollution Control Board for a hearing to appeal the EPA's agency decision for...on a permit application. The other aspect of the Bill are as follows: alternative use of waste tires, which was originally House Bill 32...I believe...47. No, my mistake. I stand corrected. It was originally in Senate Bill 1721. Now, it is on Senate Bill 1724. This is an initiative of Browning/Ferris. It simply allows landfills...currently, right now, they are prohibited from accepting whole tires, waste tires. As of July 1, 1995, it allows landfills to accept waste tires that are shredded or that are not...that will not be able to be processed for use in landfills. It will allow them to be used in landfills for covering and also for other types of operations in landfills. Indirect cost reimbursements is another aspect of this Conference Committee Report. This was originally House Bill 3247, sponsored by Representative Hannig. This was suggested by

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the Legislative Audit Commission in order to clarify that the agency under the state law is authorized to accept indirect cost reimbursements, such as those received from the federal government. In addition, composting regulations. This is another subject matter that I had originally sponsored in House Bill 2787. A few years ago, we passed legislation that was signed into law by the Governor requiring that composting standards be adopted by the Pollution Control Board and put into effect. There are three phases of composting standards, the first phase dealing with landscape waste has been adopted. The rules have been adopted by the Pollution Control Board, and they have been published in the register. They are in effect. The last two phases of compost regulations deal with organic waste composts, meaning food waste and, also, mixed municipal waste. Those two aspects, remaining aspects of the compost legislation have yet to be...those rules have yet to be promulgated. The reason for this legislation is to extend the time period for three years. I would like to point out to my colleagues that the three year time limit does not require...does not mandate that there is a lapse of three years, it just allows the Pollution Control Board and the EPA more time to put the rules together. So, they could feasibly adopt them within a years time or sooner. Another section is private sewage disposal code. It requires the Department of Public Health to consult with technically qualified Representatives of real estate, development and building industries to develop statewide regulations for septic systems. This was legislation sponsored by Representative Dave Leitch. It also requires the General Assembly to approve of any departmental regulation which increases land density requirements. This

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initiative, here, is supported by the Realtors' Association and, also the Illinois Home Builders. And lastly, the concept of illegal dumping of fly debris, construction debris. This is an initiative sponsored by the City of Chicago, originally in House Bill 2830 from Representative Bugielski. This result is a compromise between the competing parties. It authorizes a court to order a person convicted of open dumping of construction debris to perform community service for not less than 50 hours and not more than 300 hours of community services available in the jurisdiction. Those...that is the contents of Senate Bill 1724. I'd be more than happy to entertain any questions."

Speaker Steczo: "Representative Persico."

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of Conference Report of Senate Bill 1724. Representative Novak has done a fine job of explaining the different provisions that...included in this Conference Report. The four caucuses met and narrowed down the issues to ones that we felt were very important, yet, noncontroversial. What you see before you is...has been agreed to by all four caucuses in the Governor's Office. I urge all of my colleagues on both sides of the aisle to support Senate Bill 1724, First Conference Report."

Speaker Steczo: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the General Assembly. Would the Sponsor yield for a question?"

Speaker Steczo: "He indicates he will."

Lawfer: "The extension of the proposed regulations in regard to composting, will this in any way affect the municipalities and the communities that are now developing a solid waste plan?"

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Novak: "No. No, it would not. The compost regulations are the result of legislation that we passed a few years ago requiring that the State of Illinois initiate standards on composting facilities since we outlawed landscape waste from landfills back in 1990. This...composting regulations was a subsequent initiative that was done by the General Assembly. It's just the fact that out of the three phases, the first phase has been completed. Those rules have been adopted. The second and third phase have yet to be adopted. This simply is giving them more time to adopt the rules, the new rules."

Lawfer: "Thank you."

Speaker Steczo: "Is there any further discussion? There being none, Representative Novak to close."

Novak: "Yes, Mr. Speaker. Thank you, Ladies and Gentlemen of the House. I think I gave a brief summary of all the underlying pieces of legislation. I will just recapitulate and very quickly. The underlying Bill was internal environmental business audits petitioning the Pollution Control Board for a hearing. The additional items added to Conference Committee were the alternative use of waste tires, composting regulation deferral, private sewage disposal code, and the illegal dumping of construction debris. Proponents are the EPA, the Pollution Control Board, the Chemical Industry Council, the Illinois Fertilizer and Chemical Association. I know of no opponents. The Illinois Environmental Council has no position. I ask my colleagues adopt Senate Bill 1724, Conference Committee #1."

Speaker Steczo: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 1724?' All those in favor will signify by voting 'aye'; those

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opposed by voting 'no'. The voting is open. Have all voted who wish? Have all vote who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 109 voting 'yes', none voting 'no', 6 voting 'present', and the House does adopt the First Conference Committee Report on Senate Bill 1724. Representative Sheehy wishes to be recorded as 'present'...109 voting 'yes', none voting 'no', 7 voting 'present'. The House does adopt the First Conference Committee Report on Senate Bill 1724, and this Bill, having received the required Three-Fifths Constitutional Majority, is hereby declared passed. On page 46 of the Calendar, on the Order of Senate Bills, Second Reading, appears Senate Bill 1147. Mr. Clerk, please read the Bill. The Bill has been read a second time previously and has been moved to Third Reading, am I not correct? Would you please read the Bill a third time."

Clerk Rossi: "Senate Bill 1147, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Steczo: "The Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This...Senate Bill 1147 only contains the Amendment #23, which we debated and discussed early a few moments ago regarding child support payments, and the Department's compliance with OBRA. I would ask for an 'aye' vote."

Speaker Steczo: "The Gentlemen has moved for the passage of Senate Bill 1147. On that, is there any discussion? The Chair recognizes Representative...there being no discussion, the question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Have all voted who wish. Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', none voting 'no', none voting 'present'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Introduction and First Reading."

Clerk McLennand: "Introduction and First Reading of House Bills. House Bill 4271, offered by Representative Prussing, a Bill for an Act to amend the Election Code. House Bill 4272, offered by Representative Prussing, a Bill for an Act in relation to contributions to and expenditures by candidates for the General Assembly. House Bill 4273, offered by Representative Davis, a Bill for an Act concerning State staff expenses. First Reading of these House Bills."

Speaker Steczo: "Agreed Resolutions."

Clerk McLennand: "House Resolution 3520; House Resolution 3521..."

Speaker Steczo: "Don't move so quickly."

Clerk McLennand: "And House Resolution 3522, offered by Representative Cowlshaw."

Speaker Steczo: "Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Black, do you have any announcements? Mr. Black, any announcements?"

Black: "Do I have any announcements?"

Speaker Steczo: "Yes, Sir."

Black: "Yes. I believe the Rules Committee is meeting right after the Session, that's the new Rules Committee. All right, and you're more than welcome to attend...What?"

Speaker Steczo: "When will their rulings be effective?"

Black: "Shortly. We'll get back to you on that. Not now."

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Speaker Steczo: "The Chair is now prepared to adjourn. Representative Granberg moves that the House stand adjourned until Thursday, December 1st, at the hour of 10:00 a.m. All those in favor will signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it, and the House now stands adjourned...10:00 a.m."



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