

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

103rd Legislative Day

March 7, 1996

Speaker Daniels: "The House will come to Order. The Members will be in their chairs. Those not entitled to the Floor, please retire to the Gallery. The Pastor for the day is the assistant door keeper, Lee A. Crawford, who is the assistant Pastor at the Victory Temple in Springfield, Illinois and is Chaplin for the day. Pastor Crawford."

Pastor Crawford: "Let us pray. Precious Lord in heaven, we pray according to Your servant, St. John. That this is a confidence that we have in You that whatsoever that we ask You, according to Your will that You will hear us. Hear us Oh Lord as we ask for peace, we ask for love, joy, comfort, compassion, wisdom, understanding and above all we ask for guidance, guide our thoughts, guide our minds, guide our hearts and guide our soul. What we ask these special blessings in Your Son name. Amen."

Speaker Daniels: "Thank you, Pastor Crawford. We will be led in the Pledge of Allegiance by our guest today the Honorable Governor Jim Thompson."

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

Speaker Daniels: "Roll Call for Attendance. Representative Currie is recognized on the Democratic side of the aisle for excused absences."

Currie: "Thank you, Speaker. Please let the record show that Representative Frias is excused, because of official business and may I also say that the people on this side of the aisle, certainly welcome the return of the former Governor, Jim Thompson."

Speaker Daniels: "The record will so reflect and Representative Cross is recognized for any excused absences on the

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Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. If the record would please reflect that Representatives Clayton, Pedersen and Salvi are excused today."

Speaker Daniels: "The record will so reflect. Mr. Clerk take the record. There are 112 Members answering the Roll and a Quorum is present. The House will come to Order. Ladies and Gentleman, it is a great pleasure. I introduce for a returned visit to the Capitol, the Honorable Jim Thompson, former Governor of the State of Illinois."

Jim Thompson: "Thank you very much, Mr. Speaker. The Speaker has given me permission to ask for a suspension of the rules and the immediate consideration of a list of about 10 Bills that billed Illinois for. I was in the Capitol on business this morning and the Speaker extended an invitation to visit the Floor of the House, which I have done on both sides of the aisle. I was over on the Senate side earlier and I thank you very much for the warm welcome and I just want you to recall with me that some of the happiest moments of my Governorship were spent with your permission on the Floor of this House, sometimes literally on the Floor of this House and on the Floor of the Senate right across the dome and I will never forget them or you. Thank you very much."

Speaker Daniels: "Committee Reports."

Clerk McLennand: " Representative Rutherford, Chairman from the Committee on Constitutional Officers, to which the following Bills and Resolutions were referred, action taken on March 7, 1996, reported the same back with the following recommendation/s: 'do pass' House Bill 3158; 'do pass as amended Short Debate' House Bill 3367. Representative Jim Meyer, Chairman from the Committee on Veterans Affairs, to

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which the following Bills and Resolutions were referred, action taken on March 7, 1996, reported the same back with the following recommendation/s: 'do re-refer' House Bill 2543. Representative Maureen Murphy, Chairman from the Committee on Revenue, to which the following Bills and Resolutions were referred, action taken on March 7, 1996, reported the same back with the following recommendation/s: 'do pass as amended' House Bill 2618,2794; 'do pass as amended Short Debate' House Bills 2741, 3549. Representative Tom Johnson, Chairman from the Committee on Judiciary Criminal law, to which the following Bills and Resolutions were referred, action taken on March 7, 1996, reported the same back with the following recommendation/s: 'do pass' House Bill 3048; 'do pass as amended' House Bill 2915,3510. Introduction - First Reading of Bills. House Bill 3715, offered by Representative Wyvetter Young, a Bill for an Act making an appropriation to the Department of Commerce and Community Affairs. House Bill 3716, offered by Representative Brady, a Bill for an Act 7-222 and to amend the State Mandates Act. House Bill 3717, offered by Representative Lang, a Bill for an Act making an appropriation to the Administrative Office of the Illinois Courts. First Reading of these House Bills."

Speaker Daniels: "Representative Biggert in the Chair."

Biggert: "Returning to the Order of House Bills Second Reading. Mr. Clerk, please read House Bill 2515."

Clerk McLennand: "House Bill #2515. The Bill has been read a second time previously. Amendment #1 was Adopted in Committee. No Floor Amendments. No outstanding note requests."

Speaker Biggert: "Third Reading. Mr. Clerk, please read House Bill 2701."

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Clerk McLennand: "House Bill #2701. A Bill for an Act that Amends the Illinois Vehicle code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Biggert: "Third Reading. Mr. Clerk, please read House Bill 2978."

Clerk McLennand: "House Bill #2978. A Bill for an Act that Amends the Illinois Municipal code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Biggert: "Third Reading. Mr. Clerk, please read House Bill 3532."

Clerk McLennand: "House Bill #3532. A Bill for an Act that Amends the school. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note and States Mandates Note have been filed on the Bill."

Speaker Biggert: "Third Reading. We will now proceed to the Order of House Bills Third Reading. Mr. Clerk, read House Bill 3167."

Clerk McLennand: "House Bill #3167. A Bill for an Act that Amends the Illinois Low Level Radio Active Waste Management Act. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Persico."

Persico: "Thank you, Madam Speaker and Members of the House. House Bill 3167 Amends the Illinois Low Level Radio Active Waste Management Act in connection with the low level radio active waste task group. It provides that upon Adoption of the sighting criteria both of the Director of the Environmental Protection Agency and the Director of Nuclear Safety shall be replaced on the task group by Members appointed by the Governor and confirmed by the Senate. Until that time those directors maybe represented on the

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task group by designees. It also provides that all required actions of the task force must be taken by a majority vote and it makes changes in references to the former Department of Energy and Natural Resources to a successor to the Department of Natural Resources. I would be happy to answer any questions that you Members might have."

Speaker Biggert: "Is there any discussion? The Chair recognizes the Representative from Lake County, Representative Gash. Ladies and Gentleman...Ladies and Gentleman could we have your attention, please. Proceed Representative Gash."

Gash: "Thank you, Speaker. I would just like to make an announcement, that my seat mate, Representative Judy Erwin, it is her Birthday today and we have cake over here. She is ageless."

Speaker Biggert: "If there is nothing further, the Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Biggert: "He indicates that he will."

Granberg: "Representative Persico, what is the rational for the changes in the board members? You indicated that the directors feel that they should not serve on the board. Could you please elaborate on to why that is?"

Speaker Biggert: "Representative Persico."

Persico: "Basically, Representative the Department of Nuclear Safety as well as the Illinois EPA felt that there would be conflict of interest after the sighting of any disposable facilities and because they have a regulatory role and they felt that by having designees do that this would be no longer in conflict with their roles that they have."

Speaker Biggert: "Ladies and Gentleman could we have some order

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here? Representative Granberg."

Granberg: "Thank you Representative. How many Members are there currently on the task force or do the sighting?"

Speaker Biggert: "Representative Persico."

Persico: "There are nine Members, Representative."

Speaker Biggert: "Representative Granberg."

Granberg: "So, the directors would be replaced. The new members would be appointed by the Governor. Is there any criteria for those to be selected by the Governor?"

Speaker Biggert: "Representative Persico."

Persico: "There is no criteria stated in this law, but whatever the Governor feels appropriate and then again it is confirmed by the Senate."

Speaker Biggert: "Representative Granberg."

Granberg: "So, there is no requirement that the new participants would have to be from a certain location in the state or any requirement that they would have a certain amount of expertise. It would be slowly up to the discretion of the Governor and then they would have to go through the confirmation process in the Senate, is that right?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, that is correct, but there are some Members that are already currently on the board and they consist of a hydrologist, geologist, a couple of hydrologists and a person that is an expert in local government as well as you know the two directors which we are trying to replace, because of the conflict."

Speaker Biggert: "Representative Granberg."

Granberg: "The man says the current law required that those people be appointed because of their expertise, sir, their qualifications?"

Speaker Biggert: "Representative Persico."

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Persico: "Yes, I do believe that that is the case. The current statue did set that out."

Speaker Biggert: "Representative Granberg."

Granberg: "So, if the statue set forth back criteria for those appointments, why would we not did this with these two additional appointments?"

Speaker Biggert: "Representative Persico."

Persico: "I'm sure that the Governor is going to take that into consideration that they are going to have people that are experts in those fields."

Speaker Biggert: "Representative Granberg."

Granberg: "But, since we did it that way with the current members, do you think that we could do it that in the future to actually put some type of proviso that they be engineers or other hydrologists or something along that line, because I'm sure part of the rational behind the existing law was to gain the expertise from the directors of these two agencies. So, you know it would be in line with that type of thinking that we continue that with additional members. Would you be amendable to that at some point in the future?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, I have no problem with doing that in the future, but I have great confidence that whomever is Governor including the one that we presently have, is going to pick the ones that are experts in those particular fields."

Speaker Biggert: "Representative Granberg."

Granberg: "Now, is this the same director that we just gave subpoena powers to? Is this Mr. Ortzinger?"

Speaker Biggert: "Representative Persico."

Persico: "I believe that is the case."

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Speaker Biggert: "Representative Granberg."

Granberg: "Thank you. Representative Persico, is there anything else in the Bill that changes the appointment powers or changes the current law in respect to when they have to come up with a site recommendation pursuant to the Federal Law?"

Speaker Biggert: "Representative Persico."

Persico: "No, there is not."

Speaker Biggert: "Representative Granberg."

Granberg: "So, none of the time tables have changed? The criteria has to be reviewed and the recommendation has to be made to replace the Martinsville site. This has nothing to do with any of that process?"

Speaker Biggert: "Representative Persico."

Persico: "No it does not, Representative."

Speaker Biggert: "Representative Granberg, your time is about to expire."

Granberg: "Okay. Representative, one last question. Are the board members or the new appointees, do they receive any type of salary or per diem or what in fact is the rate that they would receive if in fact that they would receive if in fact that they were going to be appointed by the Governor to replace the directors"

Speaker Biggert: "Representative Persico."

Persico: "Representative, the two new public members, if this becomes law are entitled to the \$300 a day expenses for their participation in this tax group."

Speaker Biggert: "Representative Granberg, just a little bit to finish, please."

Granberg: "Thank you, Madam Speaker. So, Representative Persico, right now there is no cost, because we have existing directors serving on the task. They are currently paid a



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salary. So, now with the changes in this law, we will pay additional money, because these people will not...they will be entitled to additional reimbursement at the rate of \$300 a day. I appreciate your frankness and I appreciate your answers and in closing just let me ask one last question, Vince. And that would be, do we have any idea what that would be on an annual basis? Do these people meet monthly or will they be needing a great deal more, because they need to come up with that site selection process."

Speaker Biggert: "Representative Persico."

Persico: "Representative, on the average are the new member is going to spend about 25 days per year on these task group business. The member then will be eligible to receive about \$7500 per year in per diem expenses."

Speaker Biggert: "The Gentleman from Kankakee, Representative Novak. Representative Novak, proceed."

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

Speaker Biggert: "He indicates that he will."

Novak: "Representative Persico, did you indicate that the essence of the Bill is to replace two members on the low level sighting committee?"

Speaker Biggert: "Representative Persico."

Persico: "The way that it will work out in the final analyses is that it will be one member. It will be one member."

Speaker Biggert: Representative Novak."

Novak: "Am I not correct in stating that the main reason for this Bill is because, the director of the EPA and I think the director of the Natural Resources haven't been attending very many meetings lately? Is that the reason?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, can you repeat that question? I'm sorry."

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Speaker Biggert: "Representative Novak."

Novak: "Am I not correct in stating that the main reason why your submitting this Bill is because the director of the Environmental Protection Agency and I believe that the director of the Department of Natural Resources has not been attending meetings on a regular scheduled basis. Is that correct?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, I couldn't answer that question. I'm not at those particular meetings, but what this legislation is designed to do as you can know. Is to replace these two members, because of possibility of conflict after, you know in the regulatory process of this."

Speaker Biggert: "Representative Novak."

Novak: "So, it doesn't have anything to do with, some agency directors or the Representatives failure to attend these meetings. Is that what you are saying?"

Speaker Biggert: "Representative Persico."

Persico: "No, it is just to avoid any possible conflict in their role as a regulatory authority."

Speaker Biggert: "Representative Persico. Representative Novak."

Novak: "Well, thank you. It is just a little rumor that I heard around the little capitol. Just a little buzz around the capitol, but Representative Persico a little more rhetorical question. Can you give us any idea of when they are going to select a site?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, it is my understanding that they will not get down to the ten finalist for the site for about another year. In terms of actually sighting that facility, it will be about the year 2000."

Speaker Biggert: "Representative Novak."

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Novak: "The actual sighting will be about 2000. Is that what you said the final determination? That is a ball park figure?"

Speaker Biggert: "Representative Persico."

Persico: "Right for the final site, the year 2000."

Speaker Biggert: "Representative Novak."

Novak: "Rhetorical speaking, we will get through the 96 election and no one will get hurt and we will get through the 98 election and no one will get hurt and we will get through the election in 2000, and I guess then we will get down to picking a site. But, thanks anyway for your great presentation of the Bill and I certainly support this measure. No further questions."

Speaker Biggert: "Thank you, Representative. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much Madam Speaker and I appreciate you trying to bring some order to the Chamber. The only site that they attempted to put this low level radio active dump, shall we say, very, very close to my district. In fact, I was in Representative Mike Weavers district and I know that we have a interest in this, because we have gone through this or we have seen the process. I think that it is unfortunate that the noise level is such that I haven't been able to hear many of the answers that Representative Persico has given and I would like to know if he would yield for some questions?"

Speaker Biggert: "He indicates that he will. Ladies and Gentleman, could you please give your attention to Representative Persico and Representative Black."

Black: "Thank you Madam Speaker. Representative Persico, if I read it correctly on my computer, the Bill simply replaces the director of the Department of Nuclear Safety and the director of the IEPA on the sighting committee. Is that

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correct or am I not correct?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, the only one that will be replaced will be the director of the IEPA. The Director of Nuclear Safety has already been replaced under current law."

Speaker Biggert: "Representative Black."

Black: "...that legislation that you passed last year or was passed last year about the director of Nuclear Safety?"

Speaker Biggert: "Representative Persico."

Persico: "It was more like two years ago, Representative."

Speaker Biggert: "Representative Black."

Black: "There is a very active group that monitors the sighting procedures on this radioactive...low level radioactive facility, storage facility out of Campaign. The name of the group escapes me at the present time. Do you have any idea if they are aware of this legislation? I noticed that the computer says there are no opponents. I just wonder if they are aware of this Bill and if so if they have had a change to review it?"

Speaker Biggert: "Representative Persico."

Persico: "Representative, it is my understanding that they are definitely are aware of this Bill and they were given the opportunity, the Illinois Environmental Council gave them an analyze of this Bill and the Bill itself and they haven't...I haven't received any word in opposition."

Speaker Biggert: "Representative Persico."

Black: "I think it is to me, Speaker."

Speaker Biggert: "Representative Black."

Black: "My last question, Representative. The bottom line for those of us who are in the area where they have looked at sights and I know many of my county boards and several villages have already passed Resolutions stating how much

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they do not want this facility in their area and I can certainly understand that. I need your reaction to the fact. The only question I'm going to be asked, does this Bill make it easier in any way shape or form to sight a Low Level Nuclear Storage facility?"

Speaker Biggert: "Representative Persico."

Persico: "As far as I understand the answer would be no."

Speaker Biggert: "Representative Black."

Black: "I thank you very much for your patience and your forthrightness in the answers and I would just simply urge my colleagues to listen very carefully if there are any more questions, because this is a very emotional issue and if it comes to your district, you will want to know how you voted on all of these issues. I thank the gentleman for his answers and thank you Madam Speaker."

Speaker Biggert: "Thank you, Representative. Is there any further discussion? Seeing none, Representative Persico to close."

Persico: "Thank you, Madam Chairman and Members of the House. I just urge a ye vote on House Bill 3167."

Speaker Biggert: "The question is 'Shall House Bill 3167 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 107 voting 'aye'; 0 voting 'nay' and 0 voting 'present' and this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, please read House Joint Resolution 94."

Clerk McLennand: "House Joint Resolution 94 offered by Representative Churchill. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL House of

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Representatives adjourns on Thursday, March 7, 1996, it stands adjourned until Wednesday, March 20, 1996, at 2:00 o'clock of Mount.; and when the Senate adjourns on Thursday, March 7, 1996, it stands adjourned until Wednesday, March 20, 1996."

Speaker Biggert: "Thank you. Continuing on the Order of Third Readings. Mr. Clerk, please read House Bill 2230."

Clerk McLennand: "House Bill 2230. A Bill for an Act that Amends the School Code. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes the Gentleman from DuPage, Representative Cowlshaw." Cowlshaw."

Cowlshaw: "Thank you very much. Madam Speaker and Ladies and Gentleman of the House, I'm very pleased to rise and present to you House Bill 2230, which is a product of more than two years of work that was begun and initiated and then very carefully shepherded by the Illinois State Advisory Council on children with disabilities. And in particular two of the Members of that council who are parent members, that is who serve on that council, because they are parents of children with disabilities. Those two individuals are 'Jim Caplin' and 'Ron Crass'. This Legislation is perhaps more a product of their efforts than of any other single individuals, although a great many people have worked on this Bill during this two year period. What this Bill attempts to address is the two level due process hearing that is currently provided for under Illinois Law. It became apparent more than two years ago that there was a need to simplify that process and thereby save time, save money and save mental anguish on the part of the families as well as the school districts involved in these due process hearings, so this legislation provides for a one level in partial hearing process. It

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changes the manor of appointing hearing officers and providing for their removal. It reduces from a 120 to 45 days for the number of days, which in a party aggrieved by the decision of a hearing officer may bring a civil action with respect to a complaint concerning the educational placement of the student. Madam Speaker and Members of the House, I will be glad to try to answer any questions that anyone has on this very complicated Bill. I would ask your patience please if it takes me a moment to find the references to whatever your questions maybe, but before I conclude I would like to list the names of those who have signed in at the Committee in support of this Bill. The Illinois State Advisory Council of children with disabilities, the Illinois Administrators of Special Education, the Department of Rehabilitation Services, the Illinois Attorney General, the Illinois Coalition of Citizens with Disabilities, the Illinois Education Association, Family Ties, the Illinois State Board of Education, the Coalition on School Inclusion, the South Cook Organization for Public Education, The Illinois State Wide School Management Alliance, the United Cerebral Palsy of Illinois, the Large Unit District Association, the Peoria Public Schools, the Child Care Association of Illinois, the Granite City Community District #9, the Illinois Association of Private Schools for exceptional Children, the Chicago Issues Association, the Niles Township Department of Special Education, the Arc of Illinois, and the Illinois Education Research and Development Group, commonly known as EDRED. This is a good Bill. It has been negotiated over a long period of time to take the interests off of everyone at heart. I'm proud to present it and would be glad to answer any questions.

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Thank you, Madam Speaker."

Speaker Biggert: "Thank you, Representative. Is there any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Biggert: "She indicates that she will."

Dart: "Representative, what it is at the heart of the change from the two tier to the one tier? What is the reason for that"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, I believe that there were basically two issues that the committee, the council on the education of children with disabilities was trying to address. One was that this two tier hearing process dragged on for such a long period of time, that that was just a excruciatingly difficult problem for both the parents and the child and of course it wasn't terribly pleasant for the school districts either, but the other issue that really needed to be addressed was not only the time factor, but the qualifications of the hearing officers. Apparently, we have had to our discredit to be sure, a good many hearing officers who were really were not qualified whatsoever, who did not know anything about the laws that applied in these situations and who made apparently in some cases decisions that were nothing short of outrageous. Consequently, these things would drag on and on and these poor parents would just be distraught. There is a whole new process for choosing these hearing officers under this Bill, provided in this Bill. And this Bill will assure that those people and there will be a fewer number of people serving as hearing officers, but they will have been screened in advance to be sure that in fact they are qualified to do this in a reasonable way with a understanding of the law."



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Speaker Biggert: "Representative Dart."

Dart: "Is there any opposition to this Bill? And if so who?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, I read you the list of proponents, it is as long as my arm, but there is one opponent, it is a group known as The Family Resource Center on Disabilities. And I want you to know that that is the only group that has not come on board in support of this legislation, but Representative Dart, you have been here a while and you try to accommodate absolutely everyone, but there may in some circumstances, as there was here, be someone that is simply opposed to change, period. We believe that this is a change for the better and so do that long list that I just read to you."

Speaker Biggert: "Representative Dart."

Dart: "Is the Learning Disability Association for or against this or neutral, the Learning Disability Association?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, I have not heard from them. Now, this Bill has been around since last year and everybody else, Larry Stuffle and all the rest of the people who have anything to do with special education have been aware of this for over a year and of course a lot of people have been aware of it for two years, when the negotiation started. We simply have not heard from them, either they really don't see anything wrong with this, or perhaps they just haven't taken enough of an interest in what their position might be, but we do have a Illinois Administrator of Special Education in support of this Bill."

Speaker Biggert: "Representative Dart."

Dart: "What was the Family Resource center on Disability? What was their opposition to this? Specifically, did they have

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one in particular?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, as nearly as I am able to determine there are about 90% of the provisions in this Bill that the Family Resource would agree with and they have presented us with a two page letter that explains what those things are. They did however have a concern about current teachers being permitted to serve as hearing officers, because of the potential conflict of interests and I understand that and so we have amended this Bill so that it now says that if you are associated with education, the only people like that who can serve as hearing officers or even apply to become a hearing officers, are retired teachers and those people who serve a school district on a consultant bases. I thought that that completed all of the concerns from the Family Resource Center, but I believe that they still have some question about whether or not a one level system is in fact preferably to the current two level system. I think that that is they're only concern at the moment."

Speaker Biggert: "Representative Dart, your time is about to expire."

Dart: "Just one last question, if I can. Representative, the reduction in the time period from 120 days to 45 days in which a party can appeal a decision of a hearing officer. What is the rational for reducing that time?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, that is not one of the sections of this Bill, that I have been present when those things were...I'm not familiar with how that came about, consequently I'm sorry, but I really don't feel as though I know the answer to that. I would imagine it is a part and

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partial of the whole effort to shrink the amount of time that people are involved in these excruciatingly difficult times for their families."

Speaker Biggert: "The Chair recognizes the Gentleman from Washington, Representative Deering."

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

Speaker Biggert: "She indicates that she will."

Deering: "Representative, does this Bill pertain to students with disabilities, students with learning disabilities are all handicap or special education students. Is there a certain criteria that a student must meet that falls under this legislation?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Deering this Bill applies to all students with all types of disabilities."

Speaker Biggert: "Representative Deering."

Deering: "Yes, I have a disruptive student in my school system and I...maybe I'm understanding this Bill wrong, maybe you can help me correct this analogy if it is wrong. If I have a disruptive student in my school system and I think that he is costing us time and valuable time and dollars trying to contain this student and keep him in the educational mode, this Bill would then make it easier for me to decide if that student can be shipped to another school district. Is that what this Bill does?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Deering, this has only to do with the placement of a child with disabilities. And any ensuing disputes on the part of that students family as to what that placement maybe. I understand what you mean, because indeed there is a question on the part of a lot of people through out Illinois about where you draw the line between

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a student with some form of disability and one that is simply disruptive, but this Bill does not address that subject."

Speaker Biggert: "Representative Deering."

Deering: "Thank you, Representative."

Speaker Biggert: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Biggert: "She indicates that she will."

Lang: "Representative, when Representative Dart asked you about the reduction of the time to go to court, from a 120 days to 45 days. Did I understand you to say that, that is not a portion of the Bill that you are dealing with or something? What did you say?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Lang, at the time that I was trying to respond to representative Dart, I admitted to him that I did not know the basis for that, but I do now. I have been informed by staff and by the people who are here to help from the State Board of Education, who have been a part of this negotiation all along, that the reason for that reduction is because we now have a one level rather than a two level system and logically it would seem that if you only have a one level system it should not take as long as a two level system."

Speaker Biggert: "Representative Lang."

Lang: "But, if you reduce the time, aren't you eliminating time that a Resolution of the problem could take place and force some people to file lawsuits?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative, I believe that one of the reasons why it is believed that if there that there will have been

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every possibility for resolving whatever the issue would be that would not involve the family having to take this to court, because this legislation provides for a pre hearing conference to be held for the purpose of clearly delineating what the issues are that are going to be dealt with in the hearing and that allows the parties to know the issues before the hearing even happens and in some cases it is suggested that the issues may even be resolved before there ever is a hearing. There is also a mediation process, which is already in the law and which is not changed by this. And so we believe that there is sufficient opportunities to work this thing through, so that once all of those opportunities have been exhausted, it would seem as though it would not take more than 45 days for the parties to decide that they would like to seek some other sort of legal recourse."

Speaker Biggert: "Representative Lang."

Lang: "Did I understand you to say that you hadn't heard from any body in opposition to this Bill?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Lang, I did not say that. In response to Representative Dart, I did explain that the despite the fact that we had a list of proponents as long as my arm. We now have one opponent. It is something called the Family Resource Center on Disabilities. As far as I know that group as well is in accord with at least 90% of what is contained in here. Finally at the end of the negotiations and at the very last minute, we in fact accommodated, what appeared to be one of their final concerns and that was the question of who would be qualified, who has a education background to be a hearing officer. And I explained all of that to Representative

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Dart."

Speaker Biggert: "Representative Lang."

Lang: "Well, apparently another opponent has arisen. The Learning Disabilities Association of Illinois and their letter to you dated February 24th, states Dear Representative Cowlshaw, the Learning Disabilities Association of Illinois wishes to go on record in strong opposition to House Bill 2230. Children with learning disabilities represent the majority of students served in Special Ed. We are concerned that the needs of children with specific learning disabilities will suffer if this legislation is enacted. We want to assure that families of children with learning disabilities have sufficient methods to resolve conflict without costly legal fees. We opposed the elimination of second levels appeal process. With that elimination the parent would be forced to go into court. A very intimidating and costly experience. Often times there can be considerable delay in setting a court date. That delay may result in cause and loss of appropriate services for the child and increase costs for everyone. If this Bill is passed, you have removed the right as a parent to have appeals procedure prior to court. Within education we should be attempting to reduce litigation, not increase it. This legislation encourages litigation and will increase cost both to parents and to school districts. Then they go on to ask you to talk to them. Can I have one more minute, Madam Speaker?"

Speaker Biggert: "Please bring your remarks to a close."

Lang: "Apparently there is more than one opponent to this legislation. This is a very well known group, the Learning Disabilities Association as an advocate for the children that are involved in this particular legislation. I think

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that it would be a crime in the face of their opposition, their concern about this appeals process, their concern about these matters being litigated more often than they have to be to force this single level process onto these folks and I think that you ought to heed their letter. I think that Representative Cowlshaw ought to heed their letter and I suggest a strong no vote."

Speaker Biggert: "The Gentleman from Whiteside, Representative Mitchell. Before that Representative Cowlshaw, would you like to respond?"

Cowlshaw: "I would like to ask Representative Lang, if he would please look very carefully at the date on that letter and stand and read it into the microphone. Just the date."

Speaker Biggert: "Representative Lang, would you like to..."

Lang: "I think that the record will reflect that I already read the date into the record and that is February 24th, 1996. Although I don't know why I'm under inquiry. Thank you."

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "I would like to point out that one of the concerns that the group that the letter is referring to there, which was raised prior to the date of that letter and which has since been responded to, had to do with our including these preconference...these conferences prior to the hearing. We have put that into this legislation, however if this group had some objection other than those that we were already familiar and which we have already addressed, it does seem rather strange that they are not included among any of the witnesses slips for any of the times that this Bill has been heard in committee."

Speaker Biggert: "The Gentleman from Whiteside, Representative Mitchell."

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

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Speaker Biggert: "She indicates that she will."

Mitchell: "Thank you, Representative Cowlshaw. In the long list of proponents for this legislation, wasn't the single purpose for this study and this suggested change to reduce the time that parents themselves and children are in anguish over the possible or the not possible of placement within special education, a program that tries to structure their education to their needs?"

Speaker Biggert: "Representative Cowlshaw."

Cowlshaw: "Representative Mitchell that is a very apt explanation of what is attempted here, but in addition to trying to reduce the amount of time that parents and children are involved in these very difficult situations. There is also a attempt to make sure that whatever decisions are rendered in relation to the placement of that child are done by people that are truly well qualified. So, that there is that additional factor in this legislation and frankly I think that is one of its greatest strengths. The fact that we have permitted this state to have hearing officers in these very sensitive subjects, who really don't even know the law that applies, is a disgrace. It is important for us to correct that error and to make sure that these hearing officers are dually qualified."

Speaker Biggert: "Representative Mitchell."

Mitchell: "Thank you Representative. And isn't it also true that everyone of these groups that worked on this piece of legislation has a vested interest in special education and by no means set out with an intent to take away the due process rights from learning disabilities children?"

Speaker Biggert: "Representative Cowlshaw."

cowlshaw: "Representative Mitchell, I hesitate to read this great big long list one more time. I think it takes a



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least five minutes. So, I'm going to refrain from doing that, but you right. Of that very long list of proponents, there are a great many groups among those, more than half of them that have direct relationships through parents with special education students. And I might add as well that one of the proponents, is the task force on special education of the Attorney Generals Office and that group is in strong support of this legislation."

Speaker Biggert: "Representative Mitchell."

Mitchell: "Thank you Representative. Madam Speaker, to the Bill. I would like to add another group and that is my colleagues that have dealt many, many times with special education issues. It is not just the parents side that anguish over decisions that are made. It is not just the parents side, but many school officials that struggle with the decision and struggle with the process itself. I can assure you that a parent that is fully intended to carry out an appeal process to the full letter is going to go to court anyway. To think that this is going to cause more court cases, is absurd. That is not going to happen. What is going to happen is that the decision is going to made and made quicker and better than it has been made before. When you get this many groups that are concerned about the welfare of a child, it only makes since that you listen to those groups. A lot of time and energy has gone into this piece of legislation and a lot of questions will be answered with it. Anyone that has dealt with due process hearings and anyone who has been in that arena and has seen the frustration on both sides, would appreciate any legislation that will make it smoother and bring about better decisions. Representative, I applaud you for carrying this piece of legislation for those groups and I

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wholeheartedly support it and would urge everyone in this House to vote yes for this Bill. Thank you."

Speaker Biggert: "The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Madam Chairman. I call for the question."

Speaker Biggert: "The question is 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Madam Speaker and Ladies and Gentleman of the House. I stand before you in strong support of House Bill 2230, because I believe in the most profound sense in the importance of doing what is contained in this Bill to be of help to parents and special education children and all the people that are involved in the placements of those children. I believe that this is a real improvement in a compassionate way for the state to resolve differences that are involved with those very sensitive placements and therefore Madam Speaker, I stand in support of this Bill and urge my colleagues to vote in its favor. Thank you."

Speaker Biggert: "Thank you, Representative. The question is 'Shall House Bill 2230 pass?' All those in favor vote 'aye'; all those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 103 voting 'aye'; 4 voting 'no'; 5 voting 'present'. And This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, please read House Bill 3177."

Clerk McLennand: "House Bill 3177. A Bill for an Act that Amends the Public Aid Code. Third Reading of this House Bill."

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Speaker Biggert: "The Representative from Winnebago, Representative Winters."

Winters: "Thank you, Madam Speaker. House Bill 3177 Amends the Public Aid Code by requiring the Department of Public Aid in cooperation with the Department of Alcoholism and Substance Abuse to conduct a demonstration project in Peoria, Rockford and the Grand Boulevard section of Chicago. It provides that participants in the project having an alcohol or substance abuse problem must participate in a treatment program to receive aid to families with dependant children. I would be willing to answer any questions."

Speaker Biggert: "Is there any discussion? The Chair recognizes the Representative from Cook, Representative Schakowsky."

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

Speaker Biggert: "He indicates that he will."

Schakowsky: "Thank you. A number of questions were raised in committee that...I would just like to repeat just because I think that it points out that there are a number of issues that are going to need to be resolved in the rule making process, but one that I think is most critical to many of us is that we know that there are waiting lists for people who want to get drug treatment programs and aren't able to. What if someone is willing, expresses a desire to get drug treatment, but there is no program in their community that is available. Will that person be denied benefits?"

Speaker Biggert: "Representative Winters."

Winters: "This Bill contains additional funding so that the people that will be coming through this program will not displace other people, who are going through the DASA drug treatment program. The people in here will have a higher priority, but there is additional dollars in the Governors

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Budget. So, it won't move other people any further away from treatment than they already are."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "But, Representative my concern is this. Will someone be deprived of their AFDC benefits? If for some reason they simply can not be enrolled in a program, because even though they are a priority, there is just no slack. I'm just concerned that someone who is willing to play by the rules will be denied benefits for themselves and their children, because there is no available drug treatment program."

Speaker Biggert: "Representative Winters."

Winters: "There will be no sanctions if there are not slots available. They will have to actively refuse to go through the program before there would be any possibility of sanctions taking place."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Thank you and I'm glad to have that on the record. There is an odd word in your Bill that I think that might be a mistake. On line 93 of the Bill, you have the program maybe expended? Could you possibly mean, expanded?"

Speaker Biggert: "Representative Winters."

Winters: "I'm apologize, I only show 70 lines in the Bill."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I'm sorry line 19, excuse me."

Speaker Biggert: "Representative Winters."

Winters: "Yes, that is a typo, it should be extended instead of expended."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Extended, oh I see, not expanded or extended. What do we mean?"

Speaker Biggert: "Representative Winters."

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Winters: "Either word would actually work, expanded or extended, both will carry the program forward."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "In either case the word in there won't work, so we ought to fix it right?"

Speaker Biggert: "Representative Winters."

Winters: "I'm sorry I didn't hear your comment, but I can assure you that that typo will be repaired in the Senate."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "The Amendment added to the Bill means that the legislation will go through the Rule making process. But are the sites that have been selected, and could you name them? Are those part of the, has that determination already been made?"

Speaker Biggert: "Representative Winters."

Winters: "As we go through the the Rule making process, that will become a portion of it. If I could expand on that, the three areas that were denoted in the fiscal note include Peoria with approximately 258 slots at a cost of \$619,765. There will be 414 clients treated at the Rockford site. The cost there is estimated at \$962,967. The Grand Boulevard site will have slots and funding for 621 clients. The estimated cost in Grand Boulevard would be \$1,417,268. The sites, though will come through as we do it through JCAR as the Rules are written."

Speaker Biggert: "Representative Schakowsky, your time is just about up."

Schakowsky: "I'm hoping that someone will yield me a bit more time. I'm wondering if you could tell us the criteria for the site selection, Representative. Why those communities were chosen?"

Speaker Biggert: "Representative Winters."

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Winters: "These were selected as different sized communities were, the need was felt to be the greatest. We wanted to compare both heavily urban and then the more moderate sized downstate cities. But, the feeling was that there was drug abuse problems in these communities, and we wanted to see what the effect would be of running this program."

Speaker Biggert: "The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Madam Speaker. I yield my time to Representative Schakowsky."

Speaker Biggert: "Thank you. Proceed, Representative Schakowsky."

Schakowsky: "You talked about preference for these individuals. There is some sort of a hierarchy of preference for receiving drug treatment program. Is there not? And can you tell us who is in line ahead or behind these AFDC clients?"

Speaker Biggert: "Representative Winters."

Winters: "The highest priority is women who are pregnant, the HIV drug users, HIV, individuals who have the HIV virus, and DCFS clients."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "And then there would be these AFDC clients after that, did you say? I'm sorry, I couldn't hear."

Speaker Biggert: "Representative Winters."

Winters: "The AFDC clients in this program will actually move to the top of the list, but the funding will go with them so that there should not be any diminution of the chance of other people getting the drug treatment slots. What we're doing is expanding the number of slots available in these three different communities. But, somebody coming into AFDC after they're screened, it's determined that they

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should go through the treatment, they will move to the top of the priority list."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "How much money has been allocated for this project?"

Speaker Biggert: "Representative Winters."

Winters: "The Governor's budget contains \$3,000,000, exactly what the break out on the fiscal note requires."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "My understanding was that it's \$2200 a client, but if we divide it out, we're looking more in the neighborhood of \$6000 a client, unless my math is and that of my staff is mistaken."

Speaker Biggert: "Representative Winters."

Winters: "There is some money set aside for personal services data analysis training, printing, travel, but the majority, the best bulk of it would be for the treatment itself. For instance, in Peoria, out of the \$620,000, over 560,000 of that would be for actual treatment slots."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "And so the average spent per client is more in the neighborhood than of \$2200, and the remainder would go for administrative costs? Is that what you're saying?"

Speaker Biggert: "Representative Winters."

Winters: "The average cost would include all of the ancillary costs of the agencies would be approximately \$2200."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "What if someone is not successful in the drug treatment program at the end? What happens to that family and that assistance?"

Speaker Biggert: "Representative Winters."

Winters: "Let me compare this to a DCFS trial for a program which DCFS runs which is fairly similar to this. In that

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program, 85% of the people who are enrolled in the drug treatment complete the drug treatment. And then out of the people who have gone through the treatment, 78% are still drug-free several years after the treatment program. So, we have a fairly high success rate at getting people off drug treatment. What will happen to those who are not willing to go through the drug treatment, who do not complete it, their AFDC benefits, the adult portion of that would be reduced."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I'm sorry. Did you say that the adult portion would be reduced if they are unsuccessful and go back to substance abuse?"

Speaker Biggert: "Representative Winters."

Winters: "These Rules have not been established, but Public Aid is assuming, or they are making the recommendation that the adult portion of it would be reduced. But any benefits for the children would not be."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "To the Bill in my time remaining. This seems to me to be a worthy experiment that we certainly want to do everything we can to encourage people to get off of drugs to take care of their children, and to provide the resources necessary to help them do that. So, I think we should approve this legislation, and look forward to a decrease in substance abuse in Illinois."

Speaker Biggert: "The Gentleman from Cook, Representative Turner. Okay, the Representative from McHenry, Representative Skinner."

Skinner: "Yes. Will the Sponsor yield to a question or two?"

Speaker Biggert: "She indicates she will. I mean he will. Representative winters."



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Skinner: "Representative, this legislation seems to have a coercive quality to it. It says that those on welfare in the selected category must participate in an alcohol or drug treatment program. My understanding of drug and alcohol treatment programs is that they don't work if people don't want to participate in them. Could you explain whether this means we will be wasting money on those people who don't desire to be enrolled in such programs, and if so what justification is there for putting them in there?"

Speaker Biggert: "Representative Winters."

Winters: "The first thing we have to do when people are on welfare, is try to get them a job. If they are on drugs or if they are abusing alcohol, they can't hold those jobs. I think the DCF program that I mentioned, or the DCF program that I mentioned earlier does demonstrate that when people are asked to complete it, that there are sanctions on them. It may not be a willingness to step forward voluntarily to go through drug treatment. We still do see some significant reductions. 78% of the people on DCFS who went through their drug treatment program have kept themselves off drugs. Certainly it's not 100%, but this is not a waste of money. It's an excellent pilot project that hopefully will be extended state-wide so we can give some additional incentives for welfare recipients to keep clean and stay off of drugs and alcohol."

Speaker Biggert: "Representative Skinner."

Skinner: "Is there an evaluation module to this pilot program? Is there an evaluation module which will tell us whether the people who enter and complete the program, or drop out of the program were desiring to be in the program, or whether they were reluctant to be in the program?"

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Speaker Biggert: "Representative Winters."

Winters: "This would be carefully tracked because we're seeking federal waivers with this. Part of the requirements for those waivers is that we track and then demonstrate the value of the program."

Speaker Biggert: "Representative Skinner."

Skinner: "Well, this is slightly off the subject. How far are we from having drug treatment upon demand for those who are heroin addicts?"

Speaker Biggert: "Representative Winters."

Winters: "The waiting list is approximately 700 people state-wide. So, I don't know the through put the numbers that are involved at any one time, but it's a relatively moderate waiting list."

Speaker Biggert: "Representative Skinner."

Skinner: "Could you put that in a number of days or weeks that one has to wait to get on methadone, into a methadone treatment plan in the three areas where these pilot programs will be run?"

Speaker Biggert: "Representative Winters."

Winters: "I cannot speak to those numbers today. We will certainly furnish you the information. And it is certainly an appropriate thing to bring up during the appropriations process to seek some additional funding for that source, or that program."

Speaker Biggert: "Representative Skinner."

Skinner: "Thank you, Representative. I try to do so every year. But, every year the budgetary process seems to think that, seems to make the assumption that those who are addicted to drugs are patient people, and they don't seem to understand that when they say, when they finally make the decision that they want treatment, that they want it now. Just like

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they want their drugs now. Thank you."

Speaker Biggert: "The Representative from Livingston, Representative Rutherford."

Rutherford: "Thank you, Madam Speaker. I move the previous question."

Speaker Biggert: "The question is, 'Shall the main question be put?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the main question is put. Representative Winters to close."

Winters: "I think this is an excellent program trying to get people on welfare to clean themselves up, prepare themselves for a job, and learn to be a productive member of our society. I would appreciate your positive vote. Thank you."

Speaker Biggert: "The question is, 'Shall House Bill 3177 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'aye', 0 voting 'nay', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2555."

Clerk McLennand: "House Bill 2555. A Bill for an Act concerning the enclosure of private swimming pools. Third Reading of this House Bill."

Speaker Biggert: "The Representative from Williamson, Representative Woolard."

Woolard: "Thank you, Madam Speaker. House Bill 2555 is one of those Bills that I think each and every one of us at some point in life bring to this Body. This is one that was

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attracted to me by a series of catastrophes in my district. My best friend's granddaughter lost her life in a pool. The same day that that happened, one of our neighbor children lost his life in a pool. And what happened was these pools were located in ways and in places that individuals could access without permission or authority or responsibility from their parents. And what we're trying to accomplish here is insuring that across this state that we have some means of controlling access to those swimming pools throughout this state. What we, what the specifics of the legislation does is requires that any pool of water that's considered a swimming pool, two foot or deeper, shall be surrounded by a 42 inch fence. This is all new constructed pools, new constructed pools. So, if you think this is a good idea, I would encourage you to support. I believe positively that it's one of the mandates that we should have to ensure that we protect those that don't have the ability to protect themselves."

Speaker Biggert: "Is there any discussion? The Gentleman from Jefferson, Representative Jones."

Jones: "Thank you, Madam Chairman. I simply rise in support of this legislation. I want to share with the Body Members of an experience that just happened to the mayor of Mount Vernon in my district. Two little grandchildren, two years and four years of age, fell in a swimming pool a little over two weeks ago. One of them is in very, very critical condition. The other one looks like is going to survive. There was a fence around their pool, but it did not keep them from walking out of the house into the pool. I just think this is good legislation. We're trying to protect children here, and I simply rise in support of this piece of legislation. Thank you very much."

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Speaker Biggert: "Thank you. The Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Biggert: "He indicates he will."

Brunsvold: "It's probably easier if I just talk to him, wouldn't it? Seatmate, what type of fence is required? Is there any specifications on the type of fence?"

Speaker Biggert: "Representative Woolard."

Woolard: "Forty-two inches is the specificity that's involved here. It can be made of wire or wood or plastic or whatever. There's nothing that says that it's one type of fence that's required other than the height and the security."

Speaker Biggert: "Representative Brunsvold."

Brunsvold: "Thank you."

Speaker Biggert: "The Gentleman from Kankakee, Representative Novak."

Novak: "Yes. Will the Gentleman yield?"

Speaker Biggert: "He indicates he will."

Novak: "Yes. Representative Woolard, in my analysis over here, it doesn't indicate whether it says where the, if the pool is ground level. Let me give you an example. I have an above ground pool. And I have a deck built around the pool with a fence around the deck. So, if I read this Bill right, if you have an above ground pool, incidentally, the Republicans tried to take it out in the remaps a couple of years ago, but we got it back in. But, anyway, if I have, according to this, would I have to put a fence on top of the fence?"

Speaker Biggert: "Representative Woolard."

Woolard: "It requires that there's a 42 inch fence around above ground as well as in ground pools. So, yes, it would

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require that there would be a 42 inch fence around each and every new constructed pool, new constructed pool."

Speaker Biggert: "Representative Novak."

Novak: "Okay, so this would require just, this would apply to just new constructed pools, so this wouldn't allow building inspectors to come in and look at a pool and say 'your fence is not high enough'. Right, unless if it violates a local ordinance. Correct?"

Speaker Biggert: "Representative Woolard."

Woolard: "Yes, that's correct. It would not have any bearing whatsoever on existing pools that are in place today."

Speaker Biggert: "Thank you. The Representative from McLean, Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Brady: "Representative, what's the penalty for this offense?"

Speaker Biggert: "Representative Woolard."

Woolard: "I don't know that there's a penalty involved. I think what we're really looking at is that there is a definite benefit, and the benefit is that insurance would go down because the incidence of negative things happening would be reduced."

Speaker Biggert: "Representative Brady."

Brady: "So, if someone's in violation, if this becomes law and someone is in violation, how would government deal with that?"

Speaker Biggert: "Representative Woolard."

Woolard: "We're not going to have state-wide pool fence inspectors, if that's what you're asking, and that's not my intent. The thing is this gives the local State's Attorney the authority to make someone responsible if an incident does occur in their unfenced new pool. So, I think it

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gives us some real authority as far as prosecution would be concerned or as far as remediation would be concerned if there was an incident. But, as far as penalties, there, you know, there are none."

Speaker Biggert: "Representative Brady, do you have further questions? The Representative from Madison, Representative Davis."

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

Speaker Biggert: "He indicates he will."

Davis: "Representative, in this Bill, you state that any swimming pool with a ... that is either 24 inches in height covering more than 25 square feet, or has a capacity of more than 200 gallons of water is covered under this legislation. Two hundred gallons of water isn't very much."

Speaker Biggert: "Representative Woolard."

Davis: "Can you tell me where you got that figure? Two hundred gallons."

Speaker Biggert: "Representative Woolard."

Woolard: "This is the BOCA standards which is the accepted standards throughout the building industry of this state. And I think that that's the description they use, that's what we used."

Speaker Biggert: "Representative Davis."

Davis: "Well, I too, I have a swimming pool in my yard. And it's an underground pool and it holds 40,000 gallons of water, and I'm curious as to the small 'kiddie pools' that are sold by some of the various department stores such as Kmart, that you can take home in your car, put out in your backyard, fill it up for your children or grandchildren to play in. What is the capacity of those types of pools if you know that answer?"

Speaker Biggert: "Representative Woolard."

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Woolard: "I think the thing that would allow those to not fall in the description here is the two foot in depth. I think the 24 inches in depth, I've not saw one of those wading pools that was over 18 - 20 inches at any time."

Speaker Biggert: "Representative Davis."

Davis: "One other question. Does this cover jacuzzis, people who have jacuzzis in their backyards or on their back porches. I don't know what the capacity of a jacuzzi is, but I would venture to guess it would be over 200 gallons of water. And I'm curious as if jacuzzis would be covered under this legislation?"

Speaker Biggert: "Representative Woolard."

Woolard: "It does specifically state that anything that's outside that meets this criteria, and yes a jacuzzi if it was located in the yard in a place where it could be accessed by small children, definitely it would be covered under this same Rule."

Speaker Biggert: "Representative Davis."

Davis: "Well, do you, would you have to fence in your entire yard to protect these swimming pools? Or would you be able to just fence in an area around the swimming pool and have a portable fence put up, for example? Or would you have to fence your entire yard if you have on of these swimming pools in your backyard, jacuzzis or a small play pool?"

Speaker Biggert: "Representative Woolard."

Woolard: "If the jacuzzi itself was portable in nature, or was at some times without water, it could be used with a portable fence. But, if it was there, and had water in it on a continuing basis, there would never be any time that it would be able to be without the fence. So, a portable fence would probably be out of the question."

Speaker Biggert: "Representative Davis."



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Davis: "Well, to the Bill, Madam Speaker. I commend Representative Woolard for this Bill because I do understand his concern. But, I certainly think there are some problems with this Bill, especially when it, when the State of Illinois comes in and starts telling municipalities how they can and cannot make up their own municipal regulations and rules. In my community, we have rules that concern the building of fences around swimming pools. I don't believe that there are any local regulations concerning the building of fences around jacuzzis. I think there are many jacuzzi owners in the State of Illinois who certainly would have problems with this piece of legislation, and I think we have to be very, very careful whenever we start telling local governments, and local residents, and the voters and the taxpayers in the State of Illinois that they have to go out and spend thousands of dollars for, to fence in their property because they have a jacuzzi or because they have a small two foot deep swimming pool that you can go buy at Kmart for about 200 or \$300. So, I would encourage Representative Woolard to take a closer look at this piece of legislation and possibly tighten it up to where we could actually regulate the larger swimming pools instead of these little play pools that we buy at our local retail stores. Thank you very much."

Speaker Biggert: "Thank you. The Representative from Logan, Representative Turner."

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

Speaker Biggert: "He indicates he will."

Turner, J.: "Representative, I certainly respect what you're trying to do here based upon what's happened in your community. But, I have a couple of questions about your

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Bill. I understand that it only refers to new Bills that are or new pools that are being constructed. Is that correct?"

Speaker Biggert: "Representative Woolard."

Woolard: "Yes."

Speaker Biggert: "Representative Turner."

Turner, J.: "Much of the discussion has been with regard to municipalities and how it may affect the regulations there. I will confess that there are not many of my constituents that have pools. However, there are many of my constituents that do have ponds and/or lakes. My fear is if we pass legislation with regard to pools that the next step is then going to be a statute proposed where we're going to have to build a fence around a lake or a pond which of course will be very expensive. My other concern is that if we pass this type of legislation with regard to pools, we are going to open up the flood gates to litigation, not only as to pools, but to other bodies of water, such that I've mentioned in the rural area being ponds and lakes. Do you have any response to any of those concerns?"

Speaker Biggert: "Representative Woolard."

Woolard: "Representative Turner, I hear what you're saying and I understand your compassion and concern. But, you know, there's a specific word here that says 'artificial basin of water'. And I don't think there's ever going to be anybody that will mistaken what artificial means. You know, it's not going to include the pond or the lake that you're talking about. We understand that God made those, and those are not something that man will have responsibility for under this piece of legislation. But it is something that's important, and I think it's something that we should

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be dealing with."

Speaker Biggert: "Representative Turner."

Turner, J.: "Thank you for that response, Representative.

Actually, most of the ponds and/or lakes that I'm talking about are man made. As you know, when the roadways were built, these huge pits were dug and of course filled with water, and now they're either fishing or swimming places for as again, my constituents and I'm sure many of yours. To the Bill, however."

Speaker Biggert: "To the Bill."

Turner, J.: "I do very much respect what the Representative is doing. However, I think it is an invasion of the government, once again, on the privacy concerns. I think it's the kind of thing that needs to be covered by insurance policies and good common sense. I don't think that the government needs to be involved in it. I do believe that if we pass this legislation with regard to the type of pool structures he is talking about, the next step then would be to require enclosure of a pond and/or lake. I think that while the concept is good, the idea is good, the Bill should not be voted favorably upon. I urge a 'no' vote. Thank you."

Speaker Biggert: "Thank you. The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Thank you, Madam Speaker and Members of the House.

With due respect to the Sponsors of this Bill, who I know are well-intended and who are looking to issues of public safety, this Bill just goes far too far. In a time when the citizens of Illinois and the citizens all over the country are asking for less government, rather than more, they're asking to be able to run their own lives, and their own homes, their own families, without government

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interference. This Bill is completely anathetical to those goals. We've done a few things, not many, but this is a major step toward interference with people in running their own homes and their own lives. It's well-intended. A) it won't work, B) it'll be a tremendous explosion in litigation, and C) and I think most importantly, it's an interference with peoples' private property, the right to do, within limits, what they want to do on their private property. And to that extent, and to the extent that the people of Illinois, the people of each one, I think, of our districts, and the people all around are asking for less government, less government interference in their lives. I respectfully and with respect to the fine Sponsors of this Bill, and I'm sure their good intentions, ask for a 'no' vote on a well-intended but ill-conceived Bill. Thank you."

Speaker Biggert: "Thank you. The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Madam Speaker. And would the Gentleman, or the Sponsor yield for a question?"

Speaker Biggert: "He indicates he will."

Meyer: "Representative, I apologize if I'm asking a repetitious question. I haven't heard it addressed. However, it's kind of noisy in here, so it's kind of hard to hear sometimes. I'm trying to visualize what you're talking about in terms of a 42 inch high fence, and what's the proximity to a pool area?"

Speaker Biggert: "Representative Woolard."

Meyer: "Is it six feet away from the pool? Is it right at the poolside?"

Speaker Biggert: "Representative Meyer to ..."

Woolard: "Madam Chairman, I did not hear the question, and I apologize. I can't hear."

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Speaker Biggert: "Representative Meyer, can you repeat your question? Ladies and Gentlemen, can you give the Representative your attention?"

Meyer: "Thank you, Madam Chairman. Representative, my question is, in what proximity to the pool is the fence to be constructed? Is it right at the poolside? Is it six feet away? Is it surrounding the yard in which the pool is located?"

Speaker Biggert: "Representative Woolard."

Woolard: "Representative Myers,(sic- Meyer) there's no restrictions on where the fence would be located, just so that it did enclose the pool area. It could be as close as you wanted it, or it could be your entire property surrounded. But, there's no limitations on where that fence would be located."

Speaker Biggert: "Representative Meyer."

Meyer: "Thank you."

Speaker Biggert: "The Lady from Cook, Representative Murphy."

Murphy, M.: "Madam Speaker, I move the previous question."

Speaker Biggert: "The question is, 'Shall the main question be put?' All those in favor say 'aye'; all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the main question is put. Representative Woolard to close."

Woolard: "Thank you, Madam Speaker. I think that there's a lot of people that have brought up some good points without question. But, let me just say what this Bill actually does is it ensures that we won't have any more 2 and 3 and 4 and 5 and 6-year-old children accessing pool areas and falling in and drowning. One life, I'm here to tell you that one life, if it's your grandchild, is reason enough to vote for this issue. But, hopefully, none of you have lost

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a grandchild. Hopefully, none of you have you lost anyone that you really love and care for. But, I'm here to tell you that we have people in our districts, each and every one of us, that have had these kinds of tragedies. This is not nearly as restrictive as it is in certain areas in this state today. The City of Chicago has 60 inches as the height of fence that they're requiring. The City of Springfield, where we stay today, has 48 inches. Ours says 42. The reason we chose 42 is we believe this will take care of those young folks that I'm concerned about. I believe that this is one of those things that we should be about as Legislators. I understand that there's concerns for expanding or including lakes and ponds or something like this. But, our law says specifically 'artificial basins' and for legislative intent, I will tell you that 'a man-made pond or lake is not what we're trying to address. And I will stand with you if this is your concern. But, what we have is a Bill that will help save lives of those young folks that don't understand that there's anything but fun to be had in the water. And they have no fear. And I believe that we can save someone's life tomorrow if we pass this today."

Speaker Biggert: "The question is, 'Shall House Bill 2555 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk. On this question, there are 54 voting 'aye', 44 voting 'nay', 10 voting 'present'. Representative Woolard."

Woolard: "Madam Speaker, may I ask for consideration, for Postponed Consideration?"

Speaker Biggert: "The Bill will be placed on Postponed

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Consideration. Mr. Clerk, please read House Bill 39...  
3193."

Clerk McLennand: "House Bill 3193. A Bill for an Act that amends  
The Toxic Substances Disclosure to Employees Act. Third  
Reading of this House Bill."

Speaker Biggert: "The Representative from Cook, Representative  
Parke."

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the  
House. House Bill 3193 is an agency Bill of the Department  
of Labor which amends the Toxic Substance Disclosure to  
Employee Act to allow the Director of the Department  
discretion in requesting substance data sheets from  
Illinois employers. This will eliminate a double filing  
burden on employers who currently have to comply with the  
state law and a federal law addressing the same concern.  
Now, Ladies and Gentlemen, the Illinois employers are  
currently required by the federal law to comply with a much  
broader toxic substance list than the list maintained by  
the Department. This broader list is maintained by OSHA.  
This, in this Bill, the Department adopted the broader  
federal standards, the broader federal standards as it's  
own. And it further provides that it may require an  
employer to submit a toxic substance data sheet on as a  
needed basis. This Bill would relieve the Department of an  
administrative burden as the Department is currently  
required to maintain paper files on every toxic substance  
data sheet for 50 years. So, in essence, what this Bill  
will do, Ladies and Gentlemen, it'll do away with the  
duplication that we have to maintain locally in the State  
of Illinois with the Department of Labor. Instead, we're  
using the federal law which is broader and better in terms  
of disclosure. Just a logical common sense thing that'll

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save Illinois taxpayers money. And I think that's what we are here to do."

Speaker Biggert: "Representative Johnson in the Chair."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes with respect to discussion, the Lady from Cook, Representative Schakowsky. Proceed."

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

Speaker Johnson, Tim: "He indicates he will. Give the Lady your attention."

Schakowsky: "In Committee, Representative, when we discussed this, I raised the concern that if we drop the Illinois procedures and requirements, and go to the federal standard, what happens if the federal government which is now discussing and revising many environmental rules, if they were to change their standard, or eliminate it or whatever, would Illinois workers, then, be in jeopardy? Right now, we have standards that protect them. If we drop those, rely on the feds, are we putting our workers at risk?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "This was the same question you asked in Committee, as you said. We researched it, and took a look at the legislation going through Congress, and in there, there is no, nothing in that legislation that's going through Congress that would do what you're concerned about. I mean, anything can pass in our ... can happen in our society. There's no doubt about that, and legislation can change anything if we put it in place. But, quite frankly, as I pointed out to you, many watchdog groups would flag that to us, and I certainly would join with you at that time to make sure that those requirements are maintained. If they're not being done on a federal level, they would be maintained on



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a state level."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Seems to me though, again in Committee we discussed a very simple solution to that problem. And that would be to say that Illinois will abide by the federal standards as of a fixed state such as March 7th, 1996 so that we could assure ourselves that we don't...we've solved the problem that you're trying to address, double paperwork and double standards, but we also assure that workers will be protected. Why or would you consider adding that provision, a fixed state to your legislation?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "Quite frankly, at this point in time, I'm not prepared to get involved in that. I'm prepared to pass this Bill the way it is, and I'm not sure that that's really necessary because there's no intention from our understanding, that the federal government is going to do what you're concerned about. But, so, I don't think it's necessary."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Well, to the Bill ..."

Speaker Johnson, Tim: "To the Bill."

Schakowsky: "Ladies and Gentlemen of the House. It seems to me that we're playing a little bit of Russian roulette here with workers who are currently protected under our legislation from the hazards of toxic substances by saying we will put their fate in the hands of the federal government. And even though, right now, the federal government may not be considering a weakening of these particular laws, we know that environmental regulations are on the chopping block right now. And it seems to me just too risky. And it also seems to me that this Bill could be easily corrected to both resolve the issues that business

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has raised, and also to protect workers by saying that we will eliminate the state rules. We'll abide by the federal rules as they are in place right now. That seems like a modest request to ask, would make the Bill passable. As it is, I strongly urge a 'no' vote so that we don't put our workers at risk."

Speaker Johnson, Tim: "Recognizes the Gentleman from Vermilion, Representative Black. Proceed."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I simply rise to support the Gentlemen's Bill. If any of you, as I have, I have an account at a wholesale house. And on occasion I'll go there and I'll buy a, I'll buy a bottle of dishwashing detergent. And with that bottle of dishwashing detergent, I get a material safety data sheet of about two pages. In effect, what the material safety data sheet is telling me is that I shouldn't drink the bottle of Joy. Well, that brings joy to my heart that someone in the federal government cares enough about me to put out two pages of a material data safety sheet telling me I shouldn't drink liquid Joy. Now, it gets even better if you buy a bottle of toilet bowl cleaner because that's about four pages telling you you shouldn't drink the bottle of toilet bowl cleaner, neither should you put it in your bathtub in case you wanted to take a bubble bath. You know, what we've done here is we have reached the height of lunacy. What this Bill does, and for those of you who love the environment, you ought to be Co-Sponsors of this Bill. I think we could save thousands of trees if we didn't have to cut them down and make paper so that when you go buy a bottle of liquid dishwashing detergent, you don't have to get two pages of paper telling you you shouldn't drink it,

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and you shouldn't try to clean out your eyes with it, and it's not a good idea to clean your ears with it. All of this data is available on a database and can be called up immediately by health officials and state labor officials. The Gentleman has a good Bill. We...we are being asked to store 50 years of paper on material safety data sheets. Man, we can save a lot of money by not having to buy the file cabinets to store 50 years worth of these data sheets when it's already on a database. If the General Assembly can be brought into the 21st century with laptop computers, I think it's safe to assume that we can trust the database to handle material data safety sheets. I think the Gentleman has a good idea, a good Bill. It's a Bill that can save the rain forest so we don't have to cut 'em down for more paper. And it just makes imminent good sense. Vote 'aye'."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kankakee, Representative Novak. Proceed."

Novak: "Yes, will the Gentleman yield?"

Speaker Johnson, Tim: "He indicates he will."

Novak: "Was this initiated by the Department of Labor, Representative Parke?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "Yes it is. It's one of their Bills."

Speaker Johnson, Tim: "Representative Novak."

Novak: "And was it also initiated and supported by the Associated Employers and the IMA and the State Chamber and all the other business groups, right?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "And the Department of Labor has told me that is correct, as well as labor organizations support it."

Speaker Johnson, Tim: "Representative Novak."

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Novak: "Okay, so the Organized Labor Organ...so, essentially this is like a paperwork reduction initiative? Is that it?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "Yes, that is correct. All we're doing is just slowing down the paperwork. The...what Representative Schakowsky may have missed is that the Act stays on the books. We're not deleting the Act. We're just saying that they don't have to send the paperwork to, to that agency. Do they do it to the Federal OSHA."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Right, Representative, and let me continue. I think that the way I read the analysis that you don't have to send it automatically, only unless the director requests it immediately. Correct?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "That is the change. You are absolutely right."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Right. And we're not getting rid of the material's data safety data sheets. Correct? We are not changing any definitions of any toxic substances. Is that correct or not?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "You are absolutely correct. Let me point out that this legislation, it affects, and it does not affect the employee's right or protections under the Act, or relaxes the standards on any employer. None at all."

Speaker Johnson, Tim: "Representative Novak, further?"

Novak: "Thank you, Representative. I just certainly rise in support of this Bill. I think it's a common sense Bill. I don't think there should be any fears on the part of Members on our side of the aisle. It's...if there's any way we can try to reduce paperwork without, you know,

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without making it burdensome on people, we should do it and encourage it more. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Macon, Representative Noland."

Noland: "Mr. Speaker, I rise to call the previous question on all pending business."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by voting 'aye', opposed by voting 'no'. The 'ayes' have it. The main question is put. Representative Parke to close."

Parke: "My only close is in observation. Representative Novak, your evaluation of this Bill and common sense support of it is refreshing. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 3193 pass?' Those in favor vote 'aye', those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', 3 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 3451."

Clerk McLennand: "House Bill 3451. A Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Johnson, Tim: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. In the short time that I've been a Legislature...a Legislator on this floor, this same...two of the three parts of this Bill have been heard twice. We have passed it out of this chamber twice. So, we're going to try, I hope, to pass it out again along with the third item. And basically, what House Bill 3451 as amended does: it brings up the \$2

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co-pay which we discussed last year, regarding medical and dental services for non-emergency of prison inmates. It also, which we dealt with last year, removes the three doll...three postage stamps a week that we give to inmates and requires them to purchase that out of their personal funds. And the only thing that it does do different is it allows the Director of Corrections to stop pornographic material from being distributed in the facility at his discretion."

Speaker Johnson, Tim: "Discussion? The Chair recognizes the Gentleman from Cook, Representative Dart. Proceed."

Dart: "Thank you. Representative ..."

Speaker Johnson, Tim: "He indicates he'll yield."

Dart: "Yeah, thanks. As far as the Director's ability to stop pornographic material from coming into the prison, does the Director not have some control at this point, over the material that goes in?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It does generally go to a review committee at this time, yes."

Speaker Johnson, Tim: "Representative Dart."

Dart: "It...if it goes through a review committee right now, what is the need for this then? Has there been a major problem that they've brought to light?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "It...this allows him input into their, into their opinion on whether it should go in or shouldn't go in."

Speaker Johnson, Tim: "Proceed, Representative Dart."

Dart: "So, presently, the Director has no input whatsoever in this review committee?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "From...it's my understanding that the Director, it's

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strictly left up to the review committee, and this allows his input."

Speaker Johnson: "Proceed."

Dart: "And Representative, that, I mean, that's interesting though, I mean that sort of stands logic on it's head, that the Director of a facility has no input on things such as that. Virtually, is there other areas too, he has no control over either? I mean, this is crazy. I mean, it would seem to me that this is something that the Director ought to be involved with, and that he shouldn't be having to come to us to get the authorization to do it, that he's excluded from committees that determine what type of material comes into his prison? And that, that's crazy. I mean, so you're sticking to the statement the Director has no input right now at all."

Speaker Johnson, Tim: "Representative Bost."

Bost: "It, it is, it was strictly up to to the review committee. Now, if that particular review committee requests his input, that's fine. But this requires his input."

Speaker Johnson, Tim: "Further questions? Representative Dart."

Dart: "And how much money is it estimated you're going to save by removing the postage stamp thing?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "In removing the postage stamps, according to the sources at the Department of Corrections, if one letter a week is even pulled out, then it would be \$632,320 so three times that."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But, Representative, why are we not including gate money in this?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "I'm sorry. I didn't hear the question."

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Speaker Johnson, Tim: "Representative Dart."

Dart: "Why are we not including gate money in this?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "I'm not familiar with what question you're asking here."

Speaker Johnson, Tim: "Representative Dart."

Dart: "It's the travel and allowance money that's given to the prisoners. Why isn't that not included in this?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "One, one, the reason for that of not going into gate money on this: when these prisoners leave the facility, we want to be able to get them back to their home communities and get them, you know, otherwise we'd have prisoners being left right there stranded without any money or any place to go. I think it would probably encourage a lot of crime in that particular area, just to even, if they have a past history of theft, to survive to get out of there, then we might encourage that again. So, you know, this gate money is very important to get them back to their original place of residence."

Speaker Johnson, Tim: "Representative Dart, any further questions?"

Dart: "Yeah, the provisions in here, originally on the Bill dealing with cable television prohibition, is that been removed?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "Yes, Representative Dart. That has been removed. And the reason why that was removed is because after meeting with the Director, he feels it's very important that his warden, and first off, those funds, the funds that pay for that cable television does not come out of state money. It comes out of a special fund that's set up with the, for the prisoners that through vending machines that their families



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and friends purchase products. That's how it's paid for. But, if we remove this as it was originally suggested in the Bill, the problem with that would be that the wardens would lose a particularly important tool to them to say, 'okay, if you act up today, we're going to remove your cable TV' and they can do it by inmate, from inmate to inmate to get the problem straightened out, and they feel like they would be losing a very important tool for disciplinary measure."

Speaker Johnson, Tim: "Further questions? The Chair recognizes the Lady from Cook, Representative Fantin. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Fantin: "Representative, I noticed on the Bill that you say that they are not allowed to have cablevision, any kind of cablevision. Does that mean individually?"

Speaker Johnson, Tim: "Representative Bost."

Bost: "The Bill as amended has removed that part. It is strictly up to the wardens still as it was before to make that decision."

Speaker Johnson, Tim: "Representative Fantin."

Fantin: "So, they are allowed to have cablevision now. That is totally taken out? Clear?"

Speaker Johnson, Tim: "Representative Bos...Proceed, Representative Fantin."

Bost: "They, under this Bill, it will remain the same as it is now. They can have it removed, but it's up to the warden."

Speaker Johnson, Tim: "Representative Fantin."

Fantin: "That's all. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Macon, Representative Noland."

Noland: "I move the previous question."

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Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Bost to close."

Bost: "I think we've heard this several times on the House Floor over the last year. I just ask for your support and your 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 3451 pass?' Those in favor vote 'aye', those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', 0 voting 'no', and 7 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3669."

Clerk Rossi: "House Bill 3669. A Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Johnson, Tim: "Representative Ciarlo, on the Bill."

Ciarlo: "Mr. Speaker. House Bill 3669 amends the Unified Code of Corrections to allow the Department of Corrections to provide the victim or the victim's representatives and witnesses, upon written request, with a recent picture of the attacker. The cost will be minimal because the Department already provides a photo to the State Police and the Chicago Police. It is also consistent with the spirit of the rights to crime victims provided by the Criminal Code's Section which says that 'the victim has a right to information about the conviction sentence, imprisonment, and release of the accused. The Department of Corrections supports this Bill."

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Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Cook, Representative Dart. Proceed."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will. Proceed."

Dart: "Representative, for what offenses are they going to supply a photograph for?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "All offenses, Sir."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Did you say all offenses or all felonies?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "All felony offenses."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Do we have an idea of how many offenses or how many this would be then for every inmate being released from prison? How many inmates would this be annually and how much was this, is this going to cost?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "It would depend on how many request the photograph. And the cost would be minimal, as I've stated, because they're already taking the photo for the State Police and for the Chicago Police Department. This would just be another photo and it would have to be upon written request."

Speaker Johnson, Tim: "Representative, proceed."

Dart: "So, how is it that the, the victim or witness is going to know about this? Know that they have this ability?"

Speaker Johnson, Tim: "Representative, in response."

Ciarlo: "They can ask the Prisoner Review Board and I do believe that they notify the victims, the Department of Corrections notifies the victims of the release about 15 days prior to the release of the prisoner, and that is currently being done."

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Speaker Johnson, Tim: "Representative Dart."

Dart: "So, then when the prisoner is going to be released then, the Department of Corrections will take it upon themselves to inform the witnesses and the victims in this case that they have this right?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Excuse me. The victims can always contact the Prison Review Board and they can contact the Department of Corrections for this information. And what happens is two weeks prior to the release, the Department of Corrections notifies the victim that they're going to be released, and they can request it at that time. And it doesn't take that long."

Speaker Johnson, Tim: "Proceed, Representative Dart."

Dart: "I guess my concern is two-fold. One is, how are these victims gonna know they have this right, though? Are they just going to be, a lightning bolt is going to strike them and they're going to know that they can reach out and get a photograph of them? Or is there going to be some notice that's gonna be sent out to the actual victim saying that this is one of your rights that you have?"

Speaker Johnson, Tim: "Proceed, Representative Ciarlo."

Ciarlo: "I believe that that will be from the Department of Corrections, and they will handle the procedures as to how the notification will be forthright."

Speaker Johnson, Tim: "Representative Dart."

Dart: "As I've mentioned before, I've handled hundreds of cases as a state's attorney before, and have dealt with victims and witnesses extensively. You use the word 'material witness'. Who is going to make the determination who the material witness is and who's just a witness?"

Speaker Johnson, Tim: "Representative Ciarlo."

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Ciarlo: "I believe the Department of Corrections can do that."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But, how are they going to do that? I mean, how would they know who the material witnesses are? They didn't try the case. They weren't involved with it."

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "The language that is going to be used is that any witness who materially aided the law enforcement officials in the prosecution of the felony, provided that the victim or witness of his or her representation representative submits a written request to the Department for the photograph."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Representative, in all due deference, I can read also. And I read the Bill, and I understand what those words say. I'm pretty good with the English language. The problem with this though is you have Department of Corrections over here who were not in the courtroom, who were not with the victims, who were not with the witnesses. They couldn't tell you who the materially aided the case and who didn't, frankly. They couldn't tell you if this was an occurrence witness, if this was someone that may have saw someone, if this one was a character witness in a case. They don't know. What is it that is going to put on the bright lights and the flags are going to go up to say, 'this is someone we should notify as opposed to just notifying every witness?'"

Speaker Johnson, Tim: "Your time is running short. In response, Representative Ciarlo."

Ciarlo: "Representative, I did not mean to insinuate that you didn't know how to read or that you hadn't read the Bill. I was trying to answer the question to the best of my

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ability."

Speaker Johnson, Tim: "Representative Dart, you have 15 seconds. You want to conclude?"

Dart: "Representative, can you just give me an idea, though, then how it is the Department of Corrections who had no business with this case, had nothing to do with it, how they are going to make the determination between a material witness and a regular witness?"

Speaker Johnson, Tim: "Your time has concluded. The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, my light was on..."

Speaker Johnson, Tim: "If I could ask ... if I could just have a moment of your indulgence. Mr. Clerk has an announcement, and we'll proceed."

Clerk Rossi: "The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Johnson, Tim: "I also recognize Representative Barbara Currie so she can attend Rules Committee with respect to her request. Representative Currie."

Currie: "Thank you, Speaker. Would you...would the record reflect that I was inadvertently voted for House Bill 3451, and I would like the record to reflect that my vote of preference would have been 'no'."

Speaker Johnson, Tim: "Without objection, the record will so reflect. The same request is made by Representative Ronen. Is that correct? Without objection..."

Ronen: "Yes. Yes, thank you, Speaker. I would like the record to reflect that I would vote 'no' on 3451."

Speaker Johnson, Tim: "Without objection, the record will so request. Representative Feigenholtz."

Feigenholtz: "I would like the record to reflect a 'no' vote on

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Speaker Johnson, Tim: "Without objection, the record will so reflect. Now, proceeding on the Bill. If we could give the Gentleman your attention, the Chair recognizes the Gentleman from McHenry, Representative Skinner. Proceed."

Skinner: "Actually Mr. Speaker, I was trying to seek recognition for the previous Bill to ask the Sponsor if the pornographic movies that are now regularly shown on the Department of Correction's TV station, TV channel at the Danville Correctional Facility would be affected by his Bill. But, obviously it's too late to ask that now. Thank you."

Speaker Johnson, Tim: "Okay, the Chair recognizes then the Gentleman from Cook, Representative Lang. Representative Lang, proceed."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates that she will yield. Proceed."

Lang: "Thank you. Representative, I want to pursue this last area that Representative Dart was talking about regarding who's going to review these. Is the Department of Corrections going to have to hire hundreds of people to go through transcripts of cases so they can determine who the material witnesses are?"

Speaker Johnson, Tim: "Before you answer, Representative Ciarlo, if we could have a little order in the chamber. It's difficult for some of the Members to hear the questions and the responses. If we could give the questioner and the Sponsor your attention, it would be appreciated. Representative Ciarlo in response."

Ciarlo: "No, they're not."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, then how the heck are they going to do it? All

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you've said is they're going to do it. So, now we'd really like an answer to the question of how are they going to do it? What will their procedure be?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "The witnesses will contact the Department, and the Department will set the code as to how they will comply."

Speaker Johnson, Tim: "Representative Lang."

Lang: "The witnesses will contact the Department. The whole issue here is how will we, how will these witnesses know that they're entitled to this notice? That's where we started the questioning in the first place. How are they supposed to know?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "Through the State's Attorneys Office."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, so, let's see. Every time that there's a felon that gets out of prison, which is every prisoner, I guess, the State's Attorneys Office of the county from which that felon was convicted, is going to go on a search for the witnesses that were material in that case, contact them, and they're going to tell them that they have these rights. And those rights require that they contact the Department of Corrections, at which time the Department of Corrections will make another determination as to whether they are relevant witnesses, and then and only then will they get this picture that you think is so important that they have."

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "They will contact them during the trial. The State's Attorney will make sure that the witnesses are contacted at the time of the trial."

Speaker Johnson, Tim: "Representative Lang."



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Lang: "Where is that in your Bill?"

Speaker Johnson, Tim: "Representative Ciarlo."

Ciarlo: "There is nothing currently in the law that talks about the State's Attorney and the photograph."

Speaker Johnson, Tim: "Representative Lang."

Lang: "If there's nothing, you know, I don't feel well. I think everyone on this floor knows I haven't felt well all week. But, you're, you're ticking me off. If there's nothing in the Bill that says the State's Attorney has to do it, how the hell will the State's Attorney know to do it?"

Speaker Johnson, Tim: "Representative Ciarlo and if we could please, please Ladies and Gentlemen. We're getting near the end of the day, and the end of the week, if everybody could just relax a little bit. Give the questioner and the respondent, the Sponsor, your attention, it would be greatly appreciated. Representative Ciarlo."

Ciarlo: "Because, Representative, we have a very competent system and they'll know how to handle it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I have to tell you, Mr. Speaker, Ladies and Gentlemen, I don't know what to say after hearing that answer. Let's, let's understand what this is. I understand we want to continue to notify everybody about everything except things they really need to be notified about. But I don't understand this. Somehow out of the sky, a lightning bolt is supposed to strike these witnesses and tell them that they have a right to get a picture of some felon they testified against 30 years ago. I don't know how they're supposed to know this. The Sponsor of the Bill says, the Department of Corrections will create the plan to determine who will get the notice. But, somehow, the State's Attorney is going to tell these people that

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they're going to have this right sometime during the trial if the person should happen to get convicted. Now, what are these people supposed to do, stick it in a file drawer and try to remember this for 30 years and then contact the Department of Corrections? This isn't the most stupendous Bill we ever had here. But, I'll tell you what, it's one of the silliest Bills. There are no Rules involved with this Bill. If there is a paragraph in the Bill that gave the State's Attorney some duties, some responsibilities, some obligations, so that the witnesses would know what rights they had, it would make sense, and I might even vote for it. But, you can't vote for a Bill, Ladies and Gentlemen, that says that somehow, even though it's not in the law, the State's Attorney will be honor bound to give this information. I don't think you should vote for this Bill like this."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermilion, Representative Black. Proceed, Representative Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill, I must say I'm shocked and appalled at some of the language I just heard. My, my goodness, as I recall, I think I was written up for saying less than that. But, I digress, I digress. The issue at hand, House Bill 3669, a relatively straightforward Bill. Most of us who have been around any time at all, recall many instances before we had any kind of notification law, that prisoners would be released on parole. That happened in my district some years ago before we had a notification law. Did the notification law we subsequently passed make sure that that never happens? I don't think anybody can stand on this floor and say that there might not be a

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glitch, and someone may not be notified, but does that mean we should repeal the notification law that we have that most people in this chamber voted for, either side of the aisle? I think not. It is a reasonable approach. I think victims have asked for this kind of law. They deserve this kind of notification. This isn't any great expansion of what we already have. No one has gotten up to say the current notification law of a parole hearing or imminent release doesn't work. You know, you cannot, and everyone on this floor knows, you cannot put every contingency in a piece of legislation. The last time I looked at the process, I thought that's what rule making was all about. I have every confidence that the Department of Corrections will promulgate the necessary rules to see that this Bill is properly enforced, and that those people who have suffered a violent crime simply might have access to the most recent photograph of the person who, perhaps, raped them, robbed them, or killed a member of their family. So that they can see that perhaps they have gained 50 pounds or the now have a full beard. Now, I don't think that's too much to ask. I don't think it's worth some of the explosions I've heard on the floor. It's a straightforward proposal. The Lady has a good Bill that I dare say, if you put it on a ballot, 90% of the people of the State of Illinois would agree with and vote for. So, rather than carry on a rather heated debate on a straightforward Bill, and saying that you have no confidence in the rule making process, if you don't like the fact that people might have access to a recent photograph of someone who did them grievous bodily harm, then vote 'no'. If, on the other hand, you agree with Representative Ciarlo, and I dare say most of us on this

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floor. That is a reasonable request that the Department of Corrections have said they can implement it, that the rules making process can close some of the loopholes that may exist in the language of the Bill, then vote for it. It's that simple. I don't think we need to have 30 minutes of debate, and resort to four letter words. It's a straightforward Bill. For those of you that want to have press conferences, and say how tough you are on crime, and how much you support victims rights, hey, here's an opportunity to put your vote where those press conferences are. I dare say the Lady has a Bill that most of you are going to vote for. It's a good, straightforward, victims rights Bill. The technology is there. The money is there. The Department of Corrections says it can implement it, and I dare say that no State's Attorney is going to get up in public and say he or she cannot implement it. They can and they will and they should. This bill is long overdue. Vote 'aye'."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Macon, Representative Noland. Representative Noland."

Noland: "I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. Representative Ciarlo to close."

Ciarlo: "It is a good Bill. It protects the rights of victims, and I think that's what we're all about down here. And I think we all need to vote 'yes' on this Bill."

Speaker Johnson, Tim: "Representative Ciarlo has moved for the passage of House Bill 3669. The question is, 'Shall House Bill 3669 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. This is

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final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', 0 voting 'no', and 7 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3548."

Clerk McLennand: "House Bill 3548. A Bill for an Act amending the Consumer Fraud and Deceptive Business Practices Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Doody."

Doody: "Thank you, Mr. Speaker, Members of the House. This Bill amends the Consumer Fraud and Deceptive Business Practices Act by providing that it is an unlawful practice for a person to offer for sale or to sell to a consumer, access to records or copies of records pertaining to the consumer that may be obtained for free or at a nominal cost from government agencies, or credit reporting agencies, unless the person includes a specified notice in the advertising and applications for the service regarding the availability of those records from other sources. I'd be happy to answer any questions, Mr. Speaker."

Speaker Johnson, Tim: "Is there any discussion? Hearing or seeing none, the Chair recognizes the Gentleman from Cook ... oh, I guess there is one. The Chair recognizes the Lady from Cook, Representative Schakowsky on the Bill."

Schakowsky: "Thank you, Mr. Speaker. Representative ..."

Speaker Johnson, Tim: "He indicates he will yield. Proceed. He indicates he'll yield to your question."

Schakowsky: "Yeah, thank you."

Speaker Johnson, Tim: "Could you give Representative Schakowsky your attention, please?"

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Schakowsky: "Thank you. Thank you very much. So, Representative, you read to us what the legislation does. Could you explain this, in your own words, how it changes the current law right now?"

Speaker Johnson: "Representative Doody."

Doody: "Currently, there is no notice required in the law regarding the availability of those records from other sources."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "How is this going to affect your average consumer, Representative?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "Hopefully, it will keep some of the average consumers from being gouged by some of the services that offer the same services that from hundreds of thousands of dollars that the Consumer Reporting Agencies and government agencies can provide at either no or nominal costs."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Are there any opponents to this legislation?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "There was one opponent for record only, at the committee hearing. There was no testimony from that opponent, and it was a lobbyist and I'm not exactly sure who he represented."

Speaker Johnson, Tim: "Proceed."

Schakowsky: "Have there been complaints with the Attorney General's Office, or the at the consumer fraud division about problems of sales of otherwise free documents to Illinois consumers?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "We've been told generally that there have been, yes. We've tried to get specific data on that, and have not

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received it."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Can you just give us one example of what kind of materials this might involve?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "An individual's credit report, particularly where the individual has been denied, and then solicited to get that information for that individual at charges that range as high as into the thousands when in fact, the consumer reporting agencies will give you that information for an average of \$8 - 12."

Speaker Johnson, Tim: "Representative Schakowsky, further questions?"

Schakowsky: "No. Thank you, Mr. Speaker. To the Bill ..."

Speaker Johnson, Tim: "To the Bill."

Schakowsky: "It seems to me that this is a good consumer protection legislation, that these items which can be available to consumers for free, should not, therefore then be sold with at least, without the warning, or the notification that the same materials are available to them at no cost, and I would urge an 'aye' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Williamson, Representative Woolard. Proceed."

Woolard: "Thank you, Mr. Speaker. Howdy."

Speaker Johnson, Tim: "Was that a question? Representative Doody, in response."

Doody: "Well, thank you for the welcome there, Representative."

Speaker Johnson, Tim: "Representative Woolard, do you have any further questions?"

Woolard: "I was really concerned until I saw that Buffalo Bob had joined you here, right in front of you, and now I am assured that you'll be able to get through this without any

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difficulty. Someone suggested that maybe you were a long-termer here and that you had been involved in this process and maybe this was like the 30th or 40th Bill that you had proceeded with. Is that correct?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "I have not heard that rumor, Representative."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Maybe we could consult with Buffalo Bob, and find out, is in fact, this your first Bill?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "That is correct, Representative. This is my first Bill."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Well, if in fact that's so, maybe you'd turn around and look to right behind just a second, and I think if you see the guy with the horns standing there, that's Clarabelle, commonly known as Jerry. Jerry belle is what someone said. It..."

Speaker Johnson, Tim: "Further questions?"

Woolard: "Does he look familiar?"

Speaker Johnson, Tim: "Representative Doody, if you wish to respond."

Doody: "Representative, that is correct."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "I think I heard you say that that was correct, and I think that there are many of us known around here for some time that Representative Mike Boland clowns around all the time, and I was really aghast when I saw that was not Representative Mitchell, that it was someone who looked like him, that was impersonating Clarabelle. Are there any items in this piece of legislation that deals with guns?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "I carefully checked the legislation. I can find no



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reference to either guns or dogs, Representative."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Could this be expanded to include ponds or lakes?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "Not unless someone purchased a pond or lake on installment and they got a bad credit report for doing that, Representative."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "... a bath this morning in your bathtub, or did you go down to the jacuzzi?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "Neither, Representative."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "I think someone that has the nerve to sit between two beautiful Ladies, such as he does, without a bath, certainly should have the wrath of this Body, and I would encourage everyone to give him a 'no' vote because he is impersonating someone that we all cherish very much."

Speaker Johnson, Tim: "Thank you. Representative Black, on the Bill."

Black: "Yes, thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. These comments from the 'peanut gallery' are outrageous. Absolutely outrageous."

Speaker Johnson, Tim: "Okay. Further comments?"

Black: "Well, they obviously aren't old enough to remember what the audience was called on The Howdy Doody Show. Hello. Hello."

Speaker Johnson, Tim: "Thank you."

Black: "Yes. Would the Gentleman yield for a question?"

Speaker Johnson, Tim: "Indicates he will."

Black: "Okay. Representative, there's one thing I don't understand about your Bill. If, if you pass this Bill, and

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I want a copy of the transcript, and you offer to sell it to me, would that be against the law?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "No, Representative, it would not."

Speaker Johnson, Tim: "Representative Black. Further questions?"

Black: "What if I file a Freedom of Information request?"

Speaker Johnson, Tim: "Representative Doody."

Doody: "No, Representative, that would not either."

Speaker Johnson, Tim: "Representative Black."

Black: "Mr. Speaker, he is making fun of me."

Speaker Johnson, Tim: "I'll admonish him. Representative Doody, don't make fun of Representative Black."

Black: "Thank you. Since he does not take this process seriously, I cannot vote for his Bill."

Speaker Johnson, Tim: "We're going to encapsulize the last ten minutes and send it to the appropriate media agency. I'm sure we'll all make millions. Seeing or hearing no further questions, the Chair recognizes the Gentleman from Cook, Representative Doody to close."

Doody: "Thank you, Mr. Speaker. This is a good consumer protection Bill, and I urge an 'aye' vote. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 3458 pass?' Those in favor vote 'aye', those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3637."

Clerk Rossi: "House Bill 3637. A Bill for an Act amending the Uniform Penalty and Interest Act. Third Reading of this

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House Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Whiteside, Representative Mitchell, on the Bill."

Mitchell: "Thank you, Mr. Speaker. This is a very brief Bill. Another consumer friendly Bill. It amends the Uniform Penalty and Interest Act, and adds a new section to the Act that requires the Department of Revenue to include a statement of appeal options available to the taxpayer for each penalty for late payment, penalty for failure to file, and penalty for failure to file correct information returns. Basically, all we're asking the Department of Revenue to do is to give us the appeals process if they're going to fine us. I'd be happy to answer any questions on this Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Dart. And I would remind the Members this is our last Bill of the day. Representative Dart, proceed."

Dart: "Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Dart: "Representative, how much is this estimated it's going to cost?"

Speaker Johnson, Tim: "Representative, in response."

Mitchell: "Representative, I ... there's definitely a difference of opinion. When I talked to the Department of Revenue, I've had estimates of a whole lot of money to well it won't cost much. I don't have a request for a fiscal note. However, we do have one from the Department anyway. And it states it will create a substantial yet indeterminate fiscal impact on the Department of Revenue. I've asked them to explain that statement to me. They haven't gotten back to me with it. What we are talking to them, and I've

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talked to them several times, is that we're simply asking for a very standard piece of language that would direct you as a taxpayer, if you happen to get hit with a late payment, which I certainly doubt it would ever happen. But, if it did, to just simply outline the person that you would go to, the phone number you would go to, and what your general process would be. And how much would that cost? Well, they weren't sure. So, it's really difficult to answer your question."

Speaker Johnson, Tim: "Representative Dart."

Dart: "The Department of Revenue, what was their position on this Bill?"

Speaker Johnson, Tim: "Representative Mitchell."

Mitchell: "The Department of Revenue is opposed to this piece of legislation."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And what was the basis of their opposition?"

Speaker Johnson, Tim: "Representative Mitchell."

Mitchell: "Representative Dart, I do have another fiscal note as well. We got two different ones. And this one says that it will create an indeterminate fiscal impact on the Department."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And what was the basis, though, of the Department of Revenue's opposition to this Bill?"

Speaker Johnson, Tim: "Representative Mitchell."

Mitchell: "Well, I think basically, their concern is that there were several options that that a consumer would have, a taxpayer would have if they were hit with some kind of a penalty. And they were afraid they couldn't get the appeals process on the piece of paper."

Speaker Johnson, Tim: "Proceed."

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Dart: "Was there any, there was some reference in committee to the fact that this is duplicitive, that we got a...on the tax Bill itself, we have a, I think it's a phone number or something, that's already listed. Is that not something that, I mean are ..."

Speaker Johnson, Tim: "Representative Mitchell."

Mitchell: "Well, you're absolutely right, Representative. They did state the fact that they do send out the taxpayers bill of rights. But, what we're telling them that that is so general, that really tells you absolutely nothing. It gives you a first phone number so that you can start the frustrating process to find out what it is you need to do to file your appeal. What we're asking them is give us the answer straight out so we can get the process started without all of the days and the letters wasted because if you're bound and determined to appeal it, you're going to do it, sooner or later, even if we have to make 15 phone calls. We want to shorten that time period."

Speaker Johnson, Tim: "Proceed."

Dart: "Thank you. No further questions."

Speaker Johnson, Tim: "Hearing or seeing no further questions, the Chair recognizes Representative Mitchell to close."

Mitchell: "Thank you, Mr. Speaker. This is a very simple measure that we have come up with with the Taxpayers Federation to allow citizens an easier road to appeal any kind of a penalty from the Department of Revenue, if they feel that that appeal is justified. It's not there to encourage appeals. It's simply there to allow citizens to know what their rights are. I would urge an 'aye' vote. Thank you very much."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 3637 pass?' Those in favor vote 'aye', those opposed vote 'no'."

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The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting, 110 voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed."

Clerk McLennand: "Introduction of House Bills. House Bill 3718, offered by Speaker Daniels, a Bill for an Act to provide for the ordinary, contingent, and distributive expenses of the State Comptroller. Committee Reports Representative Churchill, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred, action taken on March 7th, 1996, reported the same back 'do approve for consideration' to the floor SJR 82, the Adjournment Resolution."

Speaker Johnson, Tim: "Any announcements?"

Clerk McLennand: "Attention Members. We have passed out a sheet for you to list the printers that you wish to have loaded onto your laptop. Please deliver these to the Clerks Office, either today or when you return on the 20th. Again, these sheets will allow us to load the print drivers onto your laptops. Thank you."

Speaker Johnson, Tim: "Representative Black, for what purpose do you sit?"

Black: "Can we adjourn?"

Speaker Johnson, Tim: "You're not recognized for that purpose, Representative Black. Mr. Clerk, Supplemental Calendar distributions."

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

Speaker Johnson, Tim: "Mr. Clerk, please read Senate Joint Resolution 82."

Clerk McLennand: "Senate Joint Resolution #82, resolved by the

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Senate of the 89th General Assembly of the State of Illinois, the House of Representatives concur on herein. Then when the two Houses adjourn on Thursday, March 7th, the Senate stands adjourned until Wednesday, March 20th. And the House of Representatives stands adjourned until Wednesday, March 20th at 2:00 p.m."

Speaker Johnson, Tim: "Representative Churchill now moves for the adoption of SJR 82. Those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Churchill now moves that the House stand adjourned until Wednesday, March 20th, 1996 at the hour of 2 p.m. All those in favor signify by saying 'aye', those opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it. Allowing any Perfunctory time for the Clerk, the House now stands adjourned until Wednesday, March 20th, 1996 at the hour of 2 p.m."

Clerk Rossi: "Introduction - First Reading of House Bills. House Bill 3719, offered by Representative Lopez, a Bill for an Act making appropriations to the State Board of Education. House Bill 3720, offered by Representative Lopez, a Bill for an Act making appropriations to the Department of Commerce and Community Affairs. House Bill 3721, offered by Representative Kenner, a Bill for an Act making appropriations to the Department of Commerce and Community Affairs. Introduction and First Reading of House Joint Resolution Constitutional Amendment #33 offered by Representative Stephens.

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of

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the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 13 of Article I of the Illinois Constitution as follows: ARTICLE I BILL OF RIGHTS SECTION 13. TRIAL BY JURY inviolate, except that criminal cases punishable by a sentence in a penal institution other than a penitentiary shall be tried by a jury of 6, all of whom must concur to render a verdict. Criminal cases punishable by a sentence in the penitentiary shall be tried by a jury of 12, 10 of whom must concur to render a verdict. Criminal cases in which the imposition of the death penalty is sought shall be tried by a jury of 12, all of whom must concur to render a verdict. There shall be no right to a jury trial in cases in which the only possible punishment is the imposition of a fine. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of this House Joint Resolution Constitutional Amendment."

Clerk McLennand: "Being no further business, the House Perfunctory Session stands adjourned. The House will reconvene Wednesday, March 20th at the hour of 2 p.m."



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