

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Good Morning, Springfield. The House will be in order. Members will be in their chairs. Representative Churchill in the chair. The Chaplain for the day is the Reverend Kent Kenny of the First Presbyterian Church of Lake Forest in Lake Forest, Illinois. Reverend Kenny is the guest of Representative Tom Lachner. Guests in the gallery may wish to rise for the invocation. Reverend Kenny."

Reverend Kenny: "Mr. Speaker, Members of the House, let us pray. Oh loving and all wise God, in the midst of different camps of thought and conviction, we pause to look up and around us, and within our individual selves to recognize Your guiding presence. We come to You with intercession, not from lips alone, but from spirits in deep anxiety concerning the world our children will inherit from our hands. We're disturbed by the social turmoil of our time and the burden of community values we do not share. Sometimes, we're tempted to cynicism because of human cruelty, perversity, selfishness, and pride that's all around us. We ask You to help us deal honestly with things as they are and to keep alive our hope that things can be changed. Thank You for our individual gifts of intellect and experience. Make us willing to think and think hard, clearly and honestly, guided by Your voice within us and according to the light You've given us. Keep us steadfast and loyal to the best we know. May we serve You and the people of Illinois with faithfulness to our responsibilities. We praise Your powerful spirit which empowers our prayers. Amen."

Speaker Churchill: "We'll be led in the Pledge today by Representative Art Tenhouse."

Tenhouse - et al: "I pledge allegiance to the flag of the United

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

36th Legislative Day

March 22, 1995

States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. Let the record show that Representative Shirley Jones, Ben Martinez, and Wyvetter Younge are excused today."

Speaker Churchill: "With leave of the House, the Journal shall so indicate. Representative Black, any excused absences on the Republican side?"

Black: "Yes, thank you very much, Mr. Speaker. There are no excused absences today on the Republican side. We are, as you can see, all here in spirit, if not in body."

Speaker Churchill: "There are 114 Members answering the Roll, and a quorum is present. The House will come to order. Representative Black, for what reason do you rise?"

Black: "Yes, thank you, Mr. Speaker. A very sad message this morning and I know I'm joined by all of our colleagues in not only the House but the Senate, on the passing of Senator Kenny Hall. He will be sorely missed by all who knew him and served with him. I know we all join in extending our deepest sympathies to his family. I would ask that we observe a moment of silence in the memory of Senator Ken Hall."

Speaker Churchill: "Let there be a moment of silence. Thank you. It is the intention of the Chair to do Senate Bills, First Reading and then go to House Bills, Third Reading... Senate Bills Third Reading. So, let's do Senate Bills, First Reading Mr. Clerk."

Clerk McLennand: "Senate Bills, First Reading Introduction -

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

36th Legislative Day

March 22, 1995

First Reading of Bills. Senate Bill 43, offered by Representative Black, a Bill for an Act concerning the Bees and Apiaries. Senate Bill 63, offered by Representative Hughes, a Bill for an Act that amends the Local Government and Governmental Employees Immunity Tort Act. Senate Bill 92, offered by Representative Cowlshaw, a Bill for an Act regarding information. Senate Bill 107, offered by Representative Balthis, a Bill for an Act in relation to the Hazardous Waste Fund. Senate Bill 122, offered by Representative Skinner, a Bill for an Act that amends the Illinois Vehicle Code. Senate Bill 226, offered by Representative Klingler, a Bill for an Act to repeal the Capital City Railroad Relocation Authority Act. Senate Bill 298, offered by Speaker Daniels, a Bill for an Act to amend the Illinois Aeronautics Act. Senate Bill 350, offered by Representative Hughes, a Bill for an Act in relation to the Adopt-a-Highway Program. Senate Bill 362, offered by Representative Howard, a Bill for an Act that amends the Department of Mental Health and Developmental Disabilities Act. Senate Bill 364, offered by Representative Pankau, a Bill for an Act to amend the Employee Commute Options Act. Senate Bill 392, offered by Representative Black, a Bill for an Act to amend the Illinois Pesticide Act. Senate Bill 405, offered by Representative Skinner, a Bill for an Act to amend the Counties Code. Senate Bill 425, offered by Representative Andrea Moore, a Bill for an Act to authorize the withholding of income tax refunds to pay for defaulted fines, court fees, restitution, and court costs. Senate Bill 449, offered by Representative Black, a Bill for an Act to amend the Illinois Farm Development Act. Senate Bill 453, offered by Representative Hoeft, a Bill for an Act to amend the State Employees Group Insurance Act. Senate Bill

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

36th Legislative Day

March 22, 1995

455, offered by Representative Mitchell, a Bill for an Act concerning urban and community forestry assistance. Senate Bill 477, offered by Representative Tom Johnson, a Bill for an Act to amend the Downstate Forest Preserve District Act. Senate Bill 528, offered by Representative Balthis, a Bill for an Act in relation to use and occupation taxes. Senate Bill 560, offered by Representative Myers, a Bill for an Act to amend the Historic Preservation Agency Act. Senate Bill 561, offered by Representative McGuire, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 566, offered by Representative Andrea Moore, a Bill for an Act to amend the Property Tax Code. Senate Bill 587, offered by Representative Ciarlo, a Bill for an Act in relation to the use of electronic vouchers. Senate Bill 604, offered by Representative Roskam, a Bill for an Act to amend the Property Tax Code. Senate Bill 615, offered by Representative Balthis, a Bill for an Act to amend the Comptroller Merit Employment Code. Senate Bill 851, offered by Representative Wennlund, a Bill for an Act to amend the Wildlife Code. First Reading and Introduction of these Senate Bills."

Speaker Churchill: "We will now proceed to the Order of House Bills Third Reading. House Bill 513, Representative Persico. For what reason does Representative Lang rise?"

Lang: "Thank you. I would call for a quorum, Mr. Speaker. I don't believe we have 60 Members on the floor."

Speaker Churchill: "We just took a Roll Call. I think if you'll look, it's probably one of the last things we did in the record and I think it said that we were only shy four Members. So, everybody was here for that, weren't they, Representative Lang, on your side?"

Lang: "Apparently, they all went out for coffee, Mr. Speaker

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

36th Legislative Day

March 22, 1995

because I don't think we have 60 Members on the floor and I have a right to ask for a quorum and I would ask for one now."

Speaker Churchill: "Are you suggesting, Representative Lang, that the Members on your side of the aisle weren't present for the Roll Call which was just a minute or two minutes ago? Representative Lang."

Lang: "Oh, I think all my Members were here. They're probably getting their blood pressure and cholesterol checked at Legislature's Fitness Day."

Speaker Churchill: "Then I think they're probably fit enough that they should be back in a moment don't you think? Representative Lang."

Lang: "I've asked for a quorum, Mr. Speaker, and I would expect my request to be honored."

Speaker Churchill: "Perhaps you and I could just have a little dialogue until all of your Members do get back. I think our Members are all here sitting in their chairs. You gotta remember, our side of the aisle is always on time, sitting in their chairs, ready to do business. Yes. Representative Lang."

Lang: "Thank you. Well, in the spirit of good fellowship, Mr. Speaker, we're prepared to proceed but just the Republicans. Why don't you proceed."

Speaker Churchill: "Thank you. Representative Persico."

Persico: "Thank you, Mr. Speaker, and Members of the House."

Speaker Churchill: "I'm sorry, Representative Persico, the Clerk needs to read the Bill for the third time. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill (sic-House Bill) 513, a Bill for an Act that amends the Township Code. Third Reading of this House Bill."

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Representative Persico."

Persico: "Thank you, Mr. Speaker, Members of the House. House Bill 513 amends the Township Code to allow the township board and/or the township electors to authorize an advisory referendum held in accordance with general election law. The effect of this legislation is to provide the opportunity for township residents to vote in an election on a referendum questions of public policy. Such questions would be advisory. This legislation passed the House Counties and Township Committee overwhelmingly, and I know of no opposition. I would be happy to answer any questions."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Churchill: "He indicates he will. Proceed."

Hartke: "Representative Persico, what kind of questions would you conjure up in your mind that would be on the advisory referendum ballot?"

Speaker Churchill: "Representative Persico."

Persico: "Well, Representative, I don't intend to conjure up any questions in my own mind. Township officials might. Basically, this came from the DeKalb Township who wanted to put on referendum, the question of whether they should continue to fund a county home. When their lawyers researched the issue, it indicated that townships do not have the authority to place such an advisory public policy questions on the ballot, and so they wanted to clarify this issue and put it into...you know, codify it into law."

Speaker Churchill: "Representative Hartke."

Hartke: "Is that a common practice for townships to fund the

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

36th Legislative Day

March 22, 1995

county home?"

Speaker Churchill: "Representative Persico."

Persico: "I couldn't answer that definitively, Representative. I know I served on a township board and we did not fund our county home, but I'm sure that there are many counties throughout the State of Illinois that, you know, allocate money for different purposes that my particular township didn't do."

Speaker Churchill: "Representative Hartke."

Hartke: "But don't you think that the trustees have that authority right now to do those things?"

Speaker Churchill: "Representative Persico."

Persico: "They have the authority I would say to fund different programs, but in the time of budgetary restraints, as we're all going through right now, there are certain questions that they would like some guidance from the public in what the public would like to see that the township fund. So I think this was, is just an attempt to allow them to put an advisory referendum on the ballot to see whether or not the public will want them to continue to fund certain programs."

Speaker Churchill: "Representative Hartke."

Hartke: "Yes, would this be at a special township referendum or does the Bill specify that it'll be held during a regular, a regular election?"

Speaker Churchill: "Representative Persico."

Persico: "Could you hold on one second for that question? Yes, Representative, on line 19 of the Bill, it says that this will be placed on the ballot at the next regularly scheduled election in the township."

Speaker Churchill: "Representative Hartke."

Hartke: "Excuse me, I missed the answer. I was..."

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Representative Persico."

Persico: "On line 19 in the Bill, it says that this would be placed on the ballot at the next regularly scheduled election in the township."

Speaker Churchill: "Representative Hartke."

Hartke: "I'm not a resident here of Sangamon county, but I watch the news once in a while in the evenings. Would a referendum possibly be put on the ballot such as here in Sangamon to ask the question about to eliminate scattered housing sites?"

Speaker Churchill: "Representative Persico."

Persico: "I, well, I couldn't answer that. I don't know if they are into scattered housing sites in the township. I don't know if that's a county public policy or whatever but if they were, I guess they could put it on the ballot."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, Capital Township is contiguous with the city limits and so therefore, if the city wanted to do it and the township said, 'well, let's put it on the ballot', would that not be a method to forestall action by the city?"

Speaker Churchill: "Representative Persico."

Persico: "I'm...I'm sorry I didn't catch the question part."

Speaker Churchill: "Representative Hartke, to repeat the question."

Hartke: "Capital Township here is coterminous with the city. Would the township then action by referendum forestall action by the city if they put that question to a referendum question here in this township?"

Speaker Churchill: "Representative Persico."

Persico: "Yes, first of all, Representative, it's only an advisory referendum. Secondly, if that was the case, it

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

36th Legislative Day

March 22, 1995

would have to be put in the unincorporated territory or land of the township, not the city limits."

Speaker Churchill: "Representative Hartke."

Hartke: "Are there a limited number of referendum questions that can be put on the ballot?"

Speaker Churchill: "Representative Persico."

Persico: "No."

Speaker Churchill: "Representative Hartke."

Hartke: "Yes, can you foresee this running into like they do in California where they have government by referendum, you know 200, 300 propositions on the ballot and referendum each time that there's an election?"

Speaker Churchill: "Representative Persico."

Persico: "No, I don't. Again, it's only an advisory referendum. It's not like in California where the initiatives are ..."

Speaker Churchill: "Representative Hartke."

Hartke: "Thank you. I have no further questions."

Speaker Churchill: "Any further discussion? The Gentleman from Madison, Representative Davis."

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

Speaker Churchill: "He indicates he will. Proceed."

Davis: "Representative, in order to get this advisory referendum on the ballot, does it require a certain amount of signatures?"

Speaker Churchill: "Representative Persico."

Persico: "No, it's either the township board or the township electors who would authorize this advisory referendum."

Speaker Churchill: "Representative Davis."

Davis: "Is the advisory referenda then voted on at special town meetings or at annual town meetings or both?"

Speaker Churchill: "Representative Persico."

Persico: "No, it would be at the next regularly scheduled

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

36th Legislative Day

March 22, 1995

election."

Speaker Churchill: "Representative Davis."

Davis: "When you say, Sir, the next regular scheduled election, the electors at the annual town...the electors can only...only make decisions at special town meetings and annual town meetings so exactly when do the electors or when do the board of trustees determine when the special referenda election is gonna be held?"

Speaker Churchill: "Representative Persico."

Persico: "Again, what this is doing is allowing townships to schedule at the next regularly scheduled election an advisory referendum. It's just, it's not in the sense that they're, they're waiting until the next regularly scheduled election. That's when they put it on the ballot, if I understand your question correctly."

Speaker Churchill: "Representative Davis."

Davis: "My question, Sir, is this; under this legislation, are you saying that the five members of the town board then are the ones who decide whether an advisory referendum will be on the ballot at the next election...for the next election?"

Speaker Churchill: "Representative Persico."

Persico: "Either the members of the township board or the township electors, yes, they will be the one that would be authorizing that to be put on the ballot."

Speaker Churchill: "Representative Davis."

Davis: "But the electors, Sir, can only vote at an annual town meeting or a special town meeting. The electors do not go to regular town meetings and make decisions. The reason I ask you this is that there's only two...two certain conditions where electors are involved in the process of township government and that is at special town meetings

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

36th Legislative Day

March 22, 1995

and at annual town meetings. Now, when you say electors, do you mean that the electors can do it by petition and petition the town board for the special...for the advisory referendum?"

Speaker Churchill: "Representative Persico."

Persico: "I would, I could say that they probably could do it by petition or at the regular...at the annual meeting."

Speaker Churchill: "Representative Davis."

Davis: "Sir, is there a cost to county government for each and every one of these advisory referendum?"

Speaker Churchill: "Representative Persico."

Persico: "According to the State Mandate Act and fiscal note, it says in the opinion that it does constitute a local government organization and structure mandate for which no state reimbursement of the increased cost unit to local government is required under the State Mandate's Act. However, it should be noted that it has been termed that the provisions of this Bill can be accomplished with existing staff and resources."

Speaker Churchill: "Representative Davis."

Davis: "I have one other question Representative Persico regarding coterminous city and township government. Under this legislation, would the township be able to call for advisory referenda and overrule a city's wishes on this?"

Speaker Churchill: "Representative Persico."

Persico: "No, it's just an advisory referendum."

Speaker Churchill: "Representative Davis."

Davis: "I understand that it is an advisory referenda. But when we talk about coterminous city township government, coterminous, does the city make the decision to have the advisory referenda or does the township? Or is this only for townships that are not coterminous?"

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Representative Persico."

Persico: "Again, it's an advisory referendum. If they decide, you know possibly they can make that decision but I think they're going to take it, they're going to look at the results of the referendum and make their decision based on that."

Speaker Churchill: "Representative Davis."

Davis: "I don't think you either understood the question or didn't answer it. Under coterminous government...under coterminous government, who makes the decision on the advisory referenda, the city or the township?"

Speaker Churchill: "Representative Persico."

Persico: "I would probably say the voters on this particular question if they decide to follow the wishes of the voters."

Speaker Churchill: "Representative Davis."

Davis: "To the Bill, Mr. Speaker."

Speaker Churchill: "To the Bill."

Davis: "I spent fourteen years in township government and there are currently in the law, provisions for referenda and referendum and this just seems to me to be another piece of legislation that opens up the door for a flood of advisory referendum in the State of Illinois. And if anyone of us read the newspapers, we understand what is going on out in the State of California and the cost of this legislation can end up being astronomical to our county clerks and our county government. So, I would have to, based on this current piece of legislation, Mr. Speaker, encourage my colleagues to vote 'no' on this Bill. Thank you very much."

Speaker Churchill: "Is there further discussion? The Gentleman from Cook, Representative Lang."

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

36th Legislative Day

March 22, 1995

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

Speaker Churchill: "He indicates he will. Proceed, Sir."

Lang: "Representative, perhaps I'm missing something, but I don't know why we need this legislation. Is there something prohibiting the electors in my township from getting a petition together and putting an advisory referenda on the ballot today?"

Speaker Churchill: "Representative Persico."

Persico: "According to what happened in DeKalb county when the lawyers researched this issue, they indicated that the townships did not have the authority to place such an advisory public policy questions on the ballot. Unlike the counties and the municipalities which do have that authority, townships do not. Basically what they want to do, is just have this kind of authority to put an advisory referendum to hear the wishes of the public."

Speaker Churchill: "Representative Lang."

Lang: "So is...does this language exactly parallel the language that's under the Municipal Code which would allow municipalities to put a public policy advisory referendum on the ballot?"

Speaker Churchill: "Representative Persico."

Persico: "I probably, I can't answer that question. I haven't looked into that Section of the law."

Speaker Churchill: "Representative Lang."

Lang: "Well, that's why I'm confused, because of your saying that you want to must simply, merely...it's a merely Bill. If you want to merely allow townships to do what other municipalities can do now, then it seems to me you'd be able to say to us that this language mirrors that language so we can say okay we're merely allowing townships to do that but you can't tell us that at this time, can you?"

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Merely for a response, Representative Persico."

Persico: "I...I couldn't answer that definitively but obviously from their legal opinions since they don't have this authority, I would suppose they would draft it to make sure that it was the same type of language in the other code."

Speaker Churchill: "Representative Lang."

Lang: "What types of public policy questions would be allowed to be on the ballot?"

Speaker Churchill: "Representative Persico."

Persico: "They...they put no restraints in this Bill."

Speaker Churchill: "Representative Lang."

Lang: "Could the township officials put a public policy on the question on the ballot regarding the abolition of townships?"

Speaker Churchill: "Representative Persico."

Persico: "I think, yes they could."

Speaker Churchill: "Representative Lang."

Lang: "The...what about the cost of this? Isn't there a cost to somebody to put these advisory referenda on the ballot whether it be to the township or the county clerk or somebody? Isn't somebody going to pay for this?"

Speaker Churchill: "Representative Persico."

Persico: "Well, Representative, I've already answered that question. First of all, the county clerks did not, no one had any opposition to this Bill. It's been out there for a long time. I would feel that if the county clerks disagreed with this Bill, they would have come forward by now. And according to the fiscal notes, there will be some costs but it should be accomplished with existing staff and resources according to the fiscal note."

Speaker Churchill: "Representative Lang."

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

36th Legislative Day

March 22, 1995

Lang: "Well, as you note, Representative, I didn't ask you if anybody objected to the Bill, I just simply asked you if there would be a cost and what it would be?"

Speaker Churchill: "Representative Persico."

Persico: "I think I answered that question. There will be some costs that could be accomplished through their existing staff and resources."

Speaker Churchill: "Representative Lang."

Lang: "Well, do we know how much that cost will be?"

Speaker Churchill: "Representative Persico."

Persico: "No, I don't."

Speaker Churchill: "Representative Lang."

Lang: "Is there any estimate as to the number of townships that would avail themselves of this program should we pass the Bill?"

Speaker Churchill: "Representative Persico."

Persico: "I...I would say no but I think that any township that would like to hear the will of the people on certain issues might decide that they would like to have this advisory referendum."

Speaker Churchill: "Representative Lang."

Lang: "Are there any plans to change this Bill in the Senate?"

Speaker Churchill: "Representative Persico."

Persico: "No, not on my part."

Speaker Churchill: "Representative Lang."

Lang: "Thank you, that completes my questions."

Speaker Churchill: "Is there further discussion? The Gentleman from Grundy County, Representative Spangler."

Spangler: "Thank you, Mr. Speaker. To the Bill."

Speaker Churchill: "To the Bill."

Spangler: "As a township official, many, many times I would have wished that we had the latitude to offer a nonbinding

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

36th Legislative Day

March 22, 1995

advisory referendum to find out what the true feelings of the voting body at large were. I think this is an excellent Bill and I would strongly recommend an 'aye' vote. Thank you."

Speaker Churchill: "Is there any further discussion? If there's no further discussion, the Chair recognizes Representative Persico to close."

Persico: "Thank you, Mr. Speaker, and Members of the House. Thank you, Mr. Speaker, and Members of the House. As I mentioned, this is just allowing townships to put an advisory referendum on the ballot to find out what direction that the people of their district would like them to go. Many of us throughout the year send out questionnaires to our constituents. This is an advisory questionnaire as far as I'm concerned and we, we look at what the results are and not necessarily saying that we're going to follow every wish of the constituents but we get an idea of what direction our constituents would like us to go. It is not binding, it's not going to open up a floodgate from thousands of initiatives. I think it is just something that the townships feel that since they don't have the authority to do...have that now while municipalities and counties do, that this is something that they would like to do to see what direction their constituents would like them to go and I urge an 'aye' vote."

Speaker Churchill: "The question is, 'Shall House Bill 513 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 'ayes', 4 'noes', and none voting

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

36th Legislative Day

March 22, 1995

'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Senate Bills, Third Reading. Senate Bill 54, Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 54, a Bill for an Act amending the State Police Act. Third Reading of this Senate Bill."

Speaker Churchill: "Representative Black."

Black: "Yes, thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. This is the identical Bill that corresponds with House Bill 46 which we passed out of this House approximately a month ago with 71 votes, and we had a full debate on the Bill at that time. All this Bill does is to authorize 22 former Illinois Commerce Commission Police Officers whose jobs were abolished as a result of federal action to become Illinois State Police when they graduate from the Academy sometime in the next two or three weeks. This allows us to put 22 state troopers on the force. It's not...not a high enough number for some of you. I tend...I tend to look at the more positive aspect. Twenty two new state troopers are certainly better than zero state troopers. The Bill has had, as I mentioned, a rather full debate. It passed the House about four weeks ago with 71 votes. I would ask your favorable consideration of Senate Bill 54."

Speaker Churchill: "Is there any discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Yes, Representative Black, what has happened to, what number did you say it was, 46?"

Speaker Churchill: "Representative Black."

Black: "Yes, House Bill 46 and of course, you and I have been here for a while, we know the different level of intensity between the House and the Senate and on their many breaks, and vacations, and naps, for some reason House Bill 46

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

36th Legislative Day

March 22, 1995

hasn't progressed quite as quickly as I was hoping that it would in the Senate. So, I think what we'll do is try to pass this Senate Bill to show them how quickly the House can act."

Speaker Churchill: "Representative Hartke, do you wish to defend the Senate on their naps?"

Hartke: "Absolutely not. I...it just reiterates the great job that we do over here."

Speaker Churchill: "Representative Hartke, anything further?"

Hartke: "No."

Speaker Churchill: "Any further discussion? The Lady from Sangamon, Representative Klingler."

Klingler: "Yes, thank you very much, Mr. Speaker. I rise in support of this Bill. I have been contacted by some of the individuals who were laid off when the ICC discontinued this regulation and they were very concerned. I think this is an excellent opportunity to preserve jobs for those employees who would otherwise have lost their positions with the state of Illinois and in addition, it provides further state police, so I strongly support this Bill."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Churchill: "He indicates he will. Proceed."

Lang: "Representative, these new officers will be placed in the field, is that correct?"

Speaker Churchill: "Representative Black."

Black: "That is my understanding. As you'll recall, we previously discussed those troopers that are assigned to duties on the various riverboats in Illinois, that is a bid position and generally speaking, the more senior officers would have that duty. My assumption is, and I...I haven't

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

36th Legislative Day

March 22, 1995

gone through...I know I have a note in here somewhere from the state police. I feel fairly comfortable and my assumption is that these 22 will become, as soon as they're trained with a training officer, I assume in the field, will become road troopers."

Speaker Churchill: "Representative Lang."

Lang: "So 22 experienced officers who have been traveling the roads of Illinois, protecting our citizens from harm on state highways, are gonna be on riverboats. Is that also correct?"

Speaker Churchill: "Representative Black."

Black: "I...I'm not sure that it would be a switch for a switch. I'm trying to find the information that I had about how many troopers are assigned at any one time to riverboats. Let me...Let me check just a second."

Speaker Churchill: "Representative Black."

Black: "Yeah, Representative, I can't find this file. It's rather voluminous at this point in process. I...I think at any given time, 60...60, 65 officers are assigned to riverboat duty. Now, I don't know, I, I can't say with any definitive knowledge that this is just gonna be a switch because that would indicate to me that, that this whole process was to do that and I really don't think that that was the process and the state police, I'm sure would agree with me. This is simply an opportunity to pick up 22 sworn state troopers at a...at a...practically no cost to the taxpayer and at this point in the game, I think 22 is certainly better than none. But you're right, obviously riverboat duty is a revolving assignment and it is by bid basis so that would tend, I'm sure, to go to senior officers."

Speaker Churchill: "Representative Lang."

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

36th Legislative Day

March 22, 1995

Lang: "So the bottom line is, we would be taking experienced officers off the road and putting them on riverboats and putting less experienced officers on the road, Wouldn't that be a correct statement?"

Speaker Churchill: "Representative Black."

Black: "Well, yeah, I suppose that one could extrapolate that, if one wanted to. But, again I've talked to many senior officers who do bid for this duty. If you've been in a patrol car for 20 years, and I don't want to get into any graphic physiological humor here, but sometimes they develop problems after sitting, driving around the highways of Illinois for 20 some years and so they kind of look forward to maybe getting out of the patrol car for a period of time."

Speaker Churchill: "Representative Lang, to respond, I think."

Lang: "That is just a wonderful answer. I have no idea what it meant whatsoever. Representative, is it not a fact, we'll be taking experienced officers off the road and putting them on riverboats and putting inexperienced officers on the road? It's a simple question."

Speaker Churchill: "Representative Black."

Lang: "I may vote, but just answer the question."

Speaker Churchill: "Representative Black."

Black: "Well, obviously yes. I mean, senior officers bid and do get the riverboat assignments. However, let me preface my yes to your question. Senior officers will go to boats. Junior officers will go to the street. But, the reason I like this Bill is that under current law, those senior officers are gonna rotate to riverboats anyway and if we didn't have these 22, then we would be down even more, even fewer road troopers. So, the reason I like this Bill and have since the first time I looked at it, is that at least

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

36th Legislative Day

March 22, 1995

it gives us 22 new sworn officers."

Speaker Churchill: "Representative Lang."

Lang: "Well, should we not have a Bill then that keeps those senior officers from shifting into the riverboats? Aren't we better off as a state than as a society having experienced officers on the roads in Illinois?"

Speaker Churchill: "Representative Black."

Black: "You know that's, that's a very attractive, as I've told you before, that's a very attractive concept to me and I would join with you in the process later by Amendment or what have you. I definitely think that we should look at the fact that maybe the Gaming Board should create their own security force in cooperation with the owners and perhaps we don't need Troopers of any, okay..."

Speaker Churchill: "Please conclude your remarks, Representative Black."

Black: "I would just say I'm not in disagreement with the Representative's basic concept. I would hope that maybe some of us on both sides of the aisle could look at this issue, sit down with the Gaming Board and try to come up with a way that the Gaming Board and the owners could be responsible for their own security and enforcement of state regulations on these boats and free up all of these troopers for the road. I...I think that's an eminently decent idea, good idea, unfortunately, it isn't embodied in this Bill and the time of their graduation is fast approaching and without this legislation, these officers who have the training and are ready to go will not be able to take their place on the state police force."

Speaker Churchill: "Representative Lang, you had run out of time and Representative Hannig is the next person in line and I know you'll have some folks by that time he gets done that

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

36th Legislative Day

March 22, 1995

will yield some more time to you. At this time, the Chair would call on the Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Churchill: "He indicates he will. Proceed."

Hannig: "Yes, Representative, Representative Black, these 22 individuals, now they were out of a job as of the first of the year with the Illinois Commerce Commission, is that not correct?"

Speaker Churchill: "Representative Black."

Black: "I had trouble hearing you. I think you asked, 'were they released at the first of the year because of federal deregulation?' That is true. There were in fact, there were in fact more than 22. I believe the ICC force had 39 sworn officers. Thirty of those made application to the state police and 22 were chosen for training by the Merit Board."

Speaker Churchill: "Representative Hannig."

Hannig: "So, for these 22 individuals, did you say that they are at home waiting for us to pass this Bill so that they can continue their professional careers or what is their status?"

Speaker Churchill: "Representative Black."

Black: "Yes, their current status is as we speak today, they're in training at the State Police Academy finishing up their training period, as we speak."

Speaker Churchill: "Representative Hannig."

Hannig: "Where...why or how are they authorized to go to the Academy if apparently they would not be authorized except for this Bill, to become state troopers? In other words, aren't we putting the horse before the cart, the cart before the horse?"

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Yes, Representative Hannig, that was normally the way it works. Representative Black."

Black: "No, no Representative and I know that you have been here and as a Veteran, you know that through intergovernmental agreements, the Academy may train various police officers for specialized duties at any given time with intergovernmental agreements but they often after the training, go back to a drug unit or a local unit. You know, they don't become state troopers simply because they've gone through the, the required training. This legislation is to the best of my knowledge says that after their training and because of their prior law enforcement background, they are eligible to become Illinois State Police Officers."

Speaker Churchill: "Representative Hannig."

Hannig: "Well, Representative, isn't it a bit presumptuous for an agency, an executive agency to send these people to training without knowing for sure that the Legislature would ever approve this Bill or whether or not we would ever be getting our moneys worth? I mean, shouldn't we actually do this Bill, if you're going to do this process, or at least pass this Bill before you put these people in the Academy?"

Speaker Churchill: "Representative Black."

Black: "Representative, first of all, the general taxpayer is not paying for this training, whatsoever. Not one cent of GRF, not one cent of General Taxpayer Dollars are financing this training. It's coming from the riverboat revenues. I guess to answer your question and I don't mean to sound as cynical as I am, but I think what the public is tired of is us fiddling and fussing and arguing while the streets burn. I think the Illinois State Police and the people that we

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

36th Legislative Day

March 22, 1995

are elected to represent expect us, expect us, maybe even demand that we pass this legislation and put more troopers on the road. And I also think that they expect us to do so with a minimum of hassle and a minimum of politics and demagoguery and that they expect us to come back later and add more state police to cover those who took early retirement. So, no I don't think this is the cart before the horse. I think it is common sense legislation that I fully expect this House to agree with and put these troopers on the road."

Speaker Churchill: "Representative Hannig, you have a minute and 12 seconds left. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. So now, Representative, you tell us that even though these individuals will be going on the road, they're being paid for out of the Riverboat Fund. Isn't that a misallocation of state dollars?"

Speaker Churchill: "Representative Black."

Black: "Now, now, Representative, don't, don't fall into the trap. You've watched too much O.J. trial, all right? Now, you know you're trying to cross examine and Judge Ito is in the Chair and we're not going to do that. Now you know exactly what I said. The riverboat revenues are paying for their training. They are not going to pay their salary as troopers. Now, we can sit here and argue this for as long as you want to. The bottom line is, I think the Bill is gonna pass and I don't think many of us want sound bites that will be construed that somehow we don't want to add state troopers when we have this golden opportunity thrust upon us by the actions of our Federal Government, who in their infinite wisdom deregulated the trucking industry and took all of the Commerce Commission Trucking Regulation

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

36th Legislative Day

March 22, 1995

Police out of business from all 50..."

Speaker Churchill: "Representative Black."

Black: "This is a golden opportunity as we discussed three weeks ago in this House to add 22 troopers at an absolute bargain price basis. We increased the number of sworn troopers by 22. I just don't see in my wildest dreams where this is a win/lose or lose/win proposition for anybody. The state wins. The taxpayer wins and the number of law enforcement officers wins. It's that simple."

Speaker Churchill: "Representative Hannig, you had run out of time. I show Representative Granberg as the next person up to speak. If he wishes to give his time to you, he can do that. Representative Granberg."

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

Speaker Churchill: "He indicates he will. Proceed."

Granberg: "Representative Black, I heard you mention and I don't remember this being discussed in the previous House Bill, the qualifications for these 22 state troopers. What are...do they fit all the requirements for other state troopers?"

Speaker Churchill: "Representative Black."

Black: "We went over that in some detail in House Bill 46. I have the same memo I read from at that time. Do you want me to go over all the qualifications that they meet, as anybody else in the state would have to meet?"

Speaker Churchill: "Representative Granberg."

Granberg: "I was...the question was actually directed, Representative Black, towards a college degree. Do these people, do they have the same educational requirements, all the requirements for a normal state trooper, or is it just based on training they have to take to make this transfer?"

Speaker Churchill: "Representative Black."

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

36th Legislative Day

March 22, 1995

Black: "Let me make this perfectly clear. These people meet exactly the same requirements as anyone, past or present have to meet to become an Illinois State Trooper. Exactly the same requirements. No waivers, no exemptions, no ifs, no ands, no buts."

Speaker Churchill: "Representative Granberg."

Granberg: "It was brought to my attention that someone had thought that current state troopers, whom all this represent, have to have some level of college credits. I did not know that certainly was the case with these people but you're, that is the case with these people who are being transferred?"

Speaker Churchill: "Representative Black."

Black: "Let me read from the same memo I read from some time ago. The educational requirements are exactly the same. A recruit must have completed 60 semester hours or 90 quarter hours with a C or better average grade from an accredited college or university. That is the standard. It was the standard a month ago. It is the standard today. I assume it will be the standard for the next class of troopers that we enroll."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, and the number of the people in the ICC that were impacted, I believe by the federal deregulation of the trucking industry, I assume that the reason this legislation is here is because the Federal Government's deregulated the Trucking Industry and that made the division within the Commerce Commission moot. There is no need for that division, is that correct?"

Speaker Churchill: "Representative Black."

Black: "That is absolutely correct. They had law enforcement responsibility to regulate the trucking industry. That

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

36th Legislative Day

March 22, 1995

power was taken from us by the Federal Government and that entire agency was no longer necessary within the Commerce Commission."

Speaker Churchill: "Representative Granberg."

Granberg: "And then if you could refresh my memory, Mr. Black, how many people, I know we're dealing with these 22, but how many people were in that division prior to this transfer that were reallocated or put into different divisions?"

Speaker Churchill: "Representative Black."

Black: "Let me repeat what I said approximately three minutes ago to another questioner, alright? There were 39 sworn officers in the Illinois Commerce Commission Police. Of those 39, 30 made application to the State Police Merit Board, and of those 30, 22 met the qualifications and were selected by the State Police Merit Board."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Representative, and to that end, if I remember correctly, a month ago as well, you made reference, and I certainly take you as your word, Sir, that there are no political appointees or any county chairmen in this division who are reallocated or stayed on the ICC or people who were transferred. So there are no county chairmen, committeemen, and/or any other political appointees that were subject to this transfer and/or retained in the division as well?"

Speaker Churchill: "Representative Black."

Black: "And I will answer you exactly the same way I answered you a month ago. You know me better than that. I would not touch this Bill, nor sponsor this Bill, nor present this Bill if there was any political hack from either side of the aisle on the list. I will give, here are their names.

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

36th Legislative Day

March 22, 1995

Here are the cities of their residence. You are welcome to the copy. If you find that there is a county chairman, a political precinct worker, a ward captain from the city of Chicago, any political hack that you find offense with, I will take this Bill out of the record. Here are the list. Here are their names. Here's where they live. In fact..."

Speaker Churchill: "Representative Black, I'm sorry the mike shut off. Did you have one further comment you needed to make?"

Black: "Yes. Let me again reiterate that. I have, I have the utmost respect for the Representative and I know we all have to do our jobs and we have to ask certain questions. Let me read the cities and I'll be glad to share with Democrat staff, Republican staff, the names of these people who are currently in training. But since I don't have a release, I'm not going to read their names over the microphone but let me tell you where they live: Arlington, Belleville, Carbondale, Centralia, Champaign, Chatham, Chatsworth, Dieterich, Edinburg, Elgin, Glen Carbon, Mundelein, Oak Forest, I can't even pronounce this, Oquawka, Paris, Pinckneyville, Rock Island, Springfield, Sterling, West Frankfort. Not a one from my district."

Speaker Churchill: "Representative Granberg, you had run out of time. I had the next person in line to talk as the Gentleman from Cook, Representative Dart, if he wishes to yield his time. Okay, Representative Dart, indicates that he will yield his time to Representative Granberg. Representative Granberg, please proceed."

Granberg: "Thank you. Thank you, Representative Black and I do know you and I respect you and I'm sure you would not be involved in any of this. But I tend to be somewhat cynical when I see these transfers, Representative, because you may or may not know that you say I have people in my

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

36th Legislative Day

March 22, 1995

district. I also have job selling trials going on in my district right now so I tend to be somewhat cynical when I see transfers and or people being retained. In fact, Representative Black, one trial just started this last week in my district over an agency in Centralia, the Department of Mental Health and the Department of Corrections, so that is why I'm particularly questionable on any types of policy where certain people are retained and certain people are not and that was the purpose of the question. So and I trust you that no, your representation was made that no one has any political, political influence at all on any of any of these transfers, transfers and/or the people that were retained in the division. And Representative Black, one more question if I may. On these people that are being transferred, you said earlier you thought there was, you weren't sure, and I didn't know if you'd gone through the volumes of information you had on this Bill file, if you have had a chance to do that but you did not know if this was a net zero, the net no gain or actually an increase on the 22."

Speaker Churchill: "Representative Black."

Black: "By the way, those people who live in it, tell me I mispronounced the town's word. It's Oquawka. Representative Brunsvold wanted me to get that on the record, record Oquawka. Let me, let me assure you once again and I do put, and I think all of us put a great deal of credibility in our state police force. It's probably the finest state police force in the Midwest, if not the country. And I know you share that belief with me. Anyway you want to look at this Bill and by the way, you're much too young to be cynical, Representative, much too young. Don't let this process do that to you. You're much too

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

36th Legislative Day

March 22, 1995

young and handsome and debonair to become cynical in this process. But the way anybody that looks at this Bill, I don't care...the riverboat under existing law that we passed, those state troopers are going to be assigned to those riverboats regardless of what we do or do not do with this Bill. Now, the bottom line is, and I'm certainly not the greatest mental giant on this floor, math was not my strong point, but when you add 22 sworn officers to your head count, you have a net gain of 22 troopers. That's a net gain. It isn't a wash. You can't put that spin on it. You can't say it's zero. It's a net gain. The head count of the Illinois State Police sworn troopers will go up by 22, if I can just get your vote on this Bill."

Speaker Churchill: "Mr. Debonair, Representative Granberg."

Granberg: "Thank you, AKA. Representative Black, you changed your position. A little bit earlier you said that because the 22 were being transferred to the riverboats, you thought there might not be a net gain so that was the question. I understand where you're coming from because we all have to come up with certain responses as well. So in this case we're taking the 22 most experienced officers, putting them on the boats to safeguard our gamblers and we're taking 22 new recruits and putting them on the streets to protect our citizens. I think that's a fair priority. To the Bill, Mr. Speaker."

Speaker Churchill: "To the Bill."

Granberg: "I think that's right. Maybe Representative Black is correct that we should take our most experienced officers and put them on the riverboats to protect those gamblers. I think that's a fair place for them. We should take the most experienced people out there in law enforcement, put them on the riverboats. Gosh knows we don't want that

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

36th Legislative Day

March 22, 1995

person fearfully might lose his five dollars at Blackjack. That would be terrible. That would be outrageous and we'll put that new guy on the streets, have him out on the interstates because that's the kind of priority we want to give our citizens. We want to make sure that we have the most experienced police officers on our interstates, on our roads but you know we'll, we understand Representative Black and you know a lot of us are kind of for you on this and maybe we ought to just ship the whole state police and do it by experience rating and put all those people...the more experienced you'd better put them on the riverboats and put the least experienced officers on the street."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Harold Murphy. Representative Harold Murphy. Representative Murphy, your light was flashing. Would you like to discuss this Bill?"

Murphy, Harold: "Yes, I'd like to yield my time to Representative Lang."

Speaker Churchill: "Representative Lang."

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

Speaker Churchill: "He indicates he will. Proceed."

Lang: "Representative, you indicated that you thought we should pass this Bill to put more police on the street at the expense of the Gaming Board. I'm wondering what your position is regarding putting more police on the street with the Police Amendment that we've been filing over and over and over again."

Speaker Churchill: "Representative Black."

Black: "Well, I have a hard time understanding why that Police on the Street Bill didn't pass last year when you had the votes, but be that as it may, you know at the appropriate time I will join with you and we will work together. You

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

36th Legislative Day

March 22, 1995

and I, to do what we can afford to do with existing revenues and increase the number of law enforcement officers. The only difference that we have is I'm not sure how much of a tax burden we want to put on our local communities. The fallout, that's a bad word. I'll strike that. The impact of the Federal Crime Bill adding police to various cities in the State of Illinois is not yet fully known by any of us so you know this isn't that issue. You can put that spin on it if you want to but I'll put my record on the board in debate, wherever you want, about my position on crime and law enforcement. And if you want to spin it that way, that's okay. I understand where you're coming from. I certainly bear you no ill will but on this particular Bill, that's just spinning our wheels in sand. We're aren't accomplishing anything. We have an opportunity. We could have passed this Bill 30 minutes ago to put more sworn state police officers on the force. If we want to spend another hour or hour and a half debating various philosophical spins, that's okay. I understand that. I lived with that for a number of years."

Speaker Churchill: "Representative Lang."

Lang: "Well firstly, we did pass the Police on the Streets Amendment last year and it got buried in the Senate. But let me ask you this, since we already passed this Bill, the House Bill over to the Senate, since they can pass this and since you're so interested in helping us put more police on the street, why don't you take this Bill back to Second Reading and let us put the Police Amendment on it. Matter of fact, why don't you let us put the Truth in Sentencing Amendment on it and let's pass something that will really protect the citizens of Illinois. Are you interested in doing that, Sir?"

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Representative Black."

Black: "The Bill before us is on Third Reading and the issue is very simple. If you want to add 22 troopers, when you have an opportunity to do so, you'll vote 'yes'. If you'd rather debate spin and philosophy, you'll vote 'no'. It's that simple. I will not take the Bill back to Second Reading. I'm not responsible for what happens in the Senate. This is a good Bill. It deserves to pass on its own merits and that's what I hope we do."

Speaker Churchill: "Representative Lang."

Lang: "I thank Mr. Black for his answers. To the Bill. We're all interested in putting more police on the street. As a matter of fact, we've had any number, hundreds of Amendments to do that. All those Amendments have been buried in committee, whether the Rules Committee or some Amendment subcommittee. They've been ignored on the floor, buried in the Senate last year. This is a Bill that will add more police, but we're going to take inexperienced officers and put them on the roads and we're going to take experienced officers and put them on the riverboats. Now, I want the riverboats protected as well as anybody, but what crimes, what serious heinous crimes are we resolving there? Are we worried about speeding on the riverboats? Are we worried about accidents on the riverboats? We need to protect the people on the riverboats but to take the best officers, the most experienced officers and put them on the riverboats and add inexperienced officers and put them on the roads of Illinois, seems to be a very dangerous precedent to me. Now, if we're interested in protecting people, we should have the most experienced officers where we need them the most and that will be on the roads you and I drive in Illinois. You've seen drivers on the roads.

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

36th Legislative Day

March 22, 1995

You know we need more state troopers on those roads, not less and not less experienced ones. Accordingly, I think this is a dangerous Bill even though it does incriminatingly add some police officers and I think it deserves a 'no' vote."

Speaker Churchill: "Further discussion? The Gentleman from Williamson, Representative Woolard. Representative Woolard, I'm sorry I can't hear you from up here. Would you please talk into the mike. We do want to hear from you, Representative Woolard, and we're happy that you're here today and please come forward. What do you have to say?"

Woolard: "Thank you, Mr. Speaker. It's indeed a pleasure to be present especially with someone of your character in the Chair. At this time I'd like to relinquish my time to Representative Gary Hannig."

Speaker Churchill: "Representative Woolard yields his time to Representative Hannig. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker, and Members of the House. Just to the Bill. I think that we first..."

Speaker Churchill: "To the Bill."

Hannig: "...of all have to realize that this just is special legislation for a number of people. We do have a process whereby we select individuals to go to the Police Academy. They go through the process. That's all funded by the state through the budget process and ultimately, they do become state troopers, but we're in a situation today where we are told that we have to pass a Bill because some state agencies made a decision to send these people off to school without having the authority to ever admit them into the state trooper's ranks. So apparently now we're looking at a piece of special legislation that somehow we're told that

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

36th Legislative Day

March 22, 1995

we have to pass. Well I don't think that we have to pass this piece of legislation. I think these individuals ought to go through the normal process. That they ought to be selected just like everybody else. That they should not be given any special exceptions. The thing that bothers me the most about this Bill is the fact that we're told that it's to put troopers on the street, on the one hand, but we're told that we're being, that these education...that the education of these people are being funded by the riverboats, on the other hand. And we all know that the riverboat money ultimately ends up in our schools. The Riverboat Gaming Funds end up in our schools. The question is, why are we raiding the Riverboat Gaming Fund? Why are we in effect raiding the school aid formula to put these people on the streets when we have a process to fund this through GRF. So, it seems to me that this Bill goes about the whole process wrong and we ought to be defeating this Bill today."

Speaker Churchill: "Further discussion? The Chair sees no further discussion, so the Chair recognizes Representative Black to close."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House, and I enjoyed the debate. But I hope you'll listen, all of you will listen to me very briefly because I want you to hear again what was said on a rather simple straight forward Bill. The previous speaker said this was special legislation, special legislation to add 22 state police to the state police force. If that's special legislation, give every Bill to me. I'll sponsor it proudly. This Bill is endorsed by the Fraternal Order of Police Lodge 41. Someone else said the riverboats, the riverboats, experienced policemen. The sanctity of

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

36th Legislative Day

March 22, 1995

collective bargaining agreements is what determines what trooper applies and is accepted for riverboat duty. That's a collective bargaining agreement. If you don't like it, tell the director to change the collective bargaining agreement. Then we had all this talk about riverboats, how they wanted to protect people on riverboats. Oh, my heavens, somebody might lose five dollars at the Blackjack table. Oh, who passed the Riverboat Bill? Was it a Democrat Sponsor? I believe it was all Democrat votes that created riverboats. It's been your baby since the first one was launched and now you want to ridicule riverboats. You know folks, you just can't have it. You just can't have it both ways. You created these boats. And that legislation said that the State Police had to be there to enforce state laws. Did I agree with it? No, I did not. That's why I didn't vote for it but someone of you did. Now we get a chance to add 22 state police and you want to throw up every conceivable straw horse that you can throw up in my face to say that this isn't a good idea. It comes down to this. It comes down to this. If you want to add 22 sworn State police officers to the force which means a net gain of troopers, no matter how you look at it, upside down, sideways, or backwards, then you vote 'yes'. If you want to tell your constituents that you had a chance to add 22 state troopers, then you refuse to do it, vote 'no'. And one last canard that I want to address; inexperienced officers will go to the road. How in the world...what do you think happened when 400 troopers took early retirement? Do you think the people we're putting on the street have 30 years experience? No, they're part of the class that graduated last year. They go on the street and they risk their lives to protect you and me. Are they somehow less a

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

36th Legislative Day

March 22, 1995

trooper because they don't have experience? How many of you've applied for a job and somebody told you, well you don't have any experience, come back later. How do you get that experience? You go out on the road and you go to work and you listen to your training officer and in this day in age, if you're lucky enough to survive and not get shot or killed, you'll become an experienced state trooper. What a ridiculous argument. You're grasping at straws like ..."

Speaker Churchill: "I'm sorry Representative Black, please proceed."

Black: "I don't know why you persist in grasping at these silly life preservers on a Bill that many of you are gonna vote for. It's been enlightening. Now put your vote up there and tell the people back home what you really want to do. Do you want to add 22 troopers or do you not want to add 22 troopers? There's gonna be another class in May. We're gonna have another state police class in May. I suppose the same Representative will get up and say when that class starts that be special legislation. Well, give me that special legislation. If we're gonna have another class of 50, I'll sponsor that in a second. That's good legislation. It's common sense legislation. Add 22 troopers to the state police force. Someday the life they save may be yours. Vote 'aye'."

Speaker Churchill: "The question is 'Shall Senate Bill 54 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 96 'ayes', 13 'noes' and 4 voting 'present', and this Bill having received a Constitution Majority is hereby declared passed. In yesterday's

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

36th Legislative Day

March 22, 1995

Session, the Chair had made an agreement with Representative Flowers to call a matter of interest to Representative Flowers at 9:00. We couldn't do that exactly at nine Representative Flowers because we're in the middle of debating a Bill but this is the first item after that so at this point the Chair would go to House Bills on...House Bills on Second Reading and call on House Bill 2331. Mr. Clerk, what's the status?"

Clerk McLennand: "House Bill 2331, has been read a second time previously. Committee Amendment #4 had been adopted. And Committee Amendment #3 has been approved for consideration."

Speaker Churchill: "Representative Flowers, on Committee Amendment #3."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. The time is now 9:19 and I've been here since 8:15 this morning waiting on this Bill to be called. I know. But I'm so offended by this matter. I'm going to withdraw this Amendment."

Speaker Churchill: "For what purpose does the Gentleman from Jersey, Representative Ryder, rise? Representative Ryder."

Ryder: "Mr. Speaker, I truly am troubled as to what to say at this point. I specifically took the Bill out of the record, to offer the Lady the opportunity at a time certain today to offer an Amendment that was important to her. An Amendment that was important to her colleagues because they voted three, all three of them in Rules Committee, to have that Amendment heard on the floor of this House. An Amendment by the way, and I'll be very specific in this, an Amendment that was also sponsored by Representative Saltsman and Representative Currie from Cook County on various other pieces of legislation. So I am now, I'm

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

36th Legislative Day

March 22, 1995

amazed. I cannot imagine what it is that has taken place overnight that would suggest that your idea to repeal, to get rid of, to obliterate the workman's compensation laws in this state, now don't deserve discussion. I am...I'm amazed. Representative we gave you this opportunity. Why is it Representative that now you've decided that you don't want to throw away the system for the workers of Illinois? The...is it because your Amendment is opposed by the unions of the state? Is it because your Amendment is opposed by the businesses of the state? Have you now realized that your Amendment and that Amendment sponsored and supported by your colleagues, Representative Turner and Representative Hannig and Representative Currie in Rules Committee? Is it because you've now decided that you don't want the embarrassment of being labeled as against the working people of this state? Or is because your ploy to somehow talk about workman's comp and to move it into the court so that the trial lawyers could have an opportunity at this, at this litigation? You know, Representative, we took your Amendment seriously. We thought you meant what you said. We gave you an opportunity, we gave you an opportunity to have it heard at a time specific. No one in this General Assembly has had that opportunity because we took you seriously. Are you now laughing at us? Are you now suggesting that you did not take it seriously? Because believe me we did and we were prepared to oppose your Amendment because we don't think that getting rid of the Workman's Compensation Bill, the one that has been developed by your side of the aisle and ours. We don't think that's a very good idea. I'm surprised that you do. Thank you, Mr. Speaker."

Speaker Churchill: "The Lady from Cook, Representative Flowers."

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

36th Legislative Day

March 22, 1995

Flowers: "Mr. Speaker, I would like to have Representative Ryder's words stricken from the record, because I withdrew Amendment #3, so therefore he should not have had anything to say. He said that he would call on the Bill at 9:00, 9:00 came, 9:00 is gone and now he decides to call the Bill. I took the Bill out of the record. So what was that rhetoric over there? Or I took the Amendment, do pardon me, I withdrew the Amendment. So what is he talking about? So therefore his comments were out of place and irrelevant. So I would like for the record to indicate that it will be stricken, null and voided. Thank you."

Speaker Churchill: "Representative Currie, I believe that Representative Ryder had shown a professional courtesy to you yesterday by taking the Bill out of the record and he was discussing that issue. For what reason does the Gentleman from Whiteside, Representative Mitchell, rise?"

Mitchell: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Churchill: "State your point."

Mitchell: "I would like to know from Representative Flowers why the Democrats would even consider an Amendment that would wipe out workers' compensation? Wouldn't that bring us back to a time when thousands of injured workers were left without recourse, no way to alleviate the family suffering and the pain that's caused by injuries on the job? Wouldn't the only recourse they have be through the courts? Wouldn't this be special interest...a special interest Amendment that would allow the trial lawyers to set more fees and to make more money? Wouldn't the employers themselves be left without recourse except through the courts? As a Freshman Legislator from Sterling, Illinois with a steel mill I'm appalled and shocked that the Democrats would allow this to happen."

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Excuse me."

Mitchell: "And I'll fight forever not to let that happen."

Speaker Churchill: "Excuse me, Representative Mitchell."

Mitchell: "Thank you very much."

Speaker Churchill: "Excuse me, Representative Mitchell. For what reason does Representative Granberg rise?"

Granberg: "Thank you, Mr. Speaker. Clearly the Gentleman's remarks were not according to the rules. We are not on the...we are on the Bill, this Amendment has been withdrawn. There is a time and place for discussion and hopefully we will reach that point. So, I think the Gentleman's comments were inappropriate. There's a great deal of merit on both sides of the issue, hopefully that will be discussed. The Representative withdrew her Amendment, that is her right because it was not called at the appropriate time and I would ask the Members refrain from such inappropriate remarks."

Speaker Churchill: "Representative Granberg, I believe that the Gentleman was asking a question and I'm afraid that the Chair didn't get to hear the whole question because you were yelling so loudly. But he did have the right to ask his question. Did Representative Flowers wish to respond to that? Representative Flowers. For what purpose does the Gentleman from Jefferson, Representative Jones rise?"

Jones, J.: "Mr. Speaker. I rise for a point of personal privilege."

Speaker Churchill: "State your point."

Jones, J.: "You know one week ago yesterday in Jefferson County, we held a hearing on workers comp and Representative Jim Meyer chaired that, in which, we heard both sides of labor and management both air their concerns about workers' comp in the State of Illinois and it is a great concern of both

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

36th Legislative Day

March 22, 1995

of them. We heard from both sides of the people. Undoubtedly, Representative Flowers and the Democratic side of the aisle has not heard from both sides of the aisle. Workers' comp is a serious problem in the State of Illinois. But to remove it, like you had planned on doing with your Amendment and throwing everything into our courts systems, putting more judges on the payroll for our taxpayers to pay for, is totally out of line."

Speaker Churchill: "Representative, please get to your point."

Jones, J.: "Undoubtedly, you was doing this for the trial lawyers of the State of Illinois. We want our workers covered in this state and we want them covered properly and to remove this will not do it. I will not stand for the Democrats to remove workers' comp like you had planned on doing. Thank you, Mr. Speaker."

Speaker Churchill: "For what purpose does the Gentleman from Clinton, Representative Granberg, rise now?"

Granberg: "Mr...Mr. Speaker, I don't know the Gentleman did not have a point of personal privilege, so that violates your rules. But we seem...we seem to abide by rules except when your Members talk. But we've certainly gotten used to that the last few months. If we have to do a point of personal privilege then I would ask the same as Representative Jones. For him to make these allegations is totally disrespectful of the whole process, totally without merit, it's ridiculous, absurd. If you want to talk about workers' compensation, let's talk about the business community trying to make a contributory negligent, it's a no fault system. If you want to do away with it, let's do away with it. But we can't have it both ways. There's nothing involved with the lawyers. This is what the business community is talked about, injecting

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

36th Legislative Day

March 22, 1995

responsibility into the workers' compensation laws. They were enacted to help the business community. So there is no issue of percentage of negligence. It is purely that way, that is the intent. Now a lot of business people are talking about injecting contributory negligence into the arguments. That is why we raise this issue, to talk about the merits and what are the options...but for a Gentleman to go far field is totally inappropriate, it's out of place, it should not be allowed in this Body and I would ask you to abide by your own rules. Those are the rules of this chamber, they're for all the Members, not just your side of the aisle, Sir."

Speaker Churchill: "Representative Granberg, we had things nicely quieted down and now you have stimulated more discussion with your remarks. So the Gentleman from Peoria, Representative Saltsman. For what purpose do you rise?"

Saltsman: "Thank you, Mr. Speaker. My name was used by Representative Ryder. I am not a cosponsor of this Bill, I haven't sponsored this Bill. I was called by the Associated Press because I'm a member of the Labor Committee. I did answer to what was in that Amendment, and for Mr. Ryder's information, whoever over there gave him the information, I am not a coSponsor of this legislation, and I resent what he said."

Speaker Churchill: "For what purpose does the Gentleman from Washington, Representative Deering rise?"

Deering: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Churchill: "State your point."

Deering: "I know it was mentioned on the other side of the aisle by some of the former speakers, that they were appalled that all the Democrats were going to support the repeal of workmans' comp. I for one wouldn't have been in support of

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

36th Legislative Day

March 22, 1995

that measure and I plan on voting against it. However, I find it amazing when we stand here today...this in mid March and listen to people from the other side of the aisle cry and tell how they're worried about the working men and women of this state and how they're standing up for the working men and women in their safety and their rights. The other side of the aisle was the fast track aisle that repealed the Scaffold Act that done Tort Reform. It wasn't the Democrats. They took the liability measure and threw it right out the window. They took safety right out the window. And there's people in the gallery here today that work in them elevated situations that are going to be directly adversely affected by these measures. Those are the people that got screwed and it wasn't the Democrats that screwed them."

Speaker Churchill: "For what purpose does the Gentleman from Jackson, Representative Bost rise?"

Bost: "Mr. Speaker. I rise on a point of personal privilege."

Speaker Churchill: "State your point."

Bost: "Mr. Speaker, Members of this House. I have on several occasions received complaints about the fact that I...because I'm from this side of the aisle am opposed to the working man, I'm against the working man. This Amendment is against the working man. Regardless of whether it was repealed or whether it was pulled or whether you wanted to read it or didn't want to read it, it was an attack on the working man. We have been working hard to try to get some information from both sides to come up with a cure to the problem. Not to repeal what is safety, what is good for the working man. And instead you come out with an idea like this. It is totally off the wall, it is totally ridiculous and I'm appalled."

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "The Gentleman from Bureau, Representative Mautino. For what purpose do you rise? Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in a point of personal privilege."

Speaker Churchill: "State your point please."

Mautino: "Thank you. In earlier debate I've...or points of personal privilege its been mentioned as Democrats we're all supporting this. I do not. And what is very interesting is, workmans' comp...we've had the Agreed Bill process so long that many of the Members don't truly understand where a lot of this came from. And workmans' comp came, in a large point, out of the City of Cherry, Illinois in my district when we had the Cherry Mine Disaster in the early 1900's. Where 247 men and women, men died in the collapse of the quote, 'safest mine in the world'. Now at that point it was agreed there would be a no fault system. And the General Assembly appropriated a million dollars to take care of those families in Cherry, Illinois. If you translated that to today's dollars, that is more money than we put on a cap for those women, children in the State of Illinois that were taken care of. This Bill was enacted so that the families would not sue the companies, it was a no fault system. And now when we look at some of the proposals on the table it offends me that we are interjecting faults in a system that was designed to protect workers and the business community. It came from my district and I'll tell you what, I'm offended at the statement that the Democrats would be doing this against the working man, that is not the idea. They would not be supporting this and I'll tell you one more thing on it. That I think some of the damage done in the fast

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

36th Legislative Day

March 22, 1995

tracks, which was done in haste, hurt the working man of the State of Illinois. We will see it. You need Trailer Bills to come out and fix what was not done right and you're now taking an opportunity to make points of personal privilege to set up for your press releases. And I understand this, I understand the game. What you've done is not corrected it is not in the best interest of the State of Illinois or the working men and women of the State of Illinois."

Speaker Churchill: "The Gentleman from Will, Representative Meyer. For what reason do you seek recognition?"

Meyer: "Thank you, Mr. Speaker. I rise in a point of personal privilege."

Speaker Churchill: "Please state your point."

Meyer: "About one week ago I had the opportunity to travel to Mt. Vernon, beautiful part of this state, and in Mt. Vernon we chaired...I chaired a committee...House Committee on workers' compensation. And at that hearing we had a good interchange from all sides of the question. I've introduced Bills before the Commerce and Labor Committee to be heard on changes to workers' compensation to make it a better place...a better environment for our workers to work and good for business. Those are the issues that I'm interested in when it comes to workers' comp. How can we make things better? We have an Agreed Bill process, Mr. Speaker. And during the Agreed Bill process period of time none of this can be talked about by us in committee but it's left to others to decide during the Agreed Bill process. Today I stand and question the Sponsor of this Amendment because it leaves new meaning to the Agreed Bill process. We're just going to wipe it out. There will be no more workers' compensation. And to my way of thinking

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

36th Legislative Day

March 22, 1995

that is not what is in the best interest of our workers in this state. I stand in opposition to the very thought of this Amendment being considered to be passed in this House. I think it would be detrimental to the workers of this state. It would move businesses away because they could no longer have a good work force in which to employ. And I think it's a terrible thing for other Members to also have similar Amendments that they may wish to attach to Bills in the future. Thank you."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Schakowsky. For what purpose do you rise? I'll wait. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Churchill: "Please state your point."

Schakowsky: "It seems to me that a number of the speeches that are being made on the other side of the aisle ought to be saved for the debates that going to ensue, about proposals to cut workers' compensation, that we've seen coming down the pike. And it would seem to me that all the ardent supporters of workers' compensation could get up and talk about their concern for working men and women. For the workers' compensation system. And maybe the notion at that time of instead of eroding what we've had as a no fault system and instead allowing workers to get some just compensation through the courts might seem more appealing to everyone instead of crippling the workers' compensation system that we have right now. So I would just suggest that all of those written and unwritten speeches that you have to make, maybe you'll want to make them a little later on when we're considering these proposals that are going to damage and cripple and diminish the workers' compensation

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

36th Legislative Day

March 22, 1995

system that we have in Illinois."

Speaker Churchill: "The Chair recognizes the Lady from Sangamon,
Representative Klingler. For what reason do you rise?"

Klingler: "I rise in a point of personal privilege."

Speaker Churchill: "State your point please."

Klingler: "Mr. Speaker. I rise in strong opposition to the
proposal of the Illinois House Democrats to abolish
workers' compensation. I was appalled when I read in the
newspaper that the Democrats had an Amendment to be voted
on today to abolish workers' compensation and to go back to
the days before employees had a sure method of obtaining
recovery for their injuries. What this Bill...what this
proposal would do is take ambulance chasers from the
streets and the highways and put those ambulance chasers
into our factories and into our businesses. We don't need
that kind of action in our work place, we need a strong
workers' compensation. Certainly there may need to be
reforms. I would be glad to work with you but I cannot
believe that there is a Democrat proposal to abolish
workers' compensation."

Speaker Churchill: "The Chair recognizes the Gentleman from St.
Clair, Representative Hoffman. For what reason do you
rise?"

Hoffman: "Thank you, Mr. Speaker. First of all..."

Speaker Churchill: "For what purpose do you rise,
Representative?"

Hoffman: "A point of personal privilege Speaker."

Speaker Churchill: "Please state your point."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. First of all, I think everybody should know that
this has been withdrawn. And secondly what I think is
vitally important, I would like to welcome the people on

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

36th Legislative Day

March 22, 1995

that side of the aisle to the recent conversion of the caring about working men and women. It was only about three weeks ago, three weeks ago, you threw out the Structural Work Act, the Safety Act that protected construction workers in this state. There is not one of you on that side of the aisle, not one of you, that has over a 40% voting record with the state AFL/CIO, not one of you. There is not one of you, on that side of the aisle, who doesn't...who did not vote for the repeal of the Structural Work Act. There was not one of you on that side of the aisle who has not attempted to take away the rights of working men and women. Time in, time out, day in, day out and now to have the gall to stand up and say you are the party of the working men is absolutely, absolutely ridiculous. There is not one of us on this side of the aisle, not one of us who has under a 70% voting record with the AFL/CIO, not one of us. We have protected the working men for generations. We have protected the working men for decades and we're going to continue to do it and we're not going to stand idly by while you dismantle 50 years of hard work by working men and women in this state."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Parke. For what reason do you rise?"

Parke: "Thank you, Mr. Speaker. I rise in a purpose of..."

Speaker Churchill: "Do you have a point, Representative Parke?"

Parke: "Thank you."

Speaker Churchill: "Please state your point."

Parke: "It's interesting that my colleagues...a number of my colleagues on the other side have talked about how offended they are on our position to try to support working men and women, as if there's a litmus test and how well we vote for a particular union or not. The fact of the matter is

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

36th Legislative Day

March 22, 1995

everybody here is concerned about working men and women. There's no doubt about it and I certainly wouldn't cost...cast any aspersions on your side either. But the fact of the matter is, you've been talking about proposals that are out there that will curtail or cut back workers' comp legislation that has been proposed by various Members and by various groups. The fact of the matter is, the Amendments that have been filed to replace and repeal workers' compensation is the biggest cut of all. Because now you're not going to have it. And the reason why we repealed the Scaffolding Act is, with evident, with hours of discussion on the floor of the House. If you read the Scaffolding Act, Ladies and Gentlemen, read it. Just take it out and look at what it used to be. No where in there does it guarantee work place safety. Just read it so you understand what you're yelling about. We repealed an antiquated law that was not necessary to be there because the ultimate remedy for injury by working men and women should be workers' comp. To repeal it is ludicrous. Now I know that some of you put that legislation out there as a ploy and now you're getting caught up in the discussion on it. And some people said that they were offended because they weren't the Sponsors. But, Representative Saltsman, I'd like to remind you that you had House Bill 2278 and I believe and I'm not 100% sure but I think Amendment 1 to that Bill does repeal the Worker's Compensation Act. And so therefore you said you were offended but in fact you did have that out there. And it is our responsibility to point that out. I mean it's still a fact. And so there are Members that have put that out there and I know, again it was a ploy to try and have some kind of legislative discussion on the issue. And we're having that now and I

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

36th Legislative Day

March 22, 1995

think in someways it's going to be healthy for all of us. But, I would say that, we must remember that without workers' compensation on the books that we would become a state that would be anti-business as well as anti-working men and women. And I would ask that this concept not be given good consideration. And though I know that we won't ultimately vote on it, I just don't think that's an idea we even should be entertaining and not cut that back. So, let's try and keep the discussion civil."

Speaker Churchill: "For what purpose does the Gentleman from Peoria, Representative Saltsman rise?"

Saltsman: "Again Mr. Parke you're as wrong as Mr. Ryder, that is not my Amendment on that Bill. So don't go saying it's my Amendment when it's not. You've attacked working men ever since you've been in this General Assembly. You've never did anything but harm to them and you're going to continue to do what IMA tells you to do and no other reason will you vote any other way and with them big shots and those big town cars tell you what to do. You're not going to be for the working man. You have never been and you never will be."

Speaker Churchill: "The Chair recognizes the Gentleman from Madison, Representative Stephens. For reason do you rise?"

Stephens: "Thank you. On a point of personal privilege. I just wanted..."

Speaker Churchill: "Please state your point."

Stephens: "...to point out that...to be judged as a Legislator in support of working men and women by your voting record with the AFL/CIO eliminates from the equation about 80% of the work force of the State of Illinois. Secondly, to say that repeal of the Structural Work Act is anti-worker, I believe shows total misunderstanding of what the problem was. What

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

36th Legislative Day

March 22, 1995

it was, it was an Anti-Plaintiff's Attorney Bill and what it is going to wind up doing is creating jobs for union and nonunion working men and women in Illinois. And it's unfortunate that those who don't belong to the AFL/CIO but still work just as hard at their daily jobs don't have their voice here. Maybe they do and maybe, I guess it's on this side of the aisle."

Speaker Churchill: "For what purpose does the Gentleman from Cook, Representative Lang rise? Representative Lang."

Lang: "Thank you. Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This started with Representative..."

Speaker Churchill: "Representative Lang, for reason do you rise?"

Lang: "I rise in a point of personal privilege, like everyone else around here. Thank you, Mr. Speaker."

Speaker Churchill: "Please state your point like everyone else."

Lang: "This started with Representative Flowers withdrawing an Amendment, which she had every right to do. Now this has escalated into a debate that perhaps Members think is fun but is not fun and is not necessary. A Member has a right to withdraw an Amendment at anytime and should not lead to a floor debate on the very Amendment that she withdrew. At any rate, let me make a few comments about some of the things I've heard here. Members of the Republican Party continue to stand up and talk about how they're for working men and women in Illinois. The history of our state indicates that it is the Democratic Party that has put workers' compensation in to play. It is the Democratic Party that protects workers wages. Just this year the Republican Party has dismantled the Tort System in our state, which protects workers. Has dismantled the Scaffolding Act which has made Illinois the third safest state in the country. Has proposed Bills to change the

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

36th Legislative Day

March 22, 1995

child labor laws. Has proposed Bills to privatize EPA. To permit privatization of state prisons. To privatize state bank examiners. To make penalties permissive for public safety and health violations. The Republican Party has opposed efforts to raise the minimum wage. The Republican Party is for efforts to take the no-fault workers' comp system and turn it into a fault system. So that is like a separate civil justice system. Now, Ladies and Gentlemen, this is not protecting working men and women. The Democratic Party stands for working men and women, we always have. The Bills I have listed here are only a handful of the Republican efforts to take away the rights of working men and women. To make their lot in life less than it is today. Ladies and Gentlemen, if we stand for anything as a Legislature it should be to raise the level of working men and women in Illinois. To make their lives better, to give them tax relief that they need, to give them safe working conditions that they need. Not to take a workers' comp system and threaten it with any number of changes that would make the system impossible. If there's anything that caused the Amendment by Representative Flowers to be introduced, it wasn't to take away the workers' comp system, it was to let somebody know that the Democratic Party is not going to stand idly by and watch the Majority Party pick away at a system that protects working men and women in Illinois. We will not stand for that. If you want a system that works we have one in place. Does it need some changes? Perhaps, it does. Let's work through the Agreed Bill process and deal with that. But to pick little parts out and say we're going to change this and we're going to change this just to save a business some insurance money, which is all we did in the

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

36th Legislative Day

March 22, 1995

Tort Reform debate, save insurance and some rich doctors some insurance premiums. I say to you, Ladies and Gentlemen, that the Members on this side of the aisle are not going to stand here and watch you do that. So if you're going to take a workers' compensation system that works and turn it into a system that doesn't work then let's not have a workers' compensation system. But if you want to make sane changes to system that will continue to protect working men and women in Illinois. We'll stand with you, we'll debate with you and we'll talk to you and with you to protect the working men and women in Illinois. That's what this party stands for. And as I've said many times on this floor, what does your party stand for? What do you do for working men and women in Illinois? You take away their rights, you take away their privileges, you take away their safety, you take away their ability to make a living. We won't stand for it over here."

Speaker Churchill: "For what purpose does the Gentleman from Vermilion, Representative Black rise? Representative Black."

Black: "Yes, thank you very much, Mr. Speaker."

Speaker Churchill: "For what purpose do you rise?"

Black: "Like everyone else, I rise on a point of personal privilege."

Speaker Churchill: "Please state your point."

Black: "Well, my point is, you know, like the Gentleman from Oklahoma said a long time ago, 'all I know is what I read in the newspaper'. And I picked up the world's greatest newspaper yesterday printed up...in a city up north. They had this big article about workers' comp and that Democrats where going to repeal it. I...I was so shocked I couldn't even read the entire article. But you know I just...I

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

36th Legislative Day

March 22, 1995

just...you know what I know about this I read in the newspaper. And so I assume that news release or that article came from...came from my friends on the other side of the aisle. But that's not really the point to which I rise. Mr. Speaker, and I need your help on this, I at first was outraged. Yes, at first I was outraged then it just settled down to the fact that I'm shocked. I'm shocked. Mr. Speaker, I clearly heard, I clearly heard a Gentleman on the other side of the aisle use one of dreaded 's' words. Not once but twice. Now I've already been officially chastised for the use of those dreaded 's' words. The Gentleman over there used one of the dreaded 's' words, not once but twice. Shame, shame. I'm still in a state of shock. That Gentleman should be chastised. If I can find a piece a paper I'm going to write out a letter of chastisement and I'll deliver it to the well."

Speaker Churchill: "Representative Black, it is the Chair's recollection that when you where so chastised it was done by a...by a letter of chastisement and so perhaps you do need to put this letter of chastisement together. And at the next...next time we do new House Rules, would you please put House Rule in there about letters of chastisement so we all know the procedure? Thank you. For what purpose does the Lady from Cook, Representative Mulligan rise?"

Mulligan: "Thank you, Mr. Speaker. I rise also on a point of personal privilege."

Speaker Churchill: "Please state your point."

Mulligan: "One of the speaker's on the other side were calling into question different ratings from groups such as AFL/CIO on our side of the aisle. There are several Members that have a better than 40% rating with AFL/CIO. And probably

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

36th Legislative Day

March 22, 1995

some of you took the votes this year that might have a 100%. I do not think that it is either fair to characterize any party or to bring into a political process working men and manufacturers mentioned by name in here. That is why when we have arrived here at the General Assembly we have such a problem working out business issues in this state. There are many of us on this side of the aisle that agree that workers' comp should be preserved, the Agreed Bill process should be preserved. And to state otherwise is very uncharacteristic of the people that are here to do a good job for both the working men and women and business owners in the State of Illinois. I think it's unfair, I think he should go back and look at his figures before he states them and I think that perhaps he should not besmirch people who are really here to try and do a good job for both sides. And not make it a political issue, that it has been made in the past few days. Thank you."

Speaker Churchill: "For what purpose does the Gentleman from Grundy, Representative Spangler, rise?"

Spangler: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Churchill: "State your point please, Sir."

Spangler: "My colleagues on the other side of the aisle have obviously made a very serious mistake. I applaud their efforts today if their attempt of damage control and I think we would have done the same thing if we would have proposed a ridiculous Amendment such as was proposed by Representative Flowers. There are very many of us over here on the Republican side that adequately support workman's comp reform in the form of positive change. For example, there are many seasonal workers out there and let

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

36th Legislative Day

March 22, 1995

me just say that when they're injured it goes back to their previous year, 66 2/3% of their wages and that's what they're paid. Now I've talked to many of the people who work in my district and I think this is something that perhaps we have to look at that will be positive change. But to turn around and say we're going to abolish the program all together, I think was just absolutely ridiculous. But I do applaud your efforts today for damage control on a very foolish mistake. Thank you."

Speaker Churchill: "Representative Flowers. Have you reconsidered and you wish to debate the Amendment now? Representative Flowers, for what purpose do you rise?"

Flowers: "Speaker. The previous speaker used my name in debate and for the record, once again, I would like for it to be clarified that Amendment #3 to House Bill 2331 no longer exists. So, once again, those remarks should be stricken from the record because there was no Amendment up there for him to address. Thank you very much."

Speaker Churchill: "For what purpose does the Gentleman from Kankakee, Representative Novak rise?"

Novak: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Churchill: "State your point please."

Novak: "Well, thank you. I've been listening to these statements made on the other side of the aisle, especially from the Freshman Legislators, you know I've been in this Body for nine years and I thank God Representative Mulligan has more than a 40% rating from organized labor. We speak for the working people, working families down here. You know, I'm tired of listening to the self aggrandizing, self serving, self righteous statements over there about what we're going to do to workers' compensation. You've already decimated

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

36th Legislative Day

March 22, 1995

other labor laws in this state already with your actions. And low and behold more of it is coming down the pipe. Nobody over here has filed any Bills to repeal the prevailing wage or to decimate the prevailing wage. No one over here has filed any Bills to lower benefits for workers' compensation. No one over here has filed any Bills to lower the rights of working men and women. It's people over on that side of the aisle. And when those Shell Bills are finally brought to the floor, low and behold what's going to be in store for us."

Speaker Churchill: "There is no one else seeking recognition. Oops, I spoke too soon. For what reason does the Gentleman from DuPage, Representative Biggins rise?"

Biggins: "Thank you, Mr. Speaker. It's my wish to relate something that occurred regarding this issue on Amendment #3."

Speaker Churchill: "Do you rise on a point of..."

Biggins: "I rise on a point of personal privilege, Mr. Speaker."

Speaker Churchill: "Please state your point."

Biggins: "It is my wish to relate to the Members on both sides of the aisle an event that occurred last Thursday night regarding Amendment #3. The Speaker was invited to appear before a group of the lawyers on both sides of the workers' comp issue. Several of us where privileged to accompany him. And we were scheduled to be received by about 150 attorneys. When the plane landed at Meigs Field we were informed that we had to get there as quickly as possible because since Amendment #3 had been filed the crowd had gone to over 300 attorneys and members of the Industrial Commission. We arrived at the reception sight to a very large round of warm applause. There was a reception line set up so that each of the members of both sides of the

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

36th Legislative Day

March 22, 1995

aisle...issue in that room could come by and greet the Legislators that where there, particularly the Speaker of the House. The Speaker spoke to the throng assembled and a very...like a love-in atmosphere is the way I've been describing it to people, told them some things on certain parts of this issue that I'm not that familiar with but he certainly was and he was greeted to thunderous applause. But the most applause occurred when he held up Amendment #3 and questioned why any Legislator would introduce such an Amendment and that as long as he is Speaker of the House it will never pass the Illinois House of Representatives. And at that point the ovation became thunderous. People were yelling, they were so pleased to hear the Speaker protect the working man. And I think that's good news because the message that the Speaker gave was, we are here to listen to you, to open up dialog so that we make sensible improvements in the workers' comp law and not the radical left move to abolish it."

Speaker Churchill: "For what purpose does the Gentleman...the Lady from Lake, I'm sorry, the Lady from Cook, Representative Davis rise?"

Davis, M.: "Mr. Speaker, why are we debating an Amendment that's been withdrawn?"

Speaker Churchill: "I think that's a great question. Why don't we just let the Amendment be withdrawn and we'll go forward. How's that? Representative Flowers now withdraws Committee Amendment #3 from House Bill 2331. Is there anything further on this Bill Clerk?"

Clerk McLennand: "No further Amendments pending."

Speaker Churchill: "Third Reading. For hat purpose does the Gentleman from Peoria, Representative Saltsman rise."

Saltsman: "Yes, Mr. Speaker I erred in one of my comments about

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

36th Legislative Day

March 22, 1995

not being a Sponsor of an Amendment. There's been an Amendment turned in in my name without my knowledge, Amendment 2 to House Bill 2278, and I want my name stricken from that Amendment. It was a Bill that was in City and Villages Committee, was never heard, and I had no knowledge of who put my name or how that Amendment was attached and therefore I would like to have it withdrawn. And I apologize to the previous person that I recognized as me not being a Sponsor. As myself I am not a Sponsor, but my name was put there and I want it withdrawn."

Speaker Churchill: "Representative Saltsman, unfortunately there is no procedure to do that, but your comments will be journalized. The Chair would now return to Senate Bills, Third Reading. Senate Bill 54. Mr. Clerk read the Bill. The Bill having been read...Senate Bill 102. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 102, a Bill for an Act that amends the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Churchill: "Representative Wennlund."

Wennlund: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 102 extends the sunset of the ERO, which is the Early Retirement Option for teachers which expires on June 30th of this year. Now this is not to be confused with five plus five because it is not five plus five. ERO has been in effect since June 1 of 1980. It has been routinely extended and sunsetted every five years since that date. Now the urgency is that it expires on June 30th of 1995. Most districts require notification from a teacher who elects to take the early retirement option by April 1 of each year. Now if a teacher is less than 60 years old and has 35 years of experience he and the

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

36th Legislative Day

March 22, 1995

district, the employer, can pay a one time fee, 7% for the teacher for each year under 60 or the district would pay a 20% for each year under 60. This has been a retirement option that teachers have had for the last 15 years. If it expires, the teachers will have very little time to make up their mind and the districts will have very little time to accommodate notification of a teacher's election to take this early retirement option. There is no fiscal impact or pension impact because of the large amount of fees that are paid in by the employer 20%, and by the employee 7% for each year of early retirement option. It's vital that teachers and school districts in this state have the time and they're not going to have much. Some of them just will have till April 1 to make that election to retire early. So I would be happy to answer any questions. I urge your passage of this. We need to get it to the governor who will sign it right away so that teachers and school districts can have some certainty in making the election for an early retirement option. Thank you."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Churchill: "He indicates he will. Please proceed."

Lang: "Representative, House Bill 1724 sponsored by Representative Hoffman, and House Bill 1849 sponsored by Representative Brady extend the life of this ERO program for the downstate teachers to the year 2002. Why does yours extend it only to the year 2000?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "I don't know anything about their Bills. This one extends it to the year 2000."

Speaker Churchill "Representative Lang."

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

36th Legislative Day

March 22, 1995

Lang: "Well if it's a good program why not extend it longer?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "The ERO has...as I said in my direct comments if you had listened it has been extended routinely since 1980 in five year increments that's why this extension only runs to the year 2000, which is a nice round number."

Speaker Churchill: "Representative Lang."

Lang: "Well are we so whetted to tradition that we can't extend a good program longer? Why have any sunset on it? Why not just extend it permanently?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "Everyday has a sunrise and everyday has a sunset."

Speaker Churchill: "Representative Lang."

Lang: "So in other words, you really don't have an answer. You're just in a moot fashion because it's always been done for five years at a time...extended at five years at a time this time. Is that correct?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "This...the year 2000...five years is what the teachers unions have requested and it's what the schools have requested."

Speaker Churchill: "Representative Lang."

Lang: "But wouldn't they be happier if you extended it for 20 years or 50 years or for no length of time at all or for 7 years? Why five years?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "I didn't do a poll on what makes them happy or unhappy."

Speaker Churchill: "Representative Lang."

Lang: "Did you draft this Bill Representative or did they?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "Representative Lang...Representative Lang I assume

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

36th Legislative Day

March 22, 1995

that you've been here long enough to know the difference between a House Bill and a Senate Bill. This Bill originated in the Senate that's why it has SB up there."

Speaker Churchill: "Representative Lang."

Lang: "Well you might have asked the Senate Sponsor what they had in mind when they drafted it. Let me ask you if this covers teachers in Chicago at all?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "No."

Speaker Churchill: "Representative Lang."

Lang: "Why does it not affect the teachers in the City of Chicago?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "They have no notification requirement there. Downstate teachers do have a notification requirement. About half have a 60 day notice requirement, the other half have a April 1 notification requirement. The Chicago teachers do not have the same requirement."

Speaker Churchill: "Representative Lang."

Lang: "So Representative, this Bill...does the handling of this Bill by you evidence your concern for downstate teachers? Is that why you are doing this? You want to extend a good program for them?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "I was asked to Sponsor the Bill by the Senate's Sponsor Representative Lang."

Speaker Churchill: "Representative Lang."

Lang: "Well since you have such a terrific concern about downstate teachers, why not put the Resolution to the TRS insurance funding crisis on this Bill since that also affects downstate teachers?. As you know, your side of the aisle has consistently resisted Democratic efforts to take

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

36th Legislative Day

March 22, 1995

care of this problem for the downstate teachers. While you're taking care of this problem for the downstate teachers why not deal with TRS Sir?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "The Republicans are taking care of that issue probably as we speak. This Bill deals only with the ERO. It is of an emergency nature so that teachers and school districts will have some certainty. It is absolutely vital that this get out and pass now and be signed by the Governor, because April 1, if you look at your calendar, is just around the corner."

Speaker Churchill: "Representative Lang."

Lang: "Well my analysis shows Representative, this program expires June 30th not April 1st. Am I incorrect?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "For the fifth time, it expires on June 30, 1995. Most districts require notification by April 1 of 1995. Others require notification 60 days prior to retirement. Now, if we don't put this on the Governors desk and put it into law, teachers who want to retire prior to age 60 will not have the opportunity to do so. There are many teachers out there who want to take and elect the ERO, but if it sunsets on June 30th in the time period for which notification must be given, the teacher there are going to be put in jeopardy for their election of the ERO."

Speaker Churchill: "Representative Lang, you have 41 seconds."

Lang: "Well Representative Phelps is prepared to yield his time to me when we get there Mr. Speaker..."

Speaker Churchill: "There are other Members seeking recognition before him."

Lang: "Thank you. Mr. Wennlund, unfortunately you really didn't answer my question relative to TRS. Why don't we handle

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

36th Legislative Day

March 22, 1995

two items at once? TRS is in a crisis also. Why not take one of the Amendments we filed and put it on this Bill and let's take care of the downstate teachers with both of these problems at once. Why do you continue to ignore this problem?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "This Bill addresses a specific problem. There are other Bills to deal with other situations affecting downstate teachers and they'll be taken care of in due time."

Speaker Churchill: "Representative Lang, you had run out of time. The next Gentleman who wished to speak to the Body is the Gentleman from Peoria, Representative Saltsman. Representative Saltsman."

Saltsman: "I got some questions to ask. Can I go ahead?"

Speaker Churchill: "You're on Representative Saltsman."

Saltsman: "I have a couple of questions. will the Sponsor yield please?"

Speaker Churchill: "He indicates he will. Please proceed."

Saltsman: "Yes. Representative Wennlund, is this permissive for each school district or is this a statewide blanket that will be forced on school districts if it appears?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "I'm sorry Representative Saltsman, over the din of noise I did not catch your question."

Speaker Churchill: "Can we bring the noise level down a little bit. Representative Wennlund is having a hard time hearing the questions of Representative Saltsman. Representative Saltsman."

Saltsman: "Yes Representative Wennlund, is this permissive for each school district to institute this early retirement penalty, and is there a cost factor on that school district

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

36th Legislative Day

March 22, 1995

for allowing this?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "There is absolutely no change in the district. This Bill merely extends the sunset to the year 2000, but it is permissive. The teacher has the option to elect to take the ERO, the Early Retirement Option, and...just school districts end up saving money even though they must contribute 20% for each year under the age of 60."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Well as you know, there's a couple of Bills floating around here you know to waive this penalty and one of them...I was under the understanding that when that penalty was waived that it was something like the five in five, the school district themselves would have to throw something into the retirement system to compensate those teachers for the cost factor that it's going to put on the unfunded liability."

Speaker Churchill: "Representative Wennlund."

Wennlund: "The ERO provides that employers can limit the number of employees that could participate in the ERO in any given year. They can impose a limit that may be no lower than 30% than those eligible. The right to participate has to be allocated among those applying on the basis of seniority in the service of that employer."

Speaker Churchill: "Representative Saltsman."

Saltsman: "In other words, you say there is some options in here for school districts that don't want to let these older teachers go and can't afford to maybe replace them in certain subjects that they're teaching. You know we had some trouble with the five and five because we lost some experienced teachers and afterwards we found out that we really needed them into the system and by allowing this

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

36th Legislative Day

March 22, 1995

penalty to be waived you're telling me now that it's not going to cost the school district or the employee, the teacher, any compensation for this early retirement plan. It's all going to be absorbed by the system itself, the teacher retirement system itself or will our local people be obligated to be able to put a certain little percentage in?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "No, as I stated, for each year under the age of 60, the employee will contribute 7% of his high salary and the employer would contribute 20%. There is no impact on the TRS and the experience of the ERO has shown that the contributions by the employer and the employee, yes it will cost the employee 7%, but he'll make it up over the period of time and the employer saves money because he brings somebody into the system a new teacher at a much lower rate of pay, on the salary schedule."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Yes, well you've explained that pretty well and I think with the teacher making her contribution and the school district I know it's going to save our retirement system from many more unfunded liability on the complete system, but our local people, one more word to be on tape, our local people employer and employee is going to have to make a small contribution to that system to allow this early penalty to be released?"

Speaker Churchill: "Was that a question Representative Saltsman?"

Saltsman: "Yes, that's a question."

Speaker Churchill: "Representative Wennlund."

Wennlund: "I'm sorry, I didn't understand the question."

Speaker Churchill: "Representative Saltsman you have 52 seconds left."

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

36th Legislative Day

March 22, 1995

Saltsman: "Okay, yes, in other words, the teacher's retirement system is not going to take the sole blunt for unfunded liability that this is going to cost? We will have a contribution from the teacher and the school district in which they are letting them have the early retirement?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "Yes that is correct Representative Saltsman."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Yes I'll support this measure."

Speaker Churchill: "Further discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you Mr. Speaker. It's indeed a pleasure again to be called on. I would like to relinquish my time to Representative Lang."

Speaker Churchill: "Representative Woolard, we look forward to the day when you will enter into the debate, but for this purpose we will go to Representative Lang. Representative Lang."

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

Speaker Churchill: "He indicates he will. Proceed."

Lang: "Thank you. Representative, I don't think I really got a satisfactory answer to a question. The question I asked you was why we need to limit this to five years if it's such a good program? I recognize it's been done for five years, five years, five years, five years, but why not just take the date off? Why not just make this a program in perpetuity if it's such a great program? Why don't you take it back to Second Reading and do that?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "The Pension Code and the Constitution provide that you can never spin backwards on it and the rest of the answer to the question is, I don't know."

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

36th Legislative Day

March 22, 1995

Speaker Churchill: "Representative Lang."

Lang: "Representative I want to congratulate you for the first honest answer out of that side of the aisle since the middle of January. You answered a simple question in a simple way, you said I don't know, and because you were honest with me I'm done with my questions now."

Speaker Churchill: "Boy if that's all it took Representative Lang you probably would have encouraged that a long time ago. Any further discussion? Seeing no further discussion the Chair would call on Representative Wennlund to close."

Wennlund: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. On behalf of those teachers who are nearing retirement and want to elect to take the Early Retirement Option, I urge your support of this Bill and let's send it to the Governor's desk and get it signed so that teachers will have some opportunity, a window, to elect to take the Early Retirement Option. Thank you very much."

Speaker Churchill: "The question is shall, 'Senate Bill 102 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 114 'ayes', no 'nays', and no 'presents'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair would like to make an announcement. Today in the Speakers Gallery, are members of the Teutopolis High School Lady Shoes basketball team. This team recently won the girls Class A State Championship and are guest of Representative Hartke. The Lady Shoes...Representative Hartke I think they're cheering because you're up in the gallery. The Lady Shoes finished with a record of 33-1 and are coached by Dennis

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

36th Legislative Day

March 22, 1995

Koester. Assistant Coach is Lori Thomson and Kim Beckman. This is the Lady Shoes fifth state title win under the rein of coach Dennis Koester. How about a big hand. House Bill 113, Mr. Clerk read the Bill."

Clerk Rossi: "Senate Bill 113, a Bill for an Act amending the Mental Health and Developmental Disabilities Code. Third Reading of this Senate Bill."

Speaker Churchill: "Representative Ryder to present the Bill."

Ryder: "Thank you. There is a certain amount of speed that's required for this Bill and I hope my explanation will be able to offer that reason. It is legal under the laws of the State of Illinois for "psychotropic drugs", which are mind altering drugs that are used in controlled setting in mental health and developmentally disabled facilities to be used with the consent of the guardian or perhaps with the consent of a court. However, a recent court decision in 1994 changed completely the process by which these drugs can continue to be used. A judge's decision indicated that the courts must review every 90 days the administration of these drugs even if physicians and other professionals agree to the continuation of the administration of the drugs. This Bill has been suggested to me by the Guardianship and Advocacy Commission, the Department of Mental Health and Developmental Disabilities. It is supported by the Chicago Bar Association and by the State Medical Society, but those are not the ones that are most important in this situation. What I'm really here for is two things. I'm asking for support of this Bill so that the guardians can continue to have authority over those to which they have been appointed to care for and on behalf of the court systems of the State of Illinois. We have potentially thousands of these cases and in areas such as

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

36th Legislative Day

March 22, 1995

Representative Granberg's, Representative Novak's and others if you have a developmentally disabled facility or in some cases a mentally ill facility, you will find in your small counties, thousands of cases, not just once a year or once a lifetime, but four times a year. In the county in which I represent that does have the Jacksonville Developmental Center. The courts have advised me that this will cause an additional \$200,000 of expense in a court system that's already overburdened with all of the Crime Bills that we've been sending them for the past decade. The Bill passed the Senate. This Bill passed out of committee, and in fact, passed out of committee twice because I had sponsored a Bill 840, it didn't move along quickly enough. The reason for the speed is this, in anticipation of the General Assembly responding quickly, the guardians have postponed taking before the courts the renewal applications that are required under the court decision. That quarterly has to start if we don't pass it right away, that quarterly decision has to start almost immediately. I would think in April is the month that I am told in order to review on behalf of the first quarter and then each quarter thereafter. That's the purpose of the Bill. To return to the guardians, the ability to make these decisions and it's also under our current law possible that if an interested party believes that the administration of these "psychotropic drugs" are inappropriate, a court review is always possible upon petition. What we are trying to do is avoid the routine bringing before the courts, time in and time out, of the administration of "psychotropic drugs" when everyone agrees that the drugs are doing the job for which they are purposed, for their purpose, and that it is in the best

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

36th Legislative Day

March 22, 1995

interest of that individual. I'd be happy to answer any questions Mr. Speaker."

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

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

Speaker Wennlund: "He indicates he will."

Schakowsky: "Thank you. Representative, let me just clarify a couple of points. Were there any opponents to this legislation?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Representative, I don't recall, but I recall I think you were in committee with me so I'm sure you'll tell me if I'm wrong. I don't recall any opponents to this Bill. In fact the group that is the most zealous in fighting for the recipients in this case, the residents of the facility, which I used to know as Protection and Advocacy but they have a new name now. I believe that they have not even taken a position on it. I take that as a sign that there is no opposition."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Also, just for the record, I wanted to clarify this deals with people who are in facilities that are under the auspices under DMHDD and not nursing homes and dealing with elderly patients and the use of "psychotropic drugs" with the elderly in nursing homes. This doesn't have anything to do with that does it?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative, I just received some news that confuses me. I represented in committee, and I will represent today, that we're talking about those folks in the Department of Mental Health and Developmental Disabilities.

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

36th Legislative Day

March 22, 1995

Staff indicated to me that the Department of Public Aid may have a different impression. That is not the way I presented it in committee, that is not the way I'm presenting it now. I am indicating to you that it is my intent as a Sponsor of the Bill that it only applies to those folks that are in the facilities administered by the Illinois Department of Mental Health and Developmental Disabilities."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "That is really my concern. Last year I was successful in getting passed and signed into law, a Bill that does restrict the use of physical restraint and "psychotropic drugs" for nursing home residents and my concern is that this Bill might not be explicit enough in indicating only that we are dealing with damaged DD routine...almost kind of life sustaining medication and I wonder if you could reassure me?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative please be reassured that that is my intent for this legislation in the event that that legislation or that someone misreads that, then I would join with you to correct that. I do have another Bill which attempted to do this, exactly the same language I might add, House Bill 840, in the event that there is some attempt to expand it beyond what I've just said today, but you and I used that Bill to correct that."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Then to the Bill Mr. Speaker I certainly share with Representative Ryder the concern that we not in fact endanger the residents of DMHDD facilities who need on a regular basis these "psychotropic drugs" in order to control their illness. We don't want to hamper that nor do

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

36th Legislative Day

March 22, 1995

we want to hamper the institutions ability to care for those residents and in that spirit I would urge support for this Bill, but I want to underscore what was said for the record here that if it is in anyway used to expand the use of "psychotropic drugs" inappropriately in nursing homes for the elderly we don't want that. That is not the intention of this legislation."

Speaker Wennlund: "Further discussion? The Gentleman from Kankakee Representative Novak."

Novak: "Yes, thank you Mr. Speaker. I rise in strong support for this Bill. About three weeks ago I got a call from our chief judge in Kankakee County, Judge Goole, indicating that we desperately needed to get this Bill on the Governor's desk because of the tremendous impact on the court logistics in our area. And if you have a DD facility in your area around the state as well as what we have in Kankakee, one of the biggest ones in the State of Illinois, this Bill will tremendously help your judicial system. There is no opposition to it and I think we should expedite this Bill as quickly as we can and get it on the Governor's desk so I would urge my colleagues to support this Bill."

Speaker Wennlund: "Further discussion? Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Dart: "Representative, I was interested in the court case that caused this problem. Where was it out of and what was the facts that made them...cause it doesn't make a lot of sense? I'm interested in why they did this."

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative, the name of the case is Henry Austin, A-u-s-t-i-n. I do not have the Circuit from which it came, but I can tell you that the notes indicate that on December

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

36th Legislative Day

March 22, 1995

6, 1994, the Supreme Court refused to review the decision. The Department of Mental Health and Developmental Disabilities has been delaying until the Supreme Court made a decision administering the judges decision. Unfortunately, and I think the reason they're nervous now is, they've also delayed hoping that you and I would do the right thing. I apologize. I'd be happy to look up the case. I don't know the facts and circumstances, but maybe if you hold on a second I can learn...Representative, I'm now informed that it was a July 1993 holding of the Fourth District Appellate Court 245, Illinois Apt. 3rd 1042."

Speaker Wennlund: "Representative Dart."

Dart: "Thank you, I appreciate your answer. My concern was just because I agree with what you are talking about, you make sense, it's just it seems strange to me that a court would come up with an opinion like this and be affirmed on the different Appellate levels as well, unless there was some compelling reason why they are doing this. Because what your saying makes eminent sense. My only concern is that with some of these guardians, I'm not sure exactly...some of them have more contact than others with their patients and what we are basically doing is removing any type of oversight and it's just my concern. I was wondering what particular problem this court was trying to address with that if that was directed at a lack of oversight in general or what they were doing?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative, I share your concerns and I examined that clearly before I offered this legislation. Guardians have certain requirements. They have to visit the person for whom they are guardians, I think it's four times a year. Maybe that's where the quarterly reviews came in by the

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

36th Legislative Day

March 22, 1995

courts. I don't know. I can tell you that in the case of individual guardians, and there are some throughout the state, the vast majority of them are family or friends and they take very seriously the job that they do. Probably not 100%, but I think the vast majority do. For those that are not family or friends, then we have an agency called the Guardianship and Advocacy Commission. It is their job to do that which I just described. I assure you, because I've watched their behavior over the last 10 years, they do take their job very seriously. They want to be able to advocate on behalf of those individuals and they are afraid that this routine paperwork of every 90 day review before a judge is going to prohibit them from doing the very job that they want to do. I wish that I could explain to you the decision of the judge. I can't, but sometimes the judges are bound by laws as they interpret them and they either implicitly or explicitly say to the Legislature, 'I'm deciding this by the laws, maybe you Guys and Ladies should change those laws'. That's what I'm doing here."

Speaker Wennlund: "Representative Dart."

Dart: "Just a couple of quick questions. I'm not going to beat this one about the court case. My understanding is that the guardianship they have a high case load which would probably result in them being able...in some cases waiting lists as well. Would that be part of the problem that they were trying to address? Because as I said, that right now I...from what I understand there was some concern brought by some people that this was necessary to get done right now, but yet there was need for further discussion to make sure that if there may be oversight needed that there be some follow up Bill or some discussion about doing that?"

Speaker Wennlund: "Representative Ryder."

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

36th Legislative Day

March 22, 1995

Ryder: "Thank you, Mr. Speaker. Representative Dart, that's a valid question and I think that if you were to talk to the Guardianship and Advocacy folks they would suggest to you that they do have a big case load. We are asking all parts of state government to do more with less and they have been asked that question and they have attempted to do it. They have ideas about how better to do their jobs and I've supported those ideas in the past. I think you did once last year as well to your credit."

Speaker Wennlund: "Representative Dart. Turn on Representative Ryder please."

Ryder: "Thank you, I appreciate it this early in the morning. I'll try to finish my answer to you as briefly as I can. The Guardianship and Advocacy folks do admit they have a big backlog. They would indicate that with more resources they could do more. They indicate that there are some additional things that they could be doing, but they focus very, very hard on the single issue of representing those residents and facilities of the state, and on that I think they do a very good job. I think that the judge simply made a decision based on the laws and we need to clarify that. And that's why I'm doing it. I'm sorry to take so long in your time Sir."

Speaker Wennlund: "Representative Dart could you bring your remarks to a close please."

Dart: "One final question. Is there going to be some type of ongoing debate on this issue? Because as I said, some people mentioned to me there's a concern that we're removing all of the oversight here for administering these drugs. Are there going to be some type of oversight so that...I mean some continuing discussion to see if there is a need to inject some type of oversight like...because

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

36th Legislative Day

March 22, 1995

right now it's sort of crazy what the judges are asking us to do so we are trying to correct that? Are we going to put like a middle ground in there that would be some type of oversight?"

Speaker Wennlund: "Representative Ryder."

Ryder: "Representative, I would be glad to enter into that debate. I have for several years. This is an agency that I take particular...pay particular attention to because I like what they do representing the residents of these facilities and I take that almost personally if you will. I'd be happy to engage in that debate. I would be happy to see if there are other ways than clogging our courts to protect the individuals that are in the facilities. If you wish to engage in that or others I'd be happy to talk to you about that. I would suggest to you that without additional resources, and we are limited in those these years, I'm not sure I have all the answers so I would be happy to engage in the debate. Thank you for your questions."

Speaker Wennlund: "Further discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. To the Bill. I just want to thank the Sponsor of this legislation for bringing this before the Body. This issue was addressed last Session. Unfortunately the Senate did not act...needs to be done as expeditiously as possible. I know the Sponsor's very concerned with these institutions and these residents and the policies involved and again I just want to compliment him for taking his time to bring this issue forth that we can deal with this very serious issue."

Speaker Wennlund: "Further discussion? There being none, Representative Ryder is recognized to close."

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

36th Legislative Day

March 22, 1995

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the conversation we've had on this Bill. I take it very seriously. We have an opportunity to do good things for the folks that are residents in our mental health and developmental disabilities facilities. We have the ability to do good things by prohibiting all these cases from coming to the courts despite the fact that the Senate voted 52 to 0. I would ask you to exercise your own judgement and ask you for your approval on this Bill. Thank you."

Speaker Wennlund: "The question is, 'Shall Senate Bill 113 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 64 'ayes'...there are 114 'ayes', no 'nays', and this Bill having received the Constitutional Majority is hereby declared passed. We will now proceed to the order of House Bills, Third Reading. Mr. Clerk, read House Bill 539."

Clerk Rossi: "House Bill 539, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Persico."

Persico: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 539 amends the Illinois Vehicle Code. It increases the penalty for a driver who does not stop his or her vehicle when a school bus is stopped for the purpose of receiving or discharging pupil. It provides penalties for any violation. The genesis of this Bill came from an incident that happened in my legislative district where a school bus was stopped and the driver was discharging a pupil, a sophomore in high school, and the driver behind

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

36th Legislative Day

March 22, 1995

the school bus went on the shoulder and struck the child and killed the child. Another incident happened about a week later with a grammar school child who fortunately saw the car coming and went back on the bus and avoided an injury. There are increasing things that are happening every day where the drivers are failing to stop when they see the school bus children being discharged. Last year the Secretary of State reported 380 incidents. The year before that 400 and so I urge your support of this Bill, it's supported by the Illinois State Police, the Secretary of State, and the Illinois School Alliance. And I urge your favorable consideration of House Bill 539."

Speaker Churchill: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I just simply rise to support this Bill. I hope this is a Bill that we don't have filibuster. This is a Bill that all of us can support. It has no fiscal impact. You can read all the notes. It has no correction impact. What this Bill does is to try to protect our children who ride school buses to and from school and it's aimed at the person who abuses their right to drive their privilege to drive. If you are going to blow that stop arm on a school bus and endanger the life of a young child, by golly you ought to pay a higher fine. I don't know why we haven't done this years ago. The Sponsor has a good Bill. It's trying to protect our children in this state. This is a Bill we don't need to debate we need to pass and get to the Governor's desk and have him sign it. It's a good Bill and it's worthy of an 'aye' vote."

Speaker Churchill: "Further discussion? The Gentleman from Rock Island, Representative Boland."

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

36th Legislative Day

March 22, 1995

Boland: "Yes, thank you Mr. Speaker. I rise in support of this Bill. It's an excellent Bill. It's one that's needed as Representative Persico has pointed out very ably and Representative Black's comments are appreciated. It's a problem all around the state unfortunately not just in the Dupage County area. We've seen that increased penalties have worked in the drunk driving area and so it's now time to increase the penalties in this area. This Bill does this and hopefully this Bill will send a very strong message to those people who take their driving privilege so leisurely that they abuse the very important privilege that they have and possibly endanger all of our young people. I think it's quite interesting that the three of us so far that have spoken are all teachers and our interest in children has spawned this Bill and I would urge all of my colleagues on both sides of the aisle to please vote yes on this. Thank you."

Speaker Wennlund: "Further discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Wennlund: "He indicates he will."

Dart: "Representative, on the...you've increased the penalties from what to what again? I'm sorry."

Speaker Wennlund: "Representative Persico."

Persico: "Currently a first offense provides for a 30 day suspension for the driving privileges and a \$75 fine. My Bill, the new Bill, if enacted into law would provide for a three month suspension for a first offense and a fine of \$150. If a second offense occurs within five years, the mandatory fine is \$500 and loss of driving privileges for one year."

Speaker Wennlund: "Representative Dart."

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

36th Legislative Day

March 22, 1995

Dart: "Would...under this legislation, would the person, the defender in this case, be allowed to get driving privileges back prior to that year?"

Speaker Wennlund: "Representative Persico."

Persico: "No, it prohibits violators from receiving supervision."

Speaker Wennlund: "Representative Dart."

Dart: "Would that mean that they would be unable to get JDL's or any other type of driving permit from the Secretary of States office that they presently get...I don't know whether it's DUI's or whatever it is they are eligible to get those things either through the court or through the Secretary of State. Are we preventing that now or is that still an option that is available to these people?"

Speaker Wennlund: "Representative Persico."

Persico: "We could check into that, but we believe that is still an option that is available."

Speaker Wennlund: "Representative Dart."

Dart: "On that issue in particular, I think that what you're doing, I think you will get everybody's support on this. One of the problems I have seen from my days in dealing with some of these types of cases was the fact that these people would go into court after being given this citation or whatever, and the suspension and they would turn around within a week and they would have judicial driving permits and they would have other things that would be given to them and in a situation like this. I don't think that should be an option we should make available to them. I would suggest, not maybe on this Bill, but there's another one out there that might be well worth our while to look at prohibiting JDL's or something like that for these type of violations. Normally, those are options that we want to give so people can get back and forth to their jobs, but in

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

36th Legislative Day

March 22, 1995

a situation like this it's too dangerous and I think that you might be...something we might want to visit."

Speaker Wennlund: "Representative Persico."

Persico: "Well...thank you Representative I happen to agree with you that's why we are checking it right now. If I had my druthers I hope that it is that they would not receive this kind of supervision. One of the problems that we had in receiving very accurate figures of how many incidents actually occur because they are allowed supervision at this time for this particular offense. It occurs much more frequently than 400 times a year where they lose their license, but because of supervisions there is no accurate records on that."

Speaker Wennlund: "Representative Dart."

Dart: "Then in supervision it'll still be an option under this too, correct?"

Speaker Wennlund: "Representative Persico."

Persico: "According to what I would like, we're checking it right now, it would not be an option. There is no supervision."

Speaker Wennlund: "Representative Dart."

Dart: "Once again, my reading of this, I'm not sure if we prohibit that and I think we should. Court supervision is used much too often and I agree with you the numbers are going to be all skewed because supervisions don't pop up on most of this stuff. The other point I wanted to make too is that similar to the drunk driving how the increased penalties have helped there. What has the Secretary of State's office told...informed you as to how they would get the word out because we're very serious about offenses like this because it won't do us any good if we do this in a vacuum where no one knows we raise penalties and the only time you find out is when you have an actual violator

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

36th Legislative Day

March 22, 1995

there? Is there something they're going to do to let people know this is an offense we are taking very seriously?"

Speaker Wennlund: "Representative Persico."

Persico: "Well Representative, I know that the Secretary of State is definitely behind this Bill. I have not talked to them about how they are going to get the word out, but I do believe that's something that I will sit down with them in order to achieve that purpose."

Speaker Wennlund: "Representative Dart."

Dart: "Just a final question. On the case in particular that you mentioned in your area...the offender, weren't they not in fact charged with felony offenses for the commission of this?"

Speaker Wennlund: "Representative Persico."

Persico: "Yes they were, but it has not come to trial yet."

Speaker Wennlund: "Representative Dart."

Dart: "And just to make this clear, just like all other offenses along this nature would in no way effect the felony charges that have been pending against that individual. This would be just yet another one of the many charges that would be against that person and probably would most likely be thrown out prior to trial to concentrate just on the felony."

Speaker Wennlund: "Representative Persico."

Persico: "It would not affect the trial that is currently going on. No."

Speaker Wennlund: "Representative Dart, any further discussion? Being none, Representative Persico is recognized to close."

Persico: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I urge your support of this Bill. It's a much needed Bill. Hopefully it will do exactly what the

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

36th Legislative Day

March 22, 1995

enhanced penalties for DUI's did for drunken driving and I urge everyone on both sides of the aisle to support House Bill 539."

Speaker Wennlund: "The question is, 'Shall House Bill 539 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 114 voting 'aye', no 'nays', and this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 583."

Clerk Rossi: "House Bill 583, a Bill for an Act amending the liquor control Act of 1934. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House. House Bill 583, restores the Liquor Control Act back to the present law, except that it provides those with a second class wine makers license. May sell up to 10,000 of the 50,000 gallons of the licensee's wine directly to retailers. The reason for this Bill is that I have a winery in my district and he now has a second class license because he has been growing and we've allowed him to sell...or to distribute his wine to Marshal Fields and some of the local areas, especially during the holiday season. We've had a meeting with all parties that are concerned. The beer distributors, the Wine Institute, the lawyers, and they have all come to this agreement so therefore I would ask its favorable passage."

Speaker Wennlund: "Is there any discussion? Representative Mautino."

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

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

36th Legislative Day

March 22, 1995

Speaker Wennlund: "She indicates she will."

Mautino: "Is there anything which is being impacted outside of the wine distillers license in this Bill?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "No Representative."

Speaker Wennlund: "Representative Mautino."

Mautino: "This does not increase or change any of the authorities within the Liquor Control Commission?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "It does not disturb the three-tier system."

Speaker Wennlund: "Representative Mautino."

Mautino: "That's exactly what I was asking. Thank you very much."

Speaker Wennlund: "Further discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you Mr. Speaker. Will the Lady yield?"

Speaker Wennlund: "She indicates she will."

Granberg: "You just answered my first question Representative Wojcik. This will not disturb the three-tier system that is currently in place?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "That is correct."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, if I remember reading your Bill correctly, how is that the case? I didn't think that would be the way the Bill was drafted and filed."

Speaker Wennlund: "Representative Wojcik."

Wojcik: "Representative, because we amended the Bill. The original Bill was just the intent so we could get all parties together to discuss what the winery wanted to do. So anyway, what we did is that the original Bill was the intent and then we gathered all parties together who would

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

36th Legislative Day

March 22, 1995

be interested and we came up with the agreement. And as the Amendment came through it just allows the winery to distribute 10,000 gallons."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, this would apply just to this specific instance in your district?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "That is correct."

Speaker Wennlund: "Representative Granberg."

Granberg: "And I believe there was a group called the Wine Institute and they were initially opposed to the legislation, but as you have stated they have now withdrawn that opposition. They are in agreement with your Amendment, with your Bill as amended?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "They were initially opposed to the original Bill. They were in favor of the Amendment."

Speaker Wennlund: "Representative Granberg."

Granberg: "And as well I believe the Beer Distributors of Illinois have now withdrawn their opposition cause they had concerns about the three-tier system change?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "That is correct. That's what prompted the meeting. We had all bodies present and concurred with what we were trying to do and we had the Amendment prepared. We sent the Amendment out to all parties. They agreed again and therefore we were allowed to get it favorably passed out of committee."

Speaker Wennlund: "Representative Granberg."

Granberg: "And Representative, while we have this now for this one wine wholesaler, but this would be limited by the Amendment...by the population and by the gallonage this

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

36th Legislative Day

March 22, 1995

would have no impact on anyone else and you don't see any...do you foresee anyone else that would like to come under the provisions so we don't expand this to such an extent that in fact we do change the three-tier system. So we will not do that?"

Speaker Wennlund: "Representative Wojcik."

Wojcik: "Representative I don't think even if we wanted it to touch the three-tier system we couldn't because of the federal guidelines and with the way this Amendment is printed and completed what it will do is just be an aide to the individual from my district."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you Representative, I appreciate your patience. One last question. Now with the federal guidelines I'm not sure how that impacts the situation or how it can limit it in the future. Could you briefly explain to me what would occur?"

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Wojcik is kind enough that she is, I believe, discussing it with staff in what the federal guidelines are so this would in fact be limited and we could not expand this any further in the future."

Speaker Wennlund: "Representative Wojcik."

Wojcik: "You can not expand it Representative."

Granberg: "And one last question Representative Wojcik. So this would not...I just want to make sure...this would not apply to any of these brew houses or businesses of that nature that we are seeing the expansion of currently?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "It would not effect the microbrewery."

Speaker Wennlund: "Representative Granberg."

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

36th Legislative Day

March 22, 1995

Granberg: "Thank you, Mr. Speaker. Representative Wojcik to the Bill. I applaud your efforts of bringing all the groups together, particularly the Wine Council and the beer distributors to remove their opposition. I know you spent a great deal of time in this and I appreciate the time you've given me in answering these questions, but our concern, like yours, is with the Amendment to the three-tier system. There is a great movement across the country in trying to do away with that system which would remove the protection for consumers and wholesalers alike throughout the states and other states so with that I applaud you and your efforts and I rise in support of the Bill."

Speaker Wennlund: "Is there any further discussion? There being none, Representative Wojcik is recognized to close."

Wojcik: "I thank the Gentleman from the other side of the aisle and I would just like to make it perfectly clear that when we do legislation for my constituents, that we always keep in mind the three-tier system and we would not want to jeopardize anything in that area and on that note I would just ask for favorable passage."

Speaker Wennlund: "The question is, 'Shall House Bill 583 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 113 voting 'aye', no 'nays', 1 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 549."

Clerk Rossi: "House Bill 549, a Bill for an Act in relation to the practice of locksmithing. Third Reading of this House

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

36th Legislative Day

March 22, 1995

Bill."

Speaker Wennlund: "The Chair recognizes Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Ladies and Gentlemen of the General Assembly. House Bill 549 has two different components in it; one is the licensing of locksmiths, the other portion is the licensing of geologist. I'm going to direct the locksmith portion of this Bill and then I'm going to yield to Representative Pankau to address the Geologist Licensing Act. If you recall last year, Representative Bugielski introduced a Bill to license locksmiths in the State of Illinois which was provoked by a couple of exposes that were done by Channel 2 News and Channel 5 News in Chicago on the abuses of certain fringe locksmiths in the City of Chicago that were doing business in the Chicagoland area. What the exposes showed were that they would call a locksmith out of the newspaper go to some house that they did not own and they did not know who owned and the locksmith, without asking for any identification or any verification of the fact that that person owned the home, went in and opened the home up for them. In another case they had where a locksmith was called by an individual who said they had locked their keys in their car or were locked out of their car; called the locksmith out and the locksmith opened up the car to an individual who didn't own the car. This whole act was initiated by the locksmiths themselves. The established locksmith industry in the State of Illinois has asked us to proceed with this. This Act differs from Representative Bugielski's Bill last year in that this is not a new Act in it's own right. What we have done is provided an Amendment to the Private Security Act and added an additional Article. As a result, we are not creating a new Act, we are simply putting the locksmith

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

36th Legislative Day

March 22, 1995

licensure under the guise of the Private Security Act so we don't have to create another board and we don't have to expand the size of government regarding the Locksmith Act. I would ask that we get a favorable vote on this. I'll entertain any questions."

Speaker Wennlund: "Further discussion? Representative Pankau."

Pankau: "I rise to ask you to support this Bill also and particularly the part of the Bill that deals with the licensing of professional geologists. We're finding that when you're removing underground storage tanks, more and more you're having to consider the geology of the ground that's underneath and the geologists are asking for the right and the privilege to exercise their profession. This Bill is very similar to one that has passed out of this chamber three times before. However, there are some changes in that this time prior to doing it we've had a number of meetings, particularly with the engineers, with the department itself, to put it in the proper order. And I believe we've worked out basically all the details of it and there were some turf war battles before; we've worked those out also. So, I stand ready to answer questions also and to ask for your favorable approval of this Bill."

Speaker Wennlund: "Further discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all to you Mr. Speaker, the issue concerning Marion County has been addressed and I believe your Member has been contacted. I think that would be to your satisfaction."

Speaker Wennlund: "Thank you, Representative Granberg. You may continue."

Granberg: "Will the Gentleman yield."

Speaker Churchill: "He indicates he will."

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

36th Legislative Day

March 22, 1995

Granberg: "Representative Saviano, I appreciate your earlier remarks about not creating another board which is something we don't need, but could you please outline the provisions in your Bill affecting the locksmiths? What types of fees, the licensing agreements that...things of that nature please?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Okay. Now I want to remind you that these fees were set by the locksmiths themselves. The Association has come up with these fees and we are just accommodating them by what they have requested. The initial licensing application is \$350...the reciprocal licensing application is \$350. The renewal of the license is \$100 per year. Restoration of a expired license is \$50 and payment of last renewal fees. Restoration from inactive status is \$50 plus payment of current renewal fee. Issuance of a duplicate license is \$25, and certification of records is \$20."

Speaker Wennlund: "Representative Granberg."

Granberg: "And this, Representative Saviano, would apply to all the locksmiths in the state? I know you said this arose out of some circumstances in the City of Chicago, but we downstaters sometimes have questions about the applicability of what you're trying to correct and the impact on our districts as well, so, this would apply to downstate?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Yes Representative, this applies statewide and I can assure you that we've had strong support from downstate for this Bill. I have, and I can assure you also, that I have not heard of any opposition regarding this Bill from any legitimate locksmith doing business in the State of Illinois."

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

36th Legislative Day

March 22, 1995

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative Saviano, when you had the negotiations on this item who actually represented the downstate locksmiths?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, the Allied Locksmiths of Illinois is the organization that is the statewide organization which negotiated this Act. They have statewide meetings. There was input from all parts of the state regarding this legislation. Obviously, over the last two years, this legislation has evolved to the point we are at right now based on the fact that we've addressed the concerns of all individuals regarding this Bill. Initially last year, we had problems with the Illinois Retail Merchants who represent places like Sears and Walgreens, who have on-site maintenance men. Those kind of people are exempt. The trades...the building trades, the AFL/CIO, we addressed that aspect of it. We've exempted them. These are strictly independent...we are just addressing the independent locksmith who does business in this state."

Speaker Wennlund "Representative Granberg."

Granberg: "When you say the independent locksmiths that do business and they are represented by this one group I assume..."

Speaker Wennlund: "Representative Saviano."

Granberg: "...represented by this one group Representative Saviano, and that is who you dealt with?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Yes, Representative, Allied Locksmiths of Illinois is the, as far as I know, dealing in the negotiations on this Bill. It is the only association that represents locksmiths statewide. They seem to be a very organized

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

36th Legislative Day

March 22, 1995

group. We've received input from all locksmiths across the state and again I want to reiterate that this Bill has been around for some time. It was in committee for the whole committee process and we didn't pass it out till the last date to allow opportunity for locksmiths to have input and they came in as a united front to address this Bill."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative Saviano, you indicated that meetings were held statewide on this matter this past year. Do you know when and where these meetings took place, because I have not heard from any locksmiths in my district on this issue and I'm just a little concerned that they may not be aware of this \$350 initial fee and I want to make sure they had input into the process?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, I can't give you date...that's up to them. They have their meetings and report back to the committee on the results of those meetings. And the provisions set forth in this Bill are pretty much a culmination of what they decided on. We don't want to get too involved in their business. They know their business better than we do, so I look to them for that sort of guidance. So when they have meetings, they report back to us. I can't give you the dates or times of the meetings."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you Representative. I think you understand my concern because if you are not a member of that group, I know the people in Southern Illinois probably aren't members of this group, and when they receive some sort of notice that they now have to pay \$350, it's going to be quite a surprise for them. Could you please explain how this will work with the current locksmiths...the

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

36th Legislative Day

March 22, 1995

independents that belong to this group? Will they be notified that they have to file with the department? Could you briefly explain that procedure please?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, the Association has a database of approximately 5,000 locksmiths doing business in the State of Illinois. They have assured me that they have contacted all of those locksmiths that do business in the state and they will utilize that same mechanism to make sure that everybody is notified as a locksmith in the state that they must comply with the law. They have been notified of the ongoing negotiations of the legislation itself. I don't believe that there's any legitimate locksmith in this state doing business that is not aware of this Bill."

Speaker Wennlund: "Representative Granberg."

Granberg: "So Representative, the department will notify from this list of approximately 5,000 locksmiths that they will notify those members and they will have a certain amount of time in which to comply with the provisions of your legislation and to submit the \$350 fee?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, the department is in conjunction with the Allied Locksmiths you know...we want to make sure we keep the start-up cost for the department within reasonable means. We will be utilizing the Allied Locksmith Association's resources to accomplish that. Now, then again, you know with any new Act there is going to be people who fall through the cracks. We may, at a later date, have to grandfather in so many people that maybe fell through the cracks. We are willing to accommodate them for that."

Speaker Wennlund: "Representative Granberg."

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

36th Legislative Day

March 22, 1995

Granberg: "Representative Saviano, the Allied Locksmiths...who in this group is the lobbying arm for the Independent Locksmith organization? Who is the...I just don't know if I know this person. Who's the Executive Director, or who is the contact person here?"

Speaker Wennlund: "Representative Saviano."

Saviano: "John Greenan."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you Representative for your invaluable input on this. I just want to make sure that all the Members understand, and the potential impact. I would have a question of Representative Pankau if the Lady would not object."

Speaker Wennlund: "Representative Pankau."

Granberg: "Representative Pankau, could you please explain the provisions of the geologist registration? I believe this is similar to the legislation Representative Prussing had passed previously. Is it similar or is it exactly the same or what changes have been made?"

Speaker Wennlund: "Representative Pankau."

Pankau: "It is very similar in nature, however, there were may be technical things that we've had meetings about that have been moved around. The basic differences there was a dollar amount for the fee in the last Bill. This Bill does not have a dollar amount in it. It will be set by rule by the department so whatever start up cost the department might have, whatever inspection cost, because these people would be spread out throughout the state and since they are not great in number, would be incorporated into that fee so that the department could feel that whatever cost they have, those will be passed on to the geologists. So those are the two main differences in the Bill."

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

36th Legislative Day

March 22, 1995

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, I assume the geologists were in favor of the provision allowing the department to actually set the fee? I assume they would be in favor of that provision?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Yes they were. We were dealing with the Association of Engineering Geologists Bill Dickson out of Naperville, is their president."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, you mentioned earlier in your explanation that one of the causes for concern which this is one of the concerns which causes legislation, was the issue of underground tanks. Could you explain the impact of why we need the licensing to work with the, I assume, less funded and the EPA?"

Speaker Wennlund: "Representative Pankau."

Pankau: "A lot of times when you come to an underground tank whether it's a leaking one or not, and you have to get that tank removed before a bank will go ahead and process the paperwork, you have to get the clearances. The engineer in charge of the project, will in essence, contact a geologist and have that geologist go out and do a lot of the ground work. Not the actual digging of the holes, but analyzing the types of soils, what kind of layers they are in, those type of problems, and give that report to the engineer. The geologists obviously feel that it would add more substance to their report if they were licensed and therefore rise themselves a little bit in the profession...raise themselves."

Speaker Wennlund: "Representative Granberg."

Granberg: "So they do not have to be licensed at this point in

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

36th Legislative Day

March 22, 1995

time to have the certification approved by the EPA? They do this currently?."

Speaker Wennlund: "Representative Pankau."

Pankau: "They basically do it currently as a subcontractor to an engineer."

Speaker Wennlund: "Representative Granberg."

Granberg: "So if your legislation passes then, the geologists can contact directly with the owner of that property to conduct the soil testing? And they don't need to go through a contractor then?"

Speaker Wennlund: "Representative Pankau."

Pankau: "I believe when the final documents are prepared, you still need to have the engineers stamp. So no, they would not be able to, in essence, go out on their own, but what it would do is allow for a greater level of security to that bank or that person getting the final report that you had a professional doing the ground work."

Speaker Wennlund: "Representative Granberg."

Granberg: "So have the bankers had input on this as well, Representative Pankau, for various organizations? Do they cite a need for this change with the geologists?"

Speaker Wennlund: "Representative Pankau."

Pankau: "No, the bankers have not been involved to this point. They basically go by the engineers final report."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative Pankau, I assume that there is no opposition to this. This was put forward by the Illinois Association of Engineers and that there is no known opposition to your provision?"

Speaker Wennlund: "Representative Pankau."

Pankau: "It was put forth by the Association of Engineering Geologists. To my knowledge, the only testimony or witness

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

36th Legislative Day

March 22, 1995

slip was from the Municipal League."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, what was the position of the Illinois Municipal League?"

Speaker Wennlund: "Representative Pankau."

Pankau: "They didn't exactly take a position. They said that they were going to put in a slip against it because it would preempt home rule and I said, 'you mean Schaumburg wants to license geologists?' They said no. And I said, 'you mean Chicago wants to license geologists?' They said no, but it's just the principle of the thing. So that was the...they expressed their principle."

Speaker Wennlund: "Representative Granberg."

Granberg: "Well Representative, I'm sorry maybe I missed something, this does preempt home rule? And if that's the case, would this require an extraordinary number of votes? I didn't think this preempted home rule."

Speaker Wennlund: "Representative Pankau."

Pankau: "No, Representative it does not preempt home rule, but I guess in their minds they think anything that is for the entire state and doesn't give local control they wish to stand on principle. And I would hope that the body could rise above that."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, for what I have observed in the recent months, I think that should not be a problem. I void reference for working with this. I appreciate the time in answering my questions."

Speaker Wennlund: "Further discussion? Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I can assure you that both of these issues put in House Bill 549 have been worked and evolved. We've had many, many

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

36th Legislative Day

March 22, 1995

meetings, both Representative Pankau and I on these issues. I would ask for a favorable vote and I probably will let you know that we..."

Speaker Wennlund: "Representative Saviano, we have others wishing to speak I thought you had a question with respect to the geology portion of the Bill. We'll get back to you. Further discussion? Representative Lindner."

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

Speaker Wennlund: "Which one Representative Lindner?."

Lindner: "Representative Saviano."

Speaker Wennlund: "He indicates he will."

Lindner: "Thank you. I just have one quick question. Will this licensing apply to everybody who does anything with locks? For instance, car locks? Would this prohibit the police from coming on an emergency call if you locked your keys in the car and prohibit you from calling the police and make you have to call a locksmith?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, like I said before, there are exemptions built into this Bill for those situations...those situations as to be Illinois Retail Merchants. This Bill has been worked on to make sure that all of that has been addressed, so that we don't have any problem with that. I can assure you that the police can still come and open up your car door."

Speaker Wennlund: "Representative Lindner."

Lindner: "That was my question. Thank you."

Speaker Wennlund: "Further discussion? The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you Mr. Speaker. Will the Gentleman yield?"

Speaker Wennlund: "He indicates he will."

Hannig: "Yes Representative, who will be the agency that oversees

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

36th Legislative Day

March 22, 1995

this? Which state agency will oversee this licensing procedure? Did you say Professional Regulations, or who did you say?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Yes, I'm sorry if I didn't make it clear, but the mere fact that we were incorporating this Act in the Private Security Act, I sort of implied that yes, the Department of Professional Regulation would be the agency that oversees this Act."

Speaker Wennlund: "Representative Hannig."

Hannig: "Representative, I think there's just been a recent story I saw in the local newspapers in the City of Chicago where they in fact, accused that agency of not doing a very good job of living up to their standards on at least some of these licensures. And it just seems to me that giving them the addition responsibilities might actually be going in the wrong direction. Have you considered looking to any other agencies to oversee this profession?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, it's funny that you would ask me this question. (1) We've had meetings with the general council for the Governor regarding this Act and it was his suggestion that we incorporate this into the Private Security Act. Now if you remember the last day of the 88th General Assembly, we passed a dedicated fund Bill which would properly fund the enforcement of these different Acts. And as a matter of fact, at 11:30 today, I have a meeting with the director, Zoller, from the Department of Professional Regulation to address some of these concerns. And I would be happy to convey any suggestions that you may have to her regarding the inefficiencies that plague that department."

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

36th Legislative Day

March 22, 1995

Speaker Wennlund: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker, and Members of the House. To the Bill. It seems to me we are trying to solve a problem that perhaps doesn't exist, but our attitude on this Bill is that we will give big government more power to regulate and I certainly am not certain that that is the attitude that the people who sent me here, expect from me and I hope from you. It seems to me that the free enterprise system has generally worked well in this system, and for the most part, while there will always be some problems under any system. There certainly has been minimal problems with this and I would also like to follow up on what Representative Granberg has said. That for many of us who live in small communities in the Southern and Central part of the State of Illinois, and we have people who probably are aware that it's difficult to even find a locksmith or anyone who is a part-time locksmith. These individuals are probably not represented by anybody that was at the table on this. And let me just warn Members who are Freshman. You may be told that this is an Agreed Bill and everybody thinks that this is just fine, but you're going to find a locksmith in your district when you go home that is going to ask you what the heck you were thinking up here in Springfield in March when you passed this Bill imposing this \$350 tax on them. And you know you can call it a fee or you can call it whatever you want to, but when they have to write a check to the state for \$350 you can be sure that this is a tax in their mind. So it seems to me, Ladies and Gentlemen of the House, that this is just more bureaucracy and more big government, and giving more power to an agency that already has a very bad track record on regulating industries that it's in charge of regulating already that

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

36th Legislative Day

March 22, 1995

to give it more power and more responsibility goes in the wrong direction. We should think very hard before we pass any new regulations and I would urge a 'no' vote."

Speaker Wennlund: "Further discussion? Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Wennlund: "Representative Ackerman...the Gentleman from Tazewell has moved the previous question. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. The previous question is now put. Representative Saviano to close."

Saviano: "Thank you Mr. Speaker, Members of the House. I appreciate the debate on this Bill. I can assure you that I take Representative Hannig's comments with good intent, but I think we've addressed all the different factors and aspects of this Bill. It's a good Bill. Those of us in this metropolitan area know the problems we've had. The downstate people have had input on this Bill. We have evidence that there is former convicted felons who are operating as locksmiths in this state and we are just trying to weed out those sort of characters in this business and I would ask for a favorable vote. Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 549 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 85 'yes', 23 'no', 3 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. We move to the Order of House Bills, Second Reading. Mr. Clerk, read House Bill 2038."

Clerk McLennand: "House Bill 2038, a Bill for an Act that amends

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

36th Legislative Day

March 22, 1995

the Unified Code of Corrections. Second Reading of this House Bill. Committee Amendments #1 and 4 were referred to rules. Committee Amendment #2 was referred to subcommittee. Committee Amendment #3 was adopted. Floor Amendments #5 and 6 have been referred to rules. No Motions filed."

Speaker Wennlund: "Mr. Clerk, any announcements? Third Reading. Mr. Clerk, are there any announcements?"

Clerk McLennand: "Appropriation room change for Appropriations General Services will meet at 11:30. That meeting is in Room 114. Appropriations Public Safety Committee will meet in Room 118 at 11:30. Appropriations General Services Committee will meet in Room 114 at 11:30. Appropriations Public Safety Committee will meet in Room 118 at 11:30 as posted."

Speaker Wennlund: "Mr. Clerk, Resolutions."

Clerk McLennand: "House Resolution 32, offered by Representative John Jones."

Speaker Wennlund: "Are there any other announcements?"

Clerk McLennand: "No further announcements."

Speaker Wennlund: "At this time the House will now stand in recess until the hour of 3:00 p.m. for the purpose of Appropriation Committee meetings."

Speaker Black: "The House will come to order. Representative Black in the Chair. Mr. Clerk, Committee Reports. Excuse me Mr. Clerk, I'm sorry. The House will come to order. Representative Black is in the Chair. Let's proceed to the Order of Third Reading, Children and Family law. Representative 'Preston' is he in the chamber? Representative 'Preston' in the chamber? We may not get back to this. I don't see him. Alright. Mr. Clerk, Committee Reports."

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

36th Legislative Day

March 22, 1995

Clerk McLennand: "Committee Report offered by Representative Churchill, Chairman from the Committee on Rules, to which the following Bills were referred and Resolutions were referred, action taken on March 22, 1995, reported the same back with the following recommendations: 'do adopt as amended' Senate Joint Resolution 35; 'do approve for consideration' House Joint Resolution 33.

Speaker Black: "Mr. Clerk, Senate Bills First Reading."

Clerk McLennand: "Introduction - First Reading of Bills. Senate Bill 417, offered by Representative Cowlshaw, a Bill for an Act that amends the Commemorative Dates Act. Senate Bill 451, offered by Representative Brunsvold, a Bill for an Act in relation to firearm training programs. First Reading and Introduction of these Senate Bills."

Speaker Black: "Anything further Mr. Clerk?"

Clerk McLennand: "Nothing further."

Speaker Black: "We will now proceed to the Order of Third Reading. Mr. Clerk, please read House Bill 589."

Clerk McLennand: "House Bill 589, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Black: "The Chair recognizes Representative Durkin."

Durkin: "Thank you, Mr.. Chair. This Bill amends the Criminal Code in relation to the affirmative defense of entrapment. This Bill provides that the defense is not available only if the defendant would not otherwise have committed the offense. This Bill also provided that the defense is not available if the defendant was predisposed to commit an offense and the public officer or agent merely afforded the defendant the opportunity to commit the offense. This Bill also will delete language which states that the defense is not available if the public officer or agent merely

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

36th Legislative Day

March 22, 1995

afforded the defendant the opportunity to commit the offense and furtherance of a criminal purpose originated by the defendant. This is a good Bill. What it does is, it cleans up language for the fact finder, which is usually the jury, who often times are confused when affirmative offense of entrapment is raised. What this Bill will do is it will provide clean language and clear language for them in which they will determine whether or not an individual was predisposed to commit a crime, which is the essence of the entrapment defense."

Speaker Black: "Thank you very much. Is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes Representative. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Representative, I believe that you indicated this deals with the offense of entrapment and you indicated that this would be codifying a case. What case is this codifying?"

Speaker Black: "Representative Durkin."

Durkin: "I don't believe I actually stated saying that this was actually codifying a case Mr. Hoffman. What this language is doing is, there are a number of cases I don't have one off hand, but one of the cases which I would cite is People verses Landwear, which is an appeal from the Second District out of Dupage County. People verses Martin, which is Illinois Appellate Court out of the Second District. They are both cases which provide the language that an individual would not be able to assert the affirmative offense of entrapment if that individual was predisposed to commit the crime."

Speaker Black: "Representative Hoffman."

Hoffman: "Specifically Representative, what would be the holding or the fact pattern in that specific case that you just

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

36th Legislative Day

March 22, 1995

cited?"

Speaker Black: "Representative Durkin."

Durkin: "People verses Landwear? I believe that was a situation in which there is a solicitation for murder charge against an individual and there were two counts of solicitation of murder for hire, which an individual was charged with. The case went to jury and there was a lesser offense of aggravated battery which the defense was asserting the issue. The defendant was found guilty to the solicitation and sentenced to 20 years in the Illinois Department of Corrections. The defense brought up the situation they believe that first of all they thought aggravated battery was a lesser included offense of the solicitation charge. And secondly, the case is presently still under appeal Mr. Hoffman, but the holding is that the affirmative offense of entrapment applies to each single count. It is not one if there is subsequent counts...if there is subsequent counts along with the solicitation along with two or three other companion offenses then entrapment will only apply individually to each offense."

Speaker Black: "Representative Hoffman."

Hoffman: "I believe Representative, this is similar to what Representative Dart carried last year and because of the partisan bickering I don't believe that this passed. Is this supported by the State's Attorneys Association? I believe...and it's my understanding that this deals with predispositions. Is there a definition in this Bill regarding predispositions?"

Speaker Black: "Representative Durkin."

Durkin: "No I think the word speaks for itself Mr. Hoffman. It's a question of the fact to determine whether or not based on the evidence when presented by the defense of the

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

36th Legislative Day

March 22, 1995

prosecution to make a determination on whether or not an individual is predisposed to commit a crime."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, I guess the concern although I'm for the Bill, as a matter of fact, I think I may have been a cosponsor last year, the concern is that we go back to court and since there is no definition of predisposition the court says that's unreasonable, vague, and once again we allow these defendants to be able to use this defense and get out of these types of entrapment crimes."

Speaker Black: "Representative Durkin."

Durkin: "Well Representative, I believe predisposition and predispose is a very common word, it's nothing that needs to be explained. I can read it from the Webster Dictionary, but I don't believe it's something which the Legislature needs to define. It's clear and plain as face."

Speaker Black: "Representative Hoffman."

Hoffman: "So for the purpose of legislative intent, you would define predisposition as it is defined in the Webster's Dictionary?"

Speaker Black: "Representative Durkin."

Durkin: "Representative Hoffman, I would have no problem with that, but also it would be defined along with the facts that are present during the course of the case."

Speaker Black: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is a good Bill, a Bill that although it was carried by Representative Dart last year on this side of the aisle. We're certainly willing to work in a bipartisan nature and pass good criminal legislation. We just wish that someday we'd be able to hear truth and

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

36th Legislative Day

March 22, 1995

sentencing on this floor of this House, but we are going to vote for this Bill. I think it's a good Bill and I would like to commend the Sponsor."

Speaker Black: "The Gentleman from McLean, Representative Brady. For what purpose are you seeking recognition?"

Brady: "Mr. Speaker, I would like to ask the Sponsor a question regarding this legislation."

Speaker Black: "He indicates he will yield."

Brady: "Representative, if I understand this legislation right...let me pose a hypothetical and see if you can answer this. Let's assume you are in your hometown and you are a known solicitor of certain services and you've been doing this for numerous months and one particular evening there is a police lady on the street corner and she is offering services. This would be considered entrapment today is that not correct?"

Speaker Black: "Representative Durkin."

Durkin: "Not necessarily. What we need to do is, you need to look at the actions of both the players and the individual who is seeking the services, but also the individual soliciting the goods. What the public officer or the agent...what they are doing is affording the opportunity. What the purpose of the prosecution is to do is to show through the totality the circumstances that this individual was predisposed to commit the offense. The factual question which would be left to the trial fact."

Speaker Black: "Representative Brady."

Brady: "As you said, if you were soliciting the goods on this particular evening and have a record of that under today's law would that be considered entrapment?"

Speaker Black: "Representative Durkin."

Durkin: "Representative Brady, is the individual an the agent

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

36th Legislative Day

March 22, 1995

from the state? Is the individual or person who is soliciting or are you talking of the nasty guy on the street?"

Speaker Black: "Representative Brady."

Brady: "Again, my hypothetical is that you were on your hometown street corner soliciting the goods and had been doing this for numerous months. Now a lady police officer is entrapping you under present law that would be considered entrapment even though you had prior offense, correct?"

Speaker Black: "Representative Durkin."

Durkin: "Representative, in those situations, that individual would be proven...would be shown that he was predisposed to commit this crime and therefore this defense would not be available."

Speaker Black: "Representative Brady."

Brady: "So when you're on the street corner and you're soliciting, this will allow you to solicit those goods and not use the defensive entrapment if you have a prior offense, is that correct? Is that what you are trying to do?"

Speaker Black: "Representative Durkin."

Durkin: "Depends on if the conviction was for a felony or for a crime of truth or honesty which has been within the past 10 years only prior convictions...certain prior convictions are allowed into a state's case and chief...in any type of prosecution."

Speaker Black: "Representative Brady."

Brady: "One last question. Did this type of offense in this type of situation provide the genesis for your sponsoring this legislation?"

Speaker Black: "Representative Durkin."

Durkin: "No, Representative Brady, coming from a prosecution

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

36th Legislative Day

March 22, 1995

background I've had a number of situations in which jurors have been confused by the statute and by the language of the entrapment statute and I believe that working with the State's Attorney Association, what we're doing is providing a clear language for the jurors to determine whether or not entrapment is the affirmative defense of entrapment is available."

Speaker Black: "The Gentleman from Cook, Representative Dart. For what purpose are you seeking recognition?"

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

Speaker Black: "He indicates he will."

Dart: "Representative, one of the things that I look at initially in the proponents of the State's Attorney Association and the opponents are the Cook County Public Defenders Office and that's an organization that you and I have both worked very closely with in the past. Do you know what their opposition is based on?"

Speaker Black: "Representative Durkin."

Durkin: "I believe it's based on the fact that I've thrown a number of their clients in jail over the past six years."

Speaker Black: "Representative Dart."

Dart: "Well, from what I understand, you were one of their best friends actually. When I had this Bill last year I didn't have as much luck as you. I couldn't even get it out of committee and I'm sure that is just due to the Sponsorship. There were some concerns that were brought up and one of the things was, that I kept trying to use, in an effort to get this passed, was the fact that it was codifying some case law that was out there. Do you know of the precise case law that this is working with and codifying?"

Speaker Black: "Representative Durkin."

Durkin: "As I previously stated, I believe that the case which I

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

36th Legislative Day

March 22, 1995

mentioned earlier is People versus Martin out of the first district. I don't have the cite...I can get you the cite sometime this afternoon Mr. Dart, but also People versus Landwear which is an appeal out of the second district."

Speaker Black: "Representative Dart."

Dart: "Can you give me just a brief understanding as to why this has to...under that case why we had to make the change? What was the problem?"

Speaker Black: "Representative Durkin."

Durkin: "Representative Dart, the opinions both speak to the language in which I used inside the opinions, is whether or not individuals predispose to commit the crime. If you'll look at the...I'm sure you are well aware of the entrapment statue, Representative Dart, for your numbers of hard work at 26th and California and Markem that...but what...we're taking a language out of the Appellate Court what we are doing is putting it inside the statute. Jurors often return notes back to the judge stating that they asked the question whether or not they can consider whether an individuals predisposed to commit a crime because that is not included in the IPI instructions as you well know, Representative Dart. So what we are doing is taking the language out of the Appellate Court and putting in the predisposition language to make the job of the jurors a little bit easier, full well knowing that at the conclusion of a trial they have a number of IPI instructions which they must pour through. We're just putting some clear language for them."

Speaker Black: "Representative Dart."

Dart: "Will the instructions contain provisions as to what predisposition is?"

Speaker Black: "Representative Durkin."

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

36th Legislative Day

March 22, 1995

Durkin: "As I brought to Representative Hoffman's attention, predisposition is a situation where the jury will have to decide, based on the facts which are presented to them during the course of the trials of factual issue, as I told Representative Hoffman, that predisposition as I believe is common language and it's...there needs no definition to be brought to the IPI instruction regarding what predisposition is."

Speaker Black: "Representative Dart. Representative Dart."

Dart: "My real question though was, would there be a separate instruction or would they contain one within the actual instructions actually for the purpose of legislative intent that would describe or define for the jury what predisposition is, cause as you said, I had one so many times where you have the jurors come back with some very good questions, some very crazy questions. And in the effort of trying to get this straight as to clarifying this which is what this Bill does. Would this also require them to describe in the instructions what predisposition is so that isn't something they are being hung up on?"

Speaker Black: "Representative Durkin."

Durkin: "Representative Dart, maybe you can indulge me. What was the intent of your Bill?"

Speaker Black: "Representative Dart."

Dart: "The intent of my Bill was to codify a case. And as I mentioned before, they had problems with the Sponsorship last year and the Sponsor wasn't able to adequately explain it to the committee and so it went down in flames. Obviously you've been able to jump over that hurdle and that's why I'm trying to rely upon your knowledge because I didn't have it obviously, because I couldn't even get this thing out of committee. That one of the biggest hurdles

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

36th Legislative Day

March 22, 1995

was the public defenders office, who once again, you and I are big supporters of. We're very concerned about the predisposition question whether or not that was going to be something we were going to put into the jury instructions or not and quite frankly I didn't know at that point if that was something that we were going to do. And I'm interested from your perspective, is this something we are going to be able to put into the instruction itself so we can answer that question of theirs?"

Speaker Black: "Representative Durkin."

Durkin: "I don't believe it's necessary to put it into the instructions. What we often do whenever there is a question as to the meaning of a word and they pass a note out to jurors. The judge will simply write down the definition through the dictionary and will pass it back to the jurors and they will have to rely on their collective knowledge to determine based on the facts of whether or not this predisposition...if any individual is predisposed based on the facts."

Speaker Black: "Representative Dart."

Dart: "Just a final question. As I said, this is something that I've seen before. I was just wondering though, do you think that's something that we should put into it as opposed to relying on waiting for a note to come out and relying on the judge? Should we actually define for him what the predisposition is that we are talking about in the statute?"

Speaker Black: "Representative Durkin."

Durkin: "No."

Speaker Black: "Representative Dart, your time has expired. Do you have any further questions? Thank you very much. Ladies and Gentlemen of the House, as Mr. Dart was speaking

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

36th Legislative Day

March 22, 1995

there were no lights on. I now notice there is one from the Gentleman from Effingham. This Bill was on Short Debate and no one asked that it be taken off. Representative Hartke do I have you permission to go ahead and run the Bill? The Representative said he had no further questions. Yes, the Gentleman from Effingham, Representative Hartke. For what purpose do you seek recognition?"

Hartke: "Will the Sponsor yield?"

Speaker Black: "In all fairness I won't push the issue. This was on Short Debate. You didn't ask that it be taken off. We've allowed ten minutes of questioning. I will proceed with Representative Hartke. The Gentleman indicated he will yield."

Hartke: "Can I ask the Sponsor a question please?"

Speaker Black: "He indicates he'll yield."

Hartke: "Representative Durkin, if we are all individuals created by God and predisposed to sin, do you believe that?"

Speaker Black: "Representative Durkin."

Durkin: "Well I can't speak for the rest of the House Mr. Hartke. I'm sure you're not predisposed Representative."

Speaker Black: "Representative Hartke."

Hartke: "Well, are you a Catholic?"

Speaker Black: "Representative Durkin."

Durkin: "Yes."

Speaker Black: "Representative Hartke."

Hartke: "Then you believe that all men at some time or another fail. Is that correct?"

Speaker Black: "Representative Durkin."

Durkin: "I guess that is a question of fact for the jurors to decide Representative."

Speaker Black: "Representative Hartke."

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

36th Legislative Day

March 22, 1995

Hartke: "Well then I guess we are all guilty and predisposed to sin in committing things and acts that are wrong and so forth then we are all guilty. Is that correct?"

Speaker Black: "Representative Durkin."

Durkin: "I'd be happy to work on a Bill which would contain that language with you Representative."

Speaker Black: "Representative Hartke."

Hartke: "No further questions."

Speaker Black: "Thank you very much. The Gentleman from Winnebago, Representative Scott. For what purpose are you seeking recognition?"

Scott: "To ask questions on the Bill, Mr. Speaker. Just one brief question on the Bill."

Speaker Black: "One brief question. The Gentleman indicates he will yield."

Scott: "Thank you, Mr. Speaker. Representative, from...under the old definition you had to have...the person that was accused of the offense had to of actually originated the offense and that's been deleted in this language. From a practical standpoint, if we are going through and I don't...I mean I support the Bill...I'm just trying to struggle through the definitions here. From a practical standpoint, how was a person ever going to show that they weren't predisposed to do something, that they're in court to show? Their defense is that they were entrapped into doing it so they obviously done whatever it is that the prosecution is accusing them of. From a practical basis how do they get over that hump?"

Speaker Black: "Representative Durkin."

Durkin: "That's the purpose of the skilled defense lawyers that we have. It's their position, it's their opportunity. They are the ones who assert the offense and it's up to

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

36th Legislative Day

March 22, 1995

them. It's not a matter of the state providing the defense...it's an affirmative defense by which they have to undertake and which they need to show facts that they were insight or induced by the government or by the agent of the government to commit the crime."

Speaker Black: "Representative, does that answer your question? Representative Scott."

Scott: "I just wondered if that was part of the skilled defense...or is that part of the reason that both Representatives are now joining us in the House?"

Speaker Black: "With no one else seeking recognition, the question is, 'Shall House Bill 589 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 102 voting 'aye', 8 voting 'no', 2 voting 'present', and this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, please read House Bill 610."

Clerk McLennand: "House Bill 610, a Bill for an Act concerning substance abuse as it relates to children. Third Reading of this House Bill."

Speaker Black: "The Chair would recognize Representative Salvi."

Salvi: "Thank you, Mr. Speaker. Ladies and Gentlemen. This Bill does three things. First, it develops a community based system of integrated child welfare and substance abuse services for the purpose of providing safety and protection for children and improving adult health and parenting outcome and improving family outcome. Secondly, it calls upon DCFS in cooperation with the Department of Alcohol and Substance Abuse to develop case management protocols for DCFS clients with substance abuse problems. It authorizes

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

36th Legislative Day

March 22, 1995

the department to pilot programs, design and test the most effective approach as the case management. And lastly, it calls upon DCFS and DASA to evaluate the effectiveness of these pilots and to report to the Governor and the General Assembly on an annual basis. This Bill was originally my Cocaine Baby Bill, that many of you will remember, but it changed over time and this is what DASA and DCFS had agreed to do back in the summer of last year. And this is the direction both of them want to head in. It is my hope that this Bill will result in integration of services by DCFS and DASA and it will prevent duplication of services, save money and provide better quality service for people under...particularly those undergoing drug rehabilitation. So I would ask your favorable consideration."

Speaker Black: "Yes. The Gentleman from Cook, Representative Dart. Are you seeking recognition?"

Dart: "Yes. Will the Sponsor yield please?"

Speaker Black: "He indicates he will."

Dart: "Yes. Representative, I was...I enjoyed a lot of the things that were in the Bill as it originally came by. I have concerns I guess about it, as is amended. My primary concerns are...is I think that by working it out with DCFS and DASA we've really taken a lot of the teeth out of this. Because this is a...I mean, as the Bill originally was laid out did not require them to do things, I mean, precise things as to opposed what it is now in its amended form."

Speaker Black: "Representative Salvi."

Salvi: "That's correct, Representative. It did have more teeth, it did have more specificity. And that Bill originally was a product of a study that the...that you had worked on. I too felt that that Bill was very very, good and...but my goal was to make sure that we have a Bill that's workable,

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

36th Legislative Day

March 22, 1995

that will pass both Houses and be signed by the Governor, that wouldn't be opposed by the two departments, because I want to get them down this road, and they asked for more flexibility and I gave it to them in this Bill."

Speaker Black: "Representative Dart."

Dart: "Yes. I guess my problem with it, it's the same old DCFS song and dance because your Bill originally was introduced...forced them to do something which is the only way they will get off their duffs and do anything. Under the present scheme, as amended though, I don't...maybe you can correct me here, but I think the way I look at it, they're already required to do this anyway right now. I mean, they're already mandated to accomplish these very things. Does this do anything other than what they're suppose to be doing now, and if so, what is it?"

Speaker Black: "Representative Salvi."

Salvi: "Yes. I think it goes beyond what they're presently authorized to do. It's a community based system and it refers to children and adults. And I think that if it wasn't needed, DCFS and DASA would not have put this...would not have requested it. They need the authorization, both for the pilot program and to work together on these items, these three items that I discussed. In addition Representative, there's a letter of agreement between DASA and DCFS that does go into great specificity. There are ten points in the letter of agreement that I think you would be very pleased with that go to a lot of the things that you were concerned about. And frankly, I think that this Bill is a product of some of the work that you did. I think it's DASA and DCFS responding in a positive way to many of the concerns that you, Representative Dart, raised in the last two years.

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

36th Legislative Day

March 22, 1995

So, I would think that you'd be a strong supporter of this because while it's not everything that we would like, it is a strong move in the direction that you and I think DASA and DCFS should be headed in. So I would hope that you would support this Bill."

Speaker Black: "Representative Dart."

Dart: "Well, there's...there's nothing...it's tough not to like what we're calling for here, Representative, but the problem is, is right now as I read the Bill, it requires them...shall develop a community based system and a integrated child welfare and substance abuse services for the purpose of providing safety and protection for children. If they aren't suppose to be doing that right now, what are they doing?"

Speaker Black: "Representative Salvi."

Dart: "...that's their mandate."

Speaker Black: "Excuse me, Representative. Representative Salvi."

Salvi: "Well this is referring to a specific program aimed at community based system. And again I refer you to the letter of agreement between the two departments. And that's just one of three things this Bill is calling for them to do. It does give them flexibility, you're right Representative Dart. But I think that we as a Legislature should not be micromanaging these departments. I think that it would be better if we could have more teeth in this Bill. But this is the Bill that will be passed by both Houses, signed by the Governor. It's going to do a lot of good. Does it do everything we would like to do? Does it reform drastically reform the Department of Children and Family Services? No. But it's a very strong step in the right direction. It calls for certain things that are not

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

36th Legislative Day

March 22, 1995

being done right now including pilot programs. Calling for them to put case management protocols together for DCFS clients with substance abuse problems. It is integrating DASA and DCFS. It's calling for them not to be duplicative. It's calling for them to work together and it gives them authorization to do a lot of those things. So, you're raising some good points. I wish this Bill could do even more, but what it does is positive and I really again would really expect and appreciate your support for this Bill."

Speaker Black: "Representative Dart. Your time is about to expire."

Dart: "Thank you. Representative Schakowsky was going to give me her time, if the Chair will allow."

Speaker Black: "Next on the list will be Representative Lang and then we'll get back to you when her light's on. Is that all right? Okay. Yes. The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, what...what will these pilot programs be? What will they do? Many on this side of the aisle who are not in committee would not be aware of what these...these programs would be and what case management is all about. Can you give us a thumbnail sketch of what that is?"

Speaker Black: "Representative Salvi."

Salvi: "Well, Representative, these pilot programs would be designed to test the most effective approaches to case management. What is the best way for them to manage these cases of any individual that goes to DCFS for one reason or another where there is an alcohol or substance abuse

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

36th Legislative Day

March 22, 1995

problem? How...what is the best system of referring those individuals? What's the best system of treating those individuals? What's the most cost effective means? What's the most effective as far as effectiveness of treatments, success treatment, et cetera? This is calling upon DASA and DCFS to work together and it authorizes them to put together such a pilot program to determine the most cost effective means, the most successful means of referral for drug rehabilitation."

Speaker Black: "Representative Lang."

Lang: "Well, since this is project between both of these organizations, who's the lead agency on this? Which of these two agencies decides any conflicts that may come up between the two of them?"

Speaker Black: "Representative Salvi."

Salvi: "The Bill does not speak to that. There is a letter of agreement that does not specify that one department has precedent over the other. The Bill does, as I indicated, itemize ten goals or agreements between the two organizations. And I think that that's where their headed. They're not...I don't think they're saying one department is above the other as far as working together to integrate their approaches to drug rehabilitation."

Speaker Black: "Representative Lang."

Lang: "Well, considering there is nothing in your Bill that says who the lead agency would be, we don't know who's staffing these pilot programs. And so, if it ends up being DCFS's people they don't know much about substance abuse. And if it ends up being DASA's people they don't know all that much about the problems of young people of the children involved. So, how do they pull all of this together?"

Speaker Black: "Representative Salvi."

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

36th Legislative Day

March 22, 1995

Salvi: "The Bill charges them both to do this, Representative. It presupposes a certain amount of cooperation. And in fact, as I indicated, they've already headed in this direction as a result of the efforts of Representative Dart and as a result of this Bill. And they have indeed put together an agreement whereby they specify the various roles of each department. Where DASA picks up some responsibilities in certain areas and DCFS picks up some responsibilities in other areas."

Speaker Black: "Representative Lang."

Lang: "Thank you. Relative to the report that will come to the Governor and the General Assembly, what form will that report take and will there be recommendations in that report to continue the pilot projects? Will there be recommendations in the report to make the pilot projects more widespread or permanent? What's your plan there?"

Speaker Black: "Representative Salvi."

Salvi: "My hope and expectation and my understanding from talking to DCFS and DASA on this issue is that they would report to the Governor on the success or failure of the pilot program and how they would like to change it in the future, if they want to change it in the future."

Speaker Black: "Representative Lang."

Lang: "And so the General Assembly is going to authorize this program but the Governor's going to determine whether it will continue?"

Speaker Black: "Representative Salvi."

Salvi: "No, that's not correct Representative. The Governor will not decide whether it will continue, but DCFS and DASA will simply report to the Governor on the effectiveness of the program and to us."

Speaker Black: "Representative Lang."

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

36th Legislative Day

March 22, 1995

Lang: "What's the purpose of reporting to the Governor since we're the ones who want to set up this program?"

Speaker Black: "Representative Salvi."

Salvi: "Again, Representative, if you look at the Bill, it specifically says the effectiveness...DCFS and DASA will evaluate the effectiveness of these pilots and report to the Governor and the General Assembly on an annual basis. So they're going to report to the Governor, that's true but they're also going to report to us. And we, of course, will have...will continue to have the authority to get involved. But my hope is that we're going to have some success in these pilot programs but we will have the opportunity to evaluate the reports that we are requiring DCFS and DASA to submit to us every year."

Speaker Black: "Representative Lang, your time is about to expire."

Lang: "If I could just..."

Speaker Black: "Proceed."

Lang: "Thank you. I'll be brief and thank you for answering my questions. Mr. Speaker, Ladies and Gentlemen of the House. Often we create pilot programs, task forces, and other committees and commissions that report to the General Assembly. If and when this Bill passes on Third Reading and passes the Senate and becomes law, I would simply hope that we do a better job with these reports and these recommendations than we have with others. I myself have sat on committees where after years of deliberation, recommendations are made to the Governor and to the General Assembly and no action whatsoever is taken. So I would simply hope that if this Bill passes, if it becomes law, we take the recommendation to receive and try to actually do something with those recommendations."

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

36th Legislative Day

March 22, 1995

Speaker Black: "Yes. The Lady from Cook, Representative Schakowsky. It's the Lady from Cook, Representative Schakowsky, relinquishes her five minutes to Representative Dart. Proceed Mr. Dart."

Dart: "Thank you, Mr. Speaker. Representative, does this...is this funded already? I believe that I was looking at...this is already in a line under the '95 fiscal year budget, is that correct?"

Speaker Black: "Representative Salvi."

Salvi: "Looking...looking at the fiscal note, Representative. DCFS indicates that the cost of implementing this Bill, as amended, should be minimal. A formal program was already put in place this year in which DASA served clients of DCFS. This Bill would simply require that agreements between the agencies be developed in case management protocols. So, the fiscal impact would be diminutiveness."

Speaker Black: "Representative Dart."

Dart: "Thank you. And Representative, as to all three of the different proposals that are in here now, the one which requires the community based integrated system, the one that requires case plan...management protocols and the other one which allows them to establish pilot programs, I hate to beat a dead horse but I mean, can they not do all three of those right now? I mean I...the way I look at it, DCFS is mandated to do all three of those right now as we speak. They should be doing that right now."

Speaker Black: "Representative Salvi."

Salvi: "I don't...I don't think...there's a difference between whether they should and whether they're mandated to do that. So you have two questions out there. I'll answer both of them. I agree with you that they should. I don't agree with you that they are mandated right now to do

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

36th Legislative Day

March 22, 1995

these."

Speaker Black: "Representative Dart."

Dart: "I know they should be, but I cannot...I know that the question about whether they should develop a community based system of integrated child welfare and substance abuse services for the purpose of providing safety and protection of children. If they aren't mandated to do that then I truly don't know what the heck they're doing and quite often I don't know what they're doing, and then requiring them with cooperation of DASA to develop case management protocols? If they aren't developing protocols, once again, what are they doing with these cases when they come in? Are they just throwing together their ideas as it comes up? And as far as establishing pilot programs too, they have authorization to do all of those things right now. My problem...to the Bill. My problem is that this...the Sponsor of this Bill came up with a very, very responsible Bill. However, it has been amended to where it's not a bad Bill but just doesn't do much. Sure DCFS should be doing all these things. Do they do it? Absolutely not. This is the same song and dance that DCFS plays every year around here, where people come up with responsible programs and they do everything they can to kill them because they are embedded in doing things the way they do them now, which is atrocious. The department is in absolute disgrace and everybody knows it is. They have done nothing, they've come forward with nothing, and this was a very responsible proposal without the Amendment. Right now, as it is amended, it requires them to do exactly what they should be doing right now. Instead they run around from committee to committee killing all the Bills. They had a very successful year this year with me. I had

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

36th Legislative Day

March 22, 1995

about 50 or 60 Bills. They succeeded in making sure that every single one of these Bills, if they weren't stolen from me, they were killed, and that was their effort to let me know who's boss around here. Well we know that they're the ones that run this department and that they're the ones that are wearing the jacket on this thing. When we have one child after another who comes up dead and further mistreated after they become wards of this state. This is their duty and their job to take care of these children. They fall flat on their face year after year, month after month. And what do they do? They come up with the same old spin. Well, we'll get back to you; we're going to put another study together; we'll have another pilot program. Well, if this department isn't in a crisis, I don't know what department is. It demands some immediate action. Instead, they give us the same old song and dance, the same old thing. Well, we're working under the BH Consent Decree, we got to, you know wait on that. Well, guess what folks? They've blown every single deadline they can for that. They are shown over and over again that they cannot be trusted. And that is why we do have to micromanage them, that is why we do have to lay these things out for them in big bold letters. And that's what Representative Salvi's Bill did in its original form. It mandated them to do things that they don't like to do because it makes them maybe spend some money and spend sometimes on these children that they care to ignore on a regular basis. As I say, I find this very unfortunate because I know the Sponsor of this Bill has worked long and hard in this area. It is something that he feels very strongly about and rightly so because most all of the cases we get coming into this system are based on substance

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

36th Legislative Day

March 22, 1995

abuse. The unfortunate thing about this Bill though is, that we took a Bill that had some great teeth in it and we extracted all of them. We now have something, as I say, doesn't hurt anybody but it requires DCFS to do what they already should be doing. We had an opportunity to make a dramatic stand and make them do their job and we have fallen short on that again here. As I say, I commend the Sponsor because this is something he's been working long and hard on. But, as I said before, this is typical DCFS, they're waiting for the next headline before they get off and start doing something."

Speaker Black: "Yes. The Lady from Kane, Representative Deuchler. Are you seeking recognition?"

Deuchler: "Will the Gentleman yield for a question?"

Speaker Black: "Indicates he will."

Deuchler: "Representative Salvi, how does this proposal differ from the now existing Project Safe?"

Speaker Black: "Representative Salvi."

Salvi: "Well, Representative, I...as a result of my efforts with regards to the Cocaine Baby Bill two years ago, we brought a Project Safe into Lake County and its been very successful and its been a good pilot program and its very similar. But DASA and DCFS both told me that they needed to go forward with a pilot program of...whereby they work out a protocol of referral so that they can do it very efficiently, cost effectively. And I'm sure that they will draw from Project Safe, just as you know we've learned so much from the Project Safe, that we brought to Lake County a few years ago. I'm sure that DCFS and DASA will draw from their pilot program and learn from their pilot program. So, it's not a Project Safe, but it will be similar and it will draw a lot of information from the

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

36th Legislative Day

March 22, 1995

Project Safes' throughout the state."

Speaker Black: "Representative Deuchler."

Deuchler: "Does the...does this proposal then replace Project Safe, is that your intention?"

Speaker Black: "Representative Salvi."

Salvi: "Absolutely not. I'm a strong supporter of Project Safe. I've seen first hand that it works. We are just trying to expand on that and trying to fine tune the integration of services that DASA and DCFS offers. Again, to avoid duplication and to try to, as efficiently as possible, to work together to put together a protocol for referral, case management and so forth, as the Bill states."

Speaker Black: "Representative Deuchler."

Deuchler: "Well we have a very successful program in Kane County as well. In fact, I have visited your program in Lake County and I must say that DASA has done an excellent job for years. They have applied for a longitudinal study so that they could demonstrate the efficiency of their program and have never been funded for that. So certainly the fact that there is no prepared fiscal impact analysis does give me concern here."

Speaker Black: "Representative Salvi."

Salvi: "Well, Representative, this is a perfect example of why this Bill is needed, because here DASA is learning so much from Project Safe. This is information that DCFS should not reinvent the wheel on. This is information that DASA and DCFS should cooperate in changing...exchanging information, developing a community based system, yes, but also working on a case management protocol for DCFS clients who have substance abuse problems. The departments, they pilot programs and evaluate the effectiveness and try to work out a system of referral that will save the state

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

36th Legislative Day

March 22, 1995

money, so I think DCFS was correct when they said that there's no fiscal impact. And again I think it'll end up saving money."

Speaker Black: "Representative Deuchler."

Deuchler: "One other question. How does your proposal fit into the new public aid proposal for a single point of entry where there are pilot projects for individuals both in DuPage County and the City of Chicago? To go to a community center and to receive services, whatever is needed for that particular client. Does your proposal set this kind of service in that community center such as we see in DuPage County?"

Speaker Black: "Representative Salvi."

Salvi: "No."

Speaker Black: "Representative Deuchler."

Deuchler: "Well, if not, it seems unwise to bypass an entry system that is being set up as a model for the state. I really have...to the Bill. I really have some reservations about what is being proposed here. I'll probably be voting 'no'."

Speaker Black: "With no one else seeking recognition, Representative Salvi to close."

Salvi: "Thank you. Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I understand and respect the comments of the Representatives but let me just say this, this Bill does not save the world. If I could draft a Bill that saved the world and solved all the problems of our society, I would draft that Bill. But this Bill is a strong step in the right direction. It is a strong step in the direction of reform. It will save money, it will help people more efficiently receive treatment for drug and alcohol addiction, and I would appreciate a favorable vote."

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

36th Legislative Day

March 22, 1995

Speaker Black: "The question is, 'Shall House Bill 610 pass?' All those in favor vote 'aye'; opposed vote, 'nay'. 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 'aye'; 1 voting 'no' and 2 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On page 24 the Calendar, appears House Bill 649. Mr. Clerk."

Clerk Rossi: "House Bill 649, a Bill for an Act in relation to employment programs. Third Reading of this House Bill."

Speaker Black: "Yes, the Gentleman from Will, Representative McGuire."

McGuire: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have today, House Bill 649, and I'll briefly describe the Bill and try to answer any questions you have and its concerns supported employment for the mentally disabled and mentally handicapped, and I'll try to answer any questions as I said. Thank you."

Speaker Black: "This Bill is on Short Debate. Is there anyone seeking recognition? Seeing no one seeking recognition. Representative McGuire to close."

McGuire: "Thank you again, Mr. Speaker. In the interest of time I'd ask for your favorable vote. Thank you very much."

Speaker Black: "The question is, 'Shall House Bill 649 pass?' All those in favor vote 'aye'; 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 113 voting 'aye', none voting 'no', none voting 'present', and this Bill having received a Constitutional Majority is hereby declared passed. The Gentleman from McHenry,

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

36th Legislative Day

March 22, 1995

Representative Skinner. Are you seeking recognition?"

Skinner: "Yes Sir, I rise on a point of personal privilege."

Speaker Black: "State your point."

Skinner: "I would like all of the Freshman to realize that that's what used to happen. We would take a noncontroversial Bill that would be presented and boy we'd just pass it and we wouldn't have to stay here till 11:00 at night and get here at 8:00."

Speaker Black: "Thank you for sharing that with us Representative. On page 24, there appears House Bill 686. Mr. Clerk."

Clerk Rossi: "House Bill 686, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Black: "Yes, the Lady from Lake, Representative Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Among couples who are trapped in abusive relationships, one of the most frightening things a woman can hear from their spouse or boyfriend is the threat, 'don't ever leave me or I'll kill you. I'll track down you and the kids and I will get you.' Two thousand women are murdered each year by their husbands. Forty percent of all murders involve close family members. House Bill 686 would add abusers to the list of people who are unable to obtain Firearm Owners Identification Cards and consequently buy guns. The Bill would also enable judges to confiscate any firearms owned by an abuser after a fair hearing in which the abuser is allowed to participate. For the purposes of the Bill, abusers are defined as those who have been convicted of domestic battery or are restrained by a court Order of Protection. House Bill 686 is supported by the Illinois State Rifle Association and we have contacted the Chicago FOP, the State Police, and also the Lake County

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

36th Legislative Day

March 22, 1995

Sheriffs Department and they have no opposition to that. I would be happy to entertain any questions. And for those of you that were here last year, this Bill came through the House last year and was supported by over 100 Members."

Speaker Black: "And on this Bill, is there any discussion? This Bill is on Short Debate. The Gentleman from Coles, Representative Weaver."

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

Speaker Black: "She indicates she will."

Weaver: "Representative, help me understand this better in terms of the revocation of the Foid Card and the confiscation of the weapons. That is temporary under this Bill, is that correct?"

Speaker Black: "Representative Moore."

Moore: "Thank you. Yes, that is correct."

Speaker Black: "Representative Weaver."

Weaver: "Only for the duration of the Order of Protection?"

Speaker Black: "Representative Moore."

Moore: "And after a fair hearing by a judge."

Speaker Black: "Representative Weaver."

Weaver: "And at that point if it's found to be...I guess, baseless, then the weapons that were in safe keeping of the law enforcement officials are returned and the individuals able to regain their Foid Card?"

Speaker Black: "Representative Moore."

Moore: "That's correct."

Speaker Black: "Representative Weaver."

Weaver: "That's all I have, thank you."

Speaker Black: "Thank you very much. On the other side of the aisle, we'll recognize the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "I would like to ask the Sponsor to yield."

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

36th Legislative Day

March 22, 1995

Speaker Black: "She indicates she will."

Hoffman: "And request that this be taken off of Short Debate, and I am joined by the requisite number of people."

Speaker Black: "Well I'm just shocked. Were you joined by the appropriate number of people? Just barely. Alright, proceed."

Hoffman: "Will the Sponsor yield?"

Speaker Black: "She indicates she will."

Hoffman: "Representative, I just have more or less some technical questions about the Bill. In this, it indicates that the gun that is used in the perpetration of this type of offense would be confiscated and that you would give up the gun if the gun...if there's likelihood that you would use a firearm, and you fail to appear, or that any danger is...or there is any dangerous use of a weapon, that's my understanding. How do you know when an individual comes to court that...which firearm was used and if there was one used at all?"

Speaker Black: "Representative Moore."

Moore: "I believe there would be an effort to establish those facts during the hearing."

Speaker Black: "Ladies and Gentlemen of the House. If we could have some order. Very important Bill. People are trying to ask questions and hear the answers. You can take your conversations off the floor. Proceed Representative Hoffman."

Hoffman: "I think the Bill reads, and I'm just asking from a technical standpoint, the Bill provides that in an Order of Protection, a court may order that any firearms in respondent's possession, be turned over to local law enforcement for safe keeping if the factors that I previously listed occur. My question is are we going to

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

36th Legislative Day

March 22, 1995

require these defendants to bring that firearm to court with them? Do we really want that to happen or will it be seized at the time of the offense? So, as a political matter, how are you going to get these firearms?"

Speaker Black: "Representative Moore."

Moore: "It's to the discretion of the court and the law enforcing agent."

Speaker Black: "Representative Hoffman. Representative Hoffman."

Hoffman: "So all we would have is, we would have defendants who have been found likely to be committing domestic violence with a firearm and found to be a danger to society or we wouldn't be doing this. I will favor the Bill, but I just want to point out that do we really want these people bringing guns into the courtroom? I mean that's what we are asking for because under the literal reading of this, it says, 'in an Order of Protection, the court may order that any firearm in the respondent's possession be turned over to the local law enforcement for safety keeping.' I assume that what that does is, it refers to that firearm that was in the respondent's possession at the time of the offense. Then if it wasn't confiscated by the police at that time they would have to bring it into court so it could be turned over."

Speaker Black: "Representative Moore."

Moore: "If you read this part in the Bill it says specifically that any firearms would be turned over to the local law enforcement agency for safe keeping, not the court."

Speaker Black: "Representative Hoffman."

Hoffman: "So this would be..the firearm would be turned over or confiscated after the order of protection hearing, is that right?"

Speaker Black: "Representative Moore."

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

36th Legislative Day

March 22, 1995

Moore: "Yes."

Speaker Black: "Representative Hoffman."

Hoffman: "Representative does the Bill have any provisions that would allow for a police agency to confiscate the weapon for instance on the night of the offense? Would you confiscate it at that point? So a person is committing this offense with a firearm is under an Order of Protection and you're concerned and you answer a call. Can you confiscate a firearm from that individual's house at that time when you answer that call?"

Speaker Black: "Representative Moore."

Moore: "It's my understanding that that would be done..."

Speaker Black: "Representative Moore. It appears that the system...the microphone' switch is down for a second. We will stand at ease for a minute or two. I believe we were at a point where Representative Moore was responding to a question, is that correct? Representative Moore do you remember the question?"

Moore: "If I understood it correctly, it had to do with if law enforcement officers were called out to address this issue and there was in fact a violation of the law occurring, could they confiscate the weapons at the time? It's my understanding that the current policy would provide for that anyway."

Speaker Black: "Representative Hoffman."

Hoffman: "It's my understanding that House Amendment, I believe #4 to this, would remove the Class III felony to possess a firearm convicted of misdemeanor domestic battery or Order of Protection violation, so I assume that makes it more palatable to a certain interest in this state. Do you remove that provision of this Bill?"

Speaker Black: "Representative Moore."

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

36th Legislative Day

March 22, 1995

Moore: "I had asked that that provision to be removed because I did not ask for it to be placed in there. It was not in last year's Bill as it passed the House and I think it was an error in the LRB room."

Speaker Black: "Representative Hoffman."

Hoffman: "Just one quick final question. This Bill passed the House last year and I believe Representative, that it was your Bill and Representative Blagojevich either was a cosponsor or a Sponsor and he is a cosponsor this year. Just...I would like the board to reflect that I would hope that for the sake of Representative Blagojevich, that we could begin to spell his name right on the board. I think it's vitally important because he certainly believes in this Bill. I think it's a good Bill, and I would ask everyone to vote for it."

Speaker Black: "Yes, the Gentleman from Rock Island, Representative Brunsvold. Are you seeking recognition?"

Brunsvold: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Black: "She indicates she will."

Brunsvold: "Representative, we went through this last year I think. Give me an example of how this thing would develop. We had a couple in a relationship and one of the spouses threatens the other one, right?"

Speaker Black: "Representative Moore."

Moore: "This Bill is intended to address the issue of the Order of Protection in cases where there is potential serious abuse that can occur. And that's why you will find in this Bill, the provisions for the hearing...fact finding hearing that would in fact, allow the judge to determine that. Because there are times when Orders of Protection are issued and it is not a case where there is a threat with the use of a gun. So it was felt that that really needed

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

36th Legislative Day

March 22, 1995

to be determined because of the constitutional protection and the right to bear arms there needs to be a greater muster here within this Bill to provide for that."

Speaker Black: "Representative Brunsvold."

Brunsvold: "I guess the problem I have with this Bill is not in what you are trying to do, but how you're going to try to get there because you can't get there this way. You can't get to where you want to be without someone being seriously injured in the time span between when this occurs and when you end up with an Order of Protection and somebody trying to take a weapon of someone. I assume, you mentioned guns, do you mention anything else? Because, everyone on this floor knows the Simpson trial. It wasn't a gun, it was a knife. That's just as serious as a gun. You're dead. You're dead. Doesn't make any difference. How are you going to get there? You're going to have a threat by one spouse which is going to cause an emotional volatile situation and you and I both know that that's going to happen right away. No one is going to have a chance to file a petition against anyone...Order of Protection against anyone because the emotional situation is going to occur right now. And that spouse is going to be dead if there's a serious situation involved, let alone a time period, and you described to me how long it's going to take to get to an Order of Protection to take a gun or a knife or something away from the abusive spouse."

Speaker Black: "Representative Moore."

Moore: "I'm not sure I understand the question. What was the question?"

Speaker Black: "Representative Brunsvold."

Brunsvold: "We're in a relationship. I threaten you and you say I'm going to call the State's Attorney and start these

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

36th Legislative Day

March 22, 1995

proceedings. How long is it going to take you to get my Foid Card away from me, and a gun, if I got a gun or a knife, we'll say a knife?"

Speaker Black: "Representative Moore."

Moore: "It would...the knife would not be affected, and Representative, this Bill does not propose to fix every violent problem out there with guns. What this does is to propose to protect some women under some circumstances. What I did with this Bill is take the problem to the Lake Counties State's Attorney Office and ask how they would suggest we try to address this. As you know from the committee testimony, the way the Bill is structured is the fairest way in balancing the right of the individual to bear arms and the rights of the individual to be protected. Not all cases are going to involve serious threats on life, but what we don't want is that issue that you referred to about the emotional charge where somebody threatens someone and goes out and buys the gun, comes back when a gun wasn't already there. Or if there is such a threatening situation the gun is now removed because of the abusive behavior."

Speaker Black: "Representative Brunsvold."

Brunsvold: "You and I both know this because we get calls in our area dealing with family matters that are almost...you can't even pick a side, because you shouldn't to start with, but there are sides involved and one side of the emotional relationship wants to pick on the other side. You call the judge or the State's Attorney and tell them that I threatened you when I didn't. What protection do I have in that situation?"

Speaker Black: "Representative Moore."

Moore: "That was really the purpose in providing for the full hearing so that during that time, the issues that relate to

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

36th Legislative Day

March 22, 1995

the abusive situation could be established whether, it was an Order of Protection that was addressing fear and verbal abuse or whether it was an Order of Protection where someone's life was really being threatened."

Speaker Black: "Representative Brunsvold, bring you're questioning to a conclusion. Yes, the Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you, Mr. Chairman. Let me address this Bill. Incidentally, I have a particular interest because I think I am a cosponsor of this Bill, although I noticed this must be partisan politics. You didn't spell my name right. In any event, I am a strong supporter of this legislation. I would like to clarify a few things that the previous Speaker eluded to. The question with regards...not a gun, you might have a knife, regarding different weapons and so forth. The fact of the matter is, that between 1976 and 1986 in the United States in 71% of spousal homicides, a firearm was used. In 1993 4,000 women were killed as a result of domestic violence and in 70% of those, a firearm was used. Firearms are 12 times more likely to result in death than other weapons in similar domestic violent situations. So that's why this Bill is designed the way it is and what are we talking about here? If you're convicted on domestic battery and if you're convicted of violation of an Order of Protection you're a criminal, you're a wife beater, you're a convicted criminal, you shouldn't have a gun. If you haven't been convicted yet, but there is probable cause to think that there may be domestic violence in a spousal situation, then isn't it prudent that we air if we air at all on the side of safety and we remove guns from as Representative Brunsvold says, emotional highly charged environments? It seems all together reasonable

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

36th Legislative Day

March 22, 1995

that we should do that. This is reasonable, prudent. It's absolutely necessary that we address this problem and we do so in the matter that Representative Moore is suggesting that we do. There are incidentally other Bills like this out on the House Floor. Hopefully we will have a chance to vote on those. I urge passage of this Bill. I urge passage of Roskam's version. I obviously urge passage of the Blagojevich version which passed out of the House last year. And incidentally, when we pass it out of the House whether it's Moore's or Roskam's or mine, let's make sure we get some action in the Senate. Let's make sure that although the National Rifle Association is not, I repeat, is not publicly opposed of this Bill, let's make sure they don't exert some quiet diplomacy with the fellas over there at the Senate and kill these pieces of legislation. Let's have a fair vote. I'm sure it's going to pass this Camber because it's the right thing to do and let's hope we can act on it once it goes to the Senate. Thank you, Representative Black and I hope you can spell my name right the next time."

Speaker Black: "Thank you very much, Representative. Your point is well taken. I have chastised the Assistant Clerk of the House, Tony Rossi for misspelling your name. At this time, the Gentleman from Cook, Representative Dart. Are you seeking recognition?"

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

Speaker Black: "She indicates she will."

Dart: "Representative this...the way I was reading the Bill, there is definitely a couple of ways some of these provisions can be interpreted and I just want to get this straight. The first Section that you're amending, Section four, with regards to making an application for a Foid

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

36th Legislative Day

March 22, 1995

Card, and what would prohibit you from doing it. The new paragraph that you add, eight...paragraph eight, says, 'if he or she has not been convicted of', and then it lists numerous offenses one of the offenses listed is assault. An assault, the last time I checked, was raising someone's hand against somebody in a threatening fashion, which is a Class C misdemeanor. They don't get any lower than that. The way I'm looking at it now if someone commits an assault period, if you commit an assault, you can't get a Foid Card. Or, if you go to the next Section and it gets revoked the way that that reads...I mean I understand the rest of it. If he committees a domestic battery, aggravated assault, UUV violence of an Order of Protection that makes sense, but I'm worried about the straight assault."

Speaker Black: "Representative Moore."

Moore: "Representative, I am not familiar with any case where an individual has been convicted of assault for raising his hand."

Speaker Black: "Representative Dart."

Dart: "I have, and I've prosecuted them and I've convicted them for assault for doing just that. The offensive assault is, you raise your hand in a threatening manner to somebody it's a subjective thing, but the courts will rule on it and I've convicted people on it. My concern as I say, that I'm a very strong supporter of the notion behind this Bill. I just want to make sure we aren't making a mistake in here. A big mistake, mainly the way that I'm reading this and maybe there's another way of reading this. If there is, I would appreciate the opportunity to have it explained to me, but the way I look at it, it says that you can't make application for a Foid Card or you can have your Foid Card

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

36th Legislative Day

March 22, 1995

revoked if he or she has been convicted of alyssum and one of those assaults and if you're convicted of an assault as they say they don't get much smaller than that as far as offenses go. Those are the offenses that most neighbors are charged with doing to each other and I'm sure that's not the intent to take their cards away for people who commit assaults."

Speaker Black: "Representative Moore."

Moore: "This is a list of offenses relating to violence and if you've gone through the system and been convicted, then I think that that proof would be established in the courts. I am interested to know, Representative, if you had the same concern last year when you voted for this Bill?"

Speaker Black: "Representative Dart."

Dart: "I did, and as I mentioned, I am a strong supporter of this, but I just want to make sure we aren't making a mistake here. That's truly what I am getting at here because as I said, an assault is the smallest penalty. You can imagine it is a threatening gesture to somebody and the way that this can be construed is if you commit an assault you can have your Foid Card revoked or you can't get one in the first place and I know that we are going after domestic offenses here and assault is sometimes charged in domestic offenses. But, quite often those are the offenses when there's barroom fights and when there's also fights between neighbors and I just want to get that clarified."

Speaker Black: "Representative Moore."

Moore: "Representative, I do not want to have to come back six months from now and have to defend this issue of assault. There are very dangerous people that are convicted of assault. People that raise their hand lightly are not convicted of assault. You know that and I know that."

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

36th Legislative Day

March 22, 1995

Speaker Black: "Representative Dart."

Dart: "That's not true. I mean I have prosecuted these cases before when I was a Misdemeanor Assistant, a period of time I particularly didn't enjoy, but assault cases quite often are truly just cases of a neighbor who has lost his temper with the other neighbor and he points his finger in his stomach and says, that's it I've had enough of you. Your going to get it. And turns around and walks away. Those people will then show up in court and they've committed an offense. I just want to make sure...I could not agree more with you on what you're doing in the area of domestic violence, but the actual pure assault charge with no reference to domestic violence I see as being sort of troublesome because I mean if it was assault in a domestic violence situation I'd be like sure you're right on target great. But if we are just talking a straight out assault as I say that occurs everyday in bars and arguments on the floor actually, and I just don't want that to get lumped in it. Just doesn't seem to make sense."

Speaker Black: "Representative Moore."

Moore: "Actually if you read further in that paragraph, it says any and which during the commission of that offense a firearm was used or possessed. So if you are assaulting with this firearm in your possession I would say that you would be considered dangerous."

Speaker Black: "Representative Dart bring your questions to a close."

Dart: "Two things. One, if you assault somebody with a firearm you've committed a UUW, and you probably also committed an aggravated assault which is what you would be charged with, so having the assault here doesn't make sense. Secondly, I think there also is, and this is truly for statutory

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

36th Legislative Day

March 22, 1995

interpretation here, there is very easily that last sentence can be read to reference, not the whole paragraph, but can be referenced, the Section beginning on a substantiary similar offense in another jurisdiction in which during the commission of that offense a firearm was used or possessed. It's not clear that that references all of the above and that's what I want to make sure of here."

Speaker Black: "Representative Moore, Representative Dart's time has expired. If you care to answer, proceed."

Moore: "That's why we're making the record clear here so that that is in the record and does include assault."

Speaker Black: "Thank you very much. The Gentleman from Tazewell, Representative Ackerman. Are you seeking recognition?"

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Black: "The Gentleman from Tazewell has moved the previous question. All those in favor of the Motion signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The question is called. Representative Moore to close."

Moore: "Thank you, Mr. Speaker. This is an important Bill and one that will give the tools that are needed to try and protect women and others from abuse and from very dangerous and serious situations. I would therefore ask for your support."

Speaker Black: "The question is, 'Shall House Bill 686 pass?' All those in favor vote 'aye'; opposed vote 'nay'. 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 94 'ayes', 5 voting 'no', 15 voting 'present'. This Bill

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

36th Legislative Day

March 22, 1995

having received a Constitutional Majority is hereby declared passed. Mr. Clerk, Supplemental Calendar Announcement."

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

Speaker Black: "Mr. Clerk, please read House Joint Resolution #33."

Clerk McLennand: "House Joint Resolution #33, offered by Representative John Jones."

Speaker Black: "The Gentleman from Jefferson, Representative Jones on House Joint Resolution #33."

Jones: "Thank you, Mr. Speaker. We would like to address House Joint Resolution 33, Whereas the United States Flag is a most honorable and worthy symbol of a nation that is thankful for its strengths and committed to curing it's faults. A nation that remains the destination of millions of immigrants attracted by the universal power of the American label. Whereas the law as interpreted by the United States Supreme Court no longer accords the flag, the reverence, the respect, and dignity befitted that symbol of the most noble equipment of a nation or a state. Whereas it is appropriate that people everywhere should forcefully call for restoration of the flag to a proper status that is protected by law and decency. Therefore, be it resolved by the House of Representatives of the 89th General Assembly of the State of Illinois that the Senate concurring herein that we urge the Congress of the United States to propose to the states, an Amendment to the Constitution of the United States which specifies that Congress and the States have the power to prohibit the physical desecration of the United States Flag, and be it further resolved that suitable copies of this Resolution be delivered to the

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

36th Legislative Day

March 22, 1995

President Pro Tem of the United States Senate, the Speaker of the United States House, and Representative, and each and every Member of the Illinois Congressional Delegation. Mr. Speaker, let me say there is no sight more beautiful than to see old Glory flying unencumbered floating in a gentle wind. To see it illuminated against the dark night and carrying its triumphant procession through the streets of an American city. I ask each and everyone here to support this Resolution and I ask for an 'aye' vote."

Speaker Black: "Thank you very much. Representative, it has been called to the Chair's attention by the Gentleman from St. Clair, Representative Hoffman, that the Resolution has not been printed and distributed. So leave from the House to just pull this from the record till we can get you copies. Representative Hoffman says 'leave'. Mr. Clerk, can we go to Senate Joint Resolution #35?"

Clerk McLennand: "Senate Joint Resolution #35, offered by Representative Churchill. This is a Corrected Adjournment Resolution. House Amendment #1 has been approved for consideration. It would bring the House Adjournment for Perfunctory on Friday and Monday. The Senate would concur in this Amendment to bring the Adjournment Resolutions into alike status."

Speaker Black: "The Resolution before you corrects the Adjournment Resolution from last week. Anyone seeking recognition on the Adjournment Resolution? House Amendment #1 Mr. Clerk. Representative Churchill now moves the adoption of Senate Joint Resolution #35. House Amendment #1. All those in favor of the question signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Now that the Amendment has been adopted to Senate Joint Resolution #35, I would ask the House to

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

36th Legislative Day

March 22, 1995

concur in Senate Joint Resolution as amended by House Amendment #1. All those in favor of Senate Joint Resolution #35, the Adjournment Resolution, please signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. The Adjournment Resolution is adopted. The House will come to order. I believe House Joint Resolution 33 has been distributed. The Sponsor has previously read the Resolution and has made his opening remarks. Is there any discussion? The Lady from Cook, Representative Currie. Are you seeking recognition?"

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

Speaker Black: "He indicates he will."

Currie: "Representative Jones, can you tell us how often in this past year there have been instances of flag burning that you seek to amend the Constitution to enable us to prohibit?"

Speaker Black: "Representative Jones."

Jones: "I don't have that number Representative."

Speaker Black: "Representative Currie."

Currie: "Thank you, Speaker. To the Resolution. The fact is that flag burning is out as a way of protesting things in the United States. The fact is that it never happened very often and as far as I know it hasn't happened at all lately. Our Constitution is about protecting some fundamental principals of openness and freedom. Our First Amendment is based on the idea that we should be able to speak about our ideas no matter how objectionable my idea might be to somebody else's. That's the principle of the First Amendment and it was critical to the union, to the founding of our union, that the First Amendment to the Constitution was adopted more then 200 years ago. In our Constitution, in our Democracy, it's okay for people to

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

36th Legislative Day

March 22, 1995

 speak even if somebody doesn't like what it is they have to say. To amend the Constitution, to narrow the protections of the First Amendment is wholly unprecedented. We've had that Amendment in place for more than 200 years. And in that 200 years we have never said that the Amendment should protect us less well than it did during these last two centuries. A lot of people didn't like the Supreme Court decision that said that Congress didn't have the power to prohibit burning of the United States flag, but there are lots of opinions by the Supreme Courts and other courts that some of us and many of us don't like. Where is it that one turns to a document that has stood us so well over these 200 years to decide that we need to make a change. This is an issue, it seems to me that does not require a Constitutional Amendment. The Constitution protects us against arbitrary power and I find it odd to think that anybody would want to limit the protections that the First Amendment gives us right now. I think an Amendment that would enable Congress to prohibit the burning of the flag as a manner of expressing one's concerns and one's views about what goes on in our public policy. I think that Amendment is contrary, precisely contrary to what the flag itself stands for. People have fought in many wars to protect our flag to honor our flag, but it wasn't the object of the flag that they fought for. It was what our country stands for and what our Constitution is all about. It's the freedoms, it's the liberty that that flag stands for. It's those freedoms, it's those liberties that we ought to protect. To ask the Federal Congress to offer us an Amendment to narrow the First Amendment on an issue as trivial as flag burning when that issue itself is one that the flag stands for turns our democratic principles and the

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

36th Legislative Day

March 22, 1995

bedrock of our constitutional democracy on it's head. I urge a 'no' vote."

Speaker Black: "Yes. The Lady from Cook, Representative Schakowsky. Are you seeking recognition?"

Schakowsky: "Thank you, Mr. Speaker. I understand the political implications of being against a Bill that somehow has become a kind of litmus test of patriotism, but I rise to speak against this Resolution as a patriot, as somebody who believes very deeply in this democracy and it's principles, who does respect very much the flag of the United States and the things that it stands for, which I believe are more precious in fact than the cloth that makes up the symbol of this country. And that is our freedom to express ourselves in ways that are in fact repugnant to other people. I mean after all what are protections of the Constitution about if not, certainly not to protect popular speech, or popular symbolic actions we don't need any laws for that. It's to protect those expressions that are not going to be popular. Certainly burning the flag is one of them, but it seems to me that those of us who do deeply believe in the Constitution of the United States as policy makers here do have an obligation above all to protect the rights of people and therefore to cast a vote against House Joint Resolution 33."

Speaker Black: "The Gentleman from Will, Representative Wennlund. Are you seeking recognition?"

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I wonder if the two prior Speakers are as willing to defend the Second Amendment and the rest of the Amendments as they are willing to defend the First Amendment and the freedoms guaranteed under it. You know, it's just like the liberal press that are willing to

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

36th Legislative Day

March 22, 1995

recognize only one Amendment to the entire United States Constitution, that's the First Amendment, but forget about the Second and the rest of them. I've had it with the liberal attitudes. This is not just another thing. It is a symbol of the entire freedom that this country was built upon. It is more than just a picture on the wall. It is a symbol of what it stands for, it is not a piece of cloth. It is a symbol of what this entire nation was founded upon and the freedoms we love and enjoy. It's not just a piece of cloth. That's why it is so important. It is important as life itself, because through the first World War all the way back to the war upon which this Nation was founded, men and women died on this land and on foreign lands defending that symbol. That symbol of freedom and that's what this Resolution is all about. And you ought to vote for it."

Speaker Black: "With no one seeking recognition, Representative Jones to close."

Jones: "Thank you Mr. Speaker. You know, the principle argument of opponents to the flag protection is that it infringes upon a person's rights and free speech. However, freedom of speech is not absolute more has its ever been. I ask each and everyone of you to vote favorable for this House Resolution. Thank you."

Speaker Black: "The question is, 'Shall House Joint Resolution 33 pass?' All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. This is final action. 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 98 voting 'yes', 8 voting 'no', 5 voting 'present', and this Resolution having received a Constitutional Majority is hereby declared passed. On page 24 of the Calendar,

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

36th Legislative Day

March 22, 1995

appears House Bill 729 Mr. Clerk."

Clerk McLennand: "House Bill 729, a Bill for an Act that amends the Illinois Water Well Construction Code. Third Reading of this House Bill."

Speaker Black: "Yes, the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Chairman. This Bill is an addition to the Illinois Water Well Construction Code. It has no opposition. The genesis of this Bill is as follows: I live in an area that has beautiful farmland that is becoming soon, an area of beautiful development. Most of these developments are subdivisions with the homes all on wells. There was a planned unit development that came into the area and was approved and when the well was drilled for that planned unit development, 23 wells in one of the subdivisions went dry. Although, through subsequent meetings, there was no connection found between these two events. What we learned through the public meetings and the meeting with the county was that when the development went in, the county had records as to where the wells were located, what the depths were, and what the aquifers were. But, when any homeowner, which they had a right to do, changed their well and changed the depth of their well there was never any record of this. It's a very strong feeling particularly in this area where there is vast development and there are subdivisions coming in, that these records need to be kept because the water supply of course is one of the most important things to the area and we need to know what aquifers the wells are on and what depths they are. So this Bill just gives an addition to the Illinois Water Well Construction Code and provides for three things. That in the local ordinance, they must include in the construction permit application, the depth

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

36th Legislative Day

March 22, 1995

to which the well must be lowered and the aquifer involved. It is already clear in the statute that a permit must be gotten if someone wants to lower their well. The second thing is, that notice must be given to the unit of local government of the subsequent lowering of the depth and the aquifer involved, and the third thing is, that a record must be maintained. Unit of local government is usually the Department of Public Health the existing statute at 415 ICLS, CS30-5B, I'm sorry, 30-5A says that if there is no County Public Health Department that it can be the municipal district or in multiple county health departments. So that is already in the statute. There was a fiscal note filed and there is no cost to this. It would just involve either the clerk writing in a book or putting a line on a computer as to who had lowered their well, to what depth, and what aquifer."

Speaker Black: "On House Bill 729 is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Black: "She indicates she will."

Hoffman: "Representative, I understand that this would require that the information be provided to the Department of Public Health, is that correct?"

Speaker Black: "Representative Lindner."

Lindner: "To the Department of Public Health? Is that what you said? The information would be provided to the County Department of Public Health or if that county did not have one, to the multiple county and department because that is the department that is already in the statute as the one that you have to go to for a well permit."

Speaker Black: "Representative Hoffman."

Hoffman: "It is my understanding at this point however, the

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

36th Legislative Day

March 22, 1995

Illinois Department of Public Health is against this Bill, is that correct?"

Speaker Black: "Representative Lindner."

Lindner: "No, as far as I know when it got out of committee there was no opposition to the Bill and I did consult everybody and there is no opposition."

Speaker Black: "Representative Hoffman."

Hoffman: "Representative, it is my understanding that the State Department of Public Health already does this. They maintain records on the depth of the well as well as the aquifer. Aquifer depth, I'm sorry."

Speaker Black: "Representative Lindner."

Lindner: "They may well do this when a subdivision goes in, but as far as I know they don't do this when there is a subsequent lowering. Because the only thing that one would have to do is apply for a permit, and in fact, I called my County Department of Public Health and they said this was true of other counties too, that no one had a record when a well was lowered at a later date. What you would have to do as the homeowner as to know who was on what well would be to call around to all the well drillers in the area and see who had lowered what well. So as far as I know, there is no record."

Speaker Black: "Representative Hoffman."

Hoffman: "It is my understanding Representative, that local health departments make regular inspections of the aquifers and well, checking for any problems such as the lowering of the aquifers in the immediate area of newly constructed wells. So in light of that and in the light of the fact that the Illinois Department of Public Health already does this, is there really a need for this? And what are you exactly trying to address that isn't presently being

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

36th Legislative Day

March 22, 1995

addressed? I think it's already presently being addressed. I just think that what we are doing is that we're imposing another mandate on local governments that I don't know...or that I know that we have not provided funding for. So why do we want to take away from what the Illinois Department of Public Health is already doing? Send it down to the locals when it could very well cost the government some money."

Speaker Black: "Representative Lindner."

Lindner: "It doesn't cost any money, because there would be no additional clerks and the time that it would take to enter one line into the computer or one line in a book to say that someone's well was being lowered to a certain depth or aquifer, would certainly not take a lot of time. But as far as I know, the State Department of Public Health does not go around to specific homeowners to find out who has lowered their well. If they went to the county to try and check, they could check the aquifers and see what subdivision had gone on that aquifer when the subdivision was initiated. But later on, a private homeowner could, in that subdivision or any subdivision, could go to an independent well driller, get a permit, lower the well, and no one would ever know what aquifer that was on. This is just a thing for good government for areas where there is development to know so we don't run out of water and the people in my township are very concerned about that."

Speaker Black: "Representative Hoffman."

Hoffman: "But Representative, I think it's going to have to cost something because what we're saying is, you're going to have to do something that you don't presently do. And we're saying in local government, you're going to have to maintain those records and you're going to have to do it in

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

36th Legislative Day

March 22, 1995

such a way that it's done within 30 days of the issuance of a permit. So, I think that what we're doing here is once again, requiring a local government to expend funds although, all be it, it may be a good cause and I'm not qualming with the cause, although our records indicate the Department of Public Health was against this. Now, whether they put in a slip or not in committee, I don't know. That's what our records indicate and I may very well be wrong. However, it has to cost something. It has to cost the local government something. My question is, and it will be the final question, since my time is up, if you could just answer that. I'm sure you're glad of that. How much will it cost? Why do you suppose it's not going to cost anything? And if it is costing anything..."

Speaker Black: "This Bill is on Short Debate. Representative Lindner to close."

Lindner: "Yes. Thank you. There was...by the other side of the aisle, there was a state mandate note and a fiscal note filed and that came back saying there would be no additional cost and that any existing personnel could handle this. This is very important particularly to areas of development. Water is one of our most precious resources. We need to know where the water is so that the existing homeowners or the development won't run out and I would urge support for this Bill."

Speaker Black: "The question is, 'Shall House Bill 729 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. clerk, Mr. Clerk, take the record. On this question, there are 102 voting 'aye', 12 voting 'no', and none voting 'present'. This Bill, having received the Constitutional

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

36th Legislative Day

March 22, 1995

Majority, is hereby declared passed. On page 25, appears House Bill 780. Mr. Clerk."

Clerk McLennand: "House Bill #780, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Black: "The Gentleman from Peoria, Representative Leitch. Yes, the Gentleman from Cook, Representative Lang. Are you seeking recognition?"

Lang: "Thank you, Sir, just a point of inquiry. It appears to me that you're skipping around on the Calendar. You may be going in some kind of numerical sequence but I can't figure it out. There's Bills being skipped. Can you give me the benefit of your wisdom, Mr. Speaker, as to the whys and wherefores of the order in which you are proceeding?"

Speaker Black: "We're trying to work our way through the Calendar as expediently as possible, Representative, and sometimes that requires that we skip around a little bit. Yes, Representative Lang."

Lang: "Well, you wouldn't be just skipping Democratic Bills, now would you, Sir?"

Speaker Black: "I'm shocked that you would even say such a thing. The fastest Bill that we've passed on Third Reading this year was about 45 minutes ago and it was a Democrat Bill and I was very, very happy to call it. Yes, Representative Lang."

Lang: "Well, we notice, first of all, we noticed that you were shocked, you weren't appalled. Generally, appalled goes with shocked. Earlier, about 10 times on your side of the aisle, people were shocked and appalled and I'm appalled to know that you're only shocked but, but I would like to know how you're making these determinations, Mr. Speaker, as to which Bills you will go to? Mr. Hartke has had at least three Bills skipped on the Calendar since we started

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

36th Legislative Day

March 22, 1995

working today."

Speaker Black: "Yes, well, can we let Representative Leitch proceed with his Bill and I'll take your questions under advisement with the Parliamentarian? On House Bill 780, Representative Leitch, proceed."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. One of the major issues unfortunately in our society today relates to the problems of expulsion and expulsion of young people from schools and one of the circumstances of that process is that presently, Illinois law is somewhat contradictory, confusing and not in sync with the federal restrictions which apply in the specific case of weapons. To that end, House Bill 780 would seek to clarify this issue and to bring this matter into some clarity. One of the problems that we presently have is when a youngster is expelled for a weapons charge or for carrying a weapon in a school, the penalty under present law depends on what time of year that individual is apprehended with a weapon. For example, if it occurs very early in the school year, then the youngster is suspended all the way through the term of the year and is not allowed to participate in school activities. If on the other hand, the youngster were to be apprehended in late April or May, that suspension might result in only a couple weeks or a month of actual suspension. Furthermore, federal law now requires a minimum of a one year expulsion for a youngster with a weapon in a school. So, what House Bill 780 does is clarify that a Board may expel a student for a period, not to exceed two years, unless that is a weapons situation and then the youngster shall be expelled for one year and the Bill further goes on to clarify another problem that is in present law and that is this Bill makes clear that the

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

36th Legislative Day

March 22, 1995

special education youngsters are to be dealt with in a matter consistent under the federal laws which apply as opposed to Illinois law. With that, I would recommend this Bill to you and ask for a favorable Roll Call."

Speaker Black: "And on House Bill 780, the Gentleman from Washington, Representative Deering. Are you seeking recognition?"

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

Speaker Black: "He indicates he will."

Deering: "Representative, I see here that you can expel the student for to not less than one year and up to two school years. If you expel the student for bringing a weapon to school..."

Speaker Black: "Representative Leitch."

Leitch: "Mr. Speaker, I cannot hear the Gentleman's questions."

Speaker Black: "The point is well taken, Representative. Representative Deering, could you repeat your question?"

Deering: "If the student is expelled from school, in a public school system, does that school then have to provide educational opportunities elsewhere, as the federal law now, I believe, mandates for an expelled student?"

Speaker Black: "Representative Leitch."

Leitch: "That's a very, very good question, Representative. I know in District 150 right now, within nine months there will be a special school in place for students who are expelled because as your question implies, it does very little good to kick youngsters out of school, turn them out in the streets, and then have, have a number of problems resulting because they are not in school or in some other location. So, a number of school districts around the state are moving to work with the circuit court of that district, to work with, in our case, a youth farm which is

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

36th Legislative Day

March 22, 1995

a group that works with young adults who need some direction and guidance and with the school system to provide that there is a good place to go. Whether that is mandated by federal or state or other authority, I'm not aware of that but if there isn't, there certainly should be an effort where we should spend some time."

Speaker Black: "Representative Deering."

Deering: "I know that a lot of school districts throughout the state are concerned about that when that happens because then it is a substantial cost increase per student to educate those students and it takes monies away from educational opportunities for the rest of the students at school. I hope that if we do this and it's a statewide initiative if this passes, we do address those concerns maybe in the Senate to see that we're not going to dry up the funds for the rest of the school at the expense of a handful of students. I have problems in my district that I'm sure that you have in yours. But I think it is a good concern that we have to look out for what these students are coming to school with. A final question, if a student brings a weapon to school, will he then because he or she may be a juvenile, or is a juvenile, will they be arrested then or can they be arrested and charged with a felony because the language that was in the Safe Neighborhoods Bill that we passed in the veto session last fall?"

Speaker Black: "Representative Leitch."

Leitch: "I understand they stay in school until the proceedings, the civil proceedings are completed."

Speaker Black: "Representative Deering."

Deering: "You said you understand that he or she stays in school until the proceedings?"

Speaker Black: "Representative Leitch."

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

36th Legislative Day

March 22, 1995

Leitch: "I may not of understood your question. Would you repeat it? I'm having a hard time hearing over here."

Speaker Black: "Representative Deering."

Deering: "Yes, simply, my question is, if a student is expelled from school for bringing a weapon, is he or she then charged with a felony as what the Safe Neighborhood's Bill language had in it last year in the veto session? If they are convicted, will they go to court and then can they be convicted and be convicted of a felony for having that weapon in school?"

Speaker Black: "Representative Leitch."

Leitch: "I don't know. I think that would depend on the severity of the offense. If they were just carrying one, perhaps inadvertently, just had a knife or something in their pocket, I think that is almost in its way unrelated because it depends on whether it is an offense that is sufficient to warrant going into the criminal justice system. I know that the policy of most schools, certainly in 150, is that the principal immediately reports incidents of this kind to the local police and then if it goes on from that point to some form of prosecution, I think that would be in the normal course of dealing with this such an issue in the criminal justice system."

Speaker Black: "Representative Deering, your time is about to expire. Bring your questions to a close."

Deering: "Thank you, Representative. I appreciate that."

Speaker Black: "The Gentleman from Cook, Representative Dart. Are you seeking recognition on the question?"

Dart: "Yes. Will the Sponsor yield, please?"

Speaker Black: "He indicates he will."

Dart: "One question. Tying into what Representative Deering was just asking about, if the juvenile has gone inside the

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

36th Legislative Day

March 22, 1995

school, would they be subject to increased penalties based on being, even though they are juvenile and not an adult, based on being within a 1,000 feet of the school, actually physically being in it?"

Speaker Black: "Representative Leitch."

Leitch: "I don't know about outside of the school. This pertains to, this relates to whatever the general suspension rules are. I suspect if those include school property, it would be included in this. But this is I know specifically addressing the school itself."

Speaker Black: "Representative Dart."

Dart: "I think, and I'm not sure about this, I really am asking a question on this one as opposed to some of the other things I do. The...I think if it's a juvenile with a gun inside, your law wouldn't change that at all anyways. Whatever occurs to the child now, the juvenile under 17, as far as bringing the gun in court, if they're tried as, I think they may be tried as felons, I'm not sure about that. If they're tried as felons right now because they had the gun in the school, with this law, without this law, that stays the same, correct?"

Speaker Black: "Representative Leitch."

Leitch: "Yes, that's correct. I think those other issues are incidental to the carrying of the weapon and whatever the youngster did or didn't do with that weapon. This clarifies the law right now because of the problems that I mentioned earlier, whereas it's very unfair for one kid to get kicked out for two weeks for a weapon as opposed to the full school term and in any event the Feds now mandate a one year expulsion for a weapons charge. It also seeks to clarify the differential treatment between a youngster who is a special abilities youngster as opposed to another

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

36th Legislative Day

March 22, 1995

youngster because that too is described in the Federal Act."

Speaker Black: "Representative Dart."

Dart: "Thank you. And speaking on that federal Act, that was one of the questions I had. Where it makes reference to Section 921 and Title 18 of the U.S. Code, when it determines whether you brought in a gun or not. You, on most of the other laws that we deal with, we usually reference them to Illinois laws as usually it would be in violation of gun offenses as defined in our codes and it would cite 24-1 and whatever. This references the Federal Act. I was wondering why we are referencing the Federal Act as opposed to the State Act and secondly, I don't know what that Federal Act is. I was trying to get a handle on that."

Speaker Black: "Representative Leitch."

Leitch: "I've got a copy of it around here somewhere if you'd like to see it. It's done because it is the specific reference to the specific Federal Mandate. I've got it if you'd like to see it. Let me find it. ..."

Speaker Black: "Representative Dart."

Dart: "Thank you, thank you. I think from looking at it and I was just trying to make it clear for the record, it appears as if the Federal Statute 921 is very similar to ours so we're talking about probably under our code be a normal gun violation. I just want to get that clarified for the record here because we are using different terms here. In my reading of it, it looks close to it. It's not identical but it appears to be the same so it looks as if we're talking about a student who's determined to have brought a weapon as defined by the Federal Statute, which in general is very similar to our Unlawful Weapon Statute. Is that

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

36th Legislative Day

March 22, 1995

correct?"

Speaker Black: "Representative Leitch."

Leitch: "I believe that's correct."

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

Dart: "Just want one final question. And the one remaining thing, I was wondering about how we then modify it by saying things will be decided on a case by case basis so even though we're setting a two-year limit, it can't exceed two years. We're saying that the State Board of...the school district can make it five days, it can make it eight months, it can make it a year and a half. Is that...and so we're really, we're leaving the discretion with them. Is it..."

Speaker Black: "Representative Leitch."

Leitch: "Yes, because this relates not only to weapons expulsions but to drugs and to other assaults and to other kinds of expulsions, so whereas, the weapons mandate is one year, there are a number of other different reasons for expulsion which ought to be, the school districts ought to be able to consider on a case by case basis, depending on the circumstances of the youngster and the family circumstances and whatever else may be at play in the whole situation."

Speaker Black: "The gentleman from Cook, Representative Lang. Are you seeking recognition on the question?"

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

Speaker Black: "He indicates he will."

Lang: "Representative, don't school districts have the power to expel a student now?"

Speaker Black: "Representative Leitch."

Leitch: "Yes, absolutely and if you have a copy of that Bill, it shows you the process for doing it before it gets the area

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

36th Legislative Day

March 22, 1995

that is changed. As I mentioned, the problem is, yes, they have the power to expel but there is a, the rule, the federal law now requires the expulsion for a weapons to be for one school term. Right now it is open-ended as I mentioned that if the youngster were expelled a day before the term, he would have a one-day penalty as opposed to a year penalty and makes the other specifications that I described earlier in my presentation."

Speaker Black: "Representative Lang."

Lang: "Well, your Bill also says that, that it's a one year to two years, except it could be modified on a case by case basis. Aren't, if you can modify it on a case by case basis, Representative, aren't you really saying that it's any period of time, up to two years?"

Speaker Black: "Representative Leitch."

Leitch: "Not on a weapons charge. In other situations, yes. I think local districts should have that discretion depending on the circumstances. If some youngster came to school and he accidentally had a knife in his pocket that later came out, that's one issue that needs to be dealt with in one way. If you have another youngster who comes to school with a knife and is actually attacking another youngster, then that's another level, degree of severity. So, I think it's very appropriate and important that this measure leaves in place the ability of school boards to use common sense and to understand and work with the family and others who might be involved in such incidents."

Speaker Black: "Representative Lang."

Lang: "Now the Bill discusses the expulsion or suspension shall be construed in a manner consistent with the Federal Individuals With Disabilities Education Act. Explain how that fits in here and what you're referring to."

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

36th Legislative Day

March 22, 1995

Speaker Black: "Representative Leitch."

Leitch: "It's virtually impossible to expel a special education youngster for many of the offenses another youngster would be expelled for, quite directly and immediately, because the Section alluded to in that Bill outlines a very different process for dealing with problems involving those youngsters. I don't have that process in front of me but there quite literally is a dual system for working on these issues."

Speaker Black: "Representative Lang."

Lang: "So, in essence, you're telling me that a child in a wheelchair could come in with a gun and perhaps, not be expelled?"

Speaker Black: "Representative Leitch."

Leitch: "But I don't know. That sounds a little extreme to me. I would say that the individual would fall under a different procedure for being dealt with and his case considered before the school authorities."

Speaker Black: "Representative Lang."

Lang: "What about second violations? Let's assume we've expelled a student for two years. Now, during the next term, the child comes back and the student again has a gun. Is there anything in your Bill that would deal with enhanced penalties, enhanced expulsion, et cetera for a second or subsequent violation?"

Speaker Black: "Representative Leitch."

Leitch: "I would assume he gets expelled again for another couple of years."

Speaker Black: "Representative Lang."

Lang: "Now, Representative, I'm sure you're aware that there were Amendments filed to this Bill in committee. Apparently, you resisted them. Amendment 2 to fund education first,

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

36th Legislative Day

March 22, 1995

and an Amendment for proper funding for education, Amendment, the TRS Insurance Crisis. You were there the day the Amendments I assume were proposed. The Amendments got sent off to some committee. I assume, if you had favored them, they would have not. Why didn't you allow those Amendments to go on your Bill?"

Speaker Black: "Representative Leitch."

Leitch: "Each of those issues is of such importance that we expect through the Session at some point to be addressing each one of them and I didn't think it was appropriate on my less consequential Bill to have measures of that importance included on them."

Speaker Black: "Representative Lang."

Lang: "So you're suggesting that we should do the less important things first here Representative?"

Speaker Black: "Representative Leitch."

Leitch: "Not at all. I think it's important that we, that we have ample time to study each of the important issues that you described. Each of those, especially the Teachers' Retirement System needs urgently, and will be urgently addressed but that has important financial considerations involved and I think we have to work very carefully to do the best possible job with the issues that you mentioned and where Amendments that you proposed."

Speaker Black: "Representative Lang, your time is about to expire."

Lang: "So, would it be fair to say that you support better funding for education and the teachers retirement money?"

Speaker Black: "Yes, the Gentleman from Clinton, Representative Granberg is seeking recognition on the question. Yes, Representative Lang."

Lang: "But I asked him a question that I would expect an answer

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

36th Legislative Day

March 22, 1995

to."

Speaker Black: "I'm sorry. I was too busy watching the timer.

Representative Leitch, do you wish to respond to the last question from Representative Lang?"

Leitch: "Oh, most definitely. I think it will be very, very important for us not to leave Springfield before we address certainly, the teacher's retirement situation and the other issues you mentioned as well."

Speaker Black: "Thank you, Representative. The Gentleman from Clinton, Representative Granberg. Are you seeking recognition on the question?"

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

Speaker Black: "He indicates he will."

Granberg: "Representative Leitch, I think I understand the parameters of your Bill now. You've been kind enough to answer the questions but, let me just ask one. Coming from a rural area, hypothetically, a kid drives his father's truck or something on to the school property. The father leaves his shotgun or some other weapon in the trunk of the car, would that student be suspended from school or would that be part of the option of the school board to make that determination?"

Speaker Black: "Representative Leitch."

Leitch: "I would think that would be more under the category of suspension. I would doubt very much, especially in a community as you described, whether that would be defined as possession and have him expelled for two years just because his father left a gun in the trunk."

Speaker Black: "Representative Granberg."

Granberg: "That would be left up to the local school board to make that determination, Representative, is that correct?"

Speaker Black: "Representative Leitch."

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

36th Legislative Day

March 22, 1995

Leitch: "Yes."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Representative. On Representative Lang's question, all of us are very concerned about the funding of the Teachers' Retirement System on the health plan. I couldn't quite hear your response. Did you indicate that you might consider the Amendments, moving the Bill back to Second, in order that we could do an Amendment to address the funding crisis in the retirement system?"

Speaker Black: "Representative Leitch."

Leitch: "No, I didn't speak with reference to the Amendments in that fashion. What I said was that those issues are of such importance, that they deserve to be studied. They deserve to have a careful solution proposed and that I'll be very disappointed if we don't resolve those issues before we leave here in May. I'm not totally persuaded that each of those Amendments that are proposed are the right answer and that's why I think we need to continue to look at them and work them into the overall budget picture that as you know, our state has facing us now."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Representative. The one Amendment that we had, had that we've been trying to get considered with no luck whatsoever, has been a continuing Appropriation, much like we did with the pension funding system last year, because we had failed to address the pension funding for years since 1982 and there was currently a 16 billion dollar unfunded liability. This would be much the same, that it would be in fact a continuing Appropriation for this purpose. So at this point, you would not be willing to consider that Amendment on your legislation?"

Speaker Black: "Representative Granberg, address your question to

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

36th Legislative Day

March 22, 1995

the Bill, please. The Bill on the board, House Bill 780."

Granberg: "Okay, well, thank you, Mr. Speaker. I would certainly like to do that. In fact, you, yourself, Mr. Speaker, approximately eight weeks ago, I asked you if we could go to the Order of Motions and in fact, we made that Motion to deal with those issues and eight weeks ago to deal with the funding of the Teachers' Retirement System and other issues and you said that you would take it under advisement. Now, that's been approximately eight weeks ago. Yesterday, I tried to raise this issue on the floor and they said wait 'til Third Reading. Now we're on Third Reading and I've been told that we have to wait for the Amendment. The Amendment will never be considered because its in the Rules Committee. I respect Representative Leitch on this legislation and I'm gonna vote for it, but I'm very, very disappointed that the Majority Party will not deal with the health insurance funding crisis for our retired teachers. We cannot get a hearing on our Amendment or our Bill. They have routinely been sent to Rules Committee. Not one vote has been taken and I, apparently that is going to be the policy of the Majority Party here in the House that they will not address the issue and that is certainly unfortunate for all our retired teachers because then we then hear complaints about votes being misunderstood and misreferenced. Well, those are the only votes we have because the House Majority has refused to deal with the issue and so we had to take those votes for what they are worth, a denial of dealing with that issue and not turning our backs on our retired teachers."

Speaker Black: "The Lady from Cook, Representative Davis."

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

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

36th Legislative Day

March 22, 1995

Speaker Black: "He indicates he will."

Davis, Monique: "Representative Leitch, currently what happens if a youth brings a weapon to school?"

Speaker Black: "Representative Leitch."

Leitch: "As I hope I mentioned, the youngster is expelled but the question here is if the youngster brings that weapon in April and the school adjourns in June, then the youngster is expelled for two months. If the youngster brings the weapon with him in September and then is expelled, then the youngster is out for a much longer period of time, which is unfair. It's unfair to treat one youngster one way and another one the other way and that's an important purpose for this Bill."

Speaker Black: "Representative Davis."

Davis, Monique: "Mr. Chairman, thank you. What happens if he brings a knife to school?"

Speaker Black: "Representative Leitch."

Leitch: "I think that depends on the incident itself, with respect to whether the youngster would be suspended and go through a suspension process, whether nothing would happen or whether the young person would actually be expelled. That's sort of, not entirely related. This process pertains to specifically, if there were an expulsion process and not a suspension process."

Speaker Black: "Representative Davis."

Davis, M.: "Do local boards have authority at this time? For example, the local Board of Education in Peoria or the local board of education for these different districts, do they at this time make those kind of decisions in reference to what happens to a youngster who brings a weapon to school?"

Speaker Black: "Representative Leitch."

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

36th Legislative Day

March 22, 1995

Leitch: "Yes, Representative, and that's one of the important features that is preserved in this Bill. These are on a case by case basis unless the federal mandated penalty applies and that is the federally mandated expulsion for one year. Other than that the school board does have a case by case discretion and insight."

Speaker Black: "Representative Davis."

Davis, M.: "I'd like to know what the student does for the year. I mean, let's say Michael does something or he brings a weapon to school because he was fearful of some group and he's caught with the weapon and he's expelled for a year. What does he do that year? Is there a place he goes? Can he attend private school? Can his parents pay for him to go to parochial school? What does he do or does he just hang out in the neighborhood? I'd like to know what he does for that year?"

Speaker Black: "Representative Leitch."

Leitch: "There are a number of alternatives for the young person. The worst of which is the streets, but if the young person can be accepted in a parochial school or another district, he can go there. If the community has an alternative school, as we do in Peoria, sometimes, depending on the case, the individual can go there. But, I think most importantly, it's incumbent on our state, especially in view of these expulsion requirements, that we do answer that question in an effective fashion whatever our community need might dictate. I know, as I mentioned earlier, our court system, our school district, and our social service system are working together and hope to have in place within nine months, an answer to that very question. What programs are under way in Cook County or other parts of our state, I'm not aware, but I certainly

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

36th Legislative Day

March 22, 1995

think they are urgent community priorities."

Speaker Black: "Representative Davis, your time is about to expire."

Davis, M.: "I imagine that it would expire Mr. Speaker, when he talks so very slow about this important event. In Chicago, we don't have alternative schools to send children to. We in this Body should be more concerned about keeping children in places of learning rather than constantly looking of ways to deny them an education. I'd like to tell you quickly about a little girl named Patsy who was in a classroom of mine. It was written about in the Decatur Herald by a reporter name Max. Patsy was 13 years old in eighth grade and she was being chased by high school students. Her mother left for work at 6:00 a.m..."

Speaker Black: "Representative, your time has expired. Please bring your comments to a close."

Davis, M.: "Someone's giving me their time, Sir."

Speaker Black: "When they are recognized, we'll do that, not until. Bring your remarks to a close."

Davis, M.: "I think we should be very concerned with putting children in the street without supervision or a place to go and it isn't going to improve the educational environment for the places where they've left. I think it's significantly important that in Peoria there is an alternative school. In Chicago, there is not and in most places in the State of Illinois, it is not. Patsy, this little student in my class, was suspended on record for 21 days. but today she is a mother. She has three children. She has a high school diploma and a college degree. I hate to think of what would have happened to Patsy, had she been expelled from school for one year with her mother or grandmother who was raising her, who left for work at 6:00

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

36th Legislative Day

March 22, 1995

there are 103 voting 'aye', 6 voting 'no', 3 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Representative Lang, I had been discussing your inquiry of the Chair with the Parliamentarian. It's our understanding that the reason that some Democrat Bills have been passed over since Mr. McGuire's, we are lacking a clear sense of direction from our colleagues on your side of the aisle and what we would like for you to do is to have your Chief of Staff, as we used to do when we were in the Minority, meet with our Chief of Staff and give us some direction on what Bills you want called. Yes, Representative. Yes, Representative Lang."

Lang: "Representative, we only have about, I don't know, six Bill on the Calendar. We think you should call them all in order as you're calling your Bills."

Speaker Black: "Well, six or one half dozen of another, if we can just get together, if we can just get together, we'll try to do that. All right, thank you. Representative Wojcik in the Chair."

Speaker Wojcik: "Representative Wojcik in the Chair. Mr. Clerk, read House Bill 854."

Clerk Rossi: "House Bill 854, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Wojcik: "Representative Mitchell, on House Bill 854."

Mitchell: "Thank you, Madam Speaker. House Bill 854 is an Act that amends the School Code and it will reduce from 18 years of age to 17 years of age, the age at which an Illinois resident who's not a high school graduate but whose high school class has graduated, may take the high school level GED test and will be effective immediately. There seems to be a gap in the area of students that leave

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

36th Legislative Day

March 22, 1995

the public schools at age 16 and then have to wait until they're 18 years of age in order to take the GED exam or the high school equivalency test as it's known. My Bill will change that situation and allow students whose class has graduated, even though they have not reached the age of 18, to take that exam, enter the work force or go on to Junior College or a four year college at an earlier date. It closes the gap on some alternative education programs that are needed throughout the State of Illinois. I recommend that we vote 'yes' on this Bill and I'd be happy to answer any questions."

Speaker Wojcik: "Any discussion? For what purpose does the Gentleman from Clinton, Representative Granberg rise?"

Granberg: "Thank you, Madam Speaker. Will the Gentleman rise? Thank you, Representative Mitchell...Representative Mitchell, will you move your Bill back to Second Reading where we can have the ability to amend your Bill to address the crisis for the Teachers' Retirement System for health funding, so our retired teachers will not have to use all of their pension money to pay their health insurance premiums?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Granberg, I realize how important that issue is and that issue is being addressed by this side of the aisle. I don't feel that this is the appropriate time to do so. However, I do share your concern and I do believe that that issue will be addressed, but I don't feel that this is the appropriate Bill for that particular issue."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative, you don't feel that this is a critical issue that should be addressed immediately?"

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yes Sir, I do think it's a critical issue and I do think it's being addressed, but we certainly don't want to take an issue of that magnitude and place it on a Bill of this nature. I think this is also an important issue and I think it's one we should discuss by itself."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative, do you think this issue is more important than addressing the funding crisis in the retirement system for our retired teachers?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Granberg, I think that is a very important issue just as this is an important issue and I'd like to speak the merits of this Bill and not that particular issue which is not a part of this at this time."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you, Representative. The question still is, Representative, do you feel this Bill is more important than that issue and that is why you do not want to address resolving the health insurance funding crisis on this piece of legislation?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "No Representative, I don't think that this is a more important issue than the issue of the Illinois teacher's health crisis. However, I would like to discuss this Bill since that particular issue in its magnitude has nothing at all to do with this particular issue at this time."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you, Representative. I expect we disagree. You've indicated that this matter is being addressed. Would you please inform the Body, and particularly this side of the aisle, what is the status of this matter that

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

36th Legislative Day

March 22, 1995

in fact, has it been resolved?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Granberg, I don't believe that issue has anything to do with this particular issue and I would like to speak to the merits of this particular Bill and be happy to answer any questions you may have concerning House Bill 854."

Speaker Wojcik: "Representative Granberg."

Granberg: "I appreciate that Representative Mitchell, but I know that I have 80 year old teachers in my district and you have 80 year old teachers in your district, who are living on \$400 a month. They don't receive Social Security. Their health insurance benefits are gonna go up \$300 a month. They're currently resorting to eating cat food and I think that's a much more important issue, respectfully, Sir, than this. To this Bill."

Speaker Wojcik: "Representative, Representative, could we keep the comments to the subject of the Bill, please?"

Granberg: "Thank you, Madam Speaker. I will. It's unfortunate that we have to, with due respect to the Representative, that this Body has refused to deal with that issue. We have tried to address it. We've tried to address it with the Amendments. We've tried to address it in committee. Apparently, the Majority Party doesn't feel it's that important. That is a shame to turn our backs on those teachers. I think Representative Mitchell is probably well intended with his legislation, but I don't think that this is a priority for this Body, particularly at this time."

Speaker Wojcik: "Representative Granberg, to the Bill, please."

Granberg: "Thank you, Madam Speaker."

Speaker Wojcik: "For what purpose does the Representative from Madison, Representative Stephens rise?"

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

36th Legislative Day

March 22, 1995

Stephens: "Thank you, Madam Speaker. A point of personal privilege."

Speaker Wojcik: "State your privilege."

Stephens: "The Gentleman from Clinton, on every Bill, rises and talks about the Teachers' Retirement System Health Insurance Plan. While he is demagogue the issue, we are working to provide a plan that this General Assembly will vote on in not so many days or weeks. We have time to deal with this and I don't think that the people of your district, Representative, appreciate at all the fact that you demagog and try to scare them to death when what we are going to do is present a Republican plan that gets the job done. We're tired of ..."

Speaker Wojcik: "Representative Stephens, Representative. For what purpose does the Gentleman from Cook, Representative Lang, rise?"

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

Speaker Wojcik: "Representative Mitchell. He indicates he will."

Lang: "Representative, the Bill indicates that the people that can take the GED test includes a person who's 18 years of age or older who has maintained residence in the State of Illinois. How is that defined in your Bill?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yes, Representative Lang, the only difference, the only change is that it just simply reduces that age to age 17."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I appreciate you telling me what you wanted to tell me. Now, the question is, how do you define maintaining residence in the State of Illinois in your Bill?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, it just simply means that they have to

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

36th Legislative Day

March 22, 1995

live within the confines of the local school district of which they are attending."

Speaker Wojcik: "Representative Lang."

Lang: "You also indicate a male, 17 years of age or older, who is unable to attend school because he is the father of one or more children. Who determines whether they are able or unable to attend school because of those children?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "I'm sorry, Madam Speaker, I was unable to hear the question because of the noise."

Speaker Wojcik: "A little order in the House, please. Representative Lang."

Lang: "Thank you. The Bill indicates another person who can take the test is a male who's 17 years or older who is unable to attend school because he is a father. The question is, who determines whether this person is or is not able to attend school?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Madam Speaker. Representative Lang, that is no change from the initial Bill. That Bill has been in effect and is still in effect and we are not changing that part of the legislation."

Speaker Wojcik: "Representative Lang."

Lang: "Well, it's the same problem we had on the first question, Representative. I didn't ask you what your Bill does, I asked you what this part of the law does that you're amending, so I would like to know what this means. You say a male 17 years of age or older, who is unable to attend school because he is a father and I'm asking you who determines that?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, I would believe that that would

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

36th Legislative Day

March 22, 1995

probably be determined by the courts or by the fact that he has a child."

Speaker Wojcik: "Representative Lang."

Lang: "What about the Section that says a person can take the test if they're successfully completing an alternative education program. What is an alternative education program?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Would you repeat the question, Sir?"

Speaker Wojcik: "Representative Lang."

Lang: "So far, Madam Speaker, I have three minutes gone. I haven't had a question answered yet because staff won't stop talking to the Representative."

Speaker Wojcik: "You're doing a good job, Representative."

Lang: "The question is, a person can take this test if they're successfully completing an alternative education program. The question is, what is an alternative education program?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Lang, most of the Junior Colleges throughout the State of Illinois work in conjunction with the Regional Superintendents within their area to provide an alternative education program which assists the student in developing the various academic skills that he needs or she needs in order to be successful on the GED examination. Without that particular program, without that alternative school, it will be impossible for that student or very difficult for that student to pass that particular exam. The exam itself, is a rather difficult exercise and so they do need that assistance. Most of the Junior Colleges welcome this kind of legislation because it will strengthen their program and give students throughout the State of Illinois an opportunity to successfully complete the high

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

36th Legislative Day

March 22, 1995

school equivalency exam and go on to two areas: either the work force at a higher rate of pay or on to Junior College or to a four year university where they will be even more successful with their life skills."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. Representative, when Governor Edgar took office, we were funding education in this state at 39%. It's now at 32%. You resisted House Amendment 3, which would have taken it to 42% and House Amendment 4, which would have taken it to 50%, without a tax increase. Why did you resist those Amendments?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Madam Chairman. I think that this Bill will do an awful lot to help students throughout the State of Illinois and I would like to continue to discuss the merits of this Bill and I'm sorry, but I really don't understand what your question has to do with the merits of House Bill 854."

Speaker Wojcik: "Representative Lang, bring your remarks to a close, please."

Lang: "Representative Mautino would like to yield..."

Speaker Wojcik: "He's not recognized for that purpose. For what purpose does the Representative from Cook, Representative Murphy, rise?"

Murphy, Harold: "Yes, I'd like to give up my time to Lou Lang, please."

Speaker Wojcik: "You won. Representative Lang."

Lang: "Thank you. I would like to repeat the question. The Representative said he didn't answer it or understand it. It's a pretty straight forward question for someone in this Body. When Governor Edgar took office, we were funding education at 39%, Representative. Now we're funding

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

36th Legislative Day

March 22, 1995

education at 32%. Amendment #3 to this Bill would have provided that we get to 50% funding for education by starting at 42% for the next fiscal year. House Amendment 4 would have provided that we get to 50% funding by adding 50% of all revenue growth until we get there. Both of these would have increased education funding without a tax increase. Pretty important measures when schools are dying all over the State of Illinois and so many schools are on the financial watch list and so I ask you since it's your Bill, why you resisted the opportunity to provide better funding for education without a tax increase?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Madam Speaker. I'd be more than happy to answer any questions that relate to House Bill 854, but I fail to see the relevance of this particular question in the area of House Bill 854, which is a fine Bill and it certainly will do a lot for students throughout the State of Illinois and I'd be real disappointed, Representative Lang, if you didn't see the merits of this particular Bill and see that it will close a gap for alternatives for students who are seeking a chance to finish their high school education and go on and improve their life status in this particular state."

Speaker Wojcik: "Representative Lang."

Lang: "Well, thank you. That wasn't much of an answer and Representative, let me tell you why this is important and why you need to answer the question. This is your Bill. These Amendments were proposed for your Bill. That makes this relevant to your Bill. You personally resisted these Amendments to go on your Bill and you have a responsibility to tell the Body and the 97,000 people that elected you to your position in the General Assembly, why you resisted the

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

36th Legislative Day

March 22, 1995

opportunity to take care of education funding in this state on your Bill. You had the opportunity to be a hero, Representative. Why have you resisted that?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Lang, heroism is not even a fraction of what this Bill will do for the students in the State of Illinois. I'm very proud of the Bill itself. I'm very proud of what the State of Illinois is doing and I think we will address those issues. I did not particularly bring shame upon the State of Illinois because I resisted these Amendments that you proposed that I have resisted. I think that this Bill will do some things to change the state of student throughout this state and I think that we should address the merits of this particular Bill and I'm not so sure that you really feel that this Bill has any merit whatsoever since you don't want to discuss the merits of this particular Bill."

Speaker Wojcik: "Representative Lang."

Lang: "Representative, I support your Bill. It's a terrific Bill. I'm trying to help you make your Bill better and when you go before a committee of this House and Amendments are offered for your Bill and you resist them, you're responsible for your resisting of those Amendments and there's nothing more important in this state and I say nothing more important than properly funding the education of our children. Now you want to provide these GED tests for these folks, they should have those tests. You're talking about a handful of people. I'm talking about every school child in the State of Illinois. You have rejected the opportunity to help every school child in the State of Illinois. You resisted those Amendments, nobody else. You said, I don't want those Amendments on my Bill. Now the

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

36th Legislative Day

March 22, 1995

Body would like to know why you don't want to fund education?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Not knowing the fate of every child in the State of Illinois, this Bill could possibly help every child in the State of Illinois and this Bill has its own merits and I would suggest that we talk about the merits of this Bill since you just said that you support it and believe in and I appreciate that, Representative Lang."

Speaker Wojcik: "Representative Lang."

Lang: "Well, Representative, I intend to vote for your Bill, but I think we've all heard that you have nothing to say on the issue of education funding. We offered these Amendments on your Bill. You resisted them. You said, I'm not for these Amendments, don't put them on my Bill, I don't want to be responsible to properly fund education in the State of Illinois. I reject and resist your Amendments to take care of the school children of Illinois. So fine, you've made your statement. We've heard your statement and so will everybody in your district."

Speaker Wojcik: "For what purpose does the Gentleman from Tazewell, Representative Ackerman, rise?"

Ackerman: "Thank you, Madame Speaker. I move the previous question."

Speaker Wojcik: "The previous question has been moved. All in favor signify by saying 'aye'. We'll take a Roll Call. All signify by saying 'aye'. I said a Roll Call. The vote is open. All vote who wish. All vote who wish. All vote who wish. Mr. Clerk, take the record. There are 67 'ayes', 47 'nays', 45 'nays', no 'presents', and the motion is carried. Representative Mitchell to close."

Mitchell: "Thank you, Madam Speaker. House Bill 854 certainly

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

36th Legislative Day

March 22, 1995

will give students an alternative to what they have now and that in some areas is very, very little in the way of alternative education. I suggest that everyone in here take a look at this particular piece of legislation, see the merits of the Bill, and give it an affirmative vote. Thank you."

Speaker Wojcik: "The question is 'Shall House Bill 854 pass?' All those in favor signify by voting '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. There are 112 'yeas', no 'nays', none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 823."

Clerk McLennand: "House Bill 823, a Bill for an Act concerning state police vehicles. Third Reading of this House Bill."

Speaker Wojcik: "This Bill is on Short Debate. Mr. Black."

Black: "Thank you very much, Madam Speaker, and Ladies and Gentlemen of the House."

Speaker Wojcik: "For what purpose does the Representative from Cook, Representative Lang, rise?"

Lang: "Thank you. I have a point of order, Madam Speaker. We went from House Bill 855 to House Bill 823. I thought in this new and open government we had in the Illinois House, we were going to be following the Calendar straight through and now I see we're going backwards. Can the Chair enlighten us as to what direction we're going? Shall we turn our Calendars upside down? Shall we turn them inside out? What shall we do with our Calendars? Shall we throw them away? Tell us what direction we're going."

Speaker Wojcik: "We'll let Representative Black."

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

36th Legislative Day

March 22, 1995

Black: "Yes, thank you very much, Madam Speaker. Representative Lang, I'll be very happy to answer that question for you forthrightly, to the point, and honestly. When I left the Chair, I had to visit the restroom. I asked the incoming Speaker if they would call a Bill so I could go to the restroom and we would not have to stand at ease. I appreciate her courtesy. That's why she's coming back to the Bill."

Speaker Wojcik: "Mr. Black, to the Bill."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. House Bill 823 is an initiative from our neighboring state of Missouri, that quite frankly fascinates me. Committee Amendment #1 becomes the Bill. There are no fee increases in this Bill of any kind. There are no fee increases in this Bill of any kind. In the original Bill, there was. The Committee Amendment took that it out. Now let's take a look at what this Bill does and what the State of Missouri can teach us. Every year, or every other year, or every year, however we have the money, we have to try to budget money in a very tight budget to purchase state police cars for the Department of State Police. The Illinois State Police maintains a fleet of approximately 2,309 vehicles. The average cost of a new squad car is \$16,000. In the FY96 budget, the Illinois State Police is seeking \$2.8 million as the first of three payments in the lease purchase of 520 new vehicles. The entire payment will be 8.7 million dollars and includes an interest rate of 6 1/2%. Now let's learn something from Missouri. What Missouri does is allows their state police to trade in their cars on a regular basis on a mileage basis and they try, they try to trade in these cars at about 55,000 miles. What the State of Missouri allows the

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

36th Legislative Day

March 22, 1995

state police there to do is to keep the money from the trade in, apply it to the purchase of the car, and in other words, create a revolving fund which does not need general revenue tax dollars to keep state police vehicles on the road. I think this idea from Missouri is worth copying, quite frankly and that's what Committee Amendment #1 does to House Bill 823. It creates the State Police Vehicle Fund in the State Treasury. It provides that all money in that fund will be used for the acquisition of vehicles for the department. Central Management Services will handle it on a bid basis and they will keep \$500 on the sale of that automobile for doing that work. The rest of the money goes in the fund and will simply be used to purchase those cars. The reason for doing this is simple. The average mileage of our police fleet today is 126,000 miles. In the current fleet, 866 vehicles have over 90,000 miles on them. They are costly to maintain. They are costly to replace. House Bill 823 allows us an opportunity to set up a fund that will let the state police, as they do in Missouri, purchase state police cars on a regular basis at no cost to the general taxpayer. It makes imminent good sense. I ask your approval of House Bill 823 and be glad to answer any questions, Madam Speaker."

Speaker Wojcik: "Is there any discussion? For what purpose does the Gentleman from Clinton, Representative Granberg, rise?"

Granberg: "Will the Gentleman yield, Madam Speaker?"

Speaker Wojcik: "He states he will."

Granberg: "Representative Black, the Bill sounds like an interesting concept. It has a very good idea as they do in Missouri. Now you indicated that on the trade-in of a state police vehicle, the trade in dollars will be used to deposit in this fund to buy new vehicles, is that correct?"

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Representative Black."

Black: "Thank goodness, Jim Finley, of the Department of State Police is here. He'll straighten me on that. It's a sale."

Speaker Wojcik: "Representative Granberg."

Granberg: "It is the sale of the vehicle that the proceeds are deposited, Representative Black, Jim, into that fund? Representative Black, what is the department estimating the revenue would be for the next fiscal year if this legislation was in effect for the purpose of the buying of vehicles?"

Speaker Wojcik: "Representative Black."

Black: "Obviously, it's going to take a period of time to generate the revenue because of the current age and mileage of the fleet. It's estimated that when they sell these vehicles, if they could do so on a regular basis as Missouri does, with approximately 55,000 miles on them, or 60,000, say tops, you could get about two-thirds of the cost of the car on the sale, and then in turn, one of the things that fascinated me about this, you could then allow local police departments to purchase these used squad cars and I know in small towns and villages of my district, that would be a fantastic opportunity for them as well. So it's estimated that they would get about two-thirds of the cost of the car and in a period of four years, Mr. Finley has said they would probably be able to turn a fund of about \$4 million."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you, Representative. I think it's a good idea but I'm just curious if Mr. Finley thinks that they're gonna raise that much money off vehicles that have 126,000 miles on them. I'm not sure if my villages would actually

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

36th Legislative Day

March 22, 1995

want to purchase those vehicles, but in any case, we are now going to set up a separate revolving fund within the Department of Central Management Services, is that correct?"

Speaker Wojcik: "Representative Black."

Black: "No, this is not a revolving fund. It would be a special fund that was created by this legislation."

Speaker Wojcik: "Representative Granberg."

Granberg: "I misunderstood, Representative Black. I thought you said earlier it was a revolving fund. Where do the proceeds from the sale of these automobiles currently go?"

Speaker Wojcik: "Representative Black."

Black: "The sale of these vehicles now goes into the Surplus Property Vehicle Fund."

Speaker Wojcik: "Representative Granberg."

Granberg: "And is that fund, a revolving fund operated by the Department of Central Management Services?"

Speaker Wojcik: "Representative Black."

Black: "Mr. Findley assures me that is correct. That's a revolving fund."

Speaker Wojcik: "Representative Granberg."

Granberg: "I'm sure Mr. Findley is correct since he has that expertise from being on the Republican staff back in the mid-70's. He would know these things. What are the proceeds of the surplus revolving fund used for currently?"

Speaker Wojcik: "Representative Black."

Black: "It's my understanding it's used by the Department of Central Management Services to defray the cost of operating the various surplus property sales, administration, et cetera, that they run."

Speaker Wojcik: "Representative Granberg."

Granberg: "So where would the Department of Central Management

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

36th Legislative Day

March 22, 1995

Services get the funds to continue those operations once this special fund is set up and the revenue that would currently go in the State Surplus Property Fund is deprived?"

Speaker Wojcik: "Representative Black."

Black: "The Central Management Services get a \$500 processing fee on each car that they handle under this legislation."

Speaker Wojcik: "Representative Granberg."

Granberg: "But currently, Representative Black, wouldn't they receive the total proceeds from the sale of those vehicles and wouldn't that be deposited into the Surplus Property Fund?"

Speaker Wojcik: "Representative Black."

Black: "Under current law, yes. What I'd like you to focus on is that currently some of these cars sell for less than \$500 because we're asking someone to buy them with 188,000 miles on them. That's what we're trying to avoid. We're trying to maximize revenue and get the replacement of these vehicles out of the General Revenue Fund."

Speaker Wojcik: "Representative Granberg, please bring your remarks to a close."

Granberg: "Thank you. Representative Black, what I'm trying to get to is if you currently have the proceeds from the sale of vehicles being deposited in that fund and now we're going to set up a special fund which is going to take the revenue away from the Surplus Property Fund, how would the Department of Central Management Services make up the difference in the funding levels?"

Speaker Wojcik: "Representative Black."

Black: "Representative Granberg, currently the department gets revenue from all of the surplus property that they dispose of. Desks, computers, office furniture, vehicles, IDOT

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

36th Legislative Day

March 22, 1995

vehicles, et cetera, et cetera, et cetera, and that money is spent elsewhere and then we have to come to this Body for general revenue dollars to purchase police cars this year at 6 1/2% interest. If you would allow the department to create this fund, CMS will still get a processing fee, still have all their other sources of revenue as they manage the state inventory. This is a win/win proposition. Nobody loses in this and the taxpayers come out to be the ultimate winner."

Speaker Wojcik: "Representative Granberg."

Granberg: "But Representative Black, wouldn't this account for a difference since you're setting up a special fund? You're taking revenue that normally would go the Surplus Property Fund, taking that revenue away and depositing it in the special fund, so how do we account for the difference? How does CMS account for the difference? Will they then come to this Body for GRF money to make up for loss of revenue that is going to be enacted by your legislation?"

Speaker Wojcik: "Representative Black."

Black: "Mr...Representative Granberg, you can't be serious, alright. First of all, you're far too intelligent to pursue this line of questioning. I would hope I'd be here someday when CMS came in for General Revenue Fund to run their Surplus Equipment Fund. I hope I'm here if that happens. Do you realize we are maximizing the revenue from these police cars by 60%? What are you going to pay for a squad car with 200,000 miles on it? What would you be willing to pay for a squad car that's been well maintained with 55,000 miles on it? That's the concept. That's what Missouri figured out. We don't have to reinvent the wheel. You know, every once in a while in government, we can learn from the bright ideas of other legislative bodies in other

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

36th Legislative Day

March 22, 1995

states. I've talked to the people from Missouri. They couldn't be happier with this program and I can't believe that anybody would not want us to do something similar to save desperately needed general revenue tax dollars."

Speaker Wojcik: "Representative Granberg, I've given you an extra minute. I will give you one more minute. Could you then please bring your remarks to a close?"

Granberg: "Madam Speaker, I believe Representative Schoenberg would like to allocate his five minutes to me, please."

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

Granberg: "Madam Speaker, first of all, I would like to take this Bill off of Short Debate. I am joined by my colleagues to remove this Bill from Short Debate."

Speaker Wojcik: "We'll take it off of Short Debate. Please bring your remarks to a close."

Granberg: "Thank you, Madam Speaker, and again I believe Representative Schoenberg wants to be acknowledged in order to provide me his time."

Speaker Wojcik: "When he's recognized, we will do that."

Granberg: "Okay. Representative Black, my question is very simple, Sir, and I appreciate that you're intent but we also don't like to play smoking' mirrors with different funds. So when we take money away from one fund and deposit it into a different fund, how is the shortfall in the first fund compensated for? That's the simple question."

Speaker Wojcik: "Representative Black."

Black: "We're talking about a case, Sir, that doesn't exist. You know it and I know it. We don't get enough revenue from the sale of these 200,000 mile squad cars to pay the light bill in this Capitol. Now, I'll sit here all night, if you want to and I'll play your game. I'm willing to bet you

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

36th Legislative Day

March 22, 1995

you're going to vote for the Bill. I don't know why you persist in doing this but I'll stay here as long as you want. There won't be any shortfall. You're going to create a vehicle fund that once we get rid of the high mileage cars that you sometimes can't even give them away, let alone sell them, create this fund, we'll be able to turn over our state police fleet at a reasonable mileage level at no cost to the taxpayer. I don't know, maybe it would be better to move to Missouri but whatever."

Speaker Wojcik: "For what purpose does the Gentleman from Macoupin, Representative Hannig, rise?"

Hannig: "Will the Gentleman yield?"

Speaker Wojcik: "He indicates he will."

Hannig: "Yes, thank you, Representative. I like the concept that we can raise money at no cost to the taxpayers. Where will this revenue source for this fund come from? Where will the money come from to buy these cars, at no cost to the taxpayers?"

Speaker Wojcik: "Representative Black."

Black: "Representative Hannig, you're an Appropriations person. Now listen up, alright? Listen up and think of this sound bite. You're an Appropriation guru, a budgeteer. What a sound bite you just gave me. When you sell the automobile, the money goes in from the sale to a Police Vehicle Fund. From that sale, you then begin to purchase new cars on a regular basis. Now once we get past the junkers and the clunkers and sell them for about 65% of what they're worth on the market, this fund, I'd say four years out will generate \$4 million and from that fund you then buy police cars on a revolving basis and replacing your fleet, about a third, I'd guess, Jim may correct me if I'm wrong, every year."

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Representative Hannig."

Hannig: "So I assume, Representative, that when we sell these cars, we'll take in less money than it costs to buy a new one. So it seems to me that if we buy a car for say 100% and we put 60% in the fund, how are we gonna buy another car and come up with the 100%? Now I suppose you can say, well we can trade in two cars and you're right, we could. We could trade in two cars and now we could buy one but the only way that thing would ever work as long as we continue to diminish the size of the fleet. So maybe I'm missing the point but it seems to me that unless we want to continuously diminish the size of the fleet that eventually this fund will be depleted. So where does the difference come between what we trade in from the old car and what we need for the new car?"

Speaker Wojcik: "Representative Black."

Black: "Once we get the fleet up to a contemporary standard, not like we have today where I have to come to you and ask for general revenue tax dollars, the fund will accumulate money at interest sufficient to replace, say a third of the fleet in any given year. You got 2,000 cars. You're not gonna buy 2,000 cars a year. If you trade in a car at 65% of the value and you only want to replace a third of the fleet, you're gonna have enough money to do that. That's the way I trade cars. I'm sure it's the way you trade cars."

Speaker Wojcik: "Representative Hannig."

Hannig: "It seems that whenever I trade cars, Representative, I always have to write a check for the difference, that somehow my old car's never worth as much as the new car and I think you have a problem with this fund that we're always gonna still have to write a check because the amount of money we receive from the old cars are never gonna be equal

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

36th Legislative Day

March 22, 1995

to the new cars we buy."

Speaker Wojcik: "Representative Black."

Black: "In the worst case scenario, what I want to go to your appropriation committee and tell you, in the worst case scenario, the cars somehow don't hold their value. The troopers ding the doors or whatever. In the worst case scenario, I'm going to give you my most reasonable assurance that in four years, at the very least, we won't need a penny of General Revenue Fund to roll over a third of the fleet. You know it's the beauty of it. We're not inventing anything here. We're copying this from the State of Missouri. They've been through all this. They've done it. It works. I can give you a book this thick on Operation Kick-Start. This is the beauty of the program. You can pick at it. You can snipe at it. You can snarl at it. You can laugh at it. You can bite it but the bottom line is you're gonna save the taxpayers money and thank God, the State of Missouri figured it out and I'm not too proud to say, Hallelujah, Missouri. Let me in on that, too."

Speaker Wojcik: "Representative Hannig."

Hannig: "Representative, I don't think there's anybody in this room that doesn't want to save money and we all like to believe that we can take old cars and turn them into new cars but I just don't see that getting 60% on a trade in, it seems we're still gonna have a shortfall that we're gonna still have to address somehow and ultimately, as Representative Granberg had said in his statements, monies that are going into this fund are not available to do some other parts services in state governments. So it seems to me that this Bill maybe is trying to give priority to buying cars for the state police at the expense of some

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

36th Legislative Day

March 22, 1995

other programs in the state that are unnamed but I really am not certain, Representative, now how we can make new cars out of old cars and I certainly hope you're right because if we could do this, we could buy enough new cars that we could possibly pay off the state debt and we could buy enough new cars that we could work our way out of debt in this state and I think that would be great for all of us and I appreciate your idea and I'm willing to give it a try."

Speaker Wojcik: "For what purpose does the Representative from Tazewell, Representative Ackerman, rise?"

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

Speaker Wojcik: "Representative Ackerman moves the previous question be put. A Roll Call will be taken. All in favor signify by voting 'aye'; all opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. There are 79 'yeas', 31 'nays', no one voting 'present', and the Motion is passed. Representative Black to close."

Black: "Thank you very much, Madam Speaker, and Ladies and Gentlemen of the House. Pleased to be joined by my good friend and colleague, Representative Mautino, on a Bill that if you'll just take the time to read it and I'll be glad to give you the manual on Operation Kick-Start and I know the Gentleman was being facetious. We aren't going to pay off the state debt but I'm hoping we can get three or four million dollars a year out of the budget under general revenue that we're having to do now and you know what happens? You know what happens when we get into a tight budget and the appropriations people know this better than I, when we get into a tight budget year, what's gonna be

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

36th Legislative Day

March 22, 1995

one of the first things that we cut? We're gonna tell the Department of the State Police, can you get by without any new cars this year? We don't have three and a half million and you know what the state police is gonna say? It's what they've said in the past, we'll try. We'll do the best we can and so we don't appropriate any money to buy state police cars. We tell our troopers, the very people that we put out there to protect our wives, our children, and ourselves, we tell our troopers, drive that car that's 188,000 miles on it, drive it another year. That's their office. That's where they live. That's where they work, eight hours or ten hours a day, protecting the people of this state. Here's an idea that another state has tried that has worked beautifully. As Mr. Finley would tell you if you just ask, the worst case scenario, we might have to come back to general revenue once in five years. Once in five years for say, a half a million dollars or \$750,000, should the fund run short. I ask you, what's better math, once every five years or 3 1/2 million every year and pay the interest? Mr. Speaker, Ladies and Gentlemen of the House, you know I sit here, as you do, hour after hour, and I listen and I've been on your side. I've spent four years in the Minority. I know what you're going through but how in the world can you sit here, ten minutes ago and pontificate about this program, that program? Bail out the teachers. Bail out the schools. Save the world. Save this. Do that. You won't add our Amendment. All you've talked about all night is spending money that you don't have. This Bill, this Bill gives you \$3 1/2 million so you can spend it. Go ahead, I've seen the light. I've been to Teutopolis. This Bill deserves to pass. I, I tell you. I stand for the Illinois State Police. God bless these

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

36th Legislative Day

March 22, 1995

troopers of Illinois and I'm gonna vote to get them a car worthy of the job they do and if you don't want to, you vote 'no'."

Speaker Wojcik: "The question is, 'Shall House Bill 823 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. Representative Stroger, I'm sorry I didn't see your light. For what purpose do you rise?"

Stroger: "Madam Speaker, my button seems to be broken. I was trying to vote in the affirmative."

Speaker Wojcik: "That will so be recorded in the Journal. On this question, there are 111 voting 'aye', 1 voting 'nay', none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1048. For what purpose does the Gentleman from Peoria, Representative Saltsman, rise?"

Saltsman: "A half a minute for point of personal privilege."

Speaker Wojcik: "State your point."

Saltsman: "Yes, I want to compliment Representative Black, on his academy award presentation, but Bill, we got a problem. Bill, Representative Black, we got a problem. We haven't got the 400 cars we bought last year. General Motors can't supply them. We got 500 more ordered for this year and those last 400 haven't come in yet. So we got a bunch of money, we just haven't got no cars so we better call GM and tell them to start building these police cars 'cause right now we don't have the 400 from last year."

Speaker Wojcik: "Mr. Clerk, please read House Bill 1048."

Clerk Rossi: "House Bill 1048, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "The Chair recognizes Representative Spangler."

Spangler: "Thank you Madam Chairman. How may I start off by saying that unfortunately, I may appear boring after the previous act, a very difficult one to follow. House Bill 1048 amends the Illinois Vehicle Code. It increases the fee for the unauthorized use of parking places reserved for handicapped persons from \$50 to \$100. It also increases the fine a municipality may impose from \$100 up to \$200."

Speaker Wojcik: "Is there any discussion? For what purpose does the Gentleman from Bureau, Representative Mautino, rise?"

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

Speaker Wojcik: "He indicates he will."

Mautino: "The Bill as you've presented it, what will this raise the fine to now when someone parks..."

Speaker Wojcik: "Representative Mautino, excuse me, this is on Short Debate."

Mautino: "Oh, leave to take this off Short Debate."

Speaker Wojcik: "Leave is granted."

Mautino: "Could staff possibly step away there? I can't quite see the Representative on his first Bill here. It's a little..."

Speaker Wojcik: "Representative Spangler."

Spangler: "Yes, it would raise the penalty from \$50 to \$100, Representative."

Speaker Wojcik: "Representative Mautino."

Mautino: "Yes, it will raise it from \$50 to \$100?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Yes Sir, it would, with the provision that municipalities may impose from up to \$100 to \$200."

Speaker Wojcik: "Representative Mautino."

Mautino: "In the signs which are...where do we currently make the signs which designate the fines that are placed throughout

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

36th Legislative Day

March 22, 1995

the shopping centers within the cities? Are they...where are they produced now?"

Speaker Wojcik: "Representative Spangler."

Spangler: "I have no idea."

Speaker Wojcik: "Representative Mautino."

Mautino: "Is there a certain time in your Bill where should this pass, these signs will have to be changed to let the public know what the increase in fines is going to be?"

Speaker Wojcik: "Representative Spangler."

Spangler: "It would go into effect January 1st of 1996. There's no effective date listed."

Speaker Wojcik: "Representative Mautino."

Mautino: "So on January 1st, then would all the signs, would they have to be changed by that date?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Yes, if current law were as it is. Yes."

Speaker Wojcik: "Representative Mautino."

Mautino: "Who pays for the change in the signs?"

Speaker Wojcik: "Representative Spangler."

Spangler: "I have been advised that a 22¢ sticker could be placed over the old fine amount."

Speaker Wojcik: "Representative Mautino."

Mautino: "Would this be done by, would we then be mandating the city employees to go out to all of the private businesses or would we be telling the retail business owners if they would have to go out and do this? Is there a fine or a penalty in your Bill for noncompliance?"

Speaker Wojcik: "Representative Spangler."

Spangler: "If it were a municipality or a public entity, then they would have to go out and change those signs or put the stickers on. If it were a business or a private enterprise that elected to have those designated parking places for

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

36th Legislative Day

March 22, 1995

handicapped, then according to the ADA language, then they wouldn't do it."

Speaker Wojcik: "Representative Mautino."

Mautino: "Is there any funding then or do we have any idea of what it'll cost to make the change over all throughout each of the small businesses and the municipalities in the state?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Representative, reading from the State Mandates Act Fiscal Note, it says that the implication of House Bill 1048 will require units of local government to revise current signage to indicate the increase in penalties. However, all fines are paid to units of local government. Therefore, an increase in fine revenues may be realized by local governments depending upon the incident of actual violations."

Speaker Wojcik: "Representative Mautino."

Mautino: "Representative, thank you. It's all the questions that I have Madam Speaker."

Speaker Wojcik: "Thank you, Representative. For what purpose does the Gentleman from Kankakee, Representative Novak, rise?"

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

Speaker Wojcik: "He states he will."

Novak: "Representative Spangler, I think I spoke to you sometime ago. Do I see a name missing up there on that board? Was my name taken off being a cosponsor of that Bill with you?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Representative, no. No Sir, Representative Novak, you are also a cosponsor."

Speaker Wojcik: "Representative Novak."

Novak: "Speaker, it was my understanding that I was a hyphenated

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

36th Legislative Day

March 22, 1995

Sponsor ... with Representative Spangler. The guide just shows that."

Speaker Wojcik: "Representative Spangler."

Spangler: "I've been advised that that must have been incorrect 'cause obviously it's not on the board."

Speaker Wojcik: "Representative Novak."

Novak: "Okay, I mean I want that to be on the record. Steve, you and I talked about this earlier this Session. This is a issue that's very important to me. I sponsored this Bill for the last two years and everybody voted for it and we sent it out, but the New World Order in the Senate stopped it. So let's hope this Bill passes and the New World Order in the Senate passes it this time. But, I just want to make sure that I was still a hyphenated Sponsor on this Bill with you. ...I don't see any reason to have partisan politics get involved in an issue for disabled people."

Speaker Wojcik: "Representative Spangler."

Spangler: "Thank you, Representative. You are on the Bill as a cosponsor."

Speaker Wojcik: "Representative Novak."

Novak: "As a cosponsor or as a hyphenated Sponsor?"

Speaker Wojcik: "Representative Spangler."

Spangler: "As a cosponsor."

Speaker Wojcik: "Representative Novak."

Novak: "I'm amazed."

Speaker Wojcik: "For what purpose does the Gentleman from Cook, Representative Dart, rise?"

Dart: "Will the Sponsor yield?"

Speaker Wojcik: "He states he will."

Dart: "Representative, with handicapped parking, aren't we allowed to suspend the license of the individual who violates this law?"

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Representative Spangler."

Spangler: "I'm sorry. What's the question again?"

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. Are we going to be able to suspend the license of these people who violate this law dealing with handicapped parking places, whether or not it's the first time or subsequent events?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Current law stays the same Representative. This Bill simply doubles the fine."

Speaker Wojcik: "Representative Dart."

Dart: "Under the present law though can they be suspended though? I mean cause what I'm getting at here is what we're doing is we're increasing the penalties which are fine, but I'm also trying to figure out in the bigger picture how this is going to impact in a day in day our court room proceeding. In addition to fining people we...quite often they'd get license suspension and fines. The court would like to take all that into consideration when they are doing something so that it wasn't just an isolated thing. Sure we are raising the fines, but are they also going to have their license suspended too so this is looked at in the bigger picture."

Speaker Wojcik: "Representative Spangler."

Spangler: "Representative Dart I would have to get that information to you at a later point in time."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. Another question. If an individual, because we are raising the fines here to an substantial amount which I quite frankly agree with cause I've seen a lot of people who violate these laws, are there affirmative defenses for somebody who violates this law?"

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Representative Spangler."

Spangler: "Could you repeat the question Representative?"

Speaker Wojcik: "Representative Dart."

Dart: "Are there affirmative defenses that an individual who is charged with this violation could present to a court? For doing this...this is a substantial...we are doubling the penalties, which as I say I am all for, but is there something where an individual is wrongfully accused they can come forth with a affirmative defense?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Yes."

Speaker Wojcik: "Representative Dart."

Dart: "If in fact that is what occurs where the penalty if someone was issued a ticket their car is towed which they are allowed to do under the law. If the case is thrown out who is stuck with the cost of the tow and everything like that?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Whoever is under current law Representative."

Speaker Wojcik: "Representative Dart."

Dart: "But that would...once again as I said I'm trying to keep in mind the bigger picture here. We're hitting them with the fines and at the same time we are talking about somebody...my example here...here is the example I was thinking of. An individual who's, say father is handicap, drives to a location that is marked handicap, does not have the plate, does not have the sticker, does not have anything, parks the car there, takes his father into the store. comes back out and there's a ticket on the car. Would he be allowed to assert a affirmative defense to this violation because they say it's a hefty fine, but in addition to it then would he also though...even if he won

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

36th Legislative Day

March 22, 1995

the case would he then be required to pay for what the cost was if his car was towed when he came back?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Yes if his car was not marked and designated as such then he would have to pay the fine."

Speaker Wojcik: "Representative Dart."

Dart: "But..maybe you can clarify this for me then. So is that the present law now then? That it's an absolute penalty where there is no intent no nothing needed? If in fact the person is in fact handicap, but does not have the plates the stickers, the reality is that they are found guilty and they are going to get fined."

Speaker Wojcik: "Representative Spangler."

Spangler: "No he can go through due process and go to court. Absolutely."

Speaker Wojcik: "Representative Dart."

Dart: "So they would be allowed to have this affirmative offense and in that case he would be able to go to court and the case would hopefully would be thrown out then?"

Speaker Wojcik: "Representative Spangler."

Spangler: "Yes, Representative, but obviously all of these are hypothetical cases and they would have to be heard in a court of law and due process would have to be served."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. And finally would this in any way impact court fees or court fines that are assigned in addition to the penalty? As I say if they suspend someone's license they hit them with this fine would this in any way impact the other court penalties or fines that are levied against them?"

Speaker Wojcik: "Representative Spangler"

Spangler: "No Sir, it would not."

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Representative Dart."

Dart: "So finally, then this would just be a accumulative penalty then where it would no way impact the present fines, the present scheme deal, with suspension of license, towing, or court fees, correct?"

Speaker Wojcik: "Representative Spangler."

Spangler: "It simply doubles the penalty from 50 to \$100."

Speaker Wojcik: "For what purpose does the Gentleman from St. Clair, Representative Hoffman, rise?"

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

Speaker Wojcik: "He indicates he will."

Hoffman: "Representative I understand that this is your first Bill, is that right?"

Speaker Wojcik: "Representative I would like to make an announcement if I may? The food is ready in the hallway. If you would listen, we would like to have all the Legislators go first before staff so that you will all have your fine meal this evening. So if you do it start on this side...Representative Hoffman."

Hoffman: "Now Representative, I know this is going to be supported widely. What I would like to do is...I understand you would like to move this in a bipartisan fashion, I would assume. And move it in a bipartisan...not playing partisan politics with this Bill."

Spangler: "I'm sorry Representative I didn't catch that."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well kind of following up on what Representative Novak said. I know this is your first Bill, however, the way we've always done things on Bills such as this, good Bills we have are trying to work in a bipartisan fashion, and I would assume you would want to continue to do that."

Speaker Wojcik: "Representative Spangler."

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

36th Legislative Day

March 22, 1995

Spangler: "Representative there was an inadvertent mistake. I had made that agreement with Representative Novak and it will be so reflected."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well I mean we kind of got carried away on some of this partisan stuff and this is a great Bill. Representative Novak has carried it for years. And since you want to work in a bipartisan fashion I would hope that we could make sure that he is on at least as a Sponsor, but also I have talked with Representative Currie and Representative Davis and also Representative Gash. They would too like to be a cosponsor of this Bill and right behind you is my staff person standing with the slip. I would like to be a cosponsor. I'd ask you to please sign that cosponsor slip, not to kick anybody off. We don't want to kick anybody off, but we would like to have cosponsors of Representative Currie, Representative Gash, Representative Davis, and myself. If you would just sign the slip we could go on and move this through in a bipartisan fashion."

Speaker Wojcik: "Representative Spangler."

Spangler: "Representative after the debate I will consider that strongly and I certainly appreciate your willingness to put your name on there as well."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "I support your Bill and we've always had, I think, an open policy with regard to cosponsors. I mean if you don't want to put them on as hyphenated Sponsors that's fine, but they support the Bill too. As a floor leader I am asking you as another Representative let's move this forward in a bipartisan fashion. If you sign the slip after the Bill has been voted on I am not sure whether the Clerk will get them on the Bill. If I have the assurance if I have the

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

36th Legislative Day

March 22, 1995

assurance from the Clerk that those people including me will be on the Bill I won't cause any more stink. I think that it is vitally important."

Speaker Wojcik: "Representative Spangler."

Spangler: "Up until the point in time that it goes through the Senate anyone can be added or deleted from the Bill and I would be happy to put anyone on from either side of the aisle providing we don't shove others that are already on, off."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well the slip that you have that I think is on a desk would not shove anyone off it would just add cosponsors on to this good Bill and I would just like your assurance that you will sign that. It will be filed prior to the time it goes to the Senate. They will just be added as cosponsors I will be added as a cosponsors. That's all we are asking."

Speaker Wojcik: "Representative Spangler."

Spangler: "I will consider anyone who comes forward Representative."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Representative, please. All we would like is a commitment that you will sign the slip. I will be added as a cosponsor. Representative Davis, Representative Currie and Representative...how's this since I think..."

Speaker Wojcik: "Representative bring you remarks to a close please."

Hoffman: "Well I can't get a commitment. If he would like to just commit that they will be added as cosponsors the individuals Representative Gash, Representative Davis, myself and Representative Currie. The slip is sitting right there. If you would just sign the slip before it

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

36th Legislative Day

March 22, 1995

goes to the Senate. If you sign it right now it will be over with. Will you commit to that Sir?"

Speaker Wojcik: "For what purpose does the Gentleman from Tazewell, Representative Ackerman rise?"

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

Speaker Wojcik: "The previous question...the Gentleman from Tazewell has moved the previous question. Roll Call. All those in favor signify by saying 'aye' those signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Motion, there are 63 'ayes', 49 'nays', none voting 'present', and the Motion carries. Representative Spangler to close."

Spangler: "Thank you, Madam Speaker. I would like to first start off and indicate to representative Novak that that was an error. His agreement and my agreement was that he would be a hyphenated Sponsor and he will be. The only other thing I would like to say is that the physically disadvantaged people of Illinois thank each and every one of you in advance and I urge an 'aye' vote."

Speaker Wojcik: "The question is, 'Shall House Bill 1048 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 113 'ayes', 1 'nay', none voting 'present', and the Bill having received a Constitutional Majority is hereby declared passed. The next few minutes during dinner it's the purpose of the Chair to move Bills back from Third Reading to Second for the purpose of Amendments, and to handle Bills on Second Reading. For

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

36th Legislative Day

March 22, 1995

what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Well two questions Madam Speaker. First can we assume that the Amendments that you are talking about have been already cleared through the Rules Committee?"

Speaker Wojcik: "They are just being brought back Representative, so that Amendments can be filed. Representative Lang."

Lang: "So can you now point the rule out to me that allows you to move a Bill...to move Bills from Third to Second without Motions being filed and individual Bills to do so?"

Speaker Wojcik: "Representative it's the determination of the Chair. This is the procedure we are going to follow. Representative Lang."

Lang: "Well we would move to Overrule the Chair and I am so joined by a sufficient number to require a Roll Call vote on that."

Speaker Wojcik: "Representative Lang moves to Overrule the Chair. All those in favor...the Motion is, 'Shall the Chair be sustained?' If you are in favor of sustaining the Chair vote 'aye'; if you are in favor of overruling the Chair vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish. Mr. Clerk, take the record. On the Motion, there are 64 'ayes', 50 'nays', and this Chair will be sustained. Representative Hartke for what purpose do you rise?"

Hartke: "Well I was seeking verification of that, but I figure I bring the wrath of everybody in line for the chow if I ask for a verification. And being that you didn't recognize me at the proper time I will pass on that right now."

Speaker Wojcik: "Representative that's a good decision and you can have an extra fortune cookie for that fine gesture. Mr. Clerk...Representative Lang."

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

36th Legislative Day

March 22, 1995

Lang: "Thank you Madam Speaker. You now recall that I had two points..."

Speaker Wojcik: "You realize your dinner is getting cold don't you?"

Lang: "No, I have already eaten mine. I was second in line. I was last yesterday."

Speaker Wojcik: "Oh, my dinner is getting cold."

Lang: "Thank you. Madam Speaker the other point would be this. While you're moving Bills from Third back to Second it's obvious that there are still Bills on Second Reading that have not yet been called or moved to Third. We don't understand why you would want to move Bills back before you've moved all Bills on Second that are ready to go on to Third. Those Bills don't have Amendments. We can move all of those to Third Reading very quickly while everyone is eating. There is no reason to leave those Bills on Second Reading. So while people are enjoying their eggrolls let's move the Bills that are on Second to Third Reading."

Speaker Wojcik: "Representative, if you were listening we are going to be doing that. You weren't listening. Representative Lang."

Lang: "Perhaps my hearing is failing me. I heard you say that you were going to move Bills from Third back to Second so they could be amended."

Speaker Wojcik: "And we also said that we were going to work with Bills on Second Reading. Now the electrician has these wonderful little things that you can put in your ears so you can hear clearer. Would you like me to have them sent it over? I have one in my drawer that I use occasionally. Representative Lang."

Lang: "I don't need that Madam Speaker. But I do notice that when I speak many people on your side of the aisle take

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

36th Legislative Day

March 22, 1995

those out of their ears."

Speaker Wojcik: "I think they are sending you a message, Representative."

Lang: "Well I've had many messages sent to me and I appreciate all of them. I like mail. Thank you very much."

Speaker Wojcik: "For what purpose does the Representative from Effingham, Representative Hartke rise?"

Hartke: "Parliamentary inquiry."

Speaker Wojcik: "State your inquiry."

Hartke: "Well I'm not sure I understand the procedure here. We are going to take Bills from Second to Third or excuse me from Third to Second on your ruling, for the purposes of what? Putting Amendments, on Rules Committee or hearing Amendments?"

Speaker Wojcik: "Amendments will be filed?"

Hartke: "Filed but not heard?"

Speaker Wojcik: "And under our rules."

Hartke: "And applied to central rules?"

Speaker Wojcik: "They will automatically be referred to the Rules Committee."

Hartke: "Okay and then we expect a hearing in the Rules Committee?"

Speaker Wojcik: "There will be a hearing in Rules."

Hartke: "And then they will come out to the floor?"

Speaker Wojcik: "Either to the Standing Committee or to the floor."

Hartke: "Thank you. I just wanted to make that clear."

Speaker Wojcik: "Your welcome. Mr. Clerk read House Bill 2434."

Clerk McLennand: "House Bill #2434, a Bill for an Act concerning alcohol and controlled substances. Third Reading of this House Bill."

Speaker Wojcik: "Please bring the Bill back to Second Reading."

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

36th Legislative Day

March 22, 1995

Mr. Clerk, please read House Bill 1894."

Clerk McLennand: "House Bill..."

Speaker Wojcik: "Representative Lang, one moment please. Let's get this done and then we will recognize you."

Clerk McLennand: "House Bill #1894, a Bill for an Act that amends the Retail Installment Sales Act. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading, Representative...the Gentleman from Cook, Representative Lang."

Lang: "Thank you, on a point of order Madam Speaker. May I state my point?"

Speaker Wojcik: "State your point."

Lang: "I know of no rule that allows this Bill to be moved from Third to Second without the consent of the Body. And I don't think the Chair can do that unilaterally. I would like you to ask the Parliamentarian by what rule you are allowed to move this Bill back to Second Reading merely on the Sponsor's request? If that were the case, those would be flying back to Second Reading all the time for Amendments. We don't have that rule in our set of rules, Madam Speaker, and I would like to know by what rule this has been done?"

Speaker Wojcik: "Mr. Lang we have already dealt with that point. Mr. Clerk, please read House Bill 1093."

Clerk McLennand: "House Bill 1093."

Speaker Wojcik: "The Bill will be brought back to Second Reading."

Clerk McLennand: "A Bill for an Act that amends the Wildlife Code. Third Reading of this Bill."

Speaker Wojcik: "The Bill will now be brought back to Second Reading. Please read House Bill 2226."

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

36th Legislative Day

March 22, 1995

Clerk McLennand: "House Bill 2226, a Bill for an Act concerning children. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 1933."

Clerk McLennand: "House Bill 1933, a Bill for an Act that amends the Legislative Commission Reorganization Act of 1984. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 2134."

Clerk McLennand: "House Bill 2134, a Bill for an Act concerning Federal Mandates. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 314."

Clerk McLennand: "House Bill 314, a Bill for an Act that amends the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 1795."

Clerk McLennand: "House Bill 1795, a Bill for an Act that amends the Uniform Disposition of Unclean Property Act. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 2463."

Clerk McLennand: "House Bill 2463, a Bill for an Act that amends the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 748."

Clerk McLennand: "House Bill 748, a Bill for an Act that amends Barber Cosmetology Esthetics and Nail Technology Act of 1985. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading."

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

36th Legislative Day

March 22, 1995

House Bill 1172."

Clerk McLennand: "House Bill 1172, a Bill for an Act in relation to property taxes. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 434."

Clerk McLennand: "House Bill 434, a Bill for an Act that amends the Property Tax Act Code. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 2313."

Clerk McLennand: "House Bill 2313, a Bill for an Act that amends the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Wojcik: "The Bill will be brought back to Second Reading. House Bill 6...one moment Mr. Clerk. House Bill 640."

Clerk McLennand: "House Bill 640..."

Speaker Wojcik: "The Bill will remain on Second Reading. Thank you Mr. Clerk. We will now go to the Order of House Bills on Second Reading. Mr. Clerk, please read House Bill 162."

Clerk McLennand: "House Bill 162. The Bill's been read a second time previously. A fiscal note, correctional budget and impact note and a judicial note have been requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 256."

Clerk McLennand: "House Bill 256, a Bill for an Act in relation to Health Care workers. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions, no Floor Amendments. A fiscal note had been requested on the Bill as amended and has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 385."

Clerk McLennand: "House Bill 385. The Bills been read a second time prior. No Committee Amendments, no Floor Amendments."

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

36th Legislative Day

March 22, 1995

A fiscal note had been requested on the Bill and it has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 410."

Clerk McLennand: "House Bill 410, the Bill has been read a second time prior. Committee Amendments #1 and 2 were referred to subcommittee. Committee Amendment #3 was adopted. Floor Amendments #4, 5, and 6 were referred to Rules. A fiscal note and a state mandates note have been requested on the Bill as amended and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 548."

Clerk McLennand: "House Bill 548, a Bill for Act that amends the Unified Code of Corrections. Second Reading of this House Bill. Amendment #1 was adopted in committee. Amendment #2 was referred to Rules. Committee Amendment #3 was referred to committee. Committee Amendments #4 and 5 were referred to subcommittee. Floor Amendments #6 and 7 were referred to Rules. A judicial note, a fiscal note and a correctional budget and impact note have been requested on the Bill as amended and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 865."

Clerk McLennand: "House Bill 865, a Bill for an Act...the Bill's been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee."

Speaker Wojcik: "Third Reading."

Clerk McLennand: "Floor Amendments #3 and 4 were refered to rules. A fiscal note, correctional budget, and a judicial note have been requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 1069."

Clerk McLennand: "House Bill 1069. The Bill has been read a second time prior. Committee Amendment #1 was referred to rules. Committee Amendment #2 was referred to

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

36th Legislative Day

March 22, 1995

subcommittee. Committee Amendment #3 was adopted. Floor Amendments #4 and 5 have been referred to Rules. A fiscal note and judicial note and a correctional budget and impact note have been requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 1140."

Clerk McLennand: "House Bill 1140. The Bill has been read a second time prior. No Committee Amendments. No Floor Amendments. A state mandates note and a fiscal note have been requested on the Bill and they have not been filed."

Speaker Wojcik: "That Bill will be held on Second Reading. Mr. Clerk please read House Bill 1237."

Clerk McLennand: "House Bill 1237. The Bills been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Floor Amendments #3 and 4 were referred to Rules. A fiscal note and a correctional budget and impact note were requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 1246."

Clerk McLennand: "House Bill 1246. The Bills been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 is referred to subcommittee. Committee Amendment #3 was adopted. Floor Amendments #4 and 5 were referred to Rules. A fiscal note and a correctional budget and impact note had been requested on the Bill as amended and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 1384."

Clerk McLennand: "House Bill 1384, a Bill for an Act in relation to regimented juvenile training. Second Reading of this House Bill. Committee Amendment #1 was referred to Rules."

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

36th Legislative Day

March 22, 1995

Committee Amendment #2 was referred to subcommittee. Floor Amendments #3 and 4 were referred to Rules. A fiscal note and a correctional budget and impact note were requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 1458."

Clerk McLennand: "House Bill 1458. The Bill's been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Floor Amendments #3 and 4 have been referred to Rules. A fiscal note and a correctional budget and impact note have been requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 1706."

Clerk McLennand: "House Bill 1706. The Bill's been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Floor Amendments #3 and 4 were referred to Rules. A fiscal note and a correctional budget and impact note have been requested. They have not been filed."

Speaker Wojcik: "The Bill will remain on Second. Mr. Clerk please read House Bill 1707."

Clerk McLennand: "House Bill 1707. The Bill's been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Floor Amendments #3 and 4 were referred to Rules. A fiscal note and a correctional budget and impact note have been requested on the Bill. They have not been filed."

Speaker Wojcik: "The Bill will remain on Second Reading. Mr. Clerk read House Bill 1708."

Clerk McLennand: "House Bill 1708. The Bill's been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 is referred to subcommittee. Floor Amendments 3 and 4 were referred to Rules. A fiscal note

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

36th Legislative Day

March 22, 1995

and a correctional budget and impact note have been requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 1709."

Clerk McLennand: "House Bill #1709. The Bill has been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Floor Amendments 3 and 4 were referred to Rules. A fiscal note and a correctional budget and impact note have been requested on the Bill. They have not been filed."

Speaker Wojcik: "The Bill will remain on Second Reading. Mr. Clerk, please read House Bill 1787."

Clerk McLennand: "House Bill 1787. The Bill's been read a second time prior. Committee Amendment #1 was adopted. No Motions, no Floor Amendments. A fiscal note has been requested on the Bill as amended and has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk, please read House Bill 1792. Mr. Clerk. what is the status of House Bill 1792?"

Clerk McLennand: "House Bill 1792 has been read a second time prior. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 was referred to subcommittee. Committee Amendment #3 was adopted. Floor Amendment #4 and 5 were referred to Rules. A fiscal note and a correctional budget and impact note have been requested on the Bill and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk read House Bill 1797."

Clerk McLennand: "House Bill 1797. The Bill's been read a second time prior. No Committee Amendments. No Floor Amendments. A fiscal note and a judicial note have been filed on the Bill."

Speaker Wojcik: "Third Reading. Mr. Clerk what is the status of

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

36th Legislative Day

March 22, 1995

House Bill 2045?"

Clerk McLennand: "House Bill 2045. The Bill's been read a second time prior. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Committee Amendment #3 was adopted. Floor Amendments #4 and 5 were referred to Rules. A fiscal note has been requested on the Bill as amended and it has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 2123."

Clerk McLennand: "House Bill 2123, a Bill for an Act to amend School Codes. Second Reading of this House Bill. Committee Amendments #1, 2, and 3 were referred to subcommittee. Floor Amendments #4, 5, and 6 were referred to Rules. A fiscal note had been requested on the Bill and it has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 2204."

Clerk McLennand: "House Bill 2204. The Bills been read a second time prior. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 was referred to subcommittee. Committee Amendment #3 has been adopted. Floor Amendment #4 and 5 have been referred to rules. A fiscal note has been requested on the Bill and has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk what is the status of House Bill 2251?"

Clerk McLennand: "House Bill 2251. The Bill's been read a second time prior. Committee Amendment #1 was adopted. No Motions. No Floor Amendments. A fiscal note has been filed on the Bill."

Speaker Wojcik: "Third Reading. House Bill...Mr. Clerk what is the status of House Bill 2263?"

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

36th Legislative Day

March 22, 1995

Clerk McLennand: "House Bill 2263. The Bill's been read a second time prior. No committee Amendments. No Floor Amendments. A fiscal note has been requested on the Bill and it has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 2281."

Clerk McLennand: "House Bill 2281, a Bill for an Act in relation to small businesses self representation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A fiscal note has been requested on the Bill and has not been filed."

Speaker Wojcik: "The Bill will remain on Second Reading. Mr. Clerk what is the status on House Bill 2326?"

Clerk McLennand: "House Bill 2326. The Bills been read a second time before. No Committee Amendments. No Floor Amendments. A fiscal note has been filed on the Bill."

Speaker Wojcik: "Third Reading. Mr. Clerk what is the status of House Bill 2454?"

Clerk McLennand: "House Bill 2454. The Bill's been read a second time previously. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittee. Floor Amendments 3 and 4 were referred to Rules. A fiscal note and a correctional budget and impact note have been requested and they have been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk what's the status of House Bill 448?"

Clerk McLennand: "House Bill 448. The Bill's been read a second time prior. Committee Amendments #1, 2, and 6 have been adopted. Committee Amendments #3, 4, and 5 have been withdrawn. Committee Amendments #7 and 8 were referred to committee. A fiscal note and a state mandates note have been requested on the Bill and they have been filed."

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

36th Legislative Day

March 22, 1995

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 667."

Clerk McLennand: "House Bill 667, a Bill for an Act in relation in international terrorism. Second Reading of this House Bill. Committee Amendment #1 was adopted. No Motions. No Floor Amendments. A fiscal note has been requested on the Bill and has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk what is the status of House Bill 1149?"

Clerk McLennand: "House Bill 1149. The Bill has been read a second time previously. Committee Amendments #1 and 2 were adopted in committee. Committee Amendment #3 failed. No Floor Amendments. A fiscal note has been requested on the Bill and has been filed."

Speaker Wojcik: "Third Reading. Mr. Clerk please read House Bill 2240."

Clerk McLennand: "House Bill 2240. Bill's been read a second time this Session. No Committee Amendments. No Floor Amendments. A fiscal note has been requested on the Bill and has been filed."

Speaker Wojcik: "The Bill will remain of Second Reading. We will now return to the Order of House Bills Third Reading. Mr. Clerk read House Bill 1405."

Clerk McLennand: "House Bill 1405, a Bill for an Act to establish the low income home buyers program. Third Reading of this House Bill."

Speaker Wojcik: "For what purpose does the Gentleman from Clinton, Representative Granberg, rise?"

Granberg: "Thank you Madam Speaker. Two points of order please. One was a question as to Representative Lang's point of order that you were bringing House Bills back from Third Reading to Second without leave of the Body and you never

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

36th Legislative Day

March 22, 1995

did cite the rule for that provision on what you were utilizing to bring those Bills back to Second Reading. That was my first point. The second point, I believe Representative Young..."

Speaker Wojcik: "Representative, may I answer the first part? We've already answered that question. Can you cite the rule to us Representative Granberg?"

Granberg: "Madam Speaker, you didn't cite anything to us. You didn't give Representative Lang an explanation."

Speaker Wojcik: "Mr. Granberg, we already answered that question. For what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Thank you Madam Speaker. You asked for our answer as to why we don't think you can move Bills from Third to Second. I am going to give you that answer now."

Speaker Wojcik: "Proceed."

Lang: "Page 21 of the rule book, House Rule 4.4 and I intend to read all 23 of these. Daily order of business. These are the things we do in the House of Representatives. These are the only things we do in the House of Representatives on the floor. I am going to read them to you and tell me if any of these things are moving Bills from Third Reading to Second Reading. One, Call to Order, Invocation, Pledge of Allegiance..."

Speaker Wojcik: "Mr. Lang. State your point Mr. Lang."

Lang: "I'm stating my point."

Speaker Wojcik: "Be concise please."

Lang: "I'm going to be concise with all 23 points."

Speaker Wojcik: "No. Representative we can read. We all have a rule book. Be concise."

Lang: "In House Rule 4.4, it says the daily order of business of the House shall be as follows. These are the only things

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

36th Legislative Day

March 22, 1995

we can do in the House by your rules. In nowhere, in none of these 23 items does it say moving Bills from Third to Second. It talks about reading House Bills a second time and a third time. It talks about reading Senate Bills a second time and a third time and a first time. It talks about concurrence and nonconcurrence. It talks about Motions in writing. There were no Motions in writing. Nowhere in here, nowhere is there any category that covers moving Bills from Third Reading to Second Reading. And I might add, Madam Speaker, that if you are incorrect and I am correct then every Bill you've moved back to Second which eventually goes to the Governor for his signature is a void Act and all of these Republican Sponsors, targets and not, who have their Bills on the Governor's desk are at risk. All we are asking is that you follow some simple rule of procedure. There is no order of business that you have csited. All 23 are here to read. Not one of them talks about moving a Bill from Third to Second. One you might use, is Motions, but no one made a Motion. Accordingly, you can't do what you've done. I would ask the Chair for a ruling on my very specific point of order and if the Chair rules against me I would move to appeal your ruling and I am joined by a sufficient number of people to demand a Roll Call Vote."

Speaker Wojcik: "Thank you Mr. Lang, we have already ruled on this vote. Representative McAuliffe in the Chair."

Speaker McAuliffe: "On House Bill 1405, Representative Young. Is Representative Young in the chambers? Out of the record. Mr. Clerk read House Bill 1493."

Clerk McLennand: "House Bill 1493, a Bill for an Act concerning agricultural fairs. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Bost."

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

36th Legislative Day

March 22, 1995

Bost: "Thank you Mr. Speaker. House Bill 1493 basically does three things. It is an agency Bill. First of all, it amends the Agricultural Fair Act and State Fair Act, and authorizes the sale of advertising rights in the publications and printed materials of the Illinois State Fair in Springfield and the DuQuoin State Fair. Requires the demagoguing proceeds into the State Fair Fund and the Agricultural Premium Fund. The Second thing it does, it removes provisions making a violation of State Fair Ground rules a business offense and makes the violation subject to disqualification from fair ground use or activities specifically the Department of Agriculture supernumerary power and provides for judicial review of its administrative decisions. The third thing it does, it limits the states annual reimbursement of a county fair to 20,000 for insurance and rehabilitation projects rather than 20,000 for one or the other insurance or rehabilitation projects. It limits the county fair's annual insurance expenditures to the lesser of 10,000 or 50% of the state's reimbursement. It requires the county fair to notify the Department of Agriculture of its intent to seek reimbursement before obligating funds for which reimbursement will be sought. I changes certain procedure of the reimbursement process. I would request...I would be glad to answer any questions at this time."

Speaker McAuliffe: "Discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker McAuliffe: "He indicates he will."

Granberg: "Representative, if we could work our way backwards from the last point you raised. Your Bill attempts to change the reimbursement rates. Why is that being done,

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

36th Legislative Day

March 22, 1995

Representative?"

Speaker McAuliffe: "Representative Bost."

Bost: "Basically, the reimbursement rates before it was not clear on where those reimbursement rates could go and basically what it does is it directs that no more than 10,000 could be into the insurance and 10,000 can go into rehabilitation of the particular fair ground."

Speaker McAuliffe: "Representative Granberg, from Clinton."

Granberg: "Mr. Bost, with that on the same subject Sir, the rate of reimbursement anything over exceeding \$25,000 would be reimbursed at a higher rate. Why the necessity for that change?"

Speaker McAuliffe: "Representative Bost."

Bost: "It's not 25,000 it's 20,000."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Mr. Bost I'm looking at line...on page 5 on line 8."

Speaker McAuliffe: "Representative Bost."

Bost: "It allows them to pay back projects...long term projects at a faster rate."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I believe we are increasing that rate from 50% to 75%. What made the determination to set that at \$25,000? Why did we draw the line at that figure?"

Speaker McAuliffe: "Representative Bost."

Bost: "That is current law. The 25,000 is current law."

Speaker McAuliffe: "Representative Granberg."

Granberg: "The rate increase, Mr. Bost, from 50 to 75%, why are we doing that for this particular reason? You indicated to increase the rate of reimbursement or to pay off...I didn't understand that Sir."

Speaker McAuliffe: "Representative Bost."

Bost: "Representative, it doesn't allow an increase in the rate

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

36th Legislative Day

March 22, 1995

it just allows it to be paid back at a faster rate. The county fairs themselves can pay it them back then."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you Representative. In addition, I think one of the provisions in your Bill gives the Director of the Department of Agriculture subpoena powers. In what instance would that be the case and what is the necessity to give the director subpoena powers?"

Speaker McAuliffe: "Representative Bost."

Bost: "It has to do with administrative hearings and they do have it in other areas and this just includes this area."

Speaker McAuliffe: "Representative Granberg."

Granberg: "In what other areas does the director have subpoena powers?"

Speaker McAuliffe: "Representative Bost."

Bost: "There's several areas. Weights and measures, meat inspection, grain code, several."

Speaker McAuliffe: "Representative Granberg."

Granberg: "How many areas are there Representative? And why the expansion into this area?"

Speaker McAuliffe: "Representative Bost."

Bost: "With the director being in charge of the state fair it's only appropriate that he would have these powers in this case."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I don't think he would appreciate that. What subpoena powers does the director currently have in those other areas, Representative? I know this is an expansion of that power. So what areas does she currently have, what areas does she currently have the subpoena powers for?"

Speaker McAuliffe: "Representative Bost."

Bost: "She has subpoena power to bring witnesses in anywhere she

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

36th Legislative Day

March 22, 1995

has the right to have a hearing."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, in what areas does she currently have those subpoena powers? That was the question."

Speaker McAuliffe: "Representative Bost."

Bost: "Meat poultry inspection, grain code, Pesticide Act, weights and measures, those are just some. There are many that she has."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, I understand your dilemma. There is too much input over there. So what other areas are there Sir? The director has so many powers in certain divisions. If you could just continue Sir, if you don't mind so we can find out what subpoena powers she currently has."

Speaker McAuliffe: "Representative Bost."

Bost: "I need him to repeat the question."

Speaker McAuliffe: "Representative Granberg could you repeat the question? I don't think he heard the last question."

Granberg: "Representative, I'm sorry. You were continuing with the listing of the subpoena powers that the director currently has and how she exercises those powers. So could you please continue and list the subpoena powers she currently has and in what divisions?"

Speaker McAuliffe: "Representative Bost."

Bost: "Yes, I'll tell you what. We'll have the department themselves get a list for you and give them to you."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you Representative. I appreciate that Representative..."

Speaker McAuliffe: "Representative Granberg, could you please bring your remarks to a close."

Granberg: "Mr. Speaker, I believe one of the Gentleman behind me

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

36th Legislative Day

March 22, 1995

would like to provide his time to me please."

Speaker McAuliffe: "Representative Granberg, when they are recognized then they can, okay?" Representative Deering."

Deering: "Thank you, Mr. Speaker. In lieu of the rough evening that some of us had last night I would like to yield my time to Representative Granberg."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, Representative Deering. Representative Bost you indicated that the department would provide that list to me Sir. The Bill is on Third Reading. Would you care to take the Bill out of the record until the department supplies that information?"

Speaker McAuliffe: "Representative Bost."

Bost: "No. Not at this time. I would like to go ahead and proceed. We can send a Representative of the department to give that list to you the best he can if you would like."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Well Representative, we are debating the Bill on Third Reading and this is a very serious expansion of subpoena powers to the civil head of the state agency. Any time we expand subpoena powers I think it deserves a serious recognition to allow any director the right to confront witnesses to subpoena people to come to Springfield to testify. I would certainly ask the department to provide that information to us before we take a vote on that Bill. Now, if they want to give me that list that is fine, but this is a very serious nature on the legislation. And if Mr. Fusic or one of his Representatives would kindly provide that information. In addition, Representative, I believe in your legislation, you're allowing the departments to sell advertising, is that correct?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Bost."

Bost: "That is correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And where would that take place, Representative? Is that limited to a site specific? Where the department could in fact sell that advertising?"

Speaker McAuliffe: "Representative Bost."

Bost: "That would be for the advertising on the fairgrounds, yes."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Is that DuQuoin State Fair, Representative? That's what I meant by site specific. Is that one state fair in particular?"

Speaker McAuliffe: "Representative Bost."

Bost: "That is Springfield...the state fair here is Springfield and also the DuQuoin State Fair."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Then the department can go statewide and solicit advertising in their publications for both state fairs, is that correct?"

Speaker McAuliffe: "Representative Bost."

Bost: "Yes they can. They can go statewide just to try to relieve the pressure on GRF."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And who would make the determinations for the rate charges, Representative?"

Speaker McAuliffe: "Representative Bost."

Bost: "The director."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Would she subpoena that information under your legislation?"

Speaker McAuliffe: "Representative Bost."

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

36th Legislative Day

March 22, 1995

Bost: "No."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you. And Representative, where would the proceeds from the sale of that advertising, where would they be placed?"

Speaker McAuliffe: "Representative Bost."

Bost: "Representative that will go to the State Fair Fund here in Springfield and the Agricultural Premium Fund in DuQuoin."

Speaker McAuliffe: "Representative Granberg."

Granberg: "What proceeds go to what fund, Representative?"

Speaker McAuliffe: "Representative Bost."

Bost: "The Illinois State Fair Funds in Springfield will be deposited in the State Fair Fund. The Agricultural Premium Funds will be deposited into the DuQuoin Fair Funds."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And the funds for the Illinois State Fair Funds they are used slowly and specifically for the Illinois State Fair located in Springfield?"

Speaker McAuliffe: "Representative Bost."

Bost: "That is correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And the proceeds from the sale of advertising at the DuQuoin State Fair, those proceeds are going to the Ag. Premium Fund which would not be limited to the DuQuoin State Fair?"

Speaker McAuliffe: "Representative Bost."

Bost: "It goes into the Ag. Premium Fund."

Speaker McAuliffe: "Representative Granberg. The Gentleman from Bureau, Representative Mautino."

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

Speaker McAuliffe: "He indicates he will."

Mautino: "Just a couple of questions here. I see when you're

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

36th Legislative Day

March 22, 1995

affecting the county fair fund. There is a, and I understand your provisions about the sales of advertising, what I'm wondering about is the cap that we are placing at \$20,000. It looks to me that in the past the county fairs could apply for up to 20,000 for insurance and 20,000 for repairs?"

Speaker McAuliffe: "Representative Bost."

Bost: "It's still 20,000."

Speaker McAuliffe: "Representative Mautino."

Mautino: "It's still 20,000 bucks? Is that for now a combination of insurance and for repairs? A total aggregate of 20,000?"

Speaker McAuliffe: "Representative Bost."

Bost: "That is correct. It just clarifies that to where it should be applied."

Speaker McAuliffe: "Representative Mautino."

Mautino: "I guess I would have to ask if that's a change in there? I kind of look at it this way, if my Bureau County Fair needed repairs on say the Exhibition Hall, are we now making them choose between what they will either repair or purchase insurance for the events to be covered? The point of that being, are we actually decreasing the amount of funds available to our downstate county fairs?"

Speaker McAuliffe: "Representative Bost."

Bost: "No, we are clarifying this. The Association does support this, matter of fact the President of the Association lives in my district. He and I have talked on this particular issue."

Speaker McAuliffe: "Representative Mautino."

Mautino: "One more time. I'm here at the Bureau County Fair. Last year available to me was 20,000 for insurance and 20,000 for repairs. Under your legislation is now there

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

36th Legislative Day

March 22, 1995

only an aggregate of \$20,000 available for that fair?"

Speaker McAuliffe: "Representative Bost."

Bost: "Representative they couldn't spend more than 20,000 on it before. Now it just clarifies..."

Speaker McAuliffe: "Representative Mautino."

Mautino: "Prior to this legislation they were already capped at 20,000?"

Speaker McAuliffe: "Representative Bost."

Bost: "That is correct."

Speaker McAuliffe: "Representative Mautino."

Mautino: "What would happen in a case where the insurance costs were over 10,000?"

Speaker McAuliffe: "Representative Bost."

Bost: "They can not spend more than 10,000 on it."

Speaker McAuliffe: "Representative Mautino."

Mautino: "Okay, thank you."

Speaker McAuliffe: "The Gentleman from Tazewell, Representative Ackerman. Representative Hartke."

Hartke: "Well Mr. Speaker, I have some questions for Mr. Bost. May I ask the Sponsor some questions?"

Speaker McAuliffe: "Sure."

Hartke: "Thank you. Representative Bost, where do we get the bulk of our Ag. Premium Funds from? Where do we get the bulk of the Ag. Premiums Funds from?"

Speaker McAuliffe: "Representative Bost."

Bost: "From the Horse Racing Tax Allocation Fund and from GRF."

Speaker McAuliffe: "Representative Hartke."

Hartke: "From the Horse Racing Funds and from the General Revenue Fund and now from the sale of advertising at these two fairs, correct? What do we spend the Ag. premium money for?"

Speaker McAuliffe: "Representative Bost."

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

36th Legislative Day

March 22, 1995

Bost: "Cooperative extensions, county fair, racing boards."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Could you please repeat that. I didn't hear anything of what you said."

Speaker McAuliffe: "Representative Bost."

Bost: "Cooperative extension offices, county fairs, and the racing board."

Speaker McAuliffe: "Representative Hartke."

Hartke: "We don't spend any for the University of Illinois extension service under the Ag. Premium Funds?"

Speaker McAuliffe: "Representative..."

Hartke: "I can't hear your head rattle. Yes or no?"

Speaker McAuliffe: "Representative Bost."

Bost: "Yes we do."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Yes we do spend Ag Premium Funds for the University of Illinois for it's extension. We spend it for repairs on facilities, we spend it at county fairs. Is there an allocation per county fair depending on what? I know you said there is a limit. Is it dependent upon the population of the county, the size of the fair or is every fair treated equal across the board?"

Speaker McAuliffe: "Representative Bost."

Bost: "There is two different funding sources. One is based on population and then there's just a straight 20,000 grant."

Speaker McAuliffe: "Representative Hartke."

Hartke: "So there's more than 20,000 goes to most fairs because you said there is a \$20,000 grant plus some based upon the population or are you telling me that some county fairs receive less than \$20,000?"

Speaker McAuliffe: "Representative Bost."

Bost: "No."

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Hartke."

Hartke: "I asked you two questions. The answer is no to both of them or which one?"

Speaker McAuliffe: "Representative Bost."

Bost: "Repeat your questions."

Speaker McAuliffe: "Representative Hartke."

Hartke: "I would like to make a suggestion Mr. Bost. When you take a Bill like this what you ought to do before you come out here on the floor is sit down and talk to the Department of Agriculture and the administration. As you are handling this Bill maybe you ought to educate yourself on the entire Ag Premium Fund. It would help you explain more than just one and two words as you try to answer these difficult questions. To the Bill. I don't think it's a bad idea. I think maybe we ought to vote for it."

Speaker McAuliffe: "The Gentleman from Winnebago, Representative Scott."

Scott: "I would like to yield my time to Representative Granberg please."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you Mr. Scott. Representative Bost, before our time elapsed I had a question to you Sir, and that was dealing with the Ag. Premium Fund. I think Representative Hartke was on this issue. Where do the proceeds from the Ag Premium Fund go? What are they utilized for?"

Speaker McAuliffe: "Representative Bost."

Bost: "We've answered that question I think about three times and it's the county fairs cooperative extension and the racing board."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So we are going to allow solicitation of funds across the state both for the state fair in Springfield and the

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

36th Legislative Day

March 22, 1995

state fair in DuQuoin? Why would we limit the funds directly to Springfield and we would not do the same with DuQuoin for downstate Illinois?"

Speaker McAuliffe: "Representative Bost."

Bost: "Because the state fair is on a self funding system and DuQuoin is not."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So the funds that are raised statewide for the Illinois State Fair in Springfield and they will be solicited statewide will be expended solely in Springfield while the funds spent for the DuQuoin State Fair will go to every place else, is that correct?"

Speaker McAuliffe: "Representative Bost."

Bost: "That's correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Do you believe that's a good policy, Representative? The people in Springfield...the Department of Agriculture can solicit a statewide including downstate Illinois and then they spend those funds only in Springfield as opposed to the DuQuoin State Fair where our funds can flow out of our district?"

Speaker McAuliffe: "Representative Bost."

Bost: "This proposal is to save money. It allows them to sell these items, yes, statewide and it will allow each of the two fairs to generate revenue from those sales."

Speaker McAuliffe: "Representative Granberg."

Granberg: "That was not...the question was, Representative, do you think it's fair for the State Department of Agriculture to come downstate where we live, solicit funds, take those funds and spend them only in Springfield, whereas in DuQuoin they can take our money and send it to the northern part of the the state? Do you think that is a good idea?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Bost."

Bost: "The advertising stays with the individual fairs."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative I thought you indicated the proceeds from the sale of advertising would not stay in DuQuoin?"

Speaker McAuliffe: "Representative Bost."

Bost: "It still comes back to the fair."

Speaker McAuliffe: "Representative Granberg."

Granberg: "What portion comes back to the DuQuoin State Fair?"

Speaker McAuliffe: "Representative Bost."

Bost: "There is no way to determine that."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well you indicated that a certain amount goes back to the DuQuoin State Fair. I thought that the proceeds were deposited in the Ag Premium Fund as opposed to the Illinois State Fair where they received downstate money and that money stays in Springfield. So what percentage or what amount does the money raised in Southern Illinois stay in Southern Illinois and how is that determined? Is there a formula for that amount?"

Speaker McAuliffe: "Representative Bost."

Bost: "The Ag Premium Fund does not fund the DuQuoin fair by itself. It also funds all the other downstate county fairs."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Do you think it's a good idea for the Department of Agriculture to come downstate where we live, solicit funds from our people and then send those funds to Springfield where all of those dollars are expended, whereas with DuQuoin that is not the case that our funds from downstate Illinois will not be kept in DuQuoin State Fair. Do you think that is a good policy?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Bost. The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you Mr. Speaker. I move the previous question."

Speaker McAuliffe: "The Gentleman from Tazewell, Representative Ackerman moves the previous question. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 65 voting 'aye', 47 voting 'no', none voting 'present'. The Motion carries. Representative Bost to close."

Bost: "I simply ask for your support on this Bill. I think it's a good vote and I appreciate it."

Speaker McAuliffe: "The question is, 'Shall House Bill 1493 pass?' All those in favor vote 'aye'; opposed vote 'no'. The voting is open. 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 'aye', none voting 'no', 2 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1511."

Clerk McLennand: "House Bill 1511, a Bill for an Act that amends the Historic Preservation Agency Act. Third Reading of this House Bill."

Speaker McAuliffe: "The Chair recognizes Representative Poe."

Poe: "Mr. Speaker, Members of the House. I would like to introduce Bill 1511. It amends the Historical Preservation Agency Act to declare the Korean War Memorial in Sangamon County as a state historic site. I would like to say that this is an addition to the Lincoln's Tomb area. We had the Vietnam Memorial there and this is an additional two acres. Currently the preservationists take care of seventeen

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

36th Legislative Day

March 22, 1995

acres and this would increase it to nineteen acres. So I would like to have a favorable vote on this."

Speaker McAuliffe: "Any debate? Representative Lang."

Lang: "Thank you Mr. Speaker. My light has been on for quite some time and I have a point of order. May I state it, Sir?"

Speaker McAuliffe: "Yes Sir."

Lang: "On the previous Bill you called on the Gentleman from Tazewell, Representative Ackerman, who made a Motion to move the previous question. Unfortunately Representative Ackerman had already been acknowledged in debate and accordingly you could not go back to Representative Ackerman without somebody yielding their time to him which they did not do. Accordingly, the Act was void and that Bill really has not passed, Sir."

Speaker McAuliffe: "Representative Lang, I recognized Representative Ackerman, but he never spoke because Representative Hartke seeked recognition and I recognized Representative Hartke. Representative Lang."

Lang: "Sir, once you recognized Representative Ackerman that became a fact. If you chose to go to Representative Hartke after that that was your business."

Speaker McAuliffe: "Representative Lang I was simply trying to be courteous when Representative Hartke seeked recognition. I recognized him, but Representative there was no action taken on Representative Ackerman's Motion. Representative Lang."

Lang: "Would you repeat that again Mr. Speaker?"

Speaker McAuliffe: "No."

Lang: "I didn't think so. I didn't think you would repeat that again. And because you won't repeat that again I don't know what to say so I am finished."

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "The Representative Hoffman from St. Claire County."

Hoffman: "Thank you Speaker will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Hoffman: "Representative it's my understanding that this would grant the Korean War Memorial in Sangamon County as a state historical site. What practical affect does that have?"

Speaker McAuliffe: "Representative Poe."

Poe: "I think what it does is, it makes it a long term care and take care of the Memorial in the future and do the maintenance and the upkeep."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Since I'm not from Sangamon County has the Korean War Memorial of Sangamon County been built as of yet?"

Speaker McAuliffe: "Representative Poe."

Poe: "Ground breaking was in November of '94 and the completion is due in November of '96."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Does this mean that the state would then have to contribute sums of money in order to maintain the upkeep of the Korean War Memorial and to clean the grounds et cetera?"

Speaker McAuliffe: "Representative Poe."

Poe: "No. There's...at the end of this, a \$100,000.00 will be put into a fund and the interest will take care of the maintenance and the area of the Korean Memorial."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So you would take the \$100,000.00 and put it in some kind of trust fund I would assume? And then assuming you're making 7%, about \$7,000 per year would then be utilized to maintain the Korean War Memorial, is that correct?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Poe."

Poe: "Yes, that's correct."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Will that be sufficient funds then, not only for the maintenance, but for the cleaning and assuring that the grounds are kept clean each year? Seven thousand dollars is not a lot. That's less than being able to hire one full time employee to work at the Memorial."

Speaker McAuliffe: "Representative Poe."

Poe: "Yes, this is the model after the Vietnam Memorial which stands right to the north of this and they also started out with \$100,000 and during the time that it's been there the interest has accumulated to about \$130,000 so, so far, there has been enough maintenance because basically all there is there is yard mowing."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "I guess my question is who...somebody has to mow the lawns and I assume somebody has to pay that individual. Is that a state employee who will be doing that?"

Speaker McAuliffe: "Representative Poe."

Poe: "That's correct."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, a state employee. Would that have to be a full time state employee because the cost of \$7,000 obviously isn't enough to hire a state employee? I'm in favor of the Memorial. I think that it's something that is needed and should be done. I just think that in tough times, economically maybe we need an Appropriations Bill to assure that this is taken care of. So will that \$7,000.00 be enough for the upkeep of the grounds, mowing the grass as well as the maintenance of the Memorial?"

Speaker McAuliffe: "Representative Poe."

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

36th Legislative Day

March 22, 1995

Poe: "Currently at the Lincoln Memorial there is 5 state employees already. There is currently 17 acres at this facility. They also take care of the Vietnam Memorial and this will be added on. So those same 5 employees would be taking care of the maintenance of this."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So what you're saying is that the present employees will just work a little bit harder and will maintain the grounds for the the Korean War Memorial, The Vietnam Memorial and the Lincoln Memorial, is that right?"

Speaker McAuliffe: "Representative Poe."

Poe: "That's the intent."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Now will the City of Springfield have any liability or have any type of commitment towards this Korean War Memorial to ensure that they would have to share the expenses of the upkeep of this Memorial?"

Speaker McAuliffe: "Representative Poe."

Poe: "If this Bill passes, this would take any maintenance that the City of Springfield would have to have on this. So the intent is if it passes then it will come underneath the Historical Preservation Agency."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "What's the effective date of this Bill? Is it effective immediately?"

Speaker McAuliffe: "Representative Poe."

Poe: "First of January of '96."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Will the Memorial be completed by that date?"

Speaker McAuliffe: "Representative Poe. Representative Hoffman."

Hoffman: "Well let me just say that the Illinois Historical Preservation Agency, regarding this Bill, indicated that

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

36th Legislative Day

March 22, 1995

the agency would support the Bill only if one head count is added to the historical site of vision of Lincoln's Tomb. Now will there or will there not be an additional person added to the state payroll at the Lincoln's Tomb staff? Because if that is not happening, it is my understanding that the Illinois Historical Preservation Agency will not be supporting this Bill."

Speaker McAuliffe: "Representative Poe."

Poe: "During the committee hearing that was brought up and they suggested that in the past there was a seventh employee..."

Speaker McAuliffe: "Representative Poe."

Poe: "There was seven employees at that site. At this time they would like to have another one, but it wasn't only due to the Memorial being built there, they were under staffed and this would be part of it."

Speaker McAuliffe: "The Gentleman from Cook, Representative Dart."

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

Speaker McAuliffe: "Representative Dart."

Dart: "With this site becoming a historical site, what is the change, if any, as far as with liability with anything that may occur at the site?"

Speaker McAuliffe: "Representative Poe."

Poe: "It would be the normal liability that is currently there at the historical site with the Lincoln's Tomb and the Vietnam Memorial."

Speaker McAuliffe: "Representative Dart."

Dart: "On these historical sites then, does the state pick up the tab then if some injury of any type occurs?"

Speaker McAuliffe: "Representative Poe."

Poe: "Yes it does. That is state property."

Speaker McAuliffe: "Representative Dart."

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

36th Legislative Day

March 22, 1995

Dart: "Is there any fund or is there anything built into this then in anticipation of anything such as that that may occur? Or who ends up picking up the tab if that occurs as a result of this site being under the state auspices?"

Speaker McAuliffe: "Representative Poe."

Poe: "Could you repeat? I'm sorry I can't hear Mr. Chairman."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. Who would be the person that would be stuck holding the tab if some type of event occurred at the site? Now that we are making it a state site, who would be left holding the bag, as such, because of that? Would it be the City of Springfield? Would it be the state? Or who would be the person?"

Speaker McAuliffe: "Representative Poe."

Poe: "Sir, this is modeled after the Vietnam Memorial, and it would be handled in the same way. It would be under the state."

Speaker McAuliffe: "Representative Dart."

Dart: "Yes. I hate to beat this, but I don't know how the Vietnam one was handled. I was wondering just for liability purposes, they are going to be the same, but how is that? What is that?"

Speaker McAuliffe: "Representative Poe."

Poe: "It was patterned after the Lincoln's Tomb agreement the same way that was handled."

Speaker McAuliffe: "Representative Dart."

Dart: "What do they do with the Lincoln Tomb? What is that patterned after?"

Speaker McAuliffe: "Representative Poe."

Poe: "I think that goes back to the Capitol."

Speaker McAuliffe: "Representative Dart."

Dart: "Is that the Old State Capitol or the new one?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Poe."

Poe: "It probably goes all the way back to both."

Speaker McAuliffe: "Representative Dart."

Dart: "Now with the designation that this gets, are there any enhanced penalties for criminal violation such as criminal damages and graffiti related things? Are those the same or do they change as well?"

Speaker McAuliffe: "Representative Poe."

Poe: "There is none."

Speaker McAuliffe: "Representative Dart."

Dart: "There is no penalties whatsoever for people who desecrate the Tomb or in any other way deface it?"

Speaker McAuliffe: "Representative Poe."

Poe: "Yes. It would be the same as any other. We had that problem in Springfield a few years ago when there was vandalism at Lincoln's Tomb and it would apply the same as that jurisdiction."

Speaker McAuliffe: "Representative Dart."

Dart: "So just for clarification here, then there is no difference whatsoever then if you were to then desecrate say a state office building as there is one of the tombs? Same thing?"

Speaker McAuliffe: "Representative Poe."

Poe: "I'm not sure about that on the same as an office building as a Monument. I would have to get back to you on that."

Speaker McAuliffe: "Representative Dart."

Dart: "One last final line of questioning, Sir. As far as the preservation, Historic Preservation Agencies are they..are they in support of this as it is right now, is that correct?"

Speaker McAuliffe: "Representative Poe."

Poe: "That's correct."

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Dart."

Dart: "Is there a support contingent on there being of an extra head count or anything else to help with that or are they in support of this regardless of whether or not there is an extra person that is given to them to help with this Monument?"

Speaker McAuliffe: "Representative Poe."

Poe: "Not that we are aware of."

Speaker McAuliffe: "Representative Dart."

Dart: "I was looking at a Illinois Historic Preservation Agency sheet they sent out and said that they would support the Bill only if one head count is added to the state divisions Lincoln's Tomb. Because of the previous layoffs, Lincoln's Tomb is already understaffed in the maintenance area and without the addition of a Tech II, the Memorial and its attending acres could not be maintained."

Speaker McAuliffe: "Representative Poe."

Poe: "Can you tell me where you are reading that reference from?"

Speaker McAuliffe: "Representative Dart."

Dart: "It's from the Illinois Historic Preservation Agency, in regards to House Bill 1511. It's a position on support dated March of 1995. It's identical to the one that was put on the Senate Bill actually."

Speaker McAuliffe: "Representative Poe."

Poe: "Representative, during committee they said that was desirable, but they didn't mention anything about that being a prerequisite to them taking this."

Speaker McAuliffe: "Representative Dart."

Dart: "This is their document that I have here dated March of this year and I guess they just sent one over on the identical Senate Bill which says the same thing, which says they support this only if the head count is added

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

36th Legislative Day

March 22, 1995

because without that they cannot take care of this facility. I would like to get that straightened out though because these are people that will be overseen and if they don't...can't handle this we ought to be up front about that right now."

Speaker McAuliffe: "Representative Poe."

Poe: "Representative all I can..."

Speaker McAuliffe: "Representative Dart we'll give you another minute."

Poe: "Representative, all I can tell you is how they testified in committee. They did not say that that was a prerequisite."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. Just to finish on that thought. I was in committee as well and I remember them testifying and to be quite frank I don't remember what they said in regards to this. I was just going by the sheet here and I remembered them talking about it, but it's your understanding that they could handle this with or without any additional head count at the Memorial?"

Speaker McAuliffe: "Representative Poe."

Poe: "That's correct. With or without."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you Mr. Speaker. I think this is a good idea. Obviously it speaks for itself. I am sure that between the Sponsor and the director of the department they can work on any of the concerns that they may have because it is something that we ought to be concerned about, whether or not we are going to have adequate personnel there to actually maintain this facility. Because it is something that we have to be very aware of because as the Sponsor mentioned before they had problems with defacing tombs

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

36th Legislative Day

March 22, 1995

before so we have to be very careful about that. Thank you."

Speaker McAuliffe: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "That you Mr. Speaker. I move the previous question."

Speaker McAuliffe: "Representative Ackerman moves the previous question. All those in favor signify by saying 'aye'; those opposed 'nay'. Roll Call. All those in favor vote 'aye'; opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the question, there are 65 voting 'aye', 49 voting 'nay', none voting 'present'. The Motion carries. Representative Poe to close."

Poe: "Thank you Mr. Speaker. I would urge everyone to vote for this. I think that it's a great asset to the State of Illinois. This is in my district and I'm very proud of being there, so I would urge you all to vote yes."

Speaker McAuliffe: "Representative Poe moves that House Bill 1511 pass. The question is, 'All those in favor vote 'aye'; opposed vote 'nay'.' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this matter, there's 113 voting 'aye', none voting 'no', 1 voting 'present', and House Bill 1511 is hereby declared passed. Mr. Clerk, please read House Bill 1530."

Clerk McLennand: "House Bill 1530, a Bill for an Act that amends the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a pretty straight forward Bill. It authorizes the Department of Conservation to establish and

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

36th Legislative Day

March 22, 1995

maintain Adopt-a-Park Programs with individual or group volunteers in an effort to reduce and remove litter from parks and parklands."

Speaker McAuliffe: "I think Representative Lang wants to move the previous question. Representative Lang. No debate. Is there any discussion? Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Hoffman: "Representative, first of all, why do we need this? Can't civic organizations do this anyway?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Presently, the Department of Conservation cannot actively request groups to do this. Under this Bill it allows them to organize programs and actively seek volunteers."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well Representative, there's nothing in the state law that says, for instance, a boy scout troop couldn't come and pick up the park area is there?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I know of nothing that says that but this would make it easier for the department to organize and coordinate these efforts where they feel they're needed just like the Adopt-a-Highway program, very similar to it."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Why isn't there already a requirement in Illinois law with regard to picking up campgrounds and not leaving your debris around? Isn't there already statutes regarding littering and ensuring that when you utilize the park ground in Illinois, that you pick up after yourself?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "You're absolutely right. If only everyone would

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

36th Legislative Day

March 22, 1995

follow this program, we wouldn't need this law."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, I think, Representative, I thought that that's why we have park rangers. The park rangers go around. They ensure that these individuals who utilize the campgrounds, not only pick up after themselves, but do not make unwarranted messes. It's my understanding that our parks, essentially in Illinois, are fairly clean as a result of this. Isn't that right that we have the park rangers that enforce this law?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I was having a lot of trouble hearing the Gentleman's question. Would he please repeat it?"

Speaker McAuliffe: "Representative Hoffman, would you repeat the question?"

Hoffman: "Yes, it's my understanding that there already is in Illinois a law that says you have to pick up after yourselves in the parks. If you don't, you can get a ticket. There's littering laws in place and every time that I've been to a state park, we've had several Conservation Police Officers, Park Rangers as they were, walking around, enforcing that provision. What I'm saying is, those people are already in place. They're keeping the peace. They're making sure the litter is picked up and in addition to that, and in addition to that, there's nothing in the state law that prohibits us from already doing this. So why do we need this Bill? I don't see why we need the Bill."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Well not everyone that litters is caught by Forest Rangers and we certainly don't want them spending all their time chasing people down who throw litter in the parks. This will help make the parks more enjoyable for all the

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

36th Legislative Day

March 22, 1995

people of Illinois that use them and I think it's a real good program. It is worked very good on the Adopt-a-Highway Program. It has a track record of real good success."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "What would be the cost in implementing this program because like I said already now, I believe the boy scout troops, local Lions Clubs, other organizations could do this and we do it now presently without any cost? What's gonna be the cost of the implementation of this?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "The cost is very minimal. It amounts to more garbage bags because they'll be picking up more garbage, a few signs and it's less than a \$1000 per park which I think is a very reasonable price."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Now it's my understanding that the Department of Conservation, even though you would think that they would be asking for the needed help, have taken no position on this. Is that correct?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I understand they are neutral."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well Representative, if they really thought this was such a great program, don't you think they'd be for the piece of legislation?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I believe the people of my district and myself believe this is a good program."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, I guess what I'm saying is, it would seem that the Department of Conversation who runs the parks, if they

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

36th Legislative Day

March 22, 1995

were really in favor of the program, would come out and say they were in favor of it instead of just taking no position. If this really is going to assist them, they would do something in that regard. With regard to the Bill, I think we need to just look at it carefully. We have to make sure that number one, there isn't any increase liability, increased cost to the state. Number two, when these kids get hurt, that we take care of them. So, with that..."

Speaker McAuliffe: "The Gentleman from Saline, Representative Phelps."

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

Speaker McAuliffe: "He indicates he will."

Phelps: "Representative Ackerman, presently the Corrections Department provides the manpower through some of the inmates from the work camps to pick up trash and do other maintenance work along our highways. Are you not possibly competing with the free volunteer manpower that we have in our Corrections Departments? I know it's evident downstate in my district. I assume it's statewide. Is this not your intent or how do you handle this as a Bill?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "In using the parks and driving along the highways, I've witnessed that there's plenty of litter to go around so I don't think they're in competition at all."

Speaker McAuliffe: "Representative Phelps."

Phelps: "So you're saying the problem is big enough that your volunteer programs, plus whatever corrections provides would still be needed, is that what you're saying?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Exactly."

Speaker McAuliffe: "Representative Phelps."

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

36th Legislative Day

March 22, 1995

Phelps: "I might have missed this, Jay, and I'm sorry if I did.

What age limit to you have established to participate in this program?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "There is no age limit established in the Bill.

Anybody that can walk and pick up trash would certainly be welcome."

Speaker McAuliffe: "Representative Phelps."

Phelps: "If they can walk and pick up trash. I'm sure throughout

the state since we have a diversity of landscape and cultures and everything else, I probably have more, well I know I have more state parks in my district than any other legislator in the state. I would hate to expose many young people to rattlesnakes, 200 to 300 foot bluffs in order to get to some of these places so I guess that's why I feel like some of this was more isolated for the correctional workers if from a safety point of view, if nothing else. I don't know if you want to walk some of the woody areas in my district and pick up trash where's there snakes bigger than your arm, but perhaps you will want to expose those young people that can walk, I guess. You're saying that's the only criteria you have, if they can walk. I would hate to expose them to that kind of territory."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I believe we should leave that to the discretion of

the parents. The people you're talking about from Southern Illinois, live in that area already and they know of the hazards that are there, so I think they can figure out what hazards they need to avoid."

Speaker McAuliffe: "Representative Phelps."

Phelps: "Just one last question, Jay. Can you tell me if there's opposition to this Bill by any particular groups?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "There's no known opposition."

Speaker McAuliffe: "Representative Phelps."

Phelps: "Did you say there's no opposition? Okay, thanks."

Speaker McAuliffe: "The Gentleman from Cook, Representative
Dart."

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

Speaker McAuliffe: "He indicates he will."

Dart: "What type of guidelines did we set out as far as who can
be these individuals or these group volunteers that we
allow to do this?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "We have not set out any guidelines. Anyone who can
walk and pick up garbage would be eligible."

Speaker McAuliffe: "Representative Dart."

Dart: "But I mean, don't you think we should have some type of
guidelines laid out here so that we have people who that:
(a) physically can do this, (b) are the type of people we
want out there doing it, and (c) people who aren't gonna
get hurt or injured?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I think the guideline is still anybody that can walk
and pick up trash."

Speaker McAuliffe: "Representative Dart."

Dart: "What about if were to have individuals such as, and this
is something that goes a lot, not in the state parks but in
the county parks that we have up in our area, a lot of
motorcycle gangs and the like, like to hang out in the
parks on a regular basis. What would there be there in
this law that would prohibit people who are less than
desirable from taking on an endeavor such as this?"

Speaker McAuliffe: "Representative Ackerman."

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

36th Legislative Day

March 22, 1995

Ackerman: "This does not pertain to county parks."

Speaker McAuliffe: "Representative Dart."

Dart: "But as far as with state parks, could they not be a group of people because we have no guidelines, who are less than desirable could request to basically take over this park, adopt this as their park, their hangout and because we have no guidelines, we'd have to say sure, you can walk and pick up garbage so this is your park and we'll put your sign up for you and this is your turf."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Are you saying we should judge people who are less than desirable to help pick up the garbage? Do you have a definition for these people?"

Speaker McAuliffe: "Representative Dart."

Dart: "Well, I sure as heck believe there's certain groups of individuals that have a propensity, maybe for crime that we probably don't want in these state parks. I mean, do you want them there?"

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Give me that definition. Are you stereotyping people?"

Speaker McAuliffe: "Representative Dart."

Dart: "Well, yeah, I guess if you call people with criminal records and the like, being stereotyped as criminals. Sure, I guess you could say that. Yeah, you got me on that one. Are those the type of people that we would want to be involved with a program such as this by just opening it completely to anybody that we want? I mean, especially like down south by Shawnee, we have the boot camp. I suppose we can set up a program where they can go straight from the boot camp out to the park and now, that's their park."

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I'm sorry, I couldn't hear the last question. Could we have a little order and could the Sponsor repeat the question?"

Speaker McAuliffe: "Representative Dart, will you repeat the last question?"

Dart: "My question was, that in areas such as down in Shawnee where they have the boot camp, would it not be something that they possibly could do now because of this where we could have it set up so they could go straight out of the boot camp from Shawnee, right into the park and then they could adopt that park as their park and that would be their turf and because we have no guidelines, there's nothing anybody could say about that? Sure, you can pick up garbage, you're great with that. We figured that all at the boot camp. Now, we will have to allow you to adopt this park."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "I don't believe you're speaking to the merits or the intent of the Bill. I'm sure people from the boot camp can pick up garbage too, but I think that would come under the Department of Corrections, rather than this Bill."

Speaker McAuliffe: "Representative Dart."

Dart: "But I am speaking of the merit of the Bill because I think it is a legitimate concern to make sure that if we are allowing parks to be adopted by this vague term of individuals, which means anybody, or group volunteers, which also could mean anybody, that we'd want some type of guidelines so there'd be some ability or authority where the individuals who are gonna be determining who gets these parks, the Department could sit there and say no. Guess what? We understand you are an individual or you are a

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

36th Legislative Day

March 22, 1995

group, but we do not want you and your type being involved with this park because, for example, you have a group who have a list of criminal convictions in your background. We would prefer not to do it. My concern is when we have no guidelines, whatsoever, we're opening it up. I mean, we should have something there. Just give them the discretion to sit there and say that they can choose who they feel's appropriate."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "Just a few minutes ago your colleague, Representative Phelps, was bringing up the fact that prisoners pick up garbage along the highways. Well, they are eligible to pick up garbage. I don't think we have any special problems with them there and they are under the Department of Corrections, not under the Adopt-a-Highway Bill, which you are referring to would probably be the same thing."

Speaker McAuliffe: "Representative Dart."

Dart: "But would we want to pay for a sign that would say, this is a Adopt-a-Park adopted by the Illinois Department of Corrections gangster disciples area? I mean, would we want something like that? I mean, sure, they could pick it up but that's not something we'd want."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "They do that now under the Adopt-a-Highway Program. You're talking about the Department of Corrections again, not about Adopt-a-Park."

Speaker McAuliffe: "Representative Dart."

Dart: "No, I'm talking about the way the Bill's written though, that any of these individuals could in fact be eligible to adopt this and that we should have some type of clear guidelines so that we don't have people such as the recently released individuals from Department of

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

36th Legislative Day

March 22, 1995

Corrections or some people who are still in it, having parks named after them."

Speaker McAuliffe: "Representative Ackerman."

Ackerman: "This program demands that the people volunteer. The Department of Corrections people are not volunteers and if they did volunteer, they would still be under the Department of Corrections' supervision."

Speaker McAuliffe: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "I move the previous question."

Speaker McAuliffe: "Representative Cowlshaw moves the previous question. All those in favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Motion, there are 64 voting 'aye', 51 voting 'nay', none voting 'present', and the Motion carries. Representative Ackerman to close. Representative Ackerman to close."

Ackerman: "I would just ask for a favorable vote."

Speaker McAuliffe: "The question is, 'Shall House Bill 1530 pass?' All those in favor vote 'aye'; 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 the question, 106 voting 'aye', 5 voting 'nay', 4 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1650. Representative Poe."

Clerk Rossi: "House Bill 1650, a Bill for an Act amending the State Fair Act. Third Reading of this House Bill."

Speaker McAuliffe: "This Bill's on Short Debate. Representative Poe."

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

36th Legislative Day

March 22, 1995

Poe: "Mr. Speaker, Members of the House. This is a measure to establish a pilot program for farm safety at the Illinois State Fair. House Bill 1650 authorizes the Department of Agriculture to offer a farm safety course during the Illinois State Fair on a one year trial basis. Tragically, several farming related accidents occur each year injuring child or fellow farmer. The information provided in this safety course could prevent an accident to help save a life. The course shall include farm accident prevention procedures, instruction about operation of equipment, including how to disengage a piece of equipment, and basic first-aid. Continuation of this program after the first year is to be determined by the Director of Agriculture in consultation with the Board of the State Fair. I hope to see this program extended in the future to include farm implement dealers demonstrating their products, as well as implementation of similar programs to the county fairs. I'd urge you to pass this legislation."

Speaker McAuliffe: "The Gentleman from Effingham, Representative Hartke."

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

Speaker McAuliffe: "He indicates he will."

Hartke: "Representative, first, I'd like this off Short Debate. I have a question. Representative Poe, did you come up with this idea all by yourself?"

Speaker McAuliffe: "Representative Poe."

Poe: "Yes, I did. I've been around the State Fair. In fact, I've worked at the State Fair for over 30 years and I think this would be a great opportunity for farmers along with a lot other farmers and farm bureaus and some of those kind of organizations think this would be good."

Speaker McAuliffe: "Representative Hartke."

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

36th Legislative Day

March 22, 1995

Hartke: "Representative Poe, do you have any idea what this is gonna cost?"

Speaker McAuliffe: "Representative Poe."

Poe: "Mr. Hartke, there's gonna be no physical impact. This is a program on safety and we're hoping we can work through farm organizations plus implement dealers, maybe pesticide and insecticide companies that would put this display on at the fair."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Who do you anticipate to participate in this program?"

Speaker McAuliffe: "Representative Poe."

Poe: "I think as we see in agriculture, a lot of times we have accidents and they're in remote areas of the state and I think we're gonna offer some basic first-aid courses. If they walk through this and participate just on a short and a timely basis. In fact, we had Red Cross in here a week ago. They were quite excited about this program. Anything that could promote farm safety and safety in general to the general public."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well, I have no problem with the concept of the program, but do you know that the University of Illinois, right now through the 4-H Extension Service, has a farm safety division at the University of Illinois? Now we're paying them now and they run around the state, all the 4-H Clubs, the County Extension Services putting on farm safety, tractor safety programs. Why couldn't you incorporate the University of Illinois to put on a demonstration at the State Fair for this type of program? I think we're doubling some effort here and I really don't think it's necessary at all to extend time and effort by the Department of Agriculture, who run the State Fair and the

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

36th Legislative Day

March 22, 1995

DuQuoin State Fair and they're right over here anyway, we're subsidizing the program through the General Revenue Fund. We're trying to sell all kinds of ads and premium books and so forth. The concept is okay, but I think that when you try to start a new program, it's gonna cost some money. I don't care how you look at it, but if we assign just one person to coordinate this effort, actually maybe just one phone call to the University of Illinois may solve that problem for what you're trying to do. Have you thought about that?"

Speaker McAuliffe: "Representative Poe."

Poe: "I think with the existing personnel at the fair, it would be just strictly as a coordinator. They could invite some farm groups and then actually some machinery dealers and those kind of things and put the money into it, but I don't see it outside of just being a coordinating unit, I don't see as there is any direct expense."

Speaker McAuliffe: "Representative Hartke."

Hartke: "How many personnel work at the State Fair now? Do we have extra people hired during the State Fair?"

Speaker McAuliffe: "Representative Poe."

Poe: "Yes, they've indicated as long as there wasn't an impact to the budget that they would be glad to free up a little personnel for a small amount of time to coordinate this."

Speaker McAuliffe: "Representative Hartke."

Hartke: "That's not the question I asked. The question I asked was how many extra personnel do we hire for the State Fair here in Springfield and DuQuoin to handle all the events that are there?"

Speaker McAuliffe: "Representative Poe."

Poe: "Could you clarify the equation you're talking about just running the fair, the cleanup of the fair, the extra

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

36th Legislative Day

March 22, 1995

employees they hire during the fair? Are you talking about coordinate for year around? Clarify your question, I don't understand."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Let me divide the question, then. How many people do we have working full-time at the Department of Agriculture to do the State Fair?"

Speaker McAuliffe: "Representative Poe."

Poe: "Mr. Hartke, there's six or seven full-time people that actually work in coordinating the fair."

Speaker McAuliffe: "Representative Hartke."

Hartke: "That's in Springfield? What about in DuQuoin?"

Speaker McAuliffe: "Representative Poe."

Poe: "The six or seven is in Springfield. There's three or four ..."

Speaker McAuliffe: "The Gentleman from Williamsville, Representative Poe."

Poe: "Representative, there's six or seven work at the Springfield Fair and there's three to four work on the DuQuoin State Fair year around."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well, I wasn't near finished with my questions, yet. How many part-time people do we have that work at the Springfield Fair?"

Speaker McAuliffe: "Representative Poe."

Poe: "During the fair, they have from 50 to 100 part-timers."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Fifty to 100 part-timers? Oh, come on. I don't believe that. I saw more little girls out there parking cars than that in the center field. Fifty to 100 is a long wide range. Would you like to reiterate that?"

Speaker McAuliffe: "The Gentleman from Adams County,

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

36th Legislative Day

March 22, 1995

Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. And I guess, I know we've had our fun this evening, but I think this is an issue that transcends some of the lines as far as talking about fun issues. This is an issue that's a statewide problem. It's interesting the National President of the Future Farmers of America happens to be an African-American from Chicago. The whole idea that we see as the expansion as far as the questions of agricultural and farm safety continues to be a problem that we're gonna face. I mean, I happen to have a personal situation. My father-in-law and brother-in-law were both killed in farm accidents. There's a program over at Carle Foundation in Champaign that's named after the Roberts' family because of the loss and I think it's incredibly ridiculous to be sitting here talking about whether we have 50 or 100 people employed when we're talking about actually the loss of lives of farmers in this state and it's absurd and I think it's time that we turn around and we address this issue and it's one that needs to be brought together. We can talk about private and public. We can talk about bringing together the people as far as extension service, as far as private industry, but let's move on with this. This is a type of program, if we save one life, it's worthwhile."

Speaker McAuliffe: "The Gentleman from Williamson, Representative Woolard."

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

Speaker McAuliffe: "He indicates he will."

Woolard: "I think this may be a duplicative question, but I really would like an answer. Do you believe that this is a good program and do you think there'll be good results from this pilot program that you've established?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Poe."

Poe: "Yes, I do. I think this is a place that we can share a small area of the State Fair and provide a public safety on first-aid and those kind of things. I know that being a farmer, that my wife would probably enjoy walking by and finding out how to disengage a combine or some basic first aids. A lot of times these accidents happen in remote areas and the only ones around is either the people working for us or family and this would give them an opportunity when they walk by this demonstration that they could spend maybe five to ten minutes and maybe help someone's safety in the future."

Speaker McAuliffe: "Representative Woolard."

Woolard: "Do you believe that the farmer is the only group of individuals or working group that should be involved in a safety program such as this?"

Speaker McAuliffe: "Representative Poe."

Poe: "I think there's many city dwellers come to the State Fair and I believe that they all could profit from this. As I said earlier, the Red Cross approached me in the halls, that they'd seen we had this Bill. I think any of the laymen and the public that walks through this display could pick up some first aid that could help accidents not only on the farm, but also would help out in the city when they're out in the garden or mowing the yards or some of those kind of things that would help all people in the State of Illinois."

Speaker McAuliffe: "Representative Woolard."

Woolard: "So this is your idea of a good safety program that would be implemented? Is this going to be, first off, is this going to be only at the Springfield Fair or we also going to have this at the DuQuoin Fair?"

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

36th Legislative Day

March 22, 1995

Speaker McAuliffe: "Representative Poe."

Poe: "At this time, it's a pilot program that we're going to run at the State Fair. I said it in the opening, I hope it is something we can expand. In the future, I'll be glad to work with you. If it works this year at the State Fair here in Springfield, I'd like to see it moved on to DuQuoin and also into the county fairs. I would like to mention though, that farming has overtaken both the mining and construction in severe accidents and deaths over the last five years."

Speaker McAuliffe: "Representative Woolard."

Woolard: "Representative, I think I heard you mention earlier that you were hoping that kids and women and people outside of the farming community would be involved in these safety courses. Is there going to be a design to accomplish that?"

Speaker McAuliffe: "Representative Poe."

Poe: "Yes, the Department of Agriculture is going to coordinate it and like I said earlier, I hope they can work with several different organizations, commodity groups, farm organizations, machinery dealers, pesticide companies and let the Department of Agriculture coordinate it and I hope they could locate it in an area where we'd have a lot of high traffic."

Speaker McAuliffe: "Representative Woolard."

Woolard: "Mr. Speaker, I probably should have told you this some time ago. It really doesn't have a y in it. The Senator over there has a y in his name. Thank you. Another question, do you believe that this program is good enough to justify state support at some point in time? Do you think that maybe we should be involved and actively putting together a program in the Department of Agriculture that

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

36th Legislative Day

March 22, 1995

maybe is a travelling show that could proceed if the pilot program was good? It could proceed to the county fairs as well and expose all of the people of this state?"

Speaker McAuliffe: "Representative Poe."

Poe: "This is a good idea. I want to start as a pilot program. I think that we're going to fund this from outside monies and I hope that some organization can pick it up after the first year and make it a travelling show to each of the county fairs and throughout the state."

Speaker McAuliffe: "Representative Woolard."

Woolard: "Mr. Speaker, to the Bill. I want to go on record as being an active, participating supporter of this issue. I'm a little disappointed. I know that in committee that I thought I made a deal with the Sponsor, Mr. Poe. I thought I made a deal with the Sponsor and asked him if I could be one of the chief hyphenated Sponsors of the Bill. I really believe that it's a great idea. I think the concept is way past due. I hope that it continues in a very favorable way and is someday, available to all of the people of this state and not just the people who attend..."

Speaker McAuliffe: "Representative Poe to close."

Poe: "Yes, Mr. Speaker. I neglected during the committee, I did say that we would put the whole committee on that as a cosponsor and I'd like to add that to the Bill."

Speaker McAuliffe: "Representative Poe to close."

Poe: "I do appreciate a favorable vote. I think if we could just save one life or save one accident and help someone out, it'll be a great Bill, so thank you."

Speaker McAuliffe: "The question is, 'Shall House Bill 1650 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On

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

36th Legislative Day

March 22, 1995

this question, there are 114 voting 'aye', none voting 'no', none voting 'present', and this Bill having received a Constitution Majority is hereby declared passed. Mr. Clerk, please call House Bill 1696."

Clerk Rossi: "House Bill 1696, a Bill for an Act concerning collegiate license plates. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1696 authorizes the Secretary of State to issue collegiate license plates bearing the logos of the private and public universities of the State of Illinois. The money raised from issuing the plates would go to fund scholarships to be distributed by the Illinois Student Assistant Commission. The ISAC grants of up to \$2000 per year would go to qualified students at Illinois public universities. Be glad to take questions."

Speaker McAuliffe: "The Gentleman from St. Clair, Representative Hoffman."

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

Speaker McAuliffe: "He indicates he will."

Hoffman: "Yes, Representative, does this apply to all universities or just the universities of Illinois?"

Speaker McAuliffe: "Representative Winkel."

Winkel: "Are you speaking of the logos or where the money goes? The logos are for the universities and colleges in the state and the money that's generated from the sale of these license plates go to public universities and colleges in Illinois."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So will every university, every alumni, if I'm an alumni of Illinois State University, I then could buy an Illinois State University license plates for my car and the

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

36th Legislative Day

March 22, 1995

money and the proceeds would go to Illinois State University? Is that the way this works?"

Speaker McAuliffe: "Representative Winkel."

Winkel: "Representative, that's essentially correct. The money generated from the sale of the plates in the case that you suggest, \$25 would go to the scholarship fund and that money would be earmarked for ISU because you bought plates bearing the ISU logo."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well how many different types of plates will this generate? For instance, how many universities in Illinois will have their own type of plate?"

Speaker McAuliffe: "Representative Winkel."

Winkel: "About three dozen."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Will junior colleges also have their own plate?"

Speaker McAuliffe: "Representative Leitch in the Chair."

Speaker Leitch: "Representative Leitch in the Chair.
Representative Winkel."

Winkel: "No."

Speaker Leitch: "Representative Hoffman."

Hoffman: "There are three dozen different four-year universities that will have their own plate. Thirty six different universities in Illinois will have their own plate? That's number one. Number two, does that include private universities? Mr. Speaker, if I could have just a little bit of order, we can't..."

Speaker Leitch: "If we could have some order, please.
Representative Hoffman."

Hoffman: "Yeah. I apologize, Mr. Speaker. The Sponsor couldn't hear me. You had indicated that there would be about three dozen additional license plates for four-year universities

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

36th Legislative Day

March 22, 1995

as a result of this Bill. Now do private universities have their own license plates, also, or like Illinois Wesleyan, McHenry College, BlackBurn, I guess Northwestern, would they all have their own license plates?"

Speaker Leitch: "Representative Winkel."

Winkel: "Correct. Yes."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So money from the sale of these state supported license plates would be utilized for scholarship funds to these private universities?"

Speaker Leitch: "Representative Winkel."

Winkel: "No, that's not correct. The money would go to public colleges and universities."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, one more question. I believe that part of your getting here, Representative Prussing from Champaign, had a Bill that was similar to this. Is this the same Bill that she introduced? Or number one, are you aware of that Bill? Number two, is this the same Bill as that?"

Speaker Leitch: "Representative Winkel."

Winkel: "It's not the same Bill. As a matter of fact, it's really more similar to Representative Tim Johnson's, last year 2732. It does have one similarity to 2733, the other Bill that you referred to, in that it would distribute the monies to the state universities on a pro-allotted basis."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, Mr. Speaker, to the Bill. I'll probably vote for this. I don't know that there's anything totally wrong with it, but I gotta tell you a couple of things here. So I would assume, you know we started at eight o'clock this morning, we're going 'til eleven. We still haven't dealt with some important issues in this state. Now we're

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

36th Legislative Day

March 22, 1995

dealing with collegiate license plates, so we can put three dozen more license plates on the streets of Illinois so the people can't figure out if you're from Illinois, from Missouri, from Iowa, or where you're from. I understand that you want to do this for your district because you represent a college town. I do too. I have SIU in my district, but when are we gonna start dealing with things that really matter? Now I understand people believe that this is important to them individually. I don't know if the Secretary of State is for this or against it, but I gotta tell you, I would think that the Secretary of State would care about Truth in Sentencing. I think that the Secretary of State would care about more cops on the street. I would think that the Secretary of State would care about funding our Teachers' Retirement Health System and I would think you'd care about funding education. Well this is gonna fund education, but it isn't nothing like the education First Amendment that we're putting forward. We want to really fund education, not do something silly like selling license plates and having some type of a hocus pocus Scholarship Fund."

Speaker Leitch: "The Chair would remind the Members that the Bill was on Short Debate. The Gentleman from Washington, Representative Deering."

Deering: "Yeah. Mr. Speaker, I'd like to take this Bill off of Short Debate and I'm joined by the requisite number of hands."

Speaker Leitch: "Proceed."

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

Speaker Leitch: "Representative Deering."

Deering: "Representative, I notice that we're charging a \$40 fee for the original issuance of the plate and of that \$25 will

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

36th Legislative Day

March 22, 1995

be deposited into the University Grant Fund, \$15 would go to the Secretary of State to help defray costs. Is that all we're gonna get for these plates is \$40 when a regular plate is \$48?"

Speaker Leitch: "Representative Winkel."

Winkel: "That's an additional fee, Representative."

Speaker Leitch: "Representative Deering."

Deering: "So it's \$40 in addition to the \$48 that it would cost for a regular plate right now?"

Speaker Leitch: "Representative Winkel."

Winkel: "That's right."

Speaker Leitch: "Representative Deering."

Deering: "Okay, what about, is the Secretary of State in favor of these plates?"

Speaker Leitch: "Representative Winkel."

Winkel: "I spoke to the Secretary today about this Bill and he endorses this Bill. He's in favor of it and I can tell you that he see this as a very significant Bill that will not only show off the universities and colleges of this state and promote higher education, but it also addresses a very serious problem of increasing fees and tuitions and I don't say, contrary to the previous speaker, I certainly don't see that as a silly or frivolous goal."

Speaker Leitch: "Representative Winkel. Have you finished, Representative Deering?"

Deering: "Well, I respectfully disagree. I mean, the fees and tuitions are going up because the administration is refusing to put more money in the education, but nevertheless, last year and since I've been here, when I came in, in '91, they've tried to pass a Korean War Veterans' plate. Secretary of State's always been against that. We never could pass that plate. Representative

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

36th Legislative Day

March 22, 1995

McAfee tried that, we never could get is passed and also, we have thousands of plates out there. The regular license plates for the State of Illinois and I get a lot of constituents calling my office that are tired of these plates that are falling apart when they should have been replaced years ago. The Secretary of State says, we don't have the money to replace. What about every other citizen in the state that's not interested in the environmental plate, that's not interested in these university plates? What are we going to do for those individuals to get them a new plate so they can have a distinguished looking plate themselves?"

Speaker Leitch: "Representative Winkel."

Winkel: "Representative, with all due respect, I don't recall hearing out of all that, any question? I don't know what you want me to answer?"

Speaker Leitch: "Representative Deering."

Deering: "What about the people in this state that aren't interested in the environmental plate, that aren't gonna be interested in this university plate who have plates that are falling apart now? What are we gonna do for them when the Secretary of State says, we don't have enough money to replace those? How can you justify coming up with monies for these? Is that question enough?"

Speaker Leitch: "Representative Winkel."

Winkel: "Representative, sure that's a question, but it has nothing to do with this Bill."

Speaker Leitch: "Representative Deering."

Deering: "Well, I think it directly reflects this Bill. I mean, we're starting another new plate fund. We're starting some more plates. It's dealing with license plates. My question has been dealing with license plates for the rest

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

36th Legislative Day

March 22, 1995

of the citizens of the state. Apparently, you don't want to answer that question just like you don't want to stand up to put more money in education and to handle the insurance problem for the retired teachers. You just want to keep taking back water, that's fine with me. One of these days, we hopefully will get something done and maybe the other side of the aisle will join with us in trying to do that."

Speaker Leitch: "The Gentleman from Vermillion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I just rise to support the Gentleman's Bill and all of the rhetoric that I hear on the other side. You know I live on the Indiana border and I constantly see these red and white license plates and they have Indiana University's logo on it and then some number. I don't know whether it's a likeness of that basketball coach, Coach Knight or not, but anyway I get tired of seeing these Indiana University plates all the time coming into my district. They evidently are a very popular thing. I see more and more states have them. It's been years since I've been able to take a vacation, but years ago I went down to Florida and I remember seeing the Florida State plates and the University of Florida plates and the Miami Hurricane plates, so evidently this is something that's very, very popular with other states and the Gentleman is trying to advance a Bill that has a proven track record, that does some things. A lot of people like these kind of plates and if they're willing to spend their money to have the plate of the school that they attended and it's a alumni or a pride thing with them, I think that's great. I think we ought to try to frame the debate

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

36th Legislative Day

March 22, 1995

here and all of the emotional rhetoric. What we have to do is to do something like the State of Iowa has done. The State of Iowa realizes the advertising and the goodwill that can be generated by giving a special plate to the Speaker of the Illinois House. Who knows where this Bill could take us, but I think focus on the Representative's Bill here. It goes back to that old song. Travel back with me to the Fifties, if you will. You know it's really simple, folks. If you're gonna be true to your school, you're gonna support this plate and put them on your car. Now if you don't want to be cool to your school or true to your school, you don't have to buy these plates. As the previous speaker said, you can use the old ratty plates that are on your car. I don't care. If they fall off, we'll get you another one, but if you want to be proud of where you went to school, my only regret is that we didn't take this down to the high school level so that I could get some of them plates, but I understand that. I understand that and I'll tell you nothing will make me more proud, come harvest time in Vermillion County, be travelling up Route 1 and on the back of a farm wagon, to see the University of Illinois plate on that wagon and I know you'll share my pride with me and that's why you're going to vote for this Bill. It's a fine Bill. Be true to your school. Show your colors. Lay some cash on the table and buy this plate and vote for this Bill."

Speaker Leitch: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Leitch: "The Gentleman moves the previous question. All in favor say 'aye'; opposed the same. The 'ayes' have it."

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

36th Legislative Day

March 22, 1995

Representative Winkel to close."

Winkel: "House Bill 1696, get the right Bill, will not solve all the problems of funding higher education. It won't solve many of the other problems that you've mentioned, Representatives, but it will help promote the schools in our state and it will help provide a fund, a scholarship fund for the needy college students so they can pay the increasing fees and tuitions. This is not a new idea. It's done throughout the country. Over half the states in the Union have college plates. You can look to Florida. They raised six to seven million dollars a year in Florida alone, for education. I think this Bill deserves your support. I urge you to vote 'yes' on House Bill 1696."

Speaker Leitch: "The question is, 'Shall House Bill 1696 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? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 112 'ayes', 1 voting 'no', none voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. Speaker Daniels in the Chair."

Speaker Daniels: "House Bill 855. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 855, a Bill that amends the Privacy of Child Victims of Criminal Sexual Offenses Act. Third Reading of this House Bill."

Speaker Daniels: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you very much, Speaker, Ladies and Gentlemen of the House. House Bill 855 modifies the existing Privacy of Child Victims Act and the Criminal Code to include all sexual assault victims. Currently, the Bill only applies to victims under 18 years of age. This Bill removes the

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

36th Legislative Day

March 22, 1995

age and so therefore, it applies to all victims. It set forth what will be kept confidential in information, how information will be transmitted. The purpose of this Bill really is to encourage victims to come forward, to set a more positive tone for that to happen and therefore, encourage prosecutions. I move 'do pass'."

Speaker Daniels: "Any discussion? Being none, the Lady to close. Do you wish to close?"

Ronen: "Thank you again, Mr. Speaker. I just would urge my colleagues to support this Bill and remind them ..."

Speaker Daniels: "The Lady has moved for the passage of House Bill 855. All those in favor signify by voting 'aye'; opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'ayes', none voting 'no', and none voting 'present'. This Bill having received a Constitution Majority is hereby declared passed. House Bill 1788. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1788, a Bill for an Act that amends the State Employees' Group Insurance Act of 1971. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Durkin."

Durkin: "House Bill 1788. Thank you, Mr. Chair. This Bill amends the State Employees' Group Insurance Act to provide that group insurance benefits for persons on a leave of absence or on a nonpay status be limited to 24 months. This Bill will not affect individuals who are on a leave of absence due to military service, illness, injury, work comp. The current wording of the Act is not clear at the time as to time of the period limitations. CMS is asking

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

36th Legislative Day

March 22, 1995

that the language of the 24 month limitation be made, codified into law as to clear up any discrepancy which may come up with future grievances with employees."

Speaker Daniels: "The Gentleman from Bureau, Representative Mautino."

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

Speaker Daniels: "He indicates he will."

Mautino: "Representative, your Bill is basically just putting into statute the existing practice of the agency, is it not?"

Speaker Daniels: "Representative Durkin."

Durkin: "Yes."

Speaker Daniels: "Representative Mautino."

Mautino: "So what happens now is we get, or an employee who is on leave for a period, they would have a period of 24 months where they could purchase their own insurance before having to go on Cobra?"

Speaker Daniels: "Representative Durkin."

Durkin: "After 24 months, they would have to go on Cobra in which they would have to make their own contribution. It would have to contribute to the Cobra system."

Speaker Daniels: "Representative Mautino."

Mautino: "Has AFSME taken a position on the Bill?"

Speaker Daniels: "Representative Durkin."

Durkin: "AFSME has no objections to the Bill."

Speaker Daniels: "Representative Mautino."

Mautino: "Thank you, I just stand in support of your legislation."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

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

36th Legislative Day

March 22, 1995

Hoffman: "Representative, I know Representative Mautino covered a few things, but who initiated this Bill?"

Speaker Daniels: "Representative Durkin."

Durkin: "CMS."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And will this result in cost savings to the state?"

Speaker Daniels: "Representative Durkin."

Durkin: "There will be no fiscal impact at all with respect to this Bill."

Speaker Daniels: "Representative Hoffman."

Hoffman: "It is my understanding that the personnel code presently contains this information and all we're really doing is codifying the information, is that correct?"

Speaker Daniels: "Representative Durkin."

Durkin: "It's correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I too, stand in support of the Bill. I think it's a good Bill. I urge an 'aye' vote."

Speaker Daniels: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "You heard the Gentleman. The question is, 'Shall the previous question be moved?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it and Representative Durkin to close. Representative Durkin."

Durkin: "I would ask for a favorable vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1788. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all

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

36th Legislative Day

March 22, 1995

voted who wish? The Clerk will take the record. On this question, there are 115 'aye', none voting 'no', none voting 'present'. This Bill having received a Constitution Majority is hereby declared passed. Seventeen ninety eight, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1798, a Bill for an Act that amends the Illinois Nuclear Safety Preparedness Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Spangler."

Spangler: "Thank you, Mr. Speaker. House Bill 1798 amends the Nuclear Safety Preparedness Act. Provides that appropriations to the Illinois Emergency Management Agency for activities associated with preparing and implementing plans to deal with the effects of nuclear accidents, shall not exceed \$625,000 in fiscal year '96, \$725,000 in fiscal year '97, and \$775,000 in fiscal year '98 and thereafter. At the current time, the appropriation shall not exceed \$500,000 in any year and this Bill would be effective immediately and I'm open for any questions."

Speaker Daniels: "Any questions? The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, thank you. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Novak: "Yes, Representative Spangler, for the record, is this General Revenue Funds?"

Speaker Daniels: "Representative Spangler."

Spangler: "No, it is not. These are not state monies. This is money that is put in by the different utilities and set up for the irregular logical emergency preparedness program so that they can test their plans to see that they are effective and will work in the event that they're needed."

Speaker Daniels: "Representative Novak."

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

36th Legislative Day

March 22, 1995

Novak: "You mean companies like Commonwealth Edison and Illinois Power would pay the fees?"

Speaker Daniels: "Representative Spangler."

Spangler: "That's correct."

Speaker Daniels: "Representative Novak."

Novak: "And how are these fees assessed? Are they based on the number of reactors per facility or how other in another manner?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative, there's a flat rate per reactor."

Speaker Daniels: "Representative Novak."

Novak: "And for the record, how much are those fees per reactor, Representative Spangler? Do you have any idea?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, I'm not sure what the assessment is per reactor, but it's equally divided amongst the nuclear power plants in the State of Illinois."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Representative Spangler. Mr. Speaker, I rise with the requisite number of colleagues on my side to take this Bill off Short Debate. Representative Spangler, can you tell me when the last time, I believe was either last year or maybe the year before that the Department of Nuclear Safety came in with some other legislation to increase the amount of fees they could capture? Can you tell me when the last time when this was done?"

Speaker Daniels: "Representative Spangler."

Spangler: "I believe it was 1988."

Speaker Daniels: "Representative Novak."

Novak: "Nineteen eighty eight? Has the Department indicated to you why they want to increase these fees, increase capturing more of these fees, I should say?"

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, it isn't a increase in fees, it's a larger chunk of the pie that already exists."

Speaker Daniels: "Representative Novak."

Novak: "Yes, Representative, I understand that. I'm sorry. I know that they want to capture more of the fees that exist, but can you indicate to me why the department wants to capture more of these fees? Do they have some specific plans for the various reactors for expending more of these expenditures?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative Novak, there's a number of variables that go into that calculation. As the reactors get older, there's more stringent tests that are put on the different radiological plans. Also, as the complexity of the plans grows from year to year to adequately test the plan to see that it's gonna do what it's supposed to do, the cost is increased."

Speaker Daniels: "Representative Novak."

Novak: "Okay, Representative Spangler, does the Department have any plans for using any of these fees for decommissioning?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, there are no plans nor would they be allowed to use this funding for decommissioning of any plant."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Representative, how are these fees allocated to each nuclear facility in Illinois? Let's say for example, the Illinois Power Nuclear Plant in Clinton County or Clinton, Illinois, I should say, or the Dresdond Plant or Braidwood Reactor 1 and 2 or the LaSalle Plant, how are these fees allocated out to those specific

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

36th Legislative Day

March 22, 1995

plants? Are they divided up evenly or is there a formula involved? I don't know, can you tell me, please?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative, those are used only for testing emergency plans. The emergency plans are not tested on an annual basis, necessarily. Depending upon the cycle of testing when they come up, that's when those would be allocated to those different facilities to test the plan. This is to assure everyone involved, FEMA, the Nuclear Department of Safety, and all other entities, that in fact, it is a workable plan and it will protect the public at large in the event that we have a situation that could potentially escalate to a, say to a Three-mile Island or Tridodal."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Does the Department of Nuclear Safety, do they conduct these ... "

Speaker Daniels: "Sir, you only have 15 seconds left so you may want to bring ... "

Novak: "Yes, I think Representative Schoenberg wants to yield his time."

Speaker Daniels: "We have to recognize someone else first. You may want to bring your remarks to a close. I'll give you another minute to do that."

Novak: "Thank you, Mr. Speaker. Does the Department of Nuclear Safety, do they oversee these emergency preparedness plans when they are conducted at the facilities? Are they done in conjunction with the utilities? How are they conducted, Representative Spangler?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative Novak, they oversee a portion of it, but with regards to previous questioning, you must

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

36th Legislative Day

March 22, 1995

understand that this entity is not the Illinois Department of Nuclear Safety."

Speaker Daniels: "Representative Novak, 30 seconds."

Novak: "Thank you, Mr. Speaker. I couldn't hear you, Representative Spangler. You said the Department does what, does not what?"

Speaker Daniels: "Representative Spangler."

Spangler: "The Illinois Department of Nuclear Safety does oversee some of these plans and testing, but in previous questioning, I believe there was some confusion from your side indicating that perhaps, this was the Illinois Department of Nuclear Safety."

Speaker Daniels: "Representative Novak."

Novak: "Okay, Mr. Speaker."

Speaker Daniels: "Sir, you're out of time. The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hannig: "Yes, Representative, from what fund did you say that these monies will be paid from? I didn't hear that."

Speaker Daniels: "Representative Spangler."

Spangler: "The Nuclear Safety Emergency Preparedness Fund."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative, do you know what the balance in that fund is today or as of the last fiscal year or could you give us some idea?"

Speaker Daniels: "Representative Spangler."

Spangler: "No, Sir, I don't have that information."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative, why is that we want to statutorily limit the amount of money that we can appropriate? Why would we not just want to allow the Appropriation Committees after

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

36th Legislative Day

March 22, 1995

hearing testimony, determine some amount each year as opposed to trying to tie their hands?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, there has to be some limit on it and some accountability and so that's what the intent is here. This was set up at \$500,000 as you heard me mention previously and with the complexity of the testing and the frequency of testing, that no longer is enough money to adequately support the program."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative, we don't limit the amount of money we can spend on schools or we don't statutorily limit the amount of money we can spend on roads and it seems to me that obviously, there's only gonna be so much money in this account so why should we limit the amount of money that we should be allowed to spend and why not allow the appropriations process to take its course as it does with everything else?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, these are not public funds. These are private funds and those are assessed and worked out in agreement with the different nuclear power plants."

Speaker Daniels: "Representative Hannig."

Hannig: "Are you saying that these are not funds that are deposited with the State Treasury, that they're not a dedicated fund?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, they are deposited in an escrow account, but they are not public funds. They are private funds."

Speaker Daniels: "Representative Hannig."

Hannig: "But Representative, your Bill talks about, if I

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

36th Legislative Day

March 22, 1995

understand it, limiting the appropriations that we can make. How can we appropriate funds that are not state funds and why do we have to limit them?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, ... "

Speaker Daniels: "Excuse me. Ladies and Gentlemen, please. Ladies and Gentleman, we have a substantial number of Bills to complete this evening. We will complete our work before we leave. The question is, how long that you want to stay which is fine, but we will complete our work before we leave this evening. So if you would give the Gentleman your attention, it'll help expedite matters. Representative Spangler."

Spangler: "Representative, once again, these are not public funds. They are private funds. It's necessary to come back to the Legislature for any increase over the \$500,000 that was set up in 1988 and that's what we're here for."

Speaker Daniels: "Representative Hannig."

Hannig: "So if these funds do not belong to the state, if they're private funds, how can we appropriate them? I guess I'm just not quite sure how that works, Representative."

Speaker Daniels: "Representative Spangler. Excuse me, Ladies and Gentlemen, please. Both sides of the aisle. The Republican side of the aisle as a matter of fact,, you're very good tonight. The Democrat side of the aisle, please give the Gentleman your attention."

Spangler: "Representative, these funds, once again, are private monies. They are set up and they come through the Department of Nuclear Safety."

Speaker Daniels: "Representative Hannig, you have a minute left, Sir."

Hannig: "Thank you, Mr. Speaker. So the Department of Nuclear

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

36th Legislative Day

March 22, 1995

Safety receives these monies based on fees, is that correct? That they assess?"

Speaker Daniels: "Representative Spangler."

Spangler: "That is correct."

Speaker Daniels: "Representative Hannig."

Hannig: "And they put this money then in a state bank account, is that correct?"

Speaker Daniels: "Representative Spangler."

Spangler: "Sir, I'm not sure of the mechanics of that. I've been assured here that, that is correct."

Speaker Daniels: "Representative Hannig."

Hannig: "And then are those funds not state money, the same way gas tax monies are a dedicated fund but nevertheless state monies?"

Speaker Daniels: "Representative Spangler."

Spangler: "That's correct. They are not state monies."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative, I guess I'm confused by the concepts of the Bill and it just seems to me that maybe I don't understand what it is that you're trying to do and I apologize if I've missed the point you're trying to make, but I was under the opinion that the State of Illinois could only, that we in the Legislature could only appropriate funds that are state funds?"

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, they're requesting an increase of their allowed monies. It is not an appropriation, per se."

Speaker Daniels: "Representative Hannig."

Hannig: "Did you say that there are and I'm sorry I couldn't hear you. Did you say that, that was not by appropriation?"

Speaker Daniels: "Representative Spangler."

Spangler: "These funds can only go three different places: the

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

36th Legislative Day

March 22, 1995

Department of Nuclear Safety, IEMA, and reimbursements to local governments for the testing of the plans."

Speaker Daniels: "Representative Hannig."

Hannig: "So I'm sorry, Representative, I didn't hear your answer. Could you repeat that, please?"

Speaker Daniels: "Representative Spangler for repeat."

Spangler: "These funds only go three different places: the Department of Nuclear Safety, the Illinois Emergency Management Agency, and also, to pay back local governments for their involvement in the plan implementation."

Speaker Daniels: "Representative Hannig."

Hannig: "And do we have to appropriate these funds through the appropriation process? Will they be part of the Governor's budget?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, that's correct. It is an appropriation, but if we don't change the amount statutorily, then they're held at that \$500,000 limit."

Speaker Daniels: "Representative Hannig."

Hannig: "I guess, Representative, and you're helping me understand this, and I appreciate it. My next question, though, is, why do we even need a statutory limit? Why can we not simply allow the appropriation process to take its course to allow the Chairman of the Committee and the Members to hear testimony and the Governor to propose? I can see why you want to remove the cap, but I'm not sure that we really need a cap. We don't cap the amount of road fund money that we can spend in any given year. It's limited by what we have in the bank, obviously, but is there a reason why we have to cap this and limit the legislature's ability to spend?"

Speaker Daniels: "Representative Spangler."

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

36th Legislative Day

March 22, 1995

Spangler: "Representative, it does not make any difference how much we appropriate. We could appropriate a million dollars, put in less. It's important that the IEMA ends up getting the money for the testing of the plans."

Speaker Daniels: "Representative Hannig."

Hannig: "I guess my question is, if the Governor would come in and request additional money or someone would make the case in front of the Appropriation Committee that we need more than the 750, don't you think the cap stands as a hindrance? We don't cap any of these other funds and I guess that's my confusion about your Bill and I just need it to be clarified."

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative, the cap is there only because we have to negotiate with those private firms and entities and utilities and the nuclear power plants to be able to have those monies generated in the first place. That's exactly what we're trying to do right now, just raise that cap up."

Speaker Daniels: "Representative Hannig, you have less than a minute."

Hannig: "But Representative, I support your Bill to try to raise the cap, but I'm just not sure that we need a cap, but I applaud you for your efforts in trying to explain the situation to us in the Assembly. Thank you."

Speaker Daniels: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "You heard the Gentleman. He's moved the previous question. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The previous question is moved. The Gentleman, Representative Spangler,

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

36th Legislative Day

March 22, 1995

to close."

Spangler: "From a personal viewpoint, we all know that it's necessary with these facilities to be able to test the plans that they have. If we don't ever put them to the test, we don't know what their inadequacies or deficiencies are. Consequently, we could be subjecting the public at large to a tremendous safety problem if we don't appropriate the monies and raise this cap up to that level. I can only say in the 75th district that we have three nuclear power plants that can significantly impact our public. That's LaSalle, Dresdond, and Braidwood Stations. I've also served as Chairman of the ...committee on the county board of Grundy. I can assure you that these plans are scrutinized closely and that any deficiencies and inadequacies that come about have to be rectified before that plan is approved as being accurate and ready to go. So, on that notion, I would request an 'aye' vote. Thank you."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1798. The question is, 'Shall House Bill 1798 pass?' All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'aye', none voting 'no', none voting 'present', and this Bill having received a Constitution Majority is hereby declared passed. House Bill 1816. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1816, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Cook, Representative

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

36th Legislative Day

March 22, 1995

Hanrahan."

Hanrahan: "Thank you, Mr. Speaker. House Bill 1816 is the request of a constituent of mine, who's a lawyer and is involved in business law transactions. It's the so called Bad Check Legislation, not to be confused with a similar Bill, a banking Bill, currently circulating in the House. This legislation is currently on the books. Penalties exist today for writing unpaid checks to businesses. We do not seek in this legislation to change that process. Instead, we seek to make it easier to serve a summons and complaint to the check writer. Presently, a check writer must personally sign certified mail. To avoid this he or she can reject the mail, have someone else sign it, or poorly sign it to make reading it difficult. This legislation seeks to change to the Criminal Code three aspects, essentially allowing anyone at the addressee to accept it, if it's sent to an address and unclaimed, or if it's sent by personal courier. It's identical to current nonpayment of condominium assessments. There is no known opposition to the Bill. It passed unanimously out of the Judicial Civil Committee, but I welcome your questions."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Actually, I was rising on a point of order. My light had been on previously and my point, Sir, was with all due respect to Representative Spangler, that last Bill was very technical in nature and we had questions on the auditing function, how much the rate fares contributed to the utility, the impact, how those dollars were allocated, and there were a number of questions that we wanted to ask to make sure where those dollars go and to correct our oversight function in the

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

36th Legislative Day

March 22, 1995

expenditure of those funds. I understand ... "

Speaker Daniels: "Sir, if you wish to address this Bill. That would be fine, but that is why we have a committee. That Bill cleared committee unanimously without a single dissenting vote on either side of the aisle. I appreciate what you're saying. We've got work to do. We've got about 20 Bills left tonight and that'll determine how long will determine on the cooperation of the Body. So if you'd like to address this Bill, that is fine. It's 1816 and you have five minutes to do that, Sir. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. My point was, Sir, that we have things to do and I understand your concern with the process to getting things done but if we're gonna try to ram things late at night when the Body is tired, we don't pay attention to technicalities, then we're gonna have more trailer legislation in the other Body and that's something none of us want to do. We just want to try to do our jobs correctly, Sir, and fulfill our responsibility."

Speaker Daniels: "Thank you, Sir. Would you like to address this Bill?"

Granberg: "No, Mr. Speaker."

Speaker Daniels: "Okay, thank you. Representative Lang, would you like to address this Bill?"

Lang: "Thank you, Mr. Speaker, I would. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Lang: "Representative, where else in the statutes do we put a civil liability provision into the Criminal Code?"

Speaker Daniels: "Representative Hannig."

Hannig: "I'm sorry, Representative. Could you repeat your question?"

Speaker Daniels: "Representative Lang."

Lang: "Yeah, you've taken now 25 seconds of my precious time, but

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

36th Legislative Day

March 22, 1995

we'll try it again."

Speaker Daniels: "I'll tell you what, I'll start you over because you're such a nice guy."

Lang: "What a wonderful Speaker you are, Sir. Thank you very much."

Speaker Daniels: "Thank you. That's on the record, by the way."

Lang: "Where else in the statute books, Representative, do we have civil liability in the Criminal Code?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "No place that I'm aware of, Representative."

Speaker Daniels: "Representative Lang."

Lang: "So don't you feel it's a little inconsistent to play civil liability anywhere in the Criminal Code? Who'll administer this, the criminal courts or the civil courts?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "It is not critical that it is consistent, Representative."

Speaker Daniels: "Representative Lang."

Lang: "But let me try it again. Who will administer this, the criminal courts or the civil courts?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "The justice system will decide that, Representative."

Speaker Daniels: "Representative Lang."

Lang: "Sir, the justice system doesn't decide that. Is the State's Attorney gonna bring an indictment against somebody or is somebody gonna sue somebody? That's the question and if they're suing them, I assume it will be in civil court, and if a State's Attorney gonna bring the action, I suppose it will be in criminal court. Which is it?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Representative, apparently there are other situations where the Criminal Code is amended in regards to civil

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

36th Legislative Day

March 22, 1995

matters, like this. This will probably be done, apparently in the civil court."

Speaker Daniels: "Representative Lang."

Lang: "Well, that's why I started when the clock said five minutes. That was the very first question I asked you. Where else in the statutes are civil penalties in the Criminal Code?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "... in the forfeiture area, Representative."

Speaker Daniels: "Representative Lang."

Lang: "Are there others?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Narcotics, apparently as well."

Speaker Daniels: "Representative Lang."

Lang: "Now I'll ask you the other question again. Is this act administered by individuals who file a lawsuit or is it kicked off by a State's Attorney who feels that someone has been involved in deceptive practices?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "This is a civil matter and you would hire a private attorney, Representative."

Speaker Daniels: "Representative Lang."

Lang: "So if it's a civil matter, you hire a private attorney, but you access the Criminal Code in a civil court to get your damages, is that correct?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Representative, I thought I made clear up-front that we're not changing the current process. We're simply, our current law, we're trying to change the process in administering these bad checks."

Speaker Daniels: "Representative Lang."

Lang: "You say that a person's liable for damages if they fail to

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

36th Legislative Day

March 22, 1995

pay within 30 days. Why is it 30 days? Why is it not 45 days or 20 days? Why 30 days?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "I'm sorry, Representative, I didn't hear you. I apologize."

Lang: "Why is it 30 days?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "As I mentioned under current condominium law, it's always been 30 days."

Speaker Daniels: "Representative Lang."

Lang: "What damages are paid? Just the amount of the bad check or are there attorney's fees or is interest to be paid? What is the damage to be paid?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "It's the amount of the check, plus up to three times the amount of the check in damages."

Speaker Daniels: "Representative Lang."

Lang: "Are there not also attorney's fees allowed under the statute?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Yes, Sir."

Speaker Daniels: "Representative Lang, you realize that you've got four lawyers surrounding that poor guy over there. Representative Lang."

Lang: "It seems that I know this Bill better than you do, Representative. Maybe we should switch places."

Speaker Daniels: "Would you like to vote for it?"

Lang: "I don't think so, but thank you for the offer. How are these damages to be assessed by the court, Sir?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "You file a complaint and it would be at the judge's discretion."

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Lang."

Lang: "Every case is at the judge's discretion, Representative. I could see Mr. Cross with you, that's why I'm getting no answers from you. Representative, move Mr. Cross over there and you and I can have a conversation. So, the check is a \$1000 and it's a bad check, the judge can award up to three times, plus up to \$500 attorney's fees, is that correct?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Apparently, there's a cap of approximately no more than \$500."

Speaker Daniels: "Representative Lang."

Lang: "The caps is on what, the damages or the attorney's fee?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Damages, Representative."

Speaker Daniels: "Representative Lang."

Lang: "Well, what if the check is \$2000, is there still a \$500 cap?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Yes."

Speaker Daniels: "Representative Lang."

Lang: "Well then, what good is your Bill? What if the check is for a million dollars, is there still a \$500 cap?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "We're trying to make a statement here Sir, about the process."

Speaker Daniels: "Representative Lang."

Lang: "Why don't you make a statement that protects everybody instead of just people that get small checks? Aren't people that get large checks, some of the businesses you've protected with tort reform? Aren't they entitled to be protected, too?"

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Again, Representative, it's the principle. We're trying to encourage people to pay their checks."

Speaker Daniels: "Representative Lang, you have a short time left, Sir."

Lang: "I understand. Thank you for your indulgence, Mr. Speaker."

Speaker Daniels: "You're welcome."

Lang: "To the Bill. I don't think the Representative understands his own Bill and since he doesn't, I'm not sure if I can vote for it or not, but I'll think it over."

Speaker Daniels: "The Gentleman, Representative Hanrahan, to close."

Hanrahan: "Thank you, Mr. Speaker. This Bill, as I was trying to communicate, is about service, not necessarily about money. A number of individuals tried to collect these bad checks and are unable to do that. This, I think helps businesses accomplish that, so I would urge a favorable vote on House Bill 1816."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1816. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', none voting 'no', none voting 'present'. This Bill having received a Constitution Majority is hereby declared passed. For those of you that wish to know, the Chicago Bulls beat the Boston Celtics by a score of 125 to 103 and Michael Jordan scored 25 points. Mr. Clerk, read 1827."

Clerk McLennand: "House Bill 1827, a Bill for an Act regarding disaster relief exemptions amending the Use and Occupation

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

36th Legislative Day

March 22, 1995

Tax Acts. Third Reading of this House Bill."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1827 amends the Use and Occupation Tax Acts. It exempts personal property that is donated for disaster relief by a retailer or a manufacturer to a charitable or religious organization that assists victims residing within a federal or a state declared disaster area. It stipulates that the organization must qualify as charitable according to the federal requirement listed in the Internal Revenue Code. It provides a sales tax exemption for infrastructure, repairs attributable to a declared disaster for facilities located in a declared disaster area. It establishes a ten year sunset date. The reason that the need for this legislation was after the Great Flood of '93, many of the businesses in Illinois that donated goods into the disaster area, they were kind enough, they were generous enough to do that. So, they donated the goods, but in turn had to pay sales tax on that. The Internal Revenue Code already provides for a tax deduction for businesses to do this and it is our feeling that the state should also provide an exemption for those items that are donated. I think it's a piece of legislation that is needed because it's an incentive for private enterprise to help out when there is a disaster. It will stop the penalty for being a good citizen and trying to help. It will encourage the private sector to help in a disaster situation, will reduce the need for government assistance and there'll be no loss of revenue if there are no disasters. I think it's real important to keep in mind, this is an opportunity to encourage donations to organizations such as the Red Cross, and such as the

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

36th Legislative Day

March 22, 1995

United Way. Proponents for this are United Way, American Red Cross, Illinois Retailer Merchants Association. Are there any questions?"

Speaker Daniels: "The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He indicates he will?"

Dart: "Representative, I understand there was a similar Bill to this and I believe it was last year, maybe the year before, attempted to address the same problem. I recall when that one came up, there was a great deal of concern that it, there was no oversight of any type and that there was no accountability, so that there was a great potential for fraud. I was wondering how your Bill anticipates dealing with that issue because there is a great deal of potential for fraud and it's been shown from the past a lot of people when these emergencies and disasters occur, use it as an opportunity to take advantage of people."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, as with many of the pieces of legislation that I was involved with last Session, they died an untimely death in the House Rules Committee. I'm not aware of fraud or abuse. If, you know, you have specific examples and could help us look at where there have been problems, I'd certainly be happy to work with you on that. This has the safeguards in it from the standpoint that it has to be only donated in disaster areas that have been declared disaster areas, either state or federally declared disaster areas, so it's not just donating any place and it also has to be to a charitable organization as defined by the Internal Revenue Code. So, I think those are two excellent safeguards to help eliminate or reduce the problems of abuse that you know. Good question to

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

36th Legislative Day

March 22, 1995

raise and if you're aware of specific problems, be happy to address those."

Speaker Daniels: "Representative Dart."

Dart: "Are those 501C3 charities? Are those the ones you're talking about?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "That is correct. They have to qualify under the Section 501C3 of the Internal Revenue Code."

Speaker Daniels: "Representative Dart."

Dart: "Could these be goods from other states or is this just limited to our state?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, it is my legislative intent that this would be just for Illinois for Illinois businesses. Of course, it would only be Illinois businesses, essentially that we would be collecting taxes on, so those are the ones we'd be concerned about exempting and we're trying to encourage help for victims in Illinois. So, it's for Illinois, by Illinois businesses and organizations. That's the ..."

Speaker Daniels: "Representative Dart."

Dart: "I noticed that, and this is not something unusual, that the Department of Revenue has filed opposition to this legislation. Could you explain to me as to why the Department is opposed to something such as this?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "They indicated if there is to be a tax loss, they could not determine that and I think that was their concern. I think you need to keep in mind then all the Members of the House, that in actual fact, the more we can encourage private donations, the less dependence, the less need there is for government assistance, so in effect it would be the

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

36th Legislative Day

March 22, 1995

potential there that it would reduce the need for government assistance in a disaster area by the incentive that we're offering."

Speaker Daniels: "Representative Dart."

Dart: "Yeah, but that doesn't answer the question, Representative. Why are they opposed to this?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "They indicated that they could not determine the fiscal impact. Keep in mind there could be years that there's no disaster, there's no loss. So, it's an undeterminable loss and my understanding is that's the reason for their opposition because they could not determine what that would be."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Just so I could get this straight, Representative, they opposed the Bill even though they had no idea how much it was gonna cost because most of their opposition that I've experienced in the committee has been well-grounded and based in fact, on revenue lost to the State of Illinois which they rightly oppose and I can understand that. It seems strange to me that they are opposing Bills though, where they have no idea if this is gonna cost us one penny or if it's gonna cost us millions and millions of dollars. I find that unusual because I said before, their normal objection is based on hard facts. This seems to be based on conjecture at best."

Speaker Daniels: "Representative Moffitt."

Moffitt: "As I indicated, because you cannot predict disasters, I think there was no reliable way they could determine what the loss would be. Some years there would be no loss of revenue. And again I say, it could actually reduce costs to government so by giving this tax incentive, this tax

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

36th Legislative Day

March 22, 1995

deduction which is a loss that could be a loss of revenue, you may actually have cut an expense in another area when you don't have to give as much assistance and by encouraging the contributions to the charitable organizations such as Red Cross and United Way."

Speaker Daniels: "The Gentleman from Logan, Representative Turner. The Gentleman from Effingham, Representative Hartke."

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

Speaker Daniels: "He indicates he will."

Hartke: "Representative Moffitt, I want to continue just a little bit. It would seem to me that the Department of Revenue probably has some idea. Although I agree you cannot predict the future or disaster or how many corporations would take advantage of it, but I would think that the disaster that we just went through with the flooding and then if they took and looked at all of the donations made by corporations and individuals to not only governmental units, but schools and foundations to rebuild after the flood, the Department of Revenue would have some idea and so I would think that because they're projecting the loss of revenues that they would have some idea, but though they are opposed vigorously to this Bill, correct?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative I wouldn't of characterized it as vigorous opposition. They put in a slip. I believe it was record of appearance only if I remember correctly. Just philosophically, I believe they oppose anything that potentially would reduce revenue for the State of Illinois. The fiscal note for House Bill 1827 and I'll read the concluding paragraph. I'd like to read it for the record.

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

36th Legislative Day

March 22, 1995

I don't know of any better way to address your question Representative Hartke than to respond with the fiscal note that was attached by the Department of Revenue and it says House Bill 1827 has an undeterminable fiscal impact on the state revenue as it is unknown to what extent this legislation would decrease taxable receipts under these tax Acts. Again it would vary with the year if we could shift some of the burden from government for assistance to the private sector then it would actually have the affect of being cost effective."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes. Is there already a clearinghouse in your area to accomplish something like donations that are given for foundations and so forth?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative not that I am aware of. I assume you mean a single clearinghouse, you used the term clearinghouse?"

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, excess table, clothes, material, disaster stuff that could be used, medical supplies."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Do you mean like Good Will or Red Cross?"

Speaker Daniels: "Representative Hartke."

Hartke: "No, this is for business. Nonprofit organizations could pick up surplus items in your area."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Would you repeat your question, Representative?"

Speaker Daniels: "Representative Hartke."

Hartke: "Let me go to a different subject just a little bit. Maybe to the Bill. Yesterday I do believe we worked on a piece of legislation and the Department of Revenue

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

36th Legislative Day

March 22, 1995

determined that it would cost some \$295,000.00 I believe in fiscal year '95 and \$330 some thousand in 1996 and it was costing the State of Illinois money and this was on a piece of legislation that dealt with temporary services. The Bill passed, but the Department of Revenue in spite of this loss took a neutral stand on the Bill. Now it would seem to me that this could potentially be good and bad, this piece of legislation simply because it would encourage donations to help rebuild infrastructure, help rebuild school foundations, nonprofit organizations, governmental units, by donation, by offering this tax break, but yet it would cost the State of Illinois revenue. I think that I have mixed emotions on this Bill, but I think the Department of Revenue if they did their homework they could give us a more accurate picture on the affect that this Bill will have."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative of course, when a fiscal note was requested that's...we could expect the very answer to that and the fact that the department came back that they could not determine that because of the variabilities of how often a disaster occurs or how big a disaster it is. It's not something I think they felt they could put a figure on and be accurate every year."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Moffitt, two questions Sir. I noticed in the Bill that you had a 10 year sunset on your legislation. Is that still on the Bill?"

Speaker Daniels: "Representative Moffitt."

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

36th Legislative Day

March 22, 1995

Moffitt: "Yes, it is."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative why do we have the 10 year sunset? Was that at the suggestion of the Department of Revenue or was that at the suggestion of your staff or whom?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Because this is a new piece of legislation I personally support that concept. I think anytime you implement a program such as this, this gives the General Assembly the option of reviewing it and then after a set time, in this case 10 years, evaluate. I think it's good to do that. It's a concept that I believe in especially when we're talking about a new program. Give us a chance to be objective to review it. We would have definite information as to fiscal impact. How much incentive that we feel that we really did provide for private business, private enterprise. It's certainly what I want to encourage."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. I did not know if that that was the Department of Revenue's suggestion. As indicated, I think by Representative Dart, apparently the Department of Revenue was opposed to your legislation. Have they modified their position at all whatsoever to this Bill? Will they change their position once this Bill reaches the Senates? Have you had any discussions with the department?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "I am not aware of them having changed their position, Representative."

Speaker Daniels: "Representative Granberg."

Granberg: "Well apparently their only objection, Representative, is the detachable fiscal impact to the states. Frankly, I

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

36th Legislative Day

March 22, 1995

think this is a good idea, but if we are going to go through with this, I would hope that you could try to sit down with the department and try to work out a compromise. In fact, if they would lend their support to your legislation and can pass the other Chamber hopefully along with a lot of other Members of the legislature and go to the Governor. Have you indicated to the department that you would actually try to work with them on this or is there a position to just to be opposed and to be opposed in the next Chamber?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Based on what was in there, a fiscal note, that it was undeterminable. I would assume they may maintain that position. That was the basis of their objection and until they would actually implement it it would remain that they couldn't determine it. I am always happy to sit down and visit with departments or agencies, but I think we are at a point where it's a question that can not be answered with a high degree of accuracy. We know what it will do, but it's going to vary from year to year so much, the fiscal impact. Keep in mind the other side of loss or revenue is a reduction of expense by the government and having to assist in a disaster area. Or we shifted some of that to the private sector."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you Mr. Speaker. To the Bill, Representative Moffitt, I do think it is a good idea. I am concerned about the Department of Revenue's position that if we are going to impact the state's revenue that maybe we should put our priority to take care of our old Bills. Our 2 billion dollars worth of bills to Medicaid. Our bills to our teacher retirement system. Our bills to our health

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

36th Legislative Day

March 22, 1995

insurance system that this state actually balances budget. Take care of it's obligations which we have not done. And I appreciate your concern in this matter, Representative Moffitt and I intend to vote on it."

Speaker Daniels: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. The question is, 'Shall the main question be put?' All those in favor vote 'aye'. Mr. Clerk, take the record. On this question, there are 70 'aye', 43 'no', the main question prevails and the Gentleman Representative Moffitt to close."

Moffitt: "Mr. Speaker, Members of the House. House Bill 1827 I think does some things that I think many of us if not all of us believe in and that's anytime we can encourage private enterprise to take some of the burden, in this case assisting in a disaster area then that is something that we should do. This Bill passed out of the committee with a unanimous vote. It had strong backing within the committee. This is an opportunity to stop the penalty that is in place now when private enterprise simply tries to be a good citizen, tries to be a good samaritan. You have a choice tonight, you have an opportunity to help the United Way of Illinois, to help the Red Cross in Illinois. I would urge you to vote for this as it is a way to help them and to help citizens that have been victims in a disaster area. I would ask for your favorable vote."

Speaker Daniels: "The question is, 'Shall House Bill 1827 pass?' All those in favor signify by 'aye'; opposed by voting

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

36th Legislative Day

March 22, 1995

'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', none voting 'no', none voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1853. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 1853, a Bill for an Act concerning the responsibilities of the State Treasurer. Third Reading of this House Bill."

Speaker Daniels: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Eighteen thirty three, requires that the treasurer develop, publish, and implement an invested policy covering a management of funds in the Public Treasurer's Investment Pool, its TIP funds and a policy covering all state funds under her control. It also requires a policy or changes in a policy to be published in a newspaper of general circulation in both Springfield and Chicago and also in the Treasurers Annual Report. The policy must be reviewed and updated within 90 days of the installation of a new Treasurer. In addition, the Bill creates the Office of Inspector General within the Office of the State Treasurer. It also eliminates or makes illegal the practice of requiring third party payments by financial institutions in order to receive deposits of state funds by the Treasurer. I'd be happy to respond to any questions."

Speaker Daniels: "Minority leader, Representative Madigan."

Madigan: "Hello Mr. Meyer how are you? Do I understand your Bill to create a new office...a new section in the Office of the State Treasurer?"

Speaker Daniels: "The Gentleman indicates he'll yield."

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

36th Legislative Day

March 22, 1995

Representative Meyer."

Meyer: "Representative, the Bill simply codifies the position that's already there by executive order, and it's not a new section within the Treasurer's Office. It's codifying an existing position."

Speaker Daniels: "Representative Madigan."

Madigan: "Would your Bill...under the law create the section in the office?"

Speaker Daniels: "Representative Meyer."

Meyer: "Representative, that would create the position of Inspector General within that office."

Speaker Daniels: "Representative Madigan."

Madigan: "My point is that Illinois statute does not provide for this today and after your Bill becomes law it will."

Speaker Daniels: "Representative Meyer."

Meyer: "Yes Sir, that is correct."

Speaker Daniels: "Representative Madigan."

Madigan: "So, Mr. Meyer, I want to congratulate you. We on this side of the aisle have been keeping a count of the activity by people on your side of the aisle in terms of creating a new bureaucracy and so we have an award for you. You are the architect of the fourth bureaucracy created by the House of Representatives during this Session of the General Assembly and I have this award which I am going to ask our Page to take over to you right now."

Speaker Daniels: "Anything further, Sir?"

Madigan: "And we'll have copies of the picture for you at an appropriate time."

Speaker Daniels: "Further discussion? The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, will the Sponsor yield?"

Speaker Daniels: "He feels pretty good right now. He's not sure

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

36th Legislative Day

March 22, 1995

he will. Representative Meyer will you yield? He says he will if you give him another award. Representative Hannig."

Hannig: "Representative, about this Inspector General. How will that position be appointed? Who will appoint that person and who will that person be accountable to?"

Speaker Daniels: "Representative Meyer."

Meyer: "Representative, that position is appointed by the Treasurer and will report directly to the Treasurer."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative, wouldn't the idea of having someone with the title like Inspector General someone who I think the public would think to be an independent individual ought to be first of all appointed perhaps by some outside person? Maybe the Governor. And secondly ought to be accountable I think to not to the Treasurer whom she supposed...he or she's supposed to report to. I mean shouldn't there not be some independence here?"

Speaker Daniels: "Representative Meyer."

Meyer: "Well Representative, I'm glad that you asked that question because what we are talking about is an Inspector General that needs to concentrate their time on looking at the activities of the institutions that are using the funds that the Treasurer's Office is responsible for investing. Now under the current setup we have an internal auditor which is primarily concerned with reviewing internal operations of the Treasurers Office. But we are dealing here with approximately six to seven billion dollars of invested capital of the state and also the county treasurers and we're dealing with 500 financial institutions where those moneys are invested and I think it's very important that we have somebody that concentrates

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

36th Legislative Day

March 22, 1995

their effort into making sure that the Treasurer's policy for investing state money is watched and it's carried forward."

Speaker Daniels: "Representative Hannig."

Hannig: "I guess I don't perhaps understand exactly what it is that the Inspector General is supposed to do. Is it supposed to oversee the Office of the Treasurer and that is to be sort of the people's watchdog, or is it some other role?"

Speaker Daniels: "Representative Meyer."

Meyer: "Well Representative I do think it's important and I've already explained it. It seems like it's a pretty straightforward explanation at least on my part. I quite frankly don't understand why you don't understand it, but take a look at it. I think that's it important that we do understand how the moneys are being invested and make sure based upon such incidences as Orange County and the fact that there were investment policies out of control that we make sure that where we put our state's money is well protected in terms of security and understanding of that investment institution."

Speaker Daniels: "Representative Hannig."

Hannig: "Does the Treasurer's Office...is it not audited from time to time by some agencies? Outside agencies the Auditor General or..."

Speaker Daniels: "Representative Meyer."

Meyer: "Yes it is."

Speaker Daniels: "Representative Hannig."

Hannig: "Isn't this outside audit really more of a protection than an individual appointed by the Treasurer accountable to the Treasurer?"

Speaker Daniels: "Representative Meyer."

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

36th Legislative Day

March 22, 1995

Meyer: "I think what we are looking at here is an Inspector General that will watch the day to day operations. Not a point in time here and a point in time there, but rather to take a look and make sure that on a day to day basis the investment policy of the state is carried forward and carried out properly."

Speaker Daniels: "Representative Hannig."

Hannig: "Isn't that really though part of what the Treasurer herself or himself is supposed to do, oversee the office?"

Speaker Daniels: "Representative Meyer."

Meyer: "I think that's a good reason why they are hiring an Inspector General. Our Treasurer today says that we need to have proper control to make sure that we have...that we know where the \$6 billion is and that the financial institutions that money is invested in are the right financial institutions."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative I think the idea of a watchdog..."

Speaker Daniels: "You just have a short time Sir."

Hannig: "An Inspector General is a good idea, but I think the problem with this is that you're asking...you're having the Treasurer appoint someone to watch themselves and I'm not sure that that's really the best way to approach it. It would seem to me that if you going to have a real Inspector General, it ought to be some outside individual who is appointed and who's directly accountable to the people of the state and not to the Treasurer's Office. And that's really I think the basic flaw with the Bill."

Speaker Daniels: "Representative Meyer to close since his matter was on Short Debate. You have two on your side. Representative Meyer to close."

Meyer: "Thank you, Mr. Speaker. In closing, I would just

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

36th Legislative Day

March 22, 1995

indicate to the House that this is a Bill that I feel will give proper control of the assets that the Treasurer's responsible for investing that the policy of the investment...the investment policy the state will be published for all to see as it's changed it will be published for all to see. I think it's a good way that we demonstrate that we have daylight and how our government is run, and I would urge that...an 'aye' vote on this."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1853. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 'ayes', none voting 'no', 1 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1854, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 1854, a Bill for an Act concerning housing. Third Reading of this House Bill."

Speaker Daniels: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1854 provides for different changes in the law through the Housing Authority Act that will foster more intergovernmental cooperation among municipalities and county governments and managing local public housing. In addition, it addresses some serious problems that have risen downstate in public housing including increasing the police powers available to Public Housing Boards and also giving public housing authorities the right to evict based on criminal street gang membership. I would urge...be glad to answer any questions you have on this Bill."

Speaker Daniels: "The Gentleman from Bureau, Representative

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

36th Legislative Day

March 22, 1995

Mautino."

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

Speaker Daniels: "He indicates he will."

Mautino: "Representative Winkel, in committee we had discussed what training requirements are going to be in place and I had asked if you had talked to some of our police organizations and gotten their opinion or position on your Bill. Have you done that?"

Speaker Daniels: "Representative Winkel."

Winkel: "No, I have not done that. That merely gives the authorities the right and the power by statute to go ahead and have their own security police. It does not micromanage how that is implemented."

Speaker Daniels: "Representative Mautino."

Mautino: "Are there any provisions for the level of training if we are going to give police powers to the housing authorities? We currently have a certain number of hours required whether it be Municipal Police or State Police. What type of qualifications will these officers possess?"

Speaker Daniels: "Representative Winkel."

Winkel: "It'll be pretty much the same as what is already in place in Chicago public housing. What we're really trying to do, Representative is get the downstate housing authorities the very same authority that's already in place in Chicago."

Speaker Daniels: "Representative Mautino."

Mautino: "So this Bill then does not set specific requirements? I guess my concern is that we wouldn't have maybe temporary security companies or those who are not trained in criminal law or...I want to make sure that those officers that we put in the housing authorities have the training necessary to protect the residents and themselves because there are

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

36th Legislative Day

March 22, 1995

quite a few dangerous situations they will be coming into."

Speaker Daniels: "Representative Winkel."

Winkel: "No, the intent is not to authorize the use of private security."

Speaker Daniels: "Representative Mautino."

Mautino: "I apologize I could not hear that last response."

Speaker Daniels: "Ladies and Gentlemen. Please, can the Members be in their seats and those unauthorized people please remove themselves. Thank you. Representative Winkel."

Winkel: "The intent under this Bill is not to encourage the use of private security police. In fact there is no provisions whatsoever that would do so."

Speaker Daniels: "Representative Mautino."

Mautino: "I would hope that that would be in fact discouraged by the Bill because I think that anyone who would have the ability to carry a firearm and to enforce criminal statutes would be certified and trained to the levels necessary to insure their own protection and those people in the housing authority. Thank you."

Speaker Daniels: "The Lady from Macon, Representative Currie."

Currie: "Thank you, Mr. Speaker. Point of personal privilege please. On House Bill 1853 I had pressed yes and it didn't get recorded and I would appreciate if the record would reflect that I voted yes on that Bill."

Speaker Daniels: "The record will so reflect."

Currie: "Thank you."

Speaker Daniels: "Do you want the picture included with that? Okay. The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you, Mr. Speaker. I just have a couple of short questions and I'm not going to use my full five minutes. Representative Winkel we talked in committee, what is the

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

36th Legislative Day

March 22, 1995

cost of this to be incurred by whom?"

Speaker Daniels: "Representative Winkel"

Winkel: "Representative are you asking about the police powers? The police powers I would expect that the housing authority would look to federal grants which are I believe are currently still available for the hiring of security police."

Speaker Daniels: "Representative Hartke."

Hartke: "Follow up question. Our Police Training Board would probably then do the training? The Police Training Board here in Springfield would do the training of these police officers."

Speaker Daniels: "Representative Winkel."

Winkel: "That's not necessarily the case. It's often the practice downstate to hire oftentime off duty policeman to actually do the patrolling. So that's not necessarily the case."

Speaker Daniels: "Representative Hartke."

Hartke: "So you are saying that they would use existing police officers and maybe if they got a federal grant or something like that they would train additional police officers or security officers to do the patrolling and the housing units?"

Speaker Daniels: "Representative Winkel."

Winkel: "That's right. In fact, we intend that there be very limited minimal if any, fiscal impact because of these provisions. I would also address the concern previous the police powers could only be exercised with the consent of the local mayor and the municipalities. And currently the problem is is that the police force and the municipalities is having to do this patrol in the public housing and has stretched them to the limit, but certainly the local mayors

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

36th Legislative Day

March 22, 1995

are going to be very concerned when they are the ones giving the consent to the local police and exercise authority to the public housing. They're going to want to make sure that that's being done in a very professional and capable manner."

Speaker Daniels: "Representative Hartke."

Hartke: "All housing units are owned by municipalities. There are counties that own housing authorities as well so then the mayor of the community probably has no jurisdiction over the housing authority other than it being a building or whatever, inside a municipality. Is that not right? And so the mayor then will be authorizing something that is on property that the city does not own."

Speaker Daniels: "Representative Winkel."

Winkel: "Actually Representative, that's not accurate. As a matter of fact, in my home county of Champaign, we have a Champaign County Housing Authority and the bulk of that public housing is located in the cities of Champaign and Urbana and it's the mayors and the police forces of the cities that actually enforce the law at the public housing units."

Speaker Daniels: "Representative Hartke."

Hartke: "Do your police officers...they patrol the mall that you have in Champaign as well? Is that not up to that security of that organization to provide the security there?"

Speaker Daniels: "Representative Winkel."

Winkel: "I apologize, I really didn't catch your question."

Speaker Daniels: "Representative Hartke."

Hartke: "We have governmental bodies that are separated from one another here. What your authorizing is the mayor to go in with a police force inside another governmental unit to do the law enforcement."

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Winkel."

Winkel: "Frankly Representative, that's a situation under current law. What we are proposing under House Bill 1854, the large part is to foster intergovernmental cooperation among the municipalities and the county government. The whole genesis of this Bill arose from my experience while I was on the County Board. We were the appointing authority for the public housing and the cities of Champaign and Urbana were extremely concerned about the accountability and management of public housing and this Bill allows for intergovernmental agreements to be in place. It also gives options to the County Board to see appointment authority to the municipalities. It also allows the municipalities whether you have two or more home rule municipalities to act jointly in the management of the formation of a public housing authority. So the whole idea here is to foster intergovernmental cooperation on a local level in dealing with the problems of public housing."

Speaker Daniels: "Representative Hartke, you have 28 seconds."

Hartke: "Thank you for your precise and concise answers. I appreciate it. Thank you."

Speaker Daniels: "Representative Hoffman."

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

Speaker Daniels: "He says he will."

Hoffman: "Representative, with regards to this Bill. It is my understanding there are essentially two parts. The first one deals with counties that have between 170,000 residents and 500,000 residents and the second part deals with counties with over 500,000 residents, is that correct?"

Speaker Daniels: "Representative Winkel."

Winkel: "Yes, it is correct."

Speaker Daniels: "Representative Hoffman."

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

36th Legislative Day

March 22, 1995

Hoffman: "With respect to the first part, the only provisions that are in this Bill is essentially that it would allow two or more home rule municipalities within the same county to create a housing authority by intergovernmental agreement in the county if the decision is made by the County Board not to have that housing authority run by the county any longer, is that correct?"

Speaker Daniels: "Representative Winkel."

Winkel: "There are provision in 1854 for counties that have at least 170,000 with fewer than 500,000. In that case, the County Board can cede all or part of it's authority. It's appointment authority to home rule municipalities can appoint up to nine commissioners and this can be done either through that cessation of the ceding of that appointment authority or by intergovernmental agreement."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I would assume this is to address the situation with Champaign Urbana? You don't know of any other county that would have two or more home rule municipalities that is interested in doing anything with regards to this legislation do you?"

Speaker Daniels: "Representative Winkel."

Winkel: "I don't know that this is necessarily true, but it certainly includes Champaign County in this specific provision."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Do you know of any other situations of any counties that are between a 170,000 and 500,000 people that want to cede from the County Board the powers of the housing authority and give it to two home rule municipalities working together? Do you know of any other instances that anybody in this state wants to do it other then Champaign

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

36th Legislative Day

March 22, 1995

and Urbana?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, counties that fit that description include Will, Kane, Sinclair, Winnebago, Madison, McHenry, Peoria, Sangamon, and Champaign. And I suppose if the Bill fits I mean they can use these provisions there."

Speaker Daniels: "Representative Hoffman."

Hoffman: "But you don't know of any other home rule cities in those counties that want to do this? Only Champaign and Urbana at this point are interested in doing this, is that correct?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative I don't know that that's necessarily the case. I mean all those counties that I just listed to you are certainly potential candidates to apply these provisions."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well Representative, I think it's a simple yes or no answer. Either, do you personally know of any other instances where home rule municipalities within counties that qualify under this Bill, any other instances other than the Champaign/Urbana instances, do you personally know of any other instance where somebody has come to you and told you that they want to utilize this Bill? The provision of this Bill."

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, let me just say it again. I believe I already answered this and I know it's a late hour, but I don't know of any except those that are listed that would be potential candidates for the application of this provision. I simply don't know."

Speaker Daniels: "Representative Hoffman."

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

36th Legislative Day

March 22, 1995

Hoffman: "That was an easy question. That's all I wanted to know. I wanted to know if you knew of any, and you don't know of any others, so with regard to the police powers on this provision it indicates that with regard to a municipality of 500,000, I assume that's Chicago, that they must have a police force. It's mandatory that they have a police force. Who is going to pay for that police force and these housing authorities? Are we giving any funding to them to do that?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative that's already a requirement. It's already the existing situation they already have existing staff and police available. Security forces already in place and while this does express it in a way you've suggested it's nothing new."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative, I think that you're right that it may already be in place, but there is an existing law that mandates that this has to happen. That's my understanding that this now is one more mandate that you Republicans are putting on the people of the state without funding for it. Now if they want to do it fine, I think it's great that they do do it, but to simply say you have to do it without sending any funding may be troublesome. I don't have any problem with the other provision where it is not mandatory, but with provision it's simply mandatory."

Speaker Daniels: "The Gentleman, Representative Winkel, to close."

Winkel: "Ladies and Gentlemen. House Bill 1854 is an attempt to solve many of the problems that downstate in particular has experienced with it's public housing. It goes a long way to fostering intergovernmental cooperation among home rule

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

36th Legislative Day

March 22, 1995

municipalities and county board governments. It extends police powers that exist already in Chicago to downstate public housing authorities. I would urge you to vote in favor of this Bill. Thank you."

Speaker Daniels: "The Gentleman move's for the passage of House Bill 1854. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 105 'aye', none voting 'no', and 9 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1876, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 1876, a Bill for an Act that amends the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Winters."

Winters: "Thank you, Mr. Speaker. House Bill 1876 amends the Insurance Codes to allow for the distribution of certain reciprocal insurance surplus moneys to free medical clinics. These are unclaimed distributions that were initially put in by medical doctors, no longer are needed as there are surpluses held back and there's approximately \$500,000 that will be distributed to 10 free medical clinics scattered around the state."

Speaker Daniels: "The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "Where does this extra money come from, Representative?"

Speaker Daniels: "Representative Winters."

Winters: "This money was initially invested or put into a pool by

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

36th Legislative Day

March 22, 1995

medical doctors approximately 15 years ago to handle their medical malpractice. As the mutual company has been successful and retained earnings they no longer need that initial capital and they want to refund that to the original people that put it in. They cannot track all of them down and it will either go this way or it will go into the unclaimed properties fund of the state."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So if this money were not used... could you explain how the money is going to be used under your legislation?"

Speaker Daniels: "Representative Winters."

Winters: "Yes, the language of the Bill says that the certificates that form the company will be transferred and these certificates then will be voided so that the fund itself will be distributed the way the legislation reads."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "If this money were not used for that purpose what would happen to the money?"

Speaker Daniels: "Representative Winters."

Winters: "The money would go into the unclaimed properties fund."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, first of all I would like to take this Bill off of Short Debate and I'm joined by a sufficient number of my colleagues to do that. If I could continue. And what happens to the money that's in that account, the Department of Financial Institutions Account, the Unclaimed Property Account?"

Speaker Daniels: "Representative Winters."

Winters: "The money in the Unclaimed Properties Fund, I believe that was your question, can be used in two ways. The Department of Financial Institutions can use it to run their own program and the other side of it would be used

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

36th Legislative Day

March 22, 1995

for retirement funds."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So this money, this approximately half a million dollars could be going to retirees pension funds? Are we talking about maybe they could go to some of the retired teachers health care perhaps that we aren't doing anything about? Could that be used for that money or to go into the Unclaimed Properties Fund?"

Speaker Daniels: "Representative Winters."

Winters: "It will have no effect whatsoever on the total appropriation made for the retirement systems."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well that's not exactly true. What you are saying is that for that money to go into that fund, the Unclaimed Properties Fund, the money could be used to go into the retirement system, is that not true?"

Speaker Daniels: "Representative Winters."

Winters: "The money in the Unclaimed Properties Fund would be offset. In other words, if we use it for this program to give to the free medical clinics we simply make up for it through the General Revenue Fund. The appropriation for the retirement system stays the same. It is not additional money for the retirement system."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "No, but it would free up another half a million dollars that quite possibly could be used to help retired teachers. Let me ask you though, is this going to happen on a continuing basis or is this a one shot deal?"

Speaker Daniels: "Representative Winters."

Winters: "Excuse me. This is a one time, a one time event happening only...this I believe...in June is when these certificates reach maturity."

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you, and Representative, whose idea was it to use the money in this way? Did the medical society come to you? Did you come and suggest that this money be used in this way? How did this proposal get developed?"

Speaker Daniels: "Representative Winters."

Winters: "The Medical Society suggested to me that this would be an appropriate use of moneys that were basically donated by doctors in the past rather than putting it directly into the General Revenue Fund or into the Unclaimed Properties Fund for whatever use the state would see fit that it seemed appropriate that this be used to help support the free medical clinics."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you Mr. Speaker, that is all my questions."

Speaker Daniels: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. I rise in support of this Bill. There is a free medical clinic in Springfield which is located just a few blocks from the Capitol at 7th and Capitol in the First Presbyterian Church, and I've worked with that free clinic and I know the tremendous difficulties in getting equipment and getting supplies. Before we established the free clinic in Springfield, I traveled to Peoria and I saw what I believed was the heartland of free clinic in Representative Leitch's district. They also had such tremendous difficulties in getting equipment and asking manufacturers and asking suppliers, asking physicians, asking community leaders to donate. I think this \$500,000 which would be divided between 10 medical clinics would go a long way to just getting some basic supplies and equipment to help take care

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

36th Legislative Day

March 22, 1995

of the working poor that don't have health insurance and may not qualify even for Medicaid. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Thank you. Representative, who determines which clinics these funds go to?"

Speaker Daniels: "Representative Winters."

Winters: "The funds shall be, as the legislation reads, the funds should be controlled and administered by the reciprocal. That's by the mutual insurance company run by the State Medical Society. My understanding is, in testimony from the State Medical Society, would be evenly split whatever moneys are available. We don't have a final dollar figure as they're still trying to track down the original donors. Whatever money is available would be split evenly between the 10 medical clinics."

Speaker Daniels: "Representative Lang."

Lang: "Currently there's approximately half a million dollars give or take. Over how long a period of time is that built up?"

Speaker Daniels: "Representative Winters."

Winters: "That is the unclaimed balance as they are contacting the former contributors and donors into this mutual company. The dollars are shrinking as they find more of these people they then give that money back so it can not grow any larger than it presently is."

Speaker Daniels: "Representative Lang."

Lang: "What would happen if they found one of these doctors after this money had already been disseminated to the clinics?"

Speaker Daniels: "Representative Winters."

Winters: "My understanding is that because of the deadline, there

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

36th Legislative Day

March 22, 1995

is a seven year deadline that will be up this June, even if they found him after that point he would still have no claim on the money."

Speaker Daniels: "Representative Lang."

Lang: "Assuming this Bill passed when would you need to pass a similar Bill again to take another pot of money and do the same thing?"

Speaker Daniels: "Representative Winters."

Winters: "My understanding is there are no other companies set up like this. This is the only case that we have."

Speaker Daniels: "Representative Lang."

Lang: "So this will never happen again? So once this 500,000 or whatever the figure is, is spread around to these free clinics this can't happen again? There won't be another excess in any fund that can be used for this purpose?"

Speaker Daniels: "Representative Winters."

Winters: "Not as far as I know."

Speaker Daniels: "Representative Lang."

Lang: "Was there any thought given to taking this money and reducing doctors malpractice premiums?"

Speaker Daniels: "Representative Winters."

Winters: "I don't believe that would have been an appropriate use."

Speaker Daniels: "Representative Lang."

Lang: "It was the doctors money was it not?"

Speaker Daniels: "Representative Winters."

Winters: "These are doctors who we cannot find to ask their opinion of."

Speaker Daniels: "Representative Lang."

Lang: "Seems to be reasonable in the era in your side of the aisle trying to save big business and big medicine and a lot of money on their malpractice insurance that you might

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

36th Legislative Day

March 22, 1995

want to require them to just use this money to lower everyone's premium. Why didn't we do that?"

Speaker Daniels: "Representative Winters."

Winters: "I don't believe that that is what the proper use of this money would be. I think we're making a very good gesture here to try to honor these doctors for their initially building this company up and by using it for free medical clinics throughout the state which is a very honorable and worthwhile cause for this money."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Well I agree with the worthwhile cause. I'm just interested in why we haven't pursued the idea of how to lower the cost for these doctors that are so overwhelmed with their malpractice insurance that we've had to put caps on tort cases. Why don't we do something about these overwhelming premiums for these people? Maybe this \$500,000 would help them stay in business because we're losing so many doctors in Illinois."

Speaker Daniels: "Was that a question?"

Lang: "Oh yes."

Speaker Daniels: "Okay. Representative Winters."

Winters: "If that was a question, then I get to answer it however I wish then."

Speaker Daniels: "Yes Sir."

Winters: "The malpractice problem is an ongoing problem that we obviously need to work on. This is a one time pool. I don't like to deal with long term problems with a one shot solution that won't have an answer next year."

Speaker Daniels: "Representative Lang you are almost out of time."

Lang: "Thank you. That was a really good answer. Again once in a while someone has a really good answer. I'm done."

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House. This really is an excellent, excellent Bill and a very appropriate Bill because doctors have been very, very heavily involved in our communities creating and now staffing the free community clinics and this is doctors money and it's a very appropriate way for the dispensation of these funds and it's important to each of these communities. It's not a lot of money, but it does give some of these struggling clinics a modicum of financial stability. And I would urge the Members to be in strong full support of this Bill and I'm very proud to be a cosponsor of it. Thank you."

Speaker Daniels: "Representative Winters to close."

Winters: "Thank you Mr. Speaker. Again I think this is a strong Bill. It honors the doctors that have been working with these free medical clinics and I would urge a affirmative vote."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 1876. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 114 'aye', none voting 'no', and none 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 2138. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 2138, a Bill for an Act in relation to oil and gas. Third Reading of this House Bill."

Speaker Daniels: "Representative John Jones. Representative Jones."

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

36th Legislative Day

March 22, 1995

Jones, J.: "Thank you, Mr. Speaker and Members of the General Assembly. I come to you this evening with House Bill 2138, which is a very simple and straightforward Bill, which amends the Illinois Oil and Gas Act. This Bill just simply changes some of the language in the Bill. It's very straightforward. It saves the state some money. And I would be more than willing to answer some questions."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He says he will."

Granberg: "Mr. Jones has the Oil and Gas Association proposed this legislation to you?"

Speaker Daniels: "Representative Jones."

Jones: "The Illinois Oil and Gas and Department of Mines and Mineral both."

Speaker Daniels: "Representative Granberg."

Granberg: "So this is a combination of both that industry and the Department of Mines and Minerals in dealing with this legislation? This is their compromise Bill?"

Speaker Daniels: "Representative Jones."

Jones, J.: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "On page 7 of the Bill Representative, your Bill removes the certified mail requirements if a potential violation of the Act occurs is now done by first class mail. Could you please explain what would happen in a case where there might be a violation? If someone is sent something by First Class Mail and that person in fact does not receive it, where would the burden of proof lie? What would that person have to do to try to correct that notice problem?"

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Granberg, you are just like myself. You have many oil wells scattered throughout your district as I do, and you know yourself as well as I do there's Department of Mines and Mineral inspectors that come around on a very regular basis and I'm sure the problem would be taken care of that way."

Speaker Daniels: "Representative Granberg."

Granberg: "Well my concern Representative would be that as you know because of the number of oil wells in our area that there could be direr consequences for the owner/operator of a well and that is my concern. So if this notice of violation was sent by First Class Mail and if that owner/operator of that well did not receive that notification what would be the repercussions of what would be his or her option at that point?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Granberg, as long as they have a reliable database and an address, that mail will be picked up, but we have more instances of registered mail not being picked up. I can name you one operator in particular that I know has been sent at least 50 registered letters and has never excepted one yet."

Speaker Daniels: "Representative Granberg."

Granberg: "Well Representative, you must have a great deal more faith in the Postal Department than I do. So if that person does not receive this letter what is his or her option at that point once the penalties go into effect? What would be his or her options in the course of the proceedings?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative, this doesn't say that the department

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

36th Legislative Day

March 22, 1995

can't follow up with another letter or with an inspector in person."

Speaker Daniels: "Representative Granberg."

Granberg: "Well Representative, that gets to the issue, I believe, and that is what happens? I don't believe that is in your Bill, is that not correct? So if that person does not receive the mail, what happens to him or her and then what happens with the department?"

Speaker Daniels: "Representative Jones."

Jones, J.: "The Department feels that it has secured reliable addresses. They're satisfied."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, I thought the department would be satisfied Sir, but as you know the penalties can be very severe to the owner/operator of a well in Southern Illinois particularly with the price of oil. So you can assess penalties up to a \$1000 a day for each potential violation. A \$1000 a day. If that person does not receive the notice what are his or her options in regard to these penalties?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Granberg, you know as well as I do the operator has the right to protest..."

Speaker Daniels: "Representative Granberg you have 46 seconds left."

Granberg: "Representative Jones, that goes to the question. What does he or she do...how do they find out then that they have been notified of a violation? Can they take corrective action? How do they find out if they don't receive the mail?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Undoubtedly you're not as updated on this as I am, but having worked in this industry for 40 some years the

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

36th Legislative Day

March 22, 1995

inspector will follow up. I'll guarantee you the operator will know the circumstances."

Speaker Daniels: "Representative Granberg."

Granberg: "So Representative Jones, where is it in your legislation that the inspector will follow up if there is no mail received by the potential violator?"

Speaker Daniels: "You're out of time, Sir. For a short time. Go ahead Representative Jones."

Jones, J.: "Representative Granberg, it's currently under departments rules."

Speaker Daniels: "Representative Granberg."

Granberg: "Mr. Speaker did you recognize Representative Murphy..."

Speaker Daniels: "No because I am going to recognize someone else, but if you want to finish up your line, I'll let you do it."

Granberg: "Will I have the opportunity to continue this, Sir?"

Speaker Daniels: "I can't promise that there may be a Motion to move the previous question, but I'll let you finish up your line."

Granberg: "Is Representative Ackerman in the Chamber?"

Speaker Daniels: "Yes Sir he is. Why don't you just finish up your line. I'll give you another minute."

Granberg: "Representative Jones, that is my concern. Where is that in the published rules and regulations of the Department of Mines and Mineral?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Granberg, I sat down with the Illinois Oil and Gas Association and the Department of Mines and Minerals. Both organizations are thoroughly satisfied with the language of this Bill. They have the rules to carry this out and we are saving taxpayers money by doing it this

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

36th Legislative Day

March 22, 1995

way."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Jones, the question still is Sir, you just represented that this is in the rules of the Department of Mines and Minerals. I'm simply asking where that rule is located?"

Speaker Daniels: "Representative Jones."

Jones, J.: "It's in the Illinois Oil and Gas rules book. I don't have it with me, but if you'd like one I'm sure you could stop by the Department of Mines and Minerals tomorrow and pick one up."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Jones, I feel like I'm talking to Representative Biggins. If you make representation, all you have to do is tell me where it is in the rules. That's all I'm asking, Sir. We have a number of oil producers in our area. These are very serious violations. Up to a \$1000 a day. I'm just asking, Sir, where this is in the rules and regulations of the department so some innocent operator isn't fined a \$1000 a day for each potential violation? What is the protection that is in the rule to protect our owner/operators? Where is that located Sir?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Let me simply say that I take that as a compliment of Representative Biggins being my seatmate, but as I plainly stated to you before it's in the rule book and if you would like to get a copy...if you don't have time tomorrow to go by the Department of Mines and Minerals to pick one up I would be more than happy to do it for you."

Speaker Daniels: "Representative Granberg are you..."

Granberg: "Representative Jones, this is a serious matter. We went through this with Representative Biggins three weeks

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

36th Legislative Day

March 22, 1995

ago. He made the representation. It was in the legislation; it wasn't. He made the representation it was in Illinois Law; it wasn't. Then he made the representation it was in the rules and it was not located there either, Sir. I'm not saying you're doing that, but this is a serious matter. Can't you give me a serious answer? This Bill is on Third Reading. It's going to pass. Tomorrow is going to be too late. This is a serious matter. A \$1000 a day in fines. Can't we treat is seriously Sir? You're here to represent a 100,000 people. Let's take our job seriously. Let's deal with this matter at hand and just tell me where the rule is."

Speaker Daniels: "The observation is this Bill got 23 'yes' votes in committee and not one single Democrat or Republican negative vote. Representative Jones."

Jones, J.: "That is correct, Speaker."

Speaker Daniels: "Representative Granberg."

Granberg: "Mr. Speaker, I thank you for taking a unbiased position in this..."

Speaker Daniels: "You're welcome."

Granberg: "Representative Jones, it's a very simple question. If you know the Bill you know the answer. All you have to do is tell me, Sir. You say you know this area, tell me you know the area. Tell me where the rule is. That's all I ask."

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Granberg, I've answered your three times. I can not tell you the exact paragraph that it's on, the page that it's on, but I know it's in the rule book. I've read it myself. I told you I've been in the business for over 40 years."

Speaker Daniels: "Representative Granberg."

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

36th Legislative Day

March 22, 1995

Granberg: "Thank you Representative Jones. I also heard that representation from your seatmate a few weeks ago as well. Representative Jones, I do trust you, but this is a serious matter, and it impacts our area. We treat these matters very seriously here, Sir. We have owner/operators, you've been in the business, we get involved in the business, it is a serious matter. I would appreciate it that when you do your Bill, that if you'd just tell me where it is. That's all. If you don't want to do that I understand. You're in the Majority. You don't want to make these answers to the public, like I said, it's your prerogative. You have the vote, Sir. That's certainly not the way we try to conduct business in this House."

Speaker Daniels: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it, the previous question is moved. Representative Jones to close."

Jones, J.: "Thank you, Mr. Speaker. This is an extremely important Bill as Representative Granberg pointed out. It is important to many many of our constituents in both of our districts, but this Bill really concerns the increasing production of crude oil in the State of Illinois and the possibility of increasing jobs in the State of Illinois and that's what we're all here in this General Assembly for. This Bill passed out of committee 23 to 0. I would ask for a favorable vote. Thank you."

Speaker Daniels: "The Gentleman moves for the passage of House

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

36th Legislative Day

March 22, 1995

Bill 2138. All those in favor signify by voting 'aye'; and all those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 104 'aye', 7 'no', 3 voting 'present'. The Bill having received the Constitutional Majority is hereby declared passed. House Bill 2181. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 2181, a Bill for an Act that amends the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Wait."

Wait: "Mr. Speaker. House Bill 2182 basically is a Bill that just deals with my particular area between Belvidere and Rockford. Basically this would just say that a municipality, basically Rockford, would not have a right to come into Boone county unless the voters in Boone County basically had a referendum asking them to come in. It's a strictly good government Bill. The people in that area do not want to be annexed into Rockford. They don't want to be annexed into Belvidere. They basically want their rural atmosphere, which would allow one home for two acres. They don't want the high density housing and the crowded schools that would go along, should they be annexed. I would be happy to answer any questions."

Speaker Daniels: "The Gentleman from Winnebago, Representative Scott."

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

Speaker Daniels: "He indicates he will."

Scott: "Representative Wait, do you know of any other instance in the entirety of annexation law that gives the authority for a county to stop an annexation?"

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Wait."

Wait: "We are creating new good government law here."

Speaker Daniels: "Representative Scott."

Scott: "But that wasn't really my question. My question was, is there anywhere else in annexation law where a county can essentially stop an annexation?"

Speaker Daniels: "Representative Wait."

Wait: "Like I said, we are creating new good government law here to let the local people in that area have some say over whether they want to be annexed into another county. I think if you're going to cross county lines, then you should honor and recognize the difference in zoning and comprehensive planning that a different county has and they should have some say. Simply allows democracy, the local people, to have some say over their own destiny."

Speaker Daniels: "Representative Scott."

Scott: "What do we do with the municipalities, Representative Wait that are already existing into counties? Aren't there several of those that already exist within the state?"

Speaker Daniels: "Representative Wait."

Wait: "I'm sure there is. This would not affect them."

Speaker Daniels: "Representative Scott."

Scott: "No it wouldn't, because you've drawn the population limit so it only affects one particular set of counties haven't you?"

Speaker Daniels: "Representative Wait."

Wait: "Yes, because we have a rather unique and distinct problem here. This is not like Cook County or Dupage County where it's growing up all around. This is basically a rural environment that would really change the complexion of the area should the municipality be able to cross the county

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

36th Legislative Day

March 22, 1995

line."

Speaker Daniels: "Representative Scott."

Scott: "I'm fairly familiar with the area too cause I live there myself, but my question is how is this different than say Elgin, which is in part of two different counties? How is this situation any different and shouldn't the residents of say Kane County, have the authority to stop annexation with the City of Elgin just the same way you're trying to do it with Boone and Winnebago?"

Speaker Daniels: "Representative Wait."

Wait: "Well, if I represented that area and it was as rural as our area is, then I would probably consider it for that area, but they have not asked me for this type of legislation so I am representing my area. My area is very concerned about this crossing the county line and not having any voice."

Speaker Daniels: "Representative Scott."

Scott: "Well are there any other predominately rural areas in the state to which this could apply or municipality close to a county line or is it just this particular rural area you are interested in here?"

Speaker Daniels: "Representative Wait."

Wait: "Well I'm particularly interested in this area because the constituents there sent me down here to represent them and that's what I'm doing."

Speaker Daniels: "Representative Scott."

Scott: "So in other words, it's just special legislation for one particular county and whether it's good government or not for the whole state really isn't entering into the equation."

Speaker Daniels: "Representative Wait."

Wait: "Well if there is some other part of the state that fits

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

36th Legislative Day

March 22, 1995

the same unique situation as here, I'd be happy to entertain and include them in the legislation if they so wanted and we'd look at the situation."

Speaker Daniels: "Representative Scott."

Scott: "But you've not made any effort to find out if those other situations exist, right?"

Speaker Daniels: "Representative Wait."

Wait: "To date nobody has come to me. No."

Speaker Daniels: "Representative Scott."

Scott: "Could you explain for us how exactly this measure would end up on the ballot?"

Speaker Daniels: "Representative Wait."

Wait: "Basically, if 10% of the people elected I believe from the last...no what it would be for example, if Rockford wants to annex they would simply notify the county board or the county, basically in Boone County, that they want to annex and then the County Board shall then certify the question to the proper election authorities who shall submit the question to the next regularly scheduled election."

Speaker Daniels: "Representative Scott."

Scott: "So a developer who owns land close to the Winnebago Boone County Line would like to develop into Rockford who would like to come into Rockford could not do that unless Boone County approved that, that's what you are saying?"

Speaker Daniels: "Representative Wait."

Wait: "That's right. The people in Boone County would then be forced into annexation into another city in another county that they don't want to be."

Speaker Daniels: "Representative Scott you have 57 seconds left."

Scott: "Well the developer who bought land in Boone County and in fact pays taxes in Boone County you're saying that that particular person wouldn't have any control over his own

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

36th Legislative Day

March 22, 1995

land? His control would be subject to 10% of the voters in Boone County not wanting that property to annex to Rockford?"

Speaker Daniels: "Representative Wait."

Wait: "If they'll make a convincing case to the people there and should it be that they would rather not annex, than convince them that it's in their best interest. Sure they could vote to annex. It's simply giving the local people a local say."

Speaker Daniels: "Representative Scott."

Scott: "But not the local person who has bought the land and invested in it. I mean he doesn't have the say anymore, right?"

Speaker Daniels: "Representative Wait."

Wait: "Well I'm more for a democracy than for developers."

Speaker Daniels: "Representative Scott. You have a short time left Sir."

Scott: "Don't municipalities already have the ability to exercise extra territorial review into areas that are a mile and a half..."

Speaker Daniels: "Representative Wait."

Wait: "Yes they do and unfortunately that's one of the problems we had. In fact, we already had one lawsuit because of the mile and half extraterritorial rights, but yet those people in that area don't have any representation and this would simply give them the right to representation and a say."

Speaker Daniels: "Representative Scott."

Scott: "Thank you, but this doesn't change the fact that Rockford in this case would still have extraterritorial review. Your Bill doesn't do anything to change that particular provision."

Speaker Daniels: "Representative Wait."

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

36th Legislative Day

March 22, 1995

Wait: "No it doesn't but at least it would let them have a say whether or not they would be annexed to Rockford."

Speaker Daniels: "Representative Scott."

Scott: "So now we have created a provision and we've created this special exception in the statutes that will give us the fairly ridiculous result that we are going to exercise extraterritorial review over a parcel that will never...that Rockford will never be able to annex."

Speaker Daniels: "Representative Wait."

Wait: "Well maybe that's my next piece of legislation, to say when you cross the county line you don't get the mile and a half extraterritorial review."

Speaker Daniels: "Representative Scott you need to bring your questions to a close. Do you want to address the Bill Sir?"

Scott: "Yes I would. To the Bill. I think this is among the most ridiculous pieces of special legislation I have ever seen. It defies the entire history of annexation law that we've got in this particular state. I understand that there is a tremendous pressure from residents who live in this particular area not going to want to annex to anybody. That's not unique, that's not unusual. That probably has gone on in every county that any of us represent. What is unique about this particular Bill is that we are going to draft special legislation and we are going to tell people who live in that particular area that if they have a referendum, that 10% of the people could put on the ballot a question and effectively stop an annexation that couldn't be stopped anywhere else in the state. And it's going to create a situation where in this particular two county area it's going to be completely different than those municipalities that already exist in two county areas. I

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

36th Legislative Day

March 22, 1995

understand the reasoning why it's being brought before the Body, but it's absolutely ridiculous and it sets a precedent that I don't think that we want to encourage which is going to be, we are going to come back in here every time we have a dispute between two particular municipalities and try to legislate it from here in Springfield. I strongly urge a 'no' vote."

Speaker Daniels: "Representative Balthis, the Gentleman from Cook."

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

Speaker Daniels: "He indicates he will."

Balthis: "Representative, as I understand it, this Bill is very narrowly drawn as to county population so that it does not affect any other counties in the State of Illinois?"

Speaker Daniels: "Representative Wait."

Wait: "Yes, that is correct. It only affects Winnebago and Boone County."

Speaker Daniels: "Representative Balthis."

Balthis: "It is also...it does not stop the City of Rockford or anyone else from actually annexing property, it just sets in place a mechanism for someone to actually put a referendum on the ballot and ask the question?"

Speaker Daniels: "Representative Wait."

Wait: "Yes, that is right. It does not stop them from annexing, it just says that the people in Boone County should have some say before they are forced into an annexation."

Speaker Daniels: "Representative Balthis."

Balthis: "To the Bill. I rise in support of the Bill. It allows the people in that area to have the question put on a ballot and simply answer the question and I think it allows them to say what they want to do individually and it does not affect any other county and I simply rise in support of

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

36th Legislative Day

March 22, 1995

the Gentleman's Bill."

Speaker Daniels: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The Gentleman, Representative Wait, to close."

Wait: "Thank you Mr. Speaker. Basically House Bill 2181, like I say, is a particularly unique situation to my part of the state. It simply allows the people in this area to have a say before they are forced to annex to another county and to another municipality. I believe in democracy and giving people a voice and this is what it does, give them a voice. I simply ask for your support in this Bill. Thank you."

Speaker Daniels: "The Gentleman move's for the passage of House Bill 2181. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. A wonderous evening. On this question there are 57 'aye', 56 'no', and one having voted 'present'. The Gentleman from Boone, Representative Wait."

Wait: "Could I have Postpone Consideration please?"

Speaker Daniels: "Yes, Postpone Consideration. House Bill 2202. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2202, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Wait."

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

36th Legislative Day

March 22, 1995

Wait: "Thank you, thank you. House Bill 2202 is basically a cleanup legislation for Secretary George Ryan. It deals with the trucking laws. Also, it deals with Representative Bugielski's Bill which deals with tinted registration plate covers for motor vehicles. Says that they would be illegal and also says that if you are going to park on streets in public...that you would have a valid registration sticker and a temporary permit showing that it was pending. The State Police, Illinois Department of Transportation, Secretary of State, the truckers and other law enforcements agencies are in favor of this Bill."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2202. Any questions? Any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He says he will."

Dart: "Can you explain to me what the provisions dealing with the tinted plates are?"

Speaker Daniels: "Representative Wait."

Wait: "What's your question? I didn't hear."

Speaker Daniels: "Representative Dart."

Dart: "Can you explain to me what the provisions dealing with tinted plates are?"

Speaker Daniels: "Representative Wait."

Wait: "Yes. It's Representative Bugielski's Bill. Simply prohibits the use of tinted registration plate covers because law enforcement cannot observe what the number and identification is of the plate."

Speaker Daniels: "Representative Dart."

Dart: "I'm sorry Mr. Speaker, I couldn't hear that at all."

Speaker Daniels: "Ladies and Gentlemen in the...you're forgetting we have to listen to the people speak so if you could give

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

36th Legislative Day

March 22, 1995

the Gentleman your attention. Representative Dart, could you repeat your question Sir?"

Dart: "Thank you. I was just inquiring about the tinted plates and the Representative was giving me an answer and I just wasn't able to hear it."

Speaker Daniels: "Representative Wait."

Wait: "It simply says that tinted registration plates...you can not have tinted registration plate covers. In other words, they are supposed to be so you can easily observe them and tell what the number...the alphabetical number is."

Speaker Daniels: "Representative Dart."

Dart: "Wasn't that already the law dealing with tinted plates?"

Speaker Daniels: "Representative Wait."

Wait: "What this does, is provide a \$75 fine in there if they violate the law."

Speaker Daniels: "Representative Wait. Representative Dart, excuse me."

Dart: "What's the present...is there a present penalty for that?"

Speaker Daniels: "Representative Wait."

Wait: "It also makes it a moving violation. Currently it is not a moving violation."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Is this a Bill that Representative Bugielski had had in the past?"

Speaker Daniels: "Representative Wait."

Wait: "Yes, I believe he had that last year and I believe it passed overwhelmingly out of the House."

Speaker Daniels: "Representative Dart."

Dart: "Is Amendment #2 on this Bill?"

Speaker Daniels: "Representative Wait."

Wait: "Which Bill? Dealing with tinted plates? Also the one dealing with valid registration stickers for parking in a

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

36th Legislative Day

March 22, 1995

parking lot and on the street also is on this Bill. That's Bugielski's Bill also."

Speaker Daniels: "Representative Dart."

Dart: "Yes I was trying to figure out what Amendment #2 which I believe is on the Bill, I'm not sure what that does. Can you explain to me what Amendment #2 does?"

Speaker Daniels: "Representative Wait."

Wait: "It's additional cleanup language offered by the Secretary of State."

Speaker Daniels: "Representative Dart. Amendment #2 is on the Bill Sir."

Dart: "Okay. Thank you. And Amendment #2 does technical changes is that what it is?"

Speaker Daniels: "Representative Wait."

Wait: "Yes it requires a owner/operator to carry a reciprocity agreement at all times and subject to police inspection."

Speaker Daniels: "Representative Dart."

Dart: "Why are we doing that? I mean why is that technical?"

Speaker Daniels: "Representative Wait."

Wait: "This is just clarification. I guess Canada had requested us to do that because a lot of our trucks I guess go to Canada so they have valid registration sticker in the cab."

Speaker Daniels: "Representative Dart."

Dart: "So this initiative was a request of the County of Canada?"

Speaker Daniels: "Representative Wait."

Wait: "Yes. The Secretary of State requested it because under the federal interstate changes...reciprocity with other states and other countries we had to be in conformity with that."

Speaker Daniels: "Representative Dart."

Dart: "Is Canada in your district at all? Would the reciprocity pertain to any counties not just Canada? All the rest of

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

36th Legislative Day

March 22, 1995

the..."

Speaker Daniels: "Representative Wait."

Wait: "Yes, it would apply to all states and all countries."

Speaker Daniels: "Representative Dart."

Dart: "Final question. Does this have anything to do with NAFTA? Representative Black was asking me if this had anything..."

Speaker Daniels: "Representative Wait."

Wait: "There's no big giant sucking sound of the trucks going to Canada."

Speaker Daniels: "Representative Dart. Any further Sir? The Gentleman from Washington, Representative Deering."

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

Speaker Daniels: "He indicates he will."

Deering: "Representative, in the Bill on page 20, starting on line 23, says a person convicted of a violation of this Act or this Section will lose their driving privileges. I thought I read in here somewhere for a year...I know this Section is dealing with a commercial drivers license now for the intent of the language. Do they lose their CDL privileges or do they lose all driving privileges in the state?"

Speaker Daniels: "Representative Wait. Ladies and Gentlemen could we have your attention please. Representative Wait."

Wait: "This...they don't lose their CDL. This basically is to bring it into conformity with the changes into the federal interstate laws."

Speaker Daniels: "Representative Deering."

Deering: "It says here, 'shall have their driving privileges revoked under paragraph 12 of subsection A, Section 6-205 of this code'. Now there is some kind of driving privileges going to be revoked. Is it CDL privileges or is it normal driving privileges with just their license to

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

36th Legislative Day

March 22, 1995

drive a car or truck?"

Speaker Daniels: "Representative Wait."

Wait: "It's just the CDL that would be revoked or suspended."

Speaker Daniels: "Representative Deering."

Deering: "Representative Wait to close."

Wait: "Thank you, Mr. Speaker. House Bill 2202 I might add in addition, has to do with the other good things. In the odd years, the second year, which saved \$578,000.00 so this is another good reason to support this Bill and I would simply ask for your support."

Speaker Daniels: "The Gentleman move's for the passage of 2202. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 63 'ayes', none voting 'no', none voting 'present'...114...excuse me 114 voting 'aye', none voting 'no', and none voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 2248. Mr. Clerk, read the Bill.

Clerk McLennand: "House Bill 2248, a Bill for an Act that amends the State Comptroller Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Bill 2248 makes three technical changes to the State Comptroller Act. They include (1) it increases the period in which the state warrants may be cashed from 6 months to 12 months; (2) it increases the time period within which the Comptroller may reissue voided or a sheeted warrants from three years to five years and the third thing it does, is increases the amount that a replacement warrant which can be

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

36th Legislative Day

March 22, 1995

issued...reissued with out a notarized affidavit from \$25 to \$500 and in addition it does not require a notarized affidavit regardless of the amount of the replacement warrant. If the written request for the replacement warrant is submitted by the person to whom the original warrant was issued and if it is accompanied by the original warrant."

Speaker Daniels: "Any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Daniels: "He says he will."

Granberg: "Thank you. Representative Myers, I'm looking through the Bill and I'm looking at the provisions you just cited. What is the intent of the Comptroller with these Amendments that she's making today in this legislation? What is the purpose of the Bill?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Granberg, the purpose on behalf of the Comptroller is to make her office much more efficient. Many of these practices are conducted anyway. Warrants are reissued and warrants are cashed late and this would allow the practice to be done on a timely basis rather than on an untimely basis."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I'm curious as to why they would extend the time of it though? They were seeking to make it or to actually streamline the process. If you would have outstanding warrants for a year as opposed to six months, does that make the process easier for the comptroller to deal with?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Granberg, historically, the warrants that

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

36th Legislative Day

March 22, 1995

were issued by the state were originally valid for perpetuity, then they were changed to five years and then two years. With implementation of the Comptroller Act of 1972 the warrants became negotiable for six months only. Individuals with warrants in excess of six months must currently request a replacement warrant and they are always granted a replacement warrant. By extending this time limit for valid warrants to one year the number of the replacement warrants required to be issued would be reduced by approximately 50%. Furthermore, this provision would also become consistent with Federal law as Federal warrants are also valid for one year."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you Representative so this would make us consistent with the Federal law if we would mirror the Federal law?"

Speaker Daniels: "Representative Myers."

Myers: "Yes."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. And similarly Representative Myers, to the provision in Section 10.10. When we change this from three years to five is the rationale similar with that provision as well?"

Speaker Daniels: "Representative Myers."

Myers: "Well this provision currently would prevent us from 300 warrants going through the court of claims."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, could you explain that a little bit? I'm not sure what you meant. So the warrants go through the court of claims after a period of three years currently?"

Speaker Daniels: "Representative Myers."

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

36th Legislative Day

March 22, 1995

Myers: "Yes, that is correct, Representative. With legal representation from the Attorney General."

Speaker Daniels: "Representative Granberg."

Granberg: "So I assume then Representative that the Attorney General's Office is in support of this because that would lower their cost?"

Speaker Daniels: "Representative Myers."

Myers: "There's been no opposition expressed from the Attorney General's Office."

Speaker Daniels: "Representative Granberg."

Granberg: "I assume then that the Attorney General's Office then Representative, would be in favor of this? I thought that might assist in their office operation. Is that the case, or do you know?"

Speaker Daniels: "Representative Myers."

Myers: "Once again, there's been no opposition expressed from the Attorney General's Office. Both offices would share the responsibility..."

Speaker Daniels: "Sir, you have less than a minute. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. And finally Representative, on the final two provisions in subsection G. On page 3, on increasing the amount from \$25 to \$500, that again increases the efficiency of the office as far as you understand it?"

Speaker Daniels: "Representative Myers."

Myers: "Those dollar figures are consistent with the circuit breaker grants that are currently in place now, Representative."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. And Representative Myers, in the last provision, it states that an affidavit is no longer

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

36th Legislative Day

March 22, 1995

required on a lost voucher when the original warrant was issued?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, that is true where the person, the original person still has possession of the original warrant."

Speaker Daniels: "Are you through Sir? Representative Myers to close. Excuse me Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I just wanted to thank Representative Myers. It is nice to have that type of cooperation from that side of the aisle and I rise in support of this Bill."

Speaker Daniels: "Representative Myers to close."

Myers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is a pretty straightforward Bill and I think rather than increasing bureaucracy it only tends to increase our efficiency in state government. I urge an 'aye' vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2248. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 113 'aye', none voting 'no', none voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 2339. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 2339, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Bill 2339 amends the

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

36th Legislative Day

March 22, 1995

Illinois Vehicle Code and provides that a motor vehicle may be rented to a person if that person...authorized driver has a drivers license and it provides that before a person shall rent a motor vehicle to another, that person shall inspect the drivers license of the person who will be driving the rental vehicle if the person who is renting the vehicle does not have a drivers license."

Speaker Daniels: "Representative Flowers. Don't wish to speak. Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, in the Bill, where is the authorized driver to find?"

Speaker Daniels: "Representative Myers."

Myers: "The answer to that question is in the Amendment #1, page 1."

Speaker Daniels: "Representative Dart."

Dart: "Where exactly on page 1 of the Amendment?"

Speaker Daniels: "Representative Myers."

Myers: "If you would like, I will read it to you. It says, 'or a driver designated by a nondriver with disabilities and meeting any minimum age and drivers record requirements that are uniformly applied by the person renting a motor vehicle'."

Speaker Daniels: "Representative Dart."

Dart: "Was that change specifically made to correct the original Bill? Because the original Bill didn't define that. Was that the reason for this change here?"

Speaker Daniels: "Representative Myers."

Myers: "That's correct Representative. This language is an agreement between the Secretary of State and the rental car agencies."

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

36th Legislative Day

March 22, 1995

Speaker Daniels: "Representative Dart."

Dart: "Is there any requirement in the Bill that the renter, the actual person who does the renting will sign anything or in any other way make an affirmative action so that in an effort to prevent fraud?"

Speaker Daniels: "Representative Myers."

Myers: "Representative the person that is renting the car is actually the one that signs all the papers and agreements and they're the ones that are responsible for any possible fraud."

Speaker Daniels: "Representative Dart."

Dart: "So this would be...the non-disabled person would be the one signing everything, is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, the disabled person that is renting the vehicle would sign the papers. The person driving the vehicle would also sign as the driver."

Speaker Daniels: "Representative Dart."

Dart: "Does the Bill explicitly provide that the nondriver with the disabilities the designated driver must also be a person renting the vehicle? If so, can you show me where that is?"

Speaker Daniels: "Representative Myers."

Myers: "I don't believe the Bill specifically states that the person, the disabled person, has to rent the vehicle. This just enables them to rent the vehicle if they don't want their designated driver to be the renter."

Speaker Daniels: "Representative Dart."

Dart: "But I guess that brings me back to what I was talking about earlier. It doesn't specifically say that they are the ones that have to be the person renting it. Could they not avoid signing all the forms in regards to liability and

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

36th Legislative Day

March 22, 1995

the rest?"

Speaker Daniels: "Representative Myers."

Myers: "I believe that would be up to the determination of the rental car agencies as to whether or not they're going to require the person renting the vehicle, and in this case, if they authorize a disabled person to rent the vehicle it would be their discretion as to whether or not they are going to have that person responsible for all of their requirements on fraud or insurance or anything like that."

Speaker Daniels: "Representative Dart."

Dart: "Do we have any provisions at all that require that, or do we have any provisions in there requiring these rental companies to set forth provisions such as that so that there aren't losses or is this something that we expect them to do on their own? Do we provide anything?"

Speaker Daniels: "Representative Myers."

Myers: "Representative those issues were not addressed in this specific piece of legislation. This is a compromise worked out with the rental car agencies. The Secretary of State's Office and many other people such as the Coalition for Citizens with Disabilities, Illinois Federation for the Blind, disability rights groups and several other. I would assume that if the rental car agencies had some concern on these particular issues that they would have also addressed this in their compromised work."

Speaker Daniels: "Representative Dart you are almost out of time, Sir."

Dart: "I would tend to agree with you as well. I wasn't aware that all these people were involved because it's probably covered in other areas of the statute in writing so there is no need to touch on it here. It's something that is covered. Any of the ambiguities that were in the original

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

36th Legislative Day

March 22, 1995

Bill have now been cleared up with the Amendment, is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "Yes Representative, that's correct."

Speaker Daniels: "Representative Dart."

Dart: "Thank you very much."

Speaker Daniels: "Representative Ackerman."

Ackerman: "Thank you Mr. Speaker. I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question.

The question is, 'Shall the previous question be moved? All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The previous question is moved. Representative Myers to close."

Myers: "Thank you Mr. Speaker. I think this piece of legislation is a good piece of legislation to help our disabled citizens in the State of Illinois and I encourage an aye vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2339. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 113 'aye', none voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 2401. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 2401. A Bill for an Act in relation to the powers and duties of the Department of State Police. Third Reading of this House Bill."

Speaker Daniels: "Representative Klingler."

Klingler: "Mr. Speaker. House Bill 2401 is an Illinois State Police initiative. This Bill is supported as amended by

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

36th Legislative Day

March 22, 1995

the Illinois State Police, Central Management Service, and the Illinois Association of Chiefs of Police. There are three provisions to House Bill 2401. One provision creates a State Police Vehicle fund. The second provision allows the Illinois State Police to provide services and recoup actual cost to local government agencies. At the present time the Illinois State Police are allowed to provide such services such as radar repair and radio repair to state agencies and Federal agencies, but they are prohibited in providing such service to local agencies. The third provision is an additional fee to cover the cost of blood or urine testing for alcohol and DUI cases of \$150. This only applies in about 6% of the DUI cases as most of these cases are Breathalyzers."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Daniels: "She indicates she will."

Granberg: "Representative Klingler, what is the genesis for this Bill?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative this Bill is the initiative of the Illinois State Police."

Speaker Daniels: "Representative Granberg."

Granberg: "Wasn't it an initiative of Representative Black about five hours ago?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the Illinois State Police came to me with three provisions that they wanted to have regarding the Vehicle Fund which in fact you correctly stated was a provision which Representative Black addressed earlier. The provisions, which are new and different in this Bill,

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

36th Legislative Day

March 22, 1995

regard the provisions of providing services to local agencies and also the DUI fee."

Speaker Daniels: "Representative Granberg."

Granberg: "Mrs. Klingler, whose legislation are we going to go with, yours or Representative Black's? Which do you think is the better piece of legislation?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the Illinois State Police would like to have all three provisions that are in this Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "Well there were a number of us who thought that Representative Black had a good idea so if we could carry through it's logical extension, why don't we do this for the Department of Corrections as well? Would you have any objection to that?"

Speaker Daniels: "Representative Klingler."

Klingler: "I'm sorry. This Bill has only to do with Illinois State Police."

Speaker Daniels: "Representative Granberg."

Granberg: "Since this operation Kick-Start has so much merit to it, why don't we do it for the Department of Corrections as well? Wouldn't that be a similar situation?"

Speaker Daniels: "Representative Klingler."

Klingler: "This Bill is not a concern of the Illinois Department of Corrections. This is an initiative for the Illinois State Police to provide further services to the citizens of Illinois and a particular service to the local communities."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, if this is such a good idea, and they do do it in Missouri, why don't we expand it? Why doesn't the Central Management Services have this as well because

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

36th Legislative Day

March 22, 1995

we can then buy new automobiles to save that GRF money as Representative Black's way he put it earlier. So why don't we do it for them as well?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative Central Management Services does support this Bill and they feel that this would be a good way regarding the Vehicle Fund to provide newer vehicles for the state police."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, that's the question. Why don't we expand that because the Central Management Services has a much larger car pool than the State Police? So if it's a good idea for the State Police why don't we expand it for the Department of Central Management Services? Would you have any objection to that? Because it is a good idea, so why don't we just expand it?"

Speaker Daniels: "Representative Klingler."

Klingler: "I believe Representative, that the issue of the Department of Corrections is addressed in a separate Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "So you would be in favor of that and we should do it with the Department of Corrections as well and maybe the Department of Transportation and every state agency that has automobiles because that would apply the same way as the State Police?"

Speaker Daniels: "Representative Klingler."

Klingler: "I would be glad to work with you at a future time regarding issues and concerns on the Department of Corrections or Department of Transportation."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, what we are saying is this is a good idea it has a great deal of merit to it so why don't we

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

36th Legislative Day

March 22, 1995

apply it to all state agencies?. The Department of Corrections...you have a number of state employees that live here in Springfield. I have a number, so why are we distinguishing the state employees of the Department of State Police as opposed to the Department of Corrections, the Department of Central Management Services, the Department of Transportation, the Department of Conservation and all other agencies? Why are we distinguishing at this point in time?"

Speaker Daniels: "Representative Klingler."

Klingler: "Possibly Representative, this is something we could look at in the future and again I would be glad to work with you. I think one factor of this Bill which I would like to emphasis at this time is a provision providing services to local agencies and this is especially important in some areas in Southern Illinois and I believe our Representative Phelps who was a cosponsor will be addressing this. There have been communities and counties which have requested service from the state police and I would in particular like to draw your attention to Pulaski County which has asked the Illinois State Police to provide Emergency 911 dispatch, but under the current law the State Police can not provide the service to a local agency only to a Federal Agency or to another state agency. In addition other smaller cities such as Ridgeway..."

Speaker Daniels: "Representative Klingler."

Klingler: "...in addition to Pulaski County, towns in Gallatin County have also requested service such as dispatch service, repair of radar equipment, repair of radios."

Speaker Daniels: "Representative Granberg your time is up so will you bring your questions to a close."

Granberg: "Thank you. Representative, what is it that we have to

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

36th Legislative Day

March 22, 1995

do with this legislation that is supposed to be enabling legislation to provide new vehicles for the Department of State Police?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, in case you didn't hear and I know it can be hard to hear in here, there are three main provisions to this Bill. One is a special fund which is similar to what Representative Black had earlier this evening. The second part is the ability of the State Police to provide service to local agencies, local communities. And the third part is a fee regarding DUI testing only in those cases where blood tests or urine tests are involved which is about 6% of the total test."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Representative Klingler, as I indicated, this is a good idea and I want to defend Representative Black. I hope you didn't take his idea from him and that would be a terrible, terrible thing, but if we do this maybe we should do this for everybody. Maybe we should create a special fund for every department for every new car and maybe we should create a special fund in the Department of Transportation so we could do new planes as well. So let's carry this all the way through and set up 10 special funds so we can save all this money and buy new automobiles and new airplanes for the state and we can save the taxpayers all this money. Thank you."

Speaker Daniels: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Daniels: "She indicates she will."

Phelps: "Representative Klingler, it's my understanding in this Bill there is some assistance for these specific counties

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

36th Legislative Day

March 22, 1995

of Alexander, Pulaski County for local police departments,
is that correct?"

Speaker Daniels: "Representative Klingler."

Klingler: "That is correct. Those are specific counties and
areas that have already requested help from the Illinois
State Police, but under the existing law the Illinois State
Police are unable to provide such help."

Speaker Daniels: "Representative Phelps."

Phelps: "And hopefully with the passage of this Bill that
assistance can become available to them for like radio
equipment and things like that. Is that what we are
talking about?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the areas in which the Illinois State
Police indicate they have been requested to provide
services in the area of Emergency 911 services either be it
as a full time or simply as a midnight shift service. The
area of radar, equipment repair and the area of police
radio repair."

Speaker Daniels: "Representative Phelps."

Phelps: "Just to conclude by saying I support the Representatives
Bill and is very much needed in the areas of the state that
can't help themselves very well so I commend you on your
Sponsorship."

Speaker Daniels: "The Gentleman from Tazewell, Representative
Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous
question."

Speaker Daniels: "The Gentleman move's the previous question.
Shall the previous question be put? All those in favor
signify by saying 'aye'; opposed by saying 'no'. The
'ayes' have it. The previous question is put. Represent

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

36th Legislative Day

March 22, 1995

Klingler to close."

Klingler: "Members of the General Assembly. I would urge your support of this Bill. I think this would be good for Illinois and it would be a way for the Illinois State Police to provide service to more of our citizens."

Speaker Daniels: "The Lady has moved for the passage of House Bill 2401. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 'aye', none voting 'no', none voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 159. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 159, a Bill for an Act to create helping schools license plates. Third Reading of this Bill."

Speaker Daniels: "The Bill will be moved back from Third to Second Reading. Representative Churchill now moves that the House stand adjourned until Thursday March 23 at the hour of 8:00 a.m., with time left for Perfunctory Session for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. The ayes have it. The House now stands adjourned until 8:00 tomorrow morning with Perfunctory time for the Clerk."

Clerk McLennand: "House Perfunctory Session will come in order. Being no business, House Perfunctory Session stands adjourned until Thursday March 23, at the hour of 8 a.m."

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

MARCH 22, 1995

HB-0159	RECALLED	PAGE	365
HB-0162	SECOND READING	PAGE	217
HB-0256	SECOND READING	PAGE	217
HB-0314	RECALLED	PAGE	216
HB-0385	SECOND READING	PAGE	217
HB-0410	SECOND READING	PAGE	218
HB-0434	RECALLED	PAGE	217
HB-0448	SECOND READING	PAGE	223
HB-0513	THIRD READING	PAGE	5
HB-0539	THIRD READING	PAGE	79
HB-0548	SECOND READING	PAGE	218
HB-0549	THIRD READING	PAGE	89
HB-0583	THIRD READING	PAGE	85
HB-0589	THIRD READING	PAGE	105
HB-0610	THIRD READING	PAGE	117
HB-0640	HELD ON SECOND	PAGE	217
HB-0649	THIRD READING	PAGE	131
HB-0667	SECOND READING	PAGE	224
HB-0686	THIRD READING	PAGE	132
HB-0729	THIRD READING	PAGE	152
HB-0748	RECALLED	PAGE	216
HB-0780	THIRD READING	PAGE	157
HB-0823	THIRD READING	PAGE	187
HB-0854	THIRD READING	PAGE	176
HB-0855	THIRD READING	PAGE	277
HB-0865	SECOND READING	PAGE	218
HB-1048	THIRD READING	PAGE	200
HB-1069	SECOND READING	PAGE	218
HB-1093	RECALLED	PAGE	215
HB-1140	SECOND READING	PAGE	219
HB-1140	HELD ON SECOND	PAGE	219
HB-1149	SECOND READING	PAGE	224
HB-1172	RECALLED	PAGE	217
HB-1237	SECOND READING	PAGE	219
HB-1246	SECOND READING	PAGE	219
HB-1384	SECOND READING	PAGE	219
HB-1405	THIRD READING	PAGE	224
HB-1458	SECOND READING	PAGE	220
HB-1493	THIRD READING	PAGE	226
HB-1511	THIRD READING	PAGE	240
HB-1530	THIRD READING	PAGE	250
HB-1650	THIRD READING	PAGE	260
HB-1696	THIRD READING	PAGE	269
HB-1706	SECOND READING	PAGE	220
HB-1706	HELD ON SECOND	PAGE	220
HB-1707	SECOND READING	PAGE	220
HB-1707	HELD ON SECOND	PAGE	220
HB-1708	SECOND READING	PAGE	220
HB-1709	SECOND READING	PAGE	221
HB-1709	HELD ON SECOND	PAGE	221
HB-1787	SECOND READING	PAGE	221
HB-1788	THIRD READING	PAGE	278
HB-1792	SECOND READING	PAGE	221
HB-1795	RECALLED	PAGE	216
HB-1797	SECOND READING	PAGE	221
HB-1798	THIRD READING	PAGE	281
HB-1816	THIRD READING	PAGE	291
HB-1827	THIRD READING	PAGE	298
HB-1853	THIRD READING	PAGE	309
HB-1854	THIRD READING	PAGE	314
HB-1876	THIRD READING	PAGE	323
HB-1894	RECALLED	PAGE	215
HB-1933	RECALLED	PAGE	216
HB-2038	SECOND READING	PAGE	103

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

MARCH 22, 1995

HB-2045	SECOND READING	PAGE	222
HB-2123	SECOND READING	PAGE	222
HB-2134	RECALLED	PAGE	216
HB-2138	THIRD READING	PAGE	330
HB-2181	THIRD READING	PAGE	338
HB-2181	POSTPONED CONSIDERATION	PAGE	345
HB-2202	THIRD READING	PAGE	345
HB-2204	SECOND READING	PAGE	222
HB-2226	RECALLED	PAGE	216
HB-2240	SECOND READING	PAGE	224
HB-2240	HELD ON SECOND	PAGE	224
HB-2248	THIRD READING	PAGE	350
HB-2251	SECOND READING	PAGE	222
HB-2263	SECOND READING	PAGE	223
HB-2281	SECOND READING	PAGE	223
HB-2281	HELD ON SECOND	PAGE	223
HB-2313	RECALLED	PAGE	217
HB-2326	SECOND READING	PAGE	223
HB-2331	SECOND READING	PAGE	38
HB-2339	THIRD READING	PAGE	354
HB-2401	THIRD READING	PAGE	358
HB-2434	RECALLED	PAGE	214
HB-2454	SECOND READING	PAGE	223
HB-2463	RECALLED	PAGE	216
SB-0043	FIRST READING	PAGE	3
SB-0054	THIRD READING	PAGE	17
SB-0063	FIRST READING	PAGE	3
SB-0092	FIRST READING	PAGE	3
SB-0102	THIRD READING	PAGE	60
SB-0107	FIRST READING	PAGE	3
SB-0113	THIRD READING	PAGE	70
SB-0122	FIRST READING	PAGE	3
SB-0226	FIRST READING	PAGE	3
SB-0298	FIRST READING	PAGE	3
SB-0350	FIRST READING	PAGE	3
SB-0362	FIRST READING	PAGE	3
SB-0364	FIRST READING	PAGE	3
SB-0392	FIRST READING	PAGE	3
SB-0405	FIRST READING	PAGE	3
SB-0417	FIRST READING	PAGE	105
SB-0425	FIRST READING	PAGE	3
SB-0449	FIRST READING	PAGE	3
SB-0451	FIRST READING	PAGE	105
SB-0453	FIRST READING	PAGE	3
SB-0455	FIRST READING	PAGE	4
SB-0477	FIRST READING	PAGE	4
SB-0528	FIRST READING	PAGE	4
SB-0560	FIRST READING	PAGE	4
SB-0561	FIRST READING	PAGE	4
SB-0566	FIRST READING	PAGE	4
SB-0587	FIRST READING	PAGE	4
SB-0604	FIRST READING	PAGE	4
SB-0615	FIRST READING	PAGE	4
SB-0851	FIRST READING	PAGE	4
HR-0032	RESOLUTION OFFERED	PAGE	104
HJR-0033	ADOPTED	PAGE	151
HJR-0033	RESOLUTION OFFERED	PAGE	148
HJR-0033	RESOLUTION OFFERED	PAGE	146
HJR-0033	OUT OF RECORD	PAGE	147
SJR-0035	ADOPTED	PAGE	148
SJR-0035	RESOLUTION OFFERED	PAGE	147

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

MARCH 22, 1995

SUBJECT MATTER

HOUSE TO ORDER - REP CHURCHILL IN THE CHAIR	PAGE	1
PRAYER - REVEREND KENT KENNY	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	2
REPRESENTATIVE WENNLUND IN THE CHAIR	PAGE	72
RECESS	PAGE	104
HOUSE RECOVENES- REPRESENTATIVE BLACK IN CHAIR	PAGE	104
COMMITTEE REPORTS	PAGE	105
REPRESENTATIVE WOJCIK IN THE CHAIR	PAGE	176
MOTION TO OVERRULE CHAIR - REP LANG	PAGE	212
REPRESENTATIVE MCAULIFFE IN THE CHAIR	PAGE	226
REPRESENTATIVE LEITCH IN THE CHAIR	PAGE	270
SPEAKER DANIELS IN THE CHAIR	PAGE	277
HOUSE STANDS ADJOURNED	PAGE	365
PERFUNCTORY SESSION	PAGE	365
PERFUNCTORY SESSION STANDS ADJOURNED	PAGE	365