

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

115th Legislative Day

April 18, 1996

Speaker Daniels: "The House will come to order. Members will please be in their chairs. Those not entitled to the floor will please retire to the gallery. The Chaplain for the day is Pastor Bill Shields of the American Lutheran Church in Rantoul, Illinois. Pastor Shields is the guest of Representative Rick Winkel. Guests in the gallery may wish to rise for the invocation. Pastor Shields."

Pastor Bill Shields: "Let us pray. Our heavenly father, we gather before You today humbly acknowledging that all of our endeavors are subject to Your will. Bless those who have been called to govern in the affairs of this state. Grant them the wisdom necessary to establish good order. Grant them the courage necessary to pursue true justice. Give us all strength to live by the words of Your servant, St. Francis, who wrote, 'Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.' We offer this prayer in the name of our Lord and Savior Jesus Christ. Amen."

Speaker Daniels: "We'll be led in the Pledge of Allegiance by Representative Rick Winkel."

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

Speaker Daniels: "Roll Call for Attendance. Representative

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Currie is recognized on the Democratic side of the aisle for any excused absences."

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez is excused today."

Speaker Daniels: "The record will so reflect. Representative Cross is recognized on the Republican side of the aisle for any excused absences."

Cross: "Thank you, Mr. Speaker. We're all here today."

Speaker Daniels: "Thank you, the record will so reflect. Mr. Clerk, take the roll. There are 114 Members answering the roll and a quorum is present. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report offered by Representative Churchill, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred: Action taken on April 18th, 1996, reported the same back: 'do approve for consideration' to House Floor, Floor Amendment #6 to House Bill 2524. Floor Amendment #4 to House Bill 3151. Committee Report from Representative Saviano, Chairman from the Committee on Registration and Regulation, to which the following Joint Action Motions were referred, action taken on April 18th, 1996, reported the same back 'do approve for consideration' Floor Amendments #2, 3, 4, and 5 to House Bill 2606. Committee Report from Representative Brady, Chairman from the Committee on Personnel and Pensions, to which the following Joint Action Motions were referred, action taken on April 18th, 1996, reported the same back 'do approve for consideration' Floor Amendments #2, 3, 4, and 5 to House Bill 2524. Committee Report from Representative Balthis, Chairman from the Committee on Cities and Villages, to which the following Joint Action Motions were referred, action taken on April 18th, 1996, reported the same back

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'do approve for consideration' Floor Amendment #3 to House Bill 2562. Introductions/Resolutions. Senate Joint Resolution #91, offered by Representative Churchill, is the Adjournment Resolution and is referred to the Rules Committee. Messages from the Senate: Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has passed Bills of the following titles, the passage of which I'm instructed to ask concurrence of the House of Representatives: Senate Bill 1260. Senate Bill 1261. Senate Bill 1262. Senate Bill 1263. Senate Bill 1575. Senate Bill 1576. And Senate Bill 1922. Passed by the Senate, April 18th. Introduction/ First Reading of Senate Bills. Senate Bill 1796, offered by Representative Kubik, a Bill for an Act that amends the Illinois Municipal Code. Introduction and First Reading of these Senate Bills. Attention Members, if you have any questions regarding your group health insurance, a representative from group health insurance is down in Room 122-A. Again, if you have any questions regarding your health insurance, a representative from group health insurance is down in Room 122-A all day. Introduction of Resolutions House Resolution #97, offered by Representative Balthis, referred to the Rules Committee."

Speaker Daniels: "Representative Granberg, for what purpose do you arise, Sir?"

Granberg: "Thank you, Mr. Speaker. It's my pleasure today to introduce my home town high school. We, in the past, we've been very blessed with great teams of great athletic ability. This small school has won the boys' baseball championship, football. And now we have the pleasure of not only the junior high school winning the girls' championship in the State of Illinois, but the high school

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team itself is a class A champion for the entire State of Illinois. That my home town, a town of 3,000 people, Carlyle, and it's funny because in this Body we get to understand how old we are because I know most of these parents. I went to school with them and I'm feeling older by the day as the Speaker will tell you. So with that, Ladies and Gentlemen, please give a round of applause to the Carlyle High School and Junior High School basketball teams and my good friend, Coach Angie Gherardini."

Speaker Daniels: "Ladies and Gentlemen of the House, for an announcement. Just let me acknowledge the presence of Melisha Shoemaker, representative for Youth for Understanding is here today with foreign exchange students from Germany, Sweden, Brazil, and Denmark. They are the guests of Representative Duane Noland. Would they please arise to be recognized? We have in our presence the Eighth Grade class from St. Patrick's Catholic School in Decatur. They are the guests of Representative Curry from Decatur. Please acknowledge their appearance and support with us today. The Eighth Grade class from St. Patrick's Catholic School in Decatur. The Second Readings, page two of the Calendar, Mr. Clerk, read House Bill 235. Representative Krause."

Clerk McLennand: "House Bill 235, Bill's been read a second time previously. Committee Amendment #1 is referred to subcommittee. Floor Amendment #2 is referred to Rules. Committee Amendment #3 was adopted. Floor Amendment #4, offered by Representative Krause, is 'approved for consideration'."

Speaker Daniels: "Representative Krause."

Krause: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I present at this time, Floor Amendment #4 to House

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Bill 235. This legislation addresses proposed changes to the Illinois Health Facilities Planning Act and the Authority of the Health Facilities Planning Board. The Planning Act created the Facilities Planning Board to assist originally the Department of Public Health in licensing and monitoring the establishment, construction, and modification of health care facilities in the state. This Amendment briefly would provide the following provisions: the definition of capital expenditure minimum which is the threshold for Board action, would be capped at \$1,240,000 for major medical equipment and \$2,474,000 for capital expenditures. We have deleted the inflation factor. Furthermore, the legislation provides that the Board may, for specific geographic markets, exempt from review for a permit, certain classes of health care services, if it can be demonstrated to the Board that certain price competition exists. In addition, there are some notice changes in the proposed legislation as it relates to initial filings. And in addition, it provides that anyone affected by a final decision of the Board can seek administrative review, provided that the person presented a written, and oral objection at the hearing. In addition, the legislation would change the fine structure for CON violations. The legislation also includes provisions as it relates to antitrust immunity provisions. The legislation would provide for participation into cooperative agreements among health care providers and facilities and to grant immunity from antitrust laws. Participants would have to have the agreement approved by the Board and the Attorney General's Office. I would be pleased to address and answer any questions."

Speaker Daniels: "Representative Hartke?"

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

Speaker Daniels: "She indicates she will."

Hartke: "Early in the history of this piece of legislation, I received several calls from the various groups that are interested in the Health Facilities Planning Board, namely the Illinois Hospital Association. Are they in favor of this plan?"

Speaker Daniels: "Representative Krause."

Krause: "The IHHA has now issued a statement that they take no position on it. They originally, as you said, issued a statement that they were opposed, subsequent to that, I and the representatives of the Planning Board and representatives of the IHHA held meetings. We worked out a number of the provisions that were in there and they issued a statement to the members on the House Floor in which they said that now they take no position."

Speaker Daniels: "Representative Hartke."

Hartke: "Why I would interpret that to be that they're really not for it, but they'll take it if that's the best they can get. What is this reorganization and changing the concept? Is there any cost related to this to the State of Illinois?"

Speaker Daniels: "Representative Krause."

Krause: "No."

Speaker Daniels: "Representative Hartke."

Hartke: "There's a feeling among many of the members of the Hospital Association and health care delivery systems that sometimes the health facility's planning board are too lenient with their certification of need for various facilities about the State of Illinois. And sometimes they, I guess, go overboard authorizing too much

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expenditures at certain hospitals where they run against competition with others and other health care deliveries. So, I guess I don't know where I'm at on this piece of legislation, but I appreciate your work on it. Thank you."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "I know that we discussed this in committee yesterday, but I'd like to ask a couple of questions again. In the legislation, it says that two or more health care facilities providers or payers, may enter into a cooperative agreement that shall be designed to achieve one or more of the following goals: (1) reducing health care costs for consumers, (2) improving access to health care services, and (3) improving the quality of patient care. What if one of the goals was met, for example, to reduce health care costs for consumers, but access or quality were negatively affected? How would this Bill address that?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, I think that's a legitimate question. You raised it in committee and I went back after that, myself, and went through the legislation. But as I go through the legislation, because as you state, they talk about cost, access, and quality, of which in my judgement, I would like to see all of them in effect. Obviously, as you read through the legislation and it lays out all of the conditions in those three categories. But as I read through those, the legislation and I have marked it, although it says that only one must be met, I think as you read it through, I am satisfied that as you look at the others, although it says, you know that they can consider

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all three. As you look at the others, I don't think that under this legislation, that it's like in cost that it showed a lower cost, but that if it affected quality, that then a permit could be issued. The reason I say that is as I look at the standards in here on all three, on cost, as the legislation said, 'cost must focus on the individual consumer of health care. Cost savings to the providers, health carriers, or others are relevant only if they're passed on to the consumer'. So we can't have a situation where the health provider saves it and passes it on, but to the consumer. On the issue of access, I think the legislation is so careful to point out the extent to which the proposed arrangement is likely to make available a new and needed service to a certain geographic area. And the extent to which the proposed arrangement is likely to make health care services or products more financially or geographically available to persons who need them. Because the council for the planning boards stated on a legitimate question on that, that she felt that under this, there would be a better opportunity for underserved areas. And then quality, specifically addresses decreased morbidity, mortality, result in faster convalescence and increased patient satisfaction. When I went back and reread that, in the question that you had raised, I felt confident that, in fact, this procedure would be of a benefit as they addressed those three. But it was a legitimate question."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I really appreciate your response to that question. My sense in committee was that this Bill will legitimize many arrangements that are already technically legal under federal guidelines, but that some providers are afraid to enter into. But are there others, are there others that

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now currently are not legal, that are made legal under this legislation?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, I think your first statement is correct.

On the second statement, what I would like to see under this legislation is, in fact, some applications for permits being filed, so that through the whole process we could see what might be some opportunities of cooperative agreements that now with the changes that are going on that could be expanded. Maybe now they can't discuss it or they aren't provided, but under the standards here, I would hope that they could be opened up."

Speaker Daniels: "Representative Schakowsky, you're almost out of time, Ma'am."

Schakowsky: "My final question is, I actually have an Amendment #5 that would take out emergency rule making. I feel very uncomfortable with emergency rule making. This is a major initiative. I would hope that you would support that."

Speaker Daniels: "Representative Krause."

Krause: "Representative, again after that was raised..."

Speaker Daniels: "Representative Krause."

Krause: "After that was raised in committee, I again went back and looked at my notes and the discussions we had. Let me first say, that I certainly am willing that if this does pass to the Senate, to continue to work on it there. I will continue to be an active member in discussions over there. On the specific issue of rule making, I went back and looked at my notes and the provision that you raised about the emergency, as I went through my notes, that came from the IHHA and their reasoning was until the time...well here, the IHHA believes that this, in other words, waiting until 1998, would result in a great deal of uncertainty for

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those providers possibly interested in pursuing this option, this option being the antitrust immunity. Consequently IHHA suggests that the language be added to give the Board emergency rule making authority, I am willing if this can pass through the Senate, to continue to look at the issues as it relates to rule making."

Speaker Daniels: "Representative Flowers, did you wish to address the Bill? Representative Flowers."

Flowers: "Mr. Speaker, will the Lady yield for a couple of questions?"

Speaker Daniels: "She indicates she will."

Flowers: "Representative Krause, you and I had talked about this Bill in committee. Would you please explain to me again about the geographical breakup of the state in regards to why is that necessary and how would the consumers of the state be better benefited by this legislation?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, we had raised that and I appreciate the concern that you raised. I believe that as you look at this, this was the language that the State Board may for certain geographic markets, exempt from review, health care services if it can be demonstrated to the Board's satisfaction, that there are sufficient price competition to deter duplication in the area and such other conditions or requirements as prescribed by rule. My understanding is, is that the Board already has laid out some basic planning areas that they deal with anyway and that they would be working off of these planning areas. I look upon this as merely as a benefit to the Board for them to help applicants that would not have to go through an extensive procedure if already there was enough benefits for price competition within the area that they would be satisfied

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with that and that therefore, they could proceed immediately."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Krause, would not the certain geographical area have something to do with the per capita of the area so therefore would not, that particular health center, there's a possibility that one particular health center could be much better off than the other because of the affluence of the community?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, at this time there are no specific geographic areas or markets. Like I said, although they have some basic planning areas. When you look at this total legislation as far as what their goals are, I think that it is evident as you read the legislation that what they would be seeking to do here is not only to try to hold down on price, but also to improve in the area of access and quality."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Krause, is it possible because certain health centers could be under utilized for whatever reason it may be and then that particular center may be closed for that particular geographical area and then what happens?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, there is nothing in here that would permit or relate to closures. It does not address that. This legislation does not give that and I would not support that. That's not in this Bill, Representative."

Speaker Daniels: "Representative Flowers."

Flowers: "But, Representative Krause, that's a very important issue here and I think the Board should address that because what are those people then supposed to do? Who's

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going to be responsible?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, the section that we are talking about does not in any way get into closures. If I go into the other part of the Bill that was addressed earlier as it relates to the antitrust immunity, where you could have a cooperative agreement. I think this legislation then clearly supports looking into underutilized areas in the fields of cost, access, and quality."

Speaker Daniels: "Representative Flowers."

Flowers: "Because of the redistribution of the services that would occur, is it not possible that some of those areas could be closed or put at risk?"

Krause: "Representative, in no way. To the contrary, as you go through the conditions and standards, I personally am more than satisfied that as you look at all of the conditions and standards in here, if you were to use a cooperative agreement, I do not believe that you could close anything unless you still met some of the issues as far as access and quality. You cannot just go in and close to the contrary what they're trying to do in this legislation in my judgement, is trying to reach out to areas that you could not before because of the cost factor."

Speaker Daniels: "Representative Flowers, are you complete? Representative Monique Davis, do you wish to debate the Bill? Representative Davis? Further discussion? Representative Davis, you're recognized for debate on the Bill. Proceed with your question."

Davis, M.: "Thank you, Mr. Speaker. I'd like to give my time to Jan Schakowsky."

Speaker Daniels: "You're recognized for debate on the Bill, Ma'am. Representative Scott."

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Davis, M.: "I think I have a right to give my time to Jan Schakowsky."

Speaker Daniels: "If I recognize you for that purpose."

Davis, M.: "But did you recognize me?"

Speaker Daniels: "You wish to yield your time?"

Davis, M.: "Yes, Sir."

Speaker Daniels: "Okay. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Representative, I appreciate what you're saying about your willingness to work on it. I have an Amendment that has been submitted. It could be distributed in a matter of minutes that simply addresses the issue of the emergency rule making. All too often in this Session, we've had major new initiatives, important and maybe really beneficial to consumers, to providers, offered and we have in place a process that will help us to get the best possible input and yet to move the issue along. So, I cannot see any advantage to the public in having emergency rule making. If you say that you're willing to do that, why can't we go ahead and add that now?"

Speaker Daniels: "Representative Krause."

Krause: "Mr. Speaker, if I could ask that Representative Ryder could address the issue as it relates to emergency rules."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker, for your indulgence in order to answer the Representative's question, if I may. Our laws, the rules under which we operate, allow for emergency rule makings to take place now. So to suggest that the emergency rule making is extraordinary is not true in the sense that we have that opportunity today. There is, I agree, specific in this language giving a longer time period for emergency rule making to take place. But, it is

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limited, limited only to the antitrust provisions. I think that in this case, it is appropriate for that extension, the antitrust portion, because it is the federal law is required to be enforced by the state. One, that this kind of legislation becomes very difficult. That's the reason for the opportunity to do the extension that is here. It is limited in scope to only one area of subject matter. It is nothing that is not available now except in the time frame. And because of the manner in which we deal with our rules, it is all subject to legislative overview through the Joint Committee on Administrative Rules. And I assure you that the Members of the committee will be looking at this very closely in order to make sure that it is limited within the scope of the legislative intent as stated."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Administrative rules allow an agency to make that case that this is some sort of an emergency, that there's some public interest in moving this along. It is hard for me to understand why this would be an emergency situation to deal with antitrust laws, why we can't go through the normal process. I am not suggesting that this is some kind of necessarily an extraordinary process. Of course, it's available to us. But why do we need to do that? This is a brand new initiative. There is no emergency that needs to be dealt with here. Why should we not go through the procedure as normally it is approached?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, I will go back to what was initially said by Representative Ryder, and the statements made. At this point, I would like to proceed with this. Within the realms of what we have, I represent to you and others that this issue as you raised it can be looked at further in the

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Senate, be it on this issue on others. But I think the statement as it relates to the rule making, the time in which they have, is still satisfactory within the provisions, they strictly relate to antitrust."

Speaker Daniels: "Representative Schakowsky, anything further? Nothing further. Representative Krause now moves for the adoption of Amendment #4. All in favor signify by saying 'aye'; opposed 'no'. The Amendment is adopted. The 'ayes' have it. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bills Third Reading. House Bill 235, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 235, a Bill for an Act in relation to public welfare reform. Third Reading of this House Bill."

Speaker Daniels: "Representative Krause."

Krause: "Thank you, Mr. Speaker. I think we've had a thorough discussion on this Bill. I think there are a lot of positive reasons to move forth and at this time I ask for support on House Bill 235."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I have an inquiry of the Clerk. Is there not another Amendment?"

Clerk McLennand: "Amendment #5 is in the Rules Committee."

Schakowsky: "Thank you. So you said there were no other Amendments, Sir. In fact is another Amendment, but it was in."

Speaker Daniels: "None 'approved for consideration' before the chamber is what was meant."

Schakowsky: "I understand. Thank you."

Speaker Daniels: "Further discussion? Being none, Representative Krause moves for the passage of House Bill 235. All those

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in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. 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 'ayes', 6 'no', 3 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Several students from Thompson Junior High School is Oswego, Illinois with their teacher, Tom Fletcher are present. They're guests of Representative Tom Cross. Several foreign exchange students from the Peoria area with their leader, Charlotte Burnette are here. They're guests of Representative David Leitch. Would you please welcome them to the Illinois General Assembly. Second Readings, page two of the Calendar, House Bill 588, Representative Shirley Jones. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 588, Bill's been read a second time previously. No Committee Amendments. No Floor Amendments. A fiscal note has been filed on the Bill."

Speaker Daniels: "Third Reading. Mr. Clerk, on the Order of Third Reading, House Bill 588. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 588, a Bill for an Act that amends the Secretary of State Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Shirley Jones."

Jones, S.: "Mr. Speaker, House Bill 588 is the Metal Detector Bill and it's a shell Bill. And I would like for your favored vote. Thank you."

Speaker Daniels: "Is there any debate? Being none, the Lady moves for the passage of House Bill 588. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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The Clerk, will take the record. On this question, there are 111 'ayes', 1 voting 'no', and 0 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. The Order of Second Reading, House Bill 1286, page two of the Calendar. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1286, Bill's been read a second time previously. Floor Amendment #1, offered by Representative Wirsing, is 'approved for consideration'."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. Amendment #1 to House Bill 1286 becomes the Bill and what Amendment #1 does, it provides the abolition of the State Community College of East St. Louis and it's replacement with a new community college district as of July 1, 1996, allows the newly elected board to begin meeting and making decisions required for the transition, provides for the retention by the state, of the state colleges and encompasses including accumulated sick leave and vacation benefits accrued through June 30, 1996. I would be willing to answer any questions."

Speaker Daniels: "Any discussion? The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Mr. Speaker. I join with Representative Wirsing in support of this Amendment and the next Amendment in reference to State Community College in East St. Louis. We feel that the Metropolitan Community College which will be the new college will be a new beginning for the people of that district. And we believe that it will be the mechanism for the renewal and the educational opportunity of many citizens who are very definitely needed. And therefore, I support this and the next Amendment."

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Speaker Daniels: "Further discussion? Being none, the Gentleman moves for the adoption of Floor Amendment #1. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Wirsing, is 'approved for consideration'."

Speaker Daniels: "Representative Wirsing?"

Wirsing: "Thank you, Mr. Speaker. Amendment #2 provides for the transfer of the real and personal property of the State College to the new district. Includes the legal description of the real property to be transferred. Amendment #1 established the legal authority for the transfer. Amendment #2 provides the process and legal description for real property that is necessary for the transfer. And I would be willing to answer any questions."

Speaker Daniels: "Any discussion? Representative Younge."

Younge: "Mr. Speaker, I support this Amendment to a transfer as the property of State Community College to the new board elected by the people."

Speaker Daniels: "Further discussion? Representative Wirsing moves for the adoption of Floor Amendment #2. All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments are 'approved for consideration'."

Speaker Daniels: "Any Motions or notes?"

Clerk McLennand: "State Mandate Note has been requested and has been filed."

Speaker Daniels: "Third Reading. House Bills, Third Reading. On the Order of Third Reading, Mr. Clerk, appears House Bill 1286. Read the Bill, Sir."

Clerk McLennand: "House Bill 1286, a Bill for an Act that amends

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the Educational Partnership Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Kubik. Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I think that the two Amendments that became the Bill offers the opportunity for a community college system to be formed in the East St. Louis area and as Representative Younge, has already indicated, this is something that is needed for that area to strengthen the educational opportunities for the students, potential students to that system. This has been an issue that's been long overdue and I would ask for your support."

Speaker Black: "The question is, 'Shall...excuse me. I'm sorry. Is there any discussion on the Gentleman's Bill? Seeing none, I assume everyone is ready to vote, Representative Wirsing to close."

Wirsing: "Once again, appreciate your support of this piece of legislation. Thank you."

Speaker Black: "Representative Black in the Chair. The question is, 'Shall House Bill 1286 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 113 voting 'aye', 0 voting 'nay', and 0 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Mr. Clerk, on page three of the Calendar, Order of House Bills Second Reading, appears House Bill 2414. Please read the Bill."

Clerk McLennand: "House Bill 2414, Bill's been read a second time previously. Floor Amendment #1, is referred to committee. No further Amendments. A Fiscal Note has been requested

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and has been filed on the Bill."

Speaker Black: "Third Reading. On the Order of Third Reading appears House Bill 2414. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2414, a Bill for an Act that amends the Election Code. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Cook, Representative Kubik, is recognized."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2414 is a Vehicle Bill. It is an Election Code Vehicle Bill. We would like to move this Bill over to the Senate to continue discussions on some changes in campaign finance issues. I'd appreciate your support. I'd be happy to respond to any questions."

Speaker Black: "And on the Gentleman's Motion, is there any discussion? The Gentleman from Cook, Representative Dart, is recognized."

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

Speaker Black: "He indicates he will."

Dart: "Representative, what are your plans? What are the discussions that you are going through with the Senate right now?"

Speaker Black: "Representative Kubik."

Kubik: "Representative, I don't know that we have any plans. We are not discussing anything with the Senate at this point in time. We do want to keep this Bill alive for any potential changes in Election Codes or campaign finance related issues."

Speaker Black: "Representative Dart."

Dart: "Is there any intentions on your part to maybe use this vehicle as a way to fix the Motor Voter Bill?"

Speaker Black: "Representative Kubik."

Kubik: "Representative, I didn't hear the end of your question."

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I'm sorry, you asked something about...could you repeat the question?"

Speaker Black: "Ladies and Gentlemen of the House, we could proceed in a much quicker fashion and an orderly fashion if you would break up your caucuses, return to your chairs, and let the Gentlemen continue with the debate. Representative Dart, would you repeat your question?"

Dart: "Sure. Is there any attention given to this or is the main discussion at all about possibly using for fixing Motor Voter?"

Speaker Black: "Representative Kubik."

Kubik: "Not specifically. You know anything is possible in this process, but that's not necessarily an item that we're looking at, at this point in time. I think we're looking at more changes related to the Election Code or campaign disclosure more than anything else."

Speaker Black: "Representative Dart."

Dart: "Well, I look at the Amendment that you had on there, your Amendment that you pulled off, and it makes some changes in regards to reporting individuals that make contributions reporting. I've had quite a few pieces of legislation out there dealing with campaign finance reform. Would you amenable to discussing about me putting some of those in to get some real campaign finance reform going in this Body?"

Speaker Black: "Representative Kubik."

Kubik: "My sense, Representative Dart, is that over the next four or five weeks there will be a healthy debate on this issue and I certainly welcome ideas that will be offered by Members. So, you know, I suspect there will be things that were in the Amendment that you talk about, which I point out to all Members is not on the Bill. This is a Vehicle Bill. There may be different ideas included, but I am

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certainly open to the whole issue of discussing and improving the campaign disclosure laws."

Speaker Black: "Representative Dart."

Dart: "I just hope that we can go beyond healthy discussions and actually get something done to get a handle on these campaigns and the financing them. Thank you."

Speaker Black: "And further discussion on the Bill? The Gentleman from Mustache, Representative Granberg,...excuse me, the Gentleman from Clinton, Representative Granberg, is recognized."

Granberg: "How did you recognize me?"

Speaker Black: "I didn't recognize you. That's the problem."

Granberg: "If you would have, you wouldn't have let me speak. Will the Gentleman yield? Now we have Representative Kubik talking about my hairline. Representative Kubik, I just walked back in and this is shell Bill right now. Do you intend to use it for Representative Winkel's legislation that received 1 vote this morning, to limit campaign financing to 50% out of district?"

Speaker Black: "Representative Kubik."

Kubik: "I would suspect that Representative Winkel, would have to demonstrate a little more support for his proposal before that might end up on this kind of a Bill."

Speaker Black: "Representative Granberg."

Granberg: "Is it your intention to amend on to this Bill, the legislation that was going to heard in Executive Committee, but recessed and no legislation was the subject of that hearing this morning?"

Speaker Black: "Representative Kubik."

Kubik: "My intention would be to discuss all related campaign finance reform issues and that may or may not include some of the items that were on the Amendment this morning. It

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may include more items. I think the key thing is that we should keep this issue alive and keep it moving and keep the discussions going so, that we can improve our campaign finance laws in the State of Illinois. That's my ultimate aim."

Speaker Black: "Representative Granberg."

Granberg: "Thank you. One last question, Jack. Would you consider allowing my Amendment to go on that would limit house campaigns to \$50 thousand? That's the Amendment I offered in committee this past year that Representative Klingler voted against. And I'd like to offer that again if we could get a vote on it because I think it's important for all of us to do campaign finance reform. And hopefully, we can get Representative Klingler's support this time. So if you would consider that, I will try to support your legislation."

Speaker Black: "Representative Kubik."

Kubik: "Representative, as you can imagine, anything is possible in this place. I'm not sure that, that's possible, but anything is possible."

Speaker Black: "Representative Granberg, any further questions? On that, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "Indicates he will."

Lang: "Representative, although this deals with the contribution section of the Election Code, you do amend the Election Code. Is there any chance that when you send this to the Senate, you're going to instruct the Senate's Sponsor to correct the Motor Voter problem while this is over there?"

Speaker Black: "Representative Kubik."

Kubik: "Representative, my intention with this legislation is to look at campaign finance. I think that, that is an issue

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that we would like to address and I would hope that the Senate would assist us in moving this Bill forward so that we can continue that discussion. Frankly, I think that is an extremely important issue and that is what we would like to do with this Bill."

Speaker Black: "Representative Lang."

Lang: "Well, perhaps you can enlighten us as to why this Bill isn't ready now. Are there negotiations going on? If so, who are the parties involved in negotiations? I know that no one from my side of the aisle has been invited to any negotiations."

Speaker Black: "Representative Kubik."

Kubik: "I think, Representative, we've got some ideas out there. We're getting some feedback on them and we'll continue to do that. And I'll see where this takes us. We're interested. Our ultimate goal is to improve the campaign finance laws in this state. And I'm sure that's a goal that you would join us on."

Speaker Black: "Representative Lang."

Lang: "Inquiry of the Clerk, please."

Speaker Black: "Yes. Mr. Clerk. State your inquiry."

Lang: "Can you tell me the date this Bill was filed please, Mr. Clerk? Please do not take this from my time, Mr. Black. Thank you."

Speaker Black: "I would rather die than steal any time from you, Representative. I hang on every word."

Clerk McLennand: "First Reading of this Bill was on February 16th, 1995."

Speaker Black: "Representative Lang."

Lang: "So this Bill was introduced February of 1995 and yet, you still in April of 1996 want to send this to the Senate as a shell Bill because you want to see where it takes us. Why

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don't we have something ready on this for the Members of the House of Representatives, Mr. Kubik?"

Speaker Black: "Representative Kubik."

Kubik: "With all due respect, Representative, spare me the homily. I've sat in this chamber for 10 years. I have not seen one effort on your side of the aisle when you were in power to bring this issue forward. This is an important issue. It's a controversial issue. It's a difficult issue. It requires more time. And surely, I can't imagine why you would stand in the way of allowing us to continue a process that will result in better campaign disclosure laws in this state. So, I would hope that you would join me in doing that and keeping this issue alive. If you don't agree, vote your conscience."

Speaker Black: "Representative Lang."

Lang: "Well, I think the discussion about standing in the way of progress is kind of silly. You've had this Bill 14 months. Your side of the aisle has been in control of this General Assembly 15 months. There's been a lot of talk from your side of the aisle about campaign finance reform, but yet we don't see it. I'm not sure what another couple of weeks is going to do. There must be some positive idea from your side of the aisle that you're prepared to put into this legislation now. Mr. Granberg, just gave you a fine idea to put into this legislation. Why don't you give that some thought and add it now and send the Senate something to debate, instead of sending the Senate an empty shell so that they can fill it with whatever they wish?"

Speaker Black: "Representative Kubik."

Kubik: "I don't know what I can add to that other than we should proceed. Representative, again this Body wants to look at the issue of campaign finance reform. I think it's an

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important issue that your constituents and my constituents are concerned about. As I pointed out earlier, history be any guide, when you were in the Majority, we didn't see a whole lot on this issue. As a matter of fact, we saw zilch. So, I'm proud of the fact that my colleagues are wrestling with this issue and we're moving it forward. And we plan to try to gain a resolution to this issue. So, again, it's your decision. You vote your conscience, but I think what most people believe is that we should try to move forward and improve the disclosure system in the State of Illinois and make the process more open for all citizens who are..."

Speaker Black: "Conclude, Representative. Representative Lang, I owe you approximately 54 seconds. Continue."

Lang: "Thank you. Well first, let me remind the Body that when the House was controlled by the Democratic Party, we passed a most sweeping campaign finance to that date, relative to lobbyists. Your lobbyist friends will tell you, they don't like it very much. We were in charge of the Body then, Sir. Let me also remind you that we on this side of the aisle pass sweeping reform for campaign donations and ethics relative to folks that own stock in river boats. So, we've been out front on this issue. I would remind the Body that Representative Kubik had his own Amendment which he allowed to be tabled. So, apparently he's not prepared to go ahead with his own issue on this. I would just remind the Body this is an Election Code Shell Bill. There's too much mischief that can take place with an Election Code Shell Bill. We should demand there be something in this Bill before we vote for it. I would suggest 'no' votes."

Speaker Black: "With no one seeking recognition, the Gentleman

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from Cook, Representative Kubik, to close."

Kubik: "I would appreciate your support on this Bill so that we can continue the discussions on this issue. It's an important issue that all of our constituents are concerned about. I'd appreciate your 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 2414 pass?' All 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 66 voting 'aye', 43 voting 'nay', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Black: "On the Order of Second Reading, page three of the Calendar, Mr. Clerk, appears House Bill 2421. Please read the Bill."

Clerk McLennand: "House Bill 2421, Bill has been read a second time previously. Floor Amendment #1, offered by Representative Andrea Moore, is 'approved for consideration'."

Speaker Black: "And on the Amendment, the Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2421, the Amendment to House Bill 2421 contains several different provisions which had been presented to the Elections and State Government Committee for debate and discussion. We're referring to this as the Committee Bill. It requires write-in candidates to register in their intentions by a uniform day, which is Tuesday before election day. Currently in the case of a candidate's death, candidates can indicate their preferences on varying days, causing great confusion. It

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allows clerks to hand deliver absentee ballots to hospital-bound voters, 10 days before election day. And currently, they must wait until five days before election day. This often causes the ballots to be received by mail, either on or sometimes after the election day. The antifraud provisions remain unaffected by this suggested change, extends various filing periods by one day, if the first or the last day of a period falls upon a Saturday, Sunday, or a state holiday. It specifies the various state holidays, provides that certain documents shall not be invalid merely because they were received for filing on a Saturday, Sunday, or state holiday. Two of these provisions are the initiatives of the county clerks and recorders. They have been supported unanimously by the Elections and State Government Committee. And I would be happy to entertain any questions."

Speaker Black: "You've heard the Lady's discussion on the Amendment. And on that, the former county official from Kankakee, Representative Novak, is recognized."

Novak: "Thank you, Representative. Before I ask Representative Moore a question, I did want to comment about your comment about my good friend and his mustache. He has formed a Joint House Senate Democrat/Republican Legislative Mustach Committee. So, everyone can join in that, it will certainly further advance our causes for mustaches. But anyway, Representative Moore, in speaking to you about this Bill because of my concerns that we had, that I had the last time, has everything been addressed with respect to those absentee voter lists as far as their availability is concerned?"

Speaker Black: "Representative Moore."

Moore, A.: "Representative, that is a Bill that I hope you're

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going to hear called later in the day. The absentee voter fraud provisions of the Bill that you're talking about is House Bill 2576. This is a different Bill."

Speaker Black: "Representative Novak."

Novak: "My mistake, I'm sorry. I'll talk to you a little bit later."

Speaker Black: "Further discussion on the Lady's Amendment? The Gentleman from Clinton, Representative Granberg. No questions?"

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

Speaker Black: "Representative Moore, I believe the Amendment becomes the Bill. Is that correct, there are no other provisions in the Bill itself?"

Speaker Black: "Representative Moore."

Moore, A.: "That's correct."

Speaker Black: "Representative Granberg."

Granberg: "Well then, Mr. Speaker, I would ask that we just adopt the Amendment by a voice vote and then we can deal with the Bill on Third Reading."

Speaker Black: "You've heard the Gentleman's Motion. On the adoption of Floor Amendment #1, to House Bill 2421. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments are 'approved for consideration'."

Speaker Black: "Mr. Clerk, Third Reading."

Clerk McLennand: "A Bill for an Act that amends the Election Code. Third Reading of this House Bill."

Speaker Black: "On the Order of Third Reading, the Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the

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House, this is the Committee Bill from the Elections and State Government Committee. It has been unanimously supported, fully debated, and I would be happy to answer any questions."

Speaker Black: "Is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Representative Moore, now just a couple of questions. Did the county clerks have any opposition to any of the particulars in the Bill 'as amended'?"

Speaker Black: "Representative Moore."

Moore, A.: "No, they don't. As a matter of fact, two of these are initiatives of theirs."

Speaker Black: "Representative Granberg."

Granberg: "You indicated that earlier, Representative, that two of the proposals were the initiatives of the county clerks. Which ones are and which ones are not?"

Speaker Black: "Representative Moore."

Moore, A.: "The first one that the requirement that write-in candidates register their intentions on a uniform day, which will be Tuesday before election day is their initiative. Also, changing the days where the clerks can hand deliver absentee ballots to hospital-bound voters from five to ten days is also their other initiative. The third initiative was a Bill that was sponsored by Representative Clayton and came to committee for discussion."

Speaker Black: "Representative Granberg."

Granberg: "And I assume, Representative, that Representative Clayton's legislation also had no opposition to that when it was heard in committee, previously?"

Speaker Black: "Representative Moore."

Moore, A.: "That's correct."

Speaker Black: "Representative Granberg."

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Granberg: "And the county clerks are in support of that particular item as well, is that correct?"

Speaker Black: "Representative Moore."

Moore, A.: "Yes, Sir."

Speaker Black: "Representative Granberg."

Granberg: "Now, I just want to thank the Lady for her time and I have no further questions."

Speaker Black: "Further discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Well, Mr. Speaker, this General Assembly, of course, is made up of 'insiders' not 'outsiders'. So, it doesn't surprise me that a Bill could get out of the Elections Committee unanimously which requires a one week prior notice for any write-in candidate. To have any prior notice required for write-in candidates is outrageous in my opinion. It is more than the post election day story that Mickey Mouse got two votes or Mike Royko got 20 votes, that's at stake here. What we're saying in downstate Illinois, is that someone who decides to run for an office such as precinct committeeman, at the last minute, can't do so. It'll be too late. Right now the law says you have to file the Friday before the election day. What this Bill says is you have to file seven days before the election day. This is a measure which is, if not designed, certainly will result in closing the political process in the State of Illinois to still more people, than we have closed it to before. Frankly, I wonder why we don't just make all of the elected office's hereditary and do away with that really, well, those voters. You know, they're so much trouble when they want to run write-in votes or do something like that."

Speaker Black: "With no one seeking recognition, the Lady from

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Lake, Representative Moore, to close."

Moore, A.: "Thank you very much, Mr. Speaker. I believe this has had a full debate in the committee. I appreciate the questions of the House and I would respectfully ask for an 'aye' vote. Thank you."

Speaker Black: "The question is, 'Shall House Bill 2421 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 108 voting 'aye', 3 voting 'nay', 1 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Mr. Clerk, on page three of the Calendar, Order of House Bills Second Reading, appears House Bill 2576. Please read the Bill."

Clerk McLennand: "House Bill 2576, Bill's been read a second time previously. Committee Amendment #1, was referred to Rules. Floor Amendment #2, was adopted. Floor Amendment #3, offered by Representative Andrea Moore, has been 'approved for consideration'."

Speaker Black: "And on Floor Amendment #3, the Lady from Lake, Representative Moore, is recognized."

Moore, A.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #3 addresses and issue that was very thoroughly debated by the full House and discussed for days afterwards about the requirement for posting the request, those people that requested absentee ballots. And it was recommended in the original 2576 that, that requirement no longer be in place. This Amendment puts the language back to what the law is today and will continue to require that, that list be posted for public viewing. I would be happy to answer any questions."

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Speaker Black: "Is there any discussion on the Amendment? On that, the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Will the Lady yield?"

Speaker Black: "She indicates she will."

Novak: "Okay, Representative Moore, I see this is the right Bill. I apologize. Okay, so our discussion entailed that you put back in the original Bill the provision to allow for review of the application for absentee ballots. Is that correct?"

Speaker Black: "Representative Moore."

Moore, A.: "Yes, Representative, you've made such strong arguments and I was persuaded by those strong arguments that it was probably the right thing to do."

Speaker Black: "Representative Novak."

Novak: "You are a very conscientious Legislature from Lake County. I really got to hand it to you. I think this is going to create good things in the pursuit of democracy, Representative Moore. And I'm glad you addressed these concerns we had on our side of the aisle and I think for the benefit of all conscientious voters, including direct mail people too, but we thank you very much, and I certainly urge my colleagues to support this Amendment."

Speaker Black: "With no one out seeking recognition, I assume you're ready to vote on the Amendment. All those in favor of adopting Amendment #3, to House Bill 2576, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments are 'approved for consideration'."

Speaker Black: "Third Reading. Mr. Clerk, on the Order of Third Reading appears House Bill 2576. Please read the Bill."

Clerk McLennand: "House Bill 2576, a Bill for an Act that amends

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the Election Code. Third Reading of this House Bill."

Speaker Black: "And on that, the Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This addresses absentee ballot fraud in a number of different ways and is an important piece of legislation that came. A similar Bill was passed through the Senate with 53 votes. It is supported by the Independent Voters Organization, by Common Cause, County Clerks and Recorders Association and the League of Women Voters. It amends the Election Code to permit absentee voters to cancel their absentee votes and vote in person and it makes other improvements in the absentee voting process. It requires elections' authorities to advise voters of criminal violations and penalties relating to absentee voting. Elections' authority would be required to warn voters of potential criminal violations and penalties on each absentee ballot application. Voters would be warned that it's illegal to falsify their eligibility to apply for or cast an absentee ballot, requires the public posting of those individuals who have provided ballot marking assistance to physically incapacitated voters. This provision would allow the State Board of Elections, local election authorities, and others a better paper trail for investigations involving questionable absentee ballot practices. It prohibits a candidate whose name appears on the ballot from assisting physically incapacitated voters and marking absentee ballots, unless they are a spouse, parent, child, brother, or sister of the voter. This proposal attempts to eradicate intimidation by partisans toward the elderly and others, requires that voters mail their absentee ballots themselves. It makes it a Class 3

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felony for other persons other than the absentee ballots or other individual and this language is designed to prevent partisans from tampering with collected absentee ballots before they reach the mail, changes absentee ballot related violations from a Class 4 to a Class 3 felony. This proposed change brings the criminal penalties for absentee ballot related violations into line with other election law violations. I would be happy to answer any questions."

Speaker Black: "And on that, any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Black: "She indicates she will."

Dart: "Representative, can you go through with me the provisions here, just the ones that deal with increasing penalties? What you are increasing penalties, what Act you are increasing penalties for, and what it's going from what to what, as far as classification?"

Speaker Black: "Representative Moore."

Moore, A.: "If you could just be patient, please."

Speaker Black: "Representative Dart, will you be patient for a moment? Thank you. Representative Moore."

Moore, A.: "Thank you. Thank you. Are you talking about specific lines, like line 665 through 666, changes absentee ballot related violations from a Class 4 to a Class 3 felony? Is that what you're talking about?"

Speaker Black: "Representative Dart. Representative Dart."

Dart: "Yeah. To be honest, I'm not trying to play any games. I like the Bill a great deal. My only concern is the areas where we're enhancing penalties here, because of the fact the people who we're talking about, by and large, are not master minds of great, grand schemes. They are people who are out there working who might make mistakes or who might

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be overzealous in their activities for a candidate. My concern is, for what activity, absentee ballot activity, did they take part in? Are they now going to be charged with a Class 3 felony as opposed to what the previous penalty was?"

Speaker Black: "Representative Moore."

Moore, A.: "One of the issues was when people 'knowingly' encourage or what was the other word, there were several words of the statute, people to vote absentee, when, in fact, they are not qualified absentee voters. That has been a problem in the past where people will request these absentee ballots, vote absentee. They aren't qualified absentee voters and because this area is the one area where fraud can occur the easiest, there is an attempt to try and really tighten some of these provisions."

Speaker Black: "Representative Dart."

Dart: "How many people have been charged with these absentee ballot type offenses in the last year?"

Speaker Black: "Representative Moore."

Moore, A.: "I really do not have a specific answer for that. Participating in the preparation of this Bill was the Cook County State's Attorney's Office."

Speaker Black: "Representative Dart."

Dart: "Well, I guess that's part of my point, Representative. I'm wondering, if in this instance, not the other parts of the Bill, but for this particular part, if we're not addressing a problem that does not exist. I mean if there is this widespread fraud out there in the area of absentee ballots, I would imagine that Jack O'Malley in his infinite wisdom would be cracking down because he's tough on crime. He would be getting this people. And if we have no statistics then, why is it that we're raising the

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classification of the penalty here if we have no indication from anybody that we're even charging anybody in the first place here?"

Speaker Black: "Representative Moore."

Moore, A.: "One of the things that is being accomplished here is to bring these violations into line with the other penalties that exist in the law in the other areas of the Election Code."

Speaker Black: "Representative Dart."

Dart: "Well, I guess, Representative, as I said, I can't commend you enough for the majority of your Bill, like 99% of it. I know both you and Representative Ronen worked a great deal on it and I agree with it. My concern is this though is that we have individuals and all of us here obviously have been involved with campaigns. We have individuals who may be working for us on our behalf, who may go up to a voter and say, you have an option of an absentee ballot, Mr. or Miss and it's available to people who have physical ailments or expect to be out of the county. If somebody is actively soliciting somebody, knowingly, okay, knowingly, actively soliciting someone for that, there is a very, very fine line between the legal and the illegal here. That goes without saying. And my point is this, if in fact what we want to do is crack down on these guys, which is fine, what we need to do is we need to charge them. But, I know from my experiences in Cook County and Mr. Speaker, if I can have an extra minute. Mr. Speaker, Speaker, can I have an extra minute, I'm running out of time? What my point is, is if a judge wanted to go after these people, prosecutor wanted to go after them, judge wanted to go after them, both in Cook County and virtually every other county I can imagine. Frankly, we do not spaces in county

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facilities. We do not have spaces in our prison facilities for these folks. We have a hard enough time keeping the murderers, the rapists, the robbers in prison. These are not the people by and large we want to be hanging by the thumbs in a prison cell. If we raise this up from a Class 4 to a Class 3, now we have basically handcuffed the judge. Because if the judge does want to send this guy to jail, if he wants to send out a message we're going to jail, he no longer has the option of a one to three year penalty which is for a Class 4. He no has a two to five which is a Class 2. So, if he wants to sentence somebody, the minimum time he'd have to give them in jail or in prison would be two years. And so we're tying their hands. Because unless you have some information, I don't know, I've never heard of an absentee ballot fraud case where an individual was sentenced to prison for three years, let alone."

Speaker Black: "Proceed, Representative. Representative Dart, proceed."

Dart: "Thank you. Most of them get probation and some type of weekends or a couple of months in their county facility. My problem with this though, if a judge does want to sentence someone to prison, by raising the penalty to a Class 3 felon for someone who's made an absentee ballot fraud, the judge if he wants to sentence them to prison has to send them to two years. And I don't know if too many judges that going to want to sentence somebody to two years for an absentee ballot fraud case. If they want to send someone to prison, they'll probably going to want to do it for a year to send out their message. Now they won't be able to do it. Now they'll be forced to give them probation because they're not going to want to send them for two years. And that's my concern is that, I mean I'm

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still looking for the need to go from a 4 to a 3. We want to crack down on these people, but why the need to go to a 3?"

Speaker Black: "Yes, Representative, do you wish to respond? Representative Moore."

Moore, A.: "Representative Dart, I would suggest that these provisions are being brought in line with the other provisions of the Election Code regarding penalties. And if I might also suggest that if you lost your next election due to absentee ballot fraud, you would, in fact, want someone hanging in the jails by their thumbs or sentenced to two years in jail. I mean it is consistent with the rest of the statute and, in fact, I think that the State's Attorney is looking for ways to crack down on this very important issue. People want to be assured that the election process is fair and legal. And I think this is one of the ways that he can do it."

Speaker Black: "Further discussion on the issue? The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Will the Lady yield for a question?"

Speaker Black: "She indicates she will."

McAuliffe: "Representative Moore, before when you were explaining what was in the Bill, was I right when I heard you say that if someone would accept an envelope, a ballot envelope and mail it for somebody that they would be guilty of a crime? If my neighbor across the hall gave me her absentee ballot to mail for her and I mailed it, would I be guilty of a crime?"

Speaker Black: "Representative Moore."

Moore, A.: "It has to do with assisting and marking ballots and getting ballots to the mail and, in fact, individuals are supposed to mail their own ballots."

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Speaker Black: "Representative McAuliffe."

McAuliffe: "I didn't quite understand it. The question I'm asking is if my neighbor knocks on my door and gives me her envelope, it contains her absentee ballot, and asks me to mail it for her. If I mail that absentee ballot for her, have I committed a crime under your Bill?"

Speaker Black: "Representative Moore. Representative McAuliffe, you'll have additional time coming, if you wish to use it. Representative Moore, proceed."

Moore, A.: "Representative McAuliffe, if it's been issued pursuant to an application, no it is not a crime."

Speaker Black: "Representative McAuliffe."

McAuliffe: "Well, I can't understand that. If it's issued pursuant to an application, that's the only way you could get an absentee ballot was if you had an application first. What I want to know is 'originally' when you were saying what was in the Bill, you said 'it prohibits anyone from mailing somebody else's absentee ballot in.' If that's the case, that's the only question I have. You know, a lot of times at election time, people come into the headquarters and drop off 10, 15, 20 absentee ballots and we send them downtown to the post office and mail them because otherwise they won't get them in time. If we go to the corner post office, they won't get them. So we send somebody downtown and sometimes I go downtown to the main post office and put stamps on these envelopes and drop them in the mail so they'll be delivered in time to be counted. I just want to know if I continue to do that if I'm going to go to jail for three years?"

Speaker Black: "Representative Moore."

Moore, A.: "Representative, I am told that it is currently not legal for you to be mailing other people's ballots within

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the law."

Speaker Black: "Representative McAuliffe."

McAuliffe: "Well, it is legal. I went down to the Board of Election Commissioner's and asked them. It's not legal to take them down and turn them in anymore, but you can certainly mail them. Well, in light of the confusion on this Bill, unless we're going to fill up all the jails in Illinois with precinct captains and candidates, I would urge my colleagues to vote 'no'. This is a very serious matter. You're going to put somebody in the penitentiary for three years because they mailed a ballot or because they assisted someone in their building. I live in a building where most of the people are 70 or 80 years old and a lot of them call me up, they need help. The average person tries to figure out one of those punch cards, they don't know what it is. When they get it in the mail, they don't know what it is. So they call somebody up that's a little bit knowledgeable and they ask you to explain it to them. And if you're going to do that, we'll have to have all of our campaign meetings at Statesville Penitentiary because all the precinct captains will be in jail."

Speaker Black: "Further discussion on the Bill? The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Representative, I had one other question I wanted to ask you about the absentee ballot process. Does this Bill at all change the current process on how we apply for absentee ballots?"

Speaker Black: "Representative Moore."

Moore, A.: "No, I don't believe it does."

Speaker Black: "I don't think he heard you, Representative Moore. You might want to tell your answer again, if you would please."

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Moore, A.: "What did he say?"

Speaker Black: "He didn't hear your answer, Representative Moore."

Moore, A.: "No, I do not believe it does."

Speaker Black: "Representative Novak."

Novak: "You say you do not believe it does or it doesn't. I mean, do not believe sounds a little tentative or tenuous. Does it or doesn't it?"

Speaker Black: "Representative Moore."

Moore, A.: "No, it does not make changes."

Speaker Black: "Representative Novak."

Novak: "Well, thank you. So, the current procedure then as we all have to follow is that someone has to send a letter or note to the county clerk's office for an application. Correct?"

Speaker Black: "Representative Moore."

Moore, A.: "Yes, you have to apply to the county clerk for an application."

Speaker Black: "Representative Novak."

Novak: "Representative, maybe this may be food for thought. In your committee, maybe next year, but anyway have you ever given any thought to changing the process of how we apply for absentee ballots since there's such a 'give and take' type of step, you know, since there's so many steps in the procedure? Has your committee ever looked into making it more streamline and easier for people to apply to vote by absentee?"

Speaker Black: "Representative Moore."

Moore, A.: "Representative, we have a very fine Elections in State Government Committee and perhaps next year you might bring such an initiative before us and we could fully debate that idea."

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Speaker Black: "Representative Novak."

Novak: "Okay. Can a 'power of attorney' let's say over someone in a nursing home have authority over a person's ability to fill out an absentee ballot?"

Speaker Black: "Representative Moore."

Moore, A.: "If you are incapacitated, you may get assistance with your voting."

Speaker Black: "Representative Novak."

Novak: "Does that also include the filling out of the application for the absentee ballot, Representative?"

Speaker Black: "Representative Moore."

Moore, A.: "Yes."

Speaker Black: "Representative Novak."

Novak: "Well, thank you very much."

Speaker Black: "Further discussion? The Gentleman from Saline, Representative Phelps, it's good to see you here back in the chamber, Representative."

Phelps: "Thank you, Mr. Speaker. Certainly glad to be back. Thanks for all your prayers and concerns. I just have a quick question for the Representative."

Speaker Black: "Lady indicates she'll yield."

Phelps: "Representative Moore, as a former county clerk, this was one of the most controversial components of running an election process, the absentee ballots. My question is, I think I heard you say that the manner in which a voter who's requested an absentee ballot to request assistance, if I followed you right, that's what I'm asking you to clarify, that a spouse or a child or someone in the family could assist and that was all inclusive. Could you run down that list of who can assist?"

Speaker Black: "Representative Moore."

Moore, A.: "The request for assistance can be there. But a

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person whose name is on the ballot cannot assist in marking the ballot. But unless that individual is a spouse, child, brother, or parent."

Speaker Black: "Representative Phelps."

Phelps: "I guess I'm not following you. I understand the ones you mention that could assist. Go over that part again whose name is on the application, you say? If I'm a voter, the only name on the application in my own. I'm requesting a ballot and then I sign the ballot either physically incapacitated or expect to be absent or because of the religious holiday or whatever. So, would you clarify that for me?"

Speaker Black: "Representative Moore."

Moore, A.: "If you'll allow me to read this directly from the Bill. 'In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual other than', now this is the new part, 'a candidate who appears on the ballot, unless the voter is a spouse of a parent, child, brother, or a sister of the candidate'."

Speaker Black: "Representative Phelps."

Phelps: "Thank you. I guess that's the problem I may have with this part of the Bill. Presently, I think it says, you can have assistance from all those people in your family, whatever, and it also says, 'or a designated person that the voter chooses to designate'. For example, down in my district, it's pretty common to have a lot of widows that maybe share apartments or whatever and one may be recuperating from a stroke or something. And now, I guess under your Bill, they could not ask their roommate to assist them in marking the ballot or punching the punch

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card. Only a brother, child, parent according to your Bill."

Speaker Black: "Representative Moore."

Moore, A.: "No, that's not the intent, Representative. The only people that cannot...the same designated person can assist, just like is occurring now in the scenario you explained. If the roommate was a candidate on the ballot, then the roommate couldn't assist, unless the roommate happened to be a spouse, a parent. It's the candidate part that's new, otherwise it's exactly the same."

Speaker Black: "Representative Phelps."

Phelps: "Okay. That clarifies it for me. I don't have any problem. One last question. The other offences is the penalties that Representative Dart had mentioned, why they should be increased and you mentioned they're the same as other violations of the Election Code. Just one that comes to mind, for example, there's kind of been a controversy in my area lately. Someone who filled out petitions falsely, that signed or the circulator presented names that were not signed by the people themselves, what's the penalty for that? Is that one that comes in line with this particular new penalty that you're raising from the fourth to the third felony?"

Speaker Black: "Representative Moore."

Moore, A.: "According to my analysis, yes, but I'd have to look specifically to give you an answer beyond that."

Speaker Black: "Representative Phelps. No further questions? Further discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I assume you're done with lunch now. That you've recognized..."

Speaker Black: "Not completely, thank you."

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Granberg: "Would the Lady yield?"

Speaker Black: "She indicates she will."

Granberg: "Representative Moore, you indicated this is now going to be a Class 3 felony. Is that correct?"

Speaker Black: "Representative Moore."

Moore, A.: "Yes."

Speaker Black: "Representative Granberg."

Granberg: "Can you give me some examples of other Class 3 felonies that are in the Criminal Code?"

Speaker Black: "Representative Moore."

Moore, A.: "No."

Speaker Black: "Representative Granberg. She said no, Representative Granberg."

Granberg: "I'll just give you one. You're making it a Class 3 felony. Criminal sexual abuse is a Class 4. That receives less time in prison than what you're proposing. Are you familiar with some of these examples, Representative?"

Speaker Black: "Representative Moore."

Moore, A.: "I hate to even say this, but I need you to repeat the question."

Speaker Black: "Representative Granberg, if you're not doing anything in the next minute, perhaps you could repeat the question."

Granberg: "Thank you. For example, criminal sexual abuse of a child is currently a Class 4 felony. You're making this a Class 3. It is lesser of a penalty to criminally sexually abuse a child than what you're proposing. Are you familiar with some of these examples on penalties that you're making it worse to do this than to criminally sexually abuse kids?"

Speaker Black: "Representative Moore."

Moore, A.: "Representative, I am not an attorney. I believe that

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you do understand that and what I am trying to work with is the Election Code and not that area of the Criminal Code that I think you are referencing."

Speaker Black: "Representative Granberg."

Granberg: "Well, I think it's important, Representative. I know you're well-intentioned. But I listened to Representative McAuliffe. I have older people, 85 years old that go out and try to help their neighbors with absentee ballots. Now we're going to put them in prison. We're going to sentence them to more serious punishment than some monster who goes out there and criminally sexually abuses a child. I don't think those are the correct priorities of the State of Illinois. If this is your plan to get tough on crime, maybe we ought to get tough on seniors and send them to prison, send them to Menard, send them to Pontiac with all these friendly gang people. But, you know, no offense, but this does not make sense. This does not. Because I agree with Representative McAuliffe. You're going to get people wrapped up in this system who are well-intentioned, they're older people who are just trying to help their neighbors. And now you're going to sentence them to prison. And I'm sorry, Representative, but that's the wrong thing to do. I think you ought to, rethink this. Take it out of the record, and work on it again to make sure we do the right thing. And I would urge my friends and colleagues on both sides of the aisle to vote 'no' until we come up with a better package."

Speaker Black: "Further discussion? The Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Dart."

Speaker Black: "Representative who? I'm sorry, who did you yield

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your time to? Is he here? Oh, I see him, yes. Yes, the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Representative, just a few more questions. I, too, am caught up with the penalty section here. Under existing law now, it's a Class 4 felony. Do we have any figures at all, either this past year, year before, last 10 years, anything on the number of people that we have charged for these offenses of absentee ballot fraud as a Class 4 right now? Any numbers?"

Speaker Black: "Representative Moore."

Moore, A.: "You asked that question before. The answer has not changed. It's still 'no'."

Speaker Black: "Representative Dart."

Dart: "And then maybe from a different angle, you were saying you were bring this offense in line with those other ones dealing with election fraud, making them Class 3's as well. Do we have any idea on the numbers of those? I mean how many people were charged?"

Speaker Black: "Representative Moore."

Moore: "No, I do not have all of the statistical data regarding criminal charges in the Election Code."

Speaker Black: "Representative Dart."

Dart: "I mean, you don't have any, I don't think, here. Representative, my point is this. If Jack O'Malley wants to go and get tough on crime, that's fine. We can make double secret 'truth in sentencing', whatever he wants to do. The reality of it is though, we have limited bed space in our prisons as we all are aware of, and you posed a question earlier about, would I want this guy who beat me? I might, but I dare say the rest of the people in the Body here would not want the person with the absentee ballot fraud to be hanging in there because he'd be taking up bed

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space of somebody who is a robber, a murderer, a rapist. And that's the truth. The reality is, are these the type of people that we're going to be jettison off to the prison system? Probably no, probably no. But, A) We don't have any statistics. But the second point is that we are handcuffing the judges here. Because if we do have somebody who is, got very ill intent here, who is trying to, really trying to manipulate an election, now, the judge who might want to sentence this person to prison to send a message to all the all those other folks. Reality pretty much can't do that now, because existing law is a Class 4. He has the option of one to three. By changing it to a Class 3 it's a two to five. He's not going to send someone for two years for an offense like this, Representative. I, like other people who have spoken on this Bill, can't say enough good things about the majority of the Bill. The reality of it is though, we're addressing a problem that you, yourself have admitted, we don't even know exists. We have no evidence, zero evidence that there is any problem here in this area. We have no number, no figures whatsoever to show that anybody has ever been charged with this. So, if States Attorney O'Malley is so fired up about this, I suggest he starts prosecuting people under the existing law, and then come to us and build a compelling case that these judges are not sentencing these people hard enough. They're not sending them away to jail and we need this change in the law. But, that just is not the case, Representative. As a previous speaker mentioned, we have criminal sexual abuse, which is a Class 4 felony. We have unlawful use of a weapon, which is a Class 4 felony. And I can run through a litany here. And that's not my purpose. Of all these very, very serious offences that are less than

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this. I understand what you're trying to do and trying to make this uniform. But in an effort to win an election, you have volunteers that work in your campaign, not just precinct captains, volunteers. I, daresay everybody in this room has them. These folks, we do not have the luxury of sitting down and giving them a three hour class on the intricacies of electioneering and how to do it. So if one of these good-meaning people, meaning well, goes out there and encourages, knowingly encourages someone to ask for an absentee ballot, we are basically now saying they are a felon. They would be a felon under existing law. But we're saying now, that you could go to prison for two to five years. There's got to be some degree of proportionality here, something where the crime fits the penalty. This is not it. This is definitely not it, Representative. This is really 'out of wack' and I think we ought to reexamine this. If you could pull this provision out, I would be proud to support you on this. It just does not make sense at all. I understand the intent here, and I just question the motivation of States Attorney O'Malley, who has no figures whatsoever, and comes here to raise penalties on an offense that could affect a lot of people that we know who could fall into this. So, Representative for that reason, I'm going to be voting 'present' on this and I would encourage other Members to do the same. I support the concept of what you're doing, but the people that get caught up in this net here, can be people that you and I know very well, who are not meaning to try to subvert elections and are going to get caught up in this 'getting tough on crime'."

Speaker Black: "Further discussion? The Gentleman from Will, Representative Wennlund."

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

Speaker Black: "The Gentleman has moved the previous question. And on that the question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Moore to close."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have stood here and given you truthful and straightforward answers, and I would like to make a couple of clarifying points. One, criminal sexual abuse is a Class A misdemeanor. Number two, the judge would not be required to commit someone to two years in jail. At his discretion, he could put the individual in the county jail and on probation if he so chose. So, let us not allow bipartisan bickering to what is a bipartisan good government Bill, confuse us. This is about absentee ballot fraud. It affects all of us. Each of us wants a fair election and that's what the people expect. This Bill steps up and tries to make some corrections in the law that will allow some of the people to enforce it correctly, and it makes an improvement in the Election Code. It has been supported by many bipartisan people, and I would request an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 2576 pass?' All 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? Representative Granberg, are you seeking recognition? Yes, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. With due respect to the Sponsor, we agree on 99% of this Bill, but if it receives

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the requisite number, I would ask for a verification?"

Speaker Black: "Fine, your request for a verification is noted.

How many times have I asked, 'Have all voted who wish?'? I can't remember? Two, three? Mr. Clerk, take the record. Mr. Granberg, you have requested a verification. Mr. Clerk, would you please read the affirmative?"

Clerk Rossi: "The poll of those voting in the affirmative; Representatives Balthis. Biggert. Biggins. Black. Blagojevich. Bost. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Currie. Deering. Deuchler. Doody. Erwin. Feigenholtz. Gash. Goslin. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Kaszak. Klingler. Krause. Kubik. Lindner. Lyons. Mautino. Meyer. Mitchell. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Novak. Pankau. Persico. Poe. Ronen. Roskam. Rutherford. Ryder. Saviano. Schakowsky. Schoenberg. Scott. Skinner. Stephens. Turner, John. Wait. Wennlund. Winkel. Winters. Wirsing. Zickus. Mr. Speaker.

Speaker Black: "Questions of the affirmative, Representative Granberg?"

Granberg: "Representative Klingler?"

Speaker Black: "Representative Klingler, Representative Klingler, Representative Klingler in the chair. Yes, here she is right down front. Thank you."

Granberg: "Oh, I'm sorry, I thought she was still meeting with AFSME, from yesterday. Representative Deering?"

Speaker Black: "I'm sorry, who did you say, Representative?"

Granberg: "The big guy, Representative Deering. How could you miss him?"

Speaker Black: "Representative Deering. I see someone waving. Is that Representative Deering? No, I'm sorry. Is

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Representative Deering in the chambers? Representative Cowlshaw, are you seeking leave? Representative Granberg, recognize Representative Cowlshaw and Mitchell and Winkel, and who else? Okay, thank you. And we're still looking for Representative Deering. Yes, Mr. Clerk, how is Representative Deering recorded?"

Clerk Rossi: "Representative Deering is recorded as voting 'aye'."

Speaker Black: "Remove him from the roll. Further questions, Representative Granberg?"

Granberg: "Representative Johnson, Tim Johnson?"

Speaker Black: "Representative Johnson. Is Representative Tim Johnson in the chair? Representative Johnson. Is Representative Johnson in the chamber? Representative Johnson is over here down front. Representative Granberg leave for Representative Zickus, Representative Hoeft. Any further questions, Representative?"

Granberg: "No, that's all, Mr. Speaker."

Speaker Black: "Let's see we...excuse me, Representative, I think this Representative Deering on the phone. Just a second. And on this question there are 59 voting 'aye'; 14 voting 'nay'; 38 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. The Order of House Bills, Second Reading. Page three of the Calendar, Mr. Clerk, appears House Bill 2524. Please, read the Bill."

Clerk Rossi: "House Bill 2524. This Bill has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Bost has been approved for consideration."

Speaker Black: "And on Amendment #2, to the Bill the Gentleman from Jackson, Representative Bost."

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Bost: "Thank you, Mr. Speaker. Amendment #2 to House Bill 2524 amends the State Employees Retirement System. Article of the Pension Code to provide benefit based on a percentage of the last day salary, rather than the four year average. For employees with 20 years of service who participate under the Alternative Retirement Benefit Formula. Basically, what this Amendment does will affect about 13,730 employees in the State of Illinois. The largest of which is the Department of Corrections employees. On the average, it will increase their retirement benefits by about 10%. It also includes conservation police officers, state police, special agents, revenue investigators, Department of Mental Health, D.D.'s, security employees, CMS police, Department of Corrections, security employees, certain prisoner review board employees, dangerous drug investigators, Secretary of State investigators, State Police Investigators, Attorney General's Investigators, control substance inspectors, states attorneys, appellate prosecuting investigators, and Commerce Commission Police. The increase in occurred liabilities is about 90.7 mil. FY97 annual cost is \$575 thousand."

Speaker Black: "You've heard the discussion on the Gentleman's Motion, and on that is there any question? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, will the Gentleman yield?"

Speaker Black: "He indicates he will."

Granberg: "Representative Bost, you indicated this will impact the Department of Corrections employees. Will this help the people you voted to lay off and not hire the new ones this last week?"

Speaker Black: "Representative Bost."

Bost: "I don't think we took a vote that will lay off any

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employees. I think that was discussed on the Floor, but that's not the Bill we're discussing now. This is a Bill we're discussing now, and yes, it will help our employees in the State of Illinois, and I'm sure you'll want to help me and support this Bill."

Speaker Black: "Representative Granberg."

Granberg: "And will this put any money back in their workers compensation line item that you voted to reduce this week?"

Speaker Black: "Representative Bost."

Bost: "There was no vote this week to reduce that."

Speaker Black: "Representative Granberg."

Granberg: "Well, that was a supplemental budget you voted on, Representative Bost. It took \$6 million out of the Corrections Workers Comp Line two weeks ago, by the way. So, I'm glad to see you're concerned about corrections. That's great. What is the added unfunded liability to pension systems by this legislation?"

Speaker Black: "Representative Bost."

Bost: "90.7 million."

Speaker Black: "Representative Granberg."

Granberg: "90.7 million, that's going to be added to the unfunded liability?"

Speaker Black: "Representative Bost."

Bost: "That's correct. That's over 50 years."

Speaker Black: "Representative Granberg."

Granberg: "And I assume that you have an agreement with the Senate that they will actually call this Bill for a vote in the Senate, as is?"

Speaker Black: "Representative Bost."

Bost: "We do have a Senate Sponsor."

Speaker Black: "Representative Granberg."

Granberg: "And has the Senate Sponsor committed to calling the

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Bill for a vote?"

Speaker Black: "Representative Bost."

Bost: "Yes, he has."

Speaker Black: "Representative Granberg."

Granberg: "And who is the Senate Sponsor?"

Speaker Black: "Representative Bost."

Bost: "Senator Bomke."

Speaker Black: "Representative Granberg."

Granberg: "Is that the same Senator Bomke that refused to call the Pension Benefit Increase Bill in the Senate two weeks ago?"

Speaker Black: "Representative Bost."

Bost: "I don't know what other Bills the Senator has carried. I know what he has talked about on this particular Bill. And you know, as well as I do, that we can't guarantee anything the Senate does. All we can do is the best we can to pass over Bills that we feel are right, and then they can do with them what they feel is right."

Speaker Black: "Representative Granberg."

Granberg: "And wasn't there a Senate Bill that the did the identical thing, introduced?"

Speaker Black: "Representative Bost."

Bost: "I don't know that there was."

Speaker Black: "Representative Granberg."

Granberg: "Well, let's just lay it on the line for everybody. This Bill is going to get called. It's going to get passed. There's an agreement not to call it in the Senate. No Pension Bill is going to get passed. You're going to raise the expectations of all these state employees for an election year package, and nothing is going to happen. You know it, I know, we all know it. This is going to happen. You're playing with these people. You're playing with

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their emotions. They think they're going to get these benefit increases and nothing is going to happen, Representative. Nothing is going to happen, Representative. To the Bill. We'll vote for it, that's fine. Let's perpetrate this 'scam' on state employees. Let's let them think they're going to benefits that they're entitled to. They only receive benefits where the 48th state, or the 2nd worst state in the country with benefits. Now, you think we're going to pass this and it's going to become law. You know better than that. Why are you trying to tell these people they're going to receive benefit increases when they're not? They're not going to receive this. You're holding this out in front of them for an election year. It's not even going to get called in this Senate and it's a fraud. It's an absolute fraud. Let's get it over with. Let's pass it. Issue your press release. Get your campaign brochure out and put it in the papers downstate and see how much benefit you can get."

Speaker Black: "Further discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "You know, as Senator Dirksen used to say, 'A billion here and a billion there, and you're finally talking about real money.' Well folks, we're talking about 'real money' here. I understand there's an unfunded liability here of \$1.6 billion. The last time we passed a 'huge budget' buster pension Bill, was the 'Five Plus Five' Teachers Retirement Fund Plan. That cost us over \$400 million. It worked out to about a \$4,000 gift to everyone who retired under the Five Plus Five Plan. You know, 20 years ago, Bills like this used to bother me. I thought I might be here and have to worry about how yo pay for it. Well, we all know the turnover in this House is so rapid that none

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of us will be here having to worry about how to pay for it. So, it will probably fly out of this House. But, I would like to point out that pensions are a fringe benefit. They are negotiable under collective bargaining. If any employee system has a union, and wants to have a higher pension, all it has to do is say 'We will take a lower current salary'. Do you know the State Employees Retirement Fund participants don't pay a dime into the State Employee Retirement System anymore. Back during the recession, instead of giving them a raise, the executive branch decided to pay the entire contribution. So, we, as State Legislators, are paying 12% of our salary into the pension system every year. The ordinary state employee isn't paying one dollar, not even a dime, not even a penny. And of course we didn't have any say over that because the executive branch negotiates all the collective bargaining agreements and all we do is rubber stamp them through the appropriations process. Well folks, I would suggest that if we are fiscally responsible, we should not be voting for this Bill. If we are fiscally responsible or if we even understand a little bit about the collective bargaining system, we should say, 'go back to the bargaining table retirement system annuitants, or preannuitants, or potential annuitants. Tell the executive branch we don't want a raise this year, we want a bigger pension'. That's the way to get a bigger pension."

Speaker Black: "Further discussion on the Amendment? The Gentleman from Will, Representative Wennlund."

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

Speaker Black: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All

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those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Bost, to close."

Bost: "Thank you, Mr. Speaker. We've heard of those that don't believe in this concept. If that's the case, don't vote for it. We've also heard that those that are over there believe that when we pass it in this House it won't go anywhere. Than don't vote for it. I'm telling you that this is a move in the right direction. This is to help our employees. Vote for it if you think it will help."

Speaker Black: "You've heard the discussion. I assume you're ready to vote. All those in favor of the Amendment #2 to House Bill 2524 signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, next Amendment."

Clerk Rossi: "Floor Amendment #3, offered by John Representative Jones has been approved for consideration."

Speaker Black: "And on that, the Gentleman from Jefferson, Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. Amendment #3 adds to the Bill, provides a one time increase in retirement and survivor benefits for members of the State Employees Retirement System, beginning January 1, 1997. Those receiving benefits, on or before January 1, 1990 will receive an increase in the monthly benefit equal to 10 cents multiplied by the number of years creditable service multiplied by the number of full years that have lapsed since the benefit was initiated."

Speaker Black: "You've heard the Gentleman's Motion and on that is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Would the Gentleman yield?"

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Speaker Black: "He indicates he will."

Granberg: "Representative Jones, why are you excluding the downstate teachers?"

Speaker Black: "Representative Jones. Representative Jones, he didn't hear the question, Representative Granberg, would you please repeat it?"

Granberg: "Representative Jones, why are you excluding the downstate teachers in your Amendment?"

Speaker Black: "Representative Jones."

Jones, J.: "This is a retirement Bill, and I'm not excluding teachers. I happen to be married to one, Representative Granberg, who's taught for 28 years and I have a very high compassion for teachers. In fact, a lot of your retired teachers have been in my office today."

Speaker Black: "Representative Granberg."

Granberg: "I thought, Representative, that this just applied to the State University Retirement System. That is not correct?"

Speaker Black: "Representative Jones."

Jones, J.: "This pertains to the state employees."

Speaker Black: "Representative Granberg."

Granberg: "Does your Amendment add university employees, or all teachers?"

Speaker Black: "Representative Jones."

Jones, J.: "Representative Granberg, there's a later Amendment that's going to be presented in a few minutes that would address that issue."

Speaker Black: "Representative Granberg."

Granberg: "So, that Amendment will apply to downstate teachers. Your Amendment only applies to the State University Retirement System. Is that correct?"

Speaker Black: "Representative Jones."

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Jones, J.: "This one is state employees. The later one will be universities."

Speaker Black: "Representative Granberg."

Granberg: "So, Amendment 4, will deal with those groups, Representative?"

Speaker Black: "Representative Jones."

Jones, J.: "That's correct, Representative Granberg."

Granberg: "And the fiscal impact, Representative, and also the added cost of the unfunded liability of the pension system, what is that?"

Speaker Black: "Representative Jones."

Jones, J.: "Increase in the accrued liabilities would be 49 million."

Speaker Black: "Representative Granberg."

Granberg: "So, Representative Bost is 90. Representative Skinner says, 'it's over a billion. Yours is 40 million, and then we'll deal with the other Amendments. So, eventually this Bill will look like Senator Bomke's Bill, I assume. Is that correct with all the Amendments being adopted?"

Speaker Black: "Representative Jones."

Jones, J.: "I haven't looked at Senator Bomke's Bill lately, but you know, this is the only Bill I'm concerned in right now."

Speaker Black: "Representative Granberg."

Granberg: "Well, Senator Bomke didn't call his Bill, but that's fine. Well, Representative Jones. To the Amendment, Mr. Speaker. Let's add the Amendment. Let's get the Bill ready. They've taken some bad votes. Because they're downstaters, they voted to hurt our state employees, so they have to compensate today. Let's continue the fraud. Let's continue this for election purposes. Thank you very much."

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Speaker Black: "With no one else seeking recognition, Representative Jones to close."

Jones, J.: "Let me simply say, I appreciate Representative Granberg's concern for our correction officers. I have that very same concern. And a lot of them happen to be my personal friends. And this is something that I'm very interested in seeing passed. As far as I'm concerned I'm going to work this Bill right through the Senate, and see to it that it gets to the Governor's desk. Then it will be up to the Governor to make that decision. Som I would just ask for an 'aye' vote."

Speaker Black: "The question is 'Shall Floor Amendment #3 to House Bill 2524 be adopted?' All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3 is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Winkel, has been approved for consideration."

Speaker Black: "On Amendment #4, the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Floor Amendment #4 would add provisions to the Bill, affecting members of the State University's Retirement System. It creates a new flat rate retirement benefit formula for those who retire after the Bill's effective date. Retiring employees would be entitled to a benefit equal at 2.2% of final average salary for each year of service. The maximum benefit, which is 75% of final average salary would not change. To partially offset the increased cost of the benefit change, the Bill also requires that employees contribute an additional 1/2 of 1% of salary to the SERS. The benefit formula change would increase SERS to accrued liabilities. The benefit

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formula and employee contribution changes parallel provisions already in the Bill for members of the State Employees Retirement System. I would be glad to answer any questions in this regard."

Speaker Black: "Thank you. The Lady from Cook, Representative Monique Davis. Are you seeking recognition?"

Davis, M.: "Yes, Mr. Speaker. I merely wanted to welcome some students here from Olive Harvey College, former Congressman, Charlie Hages' granddaughter, Miss Phyllis Eversley. So, I'd like ou to welcome them, give them a big round of applause from Olive Harvey College. Thank you, Mr. Speaker. Thank you so much, Mr. Speaker."

Speaker Black: "Thank you, Representative. Discussion on the Gentleman's Amendment. The Gentleman from Clinton, Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Black: "He indicates he will."

Granberg: "Representative Winkel, your Amendment deals with State Employee University Retirement System. Why did you not include the downstate teachers in this Amendment as well?"

Speaker Black: "Representative Winkel."

Winkel: "This Floor Amendment focuses simply on SERS. That's what I've chosen for the subject matter of this particular Amendment."

Speaker Black: "Representative Granberg: "Well, apparently you think the downstate teachers, their benefits are higher than they should be, or they're acceptable?"

Speaker Black: "Representative Winkel."

Winkel: "No, that shouldn't be taken that way at all. That's not an expression, that's sort of an opinion whatsoever. In this particular Floor Amendment, we're dealing with the State University's Retirement System, and that alone. And

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any other organization, entity, person, corporation, body politic, that's not included in this Bill, this should not be an assumption that there is any certain negative impact or negative opinion in that regard."

Speaker Black: "Representative Granberg."

Granberg: "Well, I'm just curious, Representative. Obviously you think the State University Retirement Pension System, there benefit level is too low. So, that tells me you think the downstate teachers is adequate. Otherwise, you would include that in your Amendment. I don't know why you wouldn't include that in your Amendment. Obviously, you feel that way."

Speaker Black: "Representative Winkel."

Winkel: "Representative Granberg, my answer remains the same. You keep asking the same question. I would go ahead and use my previous answer. Just because we're not addressing it in this particular Floor Amendment is not an expression one way or another of any opinion in that regard."

Speaker Black: "Representative Granberg."

Granberg: "Do you have any other Amendments that puts the downstate teachers into this Bill?"

Speaker Black: "Representative Winkel"

Winkel: "Not at the present time. But certainly there's many weeks left in the Session that it remains to be seen whether I, or other Members will be addressing that. Today I've got Floor Amendment #4 that affects members of the State University Retirement System and I'd sure be glad to answer questions in that regard."

Speaker Black: "Representative Granberg."

Granberg: "Sure, we can do that. What's the cost to the system for this Amendment?"

Speaker Black: "Representative Winkel."

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Winkel: "The formula change is 217 million."

Speaker Black: "Representative Granberg, is that a question?"

Granberg: "Representative Winkel, did you say this adds 217 million to the unfunded liability?"

Speaker Black: "Representative Winkel."

Winkel: "No, what I said was the formula change is 217 million."

Speaker Black: "Representative Granberg."

Granberg: "I'm sorry, Representative, I didn't understand you. I thought you said 217 million to the unfunded liability. Is that not correct, or what is the addition to the unfunded liability?"

Speaker Black: "Representative Winkel."

Winkel: "The unfunded liability would be increased by 217 million under this formula change."

Speaker Black: "Representative Granberg."

Granberg: "Okay, 100 million with Representative Bost, 40, Representative Jones, you get 200. I assume Representative Klingler will come in with about 300 million, in one of these Amendments. All right, well here we go again. I appreciate your time, Representative. I have one last question. Has the administration agreed to this? Has Governor Edgar and the administration agreed to this?"

Speaker Black: "Representative Winkel."

Winkel: "Certainly, Representative, this constitutes a start, a negotiations starting point. There's no final agreement, nothing finally written or done or agreed to or put in a contract on this yet. We're still in the negotiating stage and certainly this is a putting the ball forward, and as it rolls along in the budget process, we'll negotiate and arrive at a figure that fits our means."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you, Representative Winkel. I guess it's

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like Speaker Daniels' education plan, a good start for negotiations. Well, I have no further questions Mr. Speaker. Let's keep the fraud going. Let's add the Amendment. Let's pass the Bill and it will never get called."

Speaker Black: "No one else seeking recognition on this issue. The Gentleman from Champaign, to close."

Winkel: "I urge a 'yes' vote on Floor Amendment #4, to House Bill 2524. Thanks."

Speaker Black: "The question is, 'Shall Floor Amendment #4 be adopted to House Bill 2524.' All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Winkel has been approved for consideration."

Speaker Black: "Excuse me just a minute. Before we get to that Amendment, the Gentleman from Washington, Representative Deering, are you seeking recognition?"

Deering: "Thank you, Mr. Speaker. I would like to make an announcement of a time change in the upcoming Legislative Audit Commission meeting. It's now scheduled for Tuesday, April 23, 1996, at 9:00 in room 122-B of the State House here in Springfield."

Speaker Black: "Thank you, Representative. And on Amendment #5 to House Bill 2524, the Gentleman from Champaign, Representative Winkel."

Winkel: "Mr. Speaker, I ask that Floor Amendment #5 to House Bill 2524 be withdrawn."

Speaker Black: "Mr. Clerk, remove Amendment #5 with leave of the House. Leave. Mr. Clerk, any further Amendments?"

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

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Winkel."

Speaker Black: "And on Amendment #6, the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Floor Amendment #6 simply is a clarification that the benefit increase for the SERS annuitants referred to in Floor Amendment #4 applies to both survivor and retirement benefit recipients."

Speaker Black: "You've heard the Gentleman's Motion, and on that is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Now, let's just add it on, let's get going. So we can get those press releases out. Let's go."

Speaker Black: "With no one seeking recognition, Representative Winkel to close."

Winkel: "Excuse me. I urge adoption of this Floor Amendment."

Speaker Black: "The question is 'Shall Floor Amendment #6 be adopted to House Bill 2524?' All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Floor Amendment #6 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Black: "Third Reading. On the Order of Third Reading, Mr. Clerk, please read House Bill 2524."

Clerk Rossi: "House Bill 2524, a Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Speaker Black: "The Gentleman from Sangamon, Representative Poe."

Poe: "Mr. Speaker and fellow Members of the House, House Bill 2524. You've heard all of the Amendments. Now I'd like to tell you a little bit about the main part of the Bill. It amends the State Employees Retirement System, and an article of the Pension Code. It creates a new flat rate

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retirement benefit formula for employees covered by SERS. The elimination of the current graduated benefit formula for employees participating in social security, the new formula will provide a benefit equal to 1.67 of the final average salary for each year of service. Employees who do not participate in social security, the benefit of 2.2 on the final average salary of for each year of service. This Bill also provides for 1/2% employee contribution to offset some of the cost of the increase. I think we ought to stop and look a minute. The state employees is the most valuable asset that we have. Like the General Assembly determined that teachers were an important asset to the State of Illinois when we worked with the teachers last year with the teacher retirement and the health insurance. As we continue to improve the climate around the State of Illinois and look at the continued economic development, we cannot overlook our state employees. And for the state to remain competitive in the employee market, we must be able to attract one of the most valuable assets and and the resources we have, and that is our state employees. These are the same employees that we depend on everyday. These are the same employees that work in our agencies, that we depend on for very good work and our reputation of this state. I think that the Senate and the House ought to be outraged that the State of Illinois rates 49th out of 50 states of State Employee Retirement Pensions. I think this is a big problem. And it's been since 1971, since we have addressed the issue of state retirement that's been over 25 years. I think the change is long overdue. And I don't think we can afford to wait another year. So at this time, I would be glad to take any questions, Mr. Speaker."

Speaker Black: "And on that is there any discussion? The

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Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think if the Body listens to what Representative Poe and the other Sponsors of these Amendments are trying to do, you'll see that they're pointing out that the state is not adequately providing a retirement system that is in competition with other states, and I certainly can appreciate that. But, let me remind the Body that two years ago, we passed legislation that requires, Ladies and Gentleman, please, requires us to pay pension benefits first. Does everybody understand that? Right off the top in the appropriations process, we must pay pension benefits first. Why did we do that? We did that because we were not fulfilling the obligation we committed to the employees of this state. We kept incurring further and further behind in pension benefits that they count on for the retirement. Now, I understand what the Sponsors are trying to do. It's laudable. But, we do not have the financial resources to commit to the increased cost that this Bill is going to put on us. We're talking hundreds of millions of dollars. As a matter of fact, if I total it up, it comes pretty close to \$2 billion of unfunded liability. Now, I think our total state systems, all of them together, unfunded liability, I believe is between \$8 and 9 billion. Now, we want to put another \$2 billion. Now, we're talking about being fair. We're talking about being fair to these employees. And we want to do that. But, we're also saying that we're going to increase the benefits, and remind you, under the Illinois Constitution, once a benefit is given, it cannot be taken back. So, once we give these benefits, we must pay them. As we go along each year, right off the top of our appropriation process will be tens

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of billions of dollars that we won't have any say in how we appropriate. And I think that's the right thing to do because we're not fulfilling those obligations. It is the right thing to do. But, I don't know how in good conscience, even though I know what they're trying to achieve, we can vote to do this. We're talking \$2 billion, give or take a hundred million dollars here or there, with a b. It's my understanding that if you vote for this and we don't have the funding, we are going to send a negative message to the state employees, who many of them after years and years of working finally found a way for us to stabilize the pension system. We've stabilized it. Now, we're going to throw it out of wack again in the name of what's right. You know what we ought to do, is make sure that we appropriate the money all along with the Bill. Because if we can do that, then we're going to make up our minds, where are we going to take the money from? Mental health? Are we going to take it away from all the other state services that we've been hearing bantered back and forth politically because the Democrats want to use it against us? We don't want to do that. We want to have the ability to give the money each year where we feel it's best needed. And ultimately, that's what we do, as responsible Legislature. After we cut through all the political rhetoric, we do that. So, Ladies and Gentlemen, I would ask you, even though this is well-intended, even though this is solving a problem that we know is there. Even though there is justification for it, I don't know how anybody in good conscience can vote to do this. The right vote is a 'present' vote, so that when the Pensioned Law Committee gets established, next year, they can take this on and make recommendations in the big picture. But, I

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don't believe in good conscience I can vote for this and I would suggest my Members, all Members, vote 'present' on this Bill and let's address this issue next year."

Speaker Black: "Further discussion? The Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

Deering: "Representative, Do you believe in collective bargaining?"

Speaker Black: "Representative Winkel...excuse me, it's Representative Poe."

Poe: "Yes."

Speaker Black: "Representative Deering."

Deering: "Well, a person of this Bill, there's a cost for the employee in your Bill of I think a 1/2% Is that not correct?"

Speaker Black: "Representative Poe."

Poe: "Yes."

Speaker Black: "Representative Deering."

Deering: "Well, as I understand it, the union employees, or the employees, state employees that belong to the unions that will be paying this 1/2%, it's my understanding that there wasn't a contract reopener. There wasn't any recent collective bargaining done to come up with this 1/2% figure. Can you tell me how CMS, or TRS, or the pension systems and the unions came up with this bargained amount?"

Speaker Black: "Representative Poe."

Poe: "Okay, this...IMRF, this brings us up to the same level they are. But, I would like to point out, when we started this process, before when we added this in rough language, and I am serious about this. I've heard a little bit of criticism that this is a ploy. But, for a year I've been

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meeting with people and the first people I met with was an AFSME representative and showed him my intent and what I was going to do. So I was not trying to hide this from nobody. I've also, I've met with the Leadership in both the House and the Senate over this last summer. I've met with some of the Governor's staff. So, I've been working at this a year, and I've tried to get all the parties involved at this point."

Speaker Black: "Representative Deering."

Deering: "Can you tell me where AFSME stands on the issue of this Bill?"

Speaker Black: "Representative Poe."

Poe: "At this point, they're neutral."

Speaker Black: "Representative Deering."

Deering: "Thank you, Mr. Speaker and Representative Poe. To the Bill. You know, I find it somewhat surprising when a Member here says that he supports the collective bargaining process when it is a matter of fact that this hasn't happened. I think that these benefits, the cost to the employees should be born out through that process. I'm a firm believer in that. And I think when we here in this Body try to stick our nose into the bargaining process, I think we're crossing a line that we were not elected to do. Also, I would like to say that to the Members on that side of the aisle last year, all stood up and applauded themselves, patted themselves on the back by starting this Pension Laws Commission, where these Bills were supposed to go for further debate and discussion. It's my understanding when this Bill goes to the Senate, it's dead. There's no intent of it passing. We've already passed the Bill for Representative Klingler. Now we're doing it for Representative Poe, purely for political reasons. These

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people are going to be out there thinking that now they're going to get a pension increase. And now they're going to get a benefit increase in this, whether they're actively working or retired. It's not going to happen, just like the retired teachers. They're waiting for there money. It's not going to come. You know as well as I do. And while I somewhat disagree a lot of times with Representative Parke, he did make a good comment as far as the unfunded liability. But, there's many a times when I think we should go through the process. Let's take it to the Pension Laws Commission. Let's conduct some hearings this summer. You know, the Pension Laws Commission was supposed to be the greatest thing that your side of the aisle started. Why don't we adhere to what you set down in policy and standard in a prior year session? And, let's move about it in that aspect, and not just try to take on the burden, try to solve everyone's problems with us here in the General Assembly."

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

Granberg: "Yes, will the Gentleman yield?"

Speaker Black: "Well, I thought you've already spoken on this Bill six times. Is that..."

Granberg: "Well, just keep on adding these things on. It's only a billion, two billion..."

Speaker Black: "Oh, okay. I'm sorry, my mistake. He indicates he'll yield to you. Certainly."

Granberg: "I just didn't know if the press releases were out yet. Representative Poe, you did not include downstate teachers in this Bill. Why not?"

Speaker Black: "Representative Poe."

Poe: "My original Bill was to work with the 63,000 state

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employees that have been neglected for 25 years, that no one had wanted to tackle. And that's the part of the Bill that I'm Sponsoring. And I think last year we seen where the teachers health insurance was in trouble and we responded to the teachers last year. I think we also need to respond to some of the other groups around the State of Illinois."

Speaker Black: "Representative Granberg."

Granberg: "So, the Bill right now on Third includes all state employees, university professors. But, we've decided to leave out downstate teachers, okay. To the Bill. Let's pass it. We're all for it. We can see the headlines tomorrow, Springfield Journal Register, Poe/Klingler Sponsor benefit increase. Then we'll have a dash, only kidding, because it's dead, it's dead. This thing is going nowhere. It's a joke. You're playing with the state employees. They think they're going to get something. You're stringing them out. They're not going to receive one extra dime out of this Bill. Let's get on with it."

Speaker Black: "With no one else seeking recognition, the Gentleman from Sangamon, Representative Poe to close."

Poe: "Yes, I'm very sincere in this, and I hope that we can work with the Senate's Sponsor, and if the Governor's Office wants to work on this and continue some debate in the future, I'm willing to work on it. I would like to point out, that I'm getting a lot of blame for spending a lot of money. But I had the Economic and Physical Commission to look at the total dollars that the state would be taking in in revenue over the next 50 years. And this is less than 1% of the budget when we look at it. And I think that puts it in a little bit more perspective than in today's dollars. I think this issue hadn't been addressed in 25

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years. I think it's long overdue, and I think this is the method to get the ball rolling, and I would appreciate an 'yes' vote."

Speaker Black: "The question is, 'Shall House Bill 2524 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. Yes, the Gentleman from Williamson, Representative Woolard, are you seeking recognition? Representative Woolard, there are three buttons on your desk, and you push one of those three and one of them will light up on the board. Perhaps Representative Phelps could help you understand it. Yes, Representative Woolard, do you need some help?"

Woolard: "Thank you, Mr. Speaker. It's always important that I have good instructions, and it was great that you gave me that, but the green light here on the desk is what's out. That green light up there is working, so that's good."

Speaker Black: "Well, your green light is unaccustomed to coming on. It's probably worn out. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 104 voting 'aye', 1 voting 'no', 10 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page three of the Calendar appears House Bill 2655 on Second Reading. Please read the Bill."

Clerk McLennand: "House Bill 2655. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2 was adopted. Floor Amendment #3 was referred to Rules. No further Amendments. Fiscal Note and State Mandates Note will be required on the Bill and have been filed."

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Speaker Black: "Third Reading. Mr. Clerk, on the Order of Third Reading appears House Bill 2655. Please read the Bill."

Clerk McLennand: "House Bill 2655, a Bill for an Act concerning fire resisting compartmentalization of units and multifamily dwellings. Third Reading of this House Bill."

Speaker Black: "And on that the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Over the Thanksgiving recess, the insulation people and the brick wall people met in my office with the home builders, the president of the home builders and two of his board members, and worker out a compromise. And an Amendment was drafted and filed on that compromise. And it wasn't until yesterday afternoon that negotiations got a little shaky. They were not able to finally agree. And what we want to do is to move this Bill over to Senate so they can continue to work on it. The Bill had been stripped about two weeks ago. Negotiations continued during the holiday. They thought they had an agreement until yesterday afternoon. They don't. They want to continue to work on it. And I'd ask that you'd move the Bill over to the Senate, and allow them to continue to work. I'd appreciate your 'yes' vote."

Speaker Black: "And on that, is there any discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I know that the Sponsor has worked hard on this legislation. And I know that he recognizes that there is a lot more to do. But, I would advise the Members of this Body, it's unlikely he's going to be able to work out the underlying problems in this proposition. I am told by assessing officials that no matter how he does this, he would create an administrative nightmare as assessing officials try to

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figure out whether the brick walls, these fire walls, in fact, have anything to do with the actual value that the building ends up with at the end of the day. Second, is a matter of public policy. I don't know whether we ought to be the ones creating incentives to build safe buildings. It would seem to me that that's what the marketplace is all about. If we need to require this kind of building construction, then we ought to do it. If this is the way to go, let's say, 'you can't build unless you do it in the most safe and the most efficient manner possible.' But, for us to offer a tax incentive to do what ought to be good business practice, I do not think is a wise use of scarce taxpayer resources. So, I recognize this is only a shell, but I think it's a shell that whatever it has in it at the end of the day would mean administrative nightmares for our assessing officials, and would set us on a bad public policy course. If this needs to be done, let's require it. If it doesn't need to be done, let's let the private sector do its work and encourage builders to build efficiently and effectively through the usual market forces. So, appreciating the work that Mr. Wennlund's put into this, I would recommend a 'no' vote or a 'present' vote to people who are concerned both, with where our scarce tax dollars go, and to those who are concerned about imposing burdens on local officials."

Speaker Black: "Further discussion on this Bill? The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. Thank you. I just want to rise in support. Representative Wennlund, we have been talking to the interested parties. I can assure you that the shell Bill, as far as Members on my side of the aisle, I would implore that they would support the position. There's been

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a lot of discussion with the home builders. I know this is not a real simple issue, but I think there is an underlying, compelling public interest in the subject matter of this Bill. And so that's the reason we want to keep this Bill alive, and send it over to the Senate so the negotiations can continue. For Members on my side of the aisle, I can assure you that there isn't any third airport Bill in here, or isn't any Constitutional Amendment to raise any taxes or any other kind of contentious subject matter that we've talked about down here. So, I would certainly ask my colleagues to support this Shell Bill. Once again, we need to keep the negotiation going. It is an important subject matter, I think that the General Assembly deserves to address, and I would appreciate your support on House Bill 2655."

Speaker Black: "Further discussion? The Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I too, rise in support of this Bill. It's about safety. Yes, obviously some things that you want people to do that are safer cannot be achieved because there is added expense. But, certainly when you look at the overall picture of this thing, it's going to save lives in the long run. We're going to have stronger construction. It'll be able to withstand some of the other calamities that nature puts upon us. And I would encourage all of my colleagues and everyone else to at least move this over to the Senate to see if the final language cannot be worked out, and would urge an 'aye' vote. Thank you."

Speaker Black: "With no one else...excuse me, I'm sorry, Representative...the Gentleman from Cook, Representative Dart, are you seeking recognition?"

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Dart: "Thank you, Mr. Speaker. I rise in opposition to this Bill. As the previous speaker has mentioned, this is going to create under any version that's put forth, it's going to create an administrative nightmare. In addition to that, there is opposition in any version, as a result of an administrative nightmare from the Cook County's Assessors Office. They don't think that there's any way that this could be workable. And quite frankly, as a public policy concern, if this is...there is a certain way we want them to construct buildings, we should tell them to do that. We shouldn't throwing out more corporate welfare and tax incentives. For that reason, I oppose this Bill."

Speaker Black: "And the Lady from Cook, Representative Monique Davis. Are you seeking recognition?"

Davis, M.: "I certainly am. Thank you, Mr. Speaker. I rise in opposition to this Bill. Not on the merits of the legislation, but because it preempts home rule. I think those of us who are sitting on this side of the aisle had better be aware that this is another piece of legislation to take away home rule. I think our local jurisdiction should be concerned about this kind of legislation that removes home rule. So, I think we should consider a big 'no' vote on this Bill."

Speaker Black: "And with no one seeking recognition, the Gentleman from Will, Representative Wennlund to close."

Wennlund: "Thank you, Mr. Speaker. Obviously, Representative Davis has not read the Bill. It is a Shell Bill. It does not preempt home rule. You better read it again. And let me tell you something else. The former Representative Bud Washburn, met with Democratic leader...former Speaker Madigan, and he supports this Bill. He supports the concept, and he wants to keep it moving in the process."

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Representative Washburn, met with Representative Madigan. He agrees with this Bill, and with the goals that it is trying to achieve. So, I ask for a 'yes' vote to keep the discussions moving that would result in more environmentally safe buildings and would result in savings of energy. So, I'd appreciate your 'yes' vote to keep these discussions going. We worked very hard to try to reach a compromise. It fell apart yesterday afternoon. The deadline is tomorrow. Please vote 'yes' and let's keep these important discussions moving on."

Speaker Black: "The question is, 'Shall House Bill 2655 pass?' All 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 71 voting 'aye', 34 voting 'no', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page three of the Calendar Order of House Bills Second Reading appears House Bill 2737. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2737. This Bill has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Black: "Third Reading. On the Order of Third Reading appears House Bill 2737. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2737, a Bill for an Act amending the Counties Code. Third Reading of this House Bill."

Speaker Black: "And on the Motion, the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. In its current form, 2737 is a vehicle. It's intended use is if there are results from negotiations in regard to storm water management in

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Southwestern Illinois, we intend to use 2737 as a vehicle for that language. And I would like to move it to the Senate to keep the process going. I urge an 'aye' vote."

Speaker Black: "And is there any discussion on the Bill? The Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, if you could just repeat...you mentioned the intent...what you were going to use this for. Could you explain that again, and expand on what that was exactly?"

Speaker Black: "Representative Stephens."

Stephens: "There are proposals to deal with storm water management in Madison, St. Claire, and Monroe Counties. The intent of this Bill...we filed it as a Vehicle Bill. The legislation that has been introduced, or suggested has some problems and some opponents including myself to portions of the introduced language. We are in hopes that an agreement can be worked out that we can all sign off on. And the purpose of 2737 is to adopt that language, should it come about."

Speaker Black: "Representative Dart."

Dart: "Thank you, Representative. No further questions."

Speaker Black: "Further discussion? The Lady from St. Claire, Representative Youngue."

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

Speaker Black: "He indicates he will."

Youngue: "Representative Stephens, I have been concerned about this legislation from the standpoint of whether or not there would be an increase in fees for people below the watershed. Would you discuss that with me during the course of the development of this Bill?"

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Speaker Black: "Representative Stephens."

Stephens: "Representative, I will be glad to discuss that with you in the course of the development of this Bill as you characterize it. I'd be glad to work with you and part of the opposition to the original language was the very mention of fee. So we'd be glad to work with you on that. I'm making no commitment today as to any particular language, but I would certainly be glad to sit down and work with you on behalf of your constituency."

Speaker Black: "Representative Younge."

Younge: "Thank you. That was what I wanted to know."

Speaker Black: "Further discussion? The Gentleman from St. Clair, Representative Holbrook."

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

Speaker Black: "He indicates he will."

Holbrook: "Ron, this is just a continuation of the negotiation process if we can come to an agreement with the parties down there for our storm water, and we're just going to move this over to the Senate in case they can come to an agreement. And you're still willing to work with me on this if we come up with, as we've discussed in the past, with a compromise Bill, correct?"

Speaker Black: "Representative Stephens."

Stephens: "Indeed, and Representative Holbrook, I thought you were a Co-Sponsor of the Bill. I apologize. Maybe we can arrange for the filing of that document before the Bill moves to Third Reading, if I can get some staff assistance. We'll continue to work with you on that."

Speaker Black: "Representative Holbrook."

Holbrook: "Thank you. I support this Bill. This is our ray of hope to preventing some of the mass flooding that we've been experiencing in the past. I just don't know if we can

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get all the parties together, but as long as Representative Stephens wishes to work with me on this and I with him, then I'd be glad to send this over to the Senate. And maybe we can get something done yet this year. I support the Bill, and would urge all my colleagues on this side of the aisle to also. Thank you."

Speaker Black: "With no one seeking recognition. Representative Stephens to close."

Stephens: "I ask for an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 2737 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 114 voting 'aye', 1 voting 'nay' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page four of the Calendar, House Bills Order of Second Reading appears House Bill 3081. Please read the Bill."

Clerk Rossi: "House Bill 3081. This Bill has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Black: "Third Reading. Mr. Clerk, on the Order of Third Reading, page four of the Calendar appears House Bill 3081. Please read the Bill."

Clerk Rossi: "House Bill 3081, a Bill for an Act amending the Consumer Fraud Deceptive Business Practices Act. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This is a very simple piece of legislation that

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will attempt to bring a level of equality to our female counterparts. As you know, females or women have been charged increasingly more dollars or more for cleaning of blouses and haircuts. This piece of legislation will bring some kind of equity to that practice. This Bill does not call for differentiations relative to the amount of ruffles that are in a blouse. It allows for an individual who has a pleated skirt to be charged in accordance with the Fair Practices Act. But, it does, when a female submits, or puts a blouse into a cleaners or goes to a barber for a haircut, it allows for her to be charged in an equitable manner, as a man would be. The Sponsors, or the promoters of this legislation is the National Organization of Women and a myriad of other women's groups. And the piece of legislation is merely to allow for some kind of equity to women who have historically not been able to receive fairness relative to salary and wages. So, why should we charge them more for consumer services if we don't give them equity with salaries and those kinds of things? And I respectfully request an 'aye' vote."

Speaker Black: "And on this is there any discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I rise in support of this legislation. The other day I went to the cleaner with my clothes and I had a number of blouses, one of which was a shirt that is exactly like a man's shirt, a white shirt, light starch, except it buttons the other way. And they gave me my bill, and they said that that shirt was going to cost a \$1.65 to clean, along with the others that were not man tailored shirts. And I said, 'how much would this shirt be if it were a man's shirt' and they said \$1.10. So I said, 'Well, then what is your reason for charging me

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\$1.65?' and they said, 'well, it's a women's shirt.' And in the end, they agreed to charge me the \$1.10 instead of \$1.65. But the next person who came in, even if it was a shirt exactly like a man's, even if it was a woman's was going to be charged that \$1.65. I think that is, in fact, a discrimination that should be made illegal. That's a significant increase in price and over time it adds up to a lot of money. It should not be. My cleaner apparently agreed in the end that that was the case, but was going to continue with that policy. And I think that it is incumbent on this legislation to prohibit that kind of blatant price discrimination. Now, if there is a reason, as the Sponsor pointed out, that they have to do more work, or it'll be a greater cost to the business, then they can charge more. But, if there isn't, they cannot under this legislation and they should not. So, just in the name of common sense and equity, I would certainly urge an 'aye' vote for this good piece of consumer legislation."

Speaker Black: "Further discussion? The Lady from Cook, Representative Zickus."

Zickus: "Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Zickus: "Representative, I have been checking with some of the people in my area and I checked at a local hair...you know, where I have my hair done, and they do styling for men, and they charge according to how much work has to be done. Most of the time, the woman's hair requires more time. They use the curling iron, and do more with styling. I also checked with the cleaners, and the only time that the prices are higher is if there's more detail to be done on it, so I really don't understand what we're trying to accomplish here."

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Speaker Black: "Representative Pugh."

Pugh: "If I heard the question correctly, you were referring to the amount of time that would have to be spent on a woman's hair, relative to a man's haircut?"

Speaker Black: "Representative Zickus."

Zickus: "They price their services according to the amount of time. Who would be determining what price you would put on that time? Aren't we going to be opening the door for more problems because one shop charges more than another?"

Speaker Black: "Representative Pugh."

Pugh: "Representative, this Bill does not specifically address the...it does allow for...excuse me...it does allow for price differentiations relative to the level of services that are going to be offered by whoever is offering the service. So, it allows...this addresses basic haircuts, basic cleanings."

Speaker Black: "Representative Zickus."

Zickus: "In my experience, what I have found in our area is that the basic services are the same, and one is not charged higher than another. Thank you."

Speaker Black: "Further discussion? The Gentleman from Kendall, Representative Cross."

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

Speaker Black: "He indicates he will."

Cross: "Representative, if I could ask a couple questions with respect to this Bill that are a bit puzzling? What is the penalty for violating...if, in fact, someone violates this provision that you've introduced?"

Speaker Black: "Representative Pugh."

Pugh: "It does not provide for penalties, Sir."

Speaker Black: "Representative Cross."

Cross: "Why are we doing it then?"

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Speaker Black: "Representative Pugh."

Pugh: "We're doing it because women have historically not received the same type of goods and services or the same rights and privileges that men has throughout the years. The Bill is designed to allow for the consumer, or for the woman consumer to receive the same kind of services that a man would receive for the same type of prices."

Speaker Black: "Representative Cross."

Cross: "Do you have some data that would support what you're saying, Representative? I guess one of the questions I'd have is, aren't there instances maybe at a dry cleaners, where a man's suit cost more to clean than a woman's suit? I heard about a shirt a minute ago, but what about a man's suit?"

Speaker Black: "Representative Pugh."

Pugh: "Sir, the Bill is flexible enough to allow for the provider of the service to make the necessary price differences. And in response to your first question, there is currently legislation under the Deceptive Practice Act and those penalties would apply to this legislation, Sir. But, specifically speaking to the fact about a woman's suit versus a man's suit. The prices would not differ. Only when the suit requires additional attention, would there be some differences in the pricing. It allows for price differences."

Speaker Black: "Representative Cross."

Cross: "Representative, doesn't the market dictate what price is charged? If I don't like the particular cleaner's price or the particular hairdresser's price, can't I go down the street and get a better price whether I'm a man or a woman?"

Speaker Black: "Representative Pugh."

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Pugh: "This Bill is not designed to go against any dictates of any market, Sir. It's only designed to bring some fairness and equity relative to the prices that a woman would have to pay for a two piece suit or a blouse. Did you know, Sir that women have historically purchased pants, or a pants suit from a store and they would be charged for alterations, whereas a man would purchase the suit and then he would have free alterations? Did you know, Sir that a woman's blouse requires the same amount of care and attention that a man's shirt does when it's cleaned and that a woman is charged more. This Bill is only designed, Sir, to bring some kind of equity to the pricing system. It is not designed to disrupt any market or any competition in an open market."

Speaker Black: "Representative Cross."

Cross: "Representative, can you define for us, or what do you envision when you talk about services? Would we be talking about legal services in this Bill? Would we be talking about physician services? Could we be talking about psychiatrist services? What do we mean by services?"

Speaker Black: "Representative Pugh."

Pugh: "No Sir, nothing in this subsection prohibits price differences based specifically upon the amount of time. It does not prohibit differentiation of prices of charges for insurance underwriting rating practices or health care services. This piece of legislation, Sir, is similar to the legislation that was passed in California banning sex-based charges unrelated to true cost of providing services. New York passed a...or is..."

Speaker Black: "I'm sorry, the time has expired. Continue with your answer, Representative Pugh."

Pugh: "Yes Sir. According to a recent study that was done in

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California and other states, 64% of all dry cleaning was charged at an average of \$2.00 extra to launder a woman's shirt. The study also found that women usually have to pay for alterations and that the men's suits are free. In New York, the women are quoted higher prices for cars, and those kind of things. This piece of legislation, Sir, is not designed to deal with the price differences relative to anything other than the basic services that I spoke of."

Speaker Black: "Representative Cross, you have one last question?"

Cross: "Well, Representative if our goal here is to have lack of discrimination on prices, why do you even have the exemptions that in Section (C)? Why do that?"

Speaker Black: "Representative Pugh."

Pugh: "Chairman, did we allow Tim some additional time? His five minutes was up. Mr. Chairman, did we allocate some additional time for this Gentleman? His time was up like three minutes ago."

Speaker Black: "Yes, one moment. If I could have your attention. Is Representative Poe...is Representative Poe in the chamber? Representative Poe. Perhaps somebody could go up and show Representative Poe how to get back to the Floor so we could proceed. Thank you. Representative Cross, do you have additional questions? All right, proceed with one question."

Cross: "Mr. Speaker, thanks for the courtesy of the additional time. Representative, if our goal here is to eliminate the price fixing or whatever you want to label it. Why do we have any exemptions? Why have paragraph (C)? Why don't we just say, 'across the board, we're not going to allow this at all?' So, the question is, why have paragraph (C)?"

Speaker Black: "Representative Pugh."

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Pugh: "Mr. Speaker, does he have any more questions after this one because his time is expired?"

Speaker Black: "No, this is his last question."

Pugh: "Okay, I'll answer this last question. Sir, in an idealistic world, there wouldn't be any discrimination for anything. But, because we have discrimination, we're attempting to address it in small modicums. This Bill is simply to address the problems that we're having with differences, price differences relative to hair care, relative to dry cleaning, and relative to tailoring."

Speaker Black: "Further discussion on the Bill? The Gentleman from Logan, Representative Turner."

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

Speaker Black: "He indicates he will."

Turner, A.: "Representative, can you give me a practical example of the discrimination you are trying to prohibit here?"

Speaker Black: "Representative Pugh."

Pugh: "Yes, Sir. One instance is that was in a recent newspaper article where Representative Schakowsky spoke to it also. A young lady went into a dry cleaner and she had three shirts and a blouse. She was charged the pricing for shirts until the owner of the dry cleaner identified one of the blouses as a woman's shirt as opposed to a man's shirt, and was charged an additional fee."

Speaker Black: "Representative Turner."

Turner, A.: "If I follow you then, the lady that you're speaking about would have been discriminated against. Assuming that would be the case, if we pass this legislation what would this lady do? She's been discriminated against. Under your example, what does she now do under your legislation? What does she do with her complaint about the discrimination?"

Speaker Black: "Representative Pugh."

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Pugh: "The penalties or the methods for recourse are delineated under the Consumer Fraud Act, Sir."

Speaker Black: "Representative Turner."

Turner, A.: "I'm not familiar with what they are. Could you explain them to me, Representative?"

Speaker Black: "Representative Pugh."

Pugh: "You're talking about the Consumer Fraud and Deceptive Practice Business Act, itself. Is that the question, Sir?"

Speaker Black: "Representative Turner."

Turner, A.: "Representative, what I'm trying to get at here is, you're passing this legislation, what I want to know is if there is discrimination and if it can be proved, how does the complainant take his or her complaint to the proper authorities? And then how is it prosecuted or how is the legislation implemented in order to prohibit the discrimination. Can you tell me that?"

Speaker Black: "Representative Pugh."

Pugh: "Currently, Representative, under the Consumer Fraud and Deceptive Business Practices Act, an individual would make complaint to the Attorney General's Office. The Attorney General would assign this individual a number or a case number and from that point the Attorney General would contact the business and make them aware of the violation of the Act. The individual who filed the complaint will be notified and the case will be placed on a docket to be heard and reviewed at an appointed time."

Speaker Black: "Representative Turner."

Turner, A.: "Is this administrative then, or is it something that will be pursued through the court system?"

Speaker Black: "Representative Pugh."

Pugh: "Currently, Sir, these are not cases that clog up the court. The Attorney General has a different court case

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docket by which they deal with cases."

Speaker Black: "Representative Turner."

Turner, A.: "Representative, did you not indicate previously to Representative Cross that there are no penalty provisions in your proposed legislation?"

Speaker Black: "Representative Pugh."

Pugh: "Sir, I went back and corrected, I corrected that by saying that they would be subject to the laws that I stated under the Fraud and Deceptive Practice Business Act."

Speaker Black: "Representative Turner."

Turner, A.: "Is that provided in your Bill, Representative?"

Speaker Black: "Representative Pugh."

Pugh: "Sir, I'm sorry, Sir, I didn't hear the question."

Speaker Black: "Yes, Representative Turner, please repeat your question."

Turner, A.: "Representative, I don't see that language in your Bill. Is it in there someplace? Am I missing it?"

Speaker Black: "Representative Pugh."

Pugh: "Sir, it says in the legislation...the synopsis will...it amends the Consumer Fraud and Deceptive Business Practices Act. It's an Amendment to a current Act, Sir. A current piece of legislation."

Speaker Black: "Representative Turner, your time is about to expire. You have a question?"

Turner, A.: "Yes, I do. May I pose it?"

Speaker Black: "Continue...proceed."

Turner, A.: "All right. What are the penalties provided for in the existing Act, then Representative?"

Speaker Black: "Representative Pugh."

Pugh: "There's two matters of recourse. You can file with the Attorney General's Office and go through the process that I currently reiterated, or you can file your own lawsuit."

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And once the case is placed with the Attorney General, it goes to the Human Rights and it's placed on the Human Rights docket. It does not clog up the courts."

Speaker Black: "Yes, Representative Turner, bring your questions to a close, please."

Turner, A.: "Well, Representative, I find that unresponsive. My question is, what are the penalties? Do you know?"

Speaker Black: "Representative Pugh."

Pugh: "We have the statutes and we're currently looking up the penalties, Sir. But, once again, as an attorney and as a prosecutor, I would think that you are aware of the penalties. And these penalties would be the same ones that..."

Speaker Black: "The time has expired, Representative Pugh. We'll, at this time, recognize the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. Will the Sponsor yield? Representative Pugh, I'm back here. How you doing?"

Speaker Black: "He indicates he will. Okay."

Novak: "I'm going to support this Bill, but I just have a little question. It really deals with a couple of our Members on the Floor here. You talked about sizes of the disparity between men's clothes and women's clothes, and short hair and long hair, as far as barbering is concerned. I mean if we can have Representative Spangler stand up. And if we can have Representative Deering stand up. But Representative Deering is indisposed. He's in the men's room right now. But I would like to say that those guys purchase about size 18XXX shirts and what are we going to do about these cleaning businesses? Are they going to have to be spending more money because their clothes are longer, their pants are longer? Are they going to be subject to

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this Discrimination Act, or will they be protected by this Act?"

Speaker Black: "Representative Pugh."

Pugh: "Sir, for people like Spangler and the other Gentleman that you...they're not charged an extra amount of money at all, Sir, at this point in time."

Speaker Black: "Representative Novak."

Novak: "Now, would a lady, with all due respect to the opposite sex. Would a lady of the same size, as Representative Spangler, or the same size as Representative Deering went to a clothing store and bought a dress or a skirt, would she be charged more for alterations than a man of the same size?"

Speaker Black: "Representative Pugh."

Pugh: "Sir, this legislation is designed to bring equity to an imbalanced system and under this legislation, there wouldn't be an additional charge for a woman of the size of a Spangler or a Deering."

Speaker Black: "Representative Novak."

Novak: "Well, thank you, Representative Pugh. You have certainly allayed my fears. I know this is legislation in a good public interest, and so I would urge my colleagues to support it as well."

Speaker Black: "Ladies and Gentlemen of the House, if we could have your attention. We have a veritable laundry list of people seeking recognition. So, we could use your cooperation by being in your seats, taking your conversations off the Floor. Now, the Gentleman from Grundy has risen. His name was used in debate. It looks to me like he just popped a shirt button. Representative Spangler."

Spangler: "Thank you, Mr. Speaker. Yes indeed, my name was used

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in debate. Unfortunately, the entire name was not used. It's Mr. Spangler or Representative Spangler. And I might further add that I have been told by many that I have a fantastic physique from whatever angle. Thank you very much."

Speaker Black: "Further discussion? The Gentleman from Madison, Representative Stephens. I'm sorry, the Gentleman from Will, Representative Wennlund. Are you seeking recognition? Representative Wennlund, are you seeking recognition?"

Wennlund: "Yes, Mr. Speaker. Thank you very much. Speaking of price discrimination, when you have to have your shirts laundered a Shaw's Tent and Awning, you got to expect to pay more. But, Mr. Speaker will the Sponsor yield for a question?"

Speaker Black: "He indicates he'd be delighted."

Wennlund: "Thank you. Representative Pugh, I note in the language, it says, 'It is an unlawful practice for a person to discriminate with respect to the price charge for services of a similar or like kind.' Now would this include medical services?"

Speaker Black: "Representative Pugh."

Pugh: "No Sir, it would not."

Speaker Black: "Representative Wennlund."

Wennlund: "Would it include legal services? Those are services."

Speaker Black: "Representative Pugh."

Pugh: "No Sir, it would not."

Speaker Black: "Representative Wennlund."

Wennlund: "Well, why aren't these included as exemptions. It just says services. Well, legal services are services, as well as...as a matter of fact, the State of Florida, when it taxed services, it included legal services, it included

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dental services, it included medical services in addition to cosmetologist services. And there is nothing in here to exclude those types of services. As a matter of fact, when you reach out in paragraph (C) and include underwriting services by the very fact that you specifically excluded that, you are including legal, medical, and other services of physicians, lawyers, accountants, there's another service. Once you go about the business in the language of the Bill of excluding one type of service, and not any of the others, then they are indeed included in that Bill. Do you understand that?"

Speaker Black: "Representative Pugh, before you answer, the Clerk has an announcement. If you will please direct your attention to the Clerk?"

Clerk Rossi: "Rules Committee will be meeting at 3:45 in the Speaker's Conference Room. The Rules Committee will be meeting at 3:45 in the Speaker's Conference Room."

Speaker Black: "Thank you, Mr. Clerk. Now, Representative Pugh, to the question raised by Representative Wennlund."

Pugh: "I understand your concern, Sir, but the Bill is designed to address the three areas that I mentioned: Haircuts, tailoring, and dry cleaning."

Speaker Black: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. To the Bill. The law is very clear that when you go and exclude a specific service and you do not anywhere exclude specifically the services of legal services or medical services or any of the other kind of services. That they are indeed included. If you had indeed intended to address the issues of haircuts, laundry, or whatever; you should have specifically stated them in there because you include all services except underwriting services, therefore all other services are included."

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That's what the law is and that's what makes this Bill so technically and blatantly flawed, that it really ought to be taken back to LRB and be redrafted so that indeed it would be technically correct. So what you're doing is, you're imposing on the providers of all services, except underwriting. I don't care what those services are, legal services or whatever, that you have to charge the same amount for a woman for a divorce as you do for a man in representing him in a divorce. Services are services and when you don't specifically exclude them, you include them all which is why this Bill ought to be defeated or withdrawn and go back to the drawing board and draft it correctly."

Speaker Black: "The Gentleman from Washington...Representative Deering, why are you demanding recognition?"

Deering: "Thank you, Mr. Speaker. My name being used in debate, I'd like to comment here just a little bit. First off, let me clarify a comment that my good friend and colleague from Kankakee said, 'size eighteen and a half, triple X.' He forgot to add petite to that. And also I agree with Representative Wennlund. This could be a flawed Bill because not...maybe a person such as Representative Spangler, myself, we don't get charged after the fact when we go get our clothes cleaned. Those folks that see us coming to buy them new clothes, they hammer us pretty good on the front end so I think it's about wash, so that could open up a new can of discrepancy or a new can of worms in discrimination so I think this Bill needs a little more work."

Speaker Black: "Further discussion? Yes, I'm sorry, Representative Deering, I thought you were through."

Deering: "Yes, and I did forget in my closing comment. Indeed I

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was disposed of at the moment, I was in the back at the Loyal Order Mushroom Meeting."

Speaker Black: "Did you have a lot of company?"

Deering: "There was standing room only."

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

Lindner: "Yes, thank you. Will the Sponsor yield? Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Lindner: "Representative Pugh, as part of the gentler and kinder sex, I really appreciate what you are trying to do for women, but we want to be independent. We want to go in and fight like Representative Schakowsky did. We want to yell and scream and bargain with that guy from the cleaners. We don't want somebody protecting us. We like to fight. We like to fight for our rights and we want to be able to do this. Your Bill would prevent this. I don't understand why you are trying to do this."

Speaker Black: "Representative Pugh."

Pugh: "Well, I'm merely trying to prove that chivalry is not dead."

Speaker Black: "Representative Lindner."

Lindner: "I appreciate that but to the Bill, I think you are going to have a few Constitutional problems because the phrase 'similar or like kind' is not defined and I think you would have to have to define that or you're going to have tons of litigation on this Bill. Also you say that you allow for businesses to charge for services that are more difficult. But also I think that businesses ought to be able to charge for volume-based services. And certainly I think that...look at every man over there is in a shirt today but every woman over here is not in a blouse. Women

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wear different things except for Representative Morrow in his frilly blouse over there. But I think that volume-based services is something that they can recognize and to charge less to get men's shirts in. So I'd urge a 'no' vote on this Bill."

Speaker Black: "Further discussion on this issue? The Gentleman from Jackson, Representative Bost."

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

Speaker Black: "He indicates he will."

Bost: "Representative, in this Bill when...you know, whenever we go to a dry cleaner, I see that there's...it marks out on their bill, on a bill that's being prepared when you get your slip filled out when you go to a dry cleaner, there is shirts, pants, suits, and they go right on down. Do you think this will cause possibly and...that all these businesses will now have to change their tickets to say, shirts with pleats because sometimes a woman's blouse may have pleats where a man's blouse doesn't and those charges could be more of that? Will that stop them from doing that?"

Speaker Black: "Representative Pugh."

Pugh: "Well, Sir, I think this piece of legislation would help in that matter. They would have less items to mark. There would not be a differentiation between women's blouses and men's shirts. So there would only be one category to mark and not two. So I think it would cut down on the paperwork, cut down on the amount of services that would be offered. And speaking specifically to the piece of legislation, Sir, this Bill allows for a price differentiations when it is relative to legal services, price differentiations, relative to any kind of medical services, price differentiations, relative divorce

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proceedings, and those kinds of things. This piece of legislation only allows for like kind services. And when we're talking about like kind services we're only talking about three, count it one, two, three, like kind services and those are tailoring, dry cleaning and haircuts."

Speaker Black: "Representative Bost."

Bost: "But, Representative, whenever we're going to limit possibly what they can charge for certain items that might be different then they are going to have to add more of those items on to these tickets and therefore, they would be cost for possibly reprinting and all of these expenses. How do you feel about that?"

Speaker Black: "Representative Pugh."

Pugh: "Well, Sir, that's not a concern. This Bill, if anything, would reduce the amount of paperwork or reduce the amount of categories in which a cleaner would have."

Speaker Black: "Representative Bost."

Bost: "At what point or how would you enforce this?"

Speaker Black: "Representative Pugh."

Pugh: "There's current statutes under the Consumer Fraud and Deceptive Practice Business Act that are currently in place and they would fall into place, Sir. But one thing we must keep in mind that before women had the right to vote, what did we have to do to change the voting ballot in order to give them the right to vote? What did we have to do when women didn't have the kind of rights that they receive today? What changes did we have to make then? What changes are we going to make in order to bring fairness and equity to the country? What changes? And change is something that we have to live with."

Speaker Black: "Ladies and Gentlemen, if you would? The Clerk, has an announcement, please."

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

Speaker Black: "Representative Bost, do you have additional questions?"

Bost: "Yes, Representative, so I still asked the question a while ago. I don't think I got the answer in there, was how do you enforce this? How is it enforced?"

Speaker Black: "Representative Pugh."

Pugh: "The Attorney General or the State's Attorney can bring an action and an injunction relief and a civil penalty can be fined...not to exceed \$50 thousand can be assessed or an individual can use a personal action in state court to file for actual damages, attorneys' fees, court costs and other relief as necessary."

Speaker Black: "Representative Bost."

Bost: "So what you're saying is, they'll have to sue? Is that correct?"

Speaker Black: "Representative Pugh."

Pugh: "That's the alternative. The Attorney General has the right and responsibility to pursue the case. In the event that the Attorney General does not proceed in a timely manner, an individual has an alternative, has an alternative, mind you, to go to court."

Speaker Black: "Representative Bost, your time is expired. In all due respect to you, Sir, to move Rules Committee along, I'd like to recognize, the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. With Representative Lindner, I applaud Representative Pugh for being concerned about the plight of women who are the victims of discrimination. Unlike Representative Lindner,

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I think the women in my district have plenty of other things to fight for. They don't need to spend their lives haggling at the laundry, the dry cleaner, and the hairdressers. This Bill is not about lawyers' services, this is about goods, kinds of services and yes, it may be that pleated shirts cost more to iron than ones without pleats. Well, let the launderer charge more for pleated shirts. That's okay under Representative Pugh's Bill. But there's no reason to assume that women only wear pleats and men never do. When it comes, in fact, to the cost of ironing one of my shirts which looks very much like the shirts my husband wears, mine are a heck if a lot smaller. It doesn't take them nearly as long to iron my shirt as it takes to iron his. So why in the world are they charging me a higher price? If there's a problem that says, 'Well, these kinds of things are relevantly more difficult to do. Her hair is longer and his hair is shorter.' Okay, set a price that reflects the variable cost of cutting long and short hair but then apply it across the genders. In my district there are some guys who have pretty long hair. Let them pay the higher prices, but women with shorter hair shouldn't be charged an arm or a leg for a simple cut. Representative Pugh's Bill is a straight forward Bill, it's a simple Bill, and it's a good Bill. Let's get rid of discrimination wherever we find it and let's save the fights our constituents face for things that perhaps are in other realms and are perhaps even greater obstacles to equity and fair play. I urge your 'aye' vote."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Bugielski."

Bugielski: "Thank you, Mr. Chairman, I move to the previous question."

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Speaker Black: "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 'nay' and in the opinion of the Chair the 'ayes' have it. Representative Pugh to close."

Pugh: "Thank you, Mr. Chairman. In closing I'd like to say. leave you with the words of Dr. Martin Luther King. Martin Luther King asked the question, that courage asks the question, 'Is it safe?' Vanity asks the question, 'Is it popular?' Politics asks the question, 'Is it expedient?' But conscience asks the question, 'Is it right?' And then Mahatma Ghandi said seven things will destroy us. There are seven things that will destroy us. But the most important thing is politics without principle. Thank you."

Speaker Black: "The question is, 'Shall House Bill 3081 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 61 voting 'yes', 44 voting 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills, Second Reading, page 4 of the Calendar appears House Bill 3151. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3151, the Bill has been read a second time previously. Committee? Amendments #1, 2, and 3 were adopted. Floor Amendment #4, offered by Representative Myers 'is approved for consideration'."

Speaker Black: "And on that the Gentleman from McDonough, Representative Myers."

Myers: "Yes, thank you, Mr. Speaker. This Amendment to House Bill 3151 does several things to further enhance and

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strengthen the already existing Bill. Included in this Bill or in the Amendment is a provision that would require a mandatory inspection by the Department of Agriculture on any new construction at various times during the construction phase. Also included in the Bill is a section on financial responsibilities, which includes something like bonding or letter of intent or a security agreement. Something that would insure financial agreement or financial responsibility. Included in this Bill also is the establishment of a Livestock Management Facilities' Advisory Committee made up of the different state agencies including the Department of Agriculture, Environmental Protection Agency, Department of Natural Resources, and the Department of Public Health or the designees for the purpose of rule making. That body would also then send their proposed rules to the Pollution Control Board for further approval and then forward them on to JCAR. One other thing that this Amendment does is grant a grandfathering section to existing practices dealing with the current practice of irrigation of livestock waste but it only grandfathers in those that are currently in operation. It does not allow any new operations and those operations are still subject to existing environmental laws or any other laws of the state. I'd be glad to respond to questions."

Speaker Black: "Thank you. The Gentleman from Williamson, Representative Woolard, are you seeking recognition?"

Woolard: "Thank you, Mr. Speaker. I'd like the opportunity to address the Bill in a minute if I may, but first I'd like to talk about the procedure. I think that this is one of those Bills that we're dealing with in this Session that is very, very important to each and every one of us in this

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Body. But, more importantly, I think it's important to a lot of other constituent groups across this state. And I think that we should have afforded the opportunity for this to go back to committee and that we should have had the opportunity for additional discussion on the Amendment as presented. I just really believe that this process failed on one of the most important issues that we will be dealing with at this time. I'd like to make a Motion that we move to send it back to committee where it should have proceeded in the first place."

Speaker Black: "Representative Woolard, if you would submit your Motion in writing we'll take that under advisement. Is there any discussion on Amendment #4, to House Bill 3151? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, as you know I am now a Member of the Ag committee but I don't remember Amendment #4. Did we discuss this in committee?"

Speaker Black: "Representative Myers."

Myers: "No, Representative Lang, this was not discussed in committee. This was an Amendment that came about this week because of some concerns that had been expressed by Members of this Body. We went to the interested parties and they agreed to these Amendments. And the Amendment was submitted to LRB, it was drafted, it was filed, and from there it was the subject of the Rules Committee at their discretion."

Speaker Black: "Representative Lang."

Lang: "Well, I'm interested to know what 'interested parties' agreed to this. Are the people who are opposed to the Bill agreed with this Amendment?"

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Speaker Black: "Representative Myers."

Myers: "Well, if the people that were opposed to the Bill are in agreement then there's nobody in opposition to the Bill right now and it is our understanding that the parties that have been opposed to the Bill if this Amendment is accepted, with some other provisions that we are willing to accept, will support the Bill."

Speaker Black: "Representative Lang."

Lang: "Did you just tell me that nobody is in opposition to the Bill, Sir? You said that on the record of the House of Representatives. Are you sure that's the way you want to leave it?"

Speaker Black: "Representative Myers."

Myers: "Representative Lang, what I said was if those that were in opposition, supported the Bill then there would be no opposition. That is what I said. I didn't say there was no opposition to the Bill."

Speaker Black: "Representative Lang."

Lang: "Well, let's try this again, Sir. The original question was, which I forgot the original question, you've succeeded in confusing me, Sir. Very good job. The question I want to know is, you said that you negotiated this Amendment and that this Amendment was discussed among the interested parties and I'm asking you if the people who have signed in against the Bill are part of those interested parties that think this Amendment is so great?"

Speaker Black: "Representative Myers."

Myers: "Representative Lang, there is no opposition to this Amendment and if this Amendment is accepted, there will be no opposition to the Bill with this Amendment."

Speaker Black: "Representative Lang."

Lang: "Have the environmental folks all signed off on this

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Amendment and will they sign off on this Bill if your Amendment is on it, Sir?"

Speaker Black: "Representative Myers."

Myers: "The Illinois Environmental Council and the Stewardship Alliance have agreed to this Amendment."

Speaker Black: "Representative Lang."

Lang: "Mr. Speaker, I really cannot hear a word in here and I hope you'll give me a little extra time because I'm not getting any answers and I'm not hearing the ones I'm getting. Could I ask the Sponsor to repeat his answer? I'm particularly concerned about whether the Environmental Council is now going to be for this Bill and whether the Department of Natural Resources is now going to be for this Bill?"

Speaker Black: "Representative Myers."

Myers: "The Department of Natural Resources is on board. They are supporting the Bill. The Environmental Protection Agency is supporting the Bill. The Illinois Pollution Control Board is supporting the Bill. The Illinois Environmental Council are supporting the Bill with the Amendment, in the condition that we hold hearings around the state this summer."

Speaker Black: "Representative Lang."

Lang: "Well, Sir, if you are going to conduct hearings all summer, what's the purpose for the Bill? Why should we put this Amendment on and pass your Bill if you're going to have hearings all summer and then maybe sometime later change the Bill? What's the purpose of the hearings?"

Speaker Black: "Representative Myers."

Myers: "Representative Lang, this Bill gives us the starting point. It is the basis for further discussion, further negotiation, further improvement. It provides the base

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line. And we're getting off of the Amendment and we're getting into the Bill. But the Bill, as amended, if you accept this Amendment, provides the starting point. It sets into place some standards for a whole number of things that in the end protect ground water, surface water, and other environmental concerns. Without this Bill, without anything in place, we run the risk of the state of being embarrassed."

Speaker Black: "Representative Lang."

Lang: "Sir, two things. First, if you're going to have further talk about this, why move this to passing? Why don't you commit to adopt the Amendment and then recommit the Bill to committee so you can have your hearings? What's the purpose of moving the Bill along?"

Speaker Black: "Representative Myers."

Myers: "Because if we move this back to committee now, there would be nothing in place. We need to have something in place now. They have agreed to the Bill. They have agreed to the Amendment. They have agreed to the Bill in the condition that we continue to talk. They know that we have nothing in place now and we need to get something in place and they are supportive of that."

Speaker Black: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Sir, you know, I voted for your Bill in committee in its original form so you could move the process along. But I have grave concerns about how we've gotten to this point. We have pages and pages in Capitol fax everyday. We get all sorts of material from lobbyists and interest groups about this. This is the very first I've heard that some of these groups are now supporting this. What I would ask you to do, Sir, as a courtesy to all the Members who may now be confused, is to

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take this out of the record for long enough for us to determine who's for this and who's against it, so we can go to people we trust and find out what they think."

Speaker Black: "Representative Myers."

Myers: "Representative Lang, if we take this Bill out of the record, we prolong the process. We continue to go months with nothing in place. The whole purpose of this Bill and this Amendment is to put something in place. The purpose of the Amendment is to strengthen the Bill that's already there. To make sure that we have some safeguards for environmental purposes. We have got to step aside and take a look at what our industry is doing and make sure they are acting responsibly. That they are safeguarding our groundwater and our surface water supply. The Bill does that through several fronts. The Amendment only further strengthens that Bill. It gives us the opportunity to have inspections on the construction of the lagoon. It gives the agencies that are involved, the vital agencies of DNR, of Department of Ag, of Public Health, and the EPA who all have some involvement in this process. The opportunity to come together in the rule making process, to further strengthen what are the base lines of this Bill. To take the Bill out of the record now would be a grave mistake."

Speaker Black: "Yes, Representative Lang, I've given you two additional minutes. Do you have any further questions you could bring to a close, please?"

Lang: "Thank you. Well, I have a memo here from DNR, relative to concerns they had about the Bill. They have a whole list of areas they call weaknesses in the Bill. Maybe you can tell me if these have been resolved? One, no ground water monitoring provision. Two, no design standards. Three, management concerns. Four, insurance bonding and

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indemnification concerns. Five, methane utilization concerns. Six, concerns about waste management plans. Seven, concerns about dead animal disposal. Eight, concerns over registration and licensing. Nine, liability issues. Ten, closure issues. Eleven, set back issues. Twelve, research issues. Thirteen, issues regarding what local government can and cannot do after we pass this. And finally, issues relative to funding. And then they recommend that this Bill be kept in committee and that a six month moratorium be enacted similar to the State of Missouri. Now with all of this list from this very recent memo, are you telling me that 'little Amendment 4' addresses all of these concerns?"

Speaker Black: "Representative Myers, do you care to answer those concerns?"

Myers: "Thank you, Mr. Speaker. Representative Lang, no, the Amendment does not address all of those concerns but the Bill with the Amendment, does address all of those concerns. That memo that you just referred to was the work of one individual. It was not the official position of the Department of Natural Resources and as I indicated just recently, the Department of Natural Resources supports this Bill as amended. So if they had grave concerns based on that document, why are they now supporting the Bill? They are supporting the Bill because that document was not thoroughly researched. Many of those statements that were brought up in that memo are incorrect, were not further researched or documented and we can counter those statements."

Speaker Black: "Further discussion on the Bill? The Gentleman from Effingham, Representative Hartke. Representative Hartke, are you seeking recognition?"

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Hartke: "Well, yes, I guess. I haven't seen a copy of this Amendment and I have been a supporter of this type of legislation and so I don't like today as the process by the way we're operating here. Each and every time we seem to have a piece of legislation that is somewhat controversial and is out there and is assigned to a committee or not assigned to a committee then put back in Rules and approved by Rules. I was just telling your staff on your side that this piece of legislation is probably the most important piece of legislation to come out of the Agriculture Committee this year, maybe last year. It's going to affect a lot of people across the State of Illinois and a lot of input. And I know that many of those agencies and the people that were opposed to this legislation and for this legislation have been working behind the scenes to get together with a compromise. But let me tell you something, folks, those guys aren't the ones that are elected on November 5th or defeated on November the 5th, it's the Members right out here in this Body that have to face those voters everyday. So I think there should have been public and open discussion on this piece of legislation in an Agriculture Committee on the first, second, third, fourth Amendment, whatever it is, so that we would all have an opportunity to voice our opinion on it. Now I stand in support of this Bill in concept and I'm going to vote for this Bill. But let me tell you something, I don't like the process of what's happening here today."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Harold Murphy."

Murphy H.: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Woolard."

Speaker Black: "Representative Woolard, do you wish to be

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recognized on the Amendment?"

Woolard: "Thank you, Mr. Speaker. First off, I'd like to address what I was discussing a few minutes ago, if I may. I think that you have in writing a Motion by me to recommit this Bill to the committee and I would like to have that voted on. I'd like a roll call. I think it's important that we do so. You know I could preface this by saying the same thing that Representative Hartke said. I'm in favor of this Amendment. I think it positively makes the Bill better. But the process is what we're talking about. And I think this is worth whatever it takes to make it happen in the right fashion. Let me tell you, I'm the Spokesperson of this committee from the Democratic side of the aisle. My car was on the parking lot at 7:00 a.m. this morning. There was not another Legislator's car there. Representative Bost came into the parking lot at the same time that I did. I have not left this complex all day long. No one conferred with me about this Amendment until it was presented here on the Floor after we were in Session today. Representative Noland and Representative Myers came over, we discussed it. But it was after the fact and the process was in place. I think the process is wrong. We should correct it. I'm willing to stay until midnight tonight if that's what it takes to make it happen. This is one of the most important pieces of legislation that we will deal with, this Body, this year."

Speaker Black: "Mr. Clerk, has a Motion been referred in writing?"

Clerk McLennand: "A Motion has been filed in writing to recommit the Bill to the Conservation Committee."

Speaker Black: "Thank you, Mr. Clerk. On behalf of the Parliamentarian, pursuant to Rule 7-4, the Motion will be

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referred to the Rules Committee. Anybody seeking recognition on the Amendment? The Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "He indicates he will."

Mautino: "Representative Myers, above some of the noise in the chamber, I wasn't able to hear some of the provisions which are being discussed in this Amendment. Can you explain the provisions for inspections? Who will be responsible for inspection of these new facilities?"

Speaker Black: "Representative Myers."

Myers: "Representative Mautino, the inspections will be done by the personnel of the Department of Agriculture. And the original Bill authorized voluntary inspections based on the discretion of the Department of Agriculture in the preconstruction, construction, or post construction phase. This sets in place a required mandatory inspection by the Department of Agriculture at one of those phases. If they deem another inspection necessary, we are not precluding that in this legislation, we are only requiring at least one. And if more are necessary the Department of Agriculture will make that judgement call."

Speaker Black: "Representative Mautino."

Mautino: "What is the governmental body that will have oversight or rule making procedures for the new facilities?"

Speaker Black: "Representative Myers."

Myers: "Actually that will be a combination of governmental bodies. One of the provisions of this Amendment is the establishment of livestock facilities managed...let me get this straight, Livestock Management Facilities Advisory Committee which includes the directors of the Department of Agriculture, the Department of Natural Resources,

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Environmental Protection Agency, Department of Public Health or their designees. This is the body that gets together, reviews all of the information for the rule making process, and evaluates and makes recommendations for the implementation of this Act. The Department of Agriculture then must submit these findings to the Pollution Control Board within six months of the effective date of this Act. The Pollution Control Board then has six months to act on the rules that they have received. That acting has to include public hearings based on the rules of conduct of the Pollution Control Board."

Speaker Black: "Representative Mautino."

Mautino: "What type of latitude? Are they going to have wide flexibility in the setting of the rules? What are the parameters for the rules they are going to be able to set?"

Speaker Black: "Representative Myers."

Myers: "The rules must be consistent with the base line provisions as established in the Bill and they must take into account all available pollution control technologies. They shall be technologically feasible and economically reasonable and may make distinctions for the type and size of livestock management and livestock management handling facilities and operations."

Speaker Black: "Representative Mautino."

Mautino: "One of the largest concerns on this were if we were to get some shoddy operations that would move into the state. What guarantees have been now placed into the Bill as to this Amendment to ensure that should someone create a problem, have a lagoon breach or something if there's going to be a cleanup. What are the limits? And what are we requiring as far as a surety at this point?"

Speaker Black: "Representative Myers."

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Myers: "Representative Mautino, based on the example that you just provided, those provisions are in the Bill and in the current Environmental Protection Act. This Amendment does not address the situation you described. However, let me do go on and I think explain the situation that you might be interested in. The concern was, suppose one of these facilities came into the state and eight to ten years from now when the entity had recovered their costs from the facility, decided just to walk away from it. Abandon it. Who would pay for the cleanup of that cost? This Amendment includes a provision for the financial responsibility of those facilities which includes commercial or private insurance, a guarantee, a surety bond, letter of credit, certificate of deposit, or some other kind of bonding. This definition was based upon the Illinois Insurance Code definition of bond or financial responsibility."

Speaker Black: "Representative Mautino, your time is expired. Bring your questioning to a conclusion, please."

Mautino: "As far as people in support of this. The...now that you've got...are the pork producers, the interstate livestock producers are they also on board now, too?"

Speaker Black: "Representative Myers."

Myers: "If you're referring to Interstate Livestock Producers Association commonly called ILPA. They have neither a position in favor of, a position against, or a neutral position. This is not something that affects that operation or any of their facilities."

Speaker Black: "Conclude your remark. Conclude your questions, please, Representative Mautino."

Mautino: "All right then the Farm Bureau and the others are still on board with this? The last question that I would put to you is what the provisions for local siting. Where are we

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at on local siting provisions?"

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

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

Speaker Black: "He indicates he will."

Novak: "Representative Myers, who does the siting for these facilities that's included in the Bill? What agency is responsible?"

Speaker Black: "Excuse me just a second, Representative Novak. In the Amendment, Representative, does the Amendment address siting? Representative Myers."

Myers: "No, Representative, the Amendment does not address sitings."

Speaker Black: "Ladies and Gentlemen of the House, we'll have an ample time to debate the Bill if we can confine our questions to the Amendment and then proceed in an orderly fashion. I'm sure all of our questions can be answered. But we seem to be, as well as some of you have pointed out, very concerned about the Bill. The issue before us right now is Floor Amendment #4. So Representative Novak if you have questions about that Amendment proceed."

Novak: "Mr. Speaker, I know we have plenty of time when we get to the complete text of the Bill. Where is the Illinois Environmental Council now on this Bill, Representative Myers? Have they moved from a position of out...yeah, I know John, you're pointing up, they're up in the balcony. Geographically. But have they moved from a position of outright opposition to a position of neutrality or a position of where they are in favor of it? Could you give me an indication?"

Speaker Black: "Representative Myers."

Myers: "Representative Novak, it is my understanding that with

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the provisions of this Amendment, with the provisions that we hold hearings this summer, and on into the year and sit down at the table again for further discussions with the advisory group, that they are supportive of this Bill as amended."

Speaker Black: "Representative Novak."

Novak: "Well, I may beg to differ with you, Representative. I spoke with Lynn Patterman outside a few minutes ago and they said they were a lot closer to agreeing to the Bill. Maybe in the last fifteen minutes. I guess because the interested parties have been meeting all day and all afternoon. But I know they are a lot better off as a position on this Bill than they were prior to this time. But I know it's a major concern of ours, not just the environmental group but just citizens that live or will live near or around some of these facilities that will be constructed around the State of Illinois. Does the Amendment address anything concerning set back criteria?"

Speaker Black: "Representative Myers."

Myers: "No, Representative, the Amendment does not address that by criteria, that is addressed in the body of the Bill. That is also addressed in the Environmental Protection Act."

Speaker Black: "Representative Novak."

Novak: "Representative Myers, thank you very much. You say the Pollution Control Board will be charged with the promulgation of rules. Is that correct under the terms of this Amendment? Is that correct?"

Speaker Black: "Representative Myers."

Myers: "Representative Novak, the Advisory Committee is charged with the promulgation of the rules. The Pollution Control Board is charged with the implementation of the rules.

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Involved in that implementation is the adoption of rules that were recommended by the Advisory Council. If the Pollution Control Board so decides to revise or change those rules, they have that authority to do so. But they will not be the one drafting the rules. They will take recommendations for these rules and act upon them in one way or another."

Speaker Black: "Representative Novak."

Novak: "Thank you, Mr. Speaker. So, as I gather, the Advisory Committee will hold public hearings? Just shake your head. They will be holding public hearings, Representative? And then they will create...they will instigate the rules, they will put them together. The Pollution Control Board will review the rules. And if they are amenable to the rules, a 'text' to the rules then they will subsequently go before JCAR for final adoption. Will that be the scenario in this case?"

Speaker Black: "Representative Myers."

Myers: "It is not written into the law, Representative, that the Advisory Committee would hold hearings. They may do so if they desire. And it is my intent as Sponsor, to conduct hearings this summer with Representatives of this Advisory Committee in attendance. But the Advisory Committee does draft the rules and recommend them to the Pollution Control Board. The Pollution Control Board holds the hearings on the recommended draft. The Pollution Control Board based on the way they are operating under Sections 27 and 28 of the Environmental Protection Act then decide to revise those rules or to not adopt those rules or adopt them in total. The Pollution Control Board is the one that would be holding the official governmental hearing."

Speaker Black: "Representative Novak."

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Novak: "Thank you, Mr. Speaker. So, in essence, then the Pollution Control Board could categorically deny proposed rules made by the Advisory Council. Is that correct? They could overrule them."

Speaker Black: "Representative Myers."

Myers: "Representative, yes, they could do that but as a practical matter, that is not likely to happen."

Speaker Black: "Representative Novak, your time is about to expire. Can you bring your questions to a conclusion?"

Novak: "Mr. Speaker, thank you for the last minute. So if that's the case, but you said it's your intent to have these hearings are going to be held this summer around the state. How many hearings do you plan on holding, Sir?"

Speaker Black: "Representative Myers."

Myers: "Representative, that is undecided at this point. I think we want to consider the areas involved. We want to sit down and talk with the parties that are going to be involved, the industry, the environmental community, and the advisory group."

Speaker Black: "Representative Myers. Excuse me, Representative Novak, you have one more question?"

Novak: "Yes, will citizens' groups be allowed to participate as well as Legislators? Will any Legislators be appointed on this committee?"

Speaker Black: "Representative Myers."

Myers: "They will be encouraged to, Sir."

Speaker Black: "Representative Novak."

Novak: "Well, thank you very much."

Speaker Black: "Further discussion? The Gentleman from Macon, Representative Noland."

Noland: "Thank you, Mr. Black. Ladies and Gentlemen as Chair of the Agricultural Committee, let me apologize to those who

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feel offended that we did not run this Amendment back to the committee. We might as well, we're going to spend the committee time right here on the Floor. Representatives over there know that that committee has been open, we have been fair. We had two exhaustive hearings. As I recall many Members left because they couldn't wait, because the Bill ran so long in committee. So we'll debate it now on the Floor. So we'll move here. This Bill, the Amendment is the best part of the Bill. This Amendment really cleans this thing up and really makes it better. And our staff has worked close together. Representative Woolard, I believe, received this Amendment about 9:30 this morning. So we would have liked to have gotten it to you earlier but as you know how the process is. We got it to you as soon as we can. Our staff has worked well together. We work well together. The Amendment is very sound. The Amendment puts some real basis in here. It gives financial responsibility in case of closure. All of you have worried about that. If the owner would leave, there are some financial guarantees now to the owner. Secondly, it requires inspections. It mandates inspections of lagoons. Not just, 'we thought we built it right', we will go out there and inspect it, either preconstruction, during construction, or after construction. And then finally we are engaging all the parties involved in the rule making, EPA, Public Health, DNR, and Agriculture. This Amendment is good, this Amendment should pass, we ought to adopt the entire Bill."

Speaker Black: "Further discussion? The Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

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Deering: "Representative, I see in your Amendment that we change some words requiring an inspection on the livestock waste lagoon during construction or sometime through that period. Pre or post or while it is under construction. Who's required to do this inspection?"

Speaker Black: "Representative Myers."

Myers: "Representative Deering, as I stated earlier, the Department of Agriculture is required to do that inspection."

Speaker Black: "Representative Deering."

Deering: "Thank you, Representative. I had to step outside for a minute and I apologize if this is repetitious but I may not have heard this. Currently, in any other waste lagoon construction projects, who inspects those?"

Speaker Black: "Representative Myers."

Myers: "Representative, it is my understanding that they are not inspected at this time. That there is no current inspection process other than if the owner and the builder of the lagoon request an inspection, I don't know who they would call for inspection purposes."

Speaker Black: "Yes, Representative Deering."

Deering: "Representative, we just had a sewer lagoon constructed here in my district a few years ago and on a day in day out basis, there was a consulting engineer on sight watching and monitoring the construction to make sure the compaction and everything for the lagoon was in place to keep the lagoon strong so it wouldn't fail. They were certified in that line of work. Does the Department of Agriculture have anybody that will meet those certifications, so that when these lagoons are being permitted for construction in an area of the state where we may have sandy soils, we can make sure these lagoons are constructed by regulations or

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by past practices in this state, irregardless of what USDA regulations or specifications may be? I know that may be a portion of what your answer might be, but in certain cases, certain areas of this state we may have to haul in different types of earth to construct these lagoons or use modified construction techniques. Can you tell me? Does the Department have people schooled and versed and certified to conduct those inspections and to make sure that these lagoons will be built on a solid permanent basis?"

Speaker Black: "Representative Myers."

Myers: "Representative Deering, I had a little bit of difficulty hearing you, but if I heard you correctly, you want to know who is going to be doing the inspections and what are their qualifications? It is the intent of the Department to, once this Bill is enacted, to employ an individual that will be doing the inspection with the qualifications to make the inspections on the standards that are being developed. This individual will have certification similar to the inspectors that they then hired when we developed the pesticide AGCAMP Facility Act. They have personnel on staff now that are qualified to make those kind of inspections. They didn't have them on staff before that Act. The same analogy applies to this Act. Once the Act is passed and the staffer is required then they will hire a certified person to be able to do those inspections."

Speaker Black: "Representative Deering."

Deering: "In the design phase or the design and construction phase, will there have to be soil borings to determine the water table, the types of soils, so on and so forth, where these lagoons may be constructed? Are we going to have criteria saying that they can and can't be built in certain

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areas because of soil type?"

Speaker Black: "Representative Myers."

Myers: "Well, Representative, you're somewhat getting into the heart of the Bill, but it is I guess somewhat relevant to the inspection process. You asked about what kind of test would be done on the site before the construction begins. The lagoon is to be constructed according to NRCS standards or Natural Resource Conservation Service standards or standards developed by the American Society of Agricultural Engineers. I have two documents in my hand which lays out in some format some of those standards that those engineers used to design their facilities. They take into consideration the soil type on the surface, the subsoil type and any other underlying characteristics underneath the soil A and B horizon. They also take into consideration rainfall in the area and any other factors necessary in making good sound judgements on how those facilities should be constructed. What type of liner should be used, what the width of the berm should be, how high the berm should be. All of those kind of factors are taken into consideration based on the engineering standards that they have set up designed for themselves for not only lagoons of this type, but of lagoons of waste water treatment facilities and other structures that are based upon soil type and soil characteristics."

Speaker Black: "Representative Deering, your time is expired.

I'll let you have one more question if you will conclude your questioning, please?"

Deering: "Thank you, Mr. Speaker. I'll defer that right now. I would like to follow this line of questioning when we debate the Bill. In the essence of time."

Speaker Black: "Thank you. Further discussion on the Amendment?"

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The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. A Parliamentary Inquiry and then one question of the Sponsor, Sir. Mr. Speaker, Representative Woolard filed a written Motion that this be recommitted back to committee for a formal hearing. I believe you indicated that it would be referred to the Rules Committee as is required by the House Rules. Has the Rules Committee decided to meet tonight? Are they scheduled to meet at all?"

Speaker Black: "Mr. Clerk, do you have any notice of the Rules Committee meeting?"

Clerk McLennand: "At present, I have no Rules Committee Notice."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'm sure that was part of that open government process we talked about, and a one question of the Sponsor, Representative Myers, does your Amendment include the moratorium similar to that which is in effect in Missouri because they are concerned about these large out of state operations siting in Missouri?"

Speaker Black: "Representative Myers."

Myers: "No, Representative, it is not."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you, I was afraid of that. So, Mr. Speaker, I'll wait for my comments until the Bill has amended, thank you."

Speaker Black: "Thank you. Further discussion? The Gentleman from Williamson, Representative Woolard, are seeking recognition on the Amendment?"

Woolard: "Thank you, Mr. Speaker. Yes, I am seeking recognition on the Amendment. I think I have a couple of questions. Can I preface that with a comment and it will be fairly kind. Let me say that I do understand how to count and I

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recognize that there's someone other than me or my friends at least on this side of the aisle that are in control. I do believe that what I said is important. I think it was important when I said it. I still believe that it was. But I also believe that we are headed in the right direction on this Bill, with this Amendment and I'd like to proceed with asking a few questions if I may?"

Speaker Black: "Proceed."

Woolard: "Will the Gentleman respond?"

Speaker Black: "He indicates he will."

Woolard: "Representative, I understand that there is going to be an additional responsible person in charge of some of the inspection process. Do we understand or do we know what kind of additional expenditures might be incurred?"

Speaker Black: "Representative Myers."

Myers: "Representative Woolard, the estimation of the Department of Agriculture it will be a \$200 thousand added expense offset by \$15 thousand in fees and so a net cost of \$185 thousand."

Speaker Black: "Representative Woolard."

Woolard: "Is the fee structure going to remain the same as it was originally planned, then? Is that the intent?"

Speaker Black: "Representative Myers."

Myers: "Yes, Representative, at the current time that is the intent."

Speaker Black: "Representative Woolard."

Woolard: "Looking at financial responsibility and I don't know if that's good wording or bad wording. I guess it's probably the only wording we have available right now as far as these entities are concerned in ensuring that we don't have failures and then nobody responsible in charge to make the repairs but the State of Illinois. Is there some kind of a

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plan in place that would ensure that we would have adequate value of this financial responsibility? I mean what are we going to use as a criteria to determine that dollar value that will be either held in cash or bond or insurance or assets or whatever?"

Speaker Black: "Representative Myers."

Myers: "Representative, the level of surety is to be determined by the rule and is to be based upon the size, the volumetric capacity, of the lagoon. The Department shall conduct a study of the availability and the cost of the commercial surety instruments and report its findings to this General Assembly. So, in other words, the Department or the whole rule making process determines what level of of financial capability the hog farms or the livestock farms that are constructing the lagoon need to have. And I can assure you it will be based upon the cost of cleanup when you have four agencies sitting down together to determine these rules. They will make sure that they are, that the state is adequately protected and that the taxpayer is adequately protected and they will base the value of the bond or any other financial security instrument upon the cost, the projective cost of cleanup."

Speaker Black: "Representative Woolard."

Woolard: "I think maybe I misheard what you said. But early on in your statement there you said that this would be reported back to the Legislature. Would this just be a report or would this be something we would have to agree to or how does this process work?"

Speaker Black: "Representative Myers."

Myers: "The language reads that the Department shall conduct a study of the availability and the cost of commercial surety instruments and report its findings to the General Assembly

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for its consideration and review. There is nothing for this Body to act upon in that report. However it is wise for us to know what kind of financial instruments are available out there. Currently, the industry knows of no bond that is available. Hence, we go to other language in the Insurance Bonding Act that provides a definition that gives us some other financial instruments. If there's no bond rider that the construct can go to to secure that bond, is there another way that they can determine financial responsibility? And so they will have to show proof of financial responsibility to the Department of Agriculture before they will be able to operate."

Speaker Black: "Yes, Representative Woolard, I've given you an additional minute. Could you conclude your questioning? Proceed."

Woolard: "Representative, once again, you mentioned the word 'consideration' by the General Assembly and reading the document that you have in front of you. I think 'consideration' would mean that we would be actively involved in a process. Maybe we ought to step on down the line just a second. And who will be conducting and participating in the hearings? You know if we have these four regulatory agencies that are going to be combining their efforts to ensure that we proclaimate rules that would be good. But will we actually be participating as Legislators, individually or collectively, in this process?"

Speaker Black: "Representative Myers."

Myers: "Representative Woolard, there is nothing in the law that precludes Legislators from individually participating in the process. And indeed, from my discussions with the different agencies in the past week, they welcome input

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from individuals from organizations from whoever as they promulgate or draft these rules. Is there a provision for this Body to collectively do that? Not to my knowledge, but I don't know again that we preclude either the House Agriculture Committee or the Senate Agriculture Committee from drafting Resolutions or Committee Reports or any other kind of document that the committee may decide needs to be considered. So I think there is the opportunity. It does not forbid either individuals or the Body collectively from participating."

Speaker Black: "Representative Woolard, are your questions concluded on the Amendment?"

Woolard: "No."

Speaker Black: "You have one more?"

Woolard: "He wants to give me some time."

Speaker Black: "Here's the Gentleman from Saline, Representative Phelps. Are you seeking recognition?"

Phelps: "Mr. Speaker, I'd like to yield my time to my colleague and friend, Representative Woolard."

Speaker Black: "Well, I'm sure everybody in the chamber is just thrilled with that. Thank you so much. Yes, Representative Woolard you have new life. Proceed."

Woolard: "Thank you, Mr. Speaker. I'd like to follow on down the line with what kind of specific design standards do we see in this Amendment that's going to be forth coming? Are we leaving those design standards up to the committee that's going to be making these decisions after we pass the Bill in the summer?"

Speaker Black: "Representative Myers."

Myers: "Representative, I'm not sure I understand you. Let me ask you the question. Are you asking in reference to the underlying Bill that specifies design standards by ASAE or

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NRCS? Is the Advisory Committee going to set the standards? Is that what you're asking?"

Speaker Black: "Representative Woolard."

Woolard: "Yes."

Speaker Black: "Representative Woolard."

Myers: "Representative Woolard, I think that the purpose of this Bill is to use the design standards of the experts and we consider the Agricultural Engineers and the Natural Resource Conservation Service to be the experts in developing the design and construction standards. The rule making process can perhaps enhance some of those standards if they feel that it is necessary. The underlying Bill in my opinion is flexible enough to allow the rule making process to take the basic standards and if they feel they need to be reviewed for each individual site, it can do so. But the basic purpose of the Advisory Committee in this context is to make sure that they promulgate the rules for the certification of a livestock manager and for the development of livestock waste management plan. The Bill outlines some of those standards that we have set forth and want to include in the Bill as a minimum. But the rule making process can enhance them if they feel it is necessary depending on the individual case. In addition, the rule making process can have some involvement in the construction phase in determining how the inspections are going to be conducted, when the inspections are going to be conducted and why they need to be conducted and what happens after the inspections are conducted."

Speaker Black: "Representative Woolard."

Woolard: "To the Amendment, if I may, Mr. Speaker. As I stated earlier, I truly believe that we're headed in the right direction. I think that this will make a significant

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difference. There's still some areas of concern and I think Representative Myers, the same as everyone else who serves in the agri-business industry recognizes those same areas that need to be perfected. You know, I have a real concern about the certification of the individuals who will be responsible for running these facilities. I don't think that has been addressed yet. Hopefully, we'll get that done in the very near future. I think that we should have had more specificity in the direction that we're going as far as the standards for those facilities as they're built at this point. I also recognize the fact that there were some of those concerns that many of us had, me included, early on in this process that have been addressed in this Amendment. I commend Representative Myers, I commend the other Members of the committee on that side of the aisle. But once again, I mentioned this yesterday or day before yesterday, I want to it again. I commend the Governor of this state because I think once again he involved himself in a process that is important. It's something that can make a difference. I know that he was actively involved in putting people together on this issue today, yesterday. And I think that's important. We need to find ways to work together in a better fashion. I do feel badly that at least someone from this side of the aisle was not involved in those discussions in the last couple of days. Maybe I'm not the Ag expert. I'm positively not the hog expert but I was selected by this side to be the Representative who is the Minority spokesman and I would have liked to have been a participant in a greater degree. I thank you, and I would recommend 'do pass' on the Amendment."

Speaker Black: "With no one seeking recognition, the Gentleman from McDonough, Representative Myers, to close on Amendment

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#4."

Myers: "Thank you, Mr. Speaker. As I stated in my opening remarks, I feel that this Amendment does a lot to strengthen the Bill in its current form. The underlying Bill is a very good solid Bill, in our opinion. This strengthens it by enhancing a couple of the different provisions but I think that the strongest is that we have all of the state agencies on board. At the direction of the Governor's Office, we met and we got an agreement with all of the agencies that this Bill does go a long way to provide the protection that everybody is concerned about. So I think with that in mind I think we all need to consider that this is a positive approach to solving the problem, and I urge a 'aye' vote."

Speaker Black: "You've heard the Gentleman's Motion and on that the Motion is adopt Floor Amendment #4, to House Bill 3151. And on that all those in favor signify by saying 'aye', opposed 'nay'. And in the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments that are approved for consideration. A Fiscal Note has been requested on the Bill as amended and has been filed."

Speaker Black: "Third Reading. Speaker Daniels in the Chair."

Speaker Daniels: "Committee Reports."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman for Committee on Rules to which the following Joint Action Motions were referred. Action taken on April 18, 1996 reported the same back 'do approve for consideration'. To the House Floor, Floor Amendment #3 to House Bill 3655. And Senate Joint Resolution #89 and Senate Joint Resolution #91."

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Speaker Daniels: "Supplemental Calendar Announcement."

Clerk McLennand: "Supplemental Calendar #1 has been distributed."

Speaker Daniels: "Representative Churchill now moves the House stand adjourned until Friday, April 19, 1996, at the hour of 10:00 a.m. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And allowing Perfunctory time for the Clerk, the House now stands adjourned until Friday, April 19, 1996, at the hour of 10:00 a.m."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction of Resolutions. House Joint Resolution 103, offered by Representative Lindner, is referred to the Rules Committee. There being no further business, the House Perfunctory Session stands adjourned. The House will reconvene on Friday, April 19th at the hour of 10:00 a.m."

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