

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

43rd Legislative Day

April 19, 1995

Speaker Churchill: "The House will come to order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is the Pastor Richard Woodworth, of the Riverside Baptist Church of Decatur. Pastor Woodworth is the guest of Representative Duane Noland. The guests in the Gallery may wish to rise for the invocation. Pastor Woodworth."

Pastor Woodworth: "I'm reading from the Book of Jeremiah. Let not the wise men glory in His wisdom. Let not the mighty men glory in His might. Nor let the rich men glory in His riches. But let him who glories, glory in this. That he understands and knows Me. That I am the Lord, exercising love and kindness, judgement and righteousness in the earth. For in these things, I delight, says the Lord. Many of you are aware of the fact that the federal building in Oklahoma City was bombed this morning, and eight people were killed, at least at this count, a number of injured. And this should be a matter of prayer. Let's pray. Father in Heaven, we thank You that You are a kind and gracious God and yet often times the evil in the heart of men works those things which are nefarious and contrary to Your will and purpose. We're thankful Lord, for these who have come, these men and these women, who have come to serve this state as well as their country. We thank You God, for the privilege we have to live in a free land. But we're mindful that with privilege also comes responsibility. Might they have discernment and wisdom and Father help us to understand that the man who walks rightly justly is the one who pleases You. Help us also to understand that we can not legislate morality or love. We may legislate laws, but only people can exercise morality and love, and may we rightly discern the difference. The

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scriptures say 'love God with all your heart, your soul, and your mind, and to 'love your neighbor as yourself'. That we be mindful of these matters. Give these people discernment as the exercise, their given responsibilities in these serving capacities. Father, we also pray for these who experienced that tragedy this day in Oklahoma City. Those families who have now heard or have already will be hearing about the tragedy, the loss of life of loved ones, of men and women and of children. Dear God, we pray that those who are responsible might be quickly found and brought to justice, and that equity might prevail in this country and in that city and that affair. We thank You for your kindness and grace this day. May Your blessing rest upon these who are involved in governmental affairs. We praise You in Jesus Christ the Lord, our Saviour's name. Amen."

Speaker Churchill: "We'll be lead in the Pledge of Allegiance today by Representative Phelps."

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

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

Currie: "Thank you, Speaker. Let the record reflect that Representative Ben Martinez is excused today."

Speaker Churchill: "I ask that the Journal show that Representative Martinez is excused today. Representative Cross, are there any absences on the Republican side?"

Cross: "I'm sorry, Mr. Speaker. I didn't hear you. No, there aren't any absences on this side of the aisle. Thank you

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for asking."

Speaker Churchill: "Thank you, Representative Cross, and it's nice to know that you are here. Mr. Clerk, take the record. There are 117 members answering the Roll and a quorum is present. House will come to order. Committee reports."

Clerk McLennand: "Committee Reports, Committee Report offered by Representative Churchill, a Chairman for Committee on Rules to which found Bills, Resolutions, and Amendments were referred. Action taken on April 19, 1995, reported the same back with the following recommendations. 'Do approve for consideration', Floor Amendment #6 to House Bill 2445 and Floor Amendment #2 to House Bill 630. Committee Report from Representative Stephens, Chairman for Committee for Executive, to which following Bills, Resolutions, and Amendments were referred. Action taken on April 19, 1995, reported the same back with the following recommendation. 'Do approve for consideration', Floor Amendment #1 to House Bill 496."

Speaker Churchill: "Senate Bills, First Reading."

Clerk McLennand: "Introduction of First Reading, Senate Bills. Senate Bill 212, offered by Representative Kubik, a Bill for an Act to Amend the Property Tax Code. Senate Bill #327, offered by Representative John Jones, a Bill for an Act concerning Coal Combustion By-Products. Senate Bill #338, offered by Representative Churchill, a Bill for an Act that Amends the Criminal Proceedings Interruptive Act. Senate Bill #388, offered by Representative Krause, a Bill for an Act in Relation to Audits. Senate Bill #549, offered by Representative Cowlshaw, a Bill for an Act Relating to the Public Community College System. Senate Bill 764, offered by Representative Bost, a Bill for an

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Act that Amends the River Conservancy Districts Acts. Senate Bill #783, offered by Representative Stephens, a Bill for an Act that Amends School Code. Senate Bill #932, offered by Representative Kubik, a Bill for an Act that Amends Township Code. First Reading of these Senate Bills."

Speaker Churchill: "Today the Chatsworth Elementary School is visiting the capitol. They're the guests of Representative Dan Rutherford. Chatsworth Elementary School are being commended for their outstanding efforts on the IGAP Test, in Social Studies where they scored 240 points above the state average. Congratulations to Chatsworth Elementary School. Let's give a big round of applause. The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. On a brief Point of Personal Privilege. Last night I was slow to the trigger on House Bill 1486 and I'd just like the transcript to reflect that I would have voted in the affirmative. Thank you."

Speaker Churchill: "The record will so reflect. We'll now proceed to the order of House Bills Third Reading. Mr. Clerk, will you please read House Bill 36."

Clerk McLennand: "House Bill #36, a Bill for an Act that Amends the Juvenile Court Act of 1987; Third Reading of this House Bill."

Speaker Churchill: "Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 36 originated from a school... in my old legislative district. We've been working on this for a couple of years. Basically...let me tell you what happened. They caught a student selling marijuana within

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a few hundred feet of the school. They wanted the State's Attorney to prosecute this individual under the Safe School Zone Act. The Board of Education learned that this law did not apply to the situation involving cannabis. That there was a separate section under the Act, the Cannabis Control Act and so they were not able to prosecute the indivi... the student under the Safe Schools Act. So what we've done with House Bill 36 is try to address that school board's concern. What we have is as Amended. You'll find on page 2, line 5, is already current law. That... when we started out, there was a fear that we were making this a mandatory transfer to adult court. I think the language is very clear that this is a discretionary transfer from juvenile court, to adult court, for any act that constitutes a crime under the laws of this state. Thus a violation of the Cannabis Control Act could be grounds for discretionary transfer. And the new language will require the court in exercising its discretion as to whether a juvenile should be tried as an adult. To consider whether the offense is a felony violation of the Cannabis Control Act in a school zone. And the rest of the Amendment simply makes sure that this is included in the Safe School Zone Act. Be glad to answer any questions that anyone has."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, Mr. Speaker, it's my understanding that this is on Short Debate. I'm joined by the requisite number of individuals, I would ask that it be taken off of Short Debate."

Speaker Churchill: "Representative Hoffman, I'm not sure that you

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have enough people on your side of the aisle to be the requisite number. I think yo... I see, Representative Holbrook is hol... held up both of his hands, so now you have enough same... Representative Mautino has both of his arms up. You now have enough to take it off Short Debate. It's on Full Debate. Please proceed."

Hoffman: "Thank you, Mr. Speaker. Representative Black, I believe that this Bill came through the Judiciary II Committee. And I apologize, I know we discussed this at length one time, and then I believe, that an Amendment based on some of the concerns that were raised, was brought back. That was adopted in committee, is that right?"

Speaker Churchill: "Representative Black."

Black: "Yes, it's my understanding, after several drafts, I think it's Amendment #4. I know you had raised some concerns about the mandatory transfer, which certainly made good sense. And then... I can't find her name in here, I think it was Betsy Clark, also raised some concerns that we tried to address. And at least I think we've addressed in Amendment #4. And when we presented that, I think that eliminated the concerns that people had on the Judiciary Committee."

Speaker Churchill: "Representative Hoffman."

Hoffman: "The... and I agree and I think that those...those Amendments certainly make the Bill better. The school property definition in this Bill, does it include just elementary and secondary schools or does it also include colleges and universities?"

Speaker Churchill: "Representative Black."

Black: "On page 3 of the Amendment, it says 'school is defined for the purposes of this Section as any public or private elementary or secondary school, community college,

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college, or university'."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Most of the times, I guess that the community college language and the college or university language would be superfluous only because they would obviously, the individuals that go there would probably be over the age and they would already be an adult. Don't you believe?"

Speaker Churchill: "Representative Black."

Black: "I would certainly assume that. I... and I really don't know whether the original Safe School Zone Act, mentioned community colleges or universities. Obviously, anyone attending those schools would already be out of the juvenile court. But I suppose if a juvenile was trying to sell cannabis on the university or community college campus, then this Bill, obviously, I think we would want it to apply."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Does the State's Attorney's Association, have they taken a position and cou... It's my understanding that this is a result of something that happened in Vermilion County, is that correct?"

Speaker Churchill: "Representative Black."

Black: "Yes, that is correct. I have not heard from my current State's Attorney as to any opposition or support for this Bill. Nor have I heard from the State's Attorney's Association."

Speaker Churchill: "Representative Hoffman."

Hoffman: "With regard to what happened in Vermilion County, what ultimately happened? The individual, I assume was tried as a juvenile and since he was tried as a juvenile, the penalties were limited substantially. And you're trying to get at the ability of the prosecutor to discretionarily,

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in his discretion, insure that individual... the penalty fits the crime, so to speak. So we don't have this type of drug sales going on in our schools throughout the state, which I think is a honorable goal. What ultimately happened in this case, and how... in that case, in Vermilion County and how would this change it for the better?"

Speaker Churchill: "Representative Black."

Black: "Representative, because the individual involved was a juvenile and not... you know, those records are sealed. I don't know what they did to the juvenile, I know that the school board expelled the student and asked that he be prosecuted as an adult under the Safe School Zone Act. But because of the omission of cannabis from that Act, he could not be prosecuted as an adult and that there's nothing in any of the news articles that I have that indicate what... what indeed happened, so I'm going to assume, if he was prosecuted, it was done so in the Juvenile Court Act, those records are sealed. And I don't know what happened to the individual."

Speaker Churchill: "Representative Hoffman. Representative Hoffman."

Hoffman: "Yes, Speaker, to the Bill."

Speaker Churchill: "To the Bill."

Hoffman: "The drugs and the controlled substances that are permeating our society in our schools, are something that we need to address in this General Assembly. It's my opinion that this Sponsor has gone out of his way to assure that not only the prosecutors in this state are taken care of, but the individuals that run our schools, to insure that this type of activity does not continue to occur. The punishment needs to fit the crime. This gives the



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discretion of local State's Attorneys, local courts, to insure that individuals who commit adult crimes, who permeate this type of action on our society, by fostering the use of drugs and the sale of drugs in our schools will not be pro... permitted. And I think that this is a good Bill. I would urge the individuals on my side of the aisle, to vote in favor of it."

Speaker Churchill: "Representative Hoffman would you bring your remarks to a conclusion? Thank you."

Hoffman: "Well, Mr. Speaker, I kind of did. I would just like to say that I believe that this still insures that the individuals who need to be punished, are punished, as adults because I think they are adult crimes and in addition, allows the discretion of each individual State's Attorney. I would like to commend the Sponsor for being willing to work with all the individuals involved in order to come up with a good Bill."

Speaker Churchill: "Further discussion, the Gentleman from Clinton, Representative Granberg."

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

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

Granberg: "First of all, Representative Black, I want to thank you for your supports in your working in a bipartisan basis to attempt to resolve this problem. It originated out of Vermilion County but certainly has an impact in counties across the state. You've gone out of your way to try to accede the members requests and their concerns. And as always, Representative Black, we appreciate that on this side of the aisle. But I do have a couple of questions. One of which is, it's my understanding, Representative Mautino had a Bill dealing with cannabis control and this type of situation on a similar Bill.

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Were any of his provisions incorporated in your legislation with the Amendments, Representative?"

Speaker Churchill: "Representative Black."

Black: "Representative Granberg, I really don't know. I would have been more than willing to try to accommodate Representative Mautino request. I don't believe we discussed it. And in all honesty I don't know if any of his provisions ended up in what we have before us today."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, thank you, Representative Black. I am not a member of the Judiciary Two Committee. But it was my understanding he had some concerns and so I did not know if you had some type of dialogue prior to today. Because normally you work very closely with this side. And I had not... I did not know until now whether in fact, resolved or not. If Representative...at this point, it's probably too late. In fact, let me... let me just ask Representative Mautino a quick question, Bill. Frank, did you have any concerns on this? On this cannabis stuff? Okay, thank you, Representative Black. I think Frank is going ask you just a couple of questions. So I appreciate your time and your trying to accommodate us. Thank you."

Speaker Churchill: "Representative Mautino, did you wish to comment on that or were you just answering Representative Granberg's question? You wish to discuss the issue? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I had just a couple of questions having not seen the Amendments and if the Sponsor would indulge I'd just like ask a few."

Speaker Churchill: "Yes, he states that he will yield. Please proceed."

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Mautino: "Okay. Representative, does the Bill before us have any changes in penalty for the manufacture or possession of... possession with intent to deliver?"

Speaker Churchill: "Representative Black."

Black: "Representative, I... I don't think it does. I really don't know. We've tried to craft this Bill so narrowly, I don't think it would address that. I believe it only tries to address the fact that cannabis was left out, I think inadvertently, of the Safe School Zone Act, that we passed two or three years ago. So I really don't think we're getting into penalties, enhanced penalties on manufacture or possession with intent to deliver. I don't see it in the Amendment and I really don't think it's in there."

Speaker Churchill: "Representative Mautino."

Mautino: "I've had a... I've had a chance to take a look at the jacket on the Amendment itself and I agree very much with the... with the intent of what you're trying to do. And I commend the Sponsor of the legislation on your Bill. I would like to see and hope that sometime, later on in the course of this week or the coming week, we could deal with a similar Bill, which has been brought forward by the State's Attorneys Association, affecting the Cannabis Control Act. And I stand in support of your legislation and appreciate you answering the questions."

Speaker Churchill: "Representative Black? I guess there is no further discussion so we'll go to Representative Black to close. Representative Black."

Black: "Thank you. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I appreciate the opportunity to present House Bill 36. We've tried over a period of two years to answer everyone's objections and to narrowly

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confine the Bill to putting the violation of cannabis control under the Safe School Zone Act. It certainly does not preclude, as Representative Mautino said, the desire of many of us to further change that Act. But at this time, I just want to make sure that you understand what we're trying to do is to bring the Cannabis Control Act under the Safe School Zone Act, which I think we intended to do three years ago. I appreciate the opportunity to present the Bill and ask for a favorable vote."

Speaker Churchill: "The question is, 'Shall House Bill 36 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish?' Mr. Clerk, take the record. On this question there are 112 voting 'aye', none voting 'nay', 5 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, the University High School, boys basketball team are visiting with us today in the Speaker's Gallery. They are the 1995 Class A, State Basketball Champs and guests of Representative Bill Brady. Please extend your congratulations to the cheer leaders, players, coaches, and head coach, Cal Hubbard. There's a further announcement, we also have five guest pages from Walnut Junior High School in Walnut, Illinois. They're here today with their Civics teacher, Mrs. Cathy 'Alberg', as the guests of Representative Jerry Mitchell. How about a warm welcome to the folks from Walnut Junior High? Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I rise on a point of personal privilege. Yesterday, when we discussed the measure that would deny three free postage stamps a week to people

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incarcerated in our Department of Corrections, the question was raised where that provision, the provision that gave these prisoners, three free stamps a week came from. The Sponsor of the measure, yesterday's measure, professed not to know the answer. We've done some research and we think we know the answer. We believe that the Legislator who Sponsored the Bill to provide those free stamps to prisoners, was Representative Joseph Sevcik, a Republican from Berwyn, that was in 1972. And Representative Stephens, as well as other members, may also be interested to know that the Legislators who were responsible for increasing access to radio and television, opportunities for our state prisoners, were that that measure in 19... I believe 75. Was Sponsored by then State Representative, now judge, Republican Harry Leinenweber, then State Representative, now Congressman, Republican Tom Ewing, former Congressman, Republican Jack Davis, and Republican Betty Hoxsey. The Senate Sponsor of that measure, making sure inmates have the opportunity to listen to the radio and watch television, was Senator John Graham. Another strong conservative member of the Republican Party. So that's just some information for Representative Stephens and for all of us."

Speaker Churchill: "My, Representative Currie, aren't you a compendium of useful information. We thank you for enlightening us. For further discussion, on enlightenment, we turn to the Representative from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. To a point of personal privilege."

Speaker Churchill: "State your point."

Black: "I... I listened to the speaker on the other side with a

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great deal of interest and I applaud her for her research, her diligence in finding out how these entitlement programs get started. But the issue yesterday, the issue today, and the issue tomorrow, is not so much on how these entitlement programs were started or who started them, or when they were started. The issue is every entitlement program should be examined, looked at, to see whether or not they should continue and whether or not their cost effective to the taxpayer. That's the issue that we addressed yesterday. It's the issue I hope we can address today and speaking for most of the Members, if not all, on my side of the aisle, it's the issue we will continue to examine as we go through the process. Not why something started or who started it or when, but is it still relevant today, is it cost effective and if necessary, should it be repealed? And the action yesterday, I think by an overwhelming majority, yes, that should have been repealed. And that's why we repealed it.

Speaker Churchill: "Representative Black, don't you have anymore useful information for us? Any facts, statistics that you'd like to help us with? No? Okay. The Gentleman from Madison, Representative Stephens, for what reason do you rise?"

Stephens: "Well, I too want to rise and thank the Lady for her research. I'd like to point out to her that my ignorance during the year of 1971. I spent from June 2, 1970 to December, 1971, in the hospital and I was not keeping up with the news of here in the General Assembly. So I apologize for my ignorance there. And I would agree with the Gentleman that spoke previous to me, as to the real issue before us is not the genesis of these issues that we find either useless or wasteful today, but how indeed are

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we going to correct for whatever measure is costing tax payers' dollars unnecessarily today, not in 1971."

Speaker Churchill: "On that note, let us return our attention to the legislation at hand. Mr. Clerk, will you please read House Bill 222."

Clerk McLennand: "House Bill #222, a Bill for an Act that Amends the Property Tax Code, Third Reading of this House Bill."

Speaker Churchill: "Gentleman from Cook, Representative Balthis, on House Bill 222."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 222 Amends the Property Tax Code. Requires the Cook County Collector to send a notice of proposed property taxes to property owners by January 1st, of each year, or as soon thereafter as possible. Donates the information that the property owner will receive in the notice. Requires a public hearing on the proposed property taxes and permits an individual to file a protest based upon the notice. I'd be happy to answer any questions."

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

Currie: "Thank you, Speaker and Members of the House. I know that this measure is well-intentioned and I know that the Sponsor is anxious to increase information that is available to real estate tax payers. The problem with the Bill, unfortunately, is that it will be extremely costly to local government. It is in fact, an additional mandate on local government. One that I'm quite sure should this measure succeed in the General Assembly, that Governor Edgar will refuse to sign. We are all aware that the Governor has made an absolute commitment to local governments that he is not going to sign measures that

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increase their costs because the General Assembly decided we wanted to do so. So I think that although it's well-intentioned, it will mean substantial increases in dollars for the county collector, county collectors... the county collector in Cook County and it will also, as I say, find itself subject to the Governor's veto pen. If this really were a good idea, then it's disappointing that the Sponsor decided to limit its application only to Cook County. If the people in Cook County should have this information available to them, I see no reason why the good denizens of DuPage, and the many other counties of the state ought not to have that information too. So, I think this Bill fails because it is first incomplete. It is second, going to create addition expenses for those real estate tax payers in the County of Cook to have to absorb. And finally, with the Governor, those of us who stand up against mandates, unfunded mandates, on local governments ought to be voting 'no' on this measure."

Speaker Churchill: "Further discussion, the Chair recognizes the Gentleman from Cook, Representative Dart."

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

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

Dart: "Representative, who's going to pay for this?"

Speaker Churchill: "Representative Balthis."

Balthis: "Who's going to pay for this? Well, Representative, the State Mandates Act says that this is a local government organization and Structure Mandate and Due Process Mandate. And last year, I had the same Bill under House Bill 308, and the county, Cook County responded saying that it would cost them approximately 350,000 dollars for additional mailing. What they forgot to tell the state and what they forgot to tell you or anyone else that they



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contacted in regard to this Bill, is that they're already doing a mailing in the early part of the year and this just simply adds additional information to that mailing."

Speaker Churchill: "Representative Dart."

Dart: "So, this will be absolutely zero cost? None whatsoever?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, there will be a cost to them for printing a new form. But that form is identical in structure to the form that they send out for the second notice of taxes. So all they have to do is rework that form. Print it and send it out in the Spring like they now send out that little postcard and that's all they have to do."

Speaker Churchill: "Representative Dart."

Dart: "How much of that cost going to be to redo the forms and do that?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I understand it would be a very minimal cost because they're already printing a similar form. All they have to do is rework that form and when they order new forms, they order enough for this mailing and enough for the Fall mailing."

Speaker Churchill: "Representative Dart."

Dart: "And just... for clarification, whatever the cost is, that's going to be picked up by the county?"

Speaker Churchill: "Representative Balthis."

Balthis: "Yes."

Speaker Churchill: "Representative Dart."

Dart: "Is the Treasurer's Office still opposed to this Bill?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I have not heard from the Treasurer's Office. I will tell you this, I have talked to a member of

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the Revenue Committee, who talked... from your side, who talked to me about this. I have talked to another Member of your side. I indicated to them, that I was willing to sit down with the county and talk to them about working out any details of this Bill, that would be helpful for the implementation of this. This Bill is not cast in stone, it's simply is a measure to notify tax payers early on in the process, so that they can get the information in that they want to file a protest. I am very willing to work with the county and if this Bill gets over to the Senate, we're still willing to work with them to work out any details of this Bill."

Speaker Churchill: "Representative Dart."

Dart: "I have some technical concerns now. The notice is suppose to include the current year's EAV. And the notice is suppose to be sent in January. Current year EAV is generally not calculated by January. As the tax bills are calculated on this basis, this tax notice will be merely an estimate. Why is it necessary to create a new system to oppose estimated taxes?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, currently in Cook County, we have prior year EAV. So that EAV is already known. The taxing bodies are required to file by the second Thursday of the last week in December, their levy rate. So the county has all of the information they need, to put out a proposed property tax bill for the new year. And the only way that Bill can be amended is to be amended down, okay? So they have all of the information by the end of the year to file this... to file this form to give the property tax payers this notice. And by Cook County only having prior year EAV, that's why this is possible."

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Speaker Churchill: "Representative Dart."

Dart: "You said there should be no problem whatsoever of making sure this is done by January, then?"

Speaker Churchill: "Representative Balthis."

Balthis: "The language currently says, 'January 1st, or as soon there after as possible'. So it does not say it has to go out on January 1st. They will have some leeway. And that's some of the details that we need to work out with them and we would be very happy to do that."

Speaker Churchill: "Representative Dart."

Dart: "Why is Cook County the only county required to do this?"

Speaker Churchill: "Representative Balthis."

Balthis: "When tax caps were passed on the collared counties, they also imposed prior year EAV on Cook County. By virtue of having the prior year EAV use, in calculating the property tax bill, we had the information available to simply calculate the proposed tax bill. The other counties do not have that and so that's one of the key elements in why Cook County is the only county included in this Bill."

Speaker Churchill: "Representative Dart."

Dart: "Another technical question, in a sense. Is this consistent with the current system for protesting taxes? Because protesting an estimated tax bill cannot be resolved under normal protest procedures which occur when assessments are announced in the year prior to the tax billing? Is this going to be inconsistent with that?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, it's my understanding that it is. If it's not, it's another thing that can be worked out with the county, in any discussions with them. What we're finding with this is simply one thing. The people, when

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they get their taxes, their second notice in Nov... in August, they can not at that time protest the current year's taxes. They can protest and get it done to the next year's taxes. With this legislation they would be able to protest the current year's taxes. And that's the reason for this change."

Speaker Churchill: "Representative Dart, five seconds." Further discussion, the Lady from Cook, Representative Fantin."

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

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

Fantin: "I'm sorry, Representative Balthis, it's a little difficult to hear and I may ask you some questions that were already asked because I could not hear your answer. So if you'll bear with me..."

Speaker Churchill: "It's very noisy in here. Will we please give some attention to the two people who are debating this Bill. Thank you."

Fantin: "Currently, they do have proposed assessed notices but the tax rates in Cook County, usually do not come out until a little later in the year. With this, how do you propose that they have to work with the Department of Revenue and get the multiplier, and the multiplier usually does not come out until later. How do you propose this could be done?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, one of the things that we indicated to a couple members of your side, was that any of these details that needed to be worked out with the county, we were willing to do that. The prior year EAV and the taxing bodies having to file their levy rate by the end of the year is why we believe this Bill will work and why it's working in other places. So, if there is some snag in

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that, there is ample time to work out the details when this Bill gets in the Senate. And if the county wants to sit down and work those out without us putting in place a Bill that may not work, I'm open to discussion with them and any time they want to talk about it, I'll be happy to discuss it with them."

Speaker Churchill: "Representative Fantin."

Fantin: "Have you set down recently, I mean, have you talked to Cook County, I couldn't hear your answer, I'm sorry."

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I have talked to two Members of your side of the aisle in regard to this. I've talked to your staff person on revenue and indicated to them, that any time the county wanted to talk to me about this Bill, I would be very open to talk to them. They have not made any contact with me about this Bill."

Speaker Churchill: "Representative Fantin."

Fantin: "I think that this would be very difficult to do in this time frame, but Mr. Balthis, I'd be... Representative Balthis, I'd be very happy to sit down with you and some people from the county to discuss this. I think it's something that needs to be worked out. I see this as costing us a tremendous amount of money for an extra mailing and try to get this done at... in that time frame. The Department of Revenue usually, as you know, holds us up quite a while, by the time they get all their facts and figures together. My understanding, more often than not, that's where our hold up is. In getting the tax rates and everything together. I mean if you have anything different that you can shed light on than that."

Speaker Churchill: "Was that a question, Representative Fantin?"

Fantin: "Yes, and I..."

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Speaker Churchill: "Okay. Representative Balthis for the answer."

Balthis: "Representative, this county will have all of the information it needs. It will be then, up to the state to provide them with that multiplier. Once they see what the county is going to do with the assessment, that's when they determine the multiplier. And that's why the language says, 'January 1st or as soon thereafter as possible'. What we're simply trying to do, is to get this notice to the taxpayer so that they can protest their taxes, if they choose to do so, prior to that first installment coming, which as you know, is just simply a half of the prior year's bill. The tax payer needs to know this, and by the way, you indicated additional mailing. This does not require an additional mailing. They are already doing a mailing, as you know, and this would just be additional information added to that mailing that they're already making. So, it would not be a tremendous cost due to an additional mailing."

Speaker Churchill: "Representative Fantin."

Fantin: "Sorry, I could not hear that whole last part of your answer, Representative, but, if you're saying that this should come out at the same time or prior to the first mailing, the first installment? You said, January 1st, are you willing that this would come out as soon it would be a notice maybe that could come out with the first installment? Or you're saying, you want this notice before the first installment? I couldn't hear you."

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, the language in the Bill, currently says, 'January 1st or as soon thereafter as possible'. Our intent was to get this out prior to the first installment

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of the taxes, that they receive in March, somewhere in that time frame. Also, they already as you know, send out that small postcard that says your EAV is going to go from 'X' to 'X', which tells the average tax payer, absolutely nothing. Instead of that little card, that tells them absolutely nothing, this information would be sent to them in place of that, which means that there would be no additional mailing. This would be the mailing they would receive instead of that little postcard that goes out."

Speaker Churchill: "Representative Fantin, there's about 17 seconds left."

Fantin: "I think I would appreciate, Representative, if we could possibly work this out with me, without making this a Mandate or Bill. If we could sit down, which I'm sure we could do, with Cook County Assessor's Office and see if we can't work something out. Thank you."

Speaker Churchill: "Further discussion, the Gentleman from Clinton, Representative Granberg."

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

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

Granberg: "Thank you. Representative Balthis, you and I have worked on unfunded Mandates for a long time, since you were here, and it's certainly been a great concern of mine as well. Why are we actually doing this for Cook County and not the other part of the state? Why are we distinguishing that county from say DuPage or Kendall or Champaign or some other county?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, the primary reason is when we pass tax caps on the collar counties, we also imposed prior year EAV on Cook County, which is a key element of this Bill working. Without prior year EAV, this Bill could not

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work. So that's one of the main reasons that it's on Cook County. And by the way, it's my understanding that DuPage County, that we all here bashed once in a while, already does what we're proposing to do here. I'm not... I'm not introducing this because DuPage County is doing it, I'm introducing it because I think it's good for the tax payers of Cook County."

Speaker Churchill: "Representative Granberg."

Granberg: "So this would not be good for the tax payers in Champaign County or Grundy County or any other county in the central or downstate Illinois?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, when I introduced this Bill, last year, the only people that contacted me in opposition to this Bill, were the down state county treasurers and collectors. And we excluded them out. Because they came to me with concerns and related problems as to how this Bill would not work there without some further legislation. So, with the prior year EAV, it does work in Cook County and that's why the Bill currently imposes it only on Cook County."

Speaker Churchill: "Representative Granberg."

Granberg: "If the downstate county treasurers voiced their objections or their concerns with this law, apparently that is the reason you excluded them from your Bill. Did not the Cook County Treasurer also have problems with your legislation and voice his concerns?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, if they have, I have not received the messages from my secretary or anyone else, because I have not heard now, and this is the second year I've introduced this Bill. I understand why I didn't hear from them last



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year, okay, but this year, I would have thought that... and I talked to your staff person on revenue, I talked to two Members of your side of the aisle and indicated to them that if the county wanted to talk, I would be more than happy to talk to them. There is nothing in this Bill that's cast in stone, except the intent of it. And if they're willing to talk about that, the implementation or whatever, we're more than willing to sit and talk with them about how we do this."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, Representative, frankly that surprises me, but I will certainly assume that what you say is correct. In regard to the Mandates aspect, Representative, you and I again have worked on this. In fact, I believe you and I cosponsored the Constitutional Amendments prohibiting... prohibiting unfunded Mandates. This is an unfunded Mandates, itself, although you replied that the Department of Commerce and Committee Affairs, say it's a type of Mandate where funding reimbursement is not required. But the bottom line is, Representative, it is a Mandate, is it not? We're forcing a local unit of government to do something that they... I would assume that they do not want to do and so therefore, how would you respond if the state told you as mayor, that you... you had to conduct something similar to this? What would be your response?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, if it was something this good, for the tax payers, I would be whole heartily in support of it."

Speaker Churchill: "Representative Granberg."

Granberg: "Would that... would that be like 'motor voter' legislation?"

Speaker Churchill: "He said, 'good for the tax payers',

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Representative Granberg. Representative Balthis."

Balthis: "Representative, there is nothing in this Bill about 'motor voter'."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, I'm just finding a hard time trying to be consistent in this Body. Because all we've heard of this for so long, ever since November, that we have to let local governments have the flexibility to do what they want. We should not sit here in Springfield and mandate programs. We shouldn't tell these locals what to do. We should let them do whatever they want in responsive to the tax payers. And here we go again. So I find it a little inconsistent that we hear a lot of rhetoric about allowing locals to do what they want to do, then on the other hand, we force them to undertake a program at no cost to us, no reimbursement, none whatsoever. So, Representative Balthis, see your Bill, I understand that you're very concerned about this. I just find it very inconsistent. All my friends who are downstaters, we've always been concerned about Mandates. We filed the Constitutional Amendments. We do all these things. So, if I think we want to be consistent in this Body, if this is the policy we're going to follow, we should not impose a Mandate. Whether it's Cook County or Champaign County or Grundy County or any other county throughout the state. I would ask for a 'no' vote."

Speaker Churchill: "Further discussion, the Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr... Mr. Speaker. I just want to state for the Record, that I have a potential conflict of interest in this matter and I'll just vote my conscience. Thank you."

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Speaker Churchill: "Further discussion, the Gentleman from Cook, Representative Lang. I was just going to wait to see if you put that bite of food in your mouth before I call on you. But I figured I'd do that first."

Lang: "I'm sure what you're saying is an important pearl of wisdom, Mr. Speaker, but it's too loud in here. I couldn't hear a word you said. But... If you'll repeat it and give me my time back, I'd like to hear it."

Speaker Churchill: "Representative Lang would like to be able to hear the Chair. Representative Lang, I just said that I was going to call on you before you put that bite of food in your mouth, so... please proceed."

Lang: "Will the Sponsor yield?"

Speaker Churchill: "He indicates that he will, please proceed."

Lang: "Well, I want to continue to pursue this area of Mandates, Representative. As I recall, you voted for the Bill that would allow school districts all over Illinois to rid themselves of Mandates. Why do you want to add this ... Mandate unto Cook County?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I said in a facetious way, a moment ago, that it was a good tax payer Bill. And I honestly believe that. This Bill will provide the tax payers of Cook County with information that they need to deal with the increasing taxes in Cook County. That has nothing to do with who increases in taxes, but it will give them the information to deal with a budgetary thing, when they get that shock, when it comes August. They're going to get that shock in January or February. Whenever that notice gets to them. But at that time, they're going to be able to go to the county and do something about that current bill. When they get that shock in August, they can't do

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anything about that current bill except pay it and then they can do something about next year's bill. I think they deserve the opportunity to do something about that bill, it's time they receive it. This will provide the taxpayers of Cook County that opportunity."

Speaker Churchill: "Representative Lang."

Lang: "Except that the current year EAV is not calculated by the time you want this notice printed, so what good is it to the taxpayer?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, when we passed tax caps on the collar counties, we imposed prior year EAV on Cook County, in the calculation of taxes. So that element is already in place. The county has that. The taxing bodies are required to give their information to them on their levies, by the end of December. The ta... the county has all that information, with the exception, on January 1st of the state multiplier has pointed out by Representative Fantin."

"That is something we will work with and deal with."

Speaker Churchill: "Representative Lang."

Lang: "Why is it you feel this mandate is appropriate for Cook County but not for any other county? I know you live in Cook County, but I'm sure you're concerned about the tax payers in all counties of the State of Illinois."

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, House Bill 308, which was a Bill I introduced last year, included the entire state. I heard from treasurers and collectors from other counties, indicating they did not have the mechanisms in place to follow through with this Bill, without some other changes in the tax law. We excluded them out, because we were not going to try to deal with that part of the issue. We

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simply wanted notification. I represent everyone in this state, yes, but I primarily represent people in Southeast Cook and in Cook County. And that's what this Bill is about. Looking after the tax payers of Cook County and giving them the information they need."

Speaker Churchill: "Representative Lang."

Lang: "Well, it seems to me, Representative, that you've said that you're opposed to Mandates but there are some Mandates you're not opposed to, because they're good Mandates. That's really what your saying. But didn't we also make that argument in reverse when you voted for the Bill to take away Mandates from the schools? Didn't you say, 'Some of these are real good Mandates and we shouldn't take these away but we ought to give the school districts the right to relieve themselves from these Mandates'? Aren't we being very inconsistent to say, sometimes that we're going to impose good Mandates and other times, well, even if they're good Mandates, we're going to let you out from under them. Isn't there some inconsistency and don't we have a responsibility as elected officials to be consistent in our philosophy of government?"

Speaker Churchill: "Representative Balthis."

Balthis: "Yes, Representative, we do. And I did not vote to take away a Mandate on schools. I voted to give the schools, the teachers, the parents and the community, the flexibility to deal with Mandates. I did not vote to eliminate any mandate on schools. This Bill simply provides the taxpayers of Cook County, the opportunity to see what their tax bill is going to be and to do something about that tax bill in the year in which they receive it. The current tax system in Cook County, in the state, for that matter, is a penalty to taxpayers. And by the way, we

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keep talking about this being a Mandate. The only response that came from the county was last year and they said it would cost them 350,000 dollars for mailing. What they forgot to point out, is they're already doing a mailing and this is just additional information added to that mailing. So I look at this as a..."

Speaker Churchill: "Representative Balthis, bring your question to a conclusion, please."

Balthis: "I look at this as a very minimal cost to the County of Cook. I think it is a great buy for the tax payers of Cook County."

Speaker Churchill: "If there be no further discussion, Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen. I think this is... this Bill has been discussed. I think there are some things that need to be worked out with it. We've indicated our willingness to do that. And I will work with the Senate Sponsor to make sure that those things are worked out and that this Bill moves forward so that the tax payers of Cook County can see how their bills are going up in January, not in August, when they can't do anything about it. And I would ask for an 'aye' vote."

Speaker Churchill: "The question is, 'Shall House Bill 222 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 65 voting 'aye', 44 voting 'no', and 6 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. Representative Black in the Chair."

Speaker Black: "Mr. Clerk, on page 13 of the calendar, there

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appears House Bill 249."

Clerk McLennand: "House Bill #249, Bill for an Act that Amends the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Black: "Yes, the Lady from Cook, Representative Kaszak."

Kaszak: "Thank you, Mr. Speaker. This Bill is a very simple Bill. It directs that the Department of Commerce and Community Affairs, review the existing laws which affect the creation of small businesses in Illinois. Currently the focus has been very much on existing businesses and the burdens of regulations and laws on existing businesses. What we would like to be able to do is find out what their impediments are that stand in the way of new business creation. I believe there is no opposition to this Bill and I'd ask for support of the Bill."

Speaker Black: "This Bill is on Short Debate. Any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Speaker, I'm joined by a requisite number of colleagues who wish to take this off of Short Debate."

Speaker Black: "I'm sorry, it's very hard to hear in here. You want to take Representative Kaszak's Bill off of Short Debate?"

Dart: "Yes."

Speaker Black: "Okay, that's fine, thank you, go ahead."

Dart: "Thanks. Thank you. Representative, it was so loud here I couldn't hear you. Could you explain to me what this Bill does? We couldn't hear you."

Speaker Black: "Representative Kaszak, proceed."

Kaszak: "Thank you, it does just what I got done saying. It's a one sentence Mandate, asking that the Department of Commerce and Community Affairs, review the burdens and impact of existing laws on new jobs...new start up

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businesses. And reports back to the General Assembly on January 1st, of next year."

Speaker Black: "Representative Dart."

Dart: "Thank you. DCCA does not do any of that right now at all"

Speaker Black: "Representative Kaszak."

Kaszak: "That has not been the focus of DCCA's activities. The... I think there's increasing interest on the part of the department to look in this direction, as a result of the 'first stop shopping centers' which were approved in the last General Assembly. In which they have to compile information regarding all the existing permits and regulations that businesses need to comply with in obtaining the necessary permits to do business."

Speaker Black: "Representative Dart."

Dart: "What's the long range plan with what this information would do? What would this... would be the result of this?"

Speaker Black: "Representative Kaszak."

Kaszak: "The result of the report will be determined by the General Assembly and the Governor. A report will be due January 1st, of 1996. And then we will see whether or not there are unnecessary burdens, some things we make businesses go through in starting up."

Speaker Black: "Representative Kaszak. I'm sorry, Representative Dart."

Dart: "Thank you. I just rise in support of this. I think it is a good idea because there has been a great deal of concern, especially these days regards to small businesses and the hurdles they have to jump through. And I think this would be a good idea and I commend the Sponsor for her work in it.."

Speaker Black: "Further discussion? The Lady from Sangamon, Representative Klingler."



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Klingler: "Thank you, Mr. Speaker. I rise in support of Representative Kaszak's Bill. I think it's very important to do what we can to encourage the growth of small business. Small businesses are so important to the State of Illinois and so important for jobs. I think that this Bill will also compliment what's currently going on with the Department of Commerce and Community Affairs with their 'one stop shopping' information for businesses. And I certainly hope that we can look to see what we can do to reduce any burdens and regulations on business."

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

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

Speaker Black: "She indicates she will."

Lang: "Just a couple of questions, Representative. Hi there, how are you? Nice to see you. What does DCCA say about this?"

Speaker Black: "Representative Kaszak."

Kaszak: "Supports the Bill."

Speaker Black: "Representative Lang."

Lang: "Well, you know how closely aligned I am with DCCA. I just want to make sure that... that DCCA supports you on this Bill. The board says task force. My understanding is that your Bill does not create a task force, is that right?"

Speaker Black: "Representative Kaszak."

Kaszak: "The Bill requires that the Department of Commerce and Community Affairs not act in a vacuum and that they pursue the advice both of small businesses and of the administering agencies as to what the implications are of certain activities and what the burdens are. So it does... I think it probably, if you look for the word task force, it is probably in the Bill, but it's purely an

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advisory matter and it doesn't designate the number and quantity and who they are. Other than the fact that they represent both small businesses and agencies."

Speaker Black: "Representative Lang."

Lang: "And you may have answered this, but is there a cost involved?"

Speaker Black: "Representative Kaszak."

Kaszak: "I've not answered it, but there's no cost involved."

Speaker Black: "Representative Lang."

Lang: "Well, thank you. To the Bill, Mr. Speaker. I think Representative Kaszak has an excellent Bill here and I certainly expect all of us to support it. Thank you."

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

Kaszak: "I'd ask your support."

Speaker Black: "The question is, 'Shall House Bill 249 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', none voting 'no', and 2 voting 'present'. The Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk McLennand: "Committee Notice. The House Rules Committee will meet today at 2:30 p.m. in the Speaker's Conference Room. Again, Rules Committee will meet at 2:30 in the Speaker's Conference Room."

Speaker Black: "Thank you, Mr. Clerk. On page 15 of the calendar appears House Bill 532. Read the Bill."

Clerk McLennand: "House Bill 532, a Bill for an Act that amends the Child Care Act of 1969. Third Reading of this House Bill."

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Speaker Black: "The Lady from Cook, Representative Krause."

Krause: "Thank you, Mr. Speaker. At this time I'd like to present House Bill 532. The underlying part of the Bill adds certain offenses to the list of offenses that disqualify an applicant from receiving a license from the Department of Children and Family Services to operate a facility under the Child Care Act. This now brings the Child Care Act into conformity with changes which have been made in the Criminal Code since the Act was last updated. The other part of the Bill is what was called Amendment #3 and was adopted yesterday. That Bill now... that Amendment now has been added to the Bill and it provides that child care licenses, with the exception of day care centers, homes and group homes, are valid for four years, currently the law was two. It also provides that licenses for homes, day care homes, centers and group day care homes will now be valid for three rather than two years. It puts into the statute the current practice of doing annual monitoring of day care homes. I'll be glad to answer any questions."

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

Dart: "Will the Sponsor yield, please?"

Speaker Black: "She indicates she will."

Dart: "Representative, we discussed this yesterday at length in regards to the Amendment. We've... are extending the time period required for licensing from two years to three years, is that correct?"

Speaker Black: "Representative Krause."

Krause: "Yes, that is correct. The two to three years covers the day care homes and group homes."

Speaker Black: "Representative Dart."

Dart: "Okay. I'm sorry. This is for... you're saying day care

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homes and I'm sorry I couldn't hear you."

Speaker Black: "Representative Krause."

Krause: "The licenses for the day care homes, day care centers, group day care homes would be valid for three years rather than two."

Speaker Black: "Representative Dart."

Dart: "And can you explain to me, what was the trade off as far as we're expanding it which obviously on its face is not a good idea, but there was some trade off here and can you explain to me what that is?"

Speaker Black: "Representative Krause."

Krause: "What it was originally, when I had presented it in committee, it was four years. And then as the negotiations went forward with the various groups, the agreement came out to be three. And in addition to add into the statute the annual monitoring visits were put in the statute."

Speaker Black: "Representative Dart."

Dart: "What's the difference between monitoring versus the licensing?"

Speaker Black: "Representative Krause."

Krause: "The licensing is merely the initial procedure to determine whether or not the person or the facility will qualify. If they do they'll get the license for three years. The monitoring requires the department within each year to be at the facility, to have a visit."

Speaker Black: "Representative Dart."

Dart: "My understanding in the process would be that the licensing procedures are a lot more extensive and involve a lot more of an examination than the monitoring will be, that is correct, is it not?"

Speaker Black: "Representative Krause."

Krause: "Yeah, I think... yeah, the licensing does require such

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things as finger print background checks, size of rooms and so forth. That will be done every... at a three year period."

Speaker Black: "Representative Dart."

Dart: "Well, a lot of these facilities, well most of them have very high turnover rates because they're so poorly compensated. Is it not problematic then that we're having less fingerprinting, we're having less of the more extensive evaluation and we're leaving it to DCFS to do an annual monitoring? And as I say this is all taken into context with the fact that DCFS blows most all their other deadlines and requirements as well."

Speaker Black: "Representative Krause."

Krause: "But through the initial licensing everyone, as you know, who does apply or... will be fingerprinted and will go through that process of the criminal background check."

Speaker Black: "Representative Dart."

Dart: "Was there not in the original Bill, was there not provisions dealing with relative foster parents and licensing of them? Is that in here anymore and if it's not in here, why is it not in here?"

Speaker Black: "Representative Krause."

Krause: "You're right. I believe it was originally in the Bill on the licensing. It was originally in it but I think in the discussion, as I went forward, that Bill was deleted and then Amendment #2 came in and merely had the criminal break out at that time."

Speaker Black: "Representative Dart."

Dart: "The... was this not... wasn't this whole thing with licensing foster parents, wasn't this the big announcement that was made earlier in the year by the director, that was going to be the big initiative for DCFS or is that now in

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another Bill or is that somewhere else now?"

Speaker Black: "Representative Krause."

Krause: "It is being discussed as part of other legislation. So..."

Speaker Black: "Excuse me, Representative Dart. Did she answer the question? All right. Proceed, Representative Dart."

Dart: "Can you tell me what other piece of legislation that's in or where I could find it because this was the Governor's big initiative. I'm interested to follow it."

Speaker Black: "Representative Krause."

Krause: "Okay. I think that it's going to be and continue to be as part of the budget and in the grant level is where the licensing is being moved forward. But I do not believe it has been dropped."

Speaker Black: "Representative Dart."

Dart: "Thank you. Now you're saying the random... the DCFS would monitor on an annual basis now for these homes?"

Speaker Black: "Representative Krause."

Krause: "Yes. At a minimum they are required to do that under this Bill."

Speaker Black: "Representative Dart."

Dart: "My understanding, from conversations with DCFS this morning, they informed us that because of the increase in relative foster placements, they will not be able to do this annually, that it would be a random check because they won't have the ability to do it on an annual basis. To the Bill. This is yet again another one of DCFS's initiative that is flawed, it's got problems. Also of great concern is the fact that we had this big pronouncement by the Governor, by the director about how we were going to make relatives become real foster parents. That is now mysteriously gone and we're going to have to wait once

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again and see if it ever appears. But it is highly questionable given DCFS's track record and also in regards to the fact that they have told us they will not be able to do this on an annual basis but they will, in fact, doing this. And it's a little bit scary leaving it up to them to watch things now, when they get around to it."

Speaker Black: "And on House Bill 532, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "She indicates she will."

Lang: "Representative, I just want to get my... I just want to get my bearings straight. This is the same Bill we talked about yesterday and then you pulled it out of the record, correct?"

Speaker Black: "Representative Krause."

Krause: "It wasn't pulled out, it was on Second and this Amendment was put on."

Speaker Black: "Representative Lang."

Lang: "And so that Amendment became the Bill, is that correct? No?"

Speaker Black: "Representative Krause."

Krause: "It didn't become the Bill, it was added to the Bill. The Bill consists of merely laying out now a wider range of crimes that are in current law as far as who can get a license. That was the Bill and then Amendment #3."

Speaker Black: "Representative Lang."

Lang: "Well, let me focus on the Amendment we dealt with yesterday, that certainly was a problem for me and for many on this side of the aisle. If you extend the period of the license without guarantees from DCFS as to whether and how the monitoring will be done. How will you insure that in the third and fourth year of a license period the children

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who are at these homes will be properly cared for? How will you be sure that the licensees have not gone to a position where they should have fallen out of favor with DCFS and would have if there was an earlier licensure?"

Speaker Black: "Representative Krause."

Krause: "Because this legislation specifically requires that there be an annual monitoring as a minimum. And in addition, the complain process will continue, so if there's a complaint in three months or six months, that also will have to be followed up and investigated. And I think with the annual monitoring and the complaint process, we have given a response to your questions."

Speaker Black: "Representative Lang."

Lang: "Well, I thank you for that, however DCFS and their fiscal note indicates, even under the two year plan, that they can't... they can't do it the way it is today because it will cost them \$5.6 million more. And doesn't it just simply follow that if they can't do it in two years, pretty soon they won't be able to do it in four years and pretty soon they'll be asking for six and eight and ten and longer period of time. And pretty soon we won't have any monitoring at all. We'll go to a situation where we don't have monitoring, we don't have licensure, what we really have is just simply registration. How do we avoid that from happening?"

Speaker Black: "Representative Krause."

Krause: "I... the fiscal note merely says, that it is better use as the staff has looked at it. To spend their staff time on the monitoring or the complaint process rather than put it on the licensing. They have clearly indicated that, it be it a three year or a four year licensing process, that they have supported this legislation and that they can work



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within those goals."

Speaker Black: "Representative Lang."

Lang: "Are they monitoring all of the people now within the one year period that they're required to?"

Speaker Black: "Representative Krause."

Krause: "I cannot specifically represent without having put that question to them. But on the issue of this legislation, as it is written and as I they have to carry it out, clearly they would have to carry out what is in this legislation."

Speaker Black: "Representative Lang."

Lang: "Representative, you've said that lengthening the period will keep the monitoring going, we're just lengthening the period. And you've said to me, you're sure they'll do it because it's in the legislation. Now you've said, that you can't tell us for sure whether they'd do it now. How do you know if they can't do it now or if you don't know if they'd do it now, how can you assure us they will continue to do it in the future?"

Speaker Black: "Representative Krause."

Krause: "Because I do not run the day to day operations of the department. It is in their rules and they are obligated now to do their... to follow that. This now goes one step further and puts it in the statute. They are obligated to follow through on the statute. Based on that, Representative, they will conform to the law."

Speaker Black: "Representative Lang."

Lang: "Are you suggesting that the department that won't follow its own rule is going to follow this statute? What is the teeth in the statute that makes them follow it?"

Speaker Black: "Representative Krause."

Krause: "I have never said that they did not follow their own rules and I don't know where you got that from."

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Speaker Black: "Representative Lang."

Lang: "Well, you've said that it's only in rule now, you're not sure if they're doing it but this takes it one step further. And I'm suggesting to you that if they aren't doing it now, what is the teeth in the statute that will make them do it?"

Speaker Black: "Representative Krause."

Krause: "On your question of whether or not they are doing it now, I think that we should direct that to those that are in charge of the department. My statement to you is, is that it is in the rules and therefore, they are obligated to follow that as they now will be obligated to follow the law. And I do not know why we would raise a presumption that they would not follow the law or would violate the law."

Speaker Black: "Yes, Representative Lang, your five minutes has expired. Do you have one additional question or will you seek additional time?"

Lang: "Well, thank you, Mr. Speaker. I have some more questions. I'll go as long as you allow me to on this issue."

Speaker Black: "I'll give you one additional question. Go ahead."

Lang: "Thank... thank you very much. Representative, I'm not trying to be difficult to you, honest I'm not. But the... but you're not... you're not getting to the heart of this. The heart of this is, that you want to lengthen the licensing period and you're saying, no harm, no foul, no big deal because DCFS is going to be required under this Bill to monitor every year so it doesn't matter how long the license period is. Then I asked you the question, well are they doing it now and you said, well I don't know. So I don't know how you can stand there and say to us that

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this is going to work if (a) you don't know if they're doing it now and (b) there's no teeth in the statute to require them to do it other than a line that says they have to do it. There's agencies all over the State of Illinois that run out of money before the end of the year and don't do the work they're obligated to do under the statute. How do you know they will do it?"

Speaker Black: "Representative Krause."

Krause: "Representative, you and I have gone around and round on this for three times, let us do it a fourth time. First of all let me go back because you made the statement that I made some cavalier statement that it does not matter how matter how long the licensing process is and I've made no such statement. This process extends it from two to three years as it relates to the day care homes and that is the extent of what this legislation does. And within that time I have reiterated that we have put into the statute the monitoring as well as on the complaint basis of investigations that will continue. I cannot say more than to say that with those two investigation processes of the monitoring and the investigation along with a three or four year licensing process, the department has a reasonableness which to operate and to handle any problems or complaints that would arise in this area."

Speaker Black: "Ladies and Gentlemen of the House, if I could have your attention for just a second on behalf of Representative Granberg. I would like for you to acknowledge Mrs. Terri Eubanks, her daughter Heather and the Murray Center Parents Organization are up in the Gallery, behind us. Welcome to Springfield. Representative Lang, your time expired and along with your other question, so I'll move on to someone else if they

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care to donate your time... donate their time, we'll get back to you. The Gentleman from Madison, Representative Davis."

Davis, S.: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Lang."

Speaker Black: "Thank you so much for that. Yes, Representative Lang. Proceed."

Lang: "Thank you. Representative, you're back to me again, I know that pleases you. Representative, you seem to say in your last answer to me, that you say you gave me four times, that you trust DCFS to do the work that you're obligating them to do under the statute. And I have not said that you said they're not doing it now, I just simply asked you if they're doing it now and you indicated to me that you don't know. If you don't know if they're doing it now, don't we run a tremendous risk by lengthening the licensing... the license period that they won't be doing it? And don't we run the risk that the children that are involved in these programs, who could be in danger in some cases if they are not monitored?"

Speaker Black: "Representative Krause."

Krause: "Thank you. First of all, again Sir, you've made the statement that I've said that I should be trusting them, I have not made that statement. The entire purpose of the passes of laws is that you put it in the law and you do not put it in the people, and that is the basis for what this legislation 532 does. It requires certain actions, in this case by the department. You go back to the fact that I am not monitoring myself the department and that I am not over there day in and day out, checking on the employees as to whether or not they are doing their job. That is not the issue here, the issue here is whether or not this

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legislation, as it stands, meets the needs of what we are seeking to do. We've talked about the licensing period being extended and then the monitoring and the investigation. I believe that the legislation addresses the issues."

Speaker Black: "Representative Lang."

Lang: "Well, Representative, what is in this statute that will require DCFS to do this? You say they must, fine they must. What if they don't? You know criminal statutes say you must not commit murder or you will go to jail, for you will be executed. What is in this Bill that will make sure DCFS does this?"

Speaker Black: "Representative Krause."

Krause: "This Bill does not contain, in and of itself, the penalties but there would be other sections in the statutes that would. If complaints were filed and they were not doing it. This Bill does not specifically have that in."

Speaker Black: "Representative Lang."

Lang: "Okay. So what are the penalties? What risk does--DCFS come under if they don't follow your demands in this Bill?"

Speaker Black: "Representative Krause."

Krause: "Not... I do not have before me all the statutes of Illinois as to which ones would apply and which ones, being it an advocacy group or whomever, would be able to file a complaint if they knew that they had not done what was required in this statute."

Speaker Black: "Representative Lang."

Lang: "So you don't know what teeth is in the law to make sure DCFS does this? You don't know, even though it would be one simple question to ask, whether they're monitoring properly now? You don't know the answer to that question. And the facts are that we have a federal court running DCFS

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today, the BH decree and DCFS flaunts every guideline and every ruling of that court today. So if they're flaunting the federal court, how do we know that they are not going to flaunt your Bill?"

Speaker Black: "Representative Krause."

Krause: "First of all I will again say, that what you are doing is, I make a statement and then you come back and give an editorial statement totally different and that is what is going on here. You are taking words and then you are just giving your political statements and that is all that is happening. We are not giving a serious attention to this legislation at all."

Speaker Black: "Representative Lang."

Lang: "Well, Representative, you did indicate that you don't know if DCFS is completely monitoring all these programs within the year monitoring period. You said that, correct? You said you don't know."

Speaker Black: "Representative Krause."

Krause: "I said to you that it is not my job to work there day in and day out, is my answer."

Speaker Black: "Representative Lang."

Lang: "Well, Representative, let me suggest to you that when you have a Bill on this Floor it is your responsibility to know what the ramifications of the Bill are. You have stated directly that we can extend this license period because after all they're doing all this great monitoring of all these programs. So if they're doing the monitoring it is a simple question. Are they doing the monitoring? You're answer is, you don't work there, maybe so it's not your responsibility. But you have a Bill that expects that, that work is going to be done and you don't have an indication that is."

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Speaker Black: "Yes, Representative, your time has expired. On the question, the Gentleman from Saline, Representative Phelps. Are you seeking recognition on this Bill?"

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

Speaker Black: "She indicates she will."

Phelps: "Representative Krause, I appreciate your work in this area, I know you have a genuine concern. And your cooperation, you did allow us to... when we brought to the committee's attention in Health Care and Human Services the problem possibly with expanding the licensure for this length of time. You did allow an Amendment that I offered to essentially make the Bill a shell Bill. Other than a few items of the... of the criminal authority that we put in. So my question to you is, upon our agreement from committee that there would be some negotiations and communications to follow up what we brought our concern to you about and you have come to this with the Amendment to make the Bill open for how we might offer a compromise. Can you tell me what groups you met with since our committee hearing and how you came about this and who was involved in the agreement?"

Speaker Black: "Representative Krause."

Krause: "The negotiations were with the department itself and various advocacy groups and let me see... I don't know if I have all of them here as to whom they represented, let me see if I have. Then a letter went out from the director to, it looks like, about six different groups laying out what the agreement was."

Speaker Black: "Representative Phelps."

Phelps: "Well, I appreciate that and I know it's... it's incumbent upon us all to involve the advocacy groups that bring these matters to our attention and will be working

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very closely with the process that is affected by legislation. But, I must say I was a little bit disappointed in the fact that we at least did not get offered the bipartisan input, that I was hoping we would have and that we brought to your attention. And you did accommodate us from our... from your gesture in the committee action. So, at least we're here without our input and that's why I'm probably will be opposing the Bill. Not only from that stand point but from the fact that I think it's a little bit lengthy licensure of time. My last question to you, can... maybe your assistant there or you, can you tell me the difference between a monitoring visit and a licensure visit? How is that outlined in the law?"

Speaker Black: "Representative Krause."

Krause: "The licensing is again, the initial licensing be it in this process or in any other process of the applicant or the facility, it relates to fingerprinting, criminal background check. Then it also does specifics as far as the facility itself, size requirements and so forth. The monitoring is for compliance, the one annual visit a year, to again conform that they are complying with all of the requirements of the statute. That's an on site visit."

Speaker Black: "Representative Phelps."

Phelps: "Representative, one last question. I know you've been laboring on this quite bit of time. Do you feel that this legislation, this is I guess your opinion I'm asking, strengthens or weakens the quality of evaluations of day care centers in this state?"

Speaker Black: "Representative Krause."

Krause: "Yeah. I think that what it does and again I think, puts to you, put the emphasis on the license or the monitoring,



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Representative? I would put it on the monitoring. And I think with this legislation, putting it in the statute, I know then that there will be at least some minimum amount of monitoring on site. Licensing, being it easy as someone I as a lawyer, does not do much. I mean we have it for our entire life. But you can still bring actions against us or disciplinary. Under here we now have it in the statute and I think that with the time that they will have, to me the goal here was to get greater emphasis to where they should be keyed in. That is why I supported it and that's why I support it now."

Speaker Black: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker. To the Bill. First let me acknowledge that there's not a finer person to work with than Representative Krause, we've had a good relationship in Health Care Committee. Sure we have disagreements and maybe her Leadership's influence on our maneuvers and the agenda on which we put out in our committees sometimes to be questioned. But this particular Bill had a concern brought in committee that she acknowledged and all the Members felt it should be addressed. Since then there has been silence, from our part, no input, ask or offered and yet until this legislation is here today. I think that's regrettable, at the same time I don't feel the question was answered on how the quality of evaluation for day care centers..."

Speaker Black: "Yes, Representative Phelps, your time is... bring your remarks to a close, please."

Phelps: "Thank you, Sir. I will. How the evaluation of quality will be affected in this state by this legislation I think is... is... not been addressed. And yet leaves a big void and question in my mind. And, Mr. Speaker, if this Bill

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would get the requisite number of votes, I would ask for a verification. Thank you."

Speaker Black: "Thank you. The Gentleman has requested a verification of the affirmative vote. On that question, the Lady from McHenry, Representative Hughes. Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I'd like to move the previous question."

Speaker Black: "Representative Hughes has moved the previous question. There will be a Roll Call. There will be a Roll Call. 'Shall the main question now be put?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'aye', 52 voting 'no', none voting 'present'. The Motion has sufficient number of votes to pass. Representative Krause to close."

Krause: "Thank you, Mr. Speaker. And I appreciate the discussion that has occurred both yesterday and today on a most important subject matter. But I think as you look at the overall Bill, it is to the benefit to the department to move it forward. And I ask therefore for a favorable vote on House Bill 532."

Speaker Black: "The question is, 'Shall House Bill 532 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 63 voting 'aye', 53 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Phelps has requested... Ladies and Gentlemen of the House. The Clerk or the... the

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Chair is in error. I took the record which locks out any chance of a verification. I will ask the Clerk to dump the Roll Call. We'll start again and we will allow Representative Phelps to pursue his request that was made in a timely fashion for verification. Yes, the Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. And I'm really glad to hear that because I was going to throw one of those 'Black fits'. You ever seen a 'Black fit', Representative Black?"

Speaker Black: "Yes. Unfortunately up close and personal. Yes."

Phelps: "I was going to show you show how it could be done."

Speaker Black: "I have an ulcer or two to prove it. The board will be open. The board will be open. The question is, 'Shall House Bill 532 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 63 voting 'aye', 51 voting 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority. I'll stop right there. Representative Phelps, you want to proceed with the verification? Clerk, poll those not voting."

Clerk Rossi: "There are no Members not voting. Poll of those voting in the affirmative. Representative Ackerman. Balthis. Biggert. Biggins. Black. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford.

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Ryder Salvi. Saviano. Skinner. Spangler. Stephens.  
Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel.  
Winters. Wirsing. Wojcik. Zabrocki. Zickus, and Mr.  
Speaker."

Speaker Black: "Question of the affirmative, Representative  
Phelps? Excuse me, Representative Johnson would like leave  
to be verified. Leave?"

Phelps: "Please. Yes."

Speaker Black: "Thank you. And Representative Lachner, in the  
middle row, also seeking leave to be verified."

Phelps: "Fine."

Speaker Black: "Thank you very much. Proceed, Representative  
Phelps."

Phelps: "Thank you, Mr. Speaker. Representative Leitch?"

Speaker Black: "Yes. The Gentleman from Peoria, Representative  
Leitch. Is Representative Leitch in the chamber?  
Representative Leitch is down front."

Phelps: "Thank you. Representative Cowlshaw?"

Speaker Black: "Representative Cowlshaw, the Lady from Dupage,  
Representative Mary Lou Cowlshaw. Is she in the chamber?  
Remove her from the Roll Call, Mr. Clerk. Proceed,  
Representative Phelps."

Phelps: "Thank you. Representative Ryder?"

Speaker Black: "Representative Ryder. The Gentleman from Jersey,  
Representative Ryder. Representative Ryder is at the  
podium. Proceed."

Phelps: "Representative John Jones?"

Speaker Black: "Representative Jones? Representative John  
Jones."

Phelps: "How did I miss my downstater. I'm sorry."

Speaker Black: "Any further questions, Representative?"

Phelps: "Representative Zabrocki?"

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Speaker Black: "Representative Zabrocki or Zabrocki? Ranocki?"

Phelps: "Downstate we just kind of call them different terms but..."

Speaker Black: "I understand that."

Phelps: "Zabrocki, is that right?"

Speaker Black: "Yes."

Phelps: "I'm sorry."

Speaker Black: "Representative Zabrocki. In the rear of the chamber. Proceed."

Phelps: "Representative McAuliffe?"

Speaker Black: "The Gentleman from Cook, Representative Roger McAuliffe is down talking to members of the press as he often does."

Phelps: "Representative Tom Johnson?"

Speaker Black: "Representative Tom Johnson, the Gentleman from DuPage. Representative Tom Johnson is in the back of the chamber. And Representative Phelps, Representative Cowlshaw has returned to the chamber. Mr. Clerk, add her to the Roll, please."

Phelps: "Representative Pedersen? I'm sorry. I see him. Nothing further. Thank you."

Speaker Black: "On this question, House Bill 532, there are 63 voting 'aye', 51 voting 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Page 15 of the Calendar, Mr. Clerk, appears House Bill 597, please read the Bill."

Clerk Rossi: "House Bill 597, a Bill for an Act creating the Joliet Arsenal Development Authority. Third Reading of this House Bill."

Speaker Black: "On that Bill, the Gentleman from Grundy, Representative Spangler."

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

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House. What House Bill 597 will do is create the Joliet Arsenal Development Authority. Shall consist of 3,000 acres and it provides for that legal description within the Bill, creates a nine member board of directors, of which four will be appointed by the Governor, and five will be appointed from the communities of Wilmington, Elwood, Joliet, Manhattan and Sommerton. It grants the Authority the legal right to use the ground water resources of Will County, and it adds language requiring the Authority to make its best efforts to annex parcels of property which are contiguous to a municipality named in this Act. And that is subject to the jurisdiction of the Authority. Basically, the purpose of what this Bill will do is there's 23,500 acres that is being disbursed by the federal government to the State of Illinois. Seventeen thousand five hundred acres of this property will become the Midewin Prairie Grass Park, and 3,000 acres will be the economic development portion of that, and almost 1,000 acres will be the largest national cemetery in the United States. The purpose of my Bill is on that 3,000 acres for economic development, and I would be happy to answer any questions you may have at this time."

Speaker Black: "And on House Bill 597, the Lady from Cook, Representative Schakowsky."

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

Speaker Black: "He indicates he will."

Schakowsky: "Representative, so this legislation creates a new government entity, if I understand you correctly, the Joliet Arsenal Development Authority. Is that correct?"

Speaker Black: "Representative Spangler."

Spangler: "Yes, that's correct, Representative."

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Speaker Black: "Representative Schakowsky."

Schakowsky: "Well then, Representative, I want to congratulate you, because that makes you eligible for one of the coveted and frequent Grow Awards. Congratulations, Representative. Is somebody bringing it over to him? Is someone delivering that coveted award to him right now?"

Speaker Black: "Yes, the Gentleman from Madison, Representative Stephens. Are you seeking recognition?"

Stephens: "Well, I think that Representative on the other side of the aisle is referring to what we now know as the Pat Quinn Award. But because of the way it's given, the demagoguery that happens on that side of the aisle. What they ought to learn to do is be an effective Minority, rather than clogging the process with their useless and meaningless handing out pieces of junk paper. What a waste! What a waste! Pat...Pat Quinn is alive and well on the other side of the aisle. He would be very proud. The Minority Leader should be Michael Pat Quinn Madigan."

Speaker Black: "The Gentleman from Kankakee, Representative Novak. Are you seeking recognition?"

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

Speaker Black: "He indicates he will."

Novak: "Representative Spangler, what is the purpose of this legislation?"

Speaker Black: "Representative Spangler."

Spangler: "To create a local body which would govern 3,000 acres of economic development, which would create many new jobs for that area and increase the tax base for that area. We carefully sat down and thought how is this best to be accomplished? By the federal government actually giving this property to the State of Illinois and who will have the authority over it. Originally, it was decided that

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perhaps the Governor should have an equal number of appointees to the Board Authority as the locals, and then we changed our mind and submitted that Amendment and said, 'No, the people that can best direct the efforts of that development are those local people there, and they are the ones that would be most impacted by it.' So the creation of this Developmental Board to oversee this 3,000 acres is to do just that. Create jobs, bring money into that area and effectively develop it into a prosperous piece of property that it could rightfully deserve. I might also add that had this Bill made it through the House last year, that there would have been four businesses that would have located there already. That means increased state tax dollars that we have. I'm all in favor of building jobs, building Illinois, creating growth and doing the right thing for Illinois."

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

Novak: "Yes, thank you, Representative Spangler. I'm a little confused here. Isn't there some federal legislation sort of winnowing its way through the process in Washington? I know, that under the good graces of former U.S. Congressman George Sangmeister, whose idea it was initially and his...and in his wisdom in the committee that he put together all the fine people in Will County for the preservation of this land, for the Veteran Cemetery, for the Midewin Prairie, for the economic development area and also for the landfill for Will County. What if... The question I'd like to pose is, what if this legislation somehow gets bogged down in Washington? Because actually, this legislation transfers ownership. Now, does this Authority...Will this Authority be...have the authority to



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implement the ownership and carry through the objectives of the legislation?"

Speaker Black: "Representative Spangler."

Spangler: "Thank you, Representative. That was an excellent question. You're 100% right inasmuch as this Bill is not a stand alone Bill. The language within the federal Bill is such that the Governor of the State of Illinois must sign this legislation for this Authority to, in fact, take place. If... When we are successful passing this here, it could go all the way through and yes, indeed, if the federal government does not effectively move on the entire package, then this will not exist."

Speaker Black: "Representative Novak."

Novak: "Yes, Mr. Speaker. Thank you, Representative. Does your Authority have any bonding authority, like Revenue Bonds or GO Bonds?"

Speaker Black: "Representative Spangler."

Spangler: "Yes, Sir, it does. One of the problems that we looked at, because it's very difficult to go out and make money if you don't have some means of having money to create the roads and the necessary building infrastructure to build...to bring industry into an area. So we felt that instead of giving them a vehicle with no gas, that we ought to give them some means and methods of having monies to be able to promote the growth of this development. I might also add that there is approximately \$75,000 that already currently exists under a grant program for them to help in this development and promotion as well."

Speaker Black: "Representative Novak, your time is expired. Do you have another question? Proceed."

Novak: "Yes, Mr. Speaker. Thank you. I believe Representative Schoenberg is...would yield his time to me."

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Speaker Black: "Let me go to somebody who is next on the list.

We'll get back to Representative Schoenberg."

Novak: "Okay, I'm sorry. I have a few seconds. Representative Spangler, so then this Authority would be able to issue bonds. Now would it be able to issue bonds through a front door referendum or a backdoor referendum or no referendum since we're creating a new taxing body?"

Speaker Black: "Representative Spangler."

Spangler: "You would not necessarily be creating a new taxing body. It would be giving the Authority the ability to issue revenue bonds, that's correct. But as far as a referendum going back to the people within that area, I don't believe that that would be necessary."

Speaker Black: "Representative Novak, we'll get back to you. Your time is expired. I'll get back to Representative Schoenberg. On this question, the Gentleman from Lake, Representative Lachner."

Lachner: "Mr. Speaker, I rise in support of this Bill. As the federal government continues to downsize the Defense Department and we have more and more properties, such as the Joliet Arsenal or such as Fort Sheridan up in Lake County, we need to take an active role in the General Assembly to provide the tools for those local communities to take these properties, which are going to be evacuated by the federal government and turn them into viable entities, which will ultimately become part of our tax roles and part of our communities. I think Representative Spangler has taken a great leap here in allowing for the creation of this Development Authority so it will provide for a vehicle to show that Illinois and local communities are interested in taking these properties and doing something with them. I would simply say that I urge fellow

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Members of the General Assembly not only to support this Bill, but support other initiatives in which Illinois takes federal properties and turns them into viable entities. Thank you."

Speaker Black: "And on House Bill 597, the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. I yield my time to my good friend and seatmate, Representative Novak."

Speaker Black: "Thank you. Representative Novak."

Novak: "Thank you, Representative Deering, for almost hitting me in the head. Representative Spangler, I got a few other questions. So you indicated it's not a taxing body, maybe this is an euphemism here, but if you're going to issue bonds, how are you going to pay the bonds back, including the principal and interest? How are you going to pay them back?"

Speaker Black: "Representative Spangler."

Spangler: "The different businesses that would come into this, undoubtedly would pay far in excess of any monies that would have to come from any taxing bodies, if you will, or any city monies or village monies. The whole purpose, as I said before, is if we are going to create jobs and create an infrastructure in a method of bringing jobs to an area, there has to be some seed money there so that they can build the roads, run the sewers, do the necessary things that are important to have businesses come into those areas. Yes, in fact, it may cost some of those villages and entities in those areas some money. I cannot tell you that that's going to be any taxpayer dollars. I don't believe that it will under the issuance of those bonds. I can tell you, being upfront, that the annexation agreements that would have to be necessary under this Bill could

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creates special use districts and those, in fact, could have some ability."

Speaker Black: "Representative Novak."

Novak: "Speaker, thank you. There's a little bit too much noise. This is a very important Bill here, because you're talking about thousands of acres of land. Could I ask for a little order in the Chamber? And I just want to mention to my good colleague across the aisle, Representative Spangler, I think you just got the Zeke Giorgi Award. You did a heck of a job responding to my question, and once again, I want to...at the expense of being redundant, I have to ask you this. If a body is going to issue bonds, the bonds have to be paid off with principal and interest. Since you say you're not creating a taxing body, which in essence means you're not going to be levying a tax, how are you going to be paying the bonds off? Is there going to be an appropriation before we can finish our Session this year? Is there going to be some seed money? I heard you mention the word, 'seed'. Now that means something real small that grows. I mean is there an appropriation coming down the pike here that's going to be sort of put into an agency budget? Could you please elaborate on that?"

Speaker Black: "Ladies and Gentlemen of the House, could we have some order. Representative Novak is talking about taxes, and I want to make sure I hear ever word of what he is saying when he talks about taxes. Representative Spangler."

Spangler: "Yes, Representative, as I mentioned before, this will have bonding revenue ability. If you look at the language and how those are set up, it does not necessarily mean that the different villages and entities involved will go out and have tax assessed any of the citizens in that area. It

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may come from other revenue sources within those villages for economic development and maybe even from the county itself. I might also add that there is no anticipation, and I would not present this Bill here if I felt that it was going to need any appropriations money. With regard to your third or fourth question, and I get confused because there were so many to answer at one time, the seed money is not seed money that would be from the state. This is money used for economic development. It is, in fact, grants. It's already been approved. I believe there are two different sets of grants involved with that. It comes to somewhere around \$75,000. That's not a tremendous amount of money when you're starting to talk about any large infrastructure project, such as roads and sewers and so on, with regards to bringing industry into an area. I can also say that I would only wish that each and every one of the Representatives sitting here would have this opportunity as we are fortunate enough to have just in the 75th District and as well as the 38th over there with Representative McGuire. This is an opportunity to take land that has been off the tax rolls for an extended period of time, since back in the 1940's when it was used for production of munitions and now return those lands, or at least portions of them, back to the tax rolls and actually working for the people of that area. Not only in that context, but also creating much needed jobs, which in turn will generate money for the State of Illinois. So I really appreciate what you're trying to do with regards to this debating process, but I think it's clear that this is a win - win situation for everybody involved. You are right. Congressman Sangmeister, former Congressman, did a lot of work and effort in developing this as a suggestion of

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people from around the Joliet and Will County area. He does deserve that credit. Jerry Weller, Congressman Weller now, yes, he is the one carrying this Bill through the Transportation Committee and several other committees in Washington D.C. now, he deserves the credit. I can assure you right now that if Representative McGuire or you, yourself, Representative Novak, were carrying this Bill, I would be very happy for you, and I would vote for it the same way I intend on voting for it now."

Speaker Black: "Representative Novak, I owe you a minute. Proceed."

Novak: "Thank you, Mr. Speaker, for your indulgence. Representative Spangler, I appreciate you being patient with me. I do have a number...a few other questions I think that are very relevant. If... You know the idea is laudable and I know this issue's been around for a couple of years and I know, as I indicated, there is legislation in Washington going through the process. But once again, and maybe I'm being redundant here, you know, when you issue bonds, they have to be paid back. I don't know if you answered my question correctly. Is someone going to donate money to the Authority to pay the bonds back? Are you going to go out and ask the taxpayers for money? Either I didn't hear you correctly or I...maybe I didn't get a clear enough answer. Could...for the edification of the Members of this Body, could we just have a little bit more succinct answer on how bonds and interest that are issued by this Authority going to be paid back?"

Speaker Black: "Representative Spangler."

Spangler: "The Authority has the ability to issue revenue bonds for these projects. The responsibility for retiring those bonds and debt retirement falls within that Authority. The

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mechanics of which they use to retire those bonds is entirely up to them on whether there is some private industry, some economic development council type monies. If they have an assessment on the industries that are coming in to recoup these monies, if they, in fact, form special use districts by the annexation of those towns because the towns want to see this thing developed, and then in turn have that monies going back in to pay off the bond, I'm not sure which, if not all of those, will take place."

Speaker Black: "And on House Bill 597, the Lady from Cook, Representative Shirley Jones."

Jones, S.: "I would like to yield my time to Mr. Novak."

Speaker Black: "Thank you. The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Spangler, thank you. The bonds that are issued, will they have the backing of the full faith and credit of the State of Illinois should this Authority, under the presumption that it becomes law, would...let's say would fail in the payback of the bonds, so the bonds would be backed by the taxpayers of the State of Illinois. Is that not correct?"

Speaker Black: "Representative Spangler."

Spangler: "Very correct."

Speaker Black: "Representative Novak."

Novak: "So to make it clear to every Member of this Body, cause I know we have a lot of other political entities that we established through the legislative process, and if bonds are backed by the full faith and credit of the State of Illinois, should that taxing body or that entity fail in its endeavor to repay the bonds, then the authority of the paying back the bonds falls back on the State of Illinois,

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the taxpayers of the State of Illinois. I just wanted to make sure we had that for the record. One other question I had, is there a sunset in this Bill, Representative? There is a sunset."

Speaker Black: "Representative Spangler."

Spangler: "Yes, there is. It's 15 years, Representative. At that period of time, reauthorization for the Authority would need to come before the General Assembly."

Speaker Black: "Representative Novak."

Novak: "Would the... Let's do a hypothetical situation here, Representative Spangler. Would the bonds be limited to the life of the Authority? Let's say they had to issue a million dollars in revenue or GO Bonds, would they be limited to 15 years? Obviously, they couldn't be 20 year bonds, if the Authority was only going to be in existence for 15 years."

Speaker Black: "Representative Spangler."

Spangler: "The financial obligations would, in fact, be true to the entire length of the loan or the bonding term or duration. It is, in fact, the Authority itself which would have a 15 year sunset, which would be necessary for us to reauthorize at that time."

Speaker Black: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Spangler, would this Authority be allowed to create special service areas? Are you familiar with special service areas? Would this Authority be allowed to create special service areas within the geographical boundary of the authority that's delineated in the law?"

Speaker Black: "Representative Novak. (sic - Spangler)"

Spangler: "No, Representative, they would not be able to do that unless annexation took place within the contiguous towns or



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villages that were aforementioned."

Speaker Black: "Representative Novak."

Novak: "Yes, Representative, thank you. What about the polluted land? I know there's a number of acres that was polluted during World War II. I think they called it Red Water, when they made TNT and dynamite. There's a number of acres within that geographical area that's polluted. I don't even think the Super Fund that's certainly is out of money in Washington right now can take care of that. What is the plans of the...of this Authority with respect to that polluted land? Is there... Are there plans for remediation? Are their plans for the EPA to come in to...and assist in remediation? Can I have your comments on that, please?"

Speaker Black: "Representative Spangler."

Spangler: "Yes, those are excellent questions, Representative. The Army has agreed that they will clean up all of the land that's been polluted or contaminated in that area, and that was part of their agreement with the federal bodies and all the other entities to be able to turn that over. With respect to the 3,000 acres, the two separate tracks of 1,900 acres and 1,100 acres, the EPA would have to certify those as being clean or being remediated before any building could take place or any development of businesses within that area. It is, in fact, true that the Super Fund Amendment...or I mean the Super Fund for clean up there would be a part of that as well."

Speaker Black: "Representative Novak."

Novak: "Representative Spangler, do you have any idea, is the county board in Will County, I know they're for this project, but are they on board on the landfill? I know there's some areas set aside for a landfill. Now will that

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landfill go through the local 172 siting process? Will that...will there be local hearings involved and all the studies that are necessary to site a landfill, including all the fees and everything that have to be paid, or is the county government exempt from all those fees?"

Speaker Black: "Representative Spangler."

Spangler: "As a matter of fact, some of the language in the federal Bill dictates that that landfill should be there, and yes, Will County..."

Speaker Black: "I'm sorry, Representative Spangler, the time expired. Go ahead and answer the question..."

Spangler: "The county board is, in fact, very supportive of that. One of the ideas behind having that landfill there is not only its excellent placement, but during the remediation process for some of those contaminations in soils and so forth, when the by-products of remediation are concluded, they will be utilized at that landfill."

Speaker Black: "Representative Novak, your 25 minutes have expired. Go ahead and ask one more question."

Novak: "Well, thank you, Mr. Speaker. To the Bill. I think the idea is laudable and we know that through the very, very strong hard work of former United States Congressman George Sangmeister, who now retired, whose idea it was initially to put this program together. You know, I can support this legislation because it's going to enable a lot of opportunities to become created. But I just want to point out for the edification of the Members that this is a governmental body. We create governmental bodies a lot down here. About five years ago, we created a Kankakee and Will County Regional Airport designed to take care of the needs of the third airport in those specific areas that were designated as desirable. Concurrently, we also passed

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a Kankakee and Will County Economic Development Authority that's on the statutes right now, that I believe has similar authority to what this Bill has, but apparently the board of directors hasn't seen fit to do anything to make it active. But just remember one thing. When you vote for this Bill, when you mention that bonds are backed by the full faith and credit of the State of Illinois, that means bonds are backed by the taxpayers and the people of Illinois should any type of government body that's created here subsequently fail in its mission to repay back bonds. So that's an important contingency, I think you need to take in consideration before you vote on a Bill of this nature. This is an important subject matter in Will County. And like I indicated, I intend to support it, but it's very important that you consider the ramifications of creating any type of a taxing body that has to rely on the taxpayers all over the State of Illinois should bonds in this endeavor fail."

Speaker Black: "Further discussion? The Lady from McHenry, Representative Hughes."

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

Speaker Black: "Representative Hughes has moved the previous question. There'll be a Roll Call. Be a Roll Call. All those in favor, 'Should the previous question be put?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Motion to move the previous question, there's 65 voting 'aye', 51 voting 'no', 1 voting 'present'. The Motion carries. Representative Spangler to close. Representative Granberg, state your point of order."

Granberg: "Thank you, Mr. Speaker. Since this puts the full

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faith and credit of the state's behind an increase in bonding authority, does this require 3/5ths vote for this legislation?"

Speaker Black: "Hang on, we'll get back to you in just a second. Representative Granberg, could you state the Section of the Constitution that you referred to earlier?"

Granberg: "Well, Mr. Speaker, I believe that's the Parliamentarian's job, and I know he's well paid to do that. But my point being that if you're going to ask the state to...full faith and credit behind these bonds, we are guaranteeing them. And in fact, in the legislation specifically, the Governor has to approve these bonds. That is my point just looking in the Bill itself."

Speaker Black: "While the House is standing at ease, the Parliamentarian is checking on a matter of constitutionality. The bird sounds remind me, one of our staff members has lost a hamster somewhere on the floor of the House. So if you'd...if you'd look...if you'd be on the lookout for the hamster. It answers to the name of Mark. And he would appreciate it. If you see it, just let our staffer know, we'll come over and pick it up. Representative Granberg, on behalf of the Speaker, the Parliamentarian has indicated that in his opinion it does not fall under the State Debt Section of the Constitution, that it creates a moral obligation of the state, and therefore, 60 votes would be required. And on that, the Gentleman from Cook, Representative Lang."

Lang: "Mr. Speaker, I'm going to make a Motion to overrule you, but before I do, let me just appeal to you on the basis of the Constitution of the State of Illinois. If that's sufficient, I hope it will be. Section 9, paragraph (d) says, 'State debt for specific purposes may be incurred in

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the payment of state or other debt guaranteed in such amount as be required either in a law passed by a vote of 3/5ths of the Members', et cetera, et cetera. Paragraph (a) says, 'No state debt shall be incurred except as provided in this Section.' Then they go on to define state debt as bond or other evidences or indebtedness, which are secured by the full faith and credit of the state. These bonds are secured by the full faith and credit of the state, and therefore are state debt and therefore fall under the three fifths requirement. So, Sir, I've read it to you. Perhaps the Parliamentarian was looking in the wrong Section of the Constitution. But these are clearly bonds that are backed by...that are state debt under the definition in the Constitution and therefore, clearly require three fifths vote, Sir, and I would ask you to so rule. And if you disagree with me, we would move to overrule you, Sir."

Speaker Black: "Thank you very much, Representative Lang. Your point has been noted. The Parliamentarian maintains that in this situation, the...does not require an extraordinary majority because it does not access the Section of the Constitution you quote. Therefore, your Motion is to overrule the Chair. So the question before the Body at this time is...We have a Motion on the floor. Now do you want to withdraw the Motion, Representative? We'll hold the Motion abeyance. The Gentleman from Clinton, Representative Granberg."

Granberg: "I just wanted to point out to the Parliamentarian because possibly he overlooked this provision in the Bill. On page 13, line 29, 'The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the state

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will not limit or alter the rights and powers vested by the Authority.' The Authority expires in 15 years. The bonds could be issued for 40 years. We have put the full faith and credit of the state behind these bonds..."

Speaker Black: "Excuse me, one moment, Representative Granberg. As always, your points are interesting and coherent and cogent, but the Parliamentarian can't find the Section you referred to. Are you looking in Amendment #3 that becomes the Bill?"

Granberg: "Thank you, Mr. Speaker. We're getting the Amendments."

Speaker Black: "Yes, the Parliamentarian indicates that Floor Amendment #3 becomes the Bill. He thinks you're reading from some extraneous language that may no longer appear."

Granberg: "We're trying to show the Parliamentarian that this is not a moral obligation. Page 14, subsection (h): 'The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued.' This is Amendment #3, lines 29 through 34, and continues, 'The same identical language that puts the full faith and credit of the State of Illinois behind these bonds is a legal obligation.' It puts the full faith and credit of the state behind these bonds. It is clearly not a moral obligation and it states so in the Amendment, which is part of the Bill."

Speaker Black: "Representative Granberg, the Parliamentarian, on the basis of a moral judgment and he's one of the most moral individuals I know, would like to see if it's alright with you if we take the Bill out of the record and check with bond counsel. Does that meet with your approval? Representative Spangler, will you take the Bill out of the record so we can discuss the concerns with bond counsel?"

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Thank you very much. Mr. Clerk, what's the status of House Bill 634 on page 16 of the Calendar?"

Clerk Rossi: "House Bill 634 is on the Order of Third Reading."

Speaker Black: "Is Representative Saviano in the Chamber? Representative Saviano, is it your desire to put this Bill back on Second Reading? Yes, Mr. Clerk, take the Bill back to Second Reading. On page 16 of the Calendar, there appears House Bill 689. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 689, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Black: "Representative Wirsing on House Bill 689."

Wirsing: "Thank you, Mr. Speaker. House Bill 689 has three provisions within the Bill, and...that are separate...three separate problems facing local school boards in Illinois. The first provision of the Bill changes months to days in the area of school board member vacancies and elections, makes the calculations of the amount of times a vacancy is filled before election is more accurate. The second provision of the Bill addresses the problem created by legislation allowing newly consolidated school districts to prepare for the consolidation after it has been approved. This Bill will allow existing school boards to levy at the newly voter approved rate when consolidation procedures occur before a new board has been elected. Similar legislation passed last year for one Section of the School Code and this measure would correct the other Sections as well. Finally, the Bill provides language allowing school districts electing their board members by congressional township to elect their board members at large. Under the provision outlined in the Bill, this action can only occur if a majority of the voters in each individual congressional township by referendum elect a change in at

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large election of their school board members. The current statute provides no method for changing the type of election of board members for school districts currently electing their members by congressional township."

Speaker Black: "And on House Bill 689, is there any discussion? The Gentleman from Fulton, Representative Smith, are you seeking recognition on this Bill? The Gentleman from Cook, Representative Dart."

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

Speaker Black: "Yes, he indicates he will."

Dart: "Representative, can you explain to me the provisions that permit the newly combined school districts to levy taxes the year at rates approved by the proposition and how this changes current law?"

Speaker Black: "Representative Wirsing."

Wirsing: "I'm sorry, Mr. Speaker, it's very difficult to hear in here, and I apologize, I did not hear the question."

Speaker Black: "Representative Dart."

Dart: "Thank you. Could you explain the provisions that permit the newly combined school districts to levy taxes at the year...rates approved by the proposition and more importantly how this will change the current law?"

Speaker Black: "Representative Wirsing."

Wirsing: "What this deals with is where two districts are consolidated, in that process the voters have voted for a tax rate. And let's say that tax rate, while it would be higher, it certainly wouldn't be lower than what the two districts currently are at. As an example, under the current law if the new board, the new consolidated board, is not in place in the same year that the voters have authorized that tax rate level, then they have to go to the old level or the lowest level until the new school board is



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put in...constitutionally put in place, elected and put in place. What this says is that in that same year when the voters have voted for the consolidation, for the new tax rate, but that tax rate can go into place within that year and does not have to wait until the new school board...for the new school district is in...has been legally put in place."

Speaker Black: "Yes, Representative Dart."

Dart: "Would this cause in some instances an increase in taxes?"

Speaker Black: "Representative Wirsing."

Wirsing: "Yes, it could, but that would only be by voter referendum. In the process of merging, it would only be by voter referendum that that tax rate might increase. We had a school district in my...in my representative district where two units combined. One had a higher existing tax rate than the other. In that particular situation, the voters voted to go with the lower rate because it was on a graduated scale over the next three years and ultimately it would be higher, okay. What this legislation calls for if in that...in that merged process that the voters, in fact, vote for what the new tax rate is going to be, then yes, it could be higher. It could be the same, depending on whatever the voters...whatever the voters say."

Speaker Black: "Representative Dart."

Dart: "But regardless, as you were saying, it would be based upon a previous referendum to raise that. Correct?"

Speaker Black: "Representative Dart. (sic - Wirsing)"

Wirsing: "Yes."

Speaker Black: "I'm sorry, Representative Wirsing, proceed. Representative Dart. Wirsing to Dart."

Dart: "Thank you, Mr. Speaker. The...what effect, if any, would this have on tax caps and tax caps legislation that has

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been passed or could be passed? Would there be any effect on this whatsoever?"

Speaker Black: "Representative Wirsing."

Wirsing: "No, there would not."

Speaker Black: "Representative Dart."

Dart: "Why...I was wondering also regards to the at large elections, why are we changing that?"

Speaker Black: "Representative Wirsing."

Wirsing: "In the at large election, many school districts across the state are in a... Let me give you an example that the school district may have, let's say it has...encompasses five different townships within that district. When that district was established, the...that...the residence of the school board members may have been designated that there had to be a membership from certain townships, one or two or three or whatever, okay. What has happened over a period of time is that there may be a township that, and I know from experience in our area, there's a township, there's...they get about four votes and...on school board elections, okay. And there has to be a board member residing in that particular township. That's not very good representation, so there has been a desire by some boards to have the option of going to an at large directorship. Because when the voting populace goes to vote, they're voting on a at large basis. They're not voting for just their school board member, they're voting for all school board members up for election. So this would eliminate that, it would be an at large, but it would have to be done by referendum, okay. And each entity would have to support that. In other words, each township would have to by majority support then. If that township with only four votes voted three against and one for, then the whole

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proposition would fail."

Speaker Black: "Representative Dart."

Dart: "Do you see that then... Would this dramatically impact the composition of the school boards and then change their management much? Would it alter dramatically, do you think?"

Speaker Black: "Representative Wirsing."

Wirsing: "No, I really don't, and cause I tell you what is more impacting on a school board, is for a school board member, living in a township, buys a home 600 feet away that is out of that township and has to resign from the board because he has moved out of his congressional district and he can't legally sit on the board. That is more disruptive to a school board of seven members to just change one or two members at a time, then what the at large, because the at large is still by referendum. It's not put in place by... Cause one of the fears when we talk about this legislation is that well, you've got this large township where you've got a heavy population in one area of the district. Now that's where all the school board members are going to come from if you go to at large, but by the referendum process, that at least is a check and balance to keep that from happening. But at the same time, it's recognizing...it's recognizing possible populationship - one man, one vote - that whole area."

Speaker Black: "Representative Dart."

Dart: "Just a final question. Why are we changing the provisions regards to filling of vacancies?"

Speaker Black: "Representative Wirsing."

Wirsing: "Well, it's been in some cases even going to court when a board member resigns, there's been a dispute over how many months that is and whether that individual...whether

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that...whether that seat should be filled by an election, special election or whatever, or whether it can be appointed by the board until the next election. And this is just to clarify it, but it has been a problem in some areas, even to a point of going to court. I'm not sure why somebody would want to go to court to serve on a school board, but anyhow, that...it's to clarify, just to kind of clean up an area that has been a problem."

Speaker Black: "Further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Black: "Indicates he will."

Mautino: "Representative, and if you've answered some of these questions, I have to apologize. It's a little difficult to hear over the level of noise. In Bureau County, we have just gone through a consolidation of five school districts in the last election, and along with that, have also passed a referendum to build a new high school. Now your changes regarding the election of members, which will now go at large, how would that affect the situation in Bureau County? It's...I know that there are some Members on your side of the aisle, Representative Mitchell and Representative Moffitt and I'm sure that district they're going to have five combined school districts. How is this going to affect their election?"

Speaker Black: "Representative Wirsing."

Wirsing: "Well, I don't like to see this, but I'm going to. That's a good question, because I think we're going to see more consolidations across the state, you know, as time goes on. The at large can only happen by referendum, okay. It can't be done now, and there...like in your situation,

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an at large...an at large directorship may very well fit that kind of a system better than by township or from that area, okay. Right now, if this legislation was law today, it would not have any effect on your district unless the school board decided to put it out for referendum for the voters in those districts to make that decision, whether to go to an at large. Once again, it wouldn't happen unless all of the congressional districts passed that referendum by a majority. If only one of those congressional districts does not pass that by a majority, then the whole proposition fails."

Speaker Black: "Representative Mautino."

Mautino: "The... Now you said, each of which districts? Did you say congressional districts?"

Speaker Black: "Representative Wirsing."

Wirsing: "Yeah, that's confusing cause I call it townships, but in the correct terminology, it's congressional. If you got five townships that may require right now, it may require a certain number of school board seats from each of those townships or some from one and, you know, one from three, okay. Those would be considered then congressional districts, okay. And what this legislation would allow is for the people in that district to decide let's go to the at large and eliminate resident requirement of members of the school board."

Speaker Black: "Representative Mautino."

Mautino: "So under your legislation, the school board of the newly appointed or interim school board could put for referendum throughout those five school districts the question of whether they should be elected at large?"

Speaker Black: "Representative Wirsing."

Wirsing: "Well, any duly seated school board would have that

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authority, to go to the voters by referendum. If the interim board wants to do that, there really wouldn't be time for them to do that logistically. They'd have to hit the right year in that aspect of it."

Speaker Black: "Representative Mautino."

Mautino: "So then in this situation, one of my larger school districts, could they put this... Would they have the force on their own to put a referendum which would be binding over the other four combined...or five combined school districts to ask that it be done at large?"

Speaker Black: "Representative Wirsing."

Wirsing: "Well, if you're combining five into one, then you've only got one school district. You only got one school board. It would be within the realm then of that duly seated school board, if they so desire, to go to the...for the at large."

Speaker Black: "Representative Mautino."

Mautino: "I have no other questions. Thank you."

Speaker Black: "Thank you very much. And on this question, the Gentleman from Rock Island, Representative Boland."

Boland: "Yes, thank you, Mr. Speaker. Would the Gentleman yield to a couple of questions?"

Speaker Black: "He indicates he will yield to a couple of questions. Question #1."

Boland: "We discussed this quite a bit in the committee, particularly the problem of at large elections versus subdistrict elections, and even though I voted for your Bill in committee as a way of continuing the debate, I'm still greatly troubled by that. One question I need to ask you is, once you change to the at large, then it again requires a positive vote in each township if the people should decide to go back to the township method of electing

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school board members. Is that correct?"

Speaker Black: "Representative Wirsing."

Boland: "Or could they...or are they totally prevented ever from going back?"

Speaker Black: "Representative Wirsing."

Wirsing: "I'm not sure that I have...I could make a guess, but I'm not sure, because that's not been the thrust of this Bill. The thrust would be to, you know, to give that opportunity to move towards at large. I'm not sure if they could go back or not. We could check that out. You know, but my best sense tells me, yes, you can go back as long as it's done by referendum, as long as the voters in the district do it, then it's the will of the people to do that."

Speaker Black: "Representative Boland, question #2."

Boland: "...your view, but unless it's actually in the law, I'm very worried about that. In other words, what my own view is and possibly you've read the studies about this that at large elections of school board members, and I was a former school board member, tends to gravitate toward certain segments of the community, generally upper middle class areas tend to dominate the entire district. This has been not only through studies that have been done by different associations, but also in a personal observation, I've seen this as well and that minorities and certain economic communities tend to be neglected and that really is a big worry of mine. I have no problem with the rest of your Bill, but I just have to...that strong worry in back of me, and I just want to throw that out to you, if you want to address it."

Speaker Black: "Representative Wirsing.."

Wirsing: "Well, thank you. I think we have to... And if you

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served on a school board, then you certainly recognize, as in our area, in some of those congressional areas that would...with the movement of population, there's less population in those areas and you know, every school board election, there's 700 people want to run for those three or four seats that are up. And you know that's not right, not correct. The bottom line is that a lot of districts are finding difficulty to find people who even want to run for the school board because one of those congressional districts is not heavily populated and it's difficult to find people to do that, okay. If you follow that train of thought and if the population is greater in one part of the school district then it is in the other, then it's appropriate for more representation to come from that area because the school board members do represent people. So, you know, for your district at large may not be the way to go, and there again, that's by the voters to decide. It's...and where in my district, it may very well be...that there may be districts that want to do that or voters that want to do that. That's all this does and this portion of this legislation, it allows the school board that opportunity. Because this whole idea came from the delegate body of the Illinois School Board Association. It was voted on by school board members from across the State of Illinois and made one of their goals of something they wanted to do. So, it...that...It's had good voter input from the whole idea and the perception to go ahead and do it."

Speaker Black: "Representative Boland, does that conclude your questioning?"

Boland: "No, I have just a couple more."

Speaker Black: "A couple of a couple. Alright, proceed."



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Proceed, Representative."

Boland: "Representative Holbrook would like to yield his time to me."

Speaker Black: "In due time. Proceed."

Boland: "I...Representative Wirsing, I can see your point there and what I guess I'm saying is, wouldn't it be better to go to a equal population subdistrict type of representation rather than at large? In other words, that way we could solve the problem what you're talking about. The declining population areas and yet also make sure that every geographical area and every population group within the area basically has a good shot at having representation on the school board. Would you favor that approach?"

Speaker Black: "Representative Wirsing."

Wirsing: "Well, in the ideal world, I guess that what you offer makes sense. My opinion though is that school board members are not paid. School board members volunteer their time. They volunteer four years at a block. To the logistics and the cost of maintaining equal balance of population in each of those districts, and given some school districts are having financial difficulties anyhow, I'm not sure that that fits into that realm very well because there would have to be a redistricting every ten years, or whatever the case may be, in order to truly have each member represent an equal number of population. So I see...I understand what you're getting at, but as I see it, that doesn't fit very well in the practical aspect of it."

Speaker Black: "Representative Boland."

Boland: "I guess I have to disagree with you there because I do feel that we do that on most city councils. We do it on some county boards. I believe in even Cook County now has went to that type of system for their county board. We do

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it, you know, for Congress and State Representatives and everything else. So I do feel that it's not just an ideal thing and that it could be done at the time of reapportionment just as all other bodies do. It seems to me that's the only real way to do it democratically so that everybody...every group within the community has representation. It's, I think you and I know and I'll conclude with this, that in certain communities, certain schools actually get neglected because the governing power tends to come from, you know, certain portions of the community. And when you have several small communities, for example, in one school district, one that never gets any representation on the school board, through at large system ends up oftentimes being neglected. So I just wanted to leave that thought with you. I hope you'll go back to the people that you worked with on this one and ask them to consider that, because I think that's the only way that we're going to really have true representation and a representation that reflects not only the taxpayers, but the children and their needs on the...on our school boards, which are such an important governing body. Thank you."

Speaker Black: "On that question, the Lady from McHenry, Representative Hughes."

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

Speaker Black: "Representative Hughes has moved the previous question. And on that, 'Shall the previous question be put?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Lady's Motion, 65 voting 'aye', 52 voting 'no' and none voting 'present'. The Motion prevails. Representative Wirsing to close."

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Wirsing: "Thank you, Mr. Speaker. I would just very quickly that all three of these areas are something that a whole variety of people across the state who understand and have worked within the public education system realize that it needs to be addressed. And I would respectfully request a favorable vote on House Bill 689."

Speaker Black: "The question is, 'Shall House Bill 689 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 100 voting 'aye', 3 voting 'no' and 11 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Speaker Daniels in the Chair."

Speaker Daniels: "House Bill - Second Reading. House Bill 496. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #496, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Maureen Murphy, has been approved for consideration."

Speaker Daniels: "Floor Amendment #1, Representative Murphy. Ladies and Gentlemen. Ladies and Gentlemen. Members, please be in their seats. Will all unauthorized people please clear the Floor? Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring before you Floor Amendment #1, House Bill 496, which would provide that the compensation of all elected officers of units of local government must be fixed at least 180 days prior to the commencement of their terms of office. This would preempt home rule powers so that this Bill would apply to home rule and non-home rule entities, thereby bringing uniformity to statutes that

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currently exist. This would be retroactively applicable to April 4, 1995. It would provide that all actions taken after that date do not conform with the 180 day requirement and would be void. This would further provide that if a salary is fixed in violation of this Act, the previous salary remains in effect. I ask for a favorable vote."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Morrow. Can the Gentleman please have your attention? Members of the Democratic side of the aisle, it's one of your Members that would like to be heard. Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just...right now I have a point of inquiry of the Chair. Has Amendment #1 been passed out and distributed? I don't have a copy."

Speaker Daniels: "It has been, Sir, some of your Members have one. Would a Democrat Page please give Representative Morrow a copy of the Amendment? It has been distributed. Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker. I really don't have any questions of the Lady carrying this Amendment. I guess I'll just get directly to the Amendment. You know, it's a shame that we even have to consider something like this when basically this is just a...a fight between some leadership on a local level and state level. This Bill will not affect the citizens of this state, how we should protect and serve them as we were voted in office to do. This is just a little fight between the Mayor of the City of Chicago and the Governor of this state. And I don't think we should be involving ourselves in a fight like this. Rather than taking time out to consider this Amendment, we should be taking time out to consider how

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we're going to balance the budget of this state. We got...we only have six weeks to go of this Session and we haven't dealt with the budget, we haven't dealt with Medicaid, we haven't dealt with the school funding, we haven't dealt with a lot more issues that I deem more important than worrying about somebody's pay raise that we don't have to fund. The pay raises in the City of Chicago that they passed last week, it's no liability on us, but yet we're about to pass a Bill to create a new Bond Authority, which the Chair is ruled doesn't take three fifths majority. But yet we're going to nit-pick about less than a half a million dollars in raises? This is ludicrous. I'm almost ashamed to say I'm a State Legislator because we're not taking care of the state; we're taking care of petty fights. We're like two little kids, I slapped you and I slap you back. Well, I remind my colleagues of this, all kids have a parent and our parents are the voters, and I tell you come next March, they're going to send a message to the children that they sent down here and they're going to tell you that you're not a young adult, you're still a child and you should stay home. It's time to send someone else a little bit more mature, a little bit more willing to fight the battles that they should be fighting. This Amendment should be voted down and let's get to the real business of this General Assembly, that is to find out how \$33 billion and not even 33 billion now, almost \$35 billion worth of taxes that our citizens who elected us pay. How did \$35 billion is going to be divvied up? Whose schools are going to open up on time in the fall? When sick need Medicare, will there be hospitals open to serve them? Those are the issues that we need to be discussing, not a pay raise that doesn't affect

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this Body at all. Thank you, Mr. Speaker, for allowing me to make my comments."

Speaker Daniels: "The Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. First of all, to the person who suggested yesterday that we read the Bills, I would like you to know that I have read Amendment #1 to House Bill 496 that is retroactive to April 4th. The law that is attempted to be passed is ex post facto in reference to the pay raises of those people in the City of Chicago. The issue here is not whether we agree to the raises being given or not given. The issue is, does the State Legislature have the authority to set the salary of city councils across the State of Illinois? Are we going to set the salary and make determinations for the people in Wilmette, for Winnetka, for Evanston? Are we going to set the salary of all the city councils across the State of Illinois? Are we going to place limitations on them? I'm fearful of asking a question because I may not get a response, I'll get a political speech. I'd like to ask this Body, do you want the Legislature to tell your city council how much their salary should be and when they can pass increases or decreases? I think the Legislature, as my colleague Representative Morrow suggested, you are wasting valuable taxpayer time. And if you pass this legislation, it will surely go to court because it's unconstitutional for you to attempt to deal with home rule issues that are clearly given in this book right here. Some of you may not know it, but the State Constitution and the Federal Constitution is in this book. There are pages that deal with home rule; there are pages that deal with time and dates. This Bill violates all of those, according to the Constitution. I don't want my tax dollar used to

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send people to court to fight a battle that we know we're going to lose. You do not have the right to tell me, a Chicagoan, or any of the rest of us in here, what our city council people, our local government people, can do in reference to their salary. Now we may agree or disagree but the issue here is, does this General Assembly have the right to make those determinations? I don't think we have that right. What will be the prohibitive cost? What will be the prohibitive cost of taking this to court, where it certainly will have to go and then you'll lose and the taxpayer will be the biggest loser of all because once again we'll have fooled them, just like we fooled them last night with that so called Ethics Bill. The Ethics Bill that says you can't have a fund-raiser in Springfield, but you can drive 10 minutes and have one right outside. The Ethics Bill that takes...takes scholarships from working parents who can't afford to send their children to school, but earn too much to get the low income grants. So the Ethic Bill that you passed may also end up in court. But I think it's really important to both of us who do come from areas where we have local government that we don't attempt to violate home rule problems, home rule issues. If this Bill passes and just to be vindictive, the mayor of our city and all those alderman...aldermen, Representative Burke, could tell their constituents, 'Don't go to Evergreen Park, come on out of Evergreen with those dollars.' Now if the people from Chicago decide not to shop in Evergreen Park, we're going to have a big empty mall. It's going to close down. So that's how far the fight can go, tit for tat, when you do this to me, I'll do that to you. I don't know what the income or the salary of aldermen in Evergreen Park is, nor do I care. It doesn't

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come from the state tax dollar, it comes from local property tax or local sales tax. Now, Chicagoans have a greater right to be concerned with Evergreen's...Evergreen's aldermanics salaries because we pay a vast amount of money when we shop in Evergreen Plaza. I urge this side of the aisle not..."

Speaker Daniels: "The Lady from Cook, Representative Currie. You want to bring your remarks to a close? Representative Davis, we will extend to you a courtesy that we extend to no one else. Would you bring your remarks to a close?"

Davis, M.: "I appreciate the opportunity that should be given to every Member of this Body - to bring your remarks to a close. And I extend to each and every one of you, the opportunity to save taxpayers' dollars and vote 'no' on this issue in which Maureen Murphy chooses to decide from Evergreen Park how much the aldermen and the Mayor should make in Chicago."

Speaker Daniels: "We appreciate you're bringing your remarks to a close and in the future, we'd like you to limit your debate to five minutes like the Rules provide. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I think there are two fundamental problems with this Amendment. The first is, its effort to apply retroactively to pay raises that we know have been voted by the Chicago City Council and may have been voted in other communities between the last election and the time that the new council and new members of city governments take office. I think there's a constitutional provision that advises us not to make laws in an ex post facto fashion, and I think this effort really flies in the face of that constitutional prescription. It's also pretty clear that this is an



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effort that we call in the kids game tit for tat. There was every opportunity for this Legislature to decide before the last municipal elections to pass a law that would limit the opportunity of city councils across the state to address pay raise questions before April 4th, rather than afterwards. While we weren't in Session for six months, the time period prescribed by this Bill, we have been in Session since January. And if this Assembly, out of the tempers of the moment, out of reaction to what happened in a city up North, wanted to address this issue before April 4th, 1995, we had every opportunity to do so. That we didn't, suggests to me that this is a game called, airports - raises - called building blocks of confrontation and hostility. I don't think good public policy is made in that environment. There is another fundamental problem that I have with this Bill, and I am surprised that many of my colleagues on the other side of the aisle don't share it. And that is, the rhetoric of the day is all about local control. The rhetoric of the day is to say let's get government out of the face of the people, let's get rid of big government, let's let people make decisions at the local level. Well, I would suggest to you, Speaker and Members of this House, that Amendment 1 to House Bill 496 flies directly in the face of that philosophy. This Bill says, we know better than the folks at the local level, we know better than the people back home. And as the Federal Government is devolving its responsibilities in our directions, I thought most of us share the philosophy that said it's up to us to let the locals take greater responsibility for their lives, their actions and the spending of their tax dollars. I think we should leave it up to them and we should particularly leave it up to those

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communities that are home rule units of government. We have, I think, the most progressive home rule language of any state in the nation. In our 1970 Constitution with respect to the powers of home rule units, and our Constitution advises us to construe those powers, those home rule powers, liberally. This Amendment flies directly in the face, not only of the ex post facto clause of our Constitution, but also of the prescription that we construe liberally the powers of home rule units of government. For those two reasons, Speaker and Members of this House, for the reason that we're doing this in a tit for tat fashion, not in a sound deliberative way, and for the reason that it flies in the face of our political philosophy that says that the local people ought to be given control, ought to be given the opportunity to run their own lives, I think the right vote on this Amendment and should the Amendment succeed on the Bill is a 'no' vote."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "She indicates she will."

Granberg: "Representative Murphy, I...it's my understanding that this applies to all parts of the states. Is that correct?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "But there is also a provision in the Bill that would make it retroactive in certain respects. What jurisdictions would that apply to?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "This would apply to all jurisdictions, Representative."

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Speaker Daniels: "Representative Granberg."

Granberg: "Are you aware of any jurisdictions that would have an effect immediately, any jurisdictions that have actually passed the type of pay raise that you're referencing?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Yes, we are."

Speaker Daniels: "Representative Granberg."

Granberg: "And what is that, Madam?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "The...any election that occurred April 4th, if there were any...any municipalities that exercised that window of opportunity that was created by this loophole will be under the law, once it is a law."

Speaker Daniels: "Representative Granberg."

Granberg: "In what jurisdictions are you familiar with it and have actually taken that type of action?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "I think the media has made us pretty well aware of the City of Chicago's 'Holy Saturday' pay raises, Representative."

Speaker Daniels: "Representative Granberg."

Granberg: "So I assume, Representative, this is in response directly to the City of Chicago and nowhere else in the state?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Not at all, Representative."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, if you do not know of any other jurisdiction that this would be applicable to, why did you put the legislation in at this point in time?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Well, to tell you on the timeliness, we had

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legislation already drawn, Representative. In response to the pay fest of November 30th of the Cook County Board and staffers and Representatives in my side of the aisle here have told me to announce that the City of Joliet had a pay raise last evening prior to their new term of office. This, in fact, has been an idea in response to the 'pay fest orgy' of November 30th. This goes back to 1978 when George Dunn vetoed a similar 'pay fest' by Cook County Board, and this closes the loophole that the General Assembly allowed back in 1988 that said all 101 other counties would have to set their salary prior to their election."

Speaker Daniels: "Representative Granberg."

Granberg: "But, it's also my understanding this goes back to April 4th. Why did you pick that date in your Bill?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "That is the date of the most recent municipal elections."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, you indicated you were concerned with the November election. Yet you waited until April 18th to concern yourself with the problem that supposedly happened on April 4th. So, why did you wait if you were so concerned about the election in November? Why would you...introduce this legislation now and have the actual date April 4th in the Bill itself?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "I think the timeliness, I think is quite evident, Representative, but Representative from your side of the aisle and I share sponsorship of House Bill 825 which is on Third Reading, which you very may well have an opportunity to vote on. But I was suggesting for legislative intent

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and timeliness is the idea about closing this loophole far proceeds 'Holy Saturday'."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative Murphy. To the Bill, Mr. Speaker. Ladies and Gentlemen of the House, we know what this is about. This is clearly in retribution over the airport. Now, as a downstater I'm concerned about the airport, because we all should be, because if this airport goes through, the road fund is going to be devastated. That means all the downstate projects will be cut back dramatically. But this is what this about. It's retribution to the city because they're trying to preempt the Legislature, over a third airport at Peotone, which we as downstaters should be opposed to. This is absurd. It's like yesterday, we have an Ethics Bill where we allowed every Republican target to speak, just Republican targets. Then we move the previous question so the Bill can pass. We know it's dead in the Senate. This is all a show. We should be dealing with Medicaid, \$2 billion in bills owed nursing homes and hospitals. We should deal with much more serious issues here. This is a charade."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "She indicates she will."

Lang: "Thank you. Representative, whatever happened to the issue of local control. You're for local control over a lot of things. You voted for local control of school districts on issues regarding mandates. Why not local control on the salary structure of...of different boards and different elected bodies in this state?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "With regard to local control, Representative, 101

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other counties local control was taken away by action of the General Assembly in 1988 on this very nature. But to the point, we are not, in this legislation, we will not be dictating salary amount in any way, shape or form. This is about timeliness and sunshine and about letting the voters know in advance of the package they are voting into office, just what the financial package is for the people they are choosing to represent them."

Speaker Daniels: "Representative Lang."

Lang: "If the Bill simply was Section 5 and you wanted to debate the issue of when compensation can be set by an elected body, I would...I would be more inclined to support you, Representative, but you go beyond Section 5. You go on to a Section that says, 'By the way, any action taken since April 4th is voided by this General Assembly.' Do we have the right or responsibility or ethical permission to turn to another elected body and tell them what they can and can't do after they've done it?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "Yes. Yes, we...we do have the right by statute. We have...we can cite different case law that gives us the right, but again we are...the local elected officials who put themselves before the public for election day can set any manner of pay or perks that they so wish. This simply would expand to 180 days prior to the term of their new office. So, as far as having the right, we have the right to...to act on this. I don't know who questioned the right in 1988. George Dunn, former Cook County Board Chairman, vetoed, unsuccessfully if you will, a 'pay fest' that occurred after midnight. You've seen what happened at Cook County and then once again, we have one set of rules for Cook County and another set for the 101 other counties."

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Speaker Daniels: "Representative Lang."

Lang: "Again Representative, I'm not quibbling with that portion of your Bill. I'm quibbling with the portion that you void an act that a particular public body in this state accomplished already and maybe others. We know what you're aiming at here. I'm not talking about when the compensation is set in the future. I'm talking about your ability during this Amendment to void an act of the City of Chicago. But, rather than have you answer that. Let me go on and let me...let me read to you for your comments a couple of cases and you lawyers get your pads out. The first case is Griffin vs. City of North Chicago for 68 Illinois Appellate 3rd 901. In this case it say's the Legislature can not pass a retrospective law impairing the obligations of contracts or deprive a party of a vested right, and you would say well, it's not a vested right because they haven't yet been sworn in, but ah ha. The case of...of the People vs. Sweitzer 280...280 Illinois 436. This case say's that the right to hold office vests on the day of election. You take these two cases together, Representative, and you have a mess in your Bill. You have violated two appellate court cases. One case say's that the constitution would only allow you to pass a retrospective Act if it does not affect a vested right; the second case say's that election gives you that vested right on the day of election. Now, obviously you haven't had a chance to read these, but your...your group around you must have some comments to give you to give to me, so why don't you tell me what you think of these two cases."

Speaker Daniels: "Is that a question? Representative Murphy."

Murphy, M: "Yes, ever willing to respond, Representative, maybe somebody over there can take a couple of these down. No

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one has the vested right in a particular procedure, that's Board of Managers of Dominion Plaza #1, Condo Association versus Chase Manhattan Bank. As far as retroactive as to procedure, Schanz...it's okay and it's Schanz vs. Hodge-VonDeBure. But again, no one has a vested interest other than; these people ran for office, they were elected. There's no vested interest as to their salary as far as timeliness there is a window of opportunity. Some lawyers call that a loophole where between election and term of office they have acted upon that. We have presented another window of opportunity, Representative, May 1st has yet to dawn."

Speaker Daniels: "Representative Lang your time has expired. The Gentleman from Cook, Representative Turner."

Turner: "Well thank you Mr. Speaker, and Ladies and Gentlemen of the Assembly. I...would the Lady yield for a question?"

Speaker Daniels: "She indicates she will."

Turner: "I do have one question, Representative Murphy, and that is in regards to why...why was not the Legislature considered in this legislation?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "This legislation has to do with prior legislation dealing with local government, Representative."

Speaker Daniels: "Representative Turner."

Turner: "Right. Representative, it's my understanding though that as Legislators we can in fact vote ourselves a pay raise during a lame duck session, is that correct?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "Yes, to illustrate the difference if you would prefer, Representative, the Compensation Review Board with regard to any salaries that we enjoy had to act prior to May 1st. Once again in this past November election when we



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were all reelected, the voters were fully aware of our compensation package and whether our record...whatever our record of voting on that package was. Again, it's about timeliness, Representative. When shall the time of salary or any compensation be set?"

Speaker Daniels: "Representative Turner."

Turner: "To the Bill, Mr. Speaker. I...I agree with the Lady in regards to timeliness. I do have some concern though in terms of it's retrospectivity, in terms of bringing it and making it applicable to the most recent action done by Chicago City Council. I happen to have an alderman who's a brand new alderman, who did not in fact vote for this legislation, but I do know the challenge put before him in terms of the job that he has to do in representing the constituents of the 24th ward. I would certainly think that he in fact warrants the pay that's given to him. I don't know if you're familiar with the job of an alderman in city council but in addition to wearing...in addition to carrying concealed weapons, they do in fact perform a very meaningful function in terms of performing city services. The aldermatic offices, in particular, the ones in my district, there are people lined up 24 hours a day coming in and out with very specific requests regarding services and needs and I think that certainly they know what their salary entails. I think that the action that we're doing here certainly is only going to lead as mentioned earlier by some of the other Members, to court challenges and it's...if one thing has been stated here in the last couple of years in this Assembly, I think the real benefactors of many of the things that we do in this Body is the legal community, and I think it's a sad commentary that we now add to their businesses in terms of doing some things that

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really, as a former Speaker mentioned, about the previous two cases, say that it is clearly unconstitutional for us to do what we're about to do here today. I would beg the indulgence of the Assembly and ask them not to support your Amendment and hope that we all will vote 'no' on this entire Amendment. Not because we don't believe that people should have a certain time period before they either vote on a raise or not, but the very fact that we are looking at retribution to members who were elected...duly elected by their various constituencies in the city, and particularly in the City of Chicago and I think that they and their constituency there know what they're doing and so, to that reason I rise to oppose this Amendment."

Speaker Daniels: "The Lady from McHenry, Representative Hughes. Representative Hughes."

Hughes: "Thank you, Mr. Speaker. You caught me with a bite of apple in my mouth. I move the previous question."

Speaker Daniels: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. 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 65 'ayes', 51 'noes', none voting 'present', and the previous question has been moved. Representative Murphy, to close."

Murphy, M: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. This is not about retribution, this is not about airports. This is about voters and about uniformity. I urge your...your support of this legislation. As far as the 'Holy Saturday' and the City of Chicago, the members there chose the time to set their salaries. They could of chosen them before the...a time

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before the election. They chose the amounts of their salaries and as far as any wisdom of making such an increase, that is up to the local people in the City of Chicago. And, in an effort of uniformity and seeking to have bipartisan support, County Clerk Orr was in favor of this type of legislation back when we were drafting it, post the Cook County Board 'pay fest'. I would certainly hope that I could enjoy a favorable vote. Thank you so much for your patience in this regard."

Speaker Daniels: "The Lady moves for the adoption of Amendment #1 to House Bill 496. All those in favor, signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? This is Amendment #1 to House Bill 496. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 74 'ayes', 34 'noes', 7 voting 'present'. This Amendment having received a Majority vote is hereby declared adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bills, Third Reading. House Bill 496, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 496, a Bill for an Act that amends the Counties Code. Third Reading of this House Bill."

Speaker Daniels: "The Chair recognizes the Lady from Cook, Representative Murphy on House Bill 496."

Murphy, M: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen. In the interest of timeliness, I'm sure we're all aware of this Bill, but again this would provide the compensation of elected officers of all units of local government throughout the state would be fixed to at least 180 days prior to their term of office and would preempt home rule and it would apply to all home rule and non-home rule

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entities. It would be retroactive to this last municipal election of April 4th, 1995, and any of those that do not conform to this 180 day requirement will be void. The salary at fix in violation of this Act, the previous salary would remain in effect and again I urge your favorable consideration. Thank you."

Speaker Daniels: "The Chair recognizes the Lady from Cook, Representative Lou Jones."

Jones, Lou: "Thank you, Mr. Speaker. Would the Lady yield?"

Speaker Daniels: "She indicates she will."

Jones, Lou: "Representative, the pay raises for the Mayor of the City of Chicago and all over...and also for the alderman, did that affect you or your constituents in any way?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "Yes. I do have a portion of Chicago, Representative, but more importantly I had legislation regarding this affecting the non-home rule...lack of uniformity with regard to Cook County. I am a Cook County Legislator, Representative."

Speaker Daniels: "Representative Jones."

Jones, Lou: "Representative, this...the Amendment that you just put on that affect the retroactive back to April the 4th, can you truthfully tell me that had nothing to do with what happened with the airport, and I said truthfully...I mean this...had this already, were you planning to do this before the airport incident?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "Representative, the absolute truth, I'll raise my right hand, has nothing to do with the airport and let me tell you...no pardon me, the timing is there if you would look at House Bill 825, I have editorials from all of the local papers, Daily Southtown, Chicago Tribune, the Sun

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Times to expand...extend the pay hike band to Cook. Some alderman from the City of Chicago wanted the pay raises voted on before the election but they were not, and some of these editorials suggested we better act on 825 before the city council would go forward. Who would have known that they would act so hastily and be so abundantly generous on 'Holy Saturday'. It's...it's about the two pay raises to close the barn door after one horse was out in November is one thing. How many horses are we going to let out, Representative?"

Speaker Daniels: "Representative Jones."

Jones, Lou: "It's just coincidental that your Amendment came at this particular time, am I correct?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "I'm sorry I didn't hear."

Speaker Daniels: "I'm sorry. Ladies and Gentlemen of the House. Could not hear the question posed by Representative Jones. We have the attention, Members of the House. Those Members not entitled to the Floor, please retire to the rear of the Gallery or remove yourself from Chambers. Representative Jones, could you repeat your question?"

Jones, L: "I said that it was just coincidental that your Amendment came up right now at this particular time."

Speaker Daniels: "Representative Murphy."

Murphy, M: "Representative, you would have to have been under a rock this past holiday weekend, if you did not know that this was happening. Seeing that yet another horse was getting out of the barn, because legislation does not just happen and I will stipulate to that. We were on the phone, we were talking about is there anything that we can do to stem this tide of a lack of sunshine...a lack of uniformity that was granted to only Cook County, 101 other counties

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are not allowed to do this."

Speaker Daniels: "Representative Jones."

Jones, Lou: "Representative, I wasn't under a rock, in fact I was down there in support of the pay raise for my alderman who I think deserved it and does a fantastic job. I have three alderman, and thank you...and to the Bill. You know, when are we going to really get serious? You know what we're doing now is like two little boys punching at each other, you do something, I do something. You do something else, or maybe it's...those are two little boys, little girls don't to do things like that, but right now you've...right now you have passed welfare reform to go after the lady out there with three children who get \$366.00 a month and you've let a agency get by outside of the State of Illinois with \$5.5 million. That's really welfare fraud. Let's get real. You adopted a park, I don't know how important that is. You've taken three 29 cent stamps away from prisoners and now you've gone after pay raises that don't have a damn thing to do with nobody down here. When are we going to get serious and do some legislation that will really affect the people in our districts?"

Speaker Daniels: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise in support of this Bill, and I particularly wanted to comment that I believe that the retroactive application of this Bill to the last municipal election is appropriate. And it's particularly appropriate in a...in a situation where we can prospectively no with a certainty that the City of Chicago will be coming to us to meet many deficits and many unfunded needs. But in addition, there's a much larger picture here...because the actions of what...the alderman

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did and the Mayor of Chicago did really cast a bad shadow on every one of us as elected officials. The focus of an elected official should be public service and not private profiteering. The...the focus for an elected official should be as a guardian and a trustee of the public money which does not belong to that public official. The role of the public official should not be to take that public money and put it in it's pocket. I think that the grow award that we've seen in the other side of the aisle should be given to the bulging pocketbooks up in the City of Chicago. But let's talk about...how could this money be used? If you look over a three year period, you're talking about \$3.6 million that is going to the pocketbooks of alderman. The City of Chicago schools have many needs. You could hire well over a 100 teachers to meet the classroom needs, to reduce class size, to give our children more attention, or you could hire fewer teachers and put more money into resources and to science equipment and into computers. Perhaps you would want to ask the City of Chicago would put that money into public safety. You could hire new police officers and get more cops on the block. You could buy more public safety equipment. There are many, many public needs for the City of Chicago for \$3.6 million, and I think this is where this money should go. It's appropriate that we take action, because the City of Chicago does look to the General Assembly to meet it's financial obligations. The City of Chicago Schools does look to the...the General Assembly to meet it's financial obligations and we have a duty and obligation to ensure that public money is spent appropriately and not used for private enrichment. Thank you."

Speaker Daniels: "The Gentleman from Will, Representative

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Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There are a few issues that need to be addressed here. One of which is, the timing raised by a previous speaker. As a matter of fact, what you ought to do is look at the digest and look at House Bill 1276, sponsored by Democrats McGuire, Hartke, Holbrook, Boland and what it does is it creates the Local Government Officers Salary Increase Act. And it requires the officers of units of local government, all of them including non-rule, including the City of Chicago to fix their compensation at least 180 days before the beginning of their terms. We happen to think that's a pretty good idea and ought to be expanded on. Now...now...now let me address another issue that's been raised here. This issue is, the retroactivity that a previous speaker raised. Let me tell you about retroactivity, just two days ago I paid a retroactive tax increase by Democrat President Bill Clinton, now this is not a tax increase, this is putting money back into the hands of taxpayers. You want to talk about retroactivity, you've got it. Let me talk about one other thing. This Bill is about opening the door on government. Letting the sunshine in on what's going on. You take that period between the day of election and the day they take office, that's when they all pass them. And it doesn't...just does not apply to the City of Chicago. In fact, the City of Joliet last night during this same period passed a salary increase for the mayor and the city council, at late at night when the taxpayer's didn't know it. You want to talk about meddling in local government, what do you think we the General Assembly do when we regulate how local governments must conduct their business. Mr. Speaker,



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could we have some order in the House please?"

Speaker Daniels: "Can the Gentleman please have order. Control yourself...all of you."

Wennlund: "This General Assembly...this General Assembly has passed and amended the Open Meetings Act. We're telling local governments, all of them, look do your business in the open, in the sunshine. Not by incumbents and lame ducks after the election before the new city councils and the new mayor is sworn in. That's what this is all about. We're talking about a 48% increase, 48% when the worker's in the City of Chicago make at least maybe 3% a year, not 48%. You got a mayor earning more than any other elected official in this nation except for the President of the United States. One hundred seventy thousand dollars a year. City Council is making \$75,000 a year, a \$20,000 increase. It is absolutely indefensible and ludicrous. That's why we need this Bill, and I 'll tell you what. Pay raises, you're talking a million two a year, \$1,200,000, a year and here we have schools and you complain about we don't send enough money to the City of Chicago. They increase your salaries 48%, \$1,200,000 a year that doesn't go for school books, it doesn't for teachers, it doesn't go to help the Chicago Public Schools, yet Chicago comes back down here every year because they mismanaged their own school funds. This is absolutely ridiculous. Absolutely ridiculous. These elected officials forgot the government is for the people of the people and is paid for by the people. That's what this is all about. Now, I...I see...I see by the tallies on the adoption of the Amendment that there's a lot of downstaters on this Bill, you bet there is. Do you want to help Chicago alderman and mayor's line their pockets with tax payer's dollars in this fashion.

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You bet you don't. Let's get on with it and pass this Bill. It's for all the right reasons and it's for the right time."

Speaker Daniels: "The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen..."

Speaker Daniels: "Can the Gentleman have your attention please? Ladies and Gentlemen. Representative Schoenberg, the Floor is yours."

Schoenberg: "Mr. Speaker, Ladies and Gentlemen of the House. I just wish that our dearly departed colleague, Mr. Frias, Ray Frias was here. Many of the same people...to watch this today. Many of the same people who sanctimoniously and very piously stood before us today to sing Mr. Frias' praises as he went on to his next career move. As soon as he was out the door here, he's being stabbed in the back, but I guess that's nothing new is it? My friends, I think when the Old Testament teaches us justice, justice you shall pursue. I don't think this is quite what we had in mind. Mr. Speaker, I have a question for the Sponsor. Will the Sponsor yield?"

Speaker Daniels: "Representative Murphy, will you...you yield to his question? She indicates...Representative Murphy."

Murphy, M: "May I respond? Representative, I knew Representative Ray Frias and you are no Representative Ray Frias."

Speaker Daniels: "Representative Schoenberg. Okay, Ladies and Gentlemen. Okay, everybody let's listen to Representative Schoenberg. Representative Schoenberg."

Schoenberg: "Mr. Speaker, that's hardly an original comment. Last year, Mr. Edley made the same comment to Mr. Stephens and Mr. Edley's not here so I think that Ms. Murphy ought to be forewarned."

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Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Now, Mr. Speaker I'd like to ask my question of the Sponsor...if she will so graciously yield?"

Speaker Daniels: "Will the Lady...will the Lady yield?  
Representative Murphy."

Murphy, M: "With good grace, Representative. Go right ahead."

Speaker Daniels: "Representative Schoenberg, she will yield with good grace."

Schoenberg: "Thank you. Representative, I...I think it's very commendable that you sought to take it upon yourself to defend the interests of all of us who live in the suburbs, myself included. This is hardly the first attempt that you've made to single handedly correct things. My question is, you've sought through another Bill to disembowel the office of the Cook County Assessor. You're now seeking to emasculate the administration of the City of Chicago. My question, Representative, is do you have any other reform proposals pending that are going to rectify other pressing issues such as the outstanding abuses which are taking place at the DuPage County Airport Authority?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "Representative, the Session is still very young."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "I...I'm sorry was that a yes or a no?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "I have...I have any number of Bills, Representative, that I'm sure you will be in support of. I'll...I'll see you after this Bill."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "I'm sorry...and I'm speaking as someone who's on the prevailing side of this issue, but I'm curious is that a yes or a no that you will be addressing some of the issues

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which relate to the DuPage County Airport Authority in this Session?"

Speaker Daniels: "Representative Murphy."

Murphy, M: "Representative, I indicated seriously the Session is still young. I have any manner of legislation that is still in the LRB in stage. I'm not going to speak to other legislation. I'm happy that you supported the Amendment and I'd like to limit my responses to House Bill 496."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Representative, if I were to...work with you closely to draft such an Amendment, would you put it on...would you put it on a Bill so that we could move it this Session whether it affects the Regional Airport Authority in Dupage County, currently or retroactively?"

Speaker Daniels: "Representative Murphy, is that the one where you put O'Hare Field with DuPage County?"

Murphy, M: "And that's scary, I thought it was. Representative, I'll be happy to work with you and where we can agree, we will."

Speaker Daniels: "Representative Schoenberg, your time is almost expired. You have 16 seconds."

Schoenberg: "Well thank you very much, Mr.. Speaker, and I'll have you know that I probably could support an authority for the O'Hare Airport if we did put in a golf course. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Champaign, Representative Tim Johnson."

Johnson, Tim: "Thank you. Thank you, Mr. Speaker and Members of the House. This is really unbelievable. Chicago has it's own standards and we've finally begun to realize now and act legislatively to realize now that they do have their own standards. They have their own standards of abuse,

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abuse to the public trust, deprivation of the taxpayer's, deprivation of the public tax roles. A 'take the money and run' philosophy that somehow hasn't permeated beyond the borders of Chicago. This is absolutely incredible to me and incredible to, I think the constituents of a vast majority of people not only on this side of the aisle, but I would suggest if you look in your own district to the vast majority of constituents on the other side of the aisle. Four million dollars over four years for pay raises for alderman for the City of Chicago, part of which comes from downstate Illinois. Of course it does. Mr. Speaker, could I have some order? We're willing to let...some order some additional time. We don't interrupt you with your editorial comments. The money does come from downstate Illinois, because we pay money into the income tax which goes into the...goes into a fund which is channeled into the City of Chicago and...and we're paying for it in some portion in and out of. The mayor of Chicago now goes...almost a 50% pay raise from \$115,000 to \$170,000 a year, the highest paid mayor in the world as far as I know, and the...and the various other officers pay raise amount to \$160,000 over four years almost \$5 million of taxpayer's money being voted into this pay raise, after the election. What a cowardly way of running a government. What a typical way of running a government that's typical of the way the City of Chicago runs things. They wait till after the election, after you've made all the promises to the people. After you've earned the public trust and then you pass an obscene, unprecedented, absurd pay raise as an insult not only to the people of the City of Chicago, but people all over downstate Illinois. Each one of us, Representative Weaver, Representative Black, Representative

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Rutherford and others, we have our own problems downstate too. And as incredible to me to hear the arguments and defense of this from some of these people that talk about poor children, talk about decaying schools. We've got those problems too and you have them there and yet somehow you're willing to defend the most obscene, outrageous pay raise probably in the history of the United States and certainly in the history of the State of Illinois. This is absolutely an incredible thing that's been done to the taxpayers, not only in the City of Chicago but to the taxpayers of Champaign County and McDonough County, and Massac County and all over this state and this Bill is one that's not only appropriate, but that if it doesn't pass, make my day. I want to see somebody stand up and defend Mayor Daley becoming the highest paid mayor in the history of the world at a time when our schools are in trouble, when we face the medicaid crisis. When we talk about poor children in school and we have our decaying cities downstate, but we don't handle things like this and they had things like this...or handled anywhere else. They're handled this way in the City of Chicago because it's a system that's pervaded on itself, that's fed on itself over the years and somehow it's accepted as...as part of the status quo. Well it ain't the status quo anymore. This is ridiculous, it's out of line, it's obscene and this Bill is something that ought to pass 118 to nothing. I urge a 'yes' vote."

Speaker Daniels: "The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Previously, someone mentioned that some Democrats on this side of the aisle had a Bill with language that

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does pretty much what's...what's we have just put into House Bill 496. But I'm looking at House Bill 1276, McGuire, Hartke, Holbrook, Boland and M. Murphy. The Bill was referred to rules, went to Counties and Township, passed out ten to nothing on Short Debate. It was on Second Reading. Someone on your side of the aisle filed a fiscal note. So, that's what happened to that legislation, that legislation was held up because of a fiscal note. Now, I don't think any fiscal note was filed on this Bill when we adopted that Amendment. Now I don't know if the fiscal note was...was timely or not, but it seemed to me that you're going to chastise Members on this side of the aisle and they did what they were going to do but it was held up because of the process that has been used to hold up Bills over the whole passage of time that I've been here. A fiscal note, but yet a fiscal note is not needed on House Bill 496. And you talk about alderman. You know alderman in the City of Chicago represent 60,000 people. That's more people that...in many of the towns you have in your district. They represent almost as many as people as we do. We represent 98,000...98,000. Now, we should get more money. But, you know what's going to happen on that. People are going to get up, say we shouldn't get a pay raise, say that we're taking from the state...but you know what, I've yet to see any of you send back some that SS money. When we voted to raise the state income tax back in 1988 and Members on that side of the aisle were hollering about all the wrongs of raising the income tax, have any of you returned any of that money? No. No, because you wanted it too, but you didn't have the heart and you didn't have the backbone to stand up. Just like there's a colleague in this General Assembly that voted against

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riverboat gambling, but yet, his community is reaping the benefits on my vote, but yet I can't get riverboat gambling for my city, but it was my vote. It was my backbone and my heart and my putting it on the line every election. But yet he's reaping the benefits of it, but yet he couldn't vote for it, and got up and talked against the Bill, but now he's taking thousands of dollars in contributions from them same people. You're talking about hypocrites. You're talking about hypocrites. What's going to be the biggest...the biggest hypocrite is going to be when McKasky, the biggest hypocrite is going to be when McKasky and Dueshiswire get what they want. They're going to get what they want...they're going to get what they want and you're going to say oh, but that's a different kind of subsidy. You need...you know that's a different kind of subsidy. You didn't want to support Robbins, but yet you're going to support a bond issue at Joliet Arsenal. That's a different kind of subsidy. That's a subsidy that takes care of our people to hell with your people. But as I tell my colleagues...as I tell my friends back home when I hit this button, I hit this button for 11 million people, regardless of what I feel about any Member in this General Assembly personally, I can't hold that against your people. Because we might be a bunch of dimwits, the people you represent aren't dimwits. They might of been dimwitted in sending some of us down here, but I think they're getting smart, and I tell people who complain about us and say, why don't you run? There's no resume' to become an elected official, just halfway retarded. But I think some of us is taken that seriously. This is ludicrous. Some people say this money could go to fund the public schools. How can that be, if we can't raise the property tax? The only way



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local unit of government can fund an educational system is through a property tax."

Speaker Daniels: "Mr. Morrow, bring your remarks to a close, Sir. I'll extend the Monique Davis courtesy to you, I'll give you one more minute."

Morrow: "I don't...I don't need the courtesy Mr...Mr. Speaker. I'm going to be brief. This...this Bill should not even be on the board and I want...and I would like an inquiry of the Chair, since this pre...preempts home rule, since we haven't found out what happened with the Bond Bill whether...it is going to need to three-fifths majority, but I'd like a ruling for the Chair. Will this need three-fifths majority to pass?"

Speaker Daniels: "The Chair rules that House Bill 496 preempts home rule pursuant to Article 7, Section 6, subsection 1, providing for concurrent exercise of power and requires a Constitutional Majority vote, not a three-fifths vote. That is the ruling of the Chair. Further...further discussion? The Gentleman from Winnebago, Representative Winters. Excuse me Representative Winters, Representative Morrow what purpose do you rise Sir?"

Morrow: "I...I'd like to make a Motion to overrule the chair on that...that ruling is..."

Speaker Daniels: "The Gentleman has moved to overrule the Chair. The question is, 'Shall the Chair be sustained?' All those in favor of sustaining the Chair vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 65 'yes', 43 'no', and the Chair's ruling is sustained. Further discussion? Representative Winters, the Gentleman from Winnebago."

Winters: "Thank you, Mr. Speaker, Members of the House. I rise

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in support of House Bill 496. As a former Member of a county board of township government, I never...never thought that I had the right to raise my own salary after the election. I'm absolutely astounded, astounded to find that elected officials in Cook County are different than the rest of the world. They're different than all the other counties in this state, because they have that power. This Bill seeks to rectify that. It is a sunshine Bill and it empowers the taxpayers. We have talked about other issues in some of the committees. We've talked about child abuse, about spouse abuse. This seeks to rectify taxpayer abuse. When an elected official can raise his own salary and in this case, there's one action over their four year term is almost \$5 million. That truly is an unbelievable amount of dollars to be spent on salaries for officials that are supposedly part-time and I would like to paraphrase Senator Everett Dirksen from Illinois who once said that a million here, a million there. Pretty soon you're going to be talking about real money. Well \$5 million is real money, and to allow this pay raise to go through for the City of Chicago, for the Cook County Board, for any city in the state is unconscionable. In the last two Cook County elections, after the election, their officials raised their own salaries. They're running into the back room after the citizens have lost their chance to speak on it, after the election. If I was a voter, I would be completely outraged at the actions of their public officials. This Bill seeks to redress that, make sure that the Cook County government and the City of Chicago live under the rest, the rules that the rest of us in Illinois have to live under. They have to understand that it's Chicago, Illinois, not Chicago, Chicago. I therefore urge

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your support of House Bill 496. Thank you."

Speaker Daniels: "The Lady from McHenry, Representative Hughes."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the main question is put. On the issue, Representative Murphy to close."

Murphy, M: "Thank you, Mr. Speaker. Ladies and Gentlemen, and thank you, for all your good debate in making so many good points. Those of you that spoke about the anti-Chicago anatomists or about home rule, first of all we need uniformity. We must do something about one set of rules for Cook County, City of Chicago and the rest of the state. When we talk about drawing a border around the city, and we want a healthy Chicago, I represent part of Chicago. When it comes time for the school crisis, when it came time for us to start taking over the Chicago crime lab and collecting taxes for the City of Chicago we worked that out and local municipalities lost out on that distributive fund, but the City of Chicago ended up walking away the better from the bargaining table. This Bill was there in the form of 825 and it's idea and I went on as a hyphen with a Freshman Democrat Representative who was carrying this for Cook County Clerk, David Orr, and when this Bill kept, somehow not being posted in committee as it was brought up, I want to bring out that when I found out why it wasn't being posted, it said a certain Democratic staffer kept suggesting that it shouldn't be posted. As Chief Sponsor of this Bill as a Democrat, he's a Freshman, he had a good idea and I give him credit be...and we will be hearing about 825 at some point, but again timeliness is everything. 'Holy Saturday' did occur, there are other

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municipalities that have acted, not in sunshine, after midnight when people thought they were safe in sleeping and at any rate, whether the pay raises were obscene or not, I somehow think the pay raises would of been different had they been acted on prior to 'Holy Saturday', and I would certainly hope that I can enjoy your fair consideration and your support in this. I'd like to address two technical issues that have been raised. The first is about home rule preemptions. This proposal does not purport to deprive home rule units of power to fix the salaries of their officers, or to mandate the state exercise that power exclusively. It merely places limitations upon when that power may be exercised. As such, it falls within the General Assembly's power under Section 6,I. The second issue, I'd like for the record , relates to retroactivity. The General Assembly clearly has the power to act retroactively when it says so expressly. This Bill expressly does that. I urge your favorable support and consideration, and thank you for you patience with this matter."

Speaker Daniels: "The Lady has moved for the passage of House Bill 496. The question is, 'Shall House Bill 496 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 70 'aye', 27 'no', and 17 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does the Gentleman from Lake, Representative Churchill rise?"

Churchill: "Thank you, Mr. Speaker. Having voted on the prevailing side, I would now move to reconsider the vote by

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which House Bill 496 passed."

Speaker Daniels: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise to table the Gentleman's Motion."

Speaker Daniels: "The Gentleman, Representative Churchill has moved to reconsider the vote by which House Bill 496 passed. The Gentleman from Vermilion, Representative Black has moved to table that Motion. On the Motion to table, all those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Motion is tabled. I'm reading House Bill 974. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 974, a Bill for an Act that amends the Park District Codes. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 974 amends the Park District Act. Committee Amendment #1 became the Bill and includes four different pieces of legislation. House Bill 974, the language in that Bill was incorporated in Committee Amendment #1, and requires the annexation ordinance to be filed in the county where the annexation takes place rather than in each county in which the district lies. The second portion of that provides that whenever any property is located in a park district, also lies within a municipality that has established a recreation board, and the property is being taxed by both entities, 10% or more of the legal voters presiding in the territory may petition to be disconnected from the park district, establishes a referendum procedure and repeals these provisions on

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January 1, 1998. That language is identical to House Bill 975. The third portion allows park district owned property used as a recreational area to be annexed to the district by passage of an ordinance if the property is separated from a district by one and a half miles or less and is not within the boundaries of any park district. It requires the ordinance and an accurate map of annexed territory to be filed in a county clerk, in a recorder's office of each county in which the annexation takes place. It's identical to House Bill 1230. House Bill 1231 was amended out of the Bill by Floor Amendment #1. The final portion of the Bill is House Bill 1233, and that provides the president of the park commissioners downstate forest preserve districts shall have the power to appoint with the advice and consent of the board certain officers as may be necessary. Provides that the board may by ordinance, establish procedures it deems necessary concerning all matters involving district personnel. Again, that was identical to House Bill 1233. And, the last portion authorizes the forest preserve district located in a county of 400,000 to sell parcels of land in one acre in size, and this is identical to House Bill 1244. Be happy to answer any questions."

Speaker Black: "On House Bill 974, no one seeking recognition, excuse me, I'm sorry, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Please Speaker, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Is this Bill proposed for a specific downstate forest preserve district? In other words, what's the genesis of this Bill?"

Speaker Black: "Representative Balthis."

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Balthis: "Which portion...are you talking about the portion of House Bill 1244?"

Speaker Black: "Representative Hoffman."

Hoffman: "I don't really know the exact number, Representative. The one with regard to selling of the land. I guess the question is, was this done for a specific forest preserve district, and what is the value of the land the district wants to sell and the sell price, et cetera? I don't recall which number or Bill number was."

Speaker Black: "Representative Balthis."

Balthis: "Representative Hoffman, that is House Bill 1244. It's the identical language. According to the information that I have, Kane County has small parcels of land located throughout their area, and they are attempting to consolidate that or sell off that land, but the language in the Bill specifically says they can only use the money gained from that sale for future land purchases, and no other town...no other forest preserve projects."

Speaker Black: "Representative Hoffman."

Hoffman: "The selling of that land, will that land then be taxable after the sale, if they sell it to individuals, it would become taxable?"

Speaker Black: "Representative Balthis."

Balthis: "Yes."

Speaker Black: "Representative Hoffman."

Hoffman: "The Bill requires that you said that the proceeds be set aside for future land acquisition. Does that district, you know, Kane County have any plans for future land acquisition?"

Speaker Black: "Representative Balthis."

Balthis: "There is nothing in the information that I have that indicates that."

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Speaker Black: "Representative Hoffman."

Hoffman: "I assume that with Kane County I think a good portion of it is Representative Cross' district, is the portion regarding the condemnation, I guess, the concern is, they get money to acquire land are they then going to condemn somebody else's property to acquire more land? So, would this affect individual in a negative way by having their property taken away under this Bill?"

Speaker Black: "Representative Balthis."

Balthis: "Representative, the portion on condemnation on power was taken out of the Bill by Floor Amendment #1."

Speaker Black: "Representative Hoffman."

Hoffman: "So, individuals that they would be seeking to buy the land from, would have to voluntarily do it because there would be no power of condemnation to utilize these proceeds to acquire land, is that correct?"

Speaker Black: "Representative Balthis."

Balthis: "Yes."

Speaker Black: "Representative Hoffman."

Hoffman: "It's my understanding...I don't remember which prior Bill or what part of the Bill it was but there was...in here, was regarding annexation. Why do we want to require an annexation to be filed with the county where the annexation takes place rather than in each county where the district lies? Because, it would be my understanding that when their annexation takes place, it really affects the entire district. That district could go in two or three or four different counties even more, so it would seem as though taxpayers would also be interested in what takes place with regards to the annexation."

Speaker Black: "Representative Balthis."

Balthis: "Representative, that was the portion that has House



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Bill 974, the original Bill. The recommendation by the Illinois Park Association was that it was costing the districts money to file in counties that were not affected by the annexation, and so, it was their recommendation that this would save the park districts money by allowing them only to file the annexation ordinance in the county that was affected by the annexation."

Speaker Black: "Representative Balthis."1

Balthis: "So basically, that provision is just a money saving provision. The concern I guess would be, limiting the filing requirements, is that...disallows certain residents in the part district from knowing about the annexation because it's not in all the counties. Is there any other means of notifying them in this Bill?"

Speaker Black: "Representative Balthis."

Balthis: "There is nothing in the Bill that would notify taxpayers that lived in the county other than the county that was affected by the annexation."

Speaker Black: "Representative Hoffman."

Hoffman: "With regards to the annexation, the .... territory owned by the district but is not within the boundaries of the additional territory, will this then change the district boundaries itself? That would cause the district boundaries to be changed I assume, correct?"

Speaker Black: "Representative Balthis."

Balthis: "Yes."

Speaker Black: "Representative Hoffman."

Hoffman: "Could this potentially because the increased boundaries, could it potentially cause an increase in taxes to the residents as a results of the necessity to...of having larger boundaries?"

Speaker Black: "Representative Balthis."

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Balthis: "Representative, the only way that I would see that, is if they did some development of that property which..."

Speaker Black: "Proceed, Representative Balthis."

Balthis: "...if they didn't have the bonding authority to do that, they would have to go to the taxpayers to do that, so, there's nothing in the Bill that authorizes them to spend money without notification as a normal process is today."

Speaker Black: "Do you have a further question, Representative Hoffman?"

Hoffman: "Just to the Bill. I know that there are many provisions in here. I really don't see any problem with the Bill. I guess there's a little bit concern because its all been rolled into one. However, generally the Bill seems to be okay. I don't see any problem, just a few people on my side of the aisle may have questions."

Speaker Black: "No one else seeking recognition, Representative Balthis to close."

Balthis: "Thank you Mr. Speaker, Ladies and Gentlemen. Most of the language in this Bill was recommended by the Illinois Association of Park Districts. The only part of the Bill that had any controversy was House Bill 1231. That portion was removed and I would urge an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 974 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 105 voting 'aye', none voting 'nay', 6 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk...announcements from the Clerk."

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Clerk McLennand: "Committee Reports. Committee Report offered by Representative Churchill, Chairman of Committee on Rules, to which the following Bills, Resolutions and Amendments were referred, action taken on April 19, 1995, reported the same back with the following recommendations: do approve for consideration, Floor Amendment #2 to House Bill 741; Floor Amendment #2 to House Bill 1277; Floor Amendment #1 to House Bill 1490; Floor Amendment #2 to House Bill 1528; Floor Amendment #2 to House Bill 1693; and Floor Amendment #2 to House Bill 2251. Committee Announcements, Rules Committee will meet today at 5:00 p.m. in the Speaker's Conference Room, Committee on Rules will meet at 5:00 p.m. in the Speaker's Conference Room. Committee Announcements, the Committee...Counties and Townships Committee will meet at 6:00 p.m. in Room D-1. Counties and Townships Committee will meet at 6:00 p.m. in Room D-1, or immediately upon adjournment. Public Utilities Committee will meet at 6:00 p.m. in Room 122 B. Public Utilities will meet at 6:00 p.m. or upon adjournment in Room 122 B. Judiciary for Criminal Law, will meet at 6:15 in Room D-1. Judiciary for Criminal Law, is posted for 6:15 in Room D-1. Revenue...Revenue Committee is posted for 6:15 in Room 122 B. Revenue Committee, Room 122 B at 6:15."

Speaker Black: "Thank you, Mr. Clerk. The Gentleman from Rock Island, Representative Boland, are you seeking recognition?"

Boland: "Yes, thank you, Mr. Speaker. I just wanted to have the record reflect that I would have voted 'yes' on the previous Bill there by Representative Balthis, I missed it."

Speaker Black: "Yes, thank you, Representative, the transcript will reflect that you intended to vote 'aye' on House Bill

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974. On page 18 of the Calendar, there appears House Bill

991. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 991, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Black: "The Gentleman from Coles, Representative Weaver. Take the Bill out of the record, Mr. Clerk. Page 20 of the Calendar appears House Bill 1140. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1140, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Black: "And on that question, the Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1140 is the Learn Fare Program modeled on Wisconsin's initiative under Governor Tommy Thompson. We took care of some of these things on the fast tract legislation. This Bill links welfare benefits with school attendance for children ages 13-18. I'm sure we'll have a lively discussion and I would be happy to respond to questions."

Speaker Black: "And on that question, the Lady from Cook, Representative Currie."

Currie, Barbara: "Thank Speaker and Members of the House. With the Department of Public Aid, the Illinois Department of Public Aid, I oppose the provisions of House Bill 1140. I appreciate the fact that the Amendment that has already been adopted to the Bill will reduce some of the costs of compliance and bring the measure into compliance with other welfare legislation that has already passed this Chamber. There's no question that this proposal is a costly one, and it is not at all clear that passage of this Bill will have

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the effect that the Sponsor so very much hopes will follow. The problem in dealing in family relationships as the minister who spoke to us this morning, reminded us, you can't legislate morality, you can't legislate love, you can't legislate in effect, good relationships, healthy relationships within a family. I think unfortunately the effects of House Bill 1140 will be to fray further, those relationships that are not already working well. In families that work well, the children go to school. It's in families that don't work well, where there is a problem. I see no reason to think that welfare families have a different kind of problem with school attendance, than families of other levels of the socioeconomic ladder, and I think it's unfortunate to try to use the fact of a welfare check, the fact of welfare dependency to behave in ways that are punitive to the welfare poor and about which they may not be able to make the difference that Representative Roskam hopes they will. In order for this program to work at all, the Department of Public Aid would have to hire another 70 people at a cost of \$3.3 million annually. And while there might be some lessened payment of income assistance, the total net impact to the state would be at least \$2 million. I know that Representative Roskam's kids are little, but let me tell you what happens when the kids get a little bit older than his are today. What happens is, the children often use programs like this to hold up, to blackmail the parents. Hey mom, says the 15 year old, I'd really like a pair of Nikes, and the mom says to the 15 year old, honey, we can't afford them, and the kid says, hey mom, hey mom, if I don't get my Nikes, I'm not going to go to school and mom knows and the kid knows that if the kid doesn't go to school, mom is going to get less money at

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the end of the month. This is not a good way to build a strong and healthy family relationship. Giving youngsters the tools to make life more miserable and more expensive for their parents is not going to improve the school attendance, it's not going to do the job. The record in states that have passed legislation like this is not salutary. The problems of chronic truancy persists and the problems of chronic poverty are exacerbated. This is not good public policy, it would create a substantial mandate, an unfunded mandate for our school districts. While it's true they keep track of attendance figures for the purpose of state aid, that count it made on one single day during the school year. For our school districts to have to computerize their attendance lists on a daily basis, and then report those lists to the Department of Public Aid, will indeed be costly, it will be cumbersome and will keep those districts from doing the basic job, which is educating their young. This is not the way to build healthy families, it is not the way to increase and improve school attendance. This Bill does not make sense, never mind that its Sponsor I know is well intentioned. I would urge the Members of this Chamber to vote with the Department of Public Aid, with advocates for local schools and with advocates for Illinois children, and vote 'no'."

Speaker Black: "And on that question, the Lady from Cook, Representative Schakowsky."

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

Speaker Black: "He indicates he will."

Schakowsky: "Representative, I know the problem that you are intending to address, but I wanted to ask you in addition to its being opposed by the Department of Public Aid which to many of us may be neither here nor there. I'd like to

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know what child advocacy or school advocacy groups or experts in the field or academics who have looked at this, support this and promote this notion?"

Speaker Black: "Is that a question Representative? All right, Representative Roskam."

Roskam: "Representative, none that I'm aware of. I haven't had that type of dialogue. The model that this legislation was based on, is you know, put forth in Wisconsin, and the trend lines are good. But in direct answer to your question, none that I'm aware of. I didn't seek that particular dialogue."

Speaker Black: "Representative Schakowsky."

Schakowsky: "In fact, Representative, most people who work daily in this field who are struggling in their professions and their jobs and their avocation, do not support this legislation. They oppose this legislation. When you point to Wisconsin, there are mixed at best, mixed results. I know that you point to the legislative audit bureau which even according to your own fact sheet, has reported modestly better levels of school enrollment. Not necessarily connected to this legislation, but there's better school enrollment. There have been other studies in the past that have shown that, of the students participating in the Wisconsin program, that one-half showed poorer attendance, so, it seems to me at best, that the data is not conclusive, that it achieves in fact, the goal that you are after. But let me ask you this, since...at least in my mind, we're not sure about that, are we sure about the cost? Representative Currie raised some numbers that the Department of Public Aid has raised, and I would like you to respond to those."

Speaker Black: "Representative Roskam for response."

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Roskam: "Representative Schakowsky, the good news is that the non-partisan Legislative Audit Commission in Wisconsin did make that nexus. The conclusion of that study which our legislative audit bureau basically, or I could have the nomenclature mixed up, but the bottom line is that study, that non-partisan study by the state auditor in Wisconsin, did have that nexus. Now speaking to the study that the Department of Public Aid promulgated, I had a very candid conversation with the representatives from the Department of Public Aid, three weeks ago outside the House Chamber. At that point, they said, well, Representative, according to our research Learn Fare doesn't work, and I said, will you give me a copy of that study? And they did. I called the Governor's Office in Wisconsin, and I spoke to their Director of Policy I think, could you tell me about this study? What's the program, what's going on? They said, Representative we're glad that you called, because that study that our Department of Public Aid is pumping around, didn't comply with the federal waiver. That study that criticized welfare, didn't have a control group. That study is gone. That study is discredited, so we went directly to the Legislative Audit Bureau and asked them for their results. Your other question, Representative, was about cost. As Representative...one of the previous speakers mentioned, I changed the character of the program considerably to cut down on any duplication in terms of teen parents and my argument is, its taken a generation to create this problem, and we're not going to fix the problem overnight."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Thank you. The other issue that was raised by Representative Currie, was the question of



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additional...that this was an additional unfunded mandate on our school districts, that they would have to comply with, and again, you're saying that it's already law, but is it not true that this is going to put an additional burden on school districts and that...I thought you were opposed to new mandates for school districts?"

Speaker Black: "Representative Roskam."

Roskam: "Representative, the good news is, as you pointed out in the fact sheet that I distributed earlier today, it is the law to track student attendance. The way that this program, my understanding is, been working in Wisconsin, is that there is not an affirmative duty to come forward on the part of the school districts, but that inquiry is made by the Department of Public Aid."

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

Schakowsky: "I know there are a number of people who are willing to give me more time for this current...I don't know if you will let me continue now."

Speaker Black: "I'll get back to you, Representative. And on this question, the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. This is a subject that probably is so dear to my heart. I have spend 20 years working on truancy and the related issues as the Regional Superintendent of Schools. I was one of the founders of the state board program on truancy and alternative education. I would like to address specific issues dealing with attendance. When you talk about the basics in school, the most basic, basic is getting the child in the classroom. If you can't get the class...the child in the classroom, all of the fine curriculum, all the work of the

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wonderful teachers is gone. We have done a number of studies that have been published nationally about the impact of attendance in Illinois on dropout, on crime, on school failure. Let me just run briefly through a couple of these. We took 270 students who started an attendance problem. We followed them through graduation, we followed them until they were 21, and asked the question, how many of these graduated after they started an attendance problem or how many passed the GED examination? Of the 270, only 7 students graduated from high school after starting an attendance problem, and zero ever got their GED before 21. The same with crime, when a child is on the street, they get involved in crime. Seventy six percent of them were convicted within a two year period of some non-school related crime. When you force a child back into school through a method like this, there is a very high likelihood that they will get back into the academic program, they will get involved in the athletics of this school. We found out that about a fourth of the students, 25% of them, once they were forced back in, assumed the normal academic level, and the normal attendance and activities level, so you're talking about a very large number of individuals who could be saved, could be helped by this. If we don't do this, we have attendance problems which go to dropouts, which go to new cases of welfare. This is an excellent idea. It goes one of the real basics of the school failure in this state, and that is attendance and truancy problems. I strongly urge for the sake of the schools in this state, that this be implemented. One last thing. You talk about a state mandate upon the schools, school finance is based on ADA, Average Daily Attendance. If we can get more students in school, the schools will get more state money.

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So, therefore, this is an advantage to the school districts. It'll provide greater funds and this will be a benefit to the schools and to the communities. Outstanding Bill, we need to pass it."

Speaker Black: "On that question, the Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, will the Gentleman yield, please?"

Speaker Black: "He indicates he will."

Flowers: "Representative Roskam, are our schools made equal?"

Speaker Black: "Representative Roskam."

Roskam: "You tell me, Representative."

Speaker Black: "Representative Flowers."

Flower: "Yes. Do you know the answer?"

Speaker Black: "Representative Roskam."

Roskam: "I sense this is a rhetorical question, why don't you go for it?"

Speaker Black: "Representative Flowers."

Flowers: "Representative Roskam, what about all neighborhoods? Are all neighborhoods made equal?"

Speaker Black: "Representative Roskam."

Roskam: "I'm not trying to be cavalier Representative, but it's your time, go ahead and ask questions and give your presentation."

Speaker Black: "Representative Flowers."

Flowers: "I understand, Representative Roskam, and I appreciate that. My point to you by asking you those questions, is that, unfortunately, some kids are inhibited from going to school for various reasons. The drugs, crime, the environment, and as a result of what we have not done, on behalf of the children of the State of Illinois in regards to making the schools a safer place, why would you want me to force my children to go in such an environment where we

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know there is asbestos, there's gangs, there's broken windows, a lot of literature, gang graffiti, why would you want...and then you'd rather have my bread and butter and a roof over my head held hostage if I'm not forced into this environment. Why would you want to do that?"

Speaker Black: "Representative Roskam on the question of why."

Roskam: "Representative, the good news is...I don't know if you have a copy of the Bill, but on page two, under paragraph B, subparagraph 1, the individual is exempt from this provision if they demonstrate good cause as defined by the Illinois Department Rules, for not attending school. I anticipate that if there is some outrageous gang situation on the corner, and they demonstrate good cause, like my life is in jeopardy if I attend school, then they're exempt. So, you're...the issue that you wisely raised as been taken care of in the crafting of the legislation."

Speaker Black: "Representative Flowers."

Flowers: "Representative, how does one define good cause? Is it because of the numbers of crime that have been committed in the school? And is it because of one's opinion? And whom shall I define this to? And what grounds and what roles have to make this judgement about me on, please?"

Speaker Black: "Representative Roskam."

Roskam: "That's a great question, Representative. I would anticipate that the department promulgate rules. Now is there's a problem, if the department doesn't promulgate good rules, if we come back in the next General Assembly, and if you and I are fortunate enough to be here, and they haven't done the job by crafting artful rules, then we can sit down and do that. Now, quite frankly, my confidence level in the department after their opposition to this, I'm no quite as confident about where they're coming from. But

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at this point, I want to move ahead and get this into place. They hit a foul ball as far as I'm concerned, but they may be able to hit a homer yet and get this thing right."

Speaker Black: "Representative Flowers."

Flowers: "Representative, see, I think you missed the message. You see, AFDC is trying to tell you that they are not competent that they cannot set forth those rules, so therefore, as a result, if we allow this Bill to go forward, there's a possibility a lot of childrens lives will be in jeopardy, because not the lack of efforts, but we're talking about doing away with this, AFDC, so why are we going to give them more of a responsibility when we are going to eliminate them as a whole in the first place? And again, they're telling you that they don't want to do it because there is other things they should be doing, and there's some things we need to do first in regards to our schools before we start forcing our children to go into these unsafe places."

Speaker Black: "Representative Roskam."

Roskam: "You've left me...Representative Erwin has left me speechless. Representative, let me just say this, whenever someone comes forward with legislation, they hope that the department will execute the law as is their charge. It is our job as lawmakers to craft good public policy. We then give that responsibility to the Executive Branch. Now quite frankly, I don't care at this point whether some staff person on the legislative staff, of the Department of Public Aid says, Representative Roskam, we don't like your Bill, we don't bother to make phone calls to Wisconsin, we don't bother to read the details of the reports..."

Speaker Black: "Sorry, Representative Roskam, your time is

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expired on this, Sir. Bring your comments to a close."

Roskam: "Representative, please vote 'aye'."

Speaker Black: "Further discussion? The Chair will recognize the Lady from Cook, Representative Lou Jones. Representative Flowers, your time expired and now recognized the Lady from Cook, Representative Lou Jones."

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

Speaker Black: "He indicates he will."

Jones, Lou: "Representative, in your Bill, let me give you an example. There are five children on the grant, and one of the children, let's say is 15 or 16 years old, who is not attending school, do they reduce the grant from his portion, or do they take the entire family off of the rolls?"

Speaker Black: "Representative Roskam."

Roskam: "Representative, the way that the Bill is crafted, and we can add this dialogue to establish the legislation intent, it's not my intention that the entire family grant would be subject to sanction, but instead it would be prorated according to one child."

Speaker Black: "Representative Jones."

Jones, Lou: "What you're saying, Representative, whatever is allotted for that one child is decrease from the total amount of the grant, am I correct?"

Speaker Black: "Representative Roskam."

Jones, Lou: "Representative are you..."

Roskam: "That's correct."

Speaker Black: "Excuse me, I' sorry. Go ahead, Representative Jones."

Jones, Lou: "Are you aware that when the grant is given to a recipient for four or five children she uses, number one, is below the poverty level, that's number one, it's really

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not enough money for them to live on and we know that. When you reduce that grant, are you aware that you also are hurting the other children in that family?"

Speaker Black: "Representative Roskam."

Roskam: "Representative, I understand the merits of your argument, and I do appreciate what you are saying, but remember what the fundamental premise of this legislation is. The fundamental premise of this legislation is, that as a condition of receiving taxpayer benefits, through AFDC, as a matter of public policy, we think it's a good thing to attend school. So, the way to avoid the sanction, and again, I'm not trying to be some simplistic or cavalier, the way to avoid the sanction is to go to school. There are adequate safety measures, we mentioned the good cause that department rule will promulgate. The notion that a child will be in a power position within the family, is not true. This legislation is more liberal, if I could be so bold as to associate myself with that phrase, than the Wisconsin legislation, because this puts in a place a good faith effort on the part of the parents. Let me direct you to page two, paragraph five, where it says, its outlining the exemptions, let me just finish and then we'll cut you loose, the individual parent demonstrates a good faith effort to require the individual to attend school. So, if the little five foot two mom has a six foot four gangbanger as a son who is giving her a hard time, if she makes a good faith effort and she says, hey, this kid is completely out of control, she's exempt. We're not coming down hard on her, but it's people we're trying to say look, you know this and I know this Representative, but if people don't get the tools to break out of this cycle that is so vicious and insidious, they're never going to break out,

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and if we can move people one step towards that process, that's a good thing. Is this Bill a panacea? Absolutely not, but I think it's reasonable, it's well crafted, and it's not a high expectation at all."

Speaker Black: "Representative Jones."

Jones, Lou: "Thank you, Representative. You just took up two minutes of my time answering one question. Public Aid, are they supporting your Bill?"

Speaker Black: "Representative Roskam."

Roskam: "No."

Speaker Black: "Representative Jones."

Jones, Lou: "The reason why, am I correct, is because the amount of money it would take to do your Bill, or enforce your Bill, is like four or five times the amount of the savings?"

Speaker Black: "Representative Roskam."

Roskam: "Representative, think about how ridiculous that is assertion is. We have a generation of kids, we have a generation of children in this state moving from one family on in the cycle of poverty to another, to another, to another, and the Department of Public Aid is saying, 'Well this thing isn't going to solve the problem overnight, Representative Roskam, so we're going to oppose it'. That is flawed logic. That is absolutely bizarre. If we're going to move forward, then we need to hold people accountable for their studies and say, look if you're going to break out of the cycle, the only way to do it is if you have the skills."

Speaker Black: "Representative Jones."

Jones, Lou: "Well Representative, I understand what you're trying to do, and I'm concerned about the dropout because I have a large dropout in my district, and I'm concerned about a way



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to keep children in school, but I don't think sanctioning people on public aid is the way to do it, and to the Bill, again, we're going after the lady out there with four or five children who get about...less than \$400 a month to support her family, and again, we've let the state give away a contract for \$5.5 million to a agency outside of Illinois, who refuses to give the money back because they said the Department of Public Aid did not do what they were suppose to do and they did. Again, I think we're going after this the wrong way, and I urge a 'no' vote."

Speaker Black: "Further discussion? The Lady from McHenry, Representative Hughes."

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

Speaker Black: "Representative Hughes, has moved the previous question. The question before us is, 'Shall the question be moved?' All those in favor, signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Roskam to close."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is well crafted legislation. This is legislation that is working in the State of Wisconsin. This is legislation that says, if you're going to welfare benefits, you need to make sure your children are in school. There are provisions for good faith efforts, there are provisions for good cause. It's not nearly as costly as the Department of Public Aid is representing. The real question we need to ask, what is the question, what is the cost of this if we don't take action today. I urge an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 1140 pass?' All those in favor vote 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?  
Mr. Clerk, take the record. On this question, there are 88  
voting 'aye', 20 voting 'no', 8 voting 'present', and this  
Bill having received the Constitutional Majority, is hereby  
declared passed. Mr. Clerk, what is the status of House  
Bill 597?"

Clerk Rossi: "House Bill 597, a Bill for an Act creating the  
Joliet Arsenal Development Authority. Third Reading of  
this House Bill."

Speaker Black: "All right. Thank you very much. Mr.  
Clerk...Ladies and Gentlemen of the House, we've had a full  
debate on this issue, it is the opinion of the Chair after  
a consultation with Bond Counsel and other interested  
parties in and outside the chamber, that it does not  
involve a full faith and credit clause of the Illinois  
Constitution, therefore, this Bill requires 60 votes to  
pass. And since that being the ruling of the Chair,  
Representative Granberg, is it your desire to appeal the  
ruling?"

Granberg: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Black: "State your inquiry."

Granberg: "What Bond Counsel did we speak with in this  
consultation on whether this involves a full faith and  
credit of the state?"

Speaker Black: "'Mayer, Brown and Platt'. I believe that's the  
state's Bond Counsel on...debt, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, because I was just curious,  
because obviously it does involve the full faith and credit  
of the state, so I just wondered...how much their opinion  
was worth when they read the Bill. So, I appreciate your  
time and I would like to...I now move that we override the  
Chair on its ruling because I believe it is patently wrong

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with all due respect to the Chair and the distinguished Parliamentarian. This is not a moral obligation, it is clearly a legal obligation and it is clearly wrong. So, I would ask Mr. Speaker that we now move with the requisite number of Members to override the Chair on that ruling."

Speaker Black: "On the question to overrule the Chair, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Mr. Granberg is most certainly correct. I don't know which Bond Counsel you talked to, who the person was at Mayer, Brown and Platt, which is a wonderful law firm, sure Mr. Nemerovski recalls being there. However, however, Sir, the stat...the Constitution of the State of Illinois is clear regarding state debt. It states very clearly that in any, in any case where the full faith and credit of the State of Illinois is supporting an attempt to bond and it's clearly that...then we're increasing state bonding authority and therefore three-fifths vote is required. That's what it says, Sir. You can talk to a hundred bond counsels, and I don't care what you say, the Constitution of the State of Illinois, is clear. The Bill is clear as to what it does. It says specifically in the Bill that the State of Illinois has to back these. Says specifically in the Bill that the Governor of the State of Illinois is the person who will decide if these bonds can be issued. All of this time, Sir, Ladies and Gentlemen, the bond rating of our state continues to go down. Three times in the last three years. I don't understand why we would take this kind of risk. Frankly, I don't understand why the Sponsor of this Bill would take the risk of having a Bill pass out of here and later to be found to have been illegally and unconstitutionally passed. Let him get his 71 votes.

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Let's get a real ruling that follows the Constitution of the State of Illinois and then let him pass his Bill. You can get 71 votes for this Bill if it's important enough to you, Mr. Spangler. There's no reason we have to flout the Constitution of our state. Let's pass these Bills in responsible, correct, legal ways. Everyone on this Floor knows, that the state is backing these bonds, in fact, the authority which only exists for 15 years, might issue bonds that lasts for 40 years. What are we doing for those other 25 years? We don't even know that there's a revenue stream. Certainly our state would be responsible for paying back those bonds if there's a default. Clearly three-fifths vote is required, the Chair should be overruled."

Speaker Black: "On the Motion, the Gentleman from Champaign, Representative Tim Johnson."

Johnson, Tim: "I move the previous question on this issue."

Speaker Black: "The Gentleman has moved the previous question on the Motion to overrule the Chair. All those in favor of that Motion signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The question before you is, 'Shall the Chair be sustained?' All those in favor signify by voting 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, 64 voting 'aye', 52 voting 'no', 1 voting 'present'. The Motion to sustain the Chair is upheld. Representative Spangler to close."

Spangler: "Thank you, Mr. Speaker. Ladies and Gentlemen of the General Assembly, this clearly is a win/win situation for everyone involved. We talked earlier about the clean up of the properties. That would have to be done whether this

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economic development concern was before us or not. Clearly, it has been indicated by a Member of the other party to me that had this passed a year ago through Congressman Sangmeister and through former Representative Jerry Weller. There would have been four businesses in there already. I can assure you this is much needed. It's very strategically located. It's going to do very well. It's going to bring tax dollars back to the State of Illinois. It's going to create jobs and create a larger tax base. As I mentioned earlier in my debate, I would only wish that each and everyone of you would have an opportunity such as we have with the dissolution of this 23,500 acres of which we are speaking of, 3000 for economic development. It's clearly a win/win situation. Everybody involved with this thing, and there have been almost 40 different entities involved. It's an excellent Bill. It's well crafted. I would certainly urge an 'aye' vote by all of my colleagues. Thank you."

Speaker Black: "The question is, 'Shall House Bill 597 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 73 voting 'aye', 39 voting 'no', and 5 voting 'present', 1 not voting. This Bill, having received a Constitutional Majority, is hereby declared passed with an extraordinary majority. Mr. Clerk, what is the status of House Bill 991?"

Clerk Rossi: "House Bill 991 is on the order of Third Reading."

Speaker Black: "The Gentleman from Coles, Representative Weaver, is it your desire that this Bill be moved back to Second Reading? Mr. Clerk, move the Bill back to Second Reading."

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Mr. Clerk, what is the status of House Bill 2445?"

Clerk Rossi: "House Bill 2445 is on the order of Third Reading."

Speaker Black: "The Gentleman from Cook, Representative Zabrocki, do you wish this Bill be brought back to Second Reading? Is that your desire? Bring the Bill back to Second Reading, Mr. Clerk. Thank you. On the order of House Bills, Second Reading, appears House Bill 1089. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1089, a Bill for an Act concerning the Radioactive Waste Storage Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #4 has been approved for consideration and is offered by Representative Persico."

Speaker Black: "The Gentleman from Dupage, Representative Persico, on Floor Amendment #1...4. I'm sorry."

ico: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #4 becomes the Bill. Floor Amendment #4 went through Energy and Environment Committee last night and was recommended for consideration. Basically, this is the Committee Bill and I would like to very briefly, go through the different aspects of the Committee Bill for your consideration. The Committee Bill consists of House Bill 949 - Representative Ryder, which amends the Geographic Information Council Act that increases the membership to 28 voting members which are currently 12, and requires the council to establish a user advisory committee that evaluates task force recommendations and identifies the most important issues. House Bill 1086 - Persico, Novak, amends the North Shore Sanitary District Act and the Sanitary District Act of 1917 to prohibit employment as a sewage works operator of an individual with a suspended or

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revoked certification of technical confidency. Another aspect of the Committee Bill or Floor Amendment #4, amends the Environmental Protection Act to provide that local siting approval for landfills only shall expire at the end of three calendar years from the date upon in which it is granted. It's currently two years. Another part of the Amendment...this Bill allows the Department of Public Health to pursue civil action against asbestos contractors by requiring them to be licensed. The Department shall include rules providing for the training and licensing of persons and firms to perform asbestos inspection, to form abatement work and to serve as an asbestos abatement contractor. Another aspect is House Bill 1743 which amends the Radiation Protection Act to authorize the Department of Nuclear Safety in response to immediate threat to health, to take possession of radiation sources, to enter abatement orders to direct certain responses, to direct the Attorney General to enjoin certain persons, request the assistance of state and federal units of government and assume reasonable agreed to assistance costs of other known units of government. This is suggested by the Department of Nuclear Safety. There is no known opposition to this. Another aspect of the Floor Amendment is it amends the Environmental Protection Act to exempt from provisions that prohibit establishment of pollution control facilities for use as a garbage transfer station and certain geographic areas, any facility that was in existence on January 1, 1988 and has expanded before January 1, 1990 to include processing and transferring municipal ways for recycling for disposable services. There is also another aspect that has an exemption for a recycling company to continue operating. The City of Chicago informed them that with the

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passage of a Public Act 88-681, this deleted language referring to a regional facility and they were no longer operating legally. By passage of this Amendment, this will allow this facility to continue to operate legally. Another aspect of the Floor Amendment is...defines coal combustion wastes and allows for the by-product of such wastes to be sold. Coal combustion wastes means fly ash, bottom ash, slag or flu glass, desulfurization. And the final...two final parts of this Committee Bill is landfill closures, post closure insurance bond. Current law states that the company providing insurance must be in the State of Illinois. This provision of the Bill allows that the insurer needs to be licensed by the Department of Insurance to conduct business in the State of Illinois, not to be located here. And the final aspect of the Committee Bill deals with used tires. It exempts owners and operators of storage site from paying the annual fee of \$100 to the IEPA. In order to be exempt from the facility, they must maintain an inventory of fewer than 1300 used tires on site and the tires must be stored inside of a building or in a manner such that they are prevented from accumulating water. I'd be happy to answer any questions that the General Assembly might have."

Speaker Black: "You heard the Gentleman on the Floor, Amendment #4 to House Bill 1089. And on that, is there any discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Persico, I want to congratulate you. I guess that we can say we congratulate our Committee. We work very well together. Most of these things have been worked out. Some of the controversies have been deleted and if you would bear with



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me, I have a few questions I'd like to ask you, Representative. Concerning the first Bill that was consolidated on this Amendment #4, the Geographical Information Council. What is the Geographical Information Council and what do they do?"

Speaker Black: "Representative Persico."

Persico: "Thank you. This is a...requires... It evaluates proposals and makes recommendations to the Governor and the General Assembly on the efficient development use and funding of geographic information management technology. This was suggested by the Department of Energy and Natural Resources."

Speaker Black: "Representative Novak."

Novak: "Yes, thank you, Representative. The user advisory committee established by the council was required to make recommendations to the Governor, the General Assembly and the Development Use and Funding of Geographic Information Management Technology. What is the Geographic Information Management Technology?"

Speaker Black: "Representative Persico."

Persico: "Thank you. Representative, it is a computer networking system that if this was in existence when the time of the last flood it would have helped us to respond more quickly to this emergency in terms of mapping and other aspects."

Speaker Black: "Representative Novak."

Novak: "Thank you, Representative Persico. Are we talking about the vaunted information super highway? Is there a relationship to this?"

Speaker Black: "Representative Persico."

Persico: "Probably not as vaunted as you would like."

Speaker Black: "Representative Novak."

Novak: "Then how will the state benefit from this technology and

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where will the funding come from?"

Speaker Black: "Representative Persico."

Persico: "Representative, it is my understanding that there are a lot of private companies and users that are interested in this computer system and they would be a part of the funding source."

Speaker Black: "Representative Novak."

Novak: "Thank you, Representative. The information in the Bill concerning asbestos abatement, how is asbestos abatement or removal currently regulated under state law?"

Speaker Black: "Representative Persico."

Persico: "Thank you, Representative. Currently, the law...they regulate people that go into public buildings such as schools. This will allow them to regulate people that go into commercial buildings."

Speaker Black: "Representative Novak."

Novak: "Thank you, Representative. How many new employees will the Department of Public Health have to hire to administer asbestos abatement in the State? Do you have any idea of what the staff is going to be?"

Speaker Black: "Representative Persico."

Persico: "It is my understanding that it will be done with existing staff."

Speaker Black: "Representative Novak."

Novak: "You say existing personnel."

Speaker Black: "Representative Persico."

Persico: "That is correct."

Speaker Black: "Representative Novak."

Novak: "Thank you. Will new fees be established by the Department of Public Health to pay for the regulation of the asbestos abatement industry?"

Speaker Black: "Representative Persico."

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Persico: "This just sets up the licensing and there is no fees involved yet."

Speaker Black: "Representative Novak."

Novak: "Okay, so you say there are no new fees contained in this legislation, correct, concerning this section?"

Speaker Black: "Representative Persico."

Persico: "That is correct."

Speaker Black: "Yes, Representative Persico. I'm sorry. Representative Novak... Persico to Novak."

Novak: "Persico, Novak, Persico, Novak. Thank you. Thank you, Speaker. Concerning questions dealing with radiation and human health, what kind of radiation sources does this legislation address and why would such sources be a threat to human health?"

Speaker Black: "Representative Persico."

Persico: "Representative, it varies from source to source and it can use for example... In some cases for example, the junkyard. They measure the radiation source from a sample of coal and it could vary from different location to different location. One might go bad and they have to measure the risk involved."

Speaker Black: "Representative Novak, twenty-five seconds left."

Novak: "Thank you, Mr. Speaker. Thank you, Representative. Why does the Department of Nuclear Safety need this additional authority?"

Speaker Black: "Representative Persico."

Persico: "Thank you, Representative. They need this...the ability to respond to emergency situations dealing with radiation."

Speaker Black: "And on that answer, your time has expired. Purpose of discussion, the Lady from Dupage, Representative Biggert."

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

Speaker Black: "He indicates he will."

Biggert: "Representative Persico, I received a letter from a village in my district, the Village of Westmont, and they had a concern that this Bill would affect a five acre site that they have in an unincorporated area which is surrounded by the village and one of the waste disposal groups is perhaps thinking of expanding that facility which is basically to store vehicles right now into a full fledged transfer station. And under current law, it is their understanding that the...they could not do that. With this Bill, would there be any change? Would the...would it be able to be expanded into a full fledged transfer site?"

Speaker Black: "Representative Persico."

Persico: "Representative, no it would not. According to...this legislation or this part of the legislation was drafted to include only one particular transfer station in Crestwood. Basically, it had to be in existence before January 1, 1988 and expanded before January 1, 1990. And since this transfer station has not expanded yet, they would not be included in this legislation."

Speaker Black: "Representative Biggert."

Biggert: "Thank you very much. That answers my question."

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

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, I asked a question in Committee yesterday concerning the asbestos abatement contractors certificate of financial responsibility dealing with the 'A' rating by the AM Best & Company. Is that the only company in the United States or in the World that a contractor can be

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rated by or are there other companies that can rate a contractor, but can still be qualified to put on the state's list?"

Speaker Black: "Representative Persico."

Persico: "Thank you, Representative. Yes, we checked into that and to the best of our knowledge, this is the only company that can give this kind of a rating."

Speaker Black: "Representative Deering."

Deering: "So, then if... Would it be open ended so if another company would get into the rating business and a contractor was rated with another company, would that severely hamper their chances of being placed on the list or could we by promulgation of rules, add that company's name to this legislation if signed into law?"

Speaker Black: "Representative Persico."

Persico: "Representative, I think that we certainly could do that by rule if another company did get into this."

Speaker Black: "Representative Deering."

Deering: "On the section dealing with the Geographic Information Act, can you just tell me real quick, why do we want to up the council from 12 to 18 members and in the next paragraph, where it gives the Governor the authority to appoint 10 additional members, is that 10 additional members above the 18?"

Speaker Black: "Representative Persico."

Persico: "Representative, the intent of the Bill was to include more grassroots involvement in there. Previous to this...previous to this passage, if it does pass, these people were already members. Now we are giving them, with this legislation, the vote. So, we are trying to encourage more grassroots involvement."

Speaker Black: "Representative Deering."

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Deering: "Thank you, Representative. Are any of these members that's going to be on this commission, are they compensated?"

Speaker Black: "Representative Persico."

Persico: "No, they are not."

Speaker Black: "Representative Deering."

Deering: "No per diem or expenses or nothing we would have to appropriate money for?"

Speaker Black: "Representative Persico."

Persico: "Representative, we are checking into that right now, but obviously, you would still have to compensate...you know, like the director of that. But for the citizens that are involved in it, there would...my understanding is that there is not."

Speaker Black: "Representative Deering."

Deering: "Moving to the coal combustion waste. Just to clarify for the intent and the record. A coal fired generating plant could not store any wastes: fly ash, bottom ash, sod and so forth, in a facility that had...that...where the by-product was formed by burning of contaminated soil or any other toxic material. Is that correct? They couldn't store that in a facility?"

Speaker Black: "Representative Persico."

Persico: "Could you repeat the question, Representative?"

Speaker Black: "Representative Deering."

Deering: "If I had a coal fired power plant and they was burning coal and mixing it with contaminated soil or other toxic materials and those by-products was left from that burning, as I understand it, you cannot store this by-product in an area with coal combustion by-products to be used for other environmental uses or industry uses or commercial uses. Is that correct?"

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Speaker Black: "Representative Persico."

Persico: "That is correct. You would not be allowed to store this."

Speaker Black: "Representative Deering."

Deering: "Thank you, Mr. Speaker and Representative for your time."

Speaker Black: "Further discussion? The Lady from McHenry, Representative Hughes."

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

Speaker Black: "Representative Hughes has moved the previous question. Shall the main question now be put? All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Persico, please close on Floor Amendment #4."

Persico: "Thank you, Mr. Speaker and Members of the House. I just ask for an affirmative vote on Amendment...Floor Amendment #4 to House Bill 1089."

Speaker Black: "You heard the discussion and the Gentleman's Motion. All those in favor of Floor Amendment #4 signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Black: "Third Reading. Mr. Clerk, what is the status of House Bill 1093?"

Clerk Rossi: "House Bill 1093 has been read a second time previously. Floor Amendment #1 has been approved for consideration. It is sponsored by Representative Wennlund."

Speaker Black: "The Gentleman from Will, Representative Wennlund, on Floor Amendment #1."

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

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House, Amendment #1 really just incorporates the provisions of House Bill 1092 into 1093 to roll them into one Bill. These are both Department of Conservation...Department of Conservation Agency Bills and what the Amendment does, very briefly, is number one, it establishes the limited open season for harvesting badgers between November 1 and February 15. It also expands the framework dates for Spring turkey season from March 1 to May 31. Currently, it is April 1 to May 15. So, it extends the Spring turkey season by a month and a half. In addition to that, it expands the open season framework for squirrels from May 1 through February 28, expanding again. Currently, it is June 1 to December 31 and it changes the framework for hunting small game by changing the legal hunting hours. Instead of sunrise to sunset, it will be a half an hour before and a half an hour after. That is all the Amendment does and those are the exact provisions of House Bill 1092 which is on the order of Third Reading. It just combines them for legislative ease and dealing with the amount of legislation on the Floor."

Speaker Black: "With no one seeking recognition, you have heard the Gentleman's explanation of Floor Amendment #1. I assume you are ready to vote. All those in favor of Floor Amendment #1 signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1 is adopted to House Bill 1093. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Floor Amendments have been approved for consideration. A fiscal note, as amended, had been requested on the Bill and the note has been filed."

Speaker Black: "Third Reading. Mr. Clerk, what is the status of House Bill 1200?"



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Clerk Rossi: "House Bill 1200 has been read a second time previously. Floor Amendment #2, offered by Representative Kubik, has been approved for consideration."

Speaker Black: "And on Floor Amendment #2, the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Floor Amendment #2 was offered to the Bill because there was a concern raised by I believe, Representative Lang, as to the language, and the concern was that we were trying to stop people who were on public assistance from being able to gamble. And what we did was, we defined the language a little bit more carefully to make sure that we referred to the checks rather than the person. So, essentially, that is what the Amendment does and I'd be happy to try to respond to any questions you might have."

Speaker Black: "Discussion on the Amendment? The Gentleman from St. Claire, Representative Hoffman."

Hoffman: "Thank you, Speaker. Representative Kubik, you explained the Amendment briefly. If I remember correctly, Representative Lang's concern regarding the underlying Bill was that it could have been read to prohibit the cashing of all checks at horse racing facilities and your intent was only to prohibit the cashing of checks representing financial aid, paid under the Illinois Public Aid Code. Is that correct?"

Speaker Black: "Representative Kubik."

Kubik: "Yes."

Speaker Black: "Representative Hoffman."

Hoffman: "In other words, an individual could not get their Aid check, go down to Fairmont Race Track or to Arlington, cash their check and gamble it away. Correct?"

Speaker Black: "Representative Kubik."

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Kubik: "Correct. We wanted to make sure that the language focused on the fact that it was a public assistance check rather than any other type of check or on the individual. So, our staff will work with your staff in order to make sure that that was clarified and I hope that that has been accomplished."

Speaker Black: "Representative Hoffman."

Hoffman: "So, all this does is just clarifies to address Representative Lang's concern to make sure that the intent, which I believe is good, is carried out and does not have an overreaching type of an effect?"

Speaker Black: "Representative Kubik."

Kubik: "I didn't... Was that a question? I'm sorry. I didn't hear the question. I apologize."

Speaker Black: "Representative Hoffman."

Hoffman: "I think that there may have been a concern...just wanted to make sure that the only thing that this does is clear up what Representative Lang's concerns were, and that was to ensure that it is written tightly and not overreaching as far as the type of checks that can be cashed...that cannot be cashed at racing or gambling facilities."

Speaker Black: "Representative Kubik."

Kubik: "That is correct. We tried to make sure that we could address Representative Lang's concerns and I think we have in this Amendment."

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

Kubik: "Again, Mr. Speaker, I simply ask for adoption of the Amendment."

Speaker Black: "You heard the explanation. All those in favor of Floor Amendment #2 to House Bill 1200 signify by saying

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'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments. A fiscal note has been requested on the Bill, as amended, and has been filed."

Speaker Black: "Third Reading. Mr. Clerk, on page 6 of the Calendar, appears House Bill 1276. What is the status of that Bill?"

Clerk McLennand: "House Bill #1276 has been read a second time previously. House Bill #1276 has been read a second time previously."

Speaker Black: "Yes, Representative McGuire on House Bill 1276. I will withdraw my fiscal note. Do you want the Bill to move to Third Reading? Mr. Clerk, move the Bill to Third Reading. Mr. Clerk, what is the status of House Bill 1693?"

Clerk McLennand: "House Bill #1693. The Bill has been read a second time previously. Floor Amendment #2, offered by Representative Mitchell, has been approved for consideration."

Speaker Black: "On Floor Amendment #2 to House Bill 1693, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker...and again, this is a technical change. This Amendment becomes the Bill and basically, after a discussion with Representative Hoffman, we did discover that we had the improper ILCS number on our Bill. We have amended that now to read 20 ILCS 605/46.68, which now makes the Bill proper and valid. Therefore, I would like to move House Bill 1693 to Third Reading. I call for adoption of this Amendment. Thank you."

Speaker Black: "And on the Amendment, the Gentleman from St. Clair, Representative Hoffman."

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Hoffman: "The Amendment which...which you put forward, addresses the concerns, I believe we took the Bill out of the record yesterday and it takes care of the drafting concerns. Is that correct?"

Speaker Black: "Representative Mitchell."

Mitchell: "That is correct. The only thing in the Amendment, Representative Hoffman, is the change in the ILCS number to make it appropriate."

Speaker Black: "Representative Hoffman."

Hoffman: "So, everything else remains the same in the Amendment as was contained in, I believe, the original Bill which was subsequently amended by Amendment #1. Is that correct?"

Speaker Black: "Representative Mitchell."

Mitchell: "That is correct. The language is the same as it was after the first Amendment in Amendment #1."

Speaker Black: "Yes, Representative Hoffman, further questions? Proceed."

Hoffman: "Yes, Representative, I still think...I know that the drafting error has been taken care of, but just for everybody's edification, maybe you could briefly describe what exactly Amendment #1 is in the Bill. What Amendment...actually Amendment #2 is in the Bill because Amendment 2 actually replaces everything. I understand that is exactly like Amendment 1, but we better describe what exactly is going on here."

Speaker Black: "Representative Mitchell."

Mitchell: "Thank you, Representative. I would be more than happy to discuss Amendment #1. Basically, Amendment #1 allows the Department of Commerce and Community Affairs to develop and implement a small business safety loan revolving fund which will allow small and medium size businesses to make workplace safety improvements for employees."

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Speaker Black: "Representative Hoffman."

Hoffman: "So, the Department of Commerce and Community Affairs, are they in support of doing this type of action, creating this loan program?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative, DCCA is taking a neutral position on this particular piece of legislation."

Speaker Black: "Representative Hoffman."

Hoffman: "Do they have any budgetary amounts that are available under the Governor's proposed budget or under their present budget that can be utilized for this revolving loan program?"

Speaker Black: "Representative Mitchell."

Mitchell: "No, Representative. At this point, there is no funding for this particular plan in the budget."

Speaker Black: "Representative Hoffman."

Hoffman: "Do you plan on proposing an Amendment to DCCA's appropriation's Bill that would provide for the funding of this revolving loan fund?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative, since I think this is a darn good Bill, I'm going to be looking for the money to fund it in any way I can."

Speaker Black: "Representative Hoffman."

Hoffman: "Do you have any type of estimate as to how much money you would be seeking?"

Speaker Black: "Representative Mitchell."

Mitchell: "According to the amended fiscal note that we received, it is going to take an appropriation of about \$900,000 for a series of four, possibly five years for a total accumulation of about \$4,000,000. This amount of money is just simply to get the program started. Once the program

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is under way, the loans will be given and the interest drawn will continue to keep the program operating. So, it is a self funding operation."

Speaker Black: "Representative Hoffman."

Hoffman: "But still there has to be, over the initial period, there has to be an initial cash outlay in order to get the program going. That \$4,000,000 could not be used for other purposes. Is that correct?"

Speaker Black: "Representative Mitchell."

Mitchell: "I'm sorry, Representative, I missed that question."

Speaker Black: "Representative Hoffman."

Hoffman: "I'm running out of time. I think a lot of this can be left for Third Reading. I think the concept of the Bill may be good. My concern is that we passed something that isn't going to be funded again and the question is, the \$4,000,000 you estimate that is going to have to be taken from somewhere because you are going to \$4,000,000 into the program even though it is a revolving program. I understand it is going to be an initial outlay that can feed off itself as people pay back some of the loans. But there still has to be \$4,000,000 put into it that cannot be used elsewhere. Is that right?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative, my understanding with this Bill is that we don't have to appropriate \$4,000,000 up front. It really only...it takes a commitment of that amount of money, but the appropriation would only have to be \$900,000 in order to get the program started in that first year. The number of loans will be controlled. Also, the number of loans will...some of the cost will be shared by the industries themselves. It's not a fully funded operation. There has to be some buy in by the businesses themselves."

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Speaker Black: "Anything further, Representative Hoffman?"

Hoffman: "Nothing further."

Speaker Black: "Further discussion on Floor Amendment #2? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, you might have answered this question and if you did, I apologize, but what is the cost of this program?"

Speaker Black: "Representative Mitchell, I think I know the cost, but I'll let you answer the question."

Mitchell: "Thank you. Yes, Representative, I believe I have answered this question. Our estimation is approximately \$900,000 a year. The total appropriation is \$4,000,000 that...we want to get to that level. But at that point, money should flow back into this program as loans are repaid, and then that same money used to continue the program so that it is not an on going appropriation."

Speaker Black: "Representative Lang."

Lang: "Well, part of this money is for work...study of workplace safety. Is that correct?"

Speaker Black: "Representative Mitchell."

Mitchell: "No, Sir, there is no study whatsoever, in this Bill."

Speaker Black: "Representative Lang."

Lang: "Alright, I'm sorry. It's implement a small business safety loan program and to allow employers the opportunity to improve workplace safety. Is that correct?"

Speaker Black: "Representative Mitchell."

Mitchell: "Yes, Representative, that is correct."

Speaker Black: "Representative Lang."

Lang: "Well, then I am forced to ask this question, Representative. If you were so concerned about workplace

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safety, how could you vote to repeal the Scaffolding Act?"

Speaker Black: "Representative Mitchell."

Mitchell: "That is a real good question, Representative. Personal belief, I think the Structural Work Act had a whole lot more to it than workplace safety. But I'll tell you what, if you don't think that workplace safety is important, then don't vote for this Bill."

Speaker Black: "Representative Lang."

Lang: "Thank you. Well, I think workplace safety is important and I'm going to vote for your Bill. So, I wanted you to know that upfront, but I think that we have a responsibility to be consistent on the Floor of this House. As I have said to other Representatives throughout the last several weeks of debate, when we talk about local control and then we vote to take local control away, when we talk about saving money and yet we increase bond authority so that we have to pay more money out, and when we vote for some workplace safety and repeal other workplace safety, it seems to me that we are not being consistent. That is not a good way to run our government and I would just simply say to you that we would expect more from you and in the future, we will hope that you will consider being very much more consistent when you propose legislation and when you vote on legislation. That is all I have to say. I'm going to vote for your Bill."

Speaker Black: "Thank you. With no one else seeking recognition, if the Chair could have your attention for just a moment, I would like to welcome a former Member, former member of the University of Illinois Board of Trustees, Ken Boyle, down here in front. Welcome, Ken. It's good to see you. How you feeling? Alright. With no one else seeking recognition, Representative Mitchell, do you want to close



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on your Floor Amendment?"

Mitchell: "Thank you, Mr. Speaker. House Bill 1693 is an opportunity for employers to make the workplace safer for their employees and for their consumers and I urge a 'yes' vote on this Amendment so that we can move this Bill forward and get it in place. Thank you."

Speaker Black: "You have heard the discussion on Floor Amendment #2 to House Bill 1693. All those in favor of the Amendment signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #2 is adopted to House Bill 1693. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments. A fiscal note has been requested on the Bill, as amended, by Amendment #2. It has not been filed."

Speaker Black: "Sorry, Mr. Clerk. You said a fiscal note has been filed on the Bill, as amended, by Amendment #2?"

Clerk McLennand: "Has been requested, yes. It has not been filed."

Speaker Black: "Yes, Representative Mitchell, are you seeking recognition?"

Mitchell: "Was there a question on the Bill, Sir?"

Speaker Black: "A fiscal note has been filed on your Bill, as amended, by Floor Amendment #2. Do you... Are you indicating that in your opinion, the fiscal note is inapplicable?"

Mitchell: "Mr. Speaker, yes, we have an amended fiscal note and any further fiscal notes, I would recommend that that be ruled inapplicable."

Speaker Black: "Representative Mitchell has moved that the fiscal note filed on House Bill 1693, as amended, by Floor Amendment #2 is inapplicable. And on that question, all

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those signify by... All those in favor signify by saying 'aye'... You are serious? Somebody's going to have to vote a lot of switches over there, but I will let you do that if you want to. I'm getting mixed signals from your side of the aisle. We'll try it again. All those in favor of ruling the fiscal note inapplicable signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The fiscal note is ruled inapplicable. Third Reading, Mr. Clerk. Mr. Clerk, what is the status of House Bill 2278?"

Clerk McLennand: "House Bill #2278. The Bill has been read a second time previously. Floor Amendment #3, offered by Representative Bost, has been approved for consideration."

Speaker Black: "On Floor Amendment #3, the Lady...the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Members of the House, Amendment #3 to House Bill 2278 amends the Illinois National Guard's Compensation Act to increase death benefits for members of the Illinois National Guard who were killed in the line of duty from \$50,000 to \$100,000. The... It also... The legislation corrects an oversight, by not only increasing the benefits to the National Guard's Compensation to \$100,000, but it also links it with the Law Enforcement Compensation Act so that this cannot...so that it will not be overlooked in the future. It has been overlooked on two separate occasions and so I would answer any questions at this time."

Speaker Black: "You heard the Gentleman's presentation on Floor Amendment #3. With no one seeking recognition...excuse me. The Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

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Deering: "Representative, it says here on the Amendment the amount of compensation shall be equal to the greater of \$100,000 or the amount payable under Section 3 of the Law Enforcement Officer's Compensation Act when killed in duty. How much money... What would that amount be?"

Speaker Black: "Representative Bost."

Bost: "The Bill would increase it to \$100,000."

Speaker Black: "Representative Deering."

Deering: "Representative, in your Amendment on page 1, starting on line 14, it says, 'The amount of compensation shall be equal to the greater of 1: \$100,000 or 2: the amount of compensation payable under Section 3 of the Law Enforcement Officer's civil defense workers, civil air patrol members, paramedics, firemen, chaplains, and State Employees Compensation Act when killed in duty. So, how much more would the monetary amount be?"

Speaker Black: "Representative Bost."

Bost: "That monetary amount...it would be increased by 50,000 over what it was. And what it does, it ties that together with the Law Enforcement Compensation Act so that it does not get overlooked again. That is basically what we are trying to prove there. That is the intent of it."

Speaker Black: "Representative Deering."

Deering: "So, then what you did was increase the amount of the Compensation Act from \$50,000 to \$100,000 so they are going to get \$100,000. But if we increase the amount in the Compensation Act in the future, they will get the greater of one of the two. Thank you."

Speaker Black: "With no one seeking recognition, Representative Bost to close on Floor Amendment #3."

Bost: "I would just appreciate a 'yes' vote."

Speaker Black: "You have heard the discussion on Floor Amendment

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#3 to House Bill 2278. And on that question, all those in favor of the Amendment signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3 is adopted to House Bill 2278. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments, but a fiscal note and a state mandates note have been requested on the Bill, as amended by, #3."

Speaker Black: "Fiscal note has been amended to protect those in the National Guard. What is your pleasure, Representative Bost? Representative Bost. A fiscal note and a state mandates note has been applied to your Bill, as amended by Floor Amendment #3. Do you wish to rule the notes inapplicable?"

Bost: "Yes."

Speaker Black: "Representative Bost has ruled that the fiscal and state mandates notes attached to House Bill 2278, as amended by Floor Amendment #3, is inapplicable. And on that question, we will have a Roll Call. All those in favor of ruling that the notes are inapplicable vote 'aye'; those opposed vote 'nay'. The voting is open. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 66 voting 'aye', 46 voting 'no', and 4 voting 'present'. The fiscal note and the state mandates note on the Bill have been ruled inapplicable. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Third Reading. Turn to the order of Third Reading. On the Calendar appears House Bill 1197. On that question, the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, if I could, I'd like to move it back to

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Second Reading for the purposes of an Amendment."

Speaker Black: "The Bill will be removed...be placed on Second Reading. Mr. Clerk, on the order of Third Reading, appears House Bill 1270. Read the Bill."

Clerk McLennand: "House Bill #1270, a Bill for an Act relating to gambling. Third Reading of this House Bill."

Speaker Black: "On House Bill 1270, the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1270 amends the Alcoholism and Other Drug and Abuse and Dependency Act. It provides that the Department of Alcoholism and Substance Abuse shall establish or contract with a private entity to establish a program to deal with the problem of compulsive gambling. It changes the long title of the Act to conform and amends also the Lottery Law, the Horse Racing Act, the Gambling Act, the Bingo License and Tax Act, the Charitable Games Act to provide for signage with a message regarding compulsive gambling that shall be posted at specified locations and establishments where various forms of gambling are conducted, and that the sign shall be provided by DASA and that an organization involved with gambling print a statement regarding...obtaining assistance with gambling problems on all paper stock. It also...it has two Amendments in Committee. Amendment #1 made the Bill subject to appropriation. Amendment #2 discussed how the signage would appear at the racetracks in order to have them support the Bill. Then we put on Floor Amendment #5 which addresses any problems the Lottery had with signage and that is the full text of the Bill. Problem in compulsive gambling we know has been a problem long before we had any kind of legalized gambling in Illinois and when

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the original riverboat gambling was proposed, it was the understanding of many people who were here at the time, I was not one of them, that this problem would be addressed in that Bill. Somehow or other it was left out. The problem in Illinois affects probably one to three percent of the population and although many people say, 'Why should we address this problem?', it costs us a lot of money in other areas. In family areas of problems where there are social problems because of a compulsive gambler, in family businesses, in credit card cheating, in embezzlement, people that we put in prison for white collar crime and other types of crime. It's not just the policemen around the riverboats that address a problem of crime in that area, it is the crime that is behind the scenes. People that are compulsive gamblers and take that money and use it on things that are inappropriate and eventually go into sums that are illegal and not theirs. I would certainly stand and answer any questions. I'm sure there will be numerous questions. This Bill was a Bill that was introduced last year, also. Last year we were fortunate enough to have some support from editorials from the Chicago Tribune, the Daily Herald. Many people on both sides of the aisle that are still here were cosponsors. We have many co-sponsors now and I would be happy to answer questions."

Speaker Black: "Discussion on House Bill 1270? The Lady from Cook, Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

Speaker Black: "You can't do that right now, Representative, since you were recognized first. We'll proceed. The Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "She indicates she will."

Granberg: "Representative Mulligan, I heard your explanations. I just have a couple questions if you don't mind. You said the Amendments, I think 1 and 2. One dealt with...if an appropriation was available, is that correct?"

Speaker Black: "Representative Mulligan."

Granberg: "Or subject to appropriation?"

Mulligan: "Yes, Representative, there was some discussion over the appropriate means of funding this and DASA was concerned that if the Bill were to pass, they would have to fund it out of the current appropriation. And so what I did, in order to get DASA's support and to move forward with the Bill, is to make it subject to appropriation."

Speaker Black: "Representative Granberg."

Granberg: "Thank you. So, that would insure, basically that any additional funds or funds became available, then DASA would be directed to undertake this program or this notice requirement. Is that what your intention..."

Speaker Black: "Representative Mulligan."

Mulligan: "Not exactly. My intention, I hope, is to take a percentage of revenue from the actual gambling tax. And looking into the amounts that have come in recently...in 1994, just the revenue from riverboat gambling was \$200.7 million. One percent of that would more than cover this Bill. Just the hotline and the educational materials are approximately \$500,000 and certainly, \$2,000,000 would adequately fund a program. It has in other states and we think it would be more than enough."

Speaker Black: "Representative Granberg."

Granberg: "So, when you put the language in the Amendment 'subject to appropriation', so this would not obligate DASA

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to undertake this posting notice. It would simply suggest to them that they do this if funds became available from the existing gambling revenue."

Speaker Black: "Representative Mulligan."

Mulligan: "Yes. Actually, it does not obligate them. What I would like to do is, I would like to get the Bill out on the table and I would like people talking about how to fund it. Many of the Sponsors on the Bill are opposed to taking it out of the General Revenue Fund. So, it is my feeling that we should do another Bill at a later date on appropriations and that should be the object of discussion on both sides of the aisle, as to how we would fund this."

Speaker Black: "Excuse me. Representative Granberg, could you move over to my right just a little bit? That light glancing off of your head...I can't see. I'm sorry. Proceed."

Granberg: "Representative Black, obviously you are in good humor. You must know something about getting out of here at... I appreciate the comment. Was it Representative Lang or myself? I mean there..."

Speaker Black: "I'm not sure. The light was really blinding. I couldn't really tell. Good grief."

Granberg: "You are one of the reasons I have gone bald, I think, Representative Black. Representative Mulligan, so when you undertake this you want to actually have an appropriation Bill at some point during the process to debate how these funds would be applied to what you are attempting to do. So, this is merely is a substitutive language. You want the appropriation to follow from the gambling revenue."

Speaker Black: "Representative Mulligan."

Mulligan: "Yes, Representative, that is my intention. The other thing is I think we need to formulate the program so we can



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get an idea of... You know, we may want to start in stages and go with the hotline and the initial program and then move into other things."

Speaker Black: "Representative Granberg."

Granberg: "Can I have part of my time back that you took?"

Speaker Black: "I owe you a minute. Proceed."

Granberg: "So, Representative, when you do this...you said with the Second Amendment, I believe, that there were certain requirements for the posting notice. Are there different posting notices required at racetracks as opposed to Lotto stations, as opposed to riverboat gambling? Is that what you were discussing?"

Speaker Black: "Representative Mulligan."

Mulligan: "Yes, I was amenable when the different groups would come to discuss the Bill. In order to get the Bill out and passed, I tried to be reasonable with their concerns about how they would have to address signage. It isn't quite the signage they may have in one or two other states or what I would like, but it's better than not having it."

Speaker Black: "Representative Granberg."

Granberg: "Why would the signage be different, Representative? I know you are trying to work with all these different groups. Why would the signage be different on dealing with compulsive gambling, whether it is someone buying \$500 worth of Lotto tickets or investing the money in the riverboats playing blackjack or the track? Why would you just not have one standard sign like we have done with other issues and have those apply to all types of gambling facilities?"

Speaker Black: "Representative Mulligan."

Mulligan: "Basically, Representative, that is what we will do. It is where it is posted and how it is posted, but

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basically the sign is a statement that says if you know of anyone or have...you have a problem, call a 1-800 number. Now, the track would like it on programs and certain signs in certain spots. The Lotto wants it one sentence because they want to put it on the back of the ticket and they want a sign that conforms with the other signs that they hang in the window with the odds. So, what we tried to do is instead of specifying a certain sign for people that came to us and ask, we tried to make the statement which DASA will formulate and the only reason it will be different is... I hate to take up your time. I'm trying to explain it to you. ...that the sign would be fairly uniform in content, but maybe a little different in where they are placed and how they are posted."

Speaker Black: "Representative Granberg."

Granberg: "Hypothetically, Representative, someone has a problem and could be a compulsive gambler. He or she sees this posting notice and apparently it says, if you have a problem or you think you have a problem, call this 1-800 number. So, what does that person do? He or she calls an 800 number. What type of response do they receive? Do they think they are going to actually receive some type of counselling from that number or do they call... Are they referred then to different counselling services in that area or what exactly is being provided by the 800 number?"

Speaker Black: "Representative Mulligan."

Mulligan: "Actually, that will be determined when they let the contract for the 1-800 number. The people that are currently doing a 1-800 number are the problem in compulsive gambling counsel that is staffed by people that are from Gamblers Anonymous and other people that have had a problem. And what they normally do, because people that

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normally call the number are desperate. They are a first stop before maybe a suicide or maybe someone that really has a problem with either family and then they refer them to maybe an agency. There is other places that you can refer people to depending on the type of plea that they make on the telephone and that is part of what DASA would formulate or let the contract...and see how they would present it."

Speaker Black: "Yes, Representative Granberg, can you bring your questioning to a... I'll give you two extra minutes. Go ahead."

Granberg: "Thank you, Mr. Speaker. Representative, I think I understand what you are trying to do. But this would go through DASA to come out with the definitive proposal if and when a contract is awarded with your legislation. So, they are the ones who would make the determination how the 800 number would work, what would be entailed in that 800 number, what types of groups would be involved and whether these services would or would not be available and all those items. Is that correct?"

Speaker Black: "Representative Mulligan."

Mulligan: "I presume they would let an RFP or they would determine and then part of that would be... Some of the things that are already done with the current line or what they have suggested is that they would structure it to meet certain certification standards, probably along the psychological...in the psychological area of what would be appropriate to say to someone where to refer to them. This is a little different type of diction and it is a little harder and newer from some therapists to treat."

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

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Granberg: "Thank you, Mr. Speaker. Thank you, Representative. I think I understand what you are attempting to do. I'm not sure what is going to happen with the...your...the Budget Bill that you hope will follow. Because as you well know, this state is so far in debt, I don't know what we are going to do with additional programs, but I do appreciate your concern and your answers to the questions."

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

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

Speaker Black: "Indicates she will."

Lang: "Representative Granberg may have asked this and if he did, I'm sorry. But each of these departments, DASA, the Lottery and others, do they all support your Bill?"

Speaker Black: "Representative Mulligan."

Mulligan: "With the changes that I made as far as the racing community and the lottery, I have pretty much removed their problem with it. I think DASA is not opposed to doing the program; although, I don't think the Governor's staff is 100% for it because of the funding and because of the recommendation, the current recommendation from the Gaming Board. That is my most honest answer on it. They would be open to being the proper agency to direct the program."

Speaker Black: "Representative Lang."

Lang: "Well, can I presume from what you are telling me then that the issue with them is money and if they knew they had the money, they would support the program and be willing...DASA would be willing to be the department that would administer it if they had the money?"

Speaker Black: "Representative Mulligan."

Mulligan: "I presume that would be the case. Originally, there was some question as to the problem of passing something

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like this for fear that it would call attention to the fact that we are raising revenue while creating a problem. I think that is a given and I don't think that that should be a reason not to address the Bill and I think it is better appropriate to do it in a stand alone Bill not linked with anything else."

Speaker Black: "Representative Lang."

Lang: "Well, I just asked you if DASA will support it if they had the funding."

Speaker Black: "Representative Mulligan."

Mulligan: "If they had the money, yes."

Speaker Black: "Representative Lang."

Lang: "Thank you. I have a question regarding the signs and their posting. Let's assume a Lottery agent doesn't post them, what happens?"

Speaker Black: "Representative Mulligan."

Mulligan: "We have not addressed that in the Bill quite frankly. As far as penalties or anything, we have not addressed that."

Speaker Black: "Representative Lang."

Lang: "Well, let's assume every Lottery sales agent in Illinois decides it will kill their sales if they post the sign. If there is no teeth in the Bill, why would they post the sign?"

Speaker Black: "Representative Mulligan."

Mulligan: "Well, I would assume that is because law and that each organization that is required to do that would cooperate in that issue. I think it is a problem and I think if you don't, there would be a problem and then we would have to come back and set some fines or do something with it. Right now, we didn't address that issue and I haven't thought about it quite frankly."

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Speaker Black: "Representative Lang."

Lang: "Well, the real simple resolution would be to tell someone that sells Lottery tickets that if they don't post the sign, they can't sell the tickets anymore. Wouldn't that be a simple way to handle it?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative Lang, it is an excellent suggestion. I presume when we formulated the program or when DASA formulated the program, that would be part of it."

Speaker Black: "Representative Lang."

Lang: "Why don't we take this Bill back to Second Reading and do that. I'm sure you will agree with me, Representative, and I've said this many times, but perhaps you are more responsive than others on your side of the aisle. A Bill with no teeth is no Bill. If you had a statute that requires you to do X, Y and Z and there is no penalty for not doing it, there is no purpose in doing it. So, you have got all these people: the Lottery sales agents to post these signs, you want the racetracks to post these signs, you want the riverboats to post these signs. But it's really more...it's a wish. It is not a guarantee that they will post the signs. I stand with you in trying to make sure that compulsive gamblers have a place to go. I'm going to vote for this, but I would prefer to vote for it...I would prefer to vote for a better Bill. I would prefer to vote for a Bill that says, 'Post these signs, folks, but if you don't here is your penalty. You are going to lose your license, you are going to pay a fine, you are going to lose your ability to sell Lottery tickets, you are going to lose 20 racing dates.' Whatever it is, why don't we put something in here with some teeth?"

Speaker Black: "Representative Mulligan."

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Mulligan: "Representative Lang, for a number of reasons. This Bill was modeled on a Bill out of Texas which they did and from the models that we looked at, no one actually addressed fines and penalties that I know of. So, I presume that they were getting some cooperation. Quite frankly, this...a Bill quite similar to this was amended onto your Bill last year and onto any other number of Bills and this Bill was filed very close to the beginning of this Session. So, any Amendments or anything that you would have liked in that area certainly could have been done last year when the Bill was never called, certainly could be done this year. And I think it is better to move forward with it if I have the opportunity then to move it back. Quite frankly, I would be happy to move forward with it and get it out in the state it is in."

Speaker Black: "Representative Lang."

Lang: "Well, let me ask you if you will commit to suggesting these changes to the Senate Sponsor when it leaves this House."

Speaker Black: "Representative Mulligan."

Mulligan: "I would have to consider it because I am fearful that putting too many penalties in would lose the support of many of the gaming areas that we are looking to get support from as far as posting the signs. I would hope that we would not have to do that. I would certainly look into it though."

Speaker Black: "Representative Lang."

Lang: "So, I gather you agree with me that a Bill with no teeth doesn't do very much, right?"

Speaker Black: "Representative Mulligan."

Mulligan: "No, Representative Lang, I don't. Because I think, quite frankly, it would be an accomplishment since this is

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the first stand alone Bill and last year I had the first stand alone Bill that addresses this issue. And to get this Bill out and over to the Senate, I would feel would be quite an accomplishment because it would highlight the problem and say, that in Illinois we are committed to not just..."

Speaker Black: "Yes, Representative Lang, your time has expired. Do you have any further questions? No one seeking recognition on the Democrat side of the aisle, the Lady from Cook, Representative Wojcik."

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

Speaker Black: "Thank you. With no one seeking recognition. With your permission, Representative, I don't think we need to act on that Motion. Representative Mulligan to close."

Mulligan: "In a recent survey done by Gamblers Anonymous in Illinois of 95 people, it showed that the average experience of problem gambling started at the age of 26 years old, that the average number of the problem lasted was 14 years. Quite frankly, I think that when we look at that problem and we see what is going on in Illinois and the fact that we are willing to raise revenue and that originally, when we passed the first riverboat gambling Bill, this issue was supposed to be raised. I think it is only fair that we address the issue and try to help those...the problems that we are creating with additional gambling. I certainly urge an 'aye' vote and would appreciate your support on this initiative."

Speaker Black: "The question is, 'Shall House Bill 1270 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?"



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Mr. Clerk, take the record. On this question, there are 105 voting 'aye', 0 voting 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, do you have any announcements? Excuse me one second, Mr. Clerk. I just got a phone call. Is We have an announcement. Mark Denzler of House staff on the Floor? We found your hamster. Steve Spangler suggests you call you taxidermist and see him as soon as we adjourn. Announcements, Mr. Clerk."

Clerk McLennand: "Committee Announcements. Counties and Townships Committee will meet immediately in Room D-1. Public Utilities will meet immediately in Room 122-B. At 6:15 posting, the Judiciary Criminal Law will meet in Room D-1 and at 6:15, the Revenue Committee in Room 122-B."

Speaker Black: "Please, keep in mind that there are committees meeting upon adjournment. Bear with me for just a moment. A former Member and a good friend of mine and a colleague of many of us who have served here, Representative Bob Olsen. Bob, welcome back. Further announcements, Mr. Clerk?"

Clerk McLennand: "No further announcements."

Speaker Black: "Representative Kubik now moves that the House stand adjourned until Thursday, April 19, 1995 at the Hour of 9:00 a.m. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Allowing Perfunctory time for the Clerk, the House now stands adjourned until Thursday, April 19, 1995 at the hour of 9:00 a.m. Excuse me. Correction: we will stand adjourned until Thursday, April 20, 1995 at the hour of 9:00 a.m."

Clerk Rossi: "There being no further business, the House

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Perfunctory Session will stand adjourned. The House will reconvene on Thursday, February 20 at 9:00 a.m. The House now stands adjourned."

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