

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

47th Legislative Day

April 25, 1995

Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is Pastor Calvin Marcum of the Knox Presbyterian Church in Naperville. Pastor Marcum is the guest of Representative Mary Lou Cowlshaw. Will the guests in the Gallery please rise and join us for the invocation? Pastor Marcum."

Pastor Calvin Marcum: "In the early moments of this day of the peoples' business, we join our minds and our hearts in reverend prayer on their behalf. Thank you, Father in Heaven, for the gift of life - our most precious possession. We are vividly aware of this gift, especially in light of our so recent national day of mourning and the lead story of every newscast. The 'prophet of old' was totally right when he declared 'the heart is deceitful above all things and desperately corrupt', and we understand fully that no law can be enacted that will correct this fatal flaw that began with a bad decision. This is a sobering and humbling situation that causes us to turn to You, the only source of cleansing the human heart of evil desires and deeds. On behalf of the men and women in this chamber and on behalf of the people who chose them to be here, I ask your constant guiding presence. When faced with complex and perplexing issues, may they sense inter-light that makes choice clear and easy because their directing comes from You and not from a party line. Cause each of us, oh Lord, to reflect on the lives and deeds of the women and men of history now held in highest esteem and enable us to see that they were under authority higher than this earth. Their words were for an audience of one and their deeds were for the common good. They lived by the Commandments, the Sermon on the Mount and the Golden Rule.

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Great God, whom all governments give final accounting, protect the Members of this House, the Senate, the Governor, the other elected officials of this state and the members of their staff from physical, moral and spiritual harm. May this be a wonderful day for them and for the People of Illinois. Amen."

Speaker Churchill: "We will be led in the Pledge of Allegiance this morning by Representative Wirsing."

Wirsing 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. The Chair calls on Representative Hannig for any excused absences on the Democratic side of the aisle."

Hannig: "Yes. Thank you, Mr. Speaker. Representative Barbara Currie is still suffering from illness, hopefully will be back with us shortly, and Representative Ben Martinez is still recovering from an illness and they are our excused Members for today."

Speaker Churchill: "Thank you. With leave of the House, the Journal will so reflect. Representative Tenhouse for any excused absences on the Republican side of the aisle."

Tenhouse: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, all the Republican Members are present and accounted for."

Speaker Churchill: "The Journal will so reflect. Mr. Clerk, take the record. There are 116 Members answering the Roll and a quorum is present and the House will come to order. We will now proceed to the order of House Bills - Third Reading. Mr. Clerk, please read House Bill 1940."

Clerk McLennand: "House Bill #1940, a Bill for an Act that amends

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the Farm Nuisance Suit Act. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Ladies and Gentlemen of the House, I would like to at this time, present House Bill 1940. It is as amended. This Bill amends the Farm Nuisance Suit Act. This Amendment calls for that and provides that the prevailing defendant in a farm nuisance action shall be awarded reasonable attorney fees, costs and expenses. The Farm Nuisance Suit Act was enacted by this General Assembly, some of you were here, in 1981. This has served the agricultural community very well. I think that this Amendment is necessary so that we can do away with frivolous law suits that do hinder agriculture, especially those that are involved in the livestock industry. Supporting this Amendment is the Illinois Farm Bureau, the Illinois Milk Producers, the Illinois Pork Producers, the Beef Producers and the Illinois Department of Agriculture. Mr. Chairman, I would ask that this be taken out of the record temporarily."

Speaker Churchill: "Yes, Representative Lawfer, we will take it out of the record momentarily and get back to you. Mr. Clerk, will you read House Bill 2141?"

Clerk Rossi: "House Bill 2141, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2141, the initial Bill, would amend the Property Tax Code to provide that the sale of tax delinquent property shall be held with in 5 business days

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after the application for judgement. The initial Bill or the main Bill was at the request of the Illinois County Treasurer's Association. Present law says that it has to be on a Monday. This simply would give the county more flexibility that they could have their tax sale on any business day following taking judgement. It makes it much more flexible, makes it adapt to their schedule, more convenient for local government. We have four former county treasurer's in the Illinois House and all four county treasurers...former county treasurer's are in support of the main portion of this Bill. The Revenue Committee then put on some Amendments making this a Committee Bill and it now includes: House Bill 121, by Representative Black, House Bill 1828, by my myself, and House Bill 2024, by Representative Kubik. Remind you that yesterday, the Amendment removed House Bill 899, by Representative Lawfer. Eight ninety-nine is the only portion of this Bill that I am aware that there was any opposition to and we clarified that yesterday that with 899 removed, there is no known opposition. The reason for House Bill 121, which was Representative Black, and if he is here and wants to comment on it, then I certainly welcome that, is to...historic society in his district owns property that will be the future site of a reconstructive log cabin. The relocation of the log cabin and its charitable use by the historical society is pending on fund raising efforts that will allow such relocation to take place. In the meantime, the historical society must pay property taxes on the site. It was his intent to help them with that. My original Bill, 1828, which is a part of this main Bill now, is strictly clean up language, might even be called truth in labeling. As you know, the senior citizens

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tax freeze, as it was called, really should be called an assessment freeze. I talked with Treasurer Judy Barr Topinka. She agreed that it should be called an assessment freeze. We are not freezing taxes, it is freezing assessments. She is in support of that clarification. I would want to state on the record, there is no intent that counties would have to immediately change, you know, their forms or anything, but just as they use up their forms, we really should be calling that an assessment freeze. The... House Bill 2024 which is Representative Kubik's Bill, is...may be an inducement for those who have had property taxes abated to meet the terms of the agreement. Current law provides that no provision for collection of previously abated real property taxes...real property tax abatement can only take place upon a voice vote of the majority of the taxing district's electing governing body. Real property taxes can be abated for the commercial industrial entities up to 3 million over a 10 year period and up to 5 million over a 10 year period for horse racing activities and for specific auto racing activities. Any taxing district may abate real property taxes under certain circumstances for enterprise zones, specifically lease hold enterprises and sites of urban decay. The intent of 2141...excuse me, 2024, was that taxing bodies... If someone has received the tax abatement and they do not live up to the terms and conditions that were set for that abatement, the taxing bodies can come back and recoup the taxes that they would have received had there not been an abatement. So, it is helping local governments by giving them that option. Are there any questions?"

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

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

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

Lang: "Representative, you indicated that there were four county treasurers in the Illinois House. Who are they?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "The four that have been county treasurers: myself, Representative Skinner, Representative Novak and Representative Currie."

Speaker Churchill: "Representative Lang."

Lang: "I noticed that Representative Skinner and Novak are still on the board with you, but I notice that Representative Currie who was a Sponsor of this Bill, who testified with you in Committee, who caught a technical flaw so that your Bill would move along, is no longer on the Bill. Can you explain that?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Representative, I would be happy to visit with you. I know once before I put Representative Novak on and he disappeared, too. It is... I can visit with you on it."

Speaker Churchill: "Representative Lang."

Lang: "Well, Representative Currie is going to come over to you with a slip and we would like her to be put back on as a hyphenated cosponsor. I don't know what you mean about disappeared and I don't know what staff people you have to check with. This is your Bill. You are the Sponsor. It is your Bill. Now, did you take her off the Bill, Sir?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "We would be happy to put her on if you bring that slip over. It also happened to Representative Novak and I am not sure why. I thought I had him on and he came off. Bring the slip over and we will put her on."

Speaker Churchill: "Representative Lang."

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Lang: "Well, did this happen out of the sky, Sir? What do you mean you don't know how it happened? Representative Novak disappeared from the Bill..."

Speaker Churchill: "Representative Lang."

Lang: "Representative Currie disappeared from the Bill..."

Speaker Churchill: "Representative Lang. Representative Lang, he is... The Sponsor of the Bill is willing to accommodate you. Just have them bring a slip over and they will take care of it. Do you have further questions on the Bill?"

Lang: "Yes. Mr. Speaker, it has nothing to do with accommodating me. It has to do with the rights and privileges of Members of the House of Representatives. No Sponsor can stand on this Floor and say he does not know how the Bill got in the condition that it is in. It is his responsibility to know."

Speaker Churchill: "Representative Lang."

Lang: "Yes, Sir."

Speaker Churchill: "The matter is being handled. Have her bring the slip over. Do you have questions on the Bill?"

Lang: "She didn't bring a slip over to have her name removed from the Bill. She should just be added to the Bill..."

Speaker Churchill: "Representative Lang, do you have further questions on the Bill?"

Lang: "Yes."

Speaker Churchill: "Please, proceed with questions on the Bill."

Lang: "I'll wait until Mr. Moffitt is finished signing."

Speaker Churchill: "It is your time."

Lang: "That is fine, Sir. Thank you. Mr. Moffit, were there any witness slips in opposition to this Bill in Committee?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Representative, are you talking the entire Bill or the individual Bills?"

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Speaker Churchill: "Representative Lang."

Lang: "Well, that is a good point. Let's start with your original Bill."

Speaker Churchill: "Representative Moffitt."

Moffitt: "The original Bill... I don't believe there were any slips signed in opposition to the original Bill which was requested by the Illinois County Treasurer's Association. I visited with a lobbyist for the tax buyers, but to the best of my knowledge in checking with staff, they did not sign a slip in opposition. I think they were comfortable the way it was, but I am not aware of them signing a slip."

Speaker Churchill: "Representative Lang."

Lang: "And what about the other individual Bills that became part of this by way of Amendment? Was there any opposition to any of those Bills in Committee?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Representative, House Bill 899, which is no longer a part of the main Bill, is the only one that there was any opposition to, and it was removed yesterday with the Amendment."

Speaker Churchill: "Representative Lang."

Lang: "So, now as far as you know, everybody is on board, no problems with the Bill to your knowledge from any county treasurers or any tax interest groups or anybody?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Representative, to the best of my knowledge, that is correct. If... Yes."

Speaker Churchill: "Representative Lang."

Lang: "I'm prepared to support your Bill, Sir."

Speaker Churchill: "Further discussion? The Gentleman from Clinton, Representative Granberg, your seatmate has prepared to support the Bill. Will you support the Bill,

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too?"

Granberg: "That is not prima facie evidence that I am going to support it. Will the Gentleman yield?"

Speaker Churchill: "Representative Granberg, is it evidence of anything?"

Granberg: "Thank you. Representative Moffitt, you talked about a number of provisions in your Bill. Let me just... If we could just walk through it a little bit, because I know the county treasurers have some concerns there for the underlying Bill, but then I understood you had three other provisions amended onto it. So, if we just walk through subject matter by subject matter so everybody understands what is in your Bill. The underlying Bill, I believe, was at the request of the County Treasurer's Association, Mr. Bill Foster. Can you please explain what that did as opposed to current law?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Representative, that is correct. The main Bill, the underlying Bill, House Bill 2141, was at the request of the Illinois County Treasurer's Association adds flexibility, adds convenience, will help them be able to better conduct annual tax sales rather than be restricted to only one day, a Monday, this says any business day which I think is reasonable. It would be like saying you can only pass laws on a Monday or a given day. This says any business day. I thought that was very reasonable. The second Bill, House Bill 121 which is by Representative Black, the intent there was to help out a historic society that is attempting to develop what will become a not-for-profit historic site and at the present time, they are having to pay tax and this would allow that to become tax exempt if it is used for educational, not-for-profit purposes."

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Speaker Churchill: "Representative Granberg."

Granberg: "With respect to that, Representative, just let me ask you a quick question. So on this concern in Representative Black's district, I think I understand that, but this would allow them to go tax exempt, specifically if used for educational purposes, and I believe this is for the relocation of a historic log cabin?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Yes, that is correct. That is my understanding."

Speaker Churchill: "Representative Granberg."

Granberg: "And the Department of Revenue is okay with this provision, Representative?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Right. I believe that would classify that as neutral."

Speaker Churchill: "Representative Granberg."

Granberg: "Just for my own purposes, is this a normal policy, though to just take one item and make it tax exempt by legislative authority? I'm not... Have we done this routinely in the past?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "Representative, if we pass this, I believe it would apply to any other group that meets the same criteria, educational not-for-profit. So, we are not just singling out, but it could apply for your district or anyone else's if it meets the same criteria."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, that is actually one of my questions, Representative, because I know there are others, including myself, who have these types of facilities. So, I did not know how that would be applicable. So, that was my concern. So, this would apply to... What is the criteria? What are the criteria for this tax exempt status?"

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Speaker Churchill: "Representative Moffitt."

Moffitt: "I think it is pretty much the things, Representative, that we covered. It must be for educational purposes, not-for-profit and have historic value and be contained completely within one county."

Speaker Churchill: "Representative Granberg."

Granberg: "Our staff just indicated to me, Representative, that would have to be exclusive use for education. Is that correct?"

Speaker Churchill: "Representative Moffitt."

Moffitt: "That is correct."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you and to the next provision, Representative."

Speaker Churchill: "Representative Moffitt."

Granberg: "In the Bill."

Moffitt: "The next one in order, of course, would be House Bill 899 which is no longer an issue. That was the only one there was any objection to and it has been removed. So, it is no longer in consideration."

Speaker Churchill: "Representative Granberg."

Granberg: "I thought there was another provision after that, Mr. Speaker?"

Speaker Churchill: "Are you addressing your question to me or or you addressing your question to the Sponsor of the Bill?"

Granberg: "Well, to the Sponsor, but it seems like you interjected like that was all that was in the Bill."

Speaker Churchill: "You said, 'Mr. Speaker'."

Granberg: "Well, you indicated that that was all that was in the Bill, Mr. Speaker."

Speaker Churchill: "Representative Moffitt, is there some answer to that question?"

Moffitt: "Representative, there are two more that I would like to

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just comment on real briefly. House Bill 1828 is a part of this and that was also originally an individual Bill of mine and it would really be truth and labeling if you...I think would be a good description, saying that we shouldn't be calling the legislation senior citizen tax freeze because we are not freezing taxes. It froze assessments and I talked to Treasurer Topinka about that and she agreed that it would be better description, more correctly labeled if we called it senior..."

Speaker Churchill: "Representative Moffitt, bring your answer to a conclusion, please."

Moffitt: "And the final provision was House Bill 2024 which was initially sponsored by Representative Kubik, and the intent of that was that if there is property owners who have applied for tax abatement and then do not live up to the terms that they agreed to, it would allow the local taxing bodies to recoup the taxes that they lost through that abatement."

Speaker Churchill: "Further discussion? The Chair recognizes the Lady from Cook, Representative Wojcik. Representative Wojcik."

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

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All those in favor signify by saying 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is moved. Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think we have had a very thorough complete of discussion of this Bill. I know of no opposition now. It does some good things for local government. I would ask for your support."

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Speaker Churchill: "The question is, 'Shall House Bill 2141 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 109 voting 'aye', 0 voting 'nay' and 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2251."

Clerk Rossi: "House Bill 2251, a Bill for an Act amending the Illinois State Collection Act of 1986. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Good morning, Mr. Speaker, thank you. Ladies and Gentlemen of the House, 2251 is an effort by Loleta Didrickson, our Comptroller of the State, to consolidate some questions and concerns out there regarding fiscal responsibility in the state. There's three major provisions to it. One of them is, that we actually statutorily define what reappropriation means. It would contain three components. One, is a reappropriation cannot exceed the amount of the unexpended balance of the original appropriation. The second provision would be that no new programs or projects, not within the scope of the original appropriations, may be funded through reappropriations and the third provision would prohibit lapse period years spending from amounts which have already been reappropriated. A second major provision is in the legislation now reduces the lapse period for unexpenditure of appropriations from the previous fiscal year, from the typical three month period to a two month period and then

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the third major provision to is that it would reduce the time from a one year to a six month period of time in which a state agency would transfer past due receivables to the Comptroller's offset program. And would also require the Debt Collection Board through unanimous decision to establish the time tables and the procedures for collection by these agencies. I'd be glad to answer any questions you may have."

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

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

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

Hannig: "Representative, is there some abuse or is there some reason that we need to redefine this reappropriation language?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Reappropriation is not defined anywhere within the statute. It is basically the interpretation of any of the state agencies or through the Comptroller's Office and it has always been a discretionary item. What we've wanted to try to do is clarify so that from this time that this becomes law and to the future that we know from hence forward all Comptroller's what the definition of reappropriation would mean."

Speaker Churchill: "Representative Hannig."

Hannig: "And you also tried to clarify or shorten the lapse period for spending? Is that correct, Representative?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "That is correct, Representative. The three month period and lapse period spending today really has become somewhat archaic in the fact that today we now have

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computers, systems and processes that will make us more efficient. And what we're trying to do is get a better hand on really where our financial situation in the state is, so when the Comptroller closes the books, at the end of the fiscal year, we'll be able to have a report to the General Assembly sooner than that. And we feel that a two year period in doing that will provide a more efficient way of providing the General Assembly these numbers."

Speaker Churchill: "Representative Hannig."

Hannig: "Would this also apply to the Department of Public Aid? Would we be limiting them to two months lapse period spending?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Medicaid, for example, is one of the bigger areas in public aid and that does not go through a fiscal year cycle, so it would not fall under this responsibility."

Speaker Churchill: "Representative Hannig."

Hannig: "Well, we appropriate every year an amount of money for Medicaid and the public aid budget. And it seems to me that if we're going to try to get some fiscal responsibility in this system and in this government, that's the area that we really ought to be addressing. So don't you think that maybe you ought to take a second look at this and put some limitations on the public aid, Medicaid spending so that we only have a two months lapse period spending?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "To clarify, the Medicaid budget is gone through on a fiscal year basis but it does not have a fiscal year appropriation time that it needs to be expended. Representative, there are a couple of other exceptions that are in the statute or in the legislation and this is in

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regards to certain CMS communication purchases and certain large amounts as well."

Speaker Churchill: "Representative Hannig."

Hannig: "Well, I'm still, I guess, confused or puzzled why if we're trying to bring some fiscal responsibility to Illinois' irresponsible...fiscal irresponsible system. Why don't we really go to the heart of the problem? Which is that we owe about \$2 billion or nearly \$2 billion in Medicaid unpaid bills to doctors and hospitals and pharmacies and nursing homes around the State of Illinois. And it seems to me that if we're in the process here, of trying to do some good things to clean up our fiscal mess, that we ought to be addressing that issue as well. So why do we want to exempt or not deal with the Medicaid and public aid problem that we have?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Representative, what this legislation is attempting to do, is to curtail the spend it or lose it attitude that a number of state agencies have...have throughout Illinois and we're trying to put a clip on this. The idea that you're presenting is a good one and I'm sure that there would be a number of vehicles out there and be pleased to entertain some discussion with you in the future about that."

Speaker Churchill: "Representative Hannig."

Hannig: "Well, just...to the Bill. I think that the Sponsor is trying to make some...some positive changes on the margin but, he's really avoided the real heart of the problem that we have here in the State of Illinois. Four years ago the Governor said, we're going to tear up the credit cards and now five years later, in his second term, we still owe over a billion dollars to the hospitals, doctors, pharmacies and

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nursing homes in the State of Illinois. And to me, Ladies and Gentlemen of the House, that really seems to be where the problem with the state finances really lie. And this Bill does nothing to address the real problems in the state, like I said, it makes a marginal changes that are probably good but it really avoids the heart of the financial crisis that we face here in Illinois. And I just urge the Sponsor to reconsider the Bill and take it back to Second Reading and try to address the real fiscal problems that we have which is uncontrolled spending in Medicaid. Thank you."

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

Skinner: "Above the den I thought that I heard the Sponsor say that this was a something I would consider a major reform. Is it true that this Bill is shortening the lapse period spending from period from three months to two months? Would the Gentleman make that clear, again?"

Speaker Churchill: "The Gentleman will yield for that question. Representative Rutherford."

Rutherford: "Yes, Representative Skinner, this does shorten the lapse period spending from a three month period to a two month period."

Speaker Churchill: "Representative Skinner."

Skinner: "Representative, you have one of the best Bills of the Session. Thank you very much for introducing it and getting to the floor. I hope we'll all vote for it, it might actually crimp the bureaucracy style for a year. Thank you."

Speaker Churchill: "Further discussion? The Gentleman from Washington, Representative Deering. I see they got your mic all taken care of there, Representative Deering."

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Deering: "What's that, Mr. Speaker?"

Speaker Churchill: "I say, I see that they got your microphone back to normal height there, huh?"

Deering: "Yes, but we still have the appurtenances if we need to raise it above the level again. So we kept them on hand."

Speaker Churchill: "Maybe they need to dig a little pit there that you can stand in and that would be helpful."

Deering: "Well, I'm thinking about ordering a step ladder so I can rise to the occasion."

Speaker Churchill: "I think you need to do that. Representative Spangler is catching up on you."

Deering: "Representative...thank you, Speaker. Will the Sponsor yield?"

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

Deering: "Representative Rutherford, is there more than one Amendment on this Bill now?"

Speaker Churchill: "Representative McAuliffe in the Chair."

Deering: "The digest says there's House Amendment #1, it doesn't say anything else."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Representative, to clarify there is a second Amendment which became the Bill and it was the consolidation of the underlying Bill and two other pieces of legislation that have gone through testimony here and in the committee. So, there is a second Amendment which now becomes the Bill."

Speaker McAuliffe: "Representative Deering."

Deering: "Does one of those Amendments that is now in the Bill specifically address reducing lapse period spending? Where do you come up with the context that we're going to shorten lapse period spending if we pass this legislation?"

Speaker McAuliffe: "Representative Rutherford."

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Rutherford: "Yes, Representative, it very specifically says in Amendment 2 that we shorten the lapse period spending from a...from two month...from a three month to a two month period. That's on page 6, line 15 of House Amendment 2, which was adopted."

Speaker McAuliffe: "Representative Deering."

Deering: "In the section that relates to the Comptroller collecting the debt, the offset system. Under the current statute, does the Comptroller collect the debt now, if there is a debt out there more than a \$1,000 for more than 12 months?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Representative, just to clarify, this...the Amendment that we have in the...the Bill as we have it amended, puts the debt collection process of receivables of the State of Illinois under the Debt Collection Board not under the Comptroller's Office. What this legislation would do though, is it would reduce the time period from one year to six months from which a state agency would transfer those past due receivables to the Comptroller's offset program. Let me just take a moment to clarify that. Today if a state agency has receivables and there is not a payment cycle in place for that to be paid back to the State Treasury, today that state agency has one year before they're required to transfer it over to the Comptroller's offset program. We are shortening that cycle to six months. What that means is, once those receivables are transferred to the Comptroller's Office, the Comptroller would look to see if we, the State of Illinois, owes that vendor money and yet they still owe us, if there is then we offset that. After a certain period of time if they are then not collected, then it goes towards the Debt

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Collection Board of which this legislation would require specific time tables and procedures to be made by that board which is made up of the Director of Central Management Services, the Attorney General of the State of Illinois and the Comptroller to have a unanimous decision on what those time tables and procedures would be."

Speaker McAuliffe: "Representative Rutherford. Representative Deering."

Deering: "Representative, under the offset system that you just spoke about, is there still language in the Amendment? I'm sorry I don't have a copy of the Amendment, but is there language in the Amendment that still says that the Comptroller can contract with an outside vendor to provide collection assistance?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "No, Representative, that is not in the Amendment for the Comptroller's offset program. The enabling opportunity for outside vendors in debt collection would be vested with the authority of the Debt Collection Board. They would be the entity to authorize going to an outside vendor to receive those...or to attempt to receive those receivables."

Speaker McAuliffe: "Representative Deering."

Deering: "And if this board wants to contract with an outside vendor, is there rules and regulations in place that they must have...that they have to abide by in order to solicit the vendors, is there a bidding process?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Representative, today they currently bid those contracts. This legislation though would even go further to require that there be set, by this board, the timetables and procedures to run this effort. Again, in order to

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establish those timetables and procedures it would require a unanimous decision of this board, made up of those three office holders, which I'd mentioned earlier."

Speaker McAuliffe: "Representative Deering."

Deering: "To the Bill, Mr. Speaker. I think the Gentleman has a piece of legislation here that has some merit in collecting outstanding debt owed to the State of Illinois. What my concern is and what the concern of many of my business people is, the outstanding debt that the State of Illinois continues to owe my hospitals and nursing homes, some as much as more than six months. I think the state's the biggest deadbeat here and maybe you should get this legislation to reflect to collect the debt from the state and pay our vendors."

Speaker McAuliffe: "Representative Rutherford to close."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to commend Comptroller Didrickson for her efforts in bringing this initiative to the General Assembly. Also Representative Rich Myers who's been working very closely with us to bring the Amendment to the stage that we have it today. This piece of legislation is one of the major efforts to try to draw in some of the efforts of collecting the debt of the State of Illinois. We will statutorily define or have the Debt Collection Board define the process that we would go through that. Secondly, it would also try to curtail, it would curtail, state agencies in the spend it or lose it type of attitude in consolidating the lapse period of the State of Illinois from a two months cycle...from a three month cycle to a two month cycle. I would ask for a favorable roll call."

Speaker McAuliffe: "Question is, 'Shall House Bill 20... Representative Lang.'"

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Lang: "Thank you, Sir. I didn't hear anybody move the previous question. My light's been on since the beginning of the debate, Sir."

Speaker McAuliffe: "Representative Lang, this Bill's on Short Debate. Question is, 'Shall House Bill 2251 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'aye', none voting 'no', 8 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Clerk, announcements."

Clerk Rossi: "The House Rules Committee will meet at 10:00 a.m. in the Speaker's Conference Room. Repeating; the House Rules Committee will meet at 10:00 a.m. in the Speaker's Conference Room."

Speaker McAuliffe: "Mr. Clerk, read House Bill 2308."

Clerk McLennand: "House Bill 2308, a Bill for an Act concerning child abuse. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2308 as amended changes...it amends the Abuse and Neglected Child Recording Act to change the text of the notice required to be posted along with the statewide toll free number for reporting suspected child abuse or neglect, increasing stated penalties for making a false report, to conform with the provisions of the Criminal Code. It further amends the Juvenile Court Act to provide that a proceeding may be instituted under Article II of the Act, now concerning minors who are abused, neglected, or dependent to add concerning minors who have parents who are unfit persons as defined in the Adoption

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Act. They would be effective immediately."

Speaker McAuliffe: "On the question, Representative Dart."

Dart: "Thank you. Initially I would want to take this off Short Debate and I'm joined by the appropriate number of hands here. Will the Sponsor yield?"

Speaker McAuliffe: "Indicates she will."

Dart: "Representative, the...what is the area when you are changing, dealing with jurisdictional facts. What's the purpose of that?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "It's my understanding that the change would be to include...to separate the termination of parents rights and the finding of unfitness and also it allows the parents of a child to be found unfit which reduces the risks to a potential adoptive home that the child will not be freed, but allows the child to continue to have a family other than just the state. And what it does is, it would make all the pleadings include or be able to include that as part of a petition."

Speaker McAuliffe: "Representative Dart."

Dart: "Can't the courts already do that right now or is that something that they are forbidden from doing?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "I think what it is, is that it's unclear. It appears to me because it is already sited out in the Adoption Act that that would be part of one of the things that you could site that you could have done it before but obviously it is unclear and I guess because we're trying to speed up what we're doing here in hearings on...for the best interest of the child and not prolong them, the department would like it clarified."

Speaker McAuliffe: "Representative Dart."

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Dart: "And so, just so I have it straight now then. In addition to the additional penalties for making a false report. The only other changes is the combination...combining of the unfitness provisions in with the...the judicatory hearing. Is that it?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Yes, Representative. And on the hotline, all they're doing is they're making the notice conform with the law so that the notice for the hot line actually reads what the penalties are which have been changed. It doesn't change the penalties, the penalties are already as they are and just the other part about adding unfit into the jurisdictional pleadings."

Speaker McAuliffe: "Representative Dart."

Dart: "Now, has the different...has the public guardian office and individuals like that been consulted as to whether or not it's practical or feasible to be able to do the unfitness hearing at the same time as the judicatory hearing?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "I have personally not heard from them and although it came through the Committee and it passed out 18 to 0, there is nobody that stood up and opposed the Bill even if in the original form."

Speaker McAuliffe: "Representative Dart."

Dart: "The...is there going to be a problem with cases having to meet the preponderance of evidence standard and also the clear and convincing evidence standard at the same time?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "I'm sorry, Representative. Could you repeat the question?"

Speaker McAuliffe: "Representative Dart."

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Dart: "Sure. Is there going to be a problem with the cases having to meet both the preponderance of evidence standard and a clear and convincing evidence standard simultaneously. They are going to be required if we're going to be doing both of these at the same time."

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative Dart, I'm not an attorney, I'm not certain of that although I would think that the department attorney's looked over that and as far as unfit in the Adoption Act, it's spelled out from A to Q. So, I would think that it would be pretty clear as to what the standard would be, although sometimes it takes quite awhile to get that done."

Speaker McAuliffe: "Representative Dart."

Dart: "I'm just wondering in particular for example, like if the allegation was failure to express interest in a child. Usually that requires there to be some type of evidence after the judicatory hearing. I mean, the charge itself would necessitate that you're showing lack of interest in the child over a period of of time. If you're doing it at time right at the hearing stage, will it be feasible or practical to get it done then or was that one where it will have to be different by the very nature of it?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Staff is trying to tell me there's a case that sets a precedent on this which I could probably show you. The other thing is, I think the way it's spelled out in the Adoption Act, it seems to me that currently if you go into court on this to say that the parent is unfit, they set up a plan and they do a lot before they determine that that parent is unfit. I don't think this would get around that and I do...one of the things under the definition of unfit."

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When it say failure to maintain a reasonable degree of interest, concern or responsibility as the child welfare. It does not say a time frame, but I think when you take the child or when they do this with a parent to prove that the parent is unfit, before they specify that the parent is unfit, they set out a plan and try to get the parent to comply with it and I think that would have to be the standard more than just this definition."

Speaker McAuliffe: "Representative Dart."

Dart: "I would appreciate it if they could maybe show me that case because I just have some concerns about whether or not in certain instances we'd have some problems showing that. I agree with you wholeheartedly in trying to speed up the fitness hearings and the like. The thing is, is this will help somewhat but we really need to do a heck of a lot more if we're going to terminate the rights so we can get these kids moved through the system quicker and I would hope that you would be able to work with myself and other Members to try to do that because we've got to get these kids out this system. This is an effort in the right direction but we have to do a lot more if we're going to get it done."

Speaker McAuliffe: "Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker. Representative Dart, I want to assure you that that would always be my purpose in the General Assembly to work with you on any issues that would protect children and make sure that we move forward on that. This is basically the Bill from DCFS to cleanup a couple of little things that they need in order to proceed in just such interest and I would ask for your favorable vote. Thank you."

Speaker McAuliffe: "The question is, 'Shall House Bill 2308 pass?' All those in favor signify by voting 'aye'; those

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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 104 voting 'aye', 4 voting 'no', 8 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2349."

Clerk McLennand: "House Bill #2349..."

Speaker McAuliffe: "2349."

Clerk McLennand: "House Bill #2349, a Bill for an Act that amends the Illinois Nursing Act of 1987. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Winters."

Winters: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2349 amends the Nursing Act and clarifies that any person who fails to pass the Registered Nurse or Practical Nurse Licensing Exam within three years of the first time he or she took the exam in any jurisdiction shall be ineligible to take further exams or be issued a license until they recomplete the entire course of study. This is a result of the Circuit Court of Cook County reversing the Department of Public...or Professional Regulation's interpretation of the rule. The court stated this is not a clear area and this Bill will clean that up."

Speaker McAuliffe: "On a question, Representative Lang."

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

Speaker McAuliffe: "He indicates he will."

Lang: "If this is on Short Debate, Mr. Speaker, I'm joined by sufficient colleagues to remove it. Okay. Thank you. Representative, this is a Bill proposed by the Department of Professional Regulation. Is that correct?"

Speaker McAuliffe: "Representative Winters."

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Winters: "That is correct."

Speaker McAuliffe: "Representative Lang."

Lang: "How do the nurses feel about this Bill?"

Speaker McAuliffe: "Representative Winters."

Winters: "They are in support of this Bill."

Speaker McAuliffe: "Representative Lang."

Lang: "Were there any opponents to the Bill in Committee?"

Speaker McAuliffe: "Representative Winters."

Winters: "No, there were no opponents."

Speaker McAuliffe: "Representative Lang."

Lang: "Can you tell us the policy considerations behind requiring the person who has failed the test to recomplete the entire course? Perhaps they were just feeling ill the day of the test and they just couldn't concentrate on it. Why should they have to take the course over again?"

Speaker McAuliffe: "Representative Winters."

Winters: "This is not a one time shot. They are allowed to take the nurse's examination every quarter. So, over a three year time period, they are able to take it twelve times. The feeling is if they haven't been able to pass it at that point, that they are far enough removed from their training that they should be retrained before they try it again. The problem is that there have been nurses who have taken the initial exam out of state to see how they are doing, and it may be four or five years before they finally fail it enough times in Illinois, that they no longer can take it. We are trying to set the time clock when they first take the exam in any jurisdiction rather than just in Illinois."

Speaker McAuliffe: "Representative Lang."

Lang: "So, these folks can take this test literally every quarter for twelve straight quarters?"

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Speaker McAuliffe: "Representative Winters."

Winters: "That is correct."

Speaker McAuliffe: "Representative Lang."

Lang: "Are there any examples of people who have actually done that and failed it twelve times?"

Speaker McAuliffe: "Representative Winters."

Winters: "I believe that is the case. I don't have the specific numbers of those cases. The real crux of this is because the circuit court said that out of state jurisdictions don't start the clock. We are not changing how many times they can take it Illinois, but when the clock starts running."

Speaker McAuliffe: "Representative Lang."

Lang: "So, whether they take it one time in the three year period or twelve times, they must requalify themselves by retaking these courses after the three year period. Is that what your Bill does?"

Speaker McAuliffe: "Representative Winters."

Winters: "Yes, that is the case. If for some reason they only take the course...or take the exam one time in three years and they fail it that one time, they would need to retake the training. But I feel that any nurse that would be giving me medications or taking care of my own medical care, if they have not passed the exam and they have not had any training for three years, I would like to make sure that they are updated because the medical industry certainly is changing very rapidly and I want them to have fairly current knowledge."

Speaker McAuliffe: "Representative Lang."

Lang: "And did I understand you to say that the Nurse's Association supports the legislation?"

Speaker McAuliffe: "Representative Winters."

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Winters: "You understand that correctly. They are in support."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you. Nothing further."

Speaker McAuliffe: "The Gentleman from Cook, Representative Dart."

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

Speaker McAuliffe: "Indicates he will."

Dart: "Representative, has there been any contact at all with the Hospital Association? Have they expressed any concerns one way or the other with this requirement?"

Speaker McAuliffe: "Representative Winters."

Winters: "They were in Committee and had no problems with this legislation."

Speaker McAuliffe: "Representative Dart."

Dart: "Did they testify at all...regards to it, whether or not this was something that was going to impact them as far as with the amount of nurses they have in the hospital available to them or any projected... Did they have any information whatsoever on this?"

Speaker McAuliffe: "Representative Winters."

Winters: "They did not testify."

Speaker McAuliffe: "Representative Dart."

Dart: "And it is your understanding, Representative, that... I just wanted to get it clarified. Did they file any position whatsoever? Were they definitely neutral or is it just something they didn't care about one way or the other?"

Speaker McAuliffe: "Representative Winters."

Winters: "They... I believe their position was that the Nurse's Association would be the one most directly impacted, so they really took no position."

Speaker McAuliffe: "Representative Dart."

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Dart: "Are there any other organizations or professions such as this, will we have this limitation placed on them?"

Speaker McAuliffe: "Representative Winters."

Winters: "I believe that there are, but I couldn't give you specific cases, but I believe there are other time frames where they have to be licensed within a certain period of their training."

Speaker McAuliffe: "Representative Dart."

Dart: "I understand the theory behind it, what you were saying as far as how they should be kept up to date and whatever, but I was just wondering if there were other professions that we do this to as well because it does make sense, but I just wanted to make sure that there is some precedent for this and it isn't something new."

Speaker McAuliffe: "Representative Winters."

Winters: "There are others within the health professions at least, and we can have the department send you a list of those, but I would assume that doctors completing their medical training, dentists would probably be under the same type of time frame."

Speaker McAuliffe: "Representative Dart."

Dart: "So, just so I can get this straight then, you were saying that the Bill...the thrust of it deals with when the clock starts ticking. Is it that they can take the test as many times during this three year period or is it once they have taken it, how exactly does that work? If you could just clarify that for me as far as how that goes."

Speaker McAuliffe: "Representative Winters."

Winters: "The clock starts running the first time they take the exam. That doesn't really change within the State of Illinois. What it does change is a nurse who is taking their exam initially out..."

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Speaker McAuliffe: "Representative Dart. The Clerk for an announcement, please."

Clerk McLennand: "Rules is meeting immediately in the Majority Leaders' Office. Rules meeting immediately in the Majority Leaders' Office."

Speaker McAuliffe: "Representative Winters."

Winters: "Do you want to repeat your question, Representative Dart?"

Dart: "I believe Representative Winters was in the middle of explaining to me exactly the time frame mean, when it was clicking in."

Speaker McAuliffe: "Representative Winters."

Winters: "Yes, it...The problem is that we had a court case where a nurse took the exam initially in another state, came to Illinois I believe, was taking the exam here, but it was more than three years after the initial attempt at the test. She eventually passed it, but the Department of Public Regulations said that no, the clock should have started on the out of state exam. A court overturned that. So, this is seeking to clarify when the clock starts running."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. Can you give me the name of the court case and in what jurisdiction that was? Was it a federal court, state court?"

Speaker McAuliffe: "Representative Winters."

Winters: "There are two cases. I don't have them with me, but we can furnish them to you."

Speaker McAuliffe: "Representative Dart."

Dart: "Is there going to be any problems within...with the Department in enforcing the...when it comes to people who are taking tests outside of the jurisdiction? Are they

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going to have any problems of enforcement of that?"

Speaker McAuliffe: "Representative Winters."

Winters: "People taking the test out of state have to submit that information when they take the test the first time in Illinois."

Speaker McAuliffe: "Representative Hartke."

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

Speaker McAuliffe: "Indicates he will."

Hartke: "Representative Rutherford (sic - Winters), does this apply to all nurses, nurse practitioners as well?"

Speaker McAuliffe: "Representative Winters."

Winters: "I believe you referred to me as Representative Rutherford. It is Representative Winters. Yes, it applies to both registered nurses and practical nurses."

Speaker McAuliffe: "Representative Hartke."

Hartke: "No, the question was nurse practitioners."

Speaker McAuliffe: "Representative Winters."

Winters: "Any category of nursing would be covered. So, I assume the nurse practitioner also would be."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Okay, and this just applies to those that are licensed first or whatever...in another jurisdiction. What about those who are trained in Illinois and who have never taken the test before, are they under the same limitation?"

Speaker McAuliffe: "Representative Winters."

Winters: "Could you repeat the last end of your question? I didn't catch that."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well, I understand that this applies to those that have taken their nurse's exam and possibly passed in another state and they are trying to be licensed in Illinois, but does this also apply then to those nurses that are trained

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for example, here at St. John's or here in Springfield and then...the first time they have ever taken the test. Does this apply to them as well?"

Speaker McAuliffe: "Representative Winters."

Winters: "If they fail it for more than...for three years after their initial attempt, it would also affect them in the State of Illinois. You also made a statement that they...when they pass it in another state, if they pass it within three years of their initial exam, then there usually would be reciprocity so that Illinois would accept that other state's license. But it has to be within a three year period of their first attempt in whatever state they make that first attempt."

Speaker McAuliffe: "Representative Hartke."

Hartke: "So, if a nurse has passed say, in the State of Missouri, and she has her license or he has her license, would they have to be reexamined here in Illinois and pass one here, or do we grandfather those individuals in from another state?"

Speaker McAuliffe: "Representative Winters."

Winters: "If the qualifications in that other state for instance, Missouri, are substantially similar to those in Illinois, they would be granted a license simply through reciprocity."

Speaker McAuliffe: "Representative Hartke."

Hartke: "The licensing procedure, is that standard for Illinois and is that run by the Department of Professional Regulation or do we hire a private consulting firm to administer these tests?"

Speaker McAuliffe: "Representative Winters."

Winters: "The Department of Professional Regulations has been doing this for years and it is still under their

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jurisdiction."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Is that with all licensing procedures with the Department of Professional Regulations or are there some licensures that we contract out with firms to do that licensing?"

Speaker McAuliffe: "Representative Winters."

Winters: "We do not contract out for licensing tests as far as I know. This Bill has nothing to do with that anyway."

Speaker McAuliffe: "Representative Hartke."

Hartke: "I understand that, but I thought possibly, we had a testing agency that was...that we have hired that maybe also administers the same test in Missouri or Indiana or Wisconsin. An assessor of a case, well then it would be similar testing and it would be repetitious, but we have our own qualifications here in Illinois. I have no further questions. Thank you very much."

Speaker McAuliffe: "Representative Winters to close."

Winters: "Thank you. Ladies and Gentlemen of the House, I would ask for your favorable vote on House Bill 2349."

Speaker McAuliffe: "The question is, 'Shall House Bill 2349 pass?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye' , 0 voting 'no' and 9 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please go to House Bill 2370."

Clerk McLennand: "House Bill #2370, a Bill for an Act concerning certain financial organizations regulated by the commissioner of savings at a residential finance. Third

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Reading of this House Bill."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2370 amends the Illinois..."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Amends the Illinois Savings and Loan Act of 1985. The Savings Bank Act, the Residential Mortgage License Act of 1987 and the Foreign Corporation Lending Act. It makes various cleanup and regulatory changes to these Acts to clarify the regulatory burdens on financial service firms. Changes to the Residential Mortgage License Act of 1987, to reflect changes in the regulation of mortgage brokers. Authorizes Mortgage Brokers to file annual compilation financial statements instead of audited statements. Requires an applicant for license as a mortgage broker to have proof of three years experience in the real estate finance industry or the completion of an approved educational program within nine months of licensure. Sets the investigation and application fees at an amount equal to \$1,800 annually. It has been suggested and worked on by the Commissioner of Savings and Residential Finance. Proponents are the Commissioner of Savings and Residential Finance and the League of Financial Institutions. I know of no opposition and the Bill passed out of committee with a vote of 19 - 4 and none in opposition."

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

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

Speaker McAuliffe: "Indicates that she will."

Lang: "I understand that there's a lot of provisions in this Bill, Representative, and that it's mostly cleanup. But perhaps you might give us a few of the highlights as to

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specifically what it does. I think I understood you to say there was no opposition at all in Committee. Is that correct? And if that is correct then, you know, obviously this Bill will go, but I'm interested in what's in here. I really don't know."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Yes, Representative Lang, I'd be certainly glad to highlight some of the additions to this Bill and some of the changes from current practice. Do you remember that there was related legislation, Representative Saviano passed House Bill 781? It contained language identical to House Bill 2370, that Bill was passed, I believe, 110 with 1 in opposition. Some of the new proposals that were not included in the Saviano Bill...relating to the Illinois Savings and Loan Act of 1985. It includes advisory, an emeritus directors to those allowed to participate in insurance and other benefit programs. Specifies under what conditions a savings and loan can pledge its assets. Allows savings banks to operate temporary service facilities in places where senior citizens reside. Adds apriary provisions equating the treatment given to state chartered and federally chartered saving and loans. Additionally, to that under the Savings Bank Act, it includes retired and semi retired directors and benefit plans offered by saving banks to directors. Specifies that a savings bank can pledge its assets to secure any deposits, not merely public fund deposits. Allows Savings Banks to open and operate temporary service facilities in places where senior citizens reside. Clarifies that saving banks are to be guided in corporate government matters by the Business Corporation Act of 1983. In addition to that, the Foreign Corporations Lending Act adds language that

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accepts certain state chartered or state regulated entities from the provisions of the Act. Those would be the differences from the Saviano Bill."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you. Under current law the commissioner must examine licensees whose foreclosure rate is higher than the national average. Under your Bill, it would require the commissioner to make the examination on the basis of delinquent rather than defaulted mortgages. What is the policy consideration behind that change?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Yes, Representative Lang, refreshing my memory here. The commissioner felt that the delinquency rate rather than the default rate enabled him to spread the very limited resources that he has in order to investigate in those areas."

Speaker McAuliffe: "Representative Lang."

Lang: "I'm not quite sure what you said, but we'll go on. You're changing a standard to something called the gross delinquency rate. From a standard that was the national residential mortgage foreclosure rate. Is this a higher or lower standard? Will we be weakening our standards or strengthening our standards?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "I don't know."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, that was a good answer. Your Bill also changes the frequency of examinations from every 36 months to whenever the commissioner desires to do it. This seems to lessen standards. Why don't we want to have regular examinations?"

Speaker McAuliffe: "Representative Deuchler."

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Deuchler: "In talking to the commissioner, he had certainly had instances where he wanted to go in..."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "...very rapidly and assess conditions. So, certainly having the ability to go in immediately where problems were to arise, that was his recommendation."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, wouldn't this change to allow these exams only to take place at the discretion of the commissioner...give the commissioner authority to just pick and choose and perhaps play favorites? I'm not indicating the commissioner would do that, but couldn't he or she then pick favorites among these institutions and just merely skip over the ones that was his or her friends?"

Speaker McAuliffe: "Representative Deuchler. Representative Deuchler."

Deuchler: "Yes, Representative Lang. Certainly is the commissioner's sincere...to create by administrative rule tight procedures so that he or she can go in and very rapidly have start-up time for delinquent organizations."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, that certainly doesn't answer the question, Representative. I'm not opposed to your Bill so, I'm not asking these questions so that I can defeat your Bill and rant and rave here. But it just seems to me that this is just a loose end. We're changing a standard from one where there is regular exams to one where the commissioner could do it at his or her will. It seems to me that this lowers our standards and gives a lot of discretion to the commissioner and I was wondering if you would comment on that?"

Speaker McAuliffe: "Representative Deuchler."

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Deuchler: "Certainly the last thing that the commissioner does want is...laxed procedures, Representative Lang. He shared with me concerns in some instances and wanting to go in more rapidly, quicker response time, to do internal investigations. I...I'm very sure that this is going to work much better than existing law."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thanks. I'm not sure you answered my question yet and I don't even think you're sure you answered my question yet, but I do have another question. Why are we requiring CPA prepared balance sheets for residential brokers licenses?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "We're asking for compilation balance sheets which are much cheaper and the mortgage brokers will be able to comply."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, Representative, that wasn't the question. The question..."

Speaker McAuliffe: "Representative Lang."

Lang: "The question was, why are we requiring these CPA prepared balance sheets preparatory to the license? The current law doesn't require that. There must be some policy consideration behind why we want to do that in this Bill. I would like to know that reason."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Because of the high cost of a CPA procedure and the compilation sheets will meet the same criteria. So, it's cost."

Speaker McAuliffe: "Representative Lang."

Lang: "Will the same information be in those balance sheets as we get today from the more full scale reports?"

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Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Yes, the same information will be in there."

Speaker McAuliffe: "The Gentleman from Effingham...The Gentleman
from Effingham, Representative Hartke."

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

Speaker McAuliffe: "Indicates she will."

Hartke: "Sometime ago in your opening remarks, I thought I heard
you say that, that the broker's fee would be \$1,800 per
year. Is that correct?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Yes, pursuant to an agreement between the association
and the commissioner's office."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Is that an increase in...in fee licensure for the
brokers or is it a stable amount?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "We think it is, we're not sure."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Your not sure that this is a fee increase on the brokers
or not. I think I heard you say that you will allow also,
a...a payment schedule so that this fee would be paid over
a nine month period. What is the term of this broker's
licensure, is that for a three year period, a five year
period or what?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "The Mortgage brokers are required to be re-licensed
annually and basically, this industry regulation would
remain self-funded."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well, I guess back to the original question and
that's...I thought I heard you say that the fee would be
\$1,800 and is that a flexible amount, whatever the

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Department of Professional Regulations wants to charge, which is going to be self-sustaining if the agencies costs go up? Next year we can look for a license fee increase, if it goes down, then we can look for a decrease and we're allowing, as I understood, time payments of nine months for the payment of this licensure on a payment basis of \$1,800 that's \$200 a month, 3 months later their licensure expires. Do we allow time payments on licensure fees on doctors or...or other professions? Why is it allowed on this piece of legislation and I still haven't gotten the answer, is this a fee increase?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "It is a fee increase. Would be paid annually, however, by going to the compilation reports they will save some money there and it's probably is a wash."

Speaker McAuliffe: "Representative Hartke."

Hartke: "What was the licenser fee last year and the year before?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Five hundred dollars."

Speaker McAuliffe: "Representative Hartke."

Hartke: "So you're increasing the fee from \$500 to \$1,800 and since that's quite a substantial increase in a fee, they have agreed and you're agreeing through this legislation to allow this particular group of licensures to proceed on a time payment for the payment of their licensure fee. What happens if they fail to make their payment at the end every month or whatever, is their licensure voided?"

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Yes, we believe that. The commissioner's office will certainly give them some slack if their late with the monthly payment. What was your other question?"

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Speaker McAuliffe: "Representative Hartke."

Hartke: "Will the commissioner reject that license, if it is? You're saying they give it slack. How much slack? Two months, three months? I think that if I call the Secretary of State and say, 'well look, I can't make my car license but I'll send you \$2 this month and \$5 next month.' He's going to say, no, you don't get your license until you have paid the fee. And so, here you're saying well, you know, if they don't pay their license fee well then, the commissioner, can at his own discretion give them a little slack. I think that's poor legislation, I think that in this situation when we're concerned..."

Speaker McAuliffe: "Representative Hartke."

Hartke: "When we're concerned about the security and giving the commissioner authority to go in and investigate with audits and so forth, of these individuals, protecting homeowners, protecting those securities and now we're saying, well we're also going to give the commissioners the authority to give those brokerage licensers some slack, I'm not sure I like this idea, I'm really concerned about it. Could you address that just a little bit, why you think that's absolutely necessary and I understand the need for an increase to make this a self-sustaining system but I still think that, that we ought to put a definite that these fees should be paid up front."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "Well, I believe we have, Representative Hartke, by stipulating the \$1,800 annually. I think some of your technical questions..."

Speaker McAuliffe: "Representative Deuchler."

Deuchler: "...might be better addressed to the commissioner himself, you know, that most legislation that we do pass is

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expanded and amplified on with rules that are promulgated and passed through JCAR and some of these questions would certainly be answered at that level."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well, Representative this is your piece of legislation and I...this is the first opportunity that I've had to ask questions on it. But none of these questions were raised in the committee at all? Maybe if I had been on that committee, I'd had an opportunity to raise this question, maybe we wouldn't be addressing it today and have an opportunity to clean this up. I think that the fee increase is quiet excessive. I understand the need for it to be self-sustaining but I'm still objecting to the method giving the commissioner that much leeway. I think we're...we're opening up the door for some abuse and some favoritism to be played in some areas and not in others."

Speaker McAuliffe: "Representative Deuchler to close."

Deuchler: "Just to...ask for an affirmative vote on this Bill. It did pass unanimously out of committee."

Speaker McAuliffe: "The question is, 'Shall House Bill 2370 pass?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. The voting is open. 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 93 voting 'aye', 9 voting 'no', 11 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2429."

Clerk McLennand: "House Bill #2429, a Bill for an Act that amends the Response Action Contractor Indemnification Act. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Pankau."

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Pankau: "Thank you, Mr. Speaker. Members of the General Assembly, this Bill addresses a fund known as the Response Contractors Identification Fund. It is a fund that to the best of my knowledge, probably started in the early 80's and it deals with... It is a reserve fund, which means only money for a certain purpose comes into it. The fund resides in the Department of Transportation. How it got there, I can't really tell you. But basically, it started in the early eighties when doing contractor renovations. They ran into asbestos problems and at that point, there was no ability for the contractors to get insurance for those type of environmental concerns. So, this fund was created and right now, every contract that the State of Illinois puts out for bid, if it has an environmental component on it, the contract is increased by 5%. That 5% money is then put into this fund. The fund has been in existence seven, eight years. It has approximately 8 some odd million dollars in it and no claims have ever been paid out of this fund. What this Bill does, it says that until such time is that fund reaches \$4,000,000 which means there would have to be 4 to 5 million dollars worth of claims paid out, that we will no longer collect this 5% money and that we will let the fund sit there. Now, if there are no claims, it will have 9, 10 million dollars because the interest will continue in this fund also. And the claims are determined by the Attorney General's Office. So what this fund will have in it at any given time is really not known; however, it was a good idea at one time. Times have changed. Contractors can get insurance for this type of thing. The purpose for it is no longer needed. So, I ask your approval of House Bill 2429."

Speaker McAuliffe: "The Gentleman from Cook, Representative

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Lang."

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

Speaker McAuliffe: "Indicates she will."

Lang: "Thank you. Representative, there is currently about \$8,000,000 in this fund and you want to cap it at \$4,000,000. So, what you are really saying is, you want to leave the current balance in there and if it ever drops below \$4,000,000, make up the difference. Is that right?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "The current money that is in there and any monies that are still coming into it since we are still issuing contracts as we speak, plus any of the interest that accumulates on this money, stays in there. We are not taking any money out of the fund at all. But should there be in the future some claims upon it, we as the state, would not have to start collecting that 5% money again until the balance reaches \$4,000,000."

Speaker McAuliffe: "Representative Lang."

Lang: "You will admit, however, that there is probably then \$4,000,000 in here that are ripe for the picking for someone to come by with a Bill and say, well, here is \$4,000,000 we can use for whatever. You are leaving that possibility open, I presume."

Speaker McAuliffe: "Representative Pankau."

Pankau: "My understanding, Representative Lang, is that because it is a reserve fund, it would have to be the determination of the Attorney General's Office with a claim brought through that office. In other words, some Bill somewhere could not take this money out. It would have to be a legitimate claim for an environmental type problem such as asbestos or something like that. So, no, just somebody going out there and saying, ah ha, I have found some money."

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I am going to go try and snarf it. No, they can't do that.
It would have to be a court claim."

Speaker McAuliffe: "Representative Lang."

Lang: "My understanding is that this type of insurance is now available. Are the contractors who have been involved in this process, do they know where to find this insurance?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "Yes, it is now readily available. In fact, it is included on every contract and part of the reason why this Bill is being brought is because contractors themselves didn't understand why this 5% was always added onto the contract. And it is only added onto the environmental part of the contract, not the other parts."

Speaker McAuliffe: "Representative Lang."

Lang: "Is this insurance now a requirement in all of these contracts, that they go out and get this insurance?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "Yes."

Speaker McAuliffe: "Representative Lang."

Lang: "So, would it be fair to say then, the \$8,000,000 balance plus a crude interest that you are leaving in the fund is only for claims through today? All future claims will be paid by insurance that the contractors themselves will have to get, is that correct?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "If there is a claim that comes in in the future that the time can be established for the original time when there could not be any insurance, that is when a claim would be paid out of this fund. In other words, if I get awarded a contract today and there is something, you know, ten years from now something happens, I go back against my own insurance that I am carrying today. But if you can trace

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it back to those early eighty time periods when this insurance was not available, that is when this fund kicks in. But you also have to prove the claim, too."

Speaker McAuliffe: "Representative Lang."

Lang: "What is the statute of limitations on asbestos cases?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "There is no statute of limitation. My understanding is, usually somewhere ten to sixteen years."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, my thought is this. If this fund will only exist for claims that where the injuries predate the passage of this Bill, then if we are beyond a certain statutory period, whereby someone could no longer file a lawsuit, then we don't need the \$8,000,000 in the fund either. We could do away with the fund altogether. So, the question is, do we still need the fund? Have we not passed the statutory period or the better of the question would be, when will we pass the statutory period at which time, perhaps you should amend this Bill to say that the \$8,000,000 or whatever part of it is left at the end of the period, would revert to GRF and the fund would cease to exist at some point. Should we do that?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "At this time, I am not... Well, there is no statute of limitations. So, could someone come tomorrow with a claim? Certainly they could. And if you are asking me, should we put a time in here? I don't know what time to amend that to, yet. I am not so sure that our medical practices have caught up with that. Do I think that in the future another General Assembly will..."

Speaker McAuliffe: "Representative Pankau."

Pankau: "Do I think at a future time another General Assembly

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will revisit this fund and look at it again? Of course, maybe five, ten years from now."

Speaker McAuliffe: "Representative Lang."

Lang: "My understanding is that there have been no claims against this fund during the life of the fund, would that be correct?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "It's my understanding that there have been two claims made. There have been no claims paid. They could not prove that it came from that time period."

Speaker McAuliffe: "Representative Lang."

Lang: "These...how are these claims proven up? Are we talking about in a court, or in the Court of Claims, where do these claims go that access this fund?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "It would be an opinion of the Attorney General's office as to whether they are paid or not."

Speaker McAuliffe: "Representative Lang."

Lang: "So the Attorney General in his or her own discretion, determines whether the funds are paid out of the this fund?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "Representative Lang, it's our understanding that yes, the Attorney General controls the account."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, I'm not so sure that that's such a great idea, are you, Representative? There's \$8 million in that fund. I know now that none of its been paid out, but perhaps we should change this so that the Attorney General doesn't have sole discretion over the \$8 million that's left in the fund, and so you have a Bill here that, if we pass the Bill, and I think we probably should, you're leaving \$8

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million dollars for some unknown period of time in a fund that only one constitutional officer controls without any oversight by the General Assembly, the Audit Commission, or anybody else. Do you think that's a good idea?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "That's part of the original language, but you know, it's a good idea. I think I'll look into that."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, if you're prepared to look into that, then I'm prepared to stop asking questions."

Speaker McAuliffe: "The Gentleman from Cook, Representative Dart."

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

Speaker McAuliffe: "He indicates he will."

Dart: "Representative, I show that the IEPA is neutral on the Bill, is that correct?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "The Illinois Environmental Protection Agency? Yes."

Speaker McAuliffe: "Representative Dart."

Dart: "Do you know why they are neutral on the Bill, because from what you were stating now, it appears as if the reason for the existence of this form may not exist anymore, and that they should have really no interest in that, and should in fact, be supporting something like this, given that this money could be used elsewhere in a better way, do you know why?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "First of all, the purpose is not to use the money elsewhere in any way, shape or form, and why they have an opinion that is neutral, I really don't know."

Speaker McAuliffe: "Representative Dart."

Dart: "Well, it just seems that this fund maybe having outlived

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its purpose, that the...it seems that they should be on board with this. The other question I had was in regards to the response action contractors. I've gotten some information that they may be opposed to this, is that accurate?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "There has been no opposition, there were no slips opposed to it filled out in Committee, and actually was the contractors themselves that didn't understand why they weren't having to put money into this fund. So, I wouldn't see any reason why they would be opposed."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. Yeah I...as I said, I didn't have anything in concrete, but I had some notice from staff analysis that there may be some indication that they were opposed it. Then yourI can't imagine why they would be opposed to it either, it doesn't make sense. Just...in just...one other question was, in regards to the level of insurance, you are saying now that the insurance is readily available for these people and no longer necessitates this fund? Has there been any problems whatsoever. Is that pretty much a done deal now that it is available?"

Speaker McAuliffe: "Representative Pankau."

Pankau: "Yes, it's pretty much a done deal, and it's wrapped now not only in asbestos, it's a whole environmental rider that contractors get covered...numerous things."

Speaker McAuliffe: "Representative Pankau to close."

Pankau: "I ask for your favorable approval of House Bill 2429."

Speaker McAuliffe: "The question is, 'Shall House Bill 2429 pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye', none voting 'no', nine voting 'present', and this Bill have received the Constitutional Majority, is hereby declared passed. Please read...Committee Reports."

Clerk McLennand: "Committee Reports. Committee report from Representative Churchill, Chairman of Committee on Rules, to which the followings Bills, Resolutions and Amendments were referred, action taken on April 25, 1995. Reported the same back with the following recommendations: Do approve for consideration, Floor Amendment #8 to House Bill 314; Floor Amendment #2 to House Bill 320; Floor Amendment #2 to House Bill 634; Floor Amendment #3 to House Bill 741; Floor Amendment #7 to House Bill 991; Floor Amendment #2 to House Bill 1055; Floor Amendment #2 to House Bill 1109; Floor Amendment #6 to House Bill 1437; Floor Amendment #2 to House Bill 1881; Floor Amendment #2 to House Bill 2100; and Floor Amendment #8 to House Bill 2317."

Speaker McAuliffe: "Mr. Clerk, please read House Bill 1940."

Clerk McLennand: "House Bill 1940, a Bill for an Act that amends the Farm Nuisance Suit Act. Third Reading of this House Bill."

Speaker McAuliffe: "The Gentleman from Jo Davies, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. House Bill 1940 as amended, amends the Farm Nuisance Suit Act. That Amendment provides that a prevailing defendant in a Farm Nuisance Act...that provides that a prevailing defendant in a Farm Nuisance Action, shall be awarded reasonable attorney fees, costs, and expenses. The Farm Nuisance Suit Act has provided a

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benefit to agriculture in the State of Illinois. It provides that a farm...that no farm shall become a nuisance because of surroundings that change after the farm has been established. In support of this Bill, is the Illinois Farm Bureau, the Illinois Milk Producers, the Illinois Pork Producers, the Illinois Beef Producers, the Illinois Department of Agriculture and the Trial Lawyers Organization have communicated with me that they have no problem with the Bill. I would be glad to answer any questions in regards to this Bill."

Speaker McAuliffe: "The Gentleman from Williamson, Representative Woolard."

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

Speaker McAuliffe: "He indicates he will."

Woolard: "Representative Lawfer, just for codification of my understanding, what is the Farm Nuisance Law?"

Speaker McAuliffe: "Representative Lawfer."

Lawfer: "The Farm Nuisance Law is a law that was put in affect in 1981, and passed by this General Assembly, and maybe to answer your question, I'd to read a quote from the Chief House Sponsor of the Bill at that time, as he explained the purpose of that law. He said, 'Really', he said, 'It's a rather simple Bill, it just protects the farming community from encroachment, a possible doing away with some prime farmland that we're trying to protect'. And basically it says, that if someone moves out into the countryside, he cannot raise the objection that the farms are causing odor or something that would be unpleasant to them. Other than the fact, that we would prohibit pollution of water supplies and the rivers, creeks and streams, what it says, that if the farm was there and residences are built later there, they have to understand that as long as the farmer

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is doing good farming practices, that the farm has the right to be there, and is not liable under the Farm Nuisance Act."

Speaker McAuliffe: "Representative Woolard."

Woolard: "So, it's my understanding then, that if I encroach on you as a farmer, I have to live with the standards that have been established by you within reason, and vice versus, if I happen to live in the country, you have to abide by the rules and standards that would set forth that you couldn't bring your untimely, unscently animal operations next door to me if I lived there first. Is that correct?"

Speaker McAuliffe: "Representative Lawfer."

Lawfer: "That's correct. I think that we have some regulations in addition to the Farm Nuisance Suit Act that prevents this and works very well. And what this does basically says, that if the farm was there first, then the residents that build up there later, have to realize that the farm was there, because on the other hand, it does prohibit farmers from coming into residential areas and building livestock facilities."

Speaker McAuliffe: "Representative Woolard."

Woolard: "So, if the law has been on the book since 1981, what is it that we're really changing about this law? What's the real change here as far as dealing with the attorneys are concerned?"

Speaker McAuliffe: "Representative Lawfer."

Lawfer: "Representative, we're not changing the basic law. All we're adding that if there is a suit brought against a defendant, and he brings a suit against the defendant as...under the Farm Nuisance Suit Act, the suit only can be made under this Act, it only pertains to this Act. It says

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that if the defendant prevails that the he is entitled to reasonable cost as well as attorney fees."

Speaker McAuliffe: "Representative Woolard."

Woolard: "To the Bill. I stand in support of this piece of legislation. I think that there has been many instances in the rural communities in this state, that there have been people who have unknowingly moved into situations where there has been some unsightly or smells that were less than the greatest for them. But, I think it's only right that these people who are looking to move in the rural communities, into the farming communities of this state, that they establish something that they can live with within the confines of what fits their family style. I understand that there have been many instances where there have been farmers who have been harassed by their neighbors with lawsuits up on top of lawsuits, and with this piece of legislation, hopefully we will be able to at least make sure that someone truly believes that this is a legitimate situation that should be rectified before we start to proceed with this recovery of their costs. I think that this will make it a lot better situation, and shall create an atmosphere that will be conducive to quality farming operations across this state."

Speaker McAuliffe: "Representative Lawfer to close."

Lawfer: "Thank you very much for the remarks Representative. I think that that sums it up pretty well. I believe that this is a essential Bill...I believe that this is a essential Bill especially if we are to maintain our livestock industry in Illinois. I believe that this is a pro-agriculture Bill and I would ask that...support of this Bill."

Speaker McAuliffe: "The question is, 'Shall House Bill 1940

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pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 104 voting 'aye', one voting 'no', and nine voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2273."

Clerk McLennand: "House Bill 2273, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, and Ladies and Gentlemen. I bring to you today, House Bill 2273, and this Bill affects the School Code. The School Board or other entity that operates an approved alternative education program upon the successful completion of which diplomas may be awarded under this Section, is authorized to admit any such program persons who have been convicted of a felony and who have either completed their sentence or been paroled, placed on mandatory supervised release, pardoned or placed on probation, or conditional discharge. The use of the words which I'm asking this Body to put in place in the statute, and the legislation was brought about by the States Attorney of Putnam County, Norm Rafferty, Don Knuckey of Marshall County, and Jim Owens of Stark County. These states attorneys should deal with the problem that our school boards are having with adjudicated felons. The case...I guess the best way to do this would be to cite and example. We had a case involving...it was a rape case where an 11 year old and seven year old committed the act of rape on a five year old. Now they have been adjudicated felons, and under the current law, the school board must

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place them back into the same classroom, and so there was a concern from the school boards and the states attorneys that it's necessary for the school board to place these students into an alternative form of education, at their own expense, and this would be to protect the safety of the other students and of the victim. There have been additional cases which occurred also. We had a ten year old which took a straight razor to school and slashed up a seven year old. After being taken out of the school system and going through the agencies and into foster care, and also ultimately into mental health facility, was brought back into the same home and into the original classroom. So the school boards are asking for the ability to make a decision on how to educate a child. I'll stand to ask any questions...answer any questions that you may have. I appreciate your consideration and an 'aye' vote."

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

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise to support Representative Mautino's Bill. I think he has made a very coherent description of what the Bill does. He is joined by several states attorneys as he mentioned, showing that this Bill is necessary. Not only to protect the health and safety of our school children, but in actuality to give those school children convicted of a felony a second chance, if you will, by the alternative education program that he specifies. The Bill passed out of the Elementary and Secondary Education Committee with a unanimous vote, that's not always easy to do. It prevailed 23 to nothing. The Bill makes eminent good sense and is brought about as the Gentleman said, by a very, very, tragic incident, in an

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area that he is familiar with. I think he crafted an excellent piece of legislation. I'm just very proud Mr. Speaker, to rise in support of this Gentleman's Bill that is on Short Debate and trust that it will be overwhelmingly approved."

Speaker McAuliffe: "Representative Mautino to close."

Mautino: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. I simply ask for your 'aye' vote on a piece of legislation which is necessary for all of our school boards and to help protect the safety of the school children in the cases where we do have adjudicated felons."

Speaker McAuliffe: "The Gentleman moves for the passage of House Bill 2273. On that question, all those in favor signify by voting 'aye', opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'aye', none voting 'no', 4 voting present, and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2463."

Clerk McLennand: "House Bill 2463, a Bill for an Act that amends the Liquor Act of 1934. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Zickus."

Zickus: "Thank you, Mr Speaker, Members of the House. House Bill 2463, consolidates...it's all of House Bill 2463, and it adds parts of House Bill 2461, 2462. It's...there's a lot of cleanup language for the Liquor Control Act. It repeals obsolete language, deletes obsolete references. Yesterday, we added, we adopted Amendment #2 which removes some contradictory language between the federal and state gaming license requirements for liquor licenses. At that time, it was brought to my attention, that the Retail Liquor

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Association had some questions about it. I did talk to them and I understand what their concerns are and they're in agreement to try to work those out in the Senate. So, I would ask for your 'aye' vote."

Speaker McAuliffe: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Sponsor yield?"

Speaker McAuliffe: "Indicates she will."

Mautino: "Representative, I couldn't hear the full explanation over the some of the noise in the chamber. Does...and as we discussed yesterday, this does cleanup and set the State of Illinois in accordance with the federal standards?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes."

Speaker McAuliffe: "Representative Mautino."

Mautino: "Mr. Speaker, I'd ask, and I'm joined by the requisite number of people to remove this Bill from Short Debate."

Speaker McAuliffe: "Remove the Bill from Short Debate."

Mautino: "Thank you. We...have you had a chance to discuss the concerns of the Retail Liquor Association on the Bill itself?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes I did. In fact, Mark Kolaz was going to give both of us a statement on it. I didn't have it ready before the Bill came up, and their intent was to try to address some of these concerns when that Bill goes to the Senate."

Speaker McAuliffe: "Representative Mautino."

Mautino: "Thank you Representative. That was my understanding as well, and as far as the cleanup language right now so that our clubs and our fraternal organizations are not out of compliance, I don't think I like...or any of us would like to see the Liquor Control Commission going in and having to

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pull the licenses or fine these clubs for something which was not their fault. We went ahead and issued these licenses, and it is time now to correct it, so hopefully we will be able to address the concerns of the Retail Liquor Association as far as the taverns and the disparity between the ability to use the charitable gaming and the pull tabs in the Senate. But, I do stand in support of your Bill."

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

Granberg: "Thank you, Mr. Speaker. Will the Lady yield? Representative, we had a brief discussion yesterday on the Amendments, and it's my understanding that in fact you might have misunderstood one of my questions, and that was, are some of these clubs operating illegally because they have the federal tax stamps and liquor...the state liquor license, and in fact, if they do have that combination, right now the Liquor Control Commission does not have the authority to deal with that. So, this is in response to that issue, because some of these organizations are operating, not illegally but invio....hate to say illegally, but certainly have some...there is some violation of the law."

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes Representative, after the questions yesterday, I was able to get that information, and a lot of our organizations, with veterans organizations in particular, and without this correction and the law, we would have...the state would be in the position of yanking those licenses. So, you are correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "The reason I brought that up Representative, was because I knew that you would not intentionally make that

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statement, but there seems to be some misunderstanding about it, and certainly none of us, and I know you would not want to, and none of us would want to do anything that would actually hurt those not-for-profit organizations and our veteran groups and others, so I knew that was not your intention. So, I had some discussions myself with Mr. Kolaz, and it is also your understanding that they intend to negotiate on some compromise language in the Senate...I just want to clarify that for the record. Is that your understanding as well?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes, that is my understanding as well."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, if that is the case, is it your intention to have the Bill proceed in the Senate if there is no resolution on those negotiations?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I don't know that I can really make that pledge. I can promise that I will do everything within...that I can do it help accomplish that, but there are other parts of this Bill with the cleanup language and with...addressing this contradictory language that's in there, and my understanding was that the...that they would be working with the Senate, and I will do that as well and make every effort. I can't promise that we will be able to accomplish that."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well Representative, will you take part in the negotiations with the interested parties that would take place if your Bill passes today?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes, I will do that."

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Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you. I know Representative...to the Bill, that you are concerned with this issue and we're trying to address that inq...that problem to assist the Liquor Control Commission, but we also want to work with our retailers to try to resolve the other issue as well, and so that was our concern, Representative Mautino's. A number of us on this side...we didn't necessarily want to go forward with this Bill unless there was some assurance that we would try work out an agreement with the legislation in the Senate. So, that was the intent here, Madam. So with that Mr. Speaker, I rise in support of the Bill with the understanding that in the good faith of Representative Zickus, that she will take part in this, and attempt to resolve this issue on behalf of the Retail Liquor Industry, and the fraternal organizations as well as the Liquor Control Commission. That she is working with Mr. Kolaz of the Retail Liquor Industry, and that they will attempt to reach a settlement of this and other issues as well. Thank you, Mr. Speaker."

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

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

Speaker McAuliffe: "She indicates she will."

Lang: "Representative, one of the provisions of Amendment 1, with the lead provisions of the law regarding display of birth defect warning signs. Why do we want to do that?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Representative, would you explain a little more what you're...ask your question again please?"

Speaker McAuliffe: "Will you repeat your question Representative Lang."

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Lang: "Thank you. If I'm reading Amendment #1 correctly, the Bill would delete provisions in the Liquor Control Act that would require the display of warning signs at liquor establishments regarding birth defects, and I'm wondering why you want to do that?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "There's a provision that makes a change to help persons with disabilities, and to reduce the criminal li...potential criminal liability of liquor licensees. In existing law, it forbids liquor licensees from transferring alcohol to any person know to the licensee to be under a legal disability or in need of mental treatment. That's a Class A Misdemeanor, and of...some people, although not all people with disabilities could be defined as persons with legal disabilities, so what happens is, perhaps someone who is in a wheelchair, may not be able to be served under current law."

Speaker McAuliffe: "Representative Lang."

Lang: "Representative, with all due respect, that's not what I asked you. It's not even close. You just read to me what your Bill does, but I'm telling you that there's a Section in your Bill that I'm looking for that deletes the requirement in the law that warning signs need to be posted regarding birth defects. I'm asking you why you want to delete that from the law?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "... citation on that please."

Speaker McAuliffe: "Representative Lang. Representative Lang."

Lang: "I'm looking, Sir. Page 20 of the Bill discusses this and it goes on to page 21, and on page 21, lines 12 thru 27, are deleted from the current law, and that deletes the provision that I believe that the sign needs to be posted.

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Perhaps not, if I'm reading it wrong, please tell me."

Speaker McAuliffe: "Representative Zickus."

Zickus: "I'm looking."

Speaker McAuliffe: "Representative Lang."

Lang: "Representative, while staff is looking for that, can I go on to another question? Thank you. The Bill provides that no liquor license shall be issued to a partnership if any partner owns a 50% or greater interest that has had a license revoked for cause. My question is, let's assume there's several partners, one owns 49%, and the others own much less than that, but the partner with the 49% has had a license revoked for cause. Although that person doesn't have controlling interest, that certainly is the controlling partner. Do we want leave this partner with the potential of getting a license?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "This is part of the...my understanding Representative, that is part of the cleanup language suggested by the Liquor Control Commission."

Speaker McAuliffe: "Representative Lang."

Lang: "Well Representative, that's not really an answer. Clearly they don't want someone with a majority interest, to have a liquor license. If they've had a previous license revoked for cause, I understand that, but if a person owns 49%, they don't have a controlling interest, but perhaps they own 49 and three other people own you know, a handful, a percent, which is less than 49. Doesn't it make policy sense to talk about not only someone that owns more than 50% of the stock, but someone who has the majority of the stock? The larger shareholder."

Speaker McAuliffe: "Representative Zickus."

Zickus: "You've raised a valid point Representative, and that

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might be one more point we could bring up in the Senate if you'd like."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you. Do you now have an answer as to the issue of the posting of signs regarding birth defects Representative?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes. The Liquor Control Commission, my understanding is, believes that that Section has been superseded by federal law and is no longer necessary."

Speaker McAuliffe: "Representative Lang."

Lang: "Relative to the brew on premises provisions of the Bill, how will the state collect it's seven cent a gallon tax?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "That was in Amendment #3 Representative, which is no longer in the Bill. That was withdrawn yesterday."

Speaker McAuliffe: "Representative Lang."

Lang: "You've limited...you limited individuals that brew up to a 100 gallons of beer for themselves, how do you monitor that? How do you know some individual hasn't brewed a 108 gallons of beer?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I believe you're still referring to part...something that is no longer a part of this Bill."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, that was in Amendment 1, has Amendment 1 been deleted from the Bill?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Amendment 1 contained parts of 2461 and 2462. Amendment 3 dealt with the...what you're talking about. Let me check to see what's in here. Can you...what page and what line is that on Representative?"

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Speaker McAuliffe: "Representative Lang."

Lang: "I'll find it for you."

Speaker McAuliffe: "Representative Lang."

Lang: "Well frankly, I can't find it right this second, but my analysis says you're going to allow an individual to brew 100 gallons of beer for him or herself. Is that still in here, and if it is, how do you keep it to a hundred?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I believe that was in Amendment #3 Representative."

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

Black: "Yeah, thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, one quick question. I need to clear up something that I'm not certain of in your Bill. I've had some calls from...particularly veterans organizations, VFW, American Legion, and I'm not even sure I know what their concerns are. It goes something like this. Right now, they are on a different tier than the retail establishment. Many of them have had a federal gaming stamp for years. Their question to me was, does your Bill put them on the same plane as a retail establishment, which would mean they would have to give up their gaming stamp or does your Bill simply codify a practice that they've been doing for nigh on 40 years?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "This codifies existing practice to allow them to have the liquor license. Right now, with the contradiction in the law, they should not have the liquor license, so unless we pass this Bill, we're going to be forced to close down these veterans organizations."

Speaker McAuliffe: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I think that's a

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question that many of us had, and I know some of us have been contacted. The Speakers...or the Sponsor of this Bill...very...a person of integrity, never been questioned, and if she tells me, and that's what I wanted to hear, that this Bill in fact protects these veterans organizations that do operate a bar on their premise, then I think that's a very important reason to support her Bill. Thank you, Representative."

Speaker McAuliffe: "The Gentleman from Washington, Representative Deering."

Deering: "Speaker, I don't need no time."

Speaker McAuliffe: "The Lady from Cook, Representative Wojcik. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, will the Sponsor yield? Representative I had..."

Speaker McAuliffe: "She indicates she will."

Dart: "I had a similar questions posed to me as Representative Black just mentioned now. Can you reiterate to me so that I can articulate to the veterans groups that have contacted me, exactly what it is...what this Bill will do for them and what the remedy you are addressing here? Because as he mentioned before, we've all received a great deal of...well, I know I have, interest in regards to that, and I to be quite frank, don't have a clear answer as of right now."

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes. At the present time, the laws of Illinois and the federal government place nonprofit clubs in an impossible dilemma. Present state law, restricts raffles and pull tabs and jar games, to specifically designated classes of nonprofit adult organizations, such as Veterans, Posts, and church groups. Present federal law requires groups that

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want to offer these games, to purchase a federal wagering stamp. Present state law, says that holders of federal wagering stamps can not get state liquor licenses, and that's the dilemma that we have right now. Since about 1934, these nonprofit organizations have had the liquor licenses. This is a contradictory language between the federal and state government that we're trying to clear up, so that our VFW's and such groups are able to continue at their post to have the pull tabs and the wagering games, and still have their liquor license, otherwise, we will have to pull the liquor licenses."

Speaker McAuliffe: "Representative Dart."

Dart: "How long has this been the case with this contradiction between the two?"

Zickus: "I don't have the answer to that. I know the Liquor Control Act was from 1934. I imagine it has been going on for quite some time."

Speaker McAuliffe: "Representative Dart."

Dart: "And...would this address just the fact that there is this contradiction, or is there pending lawsuits in regards to this right now?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Anything in else in regards to the not-for-profits?"

Speaker McAuliffe: "Representative Dart."

Dart: "Is there a specific case in that this is addressing at this point? As I say, the VFW's have told be about this problem, but I was unclear whether or not there is a lawsuit right now pending in regards to this matter, or this is something that is just prospective?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I'm not aware of any...I'm not saying that there isn't. I have not been told that there is one."

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Speaker McAuliffe: "Representative Dart."

Dart: "There are two other areas in one Section, one was the area in regards to removing the requirement of the notice. Representative Lang had mentioned that that same concern, and you made reference to a federal law superseding it. Do you know what the federal law is and what...is that as strong as our present requirements now, because I was concerned as to why we were removing this language even it is duplicative of the feds?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I can get that information for you, and as I said, that is a question that we will bring up when this Bill comes before the Senate. I'll get more information for you."

Speaker McAuliffe: "Representative Dart."

Dart: "Yeah finally, I just had a question in regards to the records available for inspection and control. Why is it that we're making a change in regards to access of available records that are available electronically and may be maintained out of the state. What's the purpose in that?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "It's to help simplify the record keeping and to move it into the 21st Century if it can be transferred electronically it would eliminate, you know, keeping extra bulky records."

Speaker McAuliffe: "Representative Dart."

Dart: "Would there be any problem with the provisions...it says in specifically, it may be kept out of state. Would there be any additional problems with keeping track of these records, with the fact is that they are out of state, or is that just in regards to electronic records?"

Speaker McAuliffe: "Representative Zickus."

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Zickus: "They can only be kept out of state if they are electronically assessable here in Illinois."

Speaker McAuliffe: "Representative Dart."

Dart: "And the department...nobody's voiced any concerns that there would be any problems with that whatsoever? Matter of fact, they support this in that regards?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "No one has expressed any concerns to me about this Section."

Speaker McAuliffe: "Representative Zickus to close."

Zickus: "As I said before, some of this is cleanup language, and we're addressing another issue dealing with the veterans organizations, religious organizations, as contained in Amendment #2, and I would appreciate your 'yes' vote."

Speaker McAuliffe: "The Lady has moved for the passage of House Bill 2463. On the question, those in favor signify by voting 'aye', those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 104 voting 'aye', none voting 'no', 10 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 238. Representative Cowlshaw."

Clerk McLennand: "House Bill..."

Speaker McAuliffe: "House Bill 238. Out of the record. Mr. Clerk, please read House Bill 630. Representative Moore in the chamber? All right, please read House Bill 630."

Clerk McLennand: "House Bill 630, a Bill for an Act concerning reporting of fiscal waste and abuse. Third reading of this House Bill."

Speaker McAuliffe: "Representative Moore."

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Moore, Eugene: "Thank you, Mr. Speaker. House Bill 630 sets up a 800 phone line that would be made available to all citizens of Illinois, the opportunity to report waste and abuse in the state agency. It would also require the Auditor General to submit an annual report to the General Assembly. Amendment #1 was tabled, and Amendment #2 takes the place of the Bill. Amendment #2 details some of the implementations and operation procedures that the Auditor General follows...includes...and all state payroll checks, a notice that the 800 phone line in operation and that the calls will remain confidential. The report consists of all phone calls received in a three month period after the phone lines was installed. Also, the Auditor General will submit an annual report March 1, 1996. I'm prepared to answer any questions dealing with House Bill 630."

Speaker McAuliffe: "The Gentleman from Will, Representative Wennlund."

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

Speaker McAuliffe: "He indicates he will."

Wennlund: "Yes Representative Moore, there's a little noise on the House Floor, and I didn't quite understand...can you tell us what Amendments are on this Bill and exactly what this Bill does?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes. This Bill sets up a toll line for the state agencies, so therefore that we can also...the state employees can report any type of abuse that they might think that might be warranted to save the state dollars in the future for all state agencies."

Speaker McAuliffe: "Representative Wennlund."

Wennlund: "What any type of abuse, is that what he said?"

Speaker McAuliffe: "Representative Moore."

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Wennlund: "I can repeat the question."

Moore: "Pardon, I didn't understand the question."

Speaker McAuliffe: "Representative Wennlund, repeat the question."

Wennlund: "Now...it requires the Auditor General and the Economic Fiscal Commission to implement a toll free telephone system to report waste and abuse in state fiscal operations? How do they do that and how much is this going to cost?"

Speaker McAuliffe: "Representative Moore."

Moore: "It's going to cost \$45,000 to get the lines set up, because it is going to be a study. It's going to cost \$10,000 just to get the lines set up. Twenty five thousand will deal with the person that will actually represent...to handle the phone lines, and \$10,000 to put all the other information into the state employees paychecks, that's how the lines will actually set up. So, the cost is actually \$45,000. This is going to save the state money, approximately millions of dollars. This was also set up somewhere else in another state. This is where the genesis of the Bill came from, was from Texas, where they saved billions of dollars in that area. So therefore, if the State of Texas can save billions of dollars, I'm quite sure the State of Illinois can save millions of dollars if this line was set up. It also...in about a few months, over 4,000 calls came in to deal with this type of a line. So, I'm quite sure we can do the same thing in the State of Illinois. If we talk about saving dollars and being fiscal responsible in the State of Illinois, this Bill will also serve that purpose. It can help...go right along with the Whistle Blowers Act that was passed yesterday as well."

Speaker McAuliffe: "Representative Wennlund."

Wennlund: "What happens after the call is made? How is it

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implemented and how is it going to save any money?"

Speaker McAuliffe: "Representative Moore."

Moore: "Could you repeat the question please?"

Speaker McAuliffe: "Representative Wennlund."

Wennlund: "Yes. Suppose a toll free call is made to report waste and abuse, what happens after that? Who does something about the waste and abuse? Who trims it back? Who takes responsibility for eliminating that waste and abuse?"

Speaker McAuliffe: "Representative Moore."

Moore: "We'll make recommendations dealing with it, because everything will be pointed to the Auditor General in regards to that. Then perhaps, what we can do with this, we can perhaps set some type of standard next year. We can come back you and I and perhaps present a Bill to eliminate that waste."

Speaker McAuliffe: "Representative Wennlund."

Wennlund: "Yes, Mr. Speaker, if we could have some order on the House floor. I can barely hear the Representative. I'm sorry Representative, I couldn't hear your answer because of the chatter on the House floor."

Speaker McAuliffe: "Representative Moore."

Wennlund: "My concern is is that so once the toll free...we spend this \$45,000 in getting our lines set up and somebody to answer the phone, and a report of waste or abuse is made, and that's where it ends. It does no one any good. It saves no money, it does nothing. How does it get implemented and how does the waste get reduced and eliminated, and how does the abuse get eliminated once the phone call has been made."

Speaker McAuliffe: "Representative Moore."

Moore: "Perhaps next year when that comes in, you and I can, you know, initiate legislation that will deal with that type of

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an issue at that present time. We have to introduce legislation next year to deal with what you're talking about now. Once the calls come in."

Speaker McAuliffe: "Representative Wennlund."

Wennlund: "All right. I see what you're doing here. You're creating another addition to state government, yet another cost to state government without any real teeth in it to do anything about it. Well, at the outset, it's cosmetically a good idea, but without any enforcement, I see it's useless."

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

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

Speaker McAuliffe: "He indicates he will."

Granberg: "Representative Moore, Representative Wennlund was asking some questions about the program. Is this the program that was initiated in Texas, I believe they did something similar, Sir?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes it is. Same similar type of program that was initiated in Texas that saved over two billion dollars for that particular state. As a matter of fact, these are some of the savings that was in this particular Bill.."

Speaker McAuliffe: "Representative Moore."

Moore: "Yes it is, and this is the book that was brought from Texas that showed how much could actually be implemented and how much was actually saved. They saved over two billion dollars, and if we talk about being fiscal responsible, this is a very good Bill to pass and to implement. We're talking about saving dollars in the Medicaid, we need money for Medicaid. We could help share some these dollars that we are going to save for the state

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and fund Medicaid over there. We talk about the school system, that the school system needs dollars, this way we could actually do to save dollars. In this area, we could transfer these dollars to the Chicago public school system. So this is why this is a very excellent Bill to pass."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, I just want to make sure I heard you correctly. Did you saved two billion dollars in Texas when the program was implemented?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes it did, it saved over two billion dollars in Texas."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, we tried to do something very similar to this last year, but I believe the Auditor General had some concerns on how the program would be implemented. Have you had any discussions with he Auditor General concerning your legislation?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes we did Representative, and he's approved of this legislation and how we're trying to deal with it this year. This is why we're talking about make it as a study so we can see how it can be implemented and then we go from that point next year to try to make it into more legislation to tighten the teeth of it."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And, how would your study with the Auditor General work Representative? Would they do a trial...would there be a trial period on this, is that the...is that how it would actually function?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes Representative, we're going to set up a trail period for three months, phone calls will come in from that

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particular time, and then in March of 96, he will look at it and audit it at that particular time and give it to the Governor, and the Governor will make recommendations at that time as to exactly how much the savings have gone for in this particular legislation."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And I assume Representative, I've not been in these discussions with you and the Auditor General, but the Auditor General would arrive at the savings that would be accomplished through the trial period, is that correct?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes, you're correct Representative."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And when you say the study will be conducted for three months, would that be...would that include all state governments or would that be limited to certain areas Representative?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes. All the phone calls will be received throughout all state government."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I did not hear if Representative Wennlund asked this question, but the...where would the base of operations on this? What phone number, where would the phone calls be placed?"

Speaker McAuliffe: "Representative Moore."

Moore: "It will be done in the Auditor General's office. The phone calls will be received there, and if there are not enough phone calls, the Auditor General also said that he could probably use his staff basically to handle the phone calls that will be coming in. So therefore, that would be taking care of at that particular time and the cost would

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be less as opposed the \$45,000."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And Representative...is this the way program was conducted in Texas or any other states? Who actually had the function...or who had that responsibility in Texas?"

Speaker McAuliffe: "Representative Moore."

Moore: "In Texas, the comptroller...the Comptroller handled that in Texas. So, that's why everything went through the Comptroller's office."

Speaker McAuliffe: "Representative Granberg."

Granberg: "But if our Auditor General has indicated he can perform this on a trial basis at no additional cost, is that part of the rationale for allowing him to do this?"

Speaker McAuliffe: "Representative Moore."

Moore: "The Auditor General stated that if the phone calls aren't enough, he could actually take the \$25,000 out of that particular budget and let his staff handle it himself, and just...the cost would be just for the line to go in to the...set up the line...the 800 line."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So Representative, you...when we talked about this last year, we did say it was patterned after Texas. Has this been utilized in any other state as well that we can learn from their experience on how to effectively conduct this?"

Speaker McAuliffe: "Representative Moore."

Moore: "I don't know if any other states have implemented this. I just know about the state of Texas."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And I believe that if Texas was the base model for this, which I understand it is, I'm trying to remember when that was actually conducted Representative, was that, 1993

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to 95, or was initiated in Texas in 1992? Do you have those facts available to you?"

Speaker McAuliffe: "Representative Moore."

Moore: "Yes, it was initiated in 1991 in Texas."

Speaker McAuliffe: "Representative Granberg."

Granberg: "To the Bill, Mr. Speaker. Thank you Representative for answering those questions. To the Bill. I really hadn't been involved in the negotiations this year, and I want to compliment the Representative for working with the Auditor General and his office in doing this...to implement this on a trial basis. Last year we attempted to do it...start up immediately, there were some concerns that were brought about by the Auditor General on the implementation of the project. Those have now been corrected and addressed by Representative Moore, and I think he has done an outstanding job of working with all the groups involved because this is an important issue. As the Representative indicated, this has saved two billion dollars in Texas, and we could certainly could use that money in Illinois. We have in fact, two billion dollars worth of Medicaid bills that aren't being paid. We have \$60 million worth of teachers health insurance crisis that is before us, and has not been addressed by the administration or this Body in three months, so, we have outstanding liabilities and we can certainly find...if we can find additional money, we have things that can be utilized for it. So I applaud the Representative in his movement to bring this forward. It is certainly a very, very worthwhile project. Anytime we can deal with abuse, particular fiscal abuse in our state agencies, there could not much for better priority, so Representative, I certainly support your Bill. Again, I think you have done

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a wonderful job in bringing it to our attention."

Speaker McAuliffe: "The Gentleman from Macon, Representative Noland."

Noland: "Yes, Mr. speaker, I rise to move the previous question."

Speaker McAuliffe: "The Gentleman has moved the previous question. All those in favor signify by say 'aye', opposed say 'nay', the 'ayes' have it, and the previous question has been moved. Representative Moore to close."

Moore: "Thank you very much, Mr. Speaker. I just like to say that I urge for a very, very positive vote here Sir. I think that we can more dollars here and help divert those funds to other areas that are more useful for the State of Illinois. Thank you very much, and I urge for an 'aye' vote."

Speaker McAuliffe: "The Gentleman has moved for the passage of House Bill 630. On that question, those in favor signify by voting '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, please take the record. On that question, there are 115 voting 'aye', none voting 'no', none voting 'present', and House Bill 630, having received the Constitutional Majority is hereby declared passed. Mr. Clerk, please read House Bill 708."

Clerk McLennand: "House Bill 708, a Bill for an Act that amends the Juvenile Court Act. Third Reading of this House Bill."

Speaker McAuliffe: "Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 708, is a Bill I'm doing on behalf of the Governor's office and Ann Burke with DCFS. It's a relatively simple Bill. It was amended in Committee to provide that inspection and copying of law enforcement records involving juveniles that have been

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arrested, shall be available for inspection by the Department of Children and Family Services, child protection investigators, when acting in their official capacities. It's a Bill that supported by, as I said earlier DCFS, the Governor's office, the Illinois State Police, and the Illinois State Bar Association. It's a rather straight forward Bill. It's a Bill that attempts to open up some communication...or better communication between law enforcement and DCFS. I think it's a good step forward and improving the communications and easing some restrictions. I'll be glad to answer any questions if I can."

Speaker McAuliffe: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker McAuliffe: "He indicates that he will."

Hoffman: "Representative, this would amend the provision regarding the confidentiality of law enforcement records, is that correct?"

Speaker McAuliffe: "Representative Cross."

Cross: "Yes."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Yes Representative, this would specifically amend Section 1-7, regarding confidentiality of law enforcement officers and add...which in it previously indicated that the Department of Children and Family Service Child Protection Investigators that can utilize records, isn't that right?"

Speaker McAuliffe: "Representative Cross."

Cross: "Yes, Jay, that's right."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Isn't it already allowed...it's my understanding that

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this could already been done in most parts of the state and was practiced. If you look at the Act, Section 1-7(a) subparagraph 2, it indicates that...first of all it indicates...inspection of copying law enforcement records is allowed by the following, it says...subparagraph 2 specifically says, 'prosecutors, probation officers, and social workers or other individuals assigned by the court, to conduct the free adjudication or free disposition of that station, et cetera'. Wouldn't the Department of Children and Family Services employees already come under the definition of social workers?"

Speaker McAuliffe: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, that's a fair question. Apparently what's happened is DCFS and the child protection investigators have been...have been working on an ongoing basis with the City of Chicago and the City of Chicago Police Department and they've been working together. They both are of the belief that the current language in the statutes in the area that you're talking about does not allow them...does not allow the police department to share information, and the police department, Chicago Police Department has been concerned about sharing it. This we think and the Chicago Police Department as well as DCFS thinks that this will clear it up."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, I think the object...the object of the Bill is a good one Representative. As a matter of fact, I think in the past I sponsored similar legislation, not with regard to DCFS, but with regard to allowing individual law enforcement entities to gather juvenile information for the purpose of identify gang crimes. So, I think that this is good legislation, the question is, I think it's already

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probably covered, isn't it?"

Speaker McAuliffe: "Representative Cross."

Cross: "Jay, as you know, it's...in order for these agencies whether it's local school districts or DCFS, to be successful it's important for communication and developer...to have ongoing communication between law enforcement and those agencies. They are concerned...law enforcement, as I've said, specifically the Chicago Police Department and I know out where I live we've had similar concerns are very, very concerned about opening themselves up to lawsuits, about infringing on juveniles rights, and at this point, they're afraid to share information because they don't think the child investigators are covered. I understand your point, I'm not tryi....I'm trying to respond honestly about it. There's a belief by many that right now, the social workers...they're not covered under the social worker definition."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, the intent of this Bill, is really to insure that the individuals who work for the police department fill comfortable in providing the information and allowing access to that information?"

Speaker McAuliffe: "Representative Cross."

Cross: "That's pretty much...that's right on point, Jay. They just don't want to be in violation of the confidentiality section."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Amendment #1 specifically also insures that you must be acting in the official capacity. So they can't just get these records in hodgepodge fashion, not because they have some self interest wanting to know about some juvenile, they have to be working their official capacity as an

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investigator or as a DCFS employee, is that right?"

Speaker McAuliffe: "Representative Cross."

Cross: "That was actually suggestion by Representative Dart in Committee. It was a good one, and you're accurate in your description why we're doing it."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, I think that that provision is certainly needed and warranted in this Bill. Has that Amendment...it has been adopted on this Bill, correct?"

Speaker McAuliffe: "Representative Cross."

Cross: "It was adopted in Committee."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well Representative, I would just like to say that I think this is a good Bill and we should support it."

Speaker McAuliffe: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you Speaker. I just rise also to support House Bill 708. I think that we have asked our child care workers who work for the Department of Children and Family Services, to bear a tremendous responsibility in trying to do a better job, particularly in investigating abuse and neglect. I think that having police records available to them, will only enhance their job and make them do...help them to do a better job which is indeed something everyone in this chamber has asked them to do, so, I certainly rise in support of House Bill 708, and would encourage everyone on our side of the aisle to support it."

Speaker McAuliffe: "The Gentleman from Macon, Representative Noland."

Noland: "Mr. Speaker, I call the previous question."

Speaker McAuliffe: "The Gentleman has moved the previous question. All those in favor signify by saying 'aye', opposed say 'nay'. The 'ayes' have it, and the previous

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question has been moved. Representative Cross to close."

Cross: "Thank you, Mr Speaker. I appreciate the debate. I think it's a good Bill. One of my...one of the child protection investigators from my home district, Frank O'Neil, supports this Bill. I think it's a Bill that has a lot of merit. I'd appreciate everyone's vote. Thank you very much."

Speaker McAuliffe: "Representative Cross has moved for the passage of House Bill 708. All those in favor signify by voting 'aye', opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 105 voting 'aye', none voting 'no', 10 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Clerk, what is the status of House Bill 2393? Twenty three ninety three."

Clerk McLennand: "House Bill 2393, is on the Order of Third Reading."

Speaker Wennlund: "Representative Wennlund in the Chair. Please return this Bill to the Order of Second Reading Mr. Clerk. Mr. Clerk, read House Bill 940."

Clerk McLennand: "House Bill 940, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 940, simply authorizes excess GED testing fees to be used to offer programs once all the GED fees, et cetera are paid. This came out of a situation in my district, where the regional superintendent was using monies generated from the GED, over and above, fees and expenses and the cost of the program to give a

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scholarship to students who would be pursuing their education. And the program was well received by people in the district, but during a routine audit, the officials from ISBE discovered that there really wasn't any statutory authority to do that. It's my understanding that ISBE supports this legislation letting him do that, it's my further understanding that there is no opposition to the Bill, but I'd be glad to answer any questions that you might have."

Speaker Wennlund: "Is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Mr. Speaker, joined by the requisite number of hands, I would request that this be taken off of Short Debate."

Speaker Wennlund: "Representative Hoffman, I don't see seven hands. Oh, there's Representative Deering. I see it. Okay, thank you."

Hoffman: "Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Hoffman: "Yes Representative, can they do this now presently with what you're purposing in this Bill?"

Speaker Wennlund: "Representative Black."

Black: "No Representative. As I said, during a routine audit, the State Board of Education said there was no statutory authority for them to do this, therefore, they wanted the money, they being the state board, they wanted the money to go back into the GED expense fund which he already has a adequate balance in. So, he came to me and said, I think this is silly, it's a good use of the extra money in the GED program. Subsequently the state board said, yes it is a good idea, and if you would make it in statute, we have no money...no problem with that whatsoever."

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Speaker Wennlund: "Representative Hoffman."

Hoffman: "Do you have an estimate of the amount of money that this could generate?"

Speaker Wennlund: "Representative Black."

Black: "All I can tell you, and I quote, six year...I'm quoting from my current regional superintendent of schools, who I think is subsequently retired and goes out of office here shortly, he states, six years ago I instituted a GED scholarship program at Danville Area Community College. This program consisted of six, \$250 scholarships for the top six test scores each year. This cost my office \$1500 and it comes completely out of the GED Fund. No general tax revenue involved. It has been a wonderful opportunity for thirty some people to go on with their education, that will be 36 at the end of this year, but now I am told that I can not use these GED funds for this purpose because it is not specifically granted to me...that power granted to me by statue, so, you're not talking about a very great deal of money. I'm sure that there is not a hugh surplus ever in any regional sus...GED Test Fund."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Well Representative, I think this is a wonderful idea that I didn't know was going on in the offices of regional superintendents. Is this type of program presently being administered in any other regional superintendents office?"

Speaker Wennlund: "Representative Black."

Black: "Yeah, that's a good question, and I should know the answer, quite frankly, I should have checked. I'm not aware. I think my superintendent has told me that others have followed his lead, but I don't know. I just simply don't know."

Speaker Wennlund: "Representative Hoffman."

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Hoffman: "Does...the reason I ask that question is, I don't know what other regional superintendents utilize this fund for, and I hate to mandate them and disallow them from utilization of funds for something else that they believe is important and a program that they may have working in their own region. You understand what I'm saying? I don't want to disallow regional superintendents from having other innovative ideas for the utilization of this fund, much like your regional superintendent has."

Speaker Wennlund: "Representative Hoffman, is that a question?"

Hoffman: "Yes. Yes it is. I think that the concern is...my concern from reading the Bill, is that there may be other innovative programs that are being run by the utilization of this money by other regional superintendents and this specifically mandates that you shall be used to cover certain things. So, my concern would be, will this disallow those regional superintendents from running those type of innovative programs that they may have in place in their own region?"

Speaker Wennlund: "Representative Black."

Black: "Very good question. Let me quote the current Statute 105/ILCS53-1512 of the school code, on the current statute, 'such monies received by the regional superintendent shall be used for the expenses incurred in administering and scoring the examination, and may be accumulated by the regional superintendent for a period not to exceed three years, the excess of which money shall be paid into the institute fund'. Now what my superintendent wants to change is, simply says, 'such monies received shall be used first for expenses incurred in administering and scoring the examination, second, for other programs that benefit college scholarships, adult education programs

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for job search or job retention, or other specific programs that aid the GED test takers. Excess money shall be paid into the institute fund'. So, I don't think it's mandating any regional superintendent to create the scholarships that mine has found to be very successful."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Very good. So, the first part stays as it is and does mandate that it covers the cost of administering and scoring the exam, however, the second part is...allowed...the decision is allowed to be made on the regional levels rather they want to do this, or let the excess go into this institute fund. So, it isn't...the addition is not a mandate, it just gives the permissive language, is that right?"

Speaker Wennlund: "Representative Black."

Black: "That is certainly my understanding, and I believe the intent of my regional superintendent that those who would want to set up a scholarship program, could do so, those who don't want to do any of that, certainly don't have to."

Speaker Wennlund: "Please bring your remarks to a close, Representative Hoffman."

Hoffman: "Well, I think...I think this is a good Bill because of the permissive nature. I just have one final question Representative Black, if you could, I don't know what the institute fund is. Could you tell me what that is and what the money is used for, because maybe this could go into a general revenue fund if it's left over?"

Speaker Wennlund: "Representative Black."

Black: "Thank you very much. The only thing I know about the institute fund is what staff found out, and let me just quote, 'the institute fund consists of all examination, registration and renewal fees. It is then used to defray

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expenses incidental to teachers institutes, work shops or meetings, that are designed to promote professional growth of teachers, or for the purpose of defraying the expense of any meeting of teachers or school personnel of the region which have been approved by the regional superintendent, so I'm still not...even after reading it, I'm not sure what the institute fund is, but my regional sup says there is no problem. That there is always ample money in the institute fund."

Speaker Wennlund: "Representative Hoffman, I gave you an additional minute, so just bring your remarks to a close."

Hoffman: "Just real quick. I'm not going to ask another question. My understanding is though, that this Bill does not change that bottom line portion. That remains the same, therefore, I think it's a good Bill."

Speaker Wennlund: "Further discussion? The Chair recognizes the Gentleman from Williamson, Representative Woolard."

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

Speaker Wennlund: "He indicates he will."

Woolard: "Is there any concern that you have Representative Black, that this will create a lesser situation or a lesser opportunity for anyone in the GED program?"

Speaker Wennlund: "Representative Black."

Black: "No, I certainly don't think that, or see that. In fact, I think from what has...from what I've seen occur in my regional superintendent's office it expands the post-GED opportunities of a at least six students who get that scholarship and can go on to the community college. I certainly don't see it as a limiting factor in any way, shape or form, in fact, I think it's an enhancement factor and Mr. Weller I think, should be commended for coming up with this idea about six years ago."

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Speaker Wennlund: "Representative Woolard."

Woolard: "So in other words, the intent and the regional superintendent in your area, is utilizing the scholarships for the expressed purpose of those people who have been successful in obtaining their GED and this is an enhancement for those people to add additional educational opportunities to them?"

Speaker Wennlund: "Representative Black."

Black: "Yes, that's absolutely his intent, and he gives the top six test scores each year, a \$250 scholarship to go on out to the community college where they can begin perhaps some more specialized training which is we all know today, certainly makes them more employable. He thinks we ought to encourage people to take the GED and to continue that training or to continue skills upgrading, because he just simply thinks that's going to enhance their employability and if they can go back into their neighborhoods or into their families and say, not only did the GED help me, but I was able to get started on some technical training at the community college. He thinks it is just a win, win situation for all concerned."

Speaker Wennlund: "Representative Woolard."

Woolard: "And in the example that you're using with your regional superintendent, this is not going to necessitate additional funds from other sources, this will all come out of this program?"

Speaker Wennlund: "Representative Black."

Black: "Yes Representative. In a letter from him, he makes that very clear, that this would only be used from excess money from the GED Examination Fund. He does not transfer between funds, he does not have to short, well he can't, he can't short the GED fund. He's just finding that more and

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more people are taking it today, and he his generating about \$1500 excess money, and he thinks that's best put towards urging them to continue their education."

Speaker Wennlund: "Representative Woolard."

Woolard: "To the Bill, Mr. Speaker. I compliment the Sponsor of this legislation, and I especially compliment the superintendent. I think that these are the kinds of programs that definitely can make the difference for a group of people in our state that sometimes get left out. You know, I know that all of us are very familiar with a GED and there's a lot of people who for various reasons, had to leave their education, and chose to come back, but many of those people have been frowned on and looked down at and have not really had the opportunity to continue their education. I'm sure that all of us are aware with the great quality community colleges that we have in this state and many of the brightest and best students sometimes, for various reasons, have had to leave school. I'm very proud to be a Sponsor on this. I encourage each and every one of you to join us in passing this piece of legislation. I think it's something that is permissive, not mandatory, but hopefully will be an example that all regional superintendents across this state will try and implement if they already haven't. I do believe that we should do everything in our power to insure that everyone has access to the best education possible and this will just make it better and easier for those people who are sometimes less fortunate than others. Thank you Representative Black."

Speaker Wennlund: "Further discussion? Representative Spangler."

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

Speaker Wennlund: "Representative Spangler has now moved the

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previous question be put. All those in favor say 'aye', opposed say 'nay', the 'ayes' have it. The previous question is put. Representative Black is recognized to close."

Black: "Yes, thank you very much, Mr. Speaker, and Ladies and Gentleman of the House. This Bill, as Representative Woolard so eloquently stated, gives people an outstanding opportunity. It does not require any general revenue funds. I simply commend the retiring regional superintendent in my area for coming up with this idea six years ago. I'd ask an 'aye' vote."

Speaker Wennlund: "The question is, 'Shall House Bill 940 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 106 voting 'aye', none voting 'nay', six voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 989."

Clerk McLennand: "House Bill 989, a Bill for an Act that amends the Fees and Salaries Act. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker, 989 is the culmination of work that we have done for the last two years to try and script a new intermediate office of education in the State of Illinois. Now let me give you a little bit of history so we can catch up in terms of what the Bill did. House Bill 525 was Cosponsored by Representative Brunsvold and Cowlshaw and that Bill took a lot of negotiations between the State Board of Education, the Chamber of Commerce, the

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Teachers Associations and unions, the business community. And they scripted a Bill that we passed through two years ago that would reform the intermediate office. Now, if you'll remember correctly, that Bill removed 11 regional offices of education. We went from 56 to 45, we took the 14 educational service centers and we created a new office called the Regional Office of Education. There was an efficiency created by creating larger districts and taking two offices and putting them into one. Part of that negotiations was that we needed to create a salary that would bring good people into the regional office for the superintendent's position. Certain of the offices through the years have not attracted good individuals and we've had problems with certain offices throughout the state because of the low salaries. This Bill would increase the Regional Offices of Education salary across the board by \$15,000 a regional superintendent. That would bring the average Regional Offices of Education's salary up to \$71,000. That is \$5,000 less than the average district superintendent's salary in the State of Illinois. So presently, at the beginning of the four-year term if we pass this, this will mean that there will be a \$5,000 discrepancy between the district superintendents and the regional superintendents. The regional superintendents are the ones that are suppose to supervise the actions of the district superintendents. I would like to look at the fiscal impact of this for the State of Illinois. In 1994, the Regional Office of Education's line for this fiscal item was \$6,430,000. If we pass this increase, the line will be \$6,426,000 or a \$4,000 decrease to the cost of the state for this item over a two year period. In other words, we have increased the salary proportional to the increase in the amount of work

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that we have placed in this office. Nationally, we are talking about the reform movement in education is to decentralize, to take the bureaucracy and break it up and make it part of the local decision making process. We in Illinois would like to follow through and we have scripted a new office to try and fill that need. The problem here is we have to get good qualified people to fill those slots or this reform will destroy itself. I would like a personal experience to reflect or show you what we're talking about there. As the Kane County Superintendent of Schools my salary was \$59,000. My educational service center board wanted to hire an assistant for me. After a complete search, that board hired my first assistant at \$72,000. So the regional superintendent got 59, his assistant got 72,000. That makes a very awkward situation. This is the problem with trying to get good leaders because many of them will want to leave for the better paying jobs. If we're serious about educational reform, if we're serious about getting qualified people, we will increase this salary to this level. Lastly, the State Superintendent, Joseph Spagnolo, has sent a letter to the Leadership asking that this be done so that they can follow through with their much needed reform. I would be prepared for any questions."

Speaker Wennlund: "Representative Salvi or Representative Roskam, for what purpose do you seek recognition?"

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Salvi is celebrating his 35th birthday today and you're welcome to join us in the back for a little cake."

Speaker Wennlund: "And we all wish Representative Salvi a Happy Birthday. And on the order of birthdays, I would like to

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point out to the Ladies and Gentlemen of the House that today also is the birthday of the Administrative Assistant to the Speaker, Ms. Mona Berghoff, your friend and mine. Happy Birthday, Mona. Discussion on the Bill. The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Hoeft is exactly correct in our efforts over the last..."

Speaker Wennlund: "Excuse me, Representative Brunsvold. This is a very serious Bill, Ladies and Gentlemen, please give the Representative Brunsvold your attention and Representative Hoeft your attention so you can hear the questions and answers so they will not have to repeat it. A very serious Bill, please give them your attention. Representative Brunsvold."

Brunsvold: "Thank you. Representative Hoeft is absolutely correct, over the last two years Representative Cowlshaw and myself and Representative Hoeft have worked together to try to bring some order to the regional superintendent's office and the educational service centers, a dual role by...by all standards and trying to reduce that dual job that was being done by both agencies, both groups anyway, and try to reduce it and save some money for the state. Representative Hoeft, would you give us an idea of how this increase...salary to the regional superintendent, where it's going to come from in the budget process?"

Speaker Wennlund: "Representative Hoeft."

Hoeft: "The salary is commensurate to what it was two years ago, will come out of the secondary and education budget, the \$6,400,000 will be the same that it was in 1994."

Speaker Wennlund: "Representative Brunsvold."

Brunsvold: "So that we're not increasing the budget line item at

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all?"

Speaker Wennlund: "Representative Hoeft."

Hoeft: "We are decreasing that item by \$4,000."

Speaker Wennlund: "Representative Brunsvold."

Brunsvold: "And the workload for the regional superintendent, has it increased or decreased?"

Speaker Wennlund: "Representative Hoeft."

Hoeft: "Every regional superintendent, every office, regional office of education the workload will double because they will have to take an educational service center under their responsibilities. Also, 10, excuse me, 11 of the offices have been abolished so those boundary changes will also be placed into the regional offices of education. So the amount of work has more than doubled for each one of these individuals."

Speaker Wennlund: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House. This process now is working as we started two years ago by reducing the duplication of services from two areas, the education service areas and regional superintendents. Now we're rolling into one... one provider of services which will take the whole load, of providing those services and reducing that area where... where duplication was made by the state board. That is what we wanted to do. We wanted to take the responsibility of this... this service area and give it to the regional superintendents that are elected officials. And we are reducing the number of elected regional superintendents, that is going down. That was part of the agreement on the Bill two years ago. So we're at the point now where... where the load is doubled as Representative Hoeft has said. Work load is doubled the regional superintendents and they

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should get slightly more money for doing that job. Because they will not have an opportunity to do that later on. They're under an elected official's guidelines, by the election code and we should do this now and help the regional superintendents because we've doubled their workload. I would stand in support of Representative Hoeft's Bill and ask for your support in passing this House Bill. Thank you."

Speaker Wennlund: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I just want to clarify a couple points. Representative, is this any additional state taxpayers dollars?"

Speaker Wennlund: "Representative Hoeft."

Hoeft: "Over the 1994 appropriations, it's a \$4,000 decrease in the funds from the state."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So this actually will save the state taxpayers \$4,000 as compared to what we currently or have in the past spent, is that correct?"

Speaker Wennlund: "Representative Hoeft."

Hoeft: "When you take a look at before we passed 525, the consolidation, all of that, this will save the state money and that is what we intended it to do when we scripted that Bill."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "And when we passed 525, you eluded to this earlier, we essentially enlarged the regional superintendent's areas and provided that they had to cover a larger area, isn't that right?"

Speaker Wennlund: "Representative Hoffman."

Hoeft: "That is correct."

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Speaker Wennlund: "Representative Hoffman."

Hoffman: "So the bottom line is, we've enlarged the responsibilities and what you're attempting to do here is, you're trying to compensate them commensurate with those responsibilities and to ensure that we do not spend more taxpayers dollars on this. So what we're doing is we have a win, win situation. We'll be able to attract good, qualified educators to these jobs. We'll be able to pay them a salary that is commensurate with the jobs that they're doing and we'll be able to do without any additional taxpayer's dollars. Is that correct?"

Speaker Wennlund: "Representative Hoeft."

Hoeft: "That is correct. And additionally, over those two year period there has been over a 5% cost of living increase. So if we are factoring that in also this would be considered, I think, it's a 5% decrease in our expenditures in the state."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Thank you, Representative. Although it's very difficult sometimes on Bills such as this because of the nature of the Bills and what... what people see as going around... going on around us with regards to salaries and the like. The thing about this Bill is, we have created a situation where we have asked regional superintendents to cover more area, to do more of a job and I think we should be paying them commensurate with that responsibility. Therefore, I think, in light of the fact that Representative Hoeft has drafted a Bill that would not cost any additional taxpayer's dollars, no additional taxpayer's dollars, we should be in favor of this legislation."

Speaker Wennlund: "Further discussion? Representative Noland.
Representative Noland, for what purpose are you seeking

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recognition?"

Noland: "I rise to call the previous question."

Speaker Wennlund: "Representative Noland has moved that the previous question be put. The question is, 'Shall the previous question be put?' All those in favor say 'aye'; opposed say 'nay'. In the opinion of the Chair the 'ayes' have it. And the previous question is put. Representative Hoeft is called upon to close."

Hoeft: "Two years... I would ask that co-sponsor Woolard be the individual to close this discussion."

Speaker Wennlund: "Representative Woolard, to close."

Woolard: "Thank you, Mr. Chairman. Thank you, Representative Hoeft. You know, I too, agree with the comments that have been made by my colleagues on this side of the aisle. That I think that we definitely have an opportunity to have a win, win situation here today. You know, I commend all of those people who have been actively involved in the process for several years and trying to upgrade our intermediate delivery system in education. I know that everyone recognizes the great quality of people that we have had involved in regional superintendents office over the past several years. But I'm here to tell you that if we fail today, if we fail today the kids of this state are the losers. What we're really talking about is being able to accommodate something that will attract the best of the best and that's what it's all about. We want those people who are leading education in our different regions of this state, to be the best of the best. We want those superintendents who have the ability to provide leadership for all of the local superintendents, all of the local educators. To provide the quality that's necessary to ensure that our kids get the education that's necessary.

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We can and we will provide those kinds of people by accepting the responsible position here today, recognizing that we have established something that is tremendously greater than it has been. But still requires the same kind of leadership and quality that we've always expected. I encourage each and everyone of you to give serious consideration to doing something that won't cost us a penny more than it did last year but will provide us with a kind of people that can make a difference for our kids at the local level. I commend the regional superintendents, I commend the Sponsor. I implore you to join us in insuring that we have the same quality in the future that we've had in the past."

Speaker Wennlund: "The question is, 'Shall House Bill 989 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59... Representative... there are 59 Members voting 'yes', 50 voting 'no', 4 voting 'present'. Representative Hoeft, for what purpose do you seek recognition?"

Hoeft: "Mr. Speaker, I would ask that this be put in postponed consideration."

Speaker Wennlund: "The Gentleman has requested postponed consideration. It will be so posted. The Chair recognizes Representative Black. For what purpose do you seek recognition?" Black: "Yes, thank you very much, Mr. Speaker. I've been looking for Representative John Turner. We have a Bill I need to discuss. I haven't been able to find him for a half hour. I think he's up in the gallery, check on one of his constituents. Maybe, perhaps, he could

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come back to the floor in a reasonable period of time."

Speaker Wennlund: "Representative Black, if you took a look at the constituent, you might be joining him up there. Mr. Clerk, read House Bill 1045. 1045."

Clerk McLennand: "House Bill #1045, a Bill for an Act that Amends the Real Estate License Act of 1983. Third Reading of this House Bill."

Speaker Wennlund: "Mr. Clerk, out of the Record. Mr. Clerk, read House Bill 1149."

Clerk McLennand: "House Bill #1149, a Bill for an Act that Amends the Gas Revenue Tax Act. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1149 is a very interesting Bill in many ways. Presently in Illinois, about 35 to 40% of the natural gas business customers, such as, large manufacturing plants, even hospitals, schools, and others, have an incentive and indeed have contracted for their gas, out of state. To the detriment of Illinois. To the detriment of Illinois companies. They have contracted their gas out of state. To pipelines in Oklahoma, Texas, and throughout the United States. And the reason that they have done this, is because for many years, Illinois has had a 5% Gross Receipts Tax. And as soon as federal changes were made and permitted the out of state contracting to gas pipelines, many, many customers in Illinois and many consumers in Illinois, took advantage of this means of avoiding the Illinois Tax... 5% Gross Receipts Tax. What this Bill does simply, is say to those companies who left Illinois, that if they will return to Illinois and if they will purchase their natural gas from

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an Illinois company again, that they too will be exempted from the 5% Gross Receipts Tax. This is a very meaningful Bill, because it will bring customers back to Illinois. Illinois companies will be able to sell the gas to them. It's estimated anywhere from 10 to 18 million dollars in additional state revenues to our coffers because these Illinois companies would be selling the gas and paying Illinois Sales Tax on those... on those sales. And above all, it would make for a much better situation. Clearly, by virtue of being able to sell more gas to increase natural gas purchases, that reduces the cost of natural gas to our companies, which is built into the rates the cost factor goes down. It's a benefit to everyone and I think it's a very, very good piece of legislation. This Bill was very popularly received, when it went through Public Utilities Committee. And enjoyed the unanimous support in that committee and I would recommend that Bill to you, and ask for your favorable adoption and consideration of it."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Wennlund: "He indicates he will."

Granberg: "Representative Leitch, I heard your explanation but I didn't quite understand parts of it. Is this the same issue that has come before this Body in previous years?"

Speaker Wennlund: "Representative Leitch."

Leitch: "No. The Bill... the issue that you are no doubt, referring to is a Bill which over the last several years has attempted to so call, close the 'loop hole' and require out of state companies to pay the 5% Gross Receipts Tax in Illinois. By virtue of the federal law, and the federal judication, we can't do that. So, this is another means by

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which, we can at least then, attempt to entice these companies back to Illinois so that they are purchasing their gas from Illinois companies."

Speaker Wennlund: "Representative Granberg."

Granberg: "First of all, Mr. Speaker, I'm joined by the requisite number of my colleagues to take this vote... this Bill off short debate."

Speaker Wennlund: "I don't see seven hands, yet. Okay. It'll be so removed."

Granberg: "Thank you. Representative Leitch, so how can we... your Bill says we can actually entice these out of state companies to pay the higher Gross Receipts Tax in Illinois?"

Speaker Wennlund: "Excuse me, one second. I... perhaps Representative Granberg can answer the question. What is so popular about the balcony, today? Representative Granberg."

Granberg: "Mr... Mr. Speaker, now we... I apparently have Representative Cross in the balcony. Representative Hassert, Representative Turner, anyone else?"

Speaker Wennlund: "I notice a lot of empty seats on your side of the aisle, Representative Granberg. Perhaps they're up there also."

Granberg: "I'm sorry, who else, Mr. Speaker?"

Speaker Wennlund: "A lot of empty seats on your side of the aisle. Perhaps they're in the balcony."

Granberg: "One never knows where they might be."

Speaker Wennlund: "Proceed, Representative Granberg."

Granberg: "Well I... I thank the Representatives in the balcony. Representative Novak was there yesterday. I didn't know if he was planning on joining you today? It seems like you're in good company. I'm sure it's based on the merits

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of the issue."

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Speaker Wennlund: "Proceed, Representative Granberg."

Granberg: "Thank you. Representative Leitch, I'm sorry. You were in the process of answering that question."

Speaker Wennlund: "Representative Leitch."

Granberg: "How we can entice these companies to do business in Illinois?"

Speaker Wennlund: "Representative Leitch."

Leitch: "These companies left Illinois because they had...in order to escape the 5% Gross Receipts Tax. What we are saying in this Bill is, if you come back, we will exempt you from that 5% tax. It's that's simple."

Speaker Wennlund: "Representative Granberg."

Granberg: "When this occurred with the 5% Gross Receipts Tax, Representative Leitch, does that mean they changed our state of incorporation or they changed their primary place of doing business, to a different state, to avoid Gross Receipts Tax?"

Speaker Wennlund: "Representative Leitch."

Leitch: "No, what we're speaking here of, is Illinois companies, hospitals, schools, universities, in contracting for their purchase of natural gas. They... they purchase the natural gas out of state."

Speaker Wennlund: "Representative Granberg."

Granberg: "So let me sure if I... let me make sure that I understand this correctly. So, instead of doing business, these third(?) parties instead of doing business with a company that sells natural gas in Illinois, that is incorporated in Illinois and pays taxes in this state, they would contract with a separate corporation out of state? That had an out of state legal domicile, where they would not have to apply the Illinois Tax? Is that correct?"

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Speaker Wennlund: "Representative Leitch."

Leitch: "Yes, commonly with a pipeline that was coming through Oklahoma or Texas or Louisiana. They would be brokered through to a pipeline and therefore, buy it from that source. Then the pipeline would transmit the gas through a local utility and the utility would get a small handling fee, but they would not have benefit of selling the gas to these actual businesses and other customers, I described. And this is a very substantial number. I mean, we're talking here about, right now, 35 to 40% of the natural gas in Illinois is being purchased in this fashioned. And it was just a few years ago, that we, in Illinois had a well over 200,000 million dollars a year coming to our coffers from the 5% Gross Receipts Tax. Now that number is... is way down, is somewhere in the vicinity of 130,000 million and it's... there's no incentive for it to come back. So what this would do, is... is bring that business back. And it's estimated that Illinois companies would be able... would be paying sales tax then, on those purchases that would bring..."

Speaker Wennlund: "Representative Leitch."

Leitch: "That would bring Illinois an estimated 9 to 20 million dollars of new GRF, by virtue of this legislation."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you, Representative. I think I understand this now and...To the Bill, Mr. Speaker. I would rise in support of the efforts of Representative Leitch. I too, have natural gas pipeline in my district. Any time we can try to assist companies in Illinois doing businesses... doing business with companies in Illinois, it's certainly a worthwhile effort. The Representative indicated that this would in fact, create additional revenue for the state.

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We're not using a tax incentive or abatement of any type what so' ever in the sales tax department to lure these people back. So, I want to thank the Gentleman. I think he's done a very worthwhile job in promoting this legislation."

Speaker Wennlund: "Further discussion? Representative Schakowsky."

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

Speaker Wennlund: "He indicates he will."

Schakowsky: "I'm trying hard to understand this Bill, Representative, in it's... and it's intent, and just where this money that will come to GRF, comes from. My understanding is that large... that industrial customers right now, are purchasing natural gas on the spot market from out of Illinois, up to 35 or 40% of the gas. Actually, some estimates even up to 50%. And therefore, they don't pay this Gross Receipts Tax. Okay. So, if we're trying... you're saying we're trying to bring these customers back, but if they still don't pay the Gross Receipts Tax, that's the lure, then where is the money that will be generated for the General Revenue Fund that you speak of come from?"

Speaker Wennlund: "Representative Leitch."

Leitch: "That's an excellent question and gets right to the heart of the issue. It will make Illinois companies competitive in order to bid and sell the gas to Illinois consumers. And by virtue of recapturing even some part of the 30 or 40 or 50% of the market that we have lost, their utility sales will generate sales tax receipts, income tax receipts, that will inure to the benefit of the State of Illinois."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So then, this Bill is both... well, it's helping

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Illinois utilities, it's helping Illinois customers in terms of maintaining this tax break, and it will generate revenue for the state. Well, that's a win, win, win, it seems to me. I can't think of any reason to oppose this Bill, in fact, it sounds like a very good idea and I would urge it's passage."

Speaker Wennlund: "Representative Leitch to close. There's no one further, seeking recognition. Representative Leitch."

Leitch: "Thank you, and I... I do really appreciate the bipartisan support. Not only on the floor today, but in committee. And I believe this is... will be a very helpful Bill. I may mention that Dennis Whetstone, who is Director of DCCA, wrote a very, very favorable letter on it's behalf. I won't take the time in the House now to read it, but I simply would ask for your favorable support and look forward to passing this Bill. Thank you. "

Speaker Wennlund: "The question is, 'Shall House Bill 1149 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 'ayes', no 'nays', 5 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Clerk, read House Bill 1251."

Clerk McLennand: "House Bill 1251, a Bill for an Act that Amends the Property Tax Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. This Bill would Amend the Special Service Area Tax Law and the Property Tax Code. And it would provide that

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if at least 30% of the roads in a municipality are not owned or controlled by the municipality and those roads provide access to emergency vehicles, then the municipality may propose a Special Service Area for repair, maintenance, and reconstruction of those private roads. Provided the people who live along those private roads, would request that take place. The genesis for this Bill, so that you are aware and we've worked on this for a couple of years with the Municipal League and so on, is... Community in my district, the Village of Wayne, has about 30% of it's roads, which are not public roads. This is just a small little community. This Bill could conceivably effect maybe two or three communities in the entire State of Illinois. If in fact, people wanted to do this sort of thing. And so therefore, I'm asking you for due consideration of this. Be happy to answer any questions."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

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

Speaker Wennlund: "He indicates he will."

Deering: "Who decides if... who decides the 30% figure?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "This was a figure that in looking at the entire State of Illinois and trying to find out it's many municipalities across the state. We wanted to limit this, so that it would only effect those communities in which, there... the communities are made up of a very large percentage of private roads. I have a... this particular community, it's rather unique. In my own area, it's all wooded, small lots, most of these are all just private roads. They haven't been dedicated but they're roads. And the... right now, all of those roads, of course are

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maintained by private contract with a group of residents getting together, hiring a snowplow, et cetera. What they would like to do is be able to contract with the city or with the municipality. This municipality has a population of about 350-400 people."

Speaker Wennlund: "Representative Deering."

Deering: "So, if I am... say I'm on the municipal board and I decide that 30% of the roads... the roads falling in this 30% category, who... what if I'm a private land owner and I contest that and say 'no, it's only 29% or 25%'. Where do I go to have my concerns justified or who certifies this?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "In order for this to even take effect, it would have to be upon written request, proposing the establishment of the area. By either, property owners association or board of directors of property owners association or by at least 5 owners of record having frontage on any of these roads. Now, what would happen there is, it would only be upon a request and petition of those residents or boards to the municipality, at which time the municipality would then, of course, have to have public hearings, et cetera. To establish a service area at which time, everybody would have an opportunity to participate."

Speaker Wennlund: "Representative Deering."

Deering: "Is the realtors... I understand the realtors are against this, because it does not have a front door referendum. Now, is there no cho... is there not a... is that correct? First question, is that correct?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "Two years ago, when I introduced this, the Municipal League and the realtors had problems with this."

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And we worked with both of those. They filed no objections in committee or...we're not aware of any objection anymore with the realtors, based on the fact, that in order for this to even kick in, over 30% of the roads in any municipality would have to be private roads. That takes out just about everybody in this state. So, I far as I know, those issues have been worked out and there were no objections filed in committee on this."

Speaker Wennlund: "Representative Deering."

Deering: "So this Special Service Area would then...it would eventually wind up with an increase tax levy for monies, for to up grade maintenance and repair these roads? Is that correct?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "It could if it were requested by those people who wanted to establish this to maintain their private roads, yes. But it would be on their request and petition to the municipality."

Speaker Wennlund: "Representative Deering."

Deering: "What happens in the counties that has tax caps, if everybody is already capped at their levy limits and then I am in an area that decides that we want to start this Special Service Area to repair and maintain our roads. And we find out then, we're under the tax cap, we can't raise any money. What... what avenue do we have to pursue then?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "And Representative Deering, I don't believe that this is going to apply to any county. It is applying to one or two... I only know of one municipality in the state that this applies to and that's the municipality in my area. But I understand there might be two or three somewhere else

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across the state. Again, this is a petition by the residents to go in to this to establish a Special Service Area to where in fact, the municipality then, can bond or whatever to get it done. And it's not rebuilding of roads either, it's just maintenance so that the emergency vehicles can get in there."

Speaker Wennlund: "Representative Deering, please bring your remarks to a close."

Deering: "Then just... just shake your head. Is there... if there's a tax increase, is there a chance for individuals to vote on it? Yes or no? Referendum."

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "There... no. It's just a request to the municipality upon which then the normal public hearings, et cetera, on the establishment of that particular Special Service District would be done."

Speaker Wennlund: "Representative Deering."

Deering: "To the Bill, Mr. Speaker. You know, we work on a lot of legislation here, talking about taxes and finances and how we want to keep big government down. I would be very cautious about this, especially if there's a potential tax increase through a back door referendum."

Speaker Wennlund: "Further discussion, the Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Wennlund: "He indicates he will."

Scott: "Representative, does this follow the same procedure as establishment of other Special Service Areas with in municipalities?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "I can't answer for all the ways in which special service areas are created. You know, I think it probably

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does more because this requires a request of some. I know a Special Service District in my own community right now that is being established on the initiation of the municipality where they want to put curbs in. They are overlaying the service area 51% of the electors in that service area, as I understand it, don't want it, they can come in and petition and not have it. In this case, the municipality can't do anything unless the residents come to the municipality first. So, no, I...this is...this is much less ownership than I would imagine, than a lot of the existing methods of establishing Special Service Areas."

Speaker Wennlund: "Representative Scott."

Scott: "Well, it may be much less ownership, but it also doesn't provide same protections. If you're not talking about an association, if I'm reading your Bill correctly, five property owners having frontage on any of the streets or road ways that are in the area, could do it. So you could have a Special Service Area that is proposed by five out of theoretically, a much larger number."

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "Now the application could be made on that basis. At that point, the municipality would still have to follow municipal law. In terms of then establishing the service area. So, in fact, that 51% of the people effected in that area, could still opt out. It's nothing different. What it says is that, that applies where there not private roads. Where we are trying to get in, is get in at least the scenario where in fact, we have private roads, and they can ask the municipality to set up this district. But when it's set up, in order to set that up, through the formal process hearing, it is still is going to have to fall under the Special Service implementation clauses of municipal

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law. So, and again, I want to reiterate, this only applies where in fact over 30% of the roads in a community are private. And I will reiterate as far as I know, there's one municipality like that."

Speaker Wennlund: "Representative Scott."

Scott: "Well, that was my first question. I was asking...my first question was, after somebody proposes this, does it have to follow the same procedure. Because when Representative Deering was asking questions and it didn't...you talked about there not being any real vote, but there is a procedure. You're saying it will go back and follow the same Special Service law. So if 51% of the property owners and 51% of the electors in that area don't want it, then it won't happen, right?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "Right. See right now, there's a procedure where by you implement Special Service Areas without a referendum. You have an option with 51% to opt it out."

Speaker Wennlund: "Representative Scott."

Scott: "Do you know of anywhere else in the Special Service Area Law where it's done to finance purely private property without any public purpose? Or is this kind of a departure from...from existing law?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "I really don't have an answer to that. All I know is the case in my own municipality, where we have these private roads that'd have to be serviced by emergency vehicles. And I don't know whether this is unique."

Speaker Wennlund: "Representative Scott."

Scott: "More...and one more follow up on something, Representative Deering asked you. Because the one municipality that we know about is in a county that's

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covered by the Tax Extension Limitation Act, couldn't this conceivably take away from some of the more public finance projects? I mean, wouldn't the bonds and wouldn't the taxing authority that's issued under here, come under the Act?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "As far as I know, no. I'm not sure that I can answer that. I'm no expert on that area."

Speaker Wennlund: "Representative Scott, you have 25 seconds left, please bring your remarks to a close."

Scott: "I just have one more question, Mr. Speaker and Representative Johnson. But aren't other Special Service Areas, are the taxes that are levied in other Special Service Areas, part of the Tax Cap Law? I mean why would this one be any different?"

Speaker Wennlund: "Representative Johnson."

Johnson, Tom: "I presume it won't be any different."

Speaker Wennlund: "Further discussion? Representative Wojcik."

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

Speaker Wennlund: "Representative Wojcik has moved that the previous question be put. All those in favor signify by saying 'aye'; opposed by saying 'nay'. In the opinion of the Chair the 'ayes' have it and the previous question is put. Representative Johnson is recognized to close."

Johnson, Tom: "Yes, I just ask for your affirmative vote for this wonderful community in my district. Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 1251 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. This Bill having received 47 'yes' votes, 51 'no' votes, 13 'present'

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votes. The Chair recognizes Representative Johnson."

Johnson, Tom: "May I ask that this be placed on Postponed Consideration?"

Speaker Wennlund: "The Bill will be place on the Order of Postponed Consideration. Clerk, read House Bill 1582."

Clerk McLennand: "House Bill #1582, the Bill for an Act that Amends Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1582 Amends the Juvenile Court Act of 1987. It requires that a minor found to be delinquent and then who is place on probation, to serve and then determine a period of probation until the minor receives a high school diploma or satisfactory passes the GED test, or attains the age of 21 years, which ever occurs first. And nothing in the Bill will shorten the period of probation if a longer period is set by the courts. The genesis of this Bill, approximately two years ago, I was fortunate enough to fill in as a substitute for a criminal hearing that was held in Aurora. And a gentleman that was giving testimony before that committee hearing, spoke to us for a number of minutes concerning this idea. At that point, I started working on the Bill and would now like to bring it to the House Floor. It passed out of committee by a vote of 16 and 0. It had a good committee hearing. It was Amended in committee to make sure that is was provided that if the courts had provided a longer period of probation, then it would take for the adjudicated delinquent to receive a high school diploma or equivalent GED, that longer period would still have to be served. And I would just ask for a favorable vote and be happy to answer questions."

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

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

Speaker Wennlund: "He indicates he will."

Lang: "Representative, I want you to take me through part of this Bill. Under current law, minors who are found delinquent for first degree murder or Class Acts or forceable felony, must serve a period of probation of at least five years. If I understand your Bill correctly, the probation period would end if they receive a high school diploma or pass the GED test, even if it is less than a five year period. Am I reading your Bill wrong?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Representative, that is incorrect. That's what I was referring to in my opening statement. The Bill was Amended in committee. It was never my intention to shorten a period and again we have interaction between both sides of the aisle. The Committee Amendment adds provision that nothing in this Sub-Section shall be construed to shorten the period of probation set by the court. And that in effect would respond to your concern."

Speaker Wennlund: "Representative Lang."

Lang: "All right. Well, Representative, you know not every child in Illinois, gets a high school diploma or passes a GED test. Is it your goal to force children that do not choose to do these things, into doing them?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Well, Representative, I think there's a number of choices that each child in Illinois has. First of all, each child in Illinois has choices to whether they're going to commit a crime or not. Having made that choice, however, and looking at the fact that 83%, by the figures that are

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supplied to me by the Department of Correction, 83% of those in our prisons today, have not either achieved a high school education through a diploma or equivalent GED. And we would effect tens of thousands of potential people that would be in our state prisons at possibly in some time in their life if they make that choice. And this is an attempt to reach out and to grab a hold of our youth who is just starting maybe down the wrong path and to say 'we care about you and we want to keep you in school. We want to give you alternative choices in how to make a living, on how to conduct yourself'. And part of that is through obtaining either a high school diploma or through an equivalent GED education. And that's the entire... the entire emphasis of this Bill is to keep that youthful offender in school where they do have that choices to... in the future how they can make their living."

Speaker Wennlund: "Represent..."

Meyer: "...fit into society."

Speaker Wennlund: "Representative Lang."

Lang: "Well, however, the Bill isn't written in a way to encourage children to do this. It's written in a way to coerce them or mandate them to do this. Don't you basically say to them, 'get your high school diploma, take a GED test, or you're just going to have to be on probation until your 21'. Aren't you really saying that?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Well, again Representative, I believe that they face a choice to make at that point. And our society as it's developed, in order to hold a job that in most instances, to hold a job that would keep you out of a poverty level, that would keep you out of a possible track of additional crime, that is a choice that they could make. And it's

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certainly hoped, by this, Representative, that they would make it."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I want you to know Representative, I support your efforts to encourage children to get their high school diploma or to do the GED. Let me ask you this, was there any opposition to this portion of the Bill in committee?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Again, Representative, the Bill passed out of committee by a vote of 16 to 0. And the administration office of the courts did not ha... has take a neutral position on it. They're not opposing it."

Speaker Wennlund: "Representative Lang."

Lang: "Were there any witness slips in opposition, Sir? Either to the Bill or to the Amendment?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Not to my kno... not to my knowledge. I don't remember any. Again, the Bill did... what we had... we had a fair hearing on the Bill where there was concern with possible shortening of a probationary period, that might have been set by the court. But I've already addressed that with you and to my recollection, that's basically the position of the committee. And the fact that there were no witnesses that I can recall."

Speaker Wennlund: "Representative Lang, please bring your remarks to a close."

Lang: "Thank you, nothing further."

Speaker Wennlund: "Further discussion, the Chair recognizes the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Lindner: "Yes, Representative, I have a few concerns about this

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Bill. Could you answer this question. Does this mean that if a minor committed an offense, when that person was in eighth grade and was put on probation. And it would normally be an offense for which say a probation would be a year's time. That then he would be on probation for five years instead of one year?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Representative, you're...you're analysis of that is correct. However, I would in response, like to indicate that the average age of new juveniles is approximately 15 years and 9 months. They're normally in their freshman year, not eighth grade. Again, it's an attempt to make sure that there is some guidance and that the fact that these children or young adults realize that we as a society, care about them. And it's very important to us that they have alternatives in their choice menu, they can look at and determine should I continue on with this level of crime or should I continue on in school and take a meaningful part in society."

Speaker Wennlund: "Representative Lindner."

Lindner: "Well, I agree with you that it is a good goal for that person to finish high school. But I'm wondering if there's anything we might do with this Bill, because it does concern me that if it would normally be a probational offense only for one year, and this person then would be on for two, three, four years and do something that would not be a crime but would be a violation of probation. Then there would be a petition brought for violation of probation. That minor would be in more trouble. And there by maybe, making it appear that there are worse offenses than actually he has been committing."

Speaker Wennlund: "Representative Meyer."

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Meyer: "Representative, I understand your point. Again, my attempt is to work with our youth that would be on probation and if they were taken off of probation, early that they would again fall back. They'd make the wrong choice and fall back into the element of criminal activity. I certainly would be willing to work with the Sponsor in the Senate to address or to take a look at if there's possible ways that we could allow for identifying recidivism potentials and to work with that issue that you bring up."

Speaker Wennlund: "Representative Lindner."

Lindner: "One more, does the Bar Association have a position on this Bill?"

Speaker Wennlund: "Representative Meyer."

Meyer: "To my knowledge, they don't. No one has approached me from there or really, any other lobbyist group."

Speaker Wennlund: "Representative Lindner."

Lindner: "Have nothing."

Speaker Wennlund: "Further discussion, the Lady from Cook, Representative Monique Davis."

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

Speaker Wennlund: "He indicates he will."

Davis, M.: "Representative, if a person... if a young person who is eleven years old, commits some offense, goes before a judge, is placed on probation. He would stay there for how long?"

Speaker Wennlund: "Representative Meyer."

Meyer: "Representative, that is...I believe, the probably the same direction that Representative Lindner was going with her line of questioning. That offender, who is adjudicated, delinquent, and placed on probation, say in eighth grade, would remain on probation until they had

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obtained a high school diploma, equivalent GED, or turned age 21. And again, if I could just...I did indicate with Representative...the previous Representative that questioned that, that I would be willing to work with the Sponsor in the Senate to see if there's some way that we could identify recidivism and possible...a review of it at the end of a two year period. Or something like that, by a probation officer, to see if this youthful offender was maybe a good candidate to take a chance on. The one thing that we don't want to do though, is to allow them to be adjudicated delinquent three times, because then they're termed habitual delinquent. And truthfully, Representative, my whole...the whole thrust of my legislation is to attempt to grab a hold of that youth early on in their career of crime. And to make sure that we try and steer them into the right avenues, where they take a good place in society."

Speaker Wennlund: "Representative Davis."

Davis, M.: "Thank you very much, for that very lengthy answer. You're saying to me, Representative, and I know your intent is good. But you're saying to me that that young man will be on probation for ten years! If he doesn't get a high school diploma. If he doesn't get a GED. For ten years, this person is sentenced to probation! I don't think you want to do that. What this Bill really does, is... I know you want to encourage children to get their diplomas and they should do that. I mean, suppose the child just wants to go to an vocational institution and learns to become a carpenter. Suppose he wants to become a masonry but he doesn't necessarily get a high school diploma or a GED eq..., you know, diploma. I don't think we want to provide indiscriminate sentences for children. I think currently,

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they're under probation, based upon the crime that they commit. It may be one year, it may be two years, and don't forget, when children are on probation, it's also that whole family. That whole family must take off from work and go to court and appear before the judges. And we want that to occur, but not for ten years, Representative."

Speaker Wennlund: "Representative Meyer."

leyer: "Well, Representative, you can only be adjudicated delinquent at age 13 and above. And truthfully, the first time an offender goes before the judge, they normally don't even get probation. There are a lot of other types of sentences that are available to the courts in addition to adjudicating a delinquent and giving probation. So, this is a good attempt at grabbing out and taking a hold of those. And truthfully, that... I think that some of your concern is not there and I appreciate the fact that you've raised it. Because anytime there's questioning to a Bill, it causes one to think about the Bill itself and to see if there are any changes do be made... to be made. But I really think this Bill does address that youthful offender that is going down the road."

Speaker Wennlund: "Representative Davis."

Davis, M.: "Actually, what this Bill does, it weakens the current law. Currently the law says, regardless to a murderer or a Class X felon, regardless to him receiving a GED or a high school diploma, the state is going to hold him for five years. Now, what your Bill says, is if that kid is in prison and he gets a GED or high school diploma, then he can be released from prison. And I object to that. These children that commit these crimes, should certainly be under the jurisdiction of the judge. But they should not be released early when they have committed felonies such

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as, Class X murders and so forth. Even though they have gotten the GED. I really don't believe that an eleven year old should serve a ten year probationary period, perhaps for a minor offense. I think your Bill needs a lot of work. Your intentions are admirable because you do want to encourage even young felons, to get an education. And we too, support that. However, if a young felon commits an act of murder or arson or some of these Class X felonies, he should not be released early, based upon him getting a GED or high school diploma. I don't think you want that to occur."

Speaker Wennlund: "Representative Davis, please bring your remarks to a close. You are."

Davis, M.: "Thank you, Mr. Speaker."

Speaker Wennlund: "This matters on short debate. Representative Meyer to close."

Meyer: "Thank you, Mr. Speaker. Just in reference in closing in reference to the previous speaker. And the statement that... they made indicating a felonious and murderers and things like that. Let me read the Section that was Amended into this Bill in committee. It says, 'nothing in this Sub-Section shall be construed to shorten the period of probation set by the court'. What the previous speaker indicated is just not true. And I think it's important that each Member of this House, understand that the law does not provide what for the previous speaker was indicating. Ladies and Gentlemen of the House, I would...I think this Bill had a fair amount of debate in committee. It's had a fair amount of debate on the Floor. I would ask for a favorable vote. Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 1582 pass?' All those in favor vote 'aye'; all those opposed vote

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'nay'. The voting is open. This is final action. Excuse me. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 'ayes', 3 'noes', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, call House Bill 1825."

Clerk Rossi: "House Bill 1825, a Bill for an Act Amending the Election Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Andrea Moore. Representative Moore. Do you wish this Bill removed from the Record, Representative Moore?"

Moore, A.: "Well... only if you'll go back to it. Yes."

Speaker Wennlund: "Mr. Clerk, take this Bill out of the Record, please. Mr. Clerk, read House Bill 1893."

Clerk Rossi: "House Bill 1893, a Bill for an Act Amending the Uniform Penalty and Interest Act. Third Reading of this House Bill."

Speaker Wennlund: "Take this Bill out of the Record, Mr. Clerk. Mr. Clerk, what is the status of House Bill 162?"

Clerk Rossi: "House Bill 162 is on the Order of Third Reading."

Speaker Wennlund: "Mr. Clerk, return this Bill to the Order of Second Reading. Mr. Clerk, what is that status of House Bill 2045?"

Clerk Rossi: "House Bill 2045 is on the Order of Third Reading."

Speaker Wennlund: "Mr. Clerk, return House Bill 2045 to the Order of Second Reading. Mr. Clerk, read House Bill 1825."

Clerk Rossi: "House Bill 1825, a Bill for the Act Amending the Election Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes the Lady from Lake. Representative Andrea Moore."

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

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House. House Bill 1825, Amends the Election Code and it provides that procedures on how precinct tabulation optical scan technology voting equipment is to be handled, interpreted and used. This proposal would allow local election authorities to make full use of optical scan technology, which is all ready tested and certified by the Illinois State Board of Elections, and fully used in more than 30 other states. There are no mandates and no fiscal impact on any government unit, state or local. The benefits of optical scan voting technology is to...by allowing voters in jurisdictions which choose optical scan technology to place their own ballots in the ballot box. House Bill 1825 would give Illinois County Clerks and other election authorities the option of optical scan technology now fully used in more than 30 other states. It would shorten lines at busy polling places on election day for voters whose election authorities choose this technology. They can vote... they can cast their votes directly on the printed ballot, rather than on matching numbers in a ballot book with those printed on a card. It proposes to reduce voting errors. Marking right where the candidates names and issues are located is simpler than other processes now available. It gives voters who may of spoiled their ballots a true second chance, as Illinois law all ready says they should. With computers calling attention to errors before they leave the polling place. It makes results available to local election authorities as soon as the law allows. Not a minute before. Election authorities throughout the nation favor this new technology for its speed and efficiency, for its security and its cost benefits. And for it makes voters feel, a renewed in participating. House Bill 1825 is an option not a mandate

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and I would be happy to answer any questions."

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

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

Speaker Wennlund: "She indicates she will."

Mautino: "Representative, I know you mentioned the legislation as proposed has safe guards in it. Can you explain how... what security we would have so that the people in the voting district and the election officials know that no one will get a look at the totals during the course of the election?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "The equipment does not allow opening until after the election is completed. After the time is completed."

Speaker Wennlund: "Representative Mautino."

Mautino: "This is... is this currently being used in the State of Illinois? Are there any precincts which currently are using this system?"

Speaker Wennlund: "Repres... Representative Moore."

Moore, A.: "I believe there is someone, but I'm sorry. I think it is... I'm not sure who's using it. Yes, someone is, I think it's Peoria, but I'm not positive."

Speaker Wennlund: "Representative Mautino."

Mautino: "Would this have any effect on... I represent Putnam County, which is the smallest county in the State of Illinois. They would not have the... they don't foresee themselves having the money or to be able purchase this equipment and for the volume of votes that are tracked through there, it would not be beneficial to them. Would they be required in the Bill to do anything under the law?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "No, this is permissive and not mandatory. This is

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available for those that wish to u... would be available for those that wish to utilized it, but it would not be mandatory in any county."

Speaker Wennlund: "Representative Mautino."

Mautino: "Would these systems have to be used county wide or can you select certain precincts?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "I believe that the election authority would have the discretion to decide that."

Speaker Wennlund: "Representative Mautino."

Mautino: "Would they then have the opportunity or would it make any changes, say I have 50 precincts and we're going to use this in seven precincts? Is there any change to those election precincts which are not using the new technology?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "I'm not sure I understand what you mean by changes. They would continue with whatever mechanism they are currently using. That... those precincts would continue the same way, unless your election authority decided to use this."

Speaker Wennlund: "Representative Mautino."

Mautino: "Just to clarify that. If I have a couple of precincts that use it... this technology, then the remaining precincts can continue on as they have in past elections, under our current law. That means, they don't have to change the way their doing anything. Any machines that they're using. And it would be only select precincts decided by the election authority."

Speaker Wennlund: "Representative Moore."

Moore, A.: "Well, I un... yes, I think that's correct."

Speaker Wennlund: "Representative Moore."

Moore, A.: "I have to stand corrected. The Bill calls for this

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technology to be... to be utilized county wide, rather than in selected precincts. So it would be the election authority that would make the decision for the entire authority. Which is normally a county wide election authority."

Speaker Wennlund: "Representative Mautino."

Mautino: "Do the county clerks, have they taken a position on the Bill?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "There has been a lot of bipartisan support in Illinois. There was an informal survey last year. And the local election officials throughout Illinois, said 'yes', when asked the question, whether they would favor legislation that would permit this to consider this optical scan voting in the precincts. There's several different clerks that have gone on record across the county in supporting the legislation to allow that flexibility."

Speaker Wennlund: "Representative Mautino."

Mautino: "Should a election official decide to use the new technology and... the optical scan technology, is there any state money that would be involved in equipment purchase?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "It is not my understanding that there are state funds for this now. This legislation merely allows this technology to be utilized."

Speaker Wennlund: "Representative Mautino, please bring your remarks to a close."

Mautino: "Okay. Thank you. Just one final assurance on this. This is strictly permissive and it would be up to the election authorities, to the county clerk? Correct?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "Yes, that's correct, Representative."

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Speaker Wennlund: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. And I do rise in support of this legislation and as I understand, it is permissive. The counties will have the options to purchase or use their...use equipment to help make a more efficient election process. And I thank the Lady for answering the questions."

Speaker Wennlund: "Further discussion. The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I rise in support of this legislation. But I would just like to ask a question or two. Will the Sponsor yield?"

Speaker Wennlund: "The Spon...the Sponsor indicates she will. Representative Ronen."

Ronen: "Representative Moore, could you speak to the issue of voter fraud and how this system would enhance the possibility that we limit voter fraud?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "Representative, this system results in fewer hands touching the ballots. As you know, the ballots are placed in the system itself and then are only opened by authorized personnel for the count... for the reporting."

Speaker Wennlund: "Representative Ronen."

Ronen: "Thank you, Representative. As I said before, I rise in support of this legislation. As the Representative said, I think it will in... I think what will happen as a result of this is that we'll have improved efficiency in voting and less fraud involved. This Bill, we must say again, is permissive, it's not mandatory in any way. And it will impose no cost or obligations on any unit of government, state or local. And most importantly, I think, it preserves election security. Ballot secrecy is is assured

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with this system. It enables authorities to use technology in ways that will benefit everybody. And I think implementation of this law, will bring us into... into the next century. And it's time we move forward, so I urge all my colleagues on this side of the aisle to support this Bill."

Speaker Wennlund: "Further discussion, the Gentleman from Cook, Representative Lang."

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

Speaker Wennlund: "She indicates she will."

Lang: "Representative, we've been having sort of a constitutional debate over here and maybe you can help me resolve it. The Constitution requires that every voter be treated like every other voter. Your Bill raises two problems with that. And I'll tell you the two problems and if you could respond I'd appreciate it. The first problem relates to absentee voters. So with this optical scanner, the voter that goes to the polling place, that puts their ballot in, if it is a defective ballot, then the scanner spits it back out at them. They can fix their ballot and revote. But the voter that votes absentee, in person at the county clerk's office or the township office or the village office or by mail, does not get that opportunity. And therefore they are treated differently than an in person voter on election day, there by possibly rendering the Bill unconstitutional because different voters are being treated in different ways. The second problem relates to the fact that you've made this optional. If you make it optional, in certain counties, people will be doing this and in other counties, people will not be doing this. Thereby having two different counties with two different forms of voting, thereby treating those voters differently. Both seem to

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have some tinge of unconstitutionality to it. Can you comment?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "The... it's difficult for me to respond to Constitutional issues, but take the... let's take the second one first. Currently, there are different systems that are utilized throughout the state as far as voting. And we're not talking about voting, we're talking about counting is the real issue here. Everyone has access to the vote and that really is the most critical issue, I would think. And on the first one, on the absentee ballot, how would you be able to identify who voted incorrectly on a absentee ballot?"

Speaker Wennlund: "Representative Lang."

Lang: "Well, that's exactly the point. But let me take both of these examples and you took the second one first, so I will. Even though today, we have different forms of voting in different counties, there still is no situation where a voter gets a second crack at a bad ballot, where it gets spit back at them. Your Bill would allow that. But in counties that don't avail themselves, Representative, Representative...in counties that don't avail themselves of optical scanning, that...that defective ballot will not be spit back at them. And therefore, the voters that are not in counties that have optical scanning, will not have that opportunity, and therefore be treated differently than voters in counties that have it. Rel... that's the second item. The first item, relative to absentee ballots, of course, there's no system that'll spit it back, but that's exactly the point. I'm not trying to quibble. I think the idea of optical scanning has some great merit. But I'm very concerned about us passing a Bill that might be held

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to be unconstitutional because we treat voters differently in different locations. And I think we need to address that."

Speaker Wennlund: "Further discussion? The Chair recognizes the Gentleman from Macon, Representative Noland."

Lang: "Mr. Speaker."

Speaker Wennlund: "I'm sorry, I thought you were... I thought you by your silence, you'd indicated that you were finished. I'm sorry, Representative Lang. You're usually not that silent."

Lang: "Well, I was just waiting for a response from the Representative, then I may or may not have more questions. But my clock has been running, Sir, while we've been doing this."

Speaker Wennlund: "I apologize, I'll adjust for it. I couldn't believe the silence. No, I certainly wouldn't want to cheat you out of another question, Representative Lang. Representative Moore, will you proceed to answer the question? If indeed it was a question."

Moore, A.: "Well, I'll do the best I can. A spoiled ballot currently, if you spoil your ballot when you are voting, you can, it will be classified as a spoiled ballot. You can have another ballot and vote correctly. This is the same kind of premise, except that the optical scanning spits it out. As far as the difference... the differences, there is lever voting currently, that prevents incorrect voting, also. And so, that is somewhat that premise that you're talking about is somewhat similar. And..."

Speaker Wennlund: "Representative Lang."

Lang: "If you know you spoil your ballot, you can get another one. But under the optical scanning situation, the scanner will tell you if you have a spoiled ballot. It will bounce

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back to you. But the people that vote absentee or the people in counties that don't have the optical scanner, won't have the ballots spit back to them. So your scenario only applies if you know you spoiled your ballot. If you don't know, you can't do it."

Speaker Wennlund: "Representative Moore."

Moore, A.: "I can not... I mean, what you're saying is correct. And if that's an issue, it is something that will be decided other than here. I think that... that we do the best we can to implement legislation that is fairly applied and I think this Bill actually does this, as does the optical scanning technology. Not only is it something that will provide fair elections, they will be thorough and I believe the issues that you've raised exist with the current law. The differences exist within the current law and framework that we are operating under now."

Speaker Wennlund: "Representative Lang."

Lang: "Would you be willing to at least take a look at this as it goes over to the Senate to check out thoroughly what I'm suggesting to you? I'm for optical scanning of ballots. I just want to make sure you have a Bill that's Constitutional, Representative. Will you take a look at it?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "Well, Representative Lang, I always appreciate..."

Speaker Wennlund: "Representative Lang, please bring your remarks to a close. I added an additional minute. Further discussion, the Chair recognizes Representative Duane Noland. Representative Noland."

Noland: "Mr. Speaker, I rise to call the previous question."

Speaker Wennlund: "Representative Noland has moved that the previous question be put. All those in favor signify by

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saying 'aye'; all those opposed signify by saying 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is now put. Representative Moore is called upon to close."

Moore, A.: "This proposal will bring benefits to the voters, not so much in the effects, but the process of voting. It will make voting more secure, more efficient and therefore more desirable and hopefully, we'll get more people voting. I would respectfully request an 'aye' vote on House Bill 1825."

Speaker Wennlund: "The question is, 'Shall House Bill 1825 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 103 'ayes', 2 'noes', 11 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, joining us on the Floor, today, is the Cook County Circuit Clerk, Aurelia Pucinski. Welcome to the House Floor, Aurelia. Mr. Clerk, read House Bill 1131."

Clerk McLennand: "House Bill #1131. Bill for an Act that Amends the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes the Gentleman from Chicago, Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1131 would allow the sale of liquor at an establishment in Chicago, know as the Germania Club. Germania Club used to be a famous German restaurant and club in Chicago and it closed about 15 or 18 years ago and gave up it's liquor license. Building is presently

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under...being remodeled and it's going to contain a banquet hall and a mall. And this Bill would simply allow the Germania Club Banquet Hall to serve liquor at weddings and other parties. The reason for the... that we need state approval is because it's within 100 feet of a school. Under the old liquor license, the liquor license was there before the school was built. But in order for them to reopen, they have to a... we have to Amend the law to allow them to serve liquor. This is in the district of Representative Judy Erwin. And she also favors the Bill. And I'd be happy to try to answer any questions."

Speaker Daniels: "Speaker Daniels in the Chair. Ladies and Gentlemen of the House, if I could just have your attention for a short time. People walking around the chambers and outside with green shirts on, are members of my Senior Citizens Club. Some of them are in the Speaker's Gallery right now and they've traveled from Elmhurst to watch the General Assembly in Session. I'd like to ask you to give them a warm welcome. The 46th Legislative District. Thank you very much."

Speaker Wennlund: "Representative Wennlund back in the Chair. Sorry to interrupt, Representative McAuliffe. Is there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Wennlund: "He indicates he will."

Dart: "Representative, this Bill passed out of here last year, didn't it?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "I really can't say. If it did, I didn't Sponsor it last year."

Speaker Wennlund: "Representative Dart."

Dart: "Wel... I think... I think it passed out of here, by a wide

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margin last year and got stuck in the Senate. And if you were the Sponsor of it last year, we probably wouldn't have had that problem. I dare say. Yeah. Does this... apply to more than just that one particular case? Or is that the only one that comes up as a result of the application of this?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "The wa... the way I read the Bill, I think it only could apply to that one location. Has to be in a municipality of over 500,000 people. It has be in at least, a six story building and I think it's got also have a mall in there. So I think that the Bill as been defined in such a way, that it really would only apply to this one particular location. Which I believe is on Clark Street near North Avenue in Chicago."

Speaker Wennlund: "Representative Dart."

Dart: "There's another Bill out there now, that deals with taverns being located near schools or som... Does this have any... if the scho... if the tavern's there and a school subsequently builds, does this have any relation to that, what so ever?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "Not to my knowledge."

Speaker Wennlund: "Representative Dart."

Dart: "In the provisions in the Bill, itself, when it talks about the 60 feet provisions and the definition of the banquet facility provisions, those... you're understanding are... would be unique to this thing... So it'd bring... This club would be then in compliance?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "There's even reference to the number of people that the facility must be capable of serving. So I think that

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this is very specific to that one sight in Chicago and it's not my intention to make it applicable to any other sight in the State of Illinois."

Speaker Wennlund: "Representative Dart. Further discussion, the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Representative. The specific location that this piece of legislation refers to, happens to be in my district. It's a historic building, the Germania Club. In fact, for many of you in this chamber, there aren't too many that remember now, State Senator John Cullerton, had great St. Patrick's Day parties, in the Germania Club. It has since been renovated. And oh, Senator Cullerton is with us today in commemoration of this Bill. The new owner of this property has made a significant investment in... truly done a wonderful job in preserving the historic nature of this facility. It just so happens, that it is very close to the Latin School of Chicago. And thus, the necessity of this building, the banquet facilities, I might add, are on the second floor. There are commercial facilities downstairs, a bank, an interior design, a hardware store. There is nothing at street level and so, this is just one of those particular things, that the peculiarities of legislation that requires a change, so that in deed this great contribution to our neighborhood can continue. So, I strongly urge an 'aye' vote."

Speaker Wennlund: "Representative McAuliffe is recognized to closed. There being no one further seeking recognition. Representative McAuliffe."

McAuliffe: "I simply ask for a favorable vote."

Speaker Wennlund: "The question is, 'Shall House Bill 1131 pass?' The question is, 'Shall House Bill 1131 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The

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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 'yes', 2 voting 'no', 7 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. The Chair recognizes that eighth grade class from Emerson School in Maywood, Illinois, are in the gallery. The guests of Representative Eugene Moore. Let's have a welcome hand for them please, thank you. Representative Wojcik in the Chair."

Speaker Wojcik: "Mr. Clerk, please read House Bill 238."

Clerk McLennand: "House Bill #238. Bill for an Act Concerning Municipal Taxes. Third Reading of this House Bill."

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

Lang: "Well, thank you, Madam Speaker. I noticed we were on House Bill 1131. And subsequent to that, there are some other Bills in order, including 1138, which is my Bill. I notice we're now back to House Bill 238. Many Speakers have indicated to me, that if I would just simply tell the podium, that I was ready on my Bill that it would get called. And I've so notified the podium on many occasions. And I'm really disappointed because, now, not only are you not calling my Bill, but you're not calling it out of order. So I'm wondering, Madam Speaker, since you are... you have a reputation for honesty and fairness and justice in the hallowed halls of the House Chamber, that perhaps I could prevail upon you to call House Bill 1138, during your short tenure. Your leader is just to... to your right. You might ask him. And perhaps if we can call this Bill, I won't have to again rant and rave about the Chair failing to call my Bill. Do you have anything to tell me, Madam

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Speaker?"

Speaker Wojcik: "Representative in the order of fairness, I think we're all going through the same problem. There's a few Bills on the Calendar, that they've been going around, that are mine too. So, I think in due time, we'll all have our Bills heard. Mr. Clerk, House Bill 238 has been read. The Chair recognizes Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. House Bill 238, is a Bill that is enjoyed a lot of bipartisan support. And I am pleased to say, that now that we've Am... added both Amendments, 1 and 2, there is no longer any opposition to this Bill. This is the Bill that prohibits municipalities from taxing your taxes. There are some municipalities in Illinois that have been imposing the Municipal Utility Tax on the Bill, after the state tax has already been added. And so, the municipalities in which that was done, the consumers were paying taxes on money they were paying in taxes. It seemed to me and to many others, that that was down right un-American. And so we had a Bill to prohibit that. But the first year, the Bill was not successful because the City of Chicago is one of the municipalities that does this. And there would be a substantial loss of revenue. This year, we negotiated with Mayor Daley's office, and adopted an Amendment to phase this in over three years. Mayor Daley and the staff people, with whom I worked, were very cooperative. They've indicated they can live with this. They have no longer any opposition to it. There was one other technical Amendment, that People's Gas wanted adopted. That is also taken care of. And so, Madam Speaker, I... it is with a good deal of pride because I have tried to address this issue in prior Sessions, that I

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rise now, to offer to you, House Bill 238. A Bill which is about as American as American can get. And what I am truly proud of, is that not only it has no opposition, but it has bipartisan support. I would be glad to answer any questions."

Speaker Wojcik: "Is there any discussion? The Lady from Cook, Representative Schakowsky is recognized."

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

Speaker Wojcik: "She indicates she will."

Schakowsky: "Thank you. Representative, I like many other Representatives and when I was a consumer advocate as well, certainly heard lots of concerns about a tax on a tax. And as you say, it's fundamental on fairness. But I do want to ask a couple of questions, just about what kind of impact this change will have on... on consumers and on others. Has there been a cost estimate of how much this Body will be able to save utility consumers by eliminating this tax on a tax?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative, I'm really glad you asked that question. The Economic and Fiscal Commission, estimates that the City of Chicago, now this of course, is predicated on the idea that there were...if there were any immediate effective date. So that is was not phased in over three years. But if the... this were to happen immediately, the City of Chicago would lose a total of \$6.9 million in revenue. And the other municipalities that are, if you will forgive the word, guilty, of this un-American practice, would lose a total of \$6.4 million in revenue. Now to be sure, it's going to be a phase in over three years, but the total amount of money that we are putting back into the pockets of the tax payers, so that they can

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have some discretion over how that money is spent. comes to approximately, \$13 million."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "Thank you. Well, the way you put it, gets the next part of my question. So that while, utility consumers are saving that money, it is also, in fact, a cost to the municipalities. Can you explain how your Amendment #2, blunts that impact for the municipalities over... over a period of time?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The Amendment which was brought to me by Mayor Richard Daley's Office, simply provides that in the first year, two-thirds of the amount of money that is collected can be calculated in the old way. The following year, one-third, the year after that, none. So, it is simply a one-third, one-third, one-third phase in to eliminate this form of taxation altogether."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "Now, Representative, you said that it was an Amendment brought by the City of Chicago, but other municipalities are also effected. I was just wondering if they in fact, now support the Bill, if they are neutral. My understanding was that even with this Amendment, that the City of Chicago was opposed. I could be wrong. I'm asking the question."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative Schakowsky, I would not have worked with the City of Chicago and spent the amount of time that I did in trying to get an Amendment that was agreeable to the city. If it had not been, of course with the understanding that once that Amendment is all agreed to, they removed their opposition. That is the way things work

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here. The City of Chicago is no longer opposed to this legislation."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "So, what you are saying is there are now no opponents to this legislation, Representative?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "I believe the Illinois Municipal League, despite the three year phase in, because of the loss of revenue to municipalities; although, of course this is not all municipalities you understand, only the guilty ones. The Illinois Municipal League is still in my...as far as I know, in somewhat opposition to this Bill, but is not in any way actively opposing it. It is pretty difficult to actively oppose anything that prevents you from doing what was wrong in the first place."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "What percentage of utility consumers live in, as you put it, guilty municipalities? Are we talking about most utility consumers being subjected to this tax on a tax, or is it limited to just a few of the utility companies? I mean, a few of the municipalities."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "I do not have that information readily available. However, if you would like me to try to get that information for you and provide it to you later, I would certainly be glad to try to do that. I did not look into that for the very reason that I keep using the term 'guilty'. Wherever they are, if they are doing this, they ought not to be doing it."

Speaker Wojcik: "Representative Schakowsky, you used your time. Is there any further discussion? The Gentleman from Bureau, Representative Mautino, is recognized."

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

Speaker Wojcik: "She indicates she will."

Mautino: "Under the Bill, has the Municipal Electric Agency put in any slips either in opposition or...for this Bill?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "They have taken no position whatsoever."

Speaker Wojcik: "Representative Mautino."

Mautino: "I have some... How would this effect municipality that has a...that levies a tax and they are using that say, to cover the expenses or has dedicated revenues towards their infrastructure that they have put in place for the communities."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "It would have no effect whatsoever. All this Bill does is prohibit municipalities from figuring the municipal tax on any utility Bill for a resident of that municipality after the amount of the state tax has been added to the Bill so that they are taxing your taxes. That is the only thing this Bill addresses and it does prohibit it."

Speaker Wojcik: "Representative Mautino."

Mautino: "Thank you. I appreciate the clarification on that. I have some municipalities which have or are part of the Municipal Electric System and they...just wanted to make sure that they could...would still have the revenue stream to cover all the work that they have done in putting them in. Your Amendment makes a lot of sense and they are in agreement with it, as far as my local municipalities."

Speaker Wojcik: "There being no further discussion, Representative Cowlshaw to close."

Cowlshaw: "Madam Speaker, Ladies and Gentlemen of the House, I urge approval of House Bill 238 and thank you very much for your patience."

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Speaker Wojcik: "The question is, 'Shall House Bill 238 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 108 'ayes', 0 'nays', 7 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. We will now proceed to the order of House Bills - Second Reading. Mr. Clerk, please read House Bill 3."

Clerk McLennand: "House Bill #3 has been read a third time previously. Amendment #1 was adopted in Committee. No Motions. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Wojcik: "Representative Saviano on Floor Amendment #2."

Saviano: "Thank you, Madam Speaker. Ladies and Gentlemen, Floor Amendment #2 corrects drafting errors into sunset dates and corrects the Accreditation Committee named for physical therapists which were previously in error, clarifies provisions that could be misconstrued, requires the Department of Regulation...Professional Regulation Director to explain when not following advisory committee recommendations. This is cleanup language. It is an agreed Amendment which we negotiated with the Department and I would ask for a favorable vote."

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

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Saviano, does the Amendment contain the fee increases or is that in the underlying Bill?"

Speaker Wojcik: "Representative Saviano."

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Saviano: "Representative, the Amendment does not address any fees at all."

Speaker Wojcik: "Representative Granberg."

Granberg: "Does the Amendment or... I'm sorry. You indicated that the Amendment is agreed upon by the parties. Could you please indicate whom the parties are?"

Speaker Wojcik: "Representative Saviano."

Saviano: "I don't know if you have a copy of the Amendment. It is pretty much technical in nature. It addresses... House Bill 3 is a conglomeration of approximately four different licensing Acts which are sunseting. One is the, of course, the Collection Agency Act. Another one is the Illinois Roofing Industry Licensing Act. Another one is the Physical Therapy Act and all this Amendment does is provide some cleanup language to each of those Acts which have been inserted into this Bill."

Speaker Wojcik: "Representative Granberg."

Granberg: "So, when I am reading the Amendment, Representative, I see the Illinois Roofing Industry, the Physical Therapy Act, Commission on Accreditation in Physical Therapy. So, those groups have been contacted and they are in agreement with your Amendment, I assume."

Speaker Wojcik: "Representative Saviano."

Saviano: "Yes, Representative, this is all pursuant to an agreement between these respective professions and industries, the Department of Professional Regulation and myself."

Speaker Wojcik: "Representative Granberg."

Granberg: "One question then on the Amendment, Representative. Lines 12 through 14; if the director takes actions contrary to recommendation of the Committee, the director shall promptly provide a written explanation of that action. At

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whose request was that legislation added to the underlying Bill and what capacity has that made?"

Speaker Wojcik: "Representative Saviano."

Saviano: "I couldn't hear the whole question, but let me just tell you that I had some complaints from the various boards of commissions that oversee these different professions, that when they would make a recommendation to the director regarding disciplinary problems or procedural problems, that their recommendations were never answered in a timely manner. I wanted to make sure that I insert this language which applies to all the different professions, that whatever respective board which oversees a profession, when they make a recommendation, they are going to get an answer one way or the other."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, would this apply then to all industries that are regulated by the department or would it apply only to the Roofing Industry and Physical Therapy Industry, which are the only two I see in your Amendment?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Representative, it just applies to the ones that are addressed in the Bill."

Speaker Wojcik: "Representative Granberg."

Granberg: "And I assume, Representative, that that is the Roofing Industry, the Physical Therapy and could you please tell me what other ones are there...there are in the Bill?"

Speaker Wojcik: "Representative Saviano."

Saviano: "We have got the collection agencies, the roofers, the physical therapists."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you. And so, if these boards make a recommendation, the boards were involved with these

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industries, make a recommendation to the director, the director does not have a legal obligation to follow that recommendation. Is that then correct?"

Speaker Wojcik: "Representative Saviano."

Saviano: "You are absolutely correct, but at least it let's the boards and commissions know where their recommendations stand, whether it is denied or approved or acted upon."

Speaker Wojcik: "Representative Granberg."

Granberg: "So, if the Director does not follow the recommendation of that board, Representative... If the director does not follow the recommendation of that board, then he or she must reply in writing. Is there a certain time period? So, that would actually have some enforcement mechanism to this?"

Speaker Wojcik: "Representative Saviano."

Saviano: "We pretty much left it open to explain it was promptly responded to, but at least it is mandated that he has to respond. Previously, there was no mandate upon the agency...the director to respond at all."

Speaker Wojcik: "Representative Granberg, bring your questions to a close."

Granberg: "Okay. Thank you. Thank you, Mr. Speaker. To the Bill. Representative Saviano, since I am out of time, I understand what you are trying to address with the director being responsible for his or her actions...Thank you, Madam Speaker. I understand what you are trying to address, but this would put no obligation upon the director to say that she would have to supply in writing within a certain time period. So, I think that takes a little bit of the rationale away from your intent because the supervisory board or advisory board can make that recommendation. The director cannot act on that recommendation, in fact, act in

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an adverse manner and then not give any explanation to the advisory board until the next year. So, I would think you might want to consider putting some sort of time limit on that written recommendation or the written rationale for the recommendation. So, I think that would give you more credence with what you are attempting to do."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Turner is recognized."

Turner, A.: "Thank you, Madam Speaker and Ladies and Gentlemen of the Assembly. I understand that we are on Amendment #2, but I just have one question of the Sponsor. What does it in fact do to Amendment #1, am I correct, the one that deals with the fees? Is that still a part of the overall Bill?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Amendment #1 became the Bill, okay? It was a vehicle Bill which was filed to address the collection agencies' sunseting of the Act. We included in there the various other licensure Acts and the Committee Amendment #1 became the Bill."

Speaker Wojcik: "Representative Turner."

Turner, A.: "And in regards to physical therapy, am I clear that it says that the members of the committee our immuned from suits in any actions based upon disciplinary proceedings? Is that all it does for that particular licensure?"

Speaker Wojcik: "Representative Saviano. Representative Turner, would you please repeat your question? Representative Saviano could not hear you."

Turner, A.: "Turn the volume up. The question that I asked is, how...what effect does this Amendment have on the physical therapists in terms of their members that serve on the examination committee, what does it do to them? I guess

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that is Amendment 1, am I correct?"

Speaker Wojcik: "Representative Saviano."

Saviano: "All that that Amendment did was it provides that the members of the Physical Therapy Examining Committee are immuned from suit, any action, based upon disciplinary proceedings or other activities performed in good faith as members of the committee, provides for reasonable per day compensation expenses for the committee members, requires the director to explain to the committee any action taken contrary to committee recommendation, it revises the qualifications for licensure, sets application fees for licenses under the Act, provides a penalty for unlicensed practice. This is agreed language. This is the new Act which was previously sunseting."

Speaker Wojcik: "Representative Turner."

Turner, A.: "Thank you, Madam Speaker. I think that ends the questions that I have and I believe that I can support the Amendment, as presented."

Speaker Wojcik: "Representative Saviano."

Saviano: "I would ask for a favorable vote. Thank you."

Speaker Wojcik: "Those in favor of Amendment #2, please signify by saying 'aye'; opposed 'nay'. The Motion carried. Mr. Clerk, any further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Wojcik: "Representative Saviano."

Saviano: "Thank you, Madam Speaker and Members of the House. Floor Amendment #3 was very simple. What it did was, the original language regarding the Collection Agency Act, authorized an 8% annual interest which could have been imposed by the collectors. We removed that provision from the Act and that is what this Amendment does. The consumer

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groups weren't too keen on it and we felt that it was somewhat excessive and Amendment #3 removes that 8% annual interest out of the Act. I would ask for a favorable vote."

Speaker Wojcik: "Is there any discussion? There being no discussion, Representative Saviano to close."

Saviano: "I would ask that Floor Amendment #2 and #3 be adopted. Thank you very much."

Speaker Wojcik: "The Gentleman moves the adoption of Amendment 3...House Bill 3. All in favor signify by saying 'aye'; opposed 'nay'. The Motion carried. Mr. Clerk."

Clerk McLennand: "No further Amendments."

Speaker Wojcik: "Third Reading. We will now return to the order of House Bill - Third Reading. Mr. Clerk, please read House Bill 1070."

Clerk McLennand: "House Bill #1070, a Bill for an Act that amends Municipal Code. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, what this Bill does is, currently there's a case that went to the Second District Appellate Court in Illinois that could of answered the question, but did not because in the Municipal Code there is no provision for what happens when an annexation agreement expires by its terms. There is no provision with respect to what happens to the zoning, to the remaining land that wasn't platted, what happens to contributions that were made for sewer capacity, for instance, or for a donation of land or cash in little land, the park districts, and the municipalities, or schools, their school sites with respect to the remaining portion that may not have been developed during

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the term of the annexation agreement. What this says is, it provides a void because there is nothing in the statute that deals with the question of what happens when an annexation agreement expires. What happens to remaining land that was included in the annexation agreement, but was not yet developed? What happens to remaining land that was all zoned, does the zoning expire? And what happens to contributions that were made? Now, there's a provision in here that provides that this is declarative of existing law and this was recommended by the Legislative Reference Bureau because at this point in time there is no law. But it's the intention of this legislation that it applied to all annexation agreements regardless of when they were entered into even those entered into prior to the effective date of this Act. And the reason for that is, is because in the current statute relating to annexation agreements there are no provisions. So, this Bill is a void and what's happening is, is these agreements are expiring and landowners in cities and villages are required to file suit to try to litigate the issue because there is nothing in the statute to answer the question. This Bill has been endorsed by proponents of the Illinois Municipal League, the Chicago Bar Association, Northwest Municipal Conference and the home builders and the realtors. The reason that this Bill is important and is needed is because there's a complete void in the existing law. And I would be happy to answer any questions, Madam Speaker."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Balthis, is recognized."

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

Speaker Wojcik: "He indicates he will."

Balthis: "Representative Wennlund, you may have answered this in

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your opening remarks but it is my understanding that the...this agreement or this language applies to all annexations and for legislative intent. Could you explain what you're trying to do with that part of this language?"

Speaker Wojcik: "Representative Wennlund."

Wennlund: "Yes. Thank you, Representative Balthis. This...the Bill provides that this Amendatory Act is declarative of existing law and shall apply to all annexation agreements, even those that have been entered into prior to the effective date of this Act. And the reason for that is because there's a complete void in existing law that tells what happens when an annexation agreement expires. And this is meant to be declarative of existing law so that it will apply to all annexation agreements, even those that have been entered into 10 years ago, that may be expired or even to annexation agreements that have expired. This will clarify the law and avoid a lot of litigation on behalf of municipalities, taxpayers and on behalf of the landowners."

Speaker Wojcik: "Representative Balthis."

Balthis: "This does not restrict local governments' ability to do annexation agreements or any of the language that tells them what they must or must not put in that...in those agreements?"

Speaker Wojcik: "Representative Wennlund."

Wennlund: "Not at all. It's not meant as a restriction on local governments power at all. And...the provisions of an annexation agreement could provide otherwise and they can still have the authority to do that. They can still provide otherwise. They can provide expressly in the annexation agreement that upon expiration of it, the zoning disappears or contributions won't be recognized, they could still do that. This just answers the question for

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annexation agreements that never did answer the question and are hanging out there in limbo without an answer to the question of what happens to the zoning or what happens to the contributions yet to be made or contributions that have been made and would allow municipalities to continue to enforce an annexation agreement even though it expired where a developer or landowner agreed to make future contributions of land down the road. They can still go in and enforce that contribution."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Lang, is recognized."

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

Speaker Wojcik: "He indicates he will."

Lang: "Thank you. Representative, if I understand the Bill correctly, you want these zoning to survive the end of the annexation agreement and I understand that. The question is, what if the parties for some reason agree in advance that the zoning should not...or do you...I assume that you do not want a supersede agreements that are annexation agreements that are made between parties. So does your Bill only apply if there's no agreements between the parties?"

Speaker Wojcik: "Representative Wennlund."

Wennlund: "Yes, thank you, Representative Lang. The Bill specifically provides unless otherwise provided for within the annexation agreement. So that if...there was an agreement that expired...this is not meant to interfere with that, only in the case where the annexation agreements are silent on the issue of what happens upon its expiration. So it doesn't interfere with the parties ability to negotiate any provision in the annexation agreement that they want to."

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Speaker Wojcik: "Representative Lang."

Lang: "Well, I think I understand your Bill and what you're trying to do and I think I support it. But for the benefit of the Members who don't understand some of this technical jargon, can you run us through that Bank of Waukegan versus Vernon Hill Case and tell us in layman's language why...what the court held and why we need to do this and what the benefits are for local government?"

Speaker Wojcik: "Representative Wennlund."

Wennlund: "Thank you, Representative Lang. In that case, the Appellate Court had the opportunity, but did not do so. Its been assumed in the past at the expiration of an annexation agreement that all the terms of that agreement expired except for zoning but unless it's otherwise provided in the agreement. The Second District Court didn't...did not consider the effect of the appellation of the zoning category for the property in this confusion will remain and could cause further undo expenses in the future. The Municipal League feels that the current law is ambiguous as to municipalities ability to enforce or compel the performance under an annexation agreement upon its expiration. The court had the opportunity, but did not deal with the issue of what happens when an annexation agreement expires. Where there's no provision in the agreement itself as to what, in fact, would happen when it expired. And there's no provision in the statute dealing with annexation agreements so that it would bring some certainty to the law, which is the purpose of it, which is why Chicago Bar Association supports it."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you for that explanation. Could you also explain for me the section of the Bill that would require...what in

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essence is a five year statute of limitations on lawsuits to compel performance of an annexation agreement? I think... Again, I think I understand it, but in most other written contracts you have a different statute of limitations, why five years here?"

Speaker Wojcik: "Representative Wennlund."

Wennlund: "Thank you. You know I...that was a suggested at the Chicago Bar Association and I'm not certain as to why it wouldn't be...ten years, for instance, as it would normally be in a written contract. But this was the recommendation of Chicago Bar Association and the Municipal League agrees with it. But its intention was that, for instance, if a developer or landowner had agreed to...to make a contribution of 'x' amount of dollars for...plant capacity and the developer never used it the capacity and never paid for it and then the agreement expired, the municipality could still go in and force the developer to pay what he agreed to do. Or if the developer had agreed dedicate property for a school site and he didn't do, the school district or the municipality would have the option of going back into court after the expiration of the annexation agreement to force the dedication of that land that was agreed upon in the annexation agreement. The problem was and I know of very few annexation agreements that really deal with the issue of what happens upon their expiration date. Everybody assumes that they will be fully executed, the kind...and an annexation agreement is a contract as you know, that they'll be fully executed. Well, its just not been the case. A lot of them are not fully executed but many provisions of which are executory and upon the expiration date of the annexation agreement."

Speaker Wojcik: "Representative Lang, bring your questions to a

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close, please."

Lang: "Does this Bill at all deal with the City of Chicago's ability to deal with annexation issues as they surround O'Hare Field?"

Speaker Wojcik: "Representative Wennlund."

Wennlund: "No, Representative Lang, not at all."

Speaker Wojcik: "We seem to have some young Pages on the Democratic side of the aisle that have an order of sundaes and Dr. Pepper. They don't know who ordered it from them so if you put your light on or wave at them so...Spangler are you missing something? I think it's for Representative Spangler. Your sundaes. Representative Granberg."

Granberg: "Thank you, Madam Speaker. There's a Page over here that has lost her way. Whoever has ordered the ice cream sundaes and the soda, please see if you can't get...no, Representative Spangler, it's probably not...is that you Representative Spangler?"

Speaker Wojcik: "His arms are open."

Granberg: "Do you get both of them? You'll take them. Have you paid them for them? So, there is a Page over there with two ice cream sundaes for somebody. She's just...so whoever ordered these things..."

Speaker Wojcik: "Spangler."

Granberg: "Let yourself be known."

Speaker Wojcik: "Fess up. Any further discussion? There being none, Representative Wennlund to close."

Wennlund: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. As I said before, this Bill is supported both by the Municipal League, Chicago Bar Association, Northwest Municipal Conference, Illinois Bar Association. Because there is no provision in the statute and this Bill will bring certainty to the entire process of

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annexation agreements. And will be made to apply to all existing annexation agreements regardless of when they were entered into, whether it be five years ago or 10 years ago or 20 years ago, it will bring some certainty to the process and provide what happens upon the expiration of the annexation agreement with respect to all types of issues including those of zoning or contributions of land or cash in lieu thereof. It brings certainty to the process and I ask for your favorable vote. Thank you."

Speaker Wojcik: "The question is, 'Shall House 1070 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 'ayes', no 'nays', 5 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 445?"

Clerk McLennand: "House Bill #445 is on the order of Third Reading."

Speaker Wojcik: "Please return the Bill back to Second Reading. Mr. Clerk, what is the status of House Bill 1728?"

Clerk McLennand: "House Bill #1728 appears on the order of Third Reading."

Speaker Wojcik: "Mr. Clerk, please bring it back to Second Reading. Mr. Clerk, introduction of Resolutions."

Clerk McLennand: "House Resolution #38, offered by Representative Churchill. Rules Committee."

Speaker Wojcik: "We will now return to the order of Second Reading. Mr. Clerk, read House Bill 258."

Clerk McLennand: "House Bill #258. The Bill has been read a second time previously. No Committee Amendments. Floor

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Amendment #1, offered by Representative Weaver, is approved for consideration."

Speaker Wojcik: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, Amendment #1 becomes the Bill. We were asked by the Governor's Office if we could move the date under which Sangamon State becomes a part of the University of Illinois from January 1 of 1996 to July 1 of 1995. That is essentially what this Amendment does."

Speaker Wojcik: "Any discussion? The Gentleman from St. Clair, Representative Hoffman, is recognized."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hoffman: "Now, Representative, this becomes the Bill?"

Speaker Wojcik: "Representative Weaver."

Weaver: "That is correct."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "This is in reference to the provisions that we passed with regard to not only putting Sangamon State with the University of Illinois system, but also the Board of Regents and the Board of Governors. Is that correct?"

Speaker Wojcik: "Representative Weaver."

Weaver: "No, this accelerates only the Sangamon State move to U of I. The other systems are not a part of this acceleration."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So, the Board of Regents and the Board of Governors still...don't become obsolete until January 1, 1996, as opposed to the provisions that you are proposing here which would make it July, 1995 for Sangamon State going into the University of Illinois. Is that right?"

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Speaker Wojcik: "Representative Weaver."

Weaver: "That is correct. I had a meeting this morning with some of the folks from the Board of Governors. Part of the problem, and we would love to accelerate both ends of this reorganization Bill; however, the problem is there are over one hundred pending lawsuits in the Board of Governors' system alone and we can't...we feel we cannot get that resolved by July 1. And so what we are doing is accelerating what we can accelerate."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "The... You indicated the Governor proposed this. Is there any reason why we don't want to make a different transition?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I'm not sure what you mean by different transition?"

Speaker Wojcik: "Representative Hoffman."

Hoffman: "I guess I just need...would like to know the underlying reason for the Governor's Office, why we can't wait until January of 1996 because I think...aren't there outstanding union agreements that this would effect?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, in our meeting yesterday with the folks from the University of Illinois, they have indicated not only willingness, but the preparedness to go ahead and start the simulation of Sangamon State into the system now and I think it would benefit all of us if we can get this underway as quickly as possible."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Will this in any way effect the election of U of I trustees or the provisions which would make the University of Illinois trustees appointed officials? Does this have anything to do with that?"

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Speaker Wojcik: "Representative Weaver."

Weaver: "No."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So, their term will still not expire until January 1, 1996. This in no way affects or decreases the current term of the elected U of I trustees."

Speaker Wojcik: "Representative Weaver."

Weaver: "It has no effect in that area."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So, if this Bill were to pass, are you saying that individuals that were to graduate in December of 1995, this coming December, they would have U of I diplomas as opposed to Sangamon State diplomas?"

Speaker Wojcik: "Representative Weaver."

Weaver: "That is my understanding."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So, individuals who have gone for three and a half years at Sangamon State and will only go for six months to Sangamon State as under the University of Illinois, would get a University of Illinois diploma?"

Speaker Wojcik: "Representative Weaver."

Weaver: "That is correct. Believe me, we have had a bigger problem with requests from people who graduated last year and the year before and the year before that who want their diplomas back dated with U of I on them. So, you have to have obviously, a division at one point in time somewhere."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, I guess my concern is there are no provisions for individuals who are in that situation. It will just be an automatic change to the University of Illinois. I mean, I think for an individual who goes to Sangamon State University and wants a U of I degree, that is a good deal,

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right? You go for one semester and you will get a U of I degree. I would assume that the shoe may be on the other foot...how be it only a few, but some people may want to receive degrees from Sangamon State University Government program that they may have went through as opposed to U of I. Are there any provisions with regard to that, if they would like to receive that type of degree as opposed to a University of Illinois?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, no matter when the transition occurs, you are always going to have some people who have been in school at Sangamon State for three years or two years or one year and then will get a U of I diploma."

Speaker Wojcik: "Representative Hoffman, bring your remarks to a close, please."

Hoffman: "I just have one final question. I appreciate the Chair giving me an extra minute. How does this affect in any way, and we made reference to it earlier, but I didn't quite understand, the present contract with regard to the union employees? How does this affect that by changing the effective date of the Act?"

Speaker Wojcik: "Representative Weaver."

Weaver: "No effect whatsoever. The contract will continue on its course until expiration as it would have under the other circumstance."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Thank you, Representative."

Speaker Wojcik: "There being no further discussion, Representative Weaver to close."

Weaver: "I just ask... I move for adoption of Floor Amendment #1 to House Bill 258."

Speaker Wojcik: "All those in favor of adopting Floor Amendment

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#1 signify by saying 'aye'; opposed saying 'nay'. The Motion is carried. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Wojcik: "Third Reading. Mr. Clerk, please read House Bill 741."

Clerk McLennand: "House Bill #741. The Bill's been read a second time previously. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative Biggert, has been approved for consideration."

Speaker Wojcik: "The Gentleman (sic - Lady) from Dupage, Representative Biggert, is recognized."

Biggert: "Thank you, Madam Speaker. I would move to withdraw Amendment #2."

Speaker Wojcik: "Any further Amendments?"

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

Speaker Wojcik: "Representative Biggert."

Biggert: "Thank you, Madam Speaker. Amendment 3 is...Let me just preface by saying Amendment #3 is the same as the Amendment #2 which was just withdrawn, except that it deletes all references to non-economic damages in the cases of sexual harassment. So, as far as any damages under this Act goes back to the original...the original Amendment."

Speaker Wojcik: "State your point."

Hoffman: "Madam Speaker, our Calendar indicates, on page 4, that the Floor Amendment #3 which it says was referred to Rules."

Speaker Wojcik: "Mr. Clerk, what is the status of Floor Amendment #3?"

Clerk McLennand: "Rules Committee Report earlier today reported that Floor Amendment #3 to House Bill 741 had been approved for consideration."

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Speaker Wojcik: "Representative Hoffman."

Hoffman: "Thank you. We were unaware that this had been approved for consideration."

Speaker Wojcik: "Before we go to you, Representative, up in the Gallery we have a large group of youngsters from the Irving eighth grade class from Maywood and they are here as the guests of Representative Eugene Moore, seventh district. Let us welcome them. Representative Biggert."

Biggert: "House Amendment #3 then, makes the following changes from Amendment #1 as heard in Committee. Number one, for changes filed after January 1, 1996, requests for review will be handled by the chief legal council of the department. Currently, the bulk of the work for requests for review are handled in the department and then go over to the commission for review and hopefully, this will help to streamline the process. Secondly, there is a change from to thirty days in which a complainant may reply to a respondent's response and this is changes to address the concerns that as far as Amendment 2, that fifteen days was inadequate for a time for a reply by the complainant. Thirdly, it adds that parties may participate in non-binding voluntary mediation. This is to codify a pilot project that has been successful in the Department of Human Rights. It also clarifies that a fact finding conference must be held by the Department of Human Rights prior to 365 days after the charge was filed and finding of substantial evidence or the charges dismissed for lack of jurisdiction. It requires the Department by rule to define good cause for the purpose of dismissal or default, for failure to attend a conference without good cause. And this change is to again, address the due process concerns that were raised by the other side of the aisle. It also revises the

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substantial evidence standard from a preponderance to a reasonable mind, clarifies that substantial evidence is limited to determining the need for further consideration of the charge. This revision addresses concern that the preponderance standard was too high and that the investigator would be considering issues more appropriate for the AJL. It restores the request for a review process and it addresses due process concerns. It eliminates the restriction of information disclosed at conciliation conferences be non-admissible in any subsequent proceedings and it was determined that such restrictions would severely hamper the conciliation process. It adds that the Commission by Rules shall define without delay for purposes of an administrative hearing officer's deciding a motion of summary judgement without delay. And again, it addresses due process concerns."

Speaker Wojcik: "Any discussion? The Gentleman from Cook, Representative Lang, is recognized."

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

Speaker Wojcik: "She indicates she will."

Lang: "Thank you. Representative, before I ask you a couple of questions about the Bill, I do want to make a statement. I will be rising in support of Floor Amendment #3. When this Bill first came out of Committee, I had grave concerns about it, many, many, many difficulties. But I wanted to be clear that while this is an area where there has been attempts to change the law before, I have been resistant, I want to commend the proponents of this Bill and Representative Biggert for working very closely with us on this side of the aisle to try to craft the Bill that speeds up the procedure and yet is fair to litigants. And while there may be some on this Floor that do not think this is a

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perfect proposal, I think it is gone a long way toward making this process better, more streamlined, and I think does provide due process rights to litigants and the Sponsors should be commended for their effort where they had a Bill here they might have been able to pass without Members on this side of the aisle, who were formerly opposed. They worked very hard to get our support. And I am proud to say that they have gotten mine and I am fully prepared to support it, but I do have some questions for you, Representative."

Speaker Wojcik: "Representative Lang, I thought it was too good to be true."

Lang: "Sorry. Let us make it very clear that the section regarding a prohibition to go for non-economic damages is now out in Amendment #3. Is that correct?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Correct. That is correct, Representative Lang, and let me just say thank you for all of the time that you have spent on this Bill and on this Amendment and your wise council as far as reaching the Bill that we have now."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. We should add Representative Scott in for some Kudos as well. He helped greatly. So, there is no prohibition now on non-economic damages and that was certainly critical in getting the support of many of the Members on this side of the aisle. The next question would be relative to appropriations, Representative. We are going to speed up the process. Will we need extra hearing officers and if we do, how will we pay for that?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Certainly because of the back log that we have now and to speed up the process, we are going to have to probably

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have more hearing officers. It is my belief that when this goes over to the Senate and comes back, by that time, we have really been working with the appropriations to see if they can find the dollars for us to increase the number of hearing officers. I don't know that this Bill can really go forward if we can't find further dollars in the budget. This has always been the problem, is that the department and the commission have always said, 'Well, we would really like to speed up the process, but we don't have the hearing officers, we don't have the money'. So, we have been working very closely with the appropriations to try and find the money."

Speaker Wojcik: "Representative Lang."

Lang: "Relative to the section regarding arrest information. Some of us had great concern in Committee that this arrest information could be used in a way that would embarrass or be used in a way that would be irrelevant to the action in the commission. My understanding is that you have cleared that up, but can you explain what changes you have made and exactly how the arrest information can be used?"

Speaker Wojcik: "Representative Biggert."

Biggert: "On page 2 of the Bill, I think it is clarified that the prohibition against the arrest information shall not be construed to prohibit the employer from using information as long as the person actually engaged in the conduct for which they were arrested. But they can know about the fact of the information...the fact of the arrest, but they cannot use that for terms of employment."

Speaker Wojcik: "Representative Lang..."

Biggert: "So, it expands the knowledge that an employer can have, but it does not let them use the arrest information for other purposes."

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Speaker Wojcik: "Representative Lang."

Lang: "What is the purpose of reducing from 210 to 60 days, the time for a respondent to respond to the charge. Is this just to speed up the process from both sides?"

Speaker Wojcik: "Representative Biggert."

Biggert: "That is correct. It does speed up the process for another 210 days to have somebody to respond. After they have made, first of all, the confidential report... The way that the Bill is drafted now, they will make a...they can make the confidential report, but at the same time, the verified report has to be made within 60 days. A verified response is merely saying that yes, there...the person was in an employee, yes that they admit to this and they admit to that and they deny that they did engage in that practice. So, to take 210 days to have to verify that response seems to be much too long and will speed up the process."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Representative Schakowsky, is recognized."

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

Speaker Wojcik: "She indicates she will."

Schakowsky: "Representative, I wonder if you would help me out. There are some groups that, despite your Amendments, still oppose the Bill. And I am wondering if I could just raise some of their concerns and hear your responses to it. Okay. Number one, it says the 365 day limit on investigations will hurt complainants and respondents. The department presently has at least 7000 charges awaiting an investigation. If the 365 day limit on investigation becomes law, especially without a substantial increase in appropriation, the department will have two choices: investigate pending charges with no attempt to meet the 365

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day deadline or process new charges and leave the 7000 cases in limbo. Either alternative has serious due process implications. Could you reply to that critique?"

Speaker Wojcik: "Representative Biggert."

Biggert: "I think that there is a distinction in new cases after January 1, 1996 when the new law will take effect. For the ones prior, they will still be under the old law where they can last for years and years and right now, we are looking at four and a half years before a complaint is ever brought. So, we are really trying to address that. For the old cases, and this has happened in the industrial commission where there was a huge backlog, and there were special lawyers brought in to try and get rid of the backlog and hopefully, something like that can be done. There is also, in this Bill, is the mediation which has been put in, which has been a pilot project. But if more of these cases can be done through mediation, it will take a shorter time. There is also the alternative dispute resolution, so that if more of these parties can go to those matters, the cases can be decided faster and we can get rid of this backlog. But it still remains to be seen that we need to address the backlog of cases and try and get rid of them. This happened in the industrial commission and hopefully, it can happen here."

Speaker Wojcik: "Could we please have a little quiet? It is very difficult to hear the debate. Representative Schakowsky."

Schakowsky: "Number two issue raised, it says, 'lack of investigations will overload the commission'. The investigation process separates out charges that have little merit. Without an investigation, almost all charges, including some weaker ones, are likely to move to the commission. All charges, regardless of their strength

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that do not have an adequate investigation, will require much more work at the commission level. Could you respond to that critique?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Actually, I don't agree with that because I think that this Bill really was to increase the investigation of the department and to really give them more responsibility by having to decide whether there was a charge that should be brought and to have...by substantial evidence. So, it really is increasing the look at the case that the department has by proving that there was substantial evidence and putting that in writing in the order, so that when it goes to review, that it is written down and when it goes to the commission, that is written. So, I think just the reverse will happen there."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "Thank you. For number three, it says, 'requests for review to the department legal council may not be independent evaluations'. It may be advantageous, it says here, both structurally and politically for the department..."

Speaker Wojcik: "Representative Biggert, continue please. You stopped."

Schakowsky: "I'm sorry. For the chief legal council to uphold decisions...Oh, I get it. For the department legal council to uphold decisions of the investigation staff. Agencies that review their own decisions, generally do so with an independent review office. So, this is questioning the in-house review process."

Speaker Wojcik: "Representative Biggert."

Biggert: "I think that we are really doing more or less what is being done right now. Usually what happens is, that the

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department does this. It's been reviewed by the director of the department and then it goes over to the commission, but that is more or less a rubber stamp. I think they are going to get a better review process here and this probably is the only administrative review process where there are two agencies involved..."

Speaker Wojcik: "Representative, you might want to speak on the Bill. We were going to bring it to a close. Representative Schakowsky."

Schakowsky: "Well, I feel still, that even with this Amendment, that there are a number of important questions outstanding. I feel at this point, on Second Reading with this Amendment, I am compelled to vote 'no' and I will certainly make every attempt to work with the Sponsor to answer my concerns. But so far, I don't feel that they are adequately answered."

Speaker Wojcik: "There being no further discussion, Representative Biggert to close."

Biggert: "Thank you, Madam Speaker. Amendment...Floor Amendment #3 becomes the Bill and is to amend the Human Rights Act, it is to streamline investigative and adjudicated processes of the Illinois Human Rights Commission and Department, and I would ask for a favorable consideration of Amendment #3."

Speaker Wojcik: "The Lady moves the adoption of Amendment #3. All those in favor signify by saying 'aye'; all those opposed 'nay'. Motion carried. Third Reading. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments. A fiscal note and a judicial note have been requested on the Bill, as amended by Amendment #3. They have not been filed. Note requests have been withdrawn."

Speaker Wojcik: "Third Reading. Mr. Clerk, please read House

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Bill 748. Committee Reports."

Clerk McLennand: "Committee notice: the House Rules Committee will meet on Tuesday, April 25, at 3:00 p.m. in the Speaker's Conference Room. Rules Committee - 3:00 p.m. in the Speaker's Conference Room. House Bill #748. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #4, offered by Representative Saviano, has been approved for consideration."

Speaker Wojcik: "The Gentleman from Cook, Representative Saviano, is recognized. Out of the record. What purpose does the Lady from Cook, Representative Jones, rise?"

Jones, S.: "Yes. Ms. Speaker, on House Bill 238, someone pushed me 'present' and I wanted to vote 'yes' on House Bill 238."

Speaker Wojcik: "The Journal will so reflect."

Jones, S.: "Thank you."

Speaker Wojcik: "The Lady from Cook, Representative Lou Jones, is recognized."

Jones, L.: "Thank you, Madam Speaker. Someone inadvertently pushed me 'present' on House Bill 238. I would like the record to reflect that I am a 'yes' vote on that Bill."

Speaker Wojcik: "The Journal will so reflect."

Jones, L.: "Thank you."

Speaker Wojcik: "Mr. Clerk, please read House Bill 931."

Clerk Rossi: "House Bill 931 has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. No further Floor Amendment."

Speaker Wojcik: "Third Reading. Mr. Clerk, please read House Bill 950."

Clerk Rossi: "House Bill 950, a Bill for an Act amending the Disabled Persons Rehabilitation Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment

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#1, offered by Representative Ryder, has been approved for consideration."

Speaker Wojcik: "The Gentleman from Jersey, Representative Ryder, is recognized."

Ryder: "Thank you, Madam Speaker. This Amendment, which was approved in Committee, is at the request of the Illinois Healthcare Cost Containment Council which does provide a system for collecting and analyzing outpatient surgical data. I'd be glad to answer any questions if you have any."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Dart, is recognized."

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

Speaker Wojcik: "He indicates he will."

Dart: "Representative, the thrust of this is giving new duties to the Healthcare Containment Council. What is the primary duty that they are going to be required?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, my understanding of their duties is to obtain information and costs to make analysis of ways in which the state can contain healthcare costs. Surgical centers, which we discussed a little bit yesterday in our gnome discussion, surgical centers are ambulatory surgical centers are a relatively new form of the delivery of healthcare. And the Healthcare Cost Containment Council wanted to be able to obtain information about them to see if this is indeed the kind of savings that we all hope that it is in a way of reducing or at least leveling healthcare costs and that is what they have asked to do. And the Amendment that is provided for you is with the agreement of those folks who are interested with the surgi centers."

Speaker Wojcik: "Representative Dart."

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Dart: "Thank you. The individuals like the Hospital Association and the like, are they in support of this?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, they have participated with the drafting of the Amendment. So not only are they aware of the Amendment, they have been part of this process."

Speaker Wojcik: "Representative Dart."

Dart: "In the references to this in regards to a pilot study, what do they mean by the 'pilot study'?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, the existence of ambulatory surgical centers are indeed a pilot project right now. In fact, they are just getting of the ground. In a few moments, I hope to have an Amendment that does increase the opportunities for that kind of health delivery system. But because it is a pilot project, the Healthcare Cost Containment Council has responsibilities to gather data to see if this does work. As a result, they are asking for this specific Amendment in order to accomplish that goal. Since I am the person that is helping to establish the system of pilot projects for surgi centers, I feel a responsibility to give to them, information so that they can do their job as well."

Speaker Wojcik: "Representative Dart."

Dart: "Is there going to be any additional costs involved with this by having the council do these additional..."

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative Dart, in all of my discussions, and they have been extensive on this issue with the gentleman from the Healthcare Cost Containment Council, he has not once indicated that there would be any additional cost to them. In fact, this is simply doing their job."

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Speaker Wojcik: "Representative Dart."

Dart: "I saw one part of the provision, and I could be misreading this, it says the council shall seek authorization from the General Assembly prior to beginning collection of all defined data from treatment centers. Why is that?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, if you would make reference to that in the Bill, I don't have a copy of the Bill in front of me, I would be happy to try to answer that for you, sir."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. Just one minute please. On page 8, line 20 of the Amendment, it talks about the council, 'shall seek authorization from the General Assembly prior to beginning the collection of all defined outpatient surgery, data from all license free standing ambulatory surgical treatment centers and hospitals'. I was wondering why that was necessary, why we aren't giving them the authorization within this Amendment itself."

Speaker Wojcik: "Representative Ryder."

Ryder: "Because it was an answer to your previous question. If it is going to cost more money than they have to spend, they come back to us. That is a way of putting a limit on their expenditure."

Speaker Wojcik: "Representative Dart."

Dart: "Nothing further. Thank you."

Speaker Wojcik: "There being no further discussion, Representative Ryder to close."

Ryder: "It has been discussed. I would appreciate your favorable vote."

Speaker Wojcik: "All those in favor of voting for Amendment #1 signify by saying 'aye'; all opposed say 'nay'. The Motion carried. Mr. Clerk, any further Amendments?"

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

Speaker Wojcik: "Representative Ryder, for what purpose are you seeking recognition?"

Ryder: "Inquiry of the Chair, if I may please."

Speaker Wojcik: "State your inquiry."

Ryder: "Is it correct status of the Bill that a fiscal note, as amended, has been filed?"

Clerk Rossi: "A fiscal note has been filed on the Bill, as introduced. A fiscal note, as amended, has been requested on the Bill and has not been filed."

Speaker Wojcik: "Representative Ryder."

Ryder: "Thank you. I answered honestly, the questions of Representative Dart concerning the financial consequences of this Bill. I believe that therefore, the cost is not a problem and for that reason, I would move that the fiscal note be ruled to not apply. I move that would be inapplicable."

Speaker Wojcik: "The Gentleman moves that the fiscal note on Amendment #1 is inapplicable. Any discussion? Representative Granberg."

Granberg: "Thank you, Madam Speaker. I am not sure why Representative Ryder responded that he honestly answered, because I assumed Representative Ryder answers honestly all the time. So, I don't know why he'd preface that, but I assume that the man is always honest. He wouldn't have to say he honestly answered. I know he is very responsible fiscally, but I do believe there is a requirement and since this Bill does say that the Healthcare Cost Containment Council has to undertake additional responsibilities, there obviously needs a response from that party, from that group, as to what those costs will be. Representative

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Ryder, to his credit, indicated honestly to Representative Dart what he thought the costs were, but the Fiscal Note Act is there for this very reason, to determine the costs involved on any legislation. That request has been filed in a timely manner. There is a cost involved because given the Governor's Budget, certain figures are applicable already for the Healthcare Cost Containment Council. The fiscal note is applicable and I would ask that the people vote accordingly."

Speaker Wojcik: "The question is, 'Is the fiscal note inapplicable?' All those in favor by saying 'aye'; all opposed say 'nay'. The Motion carried. Third Reading. For what purpose does the Gentleman from Clinton, Representative Granberg, rise?"

Granberg: "Madam Speaker, inquiry of the Chair. I believe the statute requires a majority vote, not an oral Roll Call or not an oral vote."

Speaker Wojcik: "Mr. Clerk for an announcement."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. Repeating: the Rules Committee is meeting immediately in the Speaker's Conference Room."

Speaker Wojcik: "Mr. Granberg, for what purpose do you rise?"

Granberg: "Thank you, Madam Speaker. To request on the vote on the Motion to declare the fiscal note inapplicable and if not on that Motion, then we would say the Chair acted in error."

Speaker Wojcik: "Representative, the Chair does not believe that we acted in error; however, we will give you the vote anyway. On the Motion...The Motion is, 'Is the fiscal note inapplicable?' All those in favor signify by saying 'aye' or by voting 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Mr. Clerk, take the record. On that Motion, there are 63 'ayes', 51 'nays', 0 voting 'present', and the Motion is carried. Third Reading. Would all those Members of the House who are Polish, please come up to the podium? Ladies and Gentlemen of the House, it gives me great pleasure to introduce the Polish Council, General Mical Grocholski, who is visiting the Illinois House of Representatives. Mr. Grocholski assumed the duties of council general, minister, plenty 'potentiary' on March 9, 1992. In 1990, Mr. Grocholski joined the diplomatic service of the first solidarity lead government of the republic of Poland. Before his appointment at the present post and the council of general of Poland in Chicago, he served as the minister's council in the Polish Ministry of Foreign Affairs, heading the analysis division in the Department of Foreign Economic Relations. Mr. Grocholski has been previously working in the capacity of conciliate at the Polish Chamber of Foreign Trade. He was responsible for export promotion programs as well as bilateral economic committees. In the preceding years, he supervised various bilateral activities of the chamber with Arab and African countries, with Scandinavian countries, with India, in which time he was appointed the head of the Polish Trade Promotion Center in New Delhi. Mr. Mical Grocholski, for many years, lectured at seminars and conferences of international chambers of commerce. He published articles on public relations and trade promotion. He gained his first professional experience in import/export of construction machinery and first license agreements between polish industry and foreign partners in 'Polinex' Corporation in Warsaw. In 1961, he graduated from the Institute of Oriental Studies, University of

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Warsaw. Mr. Grocholski is married to Juleta 'Racolvich' Grocholski. His main hobbies are classical music, forest hiking and cross country skiing. Mr. Grocholski is a guest of the Treasurer of the State of Illinois, Judy Barr Topinka, and will be speaking to us about the Polish Constitution Day, which is on May 3. Let us welcome Mr. Grocholski."

Mical A. Grocholski: "...Majority and Minority Leaders and Representatives, I am very honored to have today an opportunity to address this distinguished Body and I would like to thank all of you for your generous invitation. I am thankful in particular to the State Treasurer, Ms. Judy Barr Topinka, for the initiative in this respect as well to Representative Kay Wojcik for your kind introduction. It is already five years since the changes secured by the solidarity movement and the issuing first free election, which took place in Poland in 1989, started the new chapter of the history of my country. It is appropriate today to address one issue. On the third of May, we will celebrate in Poland, the constitution day that since 1990 became once again, a national day observed in Poland. I wanted to recall how all it started. At the end of the...teenth, three constitutions were produced, considered the first modern constitution in the World, the American - September 17, 1787, the oldest one. The second in the World and the first in Europe, the Polish Constitution of May 3, 1791, preceding the French Constitution of September, 1709, only be several months. Thus, Poland emerged as a constitutional monarchy in a period when other major European countries were...which in our century's political terminology, could be called solitarian monarchy. The modern political system of the United States was upheld

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against colonial domination in the fire of American War of Independence. Francis Scott Key was able to write his Star Spangled Banner because he saw a free flag over Fort McHenry which told him that the brave and the free had met the invaders. Among those brave and free, were two distinguished...the mastermind of Saratoga and the...of certification...whose I am told by the Treasurer, whose monument is going to be renovated just now on the solidarity drive in Chicago. And the other one who...their own in Saratoga, General Casimere Pulaski, whom we call the father of the American cavalry. They offered the skills to the noble cause of the jeffersonian state of the independent states. At the same time and later on, polish freedom fighters could also defend their country and their new constitution against the prevailing forces of three neighbor powers. But our red and white flag had to be taken abroad. Our cities were overrun and the wealth of our national anthem of Poland has not perished as long as we lived, had to be written by a polish officer in exile in Italy. Foreign rule and the economic exploitation forced thousands of people to seek political asylum or just better economic conditions abroad in such a manner, forefathers of many of the Americans of polish origin arrived here. Nevertheless, the traditions, legends, and myths of the constitution of May 3, proliferated. They developed and strengthened the nation of consciousness and helped a nation divided among three partitioning powers to the last through 123 years, a long period for an occupation. Only here in the United States, Polish Americans gathered today to continue the tradition of the free nation. Also this year, I will be proud to participate next week in a wreath lying ceremony at the the...monument at Solidarity Drive,

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solomned masses in the churches of Chicago and the parades downtown of the City. When I came to Chicago to enter my new duties, I learned that the eighty-seventh General Assembly...of the State of Illinois, passed a Resolution commemorating the 200th anniversary of the Polish Constitution. Could I kindly ask for your attention to remind you one passage of that Resolution? The Polish Constitution of 1791 will forever stand as a banner for the long struggle of freedom for people throughout the history of the World and serves as a reminder that the freedom is constant effort that never should be taken for granted. Therefore, be it resolved that we congratulate the polish people and the anniversary of the Polish Constitution...that kept this struggle for freedom alive in Poland and serves as a catalyst for those people throughout the world who are today struggling for their freedom. Let me take the opportunity of being here in person to thank you for commemorating this anniversary by your noble Resolution. It will be of encouragement to our legislators who are working at the present on a new constitution suitable for present day Poland. And thus, perhaps next May, 1996, the polish nation will celebrate not only the 205th anniversary of the first modern European constitution, but also a new set of laws and publications leading our cities into the 21st century...revitalized tradition founded by 18th century enlightenment. Would you permit me now to print a copy of our first constitution from 18th century to the Chairman of this Session. Perhaps, it will be suitable to have in your library. It is an English translation that appeared in London in the same year, 1791."

Speaker Wojcik: "In Polish, we say 'jenkuya' I think a few words

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from our State Treasurer, Judy Topinka."

Judy Barr Topinka: "Well, I thank you all for honoring the Polish Council and his good wife here today and to acknowledge your fellow colleagues here, standing behind the Polish Council who are indeed, you know, of Polish extraction of Polish heritage and who bring great honor to that heritage by serving in this really august group. So, thank you very much for letting us all come and participate today."

Speaker Wojcik: "Mr. Clerk, please read House Bill 991."

Clerk McLennand: "House Bill #991. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #7 is offered by Representative Weaver, is approved for consideration."

Speaker Wojcik: "The Gentleman from Coles, Representative Weaver, is recognized."

Weaver: "Thank you, Madam Speaker. Amendment #7 is our...hopefully, our last and final effort at trying to appease everyone who has an interest in the definition of a school psychologist. We had met with and offered our previous Amendments to try and adapt the Bill to meet concerns of school counselors and clinical psychologists and now this final Amendment is on behalf of some concerns expressed by the Medical Society through their psychiatrists, and hopefully, if they don't prove to be more neurotic than I have heard they are, this is going to satisfy all of the concerns of everyone involved with the statutory definition of the tasks of a school psychologist and I will be happy to answer any questions that folks may have."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Dart, is recognized."

Dart: "Thank you. Just a couple...a few questions. Would the

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Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Dart: "Representative, just to reiterate. This is something now that everybody is on board with?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I certainly hope so. I'm getting awful tired. Seven Amendments is absolutely, I think, going as far as we possibly can to try and appease everybody."

Speaker Wojcik: "Representative Dart."

Dart: "To the best of your knowledge, there were different groups who had opposed this Bill into different versions. To the best of your knowledge, did the major groups, the ones that would be sending all of us here different letters against the Bill, are those people signed onto this now in this present form?"

Speaker Wojcik: "Representative Weaver."

Weaver: "All the major groups are somehow related to this field. The concerns that were expressed that we tried to address in the Amendment 7, is that in cases where you may have a traumatic experience at the school, one of the students dies or there is a traffic accident or something, that those other related psychological professionals such as psychiatrists, such as clinical psychologists can actively participate in the...on a consulting basis, in and around the school system. Not that they are going to be permanent school psychologists, but that they can come in on occasion when needed and consult with the school or the parents of school children involved in a traumatic experience."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. Representative, my understanding...it has been relayed to me that the Med society is still opposed to this Bill in whatever form. Do you know that one way or the

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other?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I talked with them three times yesterday. They were going to check and get back to me. If that in fact is the case, I will refuse to run the Bill on Third. Like I said, I am tired of it. I have tried everything I know how to appease everybody involved with this. If for some reason, they still are neurotic about this Amendment, I will simply sit on the Bill and not call it on Third."

Speaker Wojcik: "Representative Dart."

Dart: "Just for my edification, can you tell me what was their problem they had with this Bill and what was done to address...what you had done to address it, just so I can understand or try to understand what it is?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, they were concerned that anybody in any profession would want to put their tasks or their job description in statute. That was it."

Speaker Wojcik: "Representative Dart."

Dart: "Well, I think in regards to the Amendment, the Amendment seems to be straightforward and those changes that you have made here, I really can't see any reason why...Like you, I guess...I rise in support of the Amendment and especially given the amount of time these Sponsors put into this, it is rather apparent. Just as importantly, if you are anybody who has problems, whether it is from the Med Society or from some of the other organization, the Sponsor has given a commitment to hold this Bill if, in fact, it turns out that this is something they can't agree to. Thank you."

Speaker Wojcik: "Any further discussion? There being none, Representative Weaver to close."

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Weaver: "Thank you, Madam Speaker. If this Amendment doesn't do it, it cannot be done. I ask for a favorable approval of Amendment #7 to House Bill 991."

Speaker Wojcik: "All those in favor of Amendment #7 signify by saying 'aye'; opposed say 'nay'. The Motion carried. Mr. Clerk, any other Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Wojcik: "Third Reading. Mr. Clerk, please read House Bill 1055."

Clerk McLennand: "House Bill #1055. The Bill's been read a second time previously. Floor Amendment #1, offered by Representative Kubik, has been approved for consideration."

Speaker Wojcik: "The Gentleman from Cook, Representative Kubik. Out of the record. Mr. Clerk, read House Bill 748."

Clerk McLennand: "House Bill #748. The Bill's been read a second time previously. Floor Amendment #4, offered by Representative Saviano, is approved for consideration."

Speaker Wojcik: "The Gentleman from Cook, Representative Saviano, is recognized."

Saviano: "Thank you, Madam Speaker. Members of the House, Floor Amendment #4 has four different provisions in it. Number one, the first item is language which would put us and the Department of Professional Regulation in compliance with the NAFTA agreement. The Amendment deletes citizenship and legal alien requirements in the licensing Acts affecting the following professions: clinical psychologist, dentist, funeral directors and embalmers, marriage and family therapists, doctors, nursing home administrators, optometrists, podiatrists, speech and language pathologists, audiologists, veterinarians, architects, land surveyors, shorthand reporters and collection agencies. The second phrase in the Bill amends the Environmental

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Health Practitioner Registration Act, cleanup language which changes the regulation to a licensing Act from a registration Act, establishes requirements and procedures for administration of the Act. It is a DPR cleanup language. The third item amends the Hearing Aid Consumer Protection Act, the Consumer Fraud and Deceptive Practices Act and the Healthcare Workers Self Referral Act to change references to hearing aid...from hearing aid to hearing instrument. The last matter of the Amendment pertains to and clarifies definitions in the Hearing Aid Consumer Protection Act, establishes requirements and procedures for the sale of hearing instruments by mail order. The Bill itself, the main thrust of the Bill, is the Cosmetologist Act...Licensing Act, the Health Practitioners Act and the NAFTA conformance language. Pretty much, all of this is agreed language, with all the different professions and the Department of Professional Regulation, and I would ask that the Amendment be adopted."

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

Granberg: "Will the Gentleman yield?"

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Saviano, on the first provision of Amendment #4, you discuss the language so that we would come in compliance with the NAFTA agreements. Why is that language necessary in this Bill, Sir?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Under the NAFTA agreement, we could include all of the qualification aspects of licensing, but we can't use residency as a element to bar licensure."

Speaker Wojcik: "Representative Granberg."

Granberg: "Is that the only provision that's effective with the

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professional regulation through the NAFTA agreement?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Yes, Representative."

Speaker Wojcik: "Representative Granberg."

Granberg: "If we did not do this, Representative, would there be some federal compliance issue involved?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Representative, if we didn't do it, federal law would supersede, but we felt more comfortable to have the language in the Licensure Acts, so it's explicit and we're in strict compliance."

Speaker Wojcik: "Representative Granberg."

Granberg: "Is the federal language exactly the same as what we're putting in your Bill, Representative? When you say it supersedes, is there some reason for that, that it's different than what you're attempting to do in your Amendment?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Representative, to comply with the NAFTA language, all we're simply doing is striking that provision which says that they...which inserts the residency requirements."

Speaker Wojcik: "Representative Granberg."

Granberg: "I think I understand, Representative, but you indicated that the Federal Law would supersede. So, why do we have to do it in this, in your Bill? Yet the Federal Law does, in fact, have the responsibility. Are the two, is the language the same in both the federal provision and in your Bill?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Well, as you can see, I named all the professions that were pertinent with this language. We just want to avoid any, any conflicts that may arise and make sure that all

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these...there's uniformity across all the different professions. We don't want any problem down the line with the different professions having different language. This, by removing that from all the Profession and Licensure Acts across the board, this way we avoid any of that...any of that taking place."

Speaker Wojcik: "Representative Granberg."

Granberg: "So, essentially you're saying, Representative, that we're putting this in the State Statutes to be, to clarify the position and the NAFTA impact. Is that the rationale?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Again, we're not putting anything in there. We're taking it out across the board to be in strict compliance."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you. And, Representative, I noticed on page 17 of your Amendment, they discuss the Board that is created, I believe, the Board of Environmental Health Practitioners. Is this a new Board, Representative?"

Speaker Wojcik: "Representative Saviano."

Saviano: "It is not a new Board. We simply, under the previous Act, it was a Registration Act with the Board in place. We just reorganized the Board and now made it a Licensing Act."

Speaker Wojcik: "Representative Granberg."

Granberg: "The necessity for re-organizing the Board, is that because a certain provision was changed in your Amendment, Representative?"

Speaker Wojcik: "Representative Saviano."

Saviano: "Under a previous Bill, which was sponsored by Representative Mautino and Representative DeJaegher, would changing it to a Licensure Act, the Board itself, we couldn't implement the new Licensing Act under the old

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configuration of the Board."

Speaker Wojcik: "Bring your questions to a close, Representative."

Granberg: "So, Representative, when we...when there is language in your Amendment discussing the ability to receive compensation for the Board members, so I assume, Representative, this is not...I assume, Representative, that this is not new compensation for a new Board, that this was, in fact, a rewrite of the existing legislation. So I'm just trying to calm Members, that they're not voting for any type of new salary increase or additional compensation. But, in fact, this has been the existing law for a number of years. This does nothing new to add any additional compensation. This mirrors the exact language from previous legislation, so the compensation is the same. It has nothing new to add any fees or taxes or anything of that nature for Board members' salaries or per diem. Is that correct?"

Speaker Wojcik: "Representative Saviano."

Saviano: "That's absolutely correct."

Speaker Wojcik: "There being no further discussion, Representative Saviano, to close."

Saviano: "Hello. I would ask that the Amendment be adopted. Thank you."

Speaker Wojcik: "The Gentleman moves the adoption of Floor Amendment #4. All in favor signify by saying 'aye'; opposed 'nay'. The Motion carried. Mr. Clerk, any other Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Wojcik: "Third Reading. Committee Reports."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman of the Committee on Rules, to which the following

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Bills were referred, action taken on April 25th, 1994, reported the same back with the following recommendations: 'do approve' for consideration Floor Amendment #8 to House Bill 301, Floor Amendment #2 to House Bill 359, Floor Amendment #6 to House Bill 1069, Floor Amendment #2 to House Bill 1322, and Floor Amendment #3 to House Bill 2221; also approved for consideration are the following Resolutions: House Resolution #31, House Resolution #32, and House Resolution #38."

Speaker Wojcik: "What purpose does the Gentleman from Rock Island, Representative Brunsvold, rise?"

Brunsvold: "Thank you, Mr. ...Madam Speaker. The Democrats would like to have a conference immediately -- Room 118."

Speaker Wojcik: "Representative, how much time do you want?"

Brunsvold: "Approximately an hour."

Speaker Wojcik: "You'll be back here at 4:30? Okay, Representative Biggert, for what purpose do you rise?"

Biggert: "Thank you, Madam Speaker. The Republicans will caucus in Room 114 immediately, also."

Speaker Wojcik: "The House will now stand in recess until 4:30...for purpose of the Democratic and Republican Conferences."

Clerk McLennand: "Introduction of Resolutions. House Resolution #39, offered by Representative Madigan. Rules Committee."

Anonymous: "Hi. Hi, Mr. Speaker. Testing one, two."

Speaker Ryder: "The House will be in order. Unauthorized personnel please leave the House floor. Mr. Clerk, announcement on Supplemental Calendar."

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

Speaker Ryder: "Thank you, Mr. Clerk. Returning to the Order of House Bills - Second Reading. Mr. Clerk, read House Bill 1124. Mr. Clerk."

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Clerk McLennand: "House Bill #1124, a Bill for an Act concerning transportation. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative Saviano, is approved for consideration."

Speaker Ryder: "Thank you. Representative Ryder in the Chair. Representative Saviano on Floor Amendment #2, Representative."

Saviano: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 to House Bill 1124 is an Amendment to put us, which was negotiated between us and the Secretary of State's Office, our upstate towing companies and our downstate towing companies. This Amendment is an agreed Amendment to House Bill 1124 to take any further opposition out of the Bill."

Speaker Ryder: "Thank you. The Gentleman from Clinton, Representative Granberg."

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

Speaker Ryder: "The Gentleman indicates he'll yield for a question, Representative."

Granberg: "Thank you, Mr. Speaker. Representative... Representative Saviano, this now becomes the Bill? House Amendment #2."

Speaker Ryder: "Representative Saviano."

Saviano: "Representative, this adds to the Bill. It does not become the Bill. Amendment #2, to get into some of the specifics, changes the number of days a vehicle must wait before it is considered abandoned from 15 days to 30 days after being towed from a highway or from public or private property under the authorization of a law enforcement agency. This change was at the request of the insurance industry. It provides the owner or operator is liable to

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the towing service for collection costs, in addition to removal, towing, storage and processing costs performed under the order or authorization of a law enforcement agency. All the provisions set forth in Amendment #2 in...in the Amendment adds to uniformity on how towing companies operate across the state. There's...most of the provisions in here are consumer friendly, which protect the consumer from unscrupulous tow truck operators."

Speaker Ryder: "Representative Granberg."

Granberg: "Representative Saviano, you indicated that cost would be incurred by the towing operators for storage of the vehicles. At least they would be able to assess the owners of the vehicles, the cost for that storage. How would those costs be determined and what would be included in those costs?"

Speaker Ryder: "Representative Saviano."

Saviano: "The cost is set forth by whatever storage facility is storing the vehicle."

Speaker Ryder: "Representative Granberg."

Granberg: "So, assume hypothetically, a towing company tows this vehicle and keeps it on its property. Now, according to your language, I believe, the length of time that they can do that or should do it is now increased from 15 days to 30 days. So they have to keep the vehicle on their property for at least 30 days before they can dispose of it, I assume. Now for that time period, which is now increased to 30, they apparently can assess costs for the storage of that vehicle. That's what I'm asking, Representative Saviano. How they can actually assess cost or do they have to go to someone else to pay them for storage and, in fact, those costs brought back to the owner of the vehicle or can the towing company itself store the vehicle that assessed

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cost to the owner?"

Speaker Ryder: "Representative Saviano."

Saviano: "Previous to this, the insurance industry wanted it up to 45 days. We reduced it to the 30 days. The reason we made it from 15 to 30 days was to give that consumer enough time to realize where his vehicle was. Lots of times, the consumer by the time he found out his car was towed, say he was out of town. He'd come back after 15 days. The car would be salvaged or whatever, and he'd be out without his vehicle."

Speaker Ryder: "Representative Granberg."

Granberg: "But the, I'm sorry, the question was, Representative, so hypothetically the towing company grabs his car. They are now required by your language to hold it for at least 30 days. And I understand why; I understand the rationale. So that towing company grabs the car, keeps it on their lot. I think, according to your language, they can assess the costs incurred for the storage of that vehicle for that 30 days or longer. What types of costs can they then assess the owner of that vehicle for that storage?"

Speaker Ryder: "Representative Saviano."

Saviano: "Well, we don't set the..."

Speaker Ryder: "Representative Saviano."

Saviano: "Representative, we don't set the cost. There's traditionally a...an agreed upon price within the towing industry. I couldn't put a dollar amount on it, but you are correct. Whatever the storage house or the towing company, whatever the assessed fee is, that's what they pay."

Speaker Ryder: "Representative Granberg."

Granberg: "That was the question, Representative Saviano. What...Your Amendment says they can be, I think it says,

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they can be assessed the cost for storage. It doesn't say what cost. So, and my time's going to expire, but if you could address this, please. If that towing company holds the automobile in storage, it does not procure with someone else to hold the automobile, if they keep it on their own property. So the towing company holds the vehicle on their..."

Speaker Ryder: "Representative Granberg, please bring your remarks to a close."

Granberg: "Thank you, Mr. Speaker. So the towing company does not contract with a third party to store the vehicle. Right? They do not. The towing company stores the vehicle on its lot or on its property. Right? So, how are costs assessed? How are they determined? First of all, what's included in the term, 'cost' and what can be assessed? Can they assess a cost that they determine to be fair on a daily basis? Or what types of cost can be involved? I know...I think you have title research cost, but can they assess the owner of that vehicle \$30 a day for storage? What basis in reality, how do they determine what they can charge that person who owns the vehicle? Because I think by your Amendment, they can charge them for those costs. So, what are the costs and how do they determine that figure and are there any limitations on what they can charge?"

Speaker Ryder: "Representative Saviano. Representative Saviano."

Saviano: "I think what you're making a good point. The point of the matter is, is that these towing companies are contracted by the law enforcement agencies, okay. The law enforcement agencies, by contract, set these prices or these fees, okay. And during the negotiation process with the Secretary of State, we confided in with the State

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Police and the local police departments that they would not allow these excessive...any excessive fees to be charged. Okay, whatever the acceptable...it's a norm. It's a norm that they have...Hey, Dino. We already had a safeguard in place with the fact that the law enforcement agencies being the ones that contract this service, they would be the ones to maintain that the fees weren't excessive."

Speaker Ryder: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Ryder: "He indicates that he will. Representative Hoffman."

Hoffman: "Representative, just to follow up on some of Representative Granberg's questioning, with regard to determining of the fee. I think we need to figure out who exactly determines the fee and how much that fee can be?"

Speaker Ryder: "Representative Saviano."

Saviano: "If you have a copy of the Amendment, Amendment #2, it has on line 16, starting on line 16 on page 1, 'The owner, operator or other legally entitled person shall be responsible to a towing service for payment of applicable removal, towing, storage, processing and collection costs associated with any services performed under the order or authorization of a law enforcement agency. If a vehicle towed under the order or authorization of a law enforcement agency is seized by the ordering or authorizing agency, or any other law enforcement agency or governmental agency, and sold any unpaid removal, towing, storage or processing costs shall be paid to the towing service from the proceeds of this sale.' You have to realize, alright it says that, 'The payment may not, however, exceed the amount of proceeds from the sale with the balance to be paid by the

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owner, operator, or other legally entitled person.' You have to understand, this Bill, this Amendment is targeted at abandoned vehicles. It's not a 1995 Cadillac; it most likely would be a 1972 Chevy, which is frankly worthless. A person who has a new car towed is going to have the incentive to go get his car right away."

Speaker Ryder: "Representative Hoffman."

Hoffman: "The Bill generally is regarding the entire towing industry, not just abandoned vehicles. Isn't that right? Where the Amendment is regard to when it's towed by a law enforcement order. Is that right?"

Speaker Ryder: "Representative Saviano."

Saviano: "It's determined through the normal course of business. Whatever the going rate is that the law enforcement agencies is acceptable then."

Speaker Ryder: "Representative Hoffman."

Hoffman: "But we're insuring by what you read earlier, that there is an upper limit whereby somebody can't get stuck for more than the amount that the car is sold for. Is that right?"

Speaker Ryder: "Representative Saviano."

Saviano: "That is correct."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Does this anywhere indicate what the definition of an abandoned vehicle would be? So that some person may not consider his vehicle to be abandoned, he may be coming back, but because of unfortunate circumstances, cannot get back to that vehicle for a day or two, and then gets stuck with a huge cost when he just really intends to come back and get it, not abandon it."

Speaker Ryder: "Representative Saviano."

Saviano: "Yeah, in the Bill it clarifies...clarifies the definition of abandoned vehicles to include vehicles towed

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pursuant to police order, which are not claimed by the owner within 30 days."

Speaker Ryder: "Representative Hoffman."

Hoffman: "So there is a 30 day period in which you can claim a piece of property. So, simply by leaving it on the side of the road, hoping to come back and get your resources together to come back and get it, isn't enough to have it considered abandoned. Is that right?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yeah, and I could also tell you that, as you know, law enforcement agencies have, during their course of business, slap one of those stickers on the window, give you proper notice before the vehicle is towed. So, the notice factor is satisfied, also."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Now is this provision, this Amendment, have you consulted with law enforcement agencies in coming up with this? They're in favor of it?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes. The local law enforcement agencies, the State Police, the different municipal conferences, this will...actually takes them off...I'm talking about the Bill also, because the Amendment itself is just some clean up. But it provides some uniformity in how these towing companies operate and it allows, for instance, consumers to go, if they don't have the cash, they must take credit cards now, where before they use to demand cash, otherwise we won't give you your vehicle. So, it's in a whole string of consumer protection language."

Speaker Ryder: "Representative Hoffman, your time is drawing nigh."

Hoffman: "Just one final question, and I'll be done. It's my

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understanding that this would increase, I don't think, I'm not sure the Amendment does, but somewhere it increased the penalty for abandoning a vehicle from \$50 to \$200. Who would collect that and where would that money go? Would that be able to be retained by the local law enforcement authorities or would we have to give that to towing authorities? Because I think...what we'd probably want to do is let the local law enforcement authorities retain that money. Is that where that will go to?"

Speaker Ryder: "Representative Saviano."

Saviano: "That's correct."

Speaker Ryder: "Seeing no further discussion, Representative Saviano, to close."

Saviano: "I would just ask that the Amendment be adopted. Thank you."

Speaker Ryder: "All those in favor of adopting Floor Amendment #2 to House Bill 1124 indicate so by saying 'aye'; those opposed, 'nay'. The 'ayes' have it; the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Saviano."

Speaker Ryder: "Representative Saviano."

Saviano: "Floor Amendment #3 was a technical Amendment, which we filed on behalf of the Department of Transportation. It deletes the word, 'cables' from the required parts of a towing vehicle that must be inspected by the Department of Transportation. I would ask for a...the Amendment be adopted."

Speaker Ryder: "And on that, the Representative from Clinton, Representative Granberg, Sir."

Granberg: "Thank you, Mr. Speaker, Sir."

Speaker Ryder: "You're welcome."

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Granberg: "Will the Gentleman yield?"

Speaker Ryder: "The Gentleman indicates he will, Sir."

Granberg: "Thank you, Sir."

Speaker Ryder: "You're welcome."

Granberg: "My pleasure. Representative Saviano, I read the Amendment earlier and you indicated this is, and I assume this is strictly technical in nature. It merely deletes that term so it has no substantive impact on the Bill, and this purely a technical change, nothing to do with the actual substance of the Bill itself."

Speaker Ryder: "Representative Saviano."

Saviano: "Well, like I said, this was at the suggestion of DOT, that we remove the word, 'cables' to take their opposition off the Bill."

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker."

Speaker Ryder: "You're welcome. Seeing no further discussion, Representative Saviano, to close."

Saviano: "I would ask that the Amendment be adopted. Thank you."

Speaker Ryder: "You heard the Gentleman. All those in favor of adopting Floor Amendment #3 to House Bill 1124 indicate by saying 'aye'; those opposed, 'nay'. The 'ayes' have it; the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Ryder: "Third Reading. Mr. Clerk, what is the status of House Bill 1153?"

Clerk Rossi: "House Bill 1153 is on the Order...or has been read a second time previously."

Speaker Ryder: "Any Amendments?"

Clerk Rossi: "Committee Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Saviano, has been approved for

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consideration."

Speaker Ryder: "Representative Saviano, on Floor Amendment #2."

Saviano: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Floor Amendment #2 to House Bill 1153 actually becomes the Bill. I want to go over some of these provisions. This Amendment was pursuant to an agreement that we had with various agencies, notwithstanding the Department of Conservation, Department of Transportation, the Motorcycle Dealers Association. All of this language in here has been agreed to, and I want to go through some of what the Amendment covers. It establishes a Recreational Trails Trust Fund to be administered by the Department of Conservation. No taxes or fees are included in the Amendment, but the Fund needs to be established so that federal funds authorized by the Sims National Recreational Trails Act of 1991 can be received. This is a...this is in cooperation with the Department of Conservation. Additionally, it defines an all terrain vehicle as any motorized off-highway vehicle 50 inches or less in width, weighing 750 pounds or less traveling on four or less low pressure tires and designed with the seat or saddle for operator use only. Requires that beginning January 1st, 1996, every new all terrain vehicle must have a certificate of title. Most ATVs are titled now, but this language makes titling requirements so that the Department of Revenue has a way of assuring that sales tax is collected on the sale of ATVs. Finally, it changes the protected relevant market area for motorcycle dealers from a 10 mile radius to a 15 mile radius in counties over 300,000 and from a 15 mile radius to a 20 mile radius in counties under 300,000 miles...or 300,000 people. I would ask for a favorable vote on this Amendment."

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Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Ryder: "The Gentleman indicates that he will, Representative."

Dart: "Initially, Representative, this Amendment becomes the Bill. Correct? This Amendment becomes the Bill?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes, it does."

Speaker Ryder: "Representative Dart."

Dart: "I may have to take a couple seconds to go through this, but this is a... Does this alter dramatically the original Bill as it came through?"

Speaker Ryder: "Representative Saviano."

Saviano: "Actually what we did was, we combined three Bills into one. The first portion regarding the Recreational Trails Trust Fund was a previous Bill that we had. We were working with DOT on. The second...second, third and...The second por... The second portion, which defines all terrain vehicles, was another Bill and two and three were that Bill and four was another Bill. We combined three Bills into one. That's what led to this Amendment."

Speaker Ryder: "Representative Dart."

Dart: "Thank you. Were there problems with any of those Sections, as they existed in their original form as those Bills? Or have we taken them verbatim as they were in those Bills?"

Speaker Ryder: "Representative Saviano."

Saviano: "Originally, the first part regarding the Recreational Trails Trust Fund was House Bill 1592. There was a problem originally because it imposed fees. We don't authorize any fees under this Amendment. We took that out. We simply

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created the Trust Fund so we could we receive the federal dollars that we're entitled to. Two and three were really in the other Bill, but it also included watercycles, and the watercycle manufacturers had an objection to that, so we took out the watercycles that included this language in here. And number four, finally, was House Bill 1154, which included a more...included the radius in more general terms. After negotiating with the var...with the motorcycle manufacturers, we tailored it for the different portions of the state to make it an agreement. And that's what led to this Amendment."

Speaker Ryder: "Representative Dart."

Dart: "Thank you. Now, are there...is there any opposition to these...to the Bills that exist now then?"

Speaker Ryder: "Representative Saviano."

Saviano: "Excuse me. I didn't hear the question."

Speaker Ryder: "Representative Dart."

Dart: "Is there any opposition left to the Bill in this present form with all these different changes in it?"

Speaker Ryder: "Representative Saviano."

Saviano: "No, it's been a long road, but we were able to remove all the opposition, Representative."

Speaker Ryder: "Representative Dart."

Dart: "Long road and treacherous terrain, right? In regards to the Motor Vehicle Franchise Act, the changes there. In regards to the Motorcycle dealers, it expands the radius to 15 miles for some, but in others only 25 miles. What's the rationale behind that?"

Speaker Ryder: "Representative Saviano."

Saviano: "Okay, it changes the protective relevant market area for motorcycle dealers from a 10 mile radius to a 15 mile radius in counties over 300,000 people which, of course,

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you have bigger counties, you could take a larger area, okay. In your smaller counties...in your smaller counties, the way...currently under current configuration, the motorcycle dealers that are presently in business, we made sure that we distributed those markets in an equitable manner and that's why the language is the way it is. I could sit here and diagram it for you, but I mean, that's why the language is the way it is."

Speaker Ryder: "Representative Dart."

Dart: "Has there been any concern voiced or has there been any problems that have been brought up in regards to whether or not certain motorcycle dealerships will be pushed out of their market because of this re-configuration or are they in agreement with this?"

Speaker Ryder: "Representative Saviano."

Saviano: "Representative, this Bill isn't for the Motorcycle Dealers Association. They made sure they protected all of their...all of their motorcycle dealers. This is similar to what goes on with auto dealers. They do the same thing. This way it's distributed equitably and everybody gets their fair share of the business."

Speaker Ryder: "The Chair recognizes the Gentleman from Effingham, Representative Hartke."

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

Speaker Ryder: "The Sponsor indicates that he will yield."

Hartke: "Representative Saviano, where are the...where are the Motorcycle Manufacturers on this Amendment?"

Speaker Ryder: "Representative Saviano."

Saviano: "Representative, they opposed the original language in the previous Bill. I have not heard from them since - since this was negotiated. At this point, they haven't worked the Bill. I haven't heard anything. When Mr.

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Foster brought this to my attention, he said he would deal with them, and I have to take it for granted that he's worked out any disputes that might have arose out of the original Bill, cause these radiuses have drastically changed from the original Bill."

Speaker Ryder: "Representative Hartke."

Hartke: "Did you say the radius has drastically changed or have not changed?"

Speaker Ryder: "Representative Saviano."

Saviano: "They have changed. In the second portion, where counties under 300,000, the original radius, a mile radius, was 25 miles instead of 20."

Speaker Ryder: "Representative Hartke."

Hartke: "So, in effect, that would allow the dealer, the manufacturers to have more dealers in an area or less?"

Speaker Ryder: "Representative Saviano."

Saviano: "The way I've understood it, it's not going to change...the motorcycle dealers you're talking about. No, we're not putting anybody out of business. What we're doing is just redistributing it. Protective...Let me just read you a little something. Protective relevant market areas have existed for automobile and motorcycle dealerships for 16 years. If it weren't for these protections, manufacturers would be permitted to develop franchises anywhere they want without any concern for the existing dealer who has provided a service. So we're trying to protect the existing dealers."

Speaker Ryder: "Representative Hartke."

Hartke: "Well, I...what we're doing is we're saying that if a dealer is established with a motorcycle manufacturer, their area is protected so the manufacturer does not come in and place a competitor selling the same manufacturer of

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motorcycle across the street. Therefore, cutting down on the ability to make a profit on the motorcycles because they would be directly competing against one another, and this Franchise Act gives a protected territory to those franchise motorcycle dealers. Is that correct?"

Speaker Ryder: "Representative Saviano."

Saviano: "I want to emphasize. It doesn't take out for the competitive nature. If you want a Suzuki dealer next to a Harley dealer, that's fine. You don't want two Suzuki dealers right next to each other just because one dealership might have had a falling out with the manufacturer. This is what...this is the protection that they receive from this sort of legislation."

Speaker Ryder: "Representative Hartke."

Hartke: "I understand that. Competitive motorcycle manufacturers could overlap. Does this apply to all motorcycle manufacturers? They would only be allowed to put a certain number of dealers in a protected territory?"

Speaker Ryder: "Representative Saviano."

Saviano: "All motorcycle manufacturers."

Speaker Ryder: "Representative Hartke."

Hartke: "So if there were not a Harley manufacturer dealer in an area, I can contract with that manufacturer to sell motorcycles in a given area. Whether I opened it up or not, I would have the franchise. And would this force the manufacturer to authorize the sell of that franchise in the area?"

Speaker Ryder: "Representative Saviano."

Saviano: "I have a problem hearing you, but I think what you said is, if a Harley Davidson manufacturer opens up a franchise in a protected radius market area, that's the only one you're going to have there."

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Speaker Ryder: "Representative Hartke, your time is drawing nigh."

Hartke: "But if...but if there is no Harley dealer in an area, I could purchase that franchise, correct? And would the dealer be required...or the manufacturer be required to sell me that franchise in that area?"

Speaker Ryder: "Representative Saviano."

Saviano: "We're not getting involved in any of that stuff. I mean, those are business decisions."

Speaker Ryder: "Representative Hartke, you have ten seconds."

Hartke: "What if...what if Haley (sic - Harley) started a new line as a Suzuki dealer and he...would he be authorized to handle that?"

Speaker Ryder: "Representative Saviano."

Saviano: "It's very simple. There's one dealership authorized for that protected area. That's it."

Speaker Ryder: "Representative Durkin, the Gentleman from Cook."

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

Speaker Ryder: "The previous... The Gentleman has moved to put the previous question. All those in favor of moving the previous question, please say 'aye'; those opposed, 'nay'. The 'ayes' have it. The previous question shall be put. Representative Saviano, to close."

Saviano: "Thank you, Mr. Speaker. I would just ask that this Amendment be adopted. Thank you very much."

Speaker Ryder: "Representative Granberg, for what purpose do you rise?"

Granberg: "Thank you. Inquiry of the Clerk. Mr. Clerk, I believe I filed a Fiscal Note request on the Bill as amended. I'd like to withdraw that request."

Speaker Ryder: "The Gentleman has asked for the adoption of Floor Amendment #2 to House Bill 1153. All those in favor, say

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'aye'; all those opposed indicate by saying 'no'. The 'ayes' have it; the Amendment is adopted. Anything further, Mr. Clerk?"

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 Ryder: "The Bill shall remain on Second Reading. Mr. Granberg, for what purpose do you rise?"

Granberg: "Point of inquiry, Mr. Speaker. I withdrew my request. My request was filed a few moments ago, but I withdrew it. Has there been another Fiscal Note request?"

Speaker Ryder: "The Fiscal Note was withdrawn. The Bill will move to Third Reading. Thank you. Mr. Clerk, House Bill 1197."

Clerk McLennand: "House Bill #1197. The Bill's been read a second time previously. Amendment #1 was adopted in Committee. No Motions. Floor Amendment #3 was offered by Representative Salvi and is approved for consideration."

Speaker Ryder: "Representative Salvi, on Floor Amendment #3."

Salvi: "Thank you, Mr. Speaker. This Amendment allows churches to have the right to waive the rule that says that the law that says that they...that bars cannot be located within a certain distance of, I believe it's a hundred feet, of a church. This Act...this law has been an important law for a hundred years now, I understand, but the problem is that in many urban communities, a church wants to come in and move into an area where there's a bar. And the church then is prohibited from moving in, because there's a bar in the area. The underlying Bill would allow us to...would allow a church to waive that requirement and the Amendment is somewhat technical in nature and is agreed to by all the parties, as far as I understand."

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Speaker Ryder: "You heard the Gentleman on the Motion. Is there any discussion? The Chair recognizes the Lady from Kane, Representative Lindner. Representative Lindner. Representative Lindner, your light is on. The Lady is not seeking recognition. The Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Ryder: "The Gentleman indicates he will."

Schakowsky: "Can you tell me how this, I'm sorry, you probably did that in your explanation, but once again, because I didn't hear it. How does this Amendment change the Bill?"

Speaker Ryder: "Are you finished with your question, Representative? Representative Schakowsky, was that...did you conclude your question? The Chair apologizes. Representative Salvi."

Salvi: "Representative, it becomes the Bill."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "So then, would you for my edification explain one more time then what this Bill does?"

Speaker Ryder: "Representative Salvi, on edification."

Salvi: "Well, it basically says that a church can waive the rule, Representative, that you can't have a church within a hundred feet of a bar. The Amendment becomes the Bill. It provides that nothing in present statute shall prohibit a church or church affiliated school located in a municipality with 75,000 or more inhabitants locating within a hundred feet of a property for which there is a pre-existing license to sell alcoholic liquor at retail. So, again, we're allowing churches to move into areas where there is a bar in the vicinity, where there's a place that sells alcoholic beverages in the vicinity."

Speaker Ryder: "Representative Schakowsky."

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Schakowsky: "Representative, my presumption is that the initial reason for legislation separating churches and bars was that we wanted to keep places that sell alcoholic beverages away from children. Why is it that you want to change this legislation?"

Speaker Ryder: "Representative Salvi."

Salvi: "My understanding, Representative, of the law, when it was passed a hundred years ago or whenever, was that there was a desire in the part of the Legislature to protect churches and church affiliated school or churches from bars. So that if you set up a church and you have a group coming in on Sundays, and right next door, after years of being there, a bar moves in and it cause all kinds of problems. I imagine for the churchgoers, they were concerned about that a hundred years ago. But now what we're saying is, we appreciate...the churches appreciate the protection afforded by this law that was passed so long ago, but if a church wants to set up in an urban area to serve the people in that area, particularly in an area where there's bars and so forth, no one...this...we should not prohibit that church from doing it. One of the problems, as I understand it, is a lot of times, even when there's not a bar in the area, Representative, a church will come in, they'll say we want to set up and they won't get the zoning because those in charge of the zoning will be concerned about the possibility of economic development in that area. And so churches are being prejudiced, the church affiliated schools are being prejudiced by this law, which was well-intentioned a hundred years ago, but doesn't really apply today."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Well, maybe I'm kind of old-fashioned,

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Representative, but it seems to me the notion of schools right on top of bars is not a great idea. And frankly, I'm kind of surprised and wondering if there is not a particular church or particular church school that you might have in mind that called and wanted to locate in a particular place and that's the reason behind this legislation."

Speaker Ryder: "Representative Salvi."

Salvi: "No, there is...I'm not doing this because of one particular church. My understanding is that this is a very common problem in urban areas, and the bars don't mind churches coming in. That doesn't bother them at all. The churches...the reason the law was passed a hundred years ago was that churches were concerned about places that sell alcoholic beverages moving in next door to them. Well, if a church wants to go to serve an urban community, Representative, shouldn't that church, if they're not bothered by the idea of being near a bar, shouldn't they have the right to waive this right that's been granted to them by the Legislature. Shouldn't they be able to say, 'No, it's okay, because we want to do our work here. We want to help the people in this particular community; we want to serve the people of this community. We want the people of this community to be able to come to our services.' Shouldn't they have the right to waive this protection that the Legislature has afforded them, if they desire to do that."

Speaker Ryder: "Representative Schakowsky, your time is drawing nigh."

Schakowsky: "Well, church is one thing. Church affiliated school is really another thing, Representative. I can't understand why you would want to create a situation where a

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hundred feet from a school, we have a bar selling alcoholic beverages, when we already have a problem with substance abuse among kids."

Speaker Ryder: "The Chair wishes to recognize the Gentleman from Bureau, Representative Mautino. Oh, Representative, before you begin, the Chair wishes to recognize the Minority Leader from the Senate, Senator Jones. Senator Jones, we welcome you to the House that does business. Representative Mautino."

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

Speaker Ryder: "He indicates he will, Representative Mautino."

Mautino: "Under the changes which you're proposing to make here, if a... What would happen in the case that the church did waive this provision and moved in, and then there was a sale of the bar, which was located within that. Would the new owners be afforded the same provision? Or would a sale of that property then basically stop it from being further issued liquor licenses under Illinois Law?"

Speaker Ryder: "Representative Salvi. Representative Salvi."

Salvi: "That would be fine. It would transfer to the new owner."

Speaker Ryder: "Representative Mautino."

Mautino: "Would that apply if the business or the tavern/restaurant whoever it may be that had the liquor license, close down? There wasn't an immediate sale. Because normally, it would set up as a bar, say it was closed down for some period of time, would it still be allowed to come in?"

Speaker Ryder: "Representative Salvi."

Salvi: "Yes, it would be able to."

Speaker Ryder: "Representative Mautino."

Mautino: "Representative, why is...this is an interesting idea. I see a couple of potential problems with it, but why have

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you structured this to apply only to municipalities of 75,000 or more?"

Speaker Ryder: "Representative Salvi."

Salvi: "Well, the hope was to help in urban areas, and it seems to be a reasonable figure. It seems to be the number where, I'd say after 75,000 people, although it was not arbitrary, it seems to be a reasonable number to say after 75,000 people, you have an urban type area where this kind of relief would be needed."

Speaker Ryder: "Representative Mautino. Representative, do you have further questions?"

Mautino: "Yes, I do."

Speaker Ryder: "Representative Mautino."

Mautino: "As I was looking at the analysis on this, of Amendment #2, which stays on the Bill, that the...how does that...how is that going to coincide with it? It looks like the local zoning authority may provide..."

Speaker Ryder: "Representative..."

Mautino: "...for this ordinance for protections of the future licensees. It's not...There's...it's not guaranteed."

Speaker Ryder: "Representative Mautino, the Chair apologizes for interrupting your question and now recognizes Representative Salvi for the answer."

Salvi: "We're not considering Amendment #2 right now. And Amendment #3 becomes the Bill."

Speaker Ryder: "Representative Mautino."

Mautino: "I guess the... Now what would... The reason I bring this up, and I guess I use maybe an analogy of a farm situation as someone...as the people move out closer and closer to the...to the farm and they encroach on that property, then all of a sudden they have some problems. So they get upset because say the livestock stink. Then they

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want a change in the ordinance, a change in the law. Now we're going to put this in with a bar. Maybe there's some problems that happen or the church has some run-ins with the bar owners. Can they then petition the city to have that license removed under the fact that they're within a hundred feet from a bar?"

Speaker Ryder: "Representative Salvi."

Salvi: "As I understand your question, Representative Mautino, it's...can in the future, can they change their mind and try to get rid of the waiver? Absolutely not. Once it's waived, it's always waived."

Speaker Ryder: "Representative Mautino, your time is drawing to a close."

Mautino: "Okay, thank you, Mr. Speaker. Representative, I'd say the...my biggest concern there is, it does not say that it...Well, reading it through, if this is adopted in there, it does not say that it's going to be mandatory. It looks more permissive, so I would have those concerns down the road. There is no guarantee, it looks like from your Amendment for a future licensee."

Speaker Ryder: "Anything further, Representative Mautino? Nothing further, the Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Ryder: "The Gentleman indicates he will yield."

Granberg: "One quick question, Representative Salvi, in that point of clarification. The question is, can, once this occurs, can they petition or can that license transfer of the current licensee, can that license be revoked?"

Speaker Ryder: "Represen..."

Granberg: "So you have the church move into a highly populated area, can the license of the existing licensee be revoked

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or the one who might purchase the license from that company?"

Speaker Ryder: "Representative Salvi."

Salvi: "Well, it can be revoked for other reasons, but not because of the church is there."

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you, Representative. I just want to clarify this because it's my understanding your legislation is drawn in an attempt to address a limited number of concerns about a limited number of groups who want to go into densely populated areas. So that is all it is addressed to do. You just want to address...to address this issue to enable them to go into these densely populated areas, where there is a high population, a service to the people who would like to see that church there. But in no way would this negatively impact the current holder of a license or one who might obtain that license from the current licensee. So I just want to make sure that is correct, that is your intent and that is what your legislation addresses."

Speaker Ryder: "Representative Salvi."

Salvi: "It's exactly correct, Representative, and I'm glad that you made that point very clear. A church cannot move into an area and then suddenly have bars close down and lose their license. That's not the intent. We're simply giving churches the right to move into areas where there are existing facilities and that does not in any way - in any way whatsoever - jeopardize the license of that facility, existing facility or future facilities at those sites."

Speaker Ryder: "Anything further, Representative Granberg? Seeing no further discussion, Representative Salvi, to close. The Gentleman moves for the adoption of Floor

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Amendment #3 to House Bill 1197. All those in favor of adopting Floor Amendment #3 say...indicate by saying 'aye'; those opposed, 'nay'. The 'ayes' have it; the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk McLennand: "No further Amendments."

Speaker Ryder: "Third Reading. Mr. Clerk, House Bill 1340. Mr. Clerk, introduction. The Clerk is recognized for the introduction of a Resolution."

Clerk McLennand: "House Resolution #40, offered by Representative Churchill, Rules Committee. Committee Notice: Rules is meeting immediately in the Speaker's Conference Room. Rules - 6:00 p.m. - immediately - Speaker's Conference Room."

Speaker Ryder: "Mr. Clerk, you were also recognized for the purposes of an announcement of Rules Committee. Thank you. House Bill 1340. What is the status, Mr. Clerk?"

Clerk McLennand: "House Bill #1340, a Bill for an Act concerning health care. Second Reading of this House Bill. Committee Amendments #1 and 2 were referred to subcommittee. Floor Amendments 3 and 4 referred to Rules."

Speaker Ryder: "Third Reading. Mr. Clerk, House Bill 1755."

Clerk McLennand: "House Bill #1755, the Bill's been read a second time previously. Amendment #1 was adopted in Committee. No Motions. Floor Amendment #2, offered by Representative Krause, is approved for consideration."

Speaker Ryder: "Representative Black in the Chair. Representative Krause on the Amendment."

Krause: "Thank you, Mr. Speaker. I would like to present Amendment #2 to House Bill 1755. The Amendment was heard in the Health Care and Human Services Committee last week and recommended for consideration on the House floor. The Amendment becomes the Bill, and it again establishes the

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Advisory Committee on primary care medical education. This Bill came out of the Special Joint Task Force on Family Physician Shortage, which was created in the last Session to investigate the serious shortage of primary care physicians in Illinois. The Bill sets up the Advisory Committee and lays out the purposes of the Committee. It...then the Amendment #2 proceeds to add additional representatives that include the American College of Obstetrics and Gynecology, as well as representations from each of the Illinois medical schools, and then it makes other changes as it relates to the purposes and responsibilities of the Advisory Committee. But the bottom line is, that the Advisory Committee is to address the issues to help coordinate, as far as the disbursement of medical education funds and to evaluate the factors as far as effective training and retention of primary care physicians in Illinois. I'd be pleased to answer any questions relating to Amendment #2."

Speaker Black: "And on Amendment #2, the Lady from Cook, Representative Schakowsky."

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

Speaker Black: "Indicates she will."

Schakowsky: "So, you said, Representative, that this Amendment adds...adds to those who are represented on the Advisory Committee. Who is added to the Advisory Committee?"

Speaker Black: "Representative Krause."

Krause: "They've added the representatives from the Illinois section of the American Colleges of Obstetrics and Gynecology, as well as adding a member from each of the eight Illinois medical schools."

Speaker Black: "Representative Schakowsky."

Schakowsky: "As I look over the numbers of the Advisory

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Committee, and since we're talking about access to care, what I see is all provider representatives. Is there anyone on this Advisory Board that might be construed as a health care consumer?"

Speaker Black: "Representative Krause."

Krause: "Well, I think, Representative, that each of the members of the Advisory Committee would also look at the issue from that point. It is a broad based membership, including the Academy of Family Physicians and the American Academy of Pediatrics. I think it is broad based."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, I certainly wouldn't disagree that those segments need to participate, but I certainly would think, Representative, that it would be a good idea to have those health care consumers who are affected by the shortage of primary care physicians to be represented on that panel. But let me ask you another question. What is the cost of the creation of this Advisory Committee and assuming that there is going to be some staff or would there be? I guess there would be to back it up. So, what is the cost to the state of creating this Advisory Committee?"

Speaker Black: "Representative Krause."

Krause: "The members of the Advisory Committee are going to serve pro bono; however, it does call...the Bill does call for a staff person. And the staff person on the Fiscal Note, including the personnel, equipment and travel, would be 58,875, to be shared by the Board of Higher Education, Department of Public Aid and Department of Public Health."

Speaker Black: "Representative Schakowsky."

Schakowsky: "And have there been changes in the budget proposal to, as modest as it is, but nonetheless, to reflect this increase in cost?"

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Speaker Black: "Representative Krause."

Krause: "Representative, I don't believe so at this time."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Representative, and in your view, how would the creation of this Advisory Committee increase the availability of primary care physicians? What is their mission and how will they accomplish that?"

Speaker Black: "Representative Krause."

Krause: "I think, Representative, as we look through the Bill, it lays out the responsibilities and in addressing the responsibilities and ultimately giving the report that is looked for by 1995, I believe there that the report then, along with the responsibilities, would ultimately lead to the recommendations that would be helpful in addressing the need of the physician shortage."

Speaker Black: "Representative Schakowsky."

Schakowsky: "When is that report of the Advisory Committee due?"

Speaker Black: "Representative Krause."

Krause: "The report...The legislation provides that the report shall be by 1998, May 1st, 1997 and shall include data on the location and practice specialty of graduates of the medical schools from 91 to 95."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Are there actually any incentives necessarily for physicians to locate and help manpower shortage areas? My concern here is that once again, we've created another structure to study and to examine and to make reports while access to health care, particularly in rural areas and in inner city areas, continues to be a problem. How...I don't quite get how this doesn't have to report until 1997 is going to address the problem."

Speaker Black: "Further discussion on the Amendment? The Lady

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from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I rise in support of this important piece of legislation, and I'm proud to be a Co-Sponsor, but if the... I'd like to just ask a few questions, if the Sponsor would yield?"

Speaker Black: "Proceed. She will."

Ronen: "Thank you. First of all, do you know how much money the State of Illinois now is spending on medical education, Representative? And..."

Speaker Black: "Representative Krause."

Krause: "Let me just... I believe I have that. About 330,000,000. There are three state agencies involved with the disbursement of state medical education funds of 330,000,000."

Speaker Black: "Representative Ronen."

Ronen: "Is it the intent of this legislation to say that a certain percentage of that amount should be set aside for family physicians or primary care? Is that part of the goal? Or is it reasonable to anticipate that that could happen?"

Speaker Black: "Representative Krause."

Krause: "I would say that it would be a goal and a direction of what they are... Ultimately we'd be looking at with this Advisory Committee would be to also try to structure some of those funds directly this time for the shortage."

Speaker Black: "Representative Ronen."

Ronen: "Is there any way or have you given any thought or has this...the proponents of this Bill given any thought to ways in which we as Legislators can be involved in progress reports of this group? Is there any relationship that will ensue prior to their final report being...being submitted? I'm thinking it might be very important for us to have a

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sense in the coming, initial legislative years of knowing what the...what their findings have been and progress. Is there...How might that happen?"

Speaker Black: "Representative Krause."

Krause: "I think that we will be involved by the submission of the annual reports back to us, and then as we get the reports for us further as we look at them, to give input back to the Advisory Committee."

Speaker Black: "Representative Ronen."

Ronen: "Also, in relation to primary care physicians, is there... We know there are many shortage areas and many in rural areas and some of them actually in the City of Chicago. Is there a goal we're looking towards as to the ratio of a primary care physician or a family physician to patients?"

Speaker Black: "Representative Krause."

Krause: "During the time that the Task Force met, and it met throughout the past year with a number of hearings, very clearly that was discussed. However, the responsibilities in here were left broad in order not to try to be specifics, but clearly that was brought up in a number of the hearings that were held."

Speaker Black: "Representative Ronen."

Ronen: "Thank you. And then, one last issue. As you know, one of my interests since access to primary health care is probably the number one problem in health care facing the state, that I think we have to be more broad in how we define a primary care provider and using, and that means utilizing different mid-level practitioners. Will this advisory group look at that in any way, speaking to what the relationship of physicians to advance practice nurses or physician assistants might be?"

Speaker Black: "Representative Krause."

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Krause: "Because the responsibilities were written broad intentionally, there is no limit as far as what they can examine or the criteria, and that was done intentionally - to leave it broad."

Speaker Black: "Representative Ronen."

Ronen: "Just a follow-up to that then. Would it...Is it then possible in noticing the structure of the Advisory Council, the advisory group does not include anybody from those other fields. Is it possible to have a representative from the Nursing Associations or Physician Assistant Associations? Is that a possibility? I was wondering how they might have input?"

Speaker Black: "Representative Krause."

Krause: "I don't think that we're going to change the membership of the Advisory Committee, but I think during, as the committee itself looks at their goals, and I think they're going to be able to achieve them. I have no doubt they're going to be discussing with the representatives of those groups."

Speaker Black: "Representative Ronen."

Ronen: "Thank you very much, Representative, and just to the Bill. I support this Bill. I'm pleased to co-sponsor it, and I'm very pleased with the response from the Representative indicating that she is open to being more broad-based in defining primary care providers, and I look forward to the results of this Task Force. Thank you."

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

Krause: "Thank you, Mr. Speaker. I ask for the support and a favorable vote on Amendment #2 to House Bill 1755."

Speaker Black: "You heard the discussion. I assume you're ready to vote. All those in favor of adopting Floor Amendment #2

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to House Bill 1755 signify by saying 'aye'; opposed, 'nay'.

In the opinion of the Chair, the 'ayes' have it. The

Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Any Notes?"

Clerk McLennand: "Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. On page 8 of the Calendar, Mr. Clerk, there appears House Bill 1894. Read the Bill, please."

Clerk McLennand: "House Bill #1894. The Bill's been read a second time previously. Floor Amendment #1 has been referred to Rules. Floor Amendment #2, offered by Representative Lyons, has been approved for consideration."

Speaker Black: "And on the Amendment, the Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker. This Amendment eliminates the requirement that credit providers must provide annual reports of the total finance charges assessed during the year or annually notify the buyer of his or her right to obtain the total amount of finance charges. Instead, credit providers may release this information upon the account holder's request. Also, the total amount of the finance charges, if requested, must be provided within 60 days after the end of the year, or if the account has been terminated during the year, within 60 days after that termination. I'll be glad to answer any questions."

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

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

Speaker Black: "Indicates she will."

Lang: "Thank you. Representative, let me try to understand this."

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So this deletes the current requirement that a retail seller, a finance agency, must inform the buyer of their right to obtain a listing of total finance charges if they have not already been provided with that list. Is that correct?"

Speaker Black: "Representative Lyons."

Lyons: "Annually, yes."

Speaker Black: "Representative Lang."

Lang: "Why do we need to do this? Is this a big expense item for these finance agencies?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, this eliminates unnecessary paperwork, Representative."

Speaker Black: "Representative Lang."

Lang: "Well, doesn't this fly in the face of Federal...Truth and Lending Acts and Regulation 2 kind of information?"

Speaker Black: "Representative Lyons."

Lyons: "No, it does not."

Speaker Black: "Representative Lang."

Lang: "Well, perhaps you can explain this to me, then. If I'm a consumer and I have one of these contracts and I want to know the finance charge that I'm going to pay or the finance charge I will owe, if I don't have an absolute right to get that information, how will I be able to figure out what I owe?"

Speaker Black: "Representative Lyons."

Lyons: "The Truth and Lending Act requires that they provide that information and it is provided on the back of their statement every month."

Speaker Black: "Representative Lang."

Lang: "It's on the back of their statement every month. What is on the back of their statement every month?"

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Speaker Black: "Representative Lyons."

Lyons: "The interest charges that they're accruing."

Speaker Black: "Representative Lang."

Lang: "Well, are you telling me that every retail seller or sales finance agency in the State of Illinois provides that information in every monthly statement to every consumer?"

Speaker Black: "Representative Lyons."

Lyons: "To the best of my knowledge, yes, they do."

Speaker Black: "Representative Lang."

Lang: "Well, then why...why was this ever in the law in the first place? It doesn't make...this doesn't make any sense. The law doesn't make any sense and the remedy doesn't make any sense. I'm not understanding what your Bill does. You're telling me, it's on the document, but there's a current requirement that requires these folks to, aside from the document, also provide it in a different way?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, it does and it eliminates the unnecessary step."

Speaker Black: "Representative Lang."

Lang: "So on every monthly statement, every consumer knows exactly what their payoff balance is on every loan?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, they're listing their charges every month and the interest that's accruing."

Speaker Black: "Representative Lang."

Lang: "Well, they're listing their current charges, their current interest, but this deals with total finance charges. This deals with what we might call payoff. So that if in the 18th month of a 42 month loan, I decide I want to pay off my balance, your Bill would say that perhaps I'm not entitled to get that payoff balance from the lender. How do I get that?"

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Speaker Black: "Representative Lyons."

Lyons: "Any time the consumer will want that information, they can request it and be granted that information."

Speaker Black: "Representative Lang."

Lang: "So they can request it, but would...so what you're doing is deleting the requirement that the agency send a formal notice annually to each of the borrowers as to what that finance charge is and what that balance is. Is that right?"

Speaker Black: "Representative Lyons."

Lyons: "That's correct."

Speaker Black: "Representative Lang."

Lang: "And you're not deleting in any way the absolute right of the borrower to get the information so that if they want to pay off the loan, they can do that."

Speaker Black: "Representative Lyons."

Lyons: "That is correct, Representative."

Speaker Black: "Representative Lang."

Lang: "Bear with me a moment. Who...Who's the proponent of this Bill, Representative?"

Speaker Black: "Representative Lyons."

Lyons: "The Illinois Retail Merchants Association."

Speaker Black: "Representative Lang."

Lang: "And were there any witness slips filed in opposition in committee?"

Speaker Black: "Representative Lyons."

Lyons: "No, there were not."

Speaker Black: "Representative Lang."

Lang: "And, please tell me what IRMA said when they proposed the legislation in committee as to why this is necessary. You said something about saving dollars. What dollars will be saved? How many dollars will be saved?"

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Speaker Black: "Representative Lyons."

Lyons: "They did not provide us with an exact figure, unfortunately, Representative."

Speaker Black: "Representative Lang, your time has expired. Do you want to bring your questioning to an end?"

Lang: "Thank you. Well, Representative, what we don't know, what is to be saved by doing this? Then how do we know that the trade-off between what might be saved and the consumer's right to know, how do we know that...how that balances off?"

Speaker Black: "Representative Lyons, to respond."

Lyons: "We are eliminating unnecessary paperwork, which is costly, and 48 other states have done this already. Illinois is just late updating this."

Speaker Black: "And for purposes of further discussion, the Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "Indicates she will."

Granberg: "Representative Lyons, excuse me, I'm just a little confused on this, because I thought I misunderstood what Representative Lang said and what your answer was. So if you could, could you just kind of walk us through a hypothetical on how your legislation would impact what's going on now. So if you could just tell us the current law, what is required and what happens with your change."

Speaker Black: "Representative Lyons."

Lyons: "Right now, every month you get your statement with the present charges and the interest that's accruing and at any time, you can ask or request for the total of that amount. This would eliminate an unnecessary step that now has to be taken - to do that formally on an annual basis."

Speaker Black: "Representative Granberg."

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Granberg: "Does this...Does this interfere with the person's ability or his or her knowledge when they first enter into the agreement? I mean are those charges laid out when they first enter into the contract?"

Speaker Black: "Representative Lyons."

Lyons: "The terms of the agreement are known to the consumer when they sign the agreement to begin with."

Speaker Black: "Representative Granberg."

Granberg: "So, if I enter into a...if I enter into this agreement, this secured or this sales agreement, I'm aware of what the total finance charges are. They're printed on the contract. Or does this deal with that at all?"

Speaker Black: "Representative Lyons."

Lyons: "It tells you your monthly interest rate. It wouldn't give you a total until you accrue something."

Speaker Black: "Representative Granberg."

Granberg: "I sign the agreements. And then on a month...the next month, my charge comes in, my status, and it lists all the interest costs and all it's accrued and what my total balance is and my obligation. That is current law. Right?"

Speaker Black: "Representative Lyons."

Lyons: "Correct."

Speaker Black: "Representative Granberg."

Granberg: "And it would detail how much of that is interest, how much of that is principal. Is that required by the Truth and Lending Act?"

Speaker Black: "Representative Lyons."

Lyons: "Well, the Truth and Lending Act really provides that that information be available to you when you sign it...the agreement."

Speaker Black: "Who do I go to now? Representative Granberg, I

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get confused. Alright, Representative Granberg."

Granberg: "So the Federal Truth and Lending Act does not go to the monthly statement of what is required?"

Speaker Black: "Representative Lyons."

Lyons: "No, it does not."

Speaker Black: "Representative Granberg."

Granberg: "Are you talking...referring to the annual notice of how much tax you paid or this is the monthly statement?"

Speaker Black: "Representative Lyons."

Lyons: "This Bill deals...does deal with the annual statement. We're trying to eliminate an unnecessary step in the annual reporting of the accrued interest."

Speaker Black: "Representative Granberg."

Granberg: "Okay, that...I think that's what we're trying to arrive at. So this goes to the annual, the annual report to the consumer about how much they have paid in interest and on the principal. Is that correct?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, that's correct."

Speaker Black: "Representative Granberg."

Granberg: "So, a lot of consumers, myself included, would use that annual report for our tax purposes. Before we were...the law had changed, so we would use that. So we would use that for our income tax purposes, because we have an annual file. So this would apply to everyone that they would no longer have that. They would have to request it from the company. At what point would they have to request it from the company? Is there any time period that they would have to...Is there any time period that they would have to request that information, although it's no longer deductible?"

Speaker Black: "Representative Lyons."

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Lyons: "They can request that at any time."

Speaker Black: "Representative Granberg."

Granberg: "And does the...and do they have to respond? Are they legally required to respond to that request?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, they do. They have to respond within 60 days."

Speaker Black: "Representative Granberg."

Granberg: "Is that...Is that provision in your Bill, Representative?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, it is. It's provided in the Amendment."

Speaker Black: "Representative Granberg."

Granberg: "So, I'm no longer informed at the end of the year. I have to make the request to the retailer and ask...there will be a written request. And they have 60 days in which to respond under penalty of - what?"

Speaker Black: "Representative Lyons. Representative Lyons, have you found the penalty?"

Lyons: "I'm not sure of the penalty at this point."

Speaker Black: "Class X or something less than that! Representative Granberg, she isn't sure of the penalty."

Granberg: "Mr. Speaker, I wasn't sure about a lot of the provisions in the Bill. If the Representative could let us know though under what the enforcement mechanism is for this business to actually respond because, although most small businesses will act in good faith, the larger ones sometimes don't. So what enforcement mechanism is there to the Bill, Representative? And I hope you can answer."

Speaker Black: "Yes. Representative Lyons, Representative Granberg's time has expired, but you may wish to answer the question."

Lyons: "The...This is a provision under the Federal Truth and

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Lending Act and I'd be happy to provide the answer to that.

No, I...I'm not aware of what the penalty is, but I'd be happy to get that to you...under the federal law."

Speaker Black: "On further discussion on the Amendment, the Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. I have a question for the Representative. Will she yield?"

Speaker Black: "She indicates she will. Proceed."

Moore, A.: "Representative, is this Bill in response to the change in the federal law that no longer provides for deduction of interest on credit cards and other installment purchases?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, it is, Representative."

Speaker Black: "Representative Moore."

Moore, A.: "So, in fact, then businesses have been continuing this process, even though there's been a change in the Federal Act, and this would be no longer necessary, but would be available upon request."

Speaker Black: "Representative Lyons."

Lyons: "That is correct. That's exactly what it does."

Speaker Black: "Representative Moore."

Moore, A.: "To the Bill, Mr. Speaker. This Bill will remove unnecessary and no longer needed information..."

Speaker Black: "Excuse me, Representative. Excuse me, Representative, you're speaking to the Amendment. Correct? To the Amendment."

Moore, A.: "Yes, thank you for the correction, to the Amendment. This Amendment would provide a clarification and would change what is current practice to respond to the change in federal law and eliminate unnecessary paperwork, and I would support this Amendment."

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

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

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

Lyons: "Thank you, Mr. Speaker. This is another Bill that is going to streamline a process, and I urge the...I urge my colleagues to support it. Thank you."

Speaker Black: "You've heard the discussion. I assume you're ready to vote. All those in favor of Floor Amendment #2 to House Bill 1894 signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments. No Fiscal Notes."

Speaker Black: "Third Reading. On page 9 of the Calendar, there appears House Bill 2100 on the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #2100, a Bill for an Act in relation to reviews of property assessment. Second Reading of this House Bill. No Committee Amendments. Floor Amendments...#1 referred to Rules; Floor Amendment #2, offered by Representative Skinner, has been approved for consideration."

Speaker Black: "And so the Gentleman from McHenry is in the chamber. Representative Skinner. Representative Skinner. Take the Bill out of the record. Page 9 of the Calendar, there appears House Bill 2223. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #2223, a Bill for an Act that amends the Higher Education Student Assistance Act. Second

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Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions. Floor Amendment #2, offered by Representative Ryder, is approved for consideration."

Speaker Black: "And on Floor Amendment #2 to House Bill 2223 the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I would ask for support to Floor Amendment #2. It limits the schools to which this financial assistance can go. There was some concern that perhaps we were too broad in committee in addressing that, and also, in addressing concerns raised by the Community College Board of Trustees. They have prepared this Amendment, I agreed to it, and this achieves the neutrality of the community colleges on this. I offer this Amendment on their behalf."

Speaker Black: "Any further discussion? On Floor Amendment #2 the Gentleman from St. Clair, Representative Hoffman."

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

Speaker Black: "He indicates he will."

Hoffman: "Representative, with regard to Amendment #2. I know you just described it, however, the noise level was such I couldn't make out. How does it exactly change Amendment #1 and does this now become the Bill?"

Speaker Black: "Ladies and Gentlemen of the House, please give your attention to Representative Hoffman. He can't hear. Representative Ryder."

Ryder: "Representative Hoffman, this Amendment does not become the Bill, but it does address issues raised within the Bill. The Bill allows for for-profit schools, the students of those schools to obtain financial assistance through the Monetary Award Program, commonly called MAP. And when the committee considered this Bill and they were kind enough to adopt it, the community colleges came to us and said, we

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think that perhaps your Bill encompasses too many profit schools. And as a result of looking at this with the community colleges, we agreed to accept their Amendment which limits the opportunity to access the Monetary Award Program to only those profit schools that are meeting the criteria of the Amendment. Which is to say, maintains an accredited status with the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools. Which is to say, primarily a four year...four year institute...Excuse me. Primarily schools that award four year degrees."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, so the practical effect of the Amendment is essentially...what it does is it really reduces the practical effect of your Bill in that it only applies to truly accredited...would it be universities?"

Speaker Black: "Representative Ryder."

Ryder: "Sir, you have the...you certainly have the intent. The language is to those schools that, those profit schools that award degrees, primarily four year degrees, but they also have to have the accreditation that's outlined in the Amendment."

Speaker Black: "Representative Hoffman."

Hoffman: "I apologize, but I'm not sure...I'm trying to think. In our area is there any...and we do share some fairly common area and I'm not saying...I think I'm probably for this, but I'd like to know some examples of for-profit schools that this would...this would apply to. Do you have any examples of students that go to any particular schools in this state that this would apply to, number one; and number two, are there any in our area?"

Speaker Black: "Representative Ryder."

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Ryder: "Sir, unfortunately there are none in the area that you and I so ably serve. The schools that would...the only schools that meet the criteria on this are either located in Peoria, Carthage, Addison, or Chicago."

Speaker Black: "Representative Hoffman."

Hoffman: "And are these...the way this is defined, would these individuals have like a bachelor's degree or any particular degree when they come out? I'm not familiar with what this accreditation and what that exactly means. Would they have a four year bachelor's degree or is this a vocational type thing, or what type of schools are we talking about?"

Speaker Black: "Representative Ryder."

Ryder: "As a result of the questions that have been asked, I would like to take this Bill out of the record for a moment, please?"

Speaker Black: "Mr. Clerk, take the Bill out of the record. On page 9 of the Calendar on House Bills...Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report offered by Representative Churchill, Chairman, from Committee on Rules to which the following Bills, Resolutions and Amendments were referred, action taken on April 25th, 1995, reported the same back with the following recommendations: 'do adopt' House Resolution 39 and House Resolution 40; 'do approve for consideration' Floor Amendment #9 to House Bill 314; Floor Amendment #1 and 2 to House Bill 2338, and Floor Amendment #7 to House Bill 1437."

Speaker Black: "Anything further, Mr. Clerk? Supplemental Calendar #1...I'm sorry. Supplemental Calendar #2."

Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Black: "On the Order of Second Reading, page 9 of the Calendar, appears House Bill 2100. Mr. Clerk, read the

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Bill."

Clerk McLennand: "House Bill 2100, a Bill for an Act in relation to reviews of property assessments. The Bill has been read a second time previously, today. Floor Amendment #2 offered by Representative Skinner is approved for consideration."

Speaker Black: "And on Amendment #2 to House Bill 2100 the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, I offer House Amendment #2 which strips the fees out of this Bill. It strips...the Amendment strips the fees out of the Bill. I offer it for adoption on the House Floor."

Speaker Black: "With no one seeking recognition on Floor Amendment #2 to House Bill 2100...Representative Granberg, you're slowing down, Sir, but I'll recognize that light. But it was slow. The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'm injured, I have a bad knee. You know what? You wouldn't want to take advantage of that would you?"

Speaker Black: "No. I know how you got the bad knee and you have my deepest sympathies, Sir."

Granberg: "Well, that's not...I don't know how I got it, so if you do...unless you talk to...I would like to yield my time to Representative Dart, Mr. Speaker, if that is all right with you."

Speaker Black: "I...if you'd care to sit down and rest your knee, I'll recognize the Gentleman from Cook, Representative Dart."

Granberg: "Mr. Speaker, thank you very much."

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

Speaker Black: "He indicates he will."

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Dart: "Representative, what is the purpose of Amendment #2?"

Speaker Black: "Representative Skinner."

Skinner: "Well, for the third time, Representative, it's strips the fees out of the Bill. That's it!"

Speaker Black: "Representative Dart. Representative Dart."

Dart: "What fees? Representative, what fees?"

Speaker Black: "Representative Skinner."

Skinner: "Fees we were, in the original Bill, allowing the State Property Tax Appeal Board to promulgate."

Speaker Black: "Represent..."

Skinner: "We have stripped that power from them with this Amendment, or at least we shall with your support."

Speaker Black: "Representative Dart."

Dart: "Are there fees now?"

Speaker Black: "Representative Skinner."

Skinner: "No."

Speaker Black: "Representative Dart."

Dart: "What was the purpose of the fees, then, that you were establishing?"

Speaker Black: "Representative Skinner."

Skinner: "...to raise money."

Speaker Black: "Representative Dart."

Dart: "You've got me there. Why were you trying to raise money? Was this for personal or what was the reason? Why were you trying to raise money in this fee?"

Speaker Black: "Representative Skinner."

Skinner: "Well, it doesn't matter because it's not there anymore."

Speaker Black: "Representative Dart."

Dart: "Representative, I understand it's not there yet. That's the one thing we have sort of gotten clear here. But to make sure that, I would imagine, and this could be...I

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could be really out in left field on this one. But I would imagine you might have had a purpose in mind. That might be kooky on my part. You might have had a purpose in mind when you put the fees in there, in a sense making a Bill, a consistent Bill, that had all the elements needed for it to be a coherent Bill that put forward a coherent proposal. What I'm asking, though, is if by your removing the fees from this, has this somehow made your Bill less of a coherent Bill because it no longer is consistent?"

Speaker Black: "Representative Skinner."

Skinner: "No."

Speaker Black: "Representative Dart."

Dart: "So is there any mandate then, on...with this Bill, then?"

Speaker Black: "Representative Dart, confine your Amendment to...questions to the Amendment, now, not the Bill. Representative Skinner, do you want to proceed...want to respond?"

Skinner: "I guess I don't comprehend the question because if there are...if I'm taking something out, any mandate that may have existed has disappeared."

Speaker Black: "Representative Dart."

Dart: "Well, what I'm getting at though, is if...was there a mandate that you were funding? Which is a proper way to go about doing things in this Body, which is unusual at times where you're mandating something to be done and you're actually going to have the money going with it to pay for it. Now, are you removing the fee that was going to pay for something in the Bill which now makes it unworkable?"

Speaker Black: "Representative Skinner."

Skinner: "Yes."

Speaker Black: "Representative Dart."

Dart: "You'd make a great interview. The...what...Is your Bill

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still a workable Bill now that there's no longer fees in it in which to fund this?"

Speaker Black: "Representative Skinner."

Skinner: "You probably know how workable it is better than anyone else on this floor."

Speaker Black: "Representative Dart."

Dart: "I wish I did, I truly do, but believe it or not you've got me mesmerized here. Is this Bill still a doable Bill, though? Without the fees in there now, is what I'm getting at here. This is a Bill that I, in committee, was not a fan of when it came through and I...At least one of the things that was brought forward to me in committee rather stridently by our staff was the fact that unlike other initiatives, this one was one where you actually paid for it, which was something unique. I'm wondering now if this has just gone from a sort of bad Bill to an awful Bill."

Speaker Black: "Representative Skinner."

Skinner: "I guess it depends on one's perspective, Representative. I mean, I anticipate a vigorous debate on Third Reading, but this is not the place for that debate."

Speaker Black: "Representative Dart."

Dart: "I'm not trying to make it the place for the debate right now either. My point was, though, is that this was put to me as an idea which one of the main saving graces of it was the fact that unlike many of the other proposals, we provided the money for it to make this work. And now I'm questioning whether or not because of you removing the money, whether it works anymore or not."

Speaker Black: "Representative Skinner."

Skinner: "Representative, I should have learned my lesson during the 1970's when I wanted to increase senior citizen property tax relief and I proposed a one penny per

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container soda pop tax. I got to know all of the soda pop manufacturers in the entire state and I did not even get a vote in the Revenue Committee. No one would even make a Motion. I should have learned my lesson, but I didn't. I'm now relearning that lesson."

Speaker Black: "Yes, Representative Dart, your time has expired. Purposes...Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Will the Gentleman yield to a few questions?"

Speaker Black: "He indicates he will."

Currie: "Representative Skinner, your proposal, the underlying Bill, would open up property tax appeal board assessment complaints and requests to people who live in Cook County. When you drafted the Bill, you provide for filing fees for those residents of Cook County when they took their appeals to what is now the Downstate Property Tax Appeal Board. Would I be right in assuming that you charged fees in your Bill so we could pay for the administrative work that would be increased under your Bill for the Property Tax Review Board?"

Speaker Black: "Representative Skinner."

Skinner: "That was my original theory."

Speaker Black: "Representative Currie."

Currie: "Then since you now propose to take out the fees, could you first of all tell me how much you think the underlying Bill, House Bill 2100, opening wide the door of the Downstate Property Tax Appeals Board to complaints and assessment requests...changes from Cook County, how much is it going to cost?"

Speaker Black: "Representative Skinner."

Skinner: "Representative, my guess is about \$3,000,000."

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Speaker Black: "Representative Currie."

Currie: "Our information may put...peg that cost at more like eight, nine, \$12,000,000. But whether it's 3,000,000 or 12,000,000, since you've taken the mechanism to pay for that increase or you would take it out by virtue of Amendment #2, how then will you pay for that increased cost?"

Speaker Black: "Representative Skinner."

Skinner: "Well, Representative, there are numerous places, but in our Appropriations Committee this past week we found \$15,000,000 by not funding the Chicago circulator."

Speaker Black: "Representative Currie."

Currie: "Then do you have a commitment from the Governor or from the budgeteers on your side of the aisle in this chamber and in the Senate that they'll take three, nine, 15,000,000, whatever it costs to fund your Bill out of that decrease in appropriation, or is some of them more interested in, for example, pay off the old backlog of medicaid bills? You may not be aware of it, but that backlog is right now \$1.3 billion and growing. Growing day by day. Now, fiscally conservative budgeteers might think that it's a better use of any money we can find in the Governor's proposed budget to begin paying off our old debts. Are you telling me that the Governor has agreed with you and have your own leaders agreed with you that they'll take any new money that we can find by virtue of cuts in existing operations, they'll take that money to fund a whole new initiative that we don't need in the State of Illinois? You thought it was important for people to pay for this new service when you introduced 2100. Now you're telling us they shouldn't have to pay for it. Well, I ask you, Representative Skinner, where's the commitment

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from your Governor to find the three, 12 or 15,000,000 it will take and how does that commitment compare with your commitment, your leader's commitment and your Governor's commitment, to pay off the people who provided services to clients of this state government through the Medicaid Program?"

Speaker Black: "Representative Currie, were you closing or were addressing Amendment #2?"

Currie: "Speaker, I think that was a rhetorical question and I don't think I care what his answer is, so he needn't try to give me a response. Thank you very much."

Speaker Black: "I'll...I'll...Representative Skinner."

Skinner: "I heard a question. Basically, the first part of your question was, is the Governor willing to put this money toward this proposal rather than some other proposal, and that is, if the Governor prefers to have it go for a circulator, will he allow a transfer of \$3,000,000. Representative, it's a funny thing about the budgetary process, the Governor can't raise appropriations, the Governor can only lower appropriations. So, if we don't put the \$15,000,000 in for the circulator, there's no way he can put it in."

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

Skinner: "This Amendment strips all fees out of the Bill. I ask for your support."

Speaker Black: "And on that question, Floor Amendment #2 to House Bill 2100, the Gentleman has moved acceptance of the Amendment. All those in favor signify by saying 'aye'. Opposed 'nay'. In all due respect, no one in debate asked for a roll call. All those in favor of the Amendment signify by saying 'aye'. Opposed 'nay'. In the opinion of

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the Chair the 'ayes' have it, the Amendment is adopted. On the Order of Second Reading, page 8 of the Calendar appears House Bill 1967. I'm sorry, Mr. Clerk. Further Amendments to House Bill 2100?"

Clerk Rossi: "No further Amendments."

Speaker Black: "Third Reading. On page 8 of the Calendar appears, on the Order of Second Reading, House Bill 1967. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1967. The Bill has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #7 offered by Representative Ryder, has been approved for consideration."

Speaker Black: "And on the Amendment the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill that deals with violence prevention creates a fund without a funding source. We are currently looking for private funds, not state funds, in order to use to make the operations of this work and to finance or to fulfill the obligations of the fund. In order to do that and also because of the distributive qualities of the funds that would be used, it was recommended that we clarify the Violence Prevention Fund. This Amendment does that. I'd be happy to answer any questions of the Members."

Speaker Black: "For further discussion on the Amendment the Gentleman from Saline, Representative Phelps."

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

Speaker Black: "He indicates he will."

Phelps: "Representative Ryder, the purpose of this fund if collection is successful from whatever sources, is for what purpose?"

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Speaker Black: "Rep...Excuse me. Representative Ryder."

Ryder: "Thank you. Thank you for the question, Representative.

I appreciate the chance to talk just a little about the Violence Prevention Fund. For too long, many of us have dealt with the symptoms of the disease of violence; building prisons, making sentences harsher, without dealing with the causes of violence. Preventing violence is something that I've talked about for a couple of years now and I think some other folks have too. The purpose of this is to utilize and fund those programs. Whether it's problems, resolutions, whether it's offering a curricula that schools may wish to use, whether it's dealing with training in the private or public areas, that would then be used as a means of trying to teach us how to resolve conflicts without resorting to violence. It has been successfully supported by many financial organizations prior to this time, and the establishment of this fund is with the hope that we can continue that."

Speaker Black: "Representative Phelps."

Phelps: "Thank you for that. So the Amendment is structured in such general terms that it will...or it's flexible enough to have to infuse all those particular programs if needed to be. How about domestic violence shelters? Is that..."

Speaker Black: "Representative Ryder."

Ryder: "Thank you. Representative, I don't anticipate what funds would be used for that particular purpose. I do, however, anticipate the funds might be used to help those who are in domestic violence shelters and those who have placed...caused folks to go to domestic violence shelters, to learn better how to resolve their problems so without resorting to violence. The purpose is for the prevention of violence rather than the treatment of those who have

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been violated."

Speaker Black: "Representative Phelps."

Phelps: "Thank you. Just one last question. From...do you anticipate what type of annual funds will be created from, I guess, voluntary sources is what you're really after. Is it...it's not any kind of income tax check-off purpose or anything like that? You're just asking for...How does the word get out to your...that we need these voluntary funds built up and to whom?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, right now we're trying to work on several financial sources, none of which come from the state, none of which come from even local units of government. Obviously, we would look at those options if the violence prevention might, at some time, use a check-off system in the state income tax. We'd be happy to look at that. We'd further be happy to look at other kinds of sources. Right now, we're interested in creating the fund and focusing folks attention on violence as a health care issue. That is the purpose of the Bill and also focusing on the prevention. Sir, I wish that I could provide more information to you about where the...from which the sources will come. I don't have that answer right now. I know the state doesn't have the money right now, but we're looking and we think it's an issue that the Department of Public Health, the Attorney General and others like you who have talked about this issue for quite awhile, would be interested in pursuing."

Speaker Black: "Representative Phelps."

Phelps: "Thank you, Representative Ryder. I rise in support of the Amendment. I think the intent of what you're trying to do is admirable and I hope that we have success in at least

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communicating the issue well enough that those that might be interested in contributing for this purpose would get the message and we can work together and try and get that out, so I rise in support."

Speaker Black: "Further discussion on the Amendment? The Lady from Cook, Representative Wojcik. Representative Wojcik, you're recognized."

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

Speaker Black: "The Representative from Cook has moved the previous question. And...should the...I'll grant you your roll call, if that's what you want. Shall the main question be put? All those in favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. With 63 voting 'yes', 50 voting 'no' and 2 voting 'present', the Motion to move the previous question prevails. Representative Ryder to close."

Ryder: "Mr. Speaker, with the help of able Legislators like Representative Phelps, I would simply ask for your 'affirmative' vote."

Speaker Black: "Heard the Gentleman's discussion. All those in favor of the adoption of Floor Amendment #7 signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Mr. Clerk, further Amendments?"

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

Speaker Black: "Third Reading. On the Order of Second Reading, page 9 of the Calendar, appears House Bill 2317. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2317 has been read a second time

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previously. Amendment #3 was adopted in committee. No Motions have been filed. Floor Amendment #6 offered by Representative Bost, has been approved for consideration."

Speaker Black: "And on the Amendment the Gentleman from Jackson, Representative Bost."

Bost: "Mr. Speaker, I'd like to withdraw 6 and move to Floor Amendment 7 and 8."

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

Speaker Black: "And on the Amendment, Representative Bost."

Bost: "Thank you, Mr. Speaker. Floor Amendment #7 to House Bill 2317 changes the statute of limitations on criminal sexual assault and aggravated criminal sexual assault from three years to five years, and along with that, if it is reported within six months after the offense."

Speaker Black: "Further discussion on the Amendment? The Gentleman from Washington, Representative Deering. No longer wishes to speak. The Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, you're extending the statute of limitations from...it's three to five years. The current limitation, under normal circumstances, is three years. Is that correct?"

Speaker Black: "Representative Bost."

Bost: "That's correct."

Speaker Black: "Representative Dart."

Dart: "What about for instances where the individual was...had repressed memory or those likes. Would this be affected by it?"

Speaker Black: "Representative Bost."

Bost: "Can you repeat the question, please?"

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Speaker Black: "Representative Dart, please repeat the question."

Dart: "Sure. Quite often, and it's been sort of a hot topic these days, it's been coming up quite often in instances where rape or incest has occurred in some of the very younger ages, there has been extended statute of limitations allowed for those individuals who either hadn't repressed memories or those individuals who have not come forward immediately. How will this effect that?"

Speaker Black: "Representative Bost."

Bost: "It will have no effect."

Speaker Black: "Representative Dart."

Dart: "Will this not...will this add time, though, to those instances, too, where they'll have an extended period of time?"

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

Bost: "This is for only for offenses reported within six months."

Speaker Black: "Representative Dart."

Dart: "What is the rationale behind this with the six month requirement?"

Speaker Black: "Representative Bost."

Bost: "The rationale behind it is that to keep from someone being in a argument later on down the road or whatever, to come back and claim rape several years down the road."

Speaker Black: "Representative Dart."

Dart: "But...So then we're extending it in general for cases of aggravated criminal sexual assault and criminal sexual assault, but only for those people that report the crime within six months?"

Speaker Black: "Representative Bost."

Bost: "That's right."

Speaker Black: "Representative Dart."

Dart: "What are the statistics as far as the ones that have come

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in after the six month period that require us to set the six month deadline?"

Speaker Black: "Representative Bost."

Bost: "Very rare, but I don't have the exact numbers on that."

Speaker Black: "Representative Dart."

Dart: "My only concern there, Representative, is the fact that I understand what you're attempting to do here, but I would like to have some type of supporting data of some nature as to why we'd be cutting off this extended statute of limitation for rape victims at six months as opposed to a year or 18 months. And it would be helpful to have some information, whatever it may be, as to the number of incidents they have of rape or criminal sexual assault where people come in after the six month period has elapsed. I mean...I...that...I would like to get some of that. Is there some way you can get me some information on that?"

Speaker Black: "Representative Bost."

Bost: "I don't know if we can find those numbers, but we can work on that. But what I would like to say is that we're not cutting it off. What were saying is, if...we're trying to extend, if they're having trouble finding the person that did the crime. That's what we're trying to do here with this legislation."

Speaker Black: "Representative Dart."

Dart: "I understand the extension of it and I don't have any problems with the extension of it. And as you can see from the rest of the statute, we extend the statutes in numerous other situations, but the six month cut off is something I'm sort of curious about because, (a) as I say, I don't know of any numbers as to why we're setting it at six months. But the other thing is, and I pose this question

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to you, is, don't we already have the mechanism to prevent the very thing you're talking about? In effect, namely that for any charge to occur a state's attorney has to approve it? Isn't...doesn't that...isn't that already the screening mechanism that we should be relying on?"

Speaker Black: "Representative Bost."

Bost: "No, I don't think so."

Speaker Black: "Representative Dart."

Dart: "Well, I mean, I think that's the reality because I know when I was state's attorney one of our main inquiries was just what you said there; namely, that in addition to judging all the evidence you had in front of you and all your witnesses. One of the other things, too, was you checked into the relationship with the two parties and you determined...you checked into that and you also checked into how prompt the report was after the incident, cause, of course, you would then question somebody who waited an extended period of time and it made it much more difficult to approve it. I know, as a matter of fact, that we as state's attorneys, there was almost an unwritten rule as far as the further you got removed from the actual event, the more difficult it was to get approval. So, as I say once again, I'm caught up in this six month deal as to why we're picking that date because I'm concerned that we already have a screening mechanism in place, namely the State's Attorneys Office. Will this not undercut that?"

Speaker Black: "Representative Bost."

Bost: "I think you said a key word there. It was an unwritten rule. What we're trying to do now is write the rule."

Speaker Black: "Representative Dart."

Dart: "But I guess the reason why it would be good to have certain things, in effect, unwritten, is so you can deal

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with them on a fact by fact basis. This would be a cut off. I understand you're extending in here, which is dynamite and that's...I'm all for that. But I'm just worried that there will be instances where you won't be able to extend it because of the fact you had this artificial number, which we don't have statistical data for to support in the first place."

Speaker Black: "Now, with no one seeking recognition, Representative Bost to close."

Bost: "Thank you, Mr. Speaker. This particular Amendment will increase to five years, the statute of limitations. I would like to come back at a later time and continue to work because there are some problems right now that exist with a particular incident with a situation in my district and that particular incident deals with the fact that we have hard evidence of DNA, we have hard evidence of blood samples and fingerprints that probably, with the next legislation I want to work on, is to try to make this, once that comes about, the statute of limitations is removed. But as of right now, I would like, with this legislation, move it up to five years. I would appreciate a 'yes' vote."

Speaker Black: "You've heard the Gentleman on Floor Amendment #7 to House Bill 2317. All those in favor of adoption of the Amendment signify by saying 'aye'. All those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Mr. Clerk, further Amendments? The Amendment is adopted. Mr. Clerk, any further Amendments?"

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

Speaker Black: "The Gentleman from Jackson, Representative Bost."

Bost: "Mr. Speaker, Floor Amendment #8 replaces Floor Amendment #6. It corrects the wording. It is a wording change that

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is placed in the Bill to protect the manufacturers and distributors and legitimate sales people who sell nitrous oxide for many uses other than intoxicating purposes. I'd be glad to answer any questions on it."

Speaker Black: "Any further discussion on the Amendment? The Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

Deering: "Representative, what level of offense would this be if convicted of...what level of offense would this be if convicted of this statute?"

Speaker Black: "Representative Bost."

Bost: "It would be a Class B misdemeanor."

Speaker Black: "Representative Deering."

Deering: "Okay. What happens if I rent a welding shop and I have nitrous oxide in the shop working and my kids get in the shop maybe on a weekend when I'm gone or at times when I'm not around and they abuse my supply of nitrous oxide. Would I then, as the owner of that welding shop or as the parent, can I be convicted of contributing?"

Speaker Black: "Representative Bost."

Bost: "No."

Speaker Black: "Representative Deering."

Deering: "No further questions. Thank you."

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

Mautino: "Thank you. Will the Gentleman yield?"

Speaker Black: "He indicates he will."

Mautino: "Do you have...Well, first of all, where would someone...I know that welding shops have it, but what type of products or services are legitimate uses for nitrous oxide right now?"

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Speaker Black: "Representative Bost."

Bost: "It's my understanding that nitrous oxide is using...is used in the pressurization of many canistered items like whipping cream. It's also used with racing cars, racing motorcycles to enhance speed, and so there's several legitimate uses."

Speaker Black: "Representative Mautino."

Mautino: "Are there any...where does someone...are there any controls on where you can purchase nitrous oxide? I think you have to be permitted to buy them. I think only like welding shops or something. Is there any other place that has this?"

Speaker Black: "Representative Bost."

Bost: "It's my understanding that the only place you can purchase this is a chemical distributor or someone that distributes bottled gas."

Speaker Black: "Representative Mautino."

Mautino: "Does that require any type of a license?"

Speaker Black: "Representative Bost."

Bost: "Not at this time."

Speaker Black: "Representative Mautino."

Mautino: "What patterns...have there been a lot of patterns of abuse on this? Or...I'm not really familiar with the subject, so I'll apologize for some of these questions that might seem a little out of the ordinary."

Speaker Black: "Representative Bost."

Bost: "Maybe it would help if I give you the genesis of the Bill. The problem with a college town is that quite often we have been running into this being used and even some record stores have been selling small canisters of nitrous oxide that are used to fill up balloons and then they breathe balloons and attain the high that comes from nitrous oxide."

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But we've also got a problem that the manufacturers brought to us earlier and that's why we did some changing in the wording. It seems that every state that a particular rock group comes to, in the area that they come to there's breaking into these manufacturer's or these distributor's places of business. These canisters are stolen and then the canisters are sold at a high price at these rock concerts."

Speaker Black: "Representative Mautino."

Mautino: "Did you say that they have...that it's for sale or for filling balloons at stores?"

Speaker Black: "Representative Bost."

Bost: "No, that's the way they distribute it whenever they take it to these concerts or they distribute it out. They fill balloons just like you would with a helium tank, only they just use the nitrous oxide filled the same way and then hand it out and sell the balloons."

Speaker Black: "Representative Mautino."

Mautino: "Are there built in protections in your Bill for the manufacturers that...I do know that nitrous oxide is used in the ice cream making process as well. Say someone is transporting a canister for delivery. I know that there are companies which deliver different canisters. Say someone is taking it to a place and they get pulled over. Do you have protections?"

Speaker Black: "Representative Bost."

Bost: "Yes, it is covered."

Speaker Black: "Representative Mautino."

Mautino: "That's all the questions I have. Thank you, Mr. Speaker."

Speaker Black: "Thank you very much. Further discussion on the Amendment? The Gentleman from Cook, Representative

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Durkin."

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

Speaker Black: "Representative Durkin has moved the previous question. On all that, all those in favor of moving the previous question signify by saying 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Bost to close."

Bost: "I'd just appreciate your support for this Amendment."

Speaker Black: "You heard the discussion on Floor Amendment #8 to House Bill 2317; and on that question, all those in favor of adoption of the Amendment signify by saying 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments."

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

Clerk McLennand: "Committee meeting notice. Judiciary for Civil Law Committee will meet immediately upon adjournment in Room 114 to consider House Amendment #1 to House Bill 2393. Judiciary - Civil Law will meet immediately upon adjournment in Room 114."

Speaker Black: "On page 10 of the Calendar on the Order of Second Reading appears House Bill 2348. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2348. The Bill's been read a second time previously. Amendment #1 was adopted in committee. No Motions. Floor Amendment #2 offered by Representative Saviano is approved for consideration."

Speaker Black: "Mr. Clerk, the Sponsor of the Bill wants the Bill taken out of the record. On the Order of Second Reading on the Calendar, page 5, appears House Bill 999. Mr. Clerk,

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read the Bill."

Clerk McLennand: "House Bill 999. The Bill's been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Black: "Third Reading."

Speaker Daniels: "...2407. Read the Bill, Mr. Clerk. Speaker Daniels in the Chair."

Clerk McLennand: "House Bill 2407, a Bill for an Act to amend the Medical Center District Act. Second Reading of this House Bill."

Speaker Daniels: "Any Amendments?"

Clerk McLennand: "No Committee Amendments. No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 1437. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1437. The Bill has been read a second time previously. Floor Amendment #6 offered by Representative Lyons is approved for consideration."

Speaker Daniels: "Representative Lyons on Amendment #6."

Lyons: "I wish to withdraw that Amendment."

Speaker Daniels: "Amendment will be withdrawn. Further Amendments?"

Clerk McLennand: "Floor Amendment #7 offered by Representative Lyons is approved for consideration."

Speaker Daniels: "Representative Lyons, Amendment #7."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #7 becomes the Bill and creates a new offense called street gang racketeering. House Bill 1437, as introduced, originally focused on income derived from criminal offenses. Amendment #7 targets the offenses committed by focusing on a smaller group of gang members who commit a larger number of offenses. Amendment #7 focuses on violent crime, drug and gun offenses in addition

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to burglary, arson, gambling, forgery, bribery, and money laundering, which street gangs are heavily involved in. By creating a new offense with a more severe penalty, the Bill gives prosecutors a valuable tool to convince reluctant gang members to testify against more superior gang members. I'd be happy to answer any questions."

Speaker Daniels: "Any discussion on the Bill? Representative Scott."

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

Speaker Daniels: "She indicates she will."

Scott: "Representative Lyons, does Amendment #7 add more to what was originally the Bill or delete portions of it? This was a huge Bill, I realize, with a lot of different provisions in it. Does this add more to it?"

Speaker Daniels: "Representative Lyons."

Lyons: "This does change the focus of the original Bill. Originally, it focused on the income derived from criminal offenses. This targets the offenses committed by focusing on a smaller group of gang members."

Speaker Daniels: "Representative Scott."

Scott: "Well, the original Bill also created the offense of street gang racketeering, didn't it?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, it did. This creates the offense of street gang racketeering as well."

Speaker Daniels: "Representative Scott."

Scott: "Well, if I...in not having read Amendment #7, I've got a brief analysis of it here. Are we narrowing the focus? Are we going after less people in these criminal conspiracies now, and if so, why?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, that's exactly what we're doing. We're narrowing

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the focus so that we're zeroing in on gang leaders in this case as opposed to the...just the street gang members."

Speaker Daniels: "Representative Scott."

Scott: "On to the original provisions of 1437 or the other numbers that it had originally, you could go after both of the gang members and the leaders. Why would we want to narrow the focus and lessen, you know, make the net smaller of the people that we're going to take in under the terms of this Bill.?"

Speaker Daniels: "Representative Lyons."

Lyons: "This targets the more serious offenders and increases the penalty."

Speaker Daniels: "Representative Scott."

Scott: "It...this also contains provisions that weren't in the original Bill that allow the Attorney General some powers with respect to eavesdropping and other things. Could you elaborate on that just a little bit, please?"

Speaker Daniels: "Representative Lyons."

Lyons: "This expands the authority to the state...to the Attorney General's Office, so that they don't have to constantly go to the State's Attorneys Office to seek permission to get eavesdrops or wiretapping permission."

Speaker Daniels: "Representative Scott."

Scott: "Could you explain for us right now what role the Attorney General has in street gang racketeering or in drug enforcement?"

Speaker Daniels: "Representative Lyons."

Lyons: "They're involved in multi-county gangs and drugs. When it extends beyond the authority of the State's Attorneys Office in one county, their authority is multi-county."

Speaker Daniels: "Representative Scott."

Scott: "In how many cases, say just in the last year or so, I've

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got some idea of how often this is used. How many cases in the last year was that multi-county authority used by the Attorney General?"

Speaker Daniels: "Representative Lyons."

Lyons: "Three separate cases that involved about 40 defendants."

Speaker Daniels: "Representative Scott."

Scott: "Now, under this particular Bill, how would those prosecutions have been enhanced? Would we be going after different people? I realize there's a new offense, there's a new crime created here, but would we have been able to go after more people? Would the net have been bigger for those three instances that you just cited to us?"

Speaker Daniels: "Representative Lyons."

Lyons: "I'm sorry, I'm not understanding your question."

Speaker Daniels: "Representative Scott, could you rephrase your question?"

Scott: "Certainly. Those three prosecutions that you talked about, the three multi-state prosecutions last year. Under this new Bill, aside from creating the new offense of street gang racketeering, how would this Bill...will this Bill have been able to enhance those three prosecutions last year?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, it would."

Speaker Daniels: "Representative Scott."

Scott: "Let me...I'll ask another question. Maybe you can also tell us how. But also, does this Bill leave in the provisions that allowed for use immunity by the part of prosecutors in these drug cases?"

Speaker Daniels: "Representative Lyons."

Lyons: "This would help the...inasmuch as it would create a more severe penalty and encourage those gang members to testify

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against the superior gang members."

Speaker Daniels: "Representative Scott, your time is coming to an end."

Scott: "I have one more...one more question."

Speaker Daniels: "Short question. Go ahead."

Scott: "I'm sorry. Maybe I didn't ask it the right way. In the original Bill there was a provision that prosecutors could offer use immunity to defendants, the lower level operatives, in order to get at the big guys. Is that provision still part of this Bill and are the provisions that allowed prosecutors use immun...local prosecutors use immunity and wiretaps, is that also still part of this Bill?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, it is not."

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

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

Speaker Daniels: "She indicates she will."

Dart: "Are the provisions of the wiretapping and provisions dealing with use immunity, you say they are removed from this Bill. Is that correct?"

Speaker Daniels: "Representative Lyons."

Lyons: "The immunity is in another Bill, but the wiretapping is in this Bill."

Speaker Daniels: "Representative Dart."

Dart: "How is this wiretapping any different than the wiretapping we presently have?"

Speaker Daniels: "Representative Lyons."

Lyons: "This will allow the Attorney General's Office to use this ability without having to go to the State's Attorneys Office for permission."

Speaker Daniels: "Representative Dart."

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Dart: "Wasn't that part of the agreement with the statewide grand jury, was that they were going to work in unison with the county state's attorney so that they weren't crossing over and going out and getting wiretapping that would maybe compromise something the state's attorney had going on?"

Speaker Daniels: "Representative Lyons."

Lyons: "When it involves Cook County they are consulted, but when it involves other counties, that's when the Attorney General's Office would have jurisdiction."

Speaker Daniels: "Representative Dart."

Dart: "But is there some mechanism though? Because when this...when the statewide grand jury first got...initially got passed, one of the major oppositions to it were the fact that you would have the Attorney General come in from county to county setting up their own investigations, where the state's attorneys in those individual counties would be unaware of this, and by doing that they could compromise cases the state's attorney have. Outside of Cook, is there some mechanism so that if they're going to use the wiretapping, the state's attorney is going to be able to find out about it so that they aren't compromising something the state's attorney or 'MAG' or somebody else could have been working on for months, if not years?"

Speaker Daniels: "Representative Lyons."

Lyons: "By statute, the Attorney General has to notify the State's Attorneys Office."

Speaker Daniels: "Representative Dart."

Dart: "If they're going to be notified, could it not to be just as easy if we went through them to get the okay for the wiretapping?"

Speaker Daniels: "Representative Lyons."

Lyons: "I'm sorry. Could you repeat that, Representative?"

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Speaker Daniels: "Representative Dart."

Dart: "Wouldn't it be just as easy then if we'd left the wiretapping the way it is with the state's attorney being the person initiate it so that there would not...I mean, if we're going to notify them anyway, I don't understand why...I can't see the state's attorney standing in the way of it, if the Attorney General has asked for it."

Speaker Daniels: "Representative Lyons."

Lyons: "It's an investigation that the statewide grand jury and the Attorney General is working on."

Speaker Daniels: "Representative Dart."

Dart: "What would be the correctional impact on this?"

Speaker Daniels: "Representative Lyons."

Lyons: "There would be no fiscal impact that we're aware of."

Speaker Daniels: "Representative Dart."

Dart: "What...I mean...But wouldn't this, in effect, cause more criminals to come into the correctional system? We are creating the new offense. Wouldn't there be...there would not be some impact whatsoever? Something?"

Speaker Daniels: "Representative Lyons."

Lyons: "The Department of Corrections does not have sufficient data to assess the impact of this legislation, as amended, and therefore, the fiscal impact is unknown."

Speaker Daniels: "Representative Dart."

Dart: "Are they going to get back to us at some point and let us know how much this is going to cost us? Or...I mean, have you been made aware of...if you know this, are they just going to leave this unknown or are they planning on getting back to us and letting us know if this is going to cost us a \$1 or a \$1,000,000?"

Speaker Daniels: "Representative Lyons."

Lyons: "I don't know whether...how they can get back to us if

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they don't have sufficient data to assess the impact of this."

Speaker Daniels: "Representative Dart."

Dart: "I would hope they would have sufficient data. They find it in virtually every other time we create a new offense, I can't imagine why they couldn't find it here. Finally, my final question is in regards to the forfeiture proceedings that you have in here. What, if any, changes are going to be made to the distribution of forfeited proceedings, cause it's always a hotly contested issue as far as who gets what cut? Is the Attorney General in on the pie now?"

Speaker Daniels: "Okay, this is the last question. Representative Lyons."

Lyons: "Representative, there are no changes. This provides that the proceeds from the violations of the Currency Reporting Act with the money laundering section of the Criminal Code shall be forfeited to the state and distributed in accordance with the subsection of the Illinois Controlled Substances Act."

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

Durkin: "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. The Lady, Representative Lyons, moves for the adoption of Amendment #7. All those in favor signify by saying 'aye'. Opposed 'no'. The Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. A Judicial Note, as amended by Amendment #7, has been requested on the Bill and has not been filed."

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Speaker Daniels: "Representative Lyons."

Lyons: "Thank you."

Speaker Daniels: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker. I move that the Judicial Note be inapplicable."

Speaker Daniels: "Representative Dart."

Dart: "Thank you, Mr. Speaker. We would object to it being found inapplicable for the simple reason that, as the Sponsor has detailed, we have set up an entirely new scheme for laying out forfeiture proceedings, which are rather elaborate, which I am...rather well aware of, take up a great deal of the court time. I cannot imagine under any circumstance there is not going to be any type of judicial impact, and if...and at the same time we have corrections telling us we don't know how much it's going to cost. We should have some type of Judicial Impact Note on this so we have an idea of what we're doing to our judicial system, and I think it would be inappropriate for us to proceed with this Bill without knowing that."

Speaker Daniels: "Let the...Representative Dart, every Bill, the purpose in effect of which is to increase or decrease the number of appellate judges, circuit judges, associate circuit judges of the state, either directly or indirectly, shall have prepared prior to Second Reading in the House of introduction, a brief explanation the need for change in the judges. The Lady has moved that that is inapplicable since it does not change the number of judges, so her Motion is in order and it would be a majority Members of the House. So, we'll ask...we'll get a roll call. So the Lady has moved that a Judicial Note is inapplicable. All those in favor of her Motion that the Note Act is inapplicable vote 'aye'; all those opposed vote 'nay'. The

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voting is open. Have all voted who wish? Sometimes it takes awhile. Take the record. On this question there's 64 'aye' and 53 'no' and the Lady's Motion prevails and the Judicial Note is inapplicable. Mr. Clerk, Third Reading. House Bill 1437. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1437, a Bill for an Act in relation to organized gang activities. Third Reading of this House Bill."

Speaker Daniels: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1437 focuses on violent crime, drug and gun offenses in addition to burglary, arson, gambling, forgery, bribery, and money laundering, which street gangs are heavily involved in. And by creating this new offense with a more severe penalty, the Bill gives prosecutors a valuable tool to convince reluctant gang members to testify against more superior gang members. It's an excellent tool for law enforcement and I urge your support."

Speaker Daniels: "Further...see any discussion on this Bill? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Hoffman: "Representative, I know that we recently adopted an Amendment that many people on this side of the aisle believe makes your Bill weaker and that it doesn't apply to as many violations of the Criminal Code as it initially would have. Is it your intent to weaken...was it your intent to weaken this Bill by adopting that Amendment?"

Speaker Daniels: "Representative Lyons."

Lyons: "But what it does do is it targets the more serious offenders."

Speaker Daniels: "Representative Hoffman."

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Lyons: "With longer sentences as well."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I know there's longer sentences, Representative, but it also would have the practical effect of not applying to as many situations as the original Bill did. Isn't that correct?"

Speaker Daniels: "Representative Lyons."

Lyons: "That is correct. This does not focus on shoplifters, this focuses on gang leaders and gang members."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I understand that, Representative. If you didn't want it to focus on the original Bill originally, why did you introduce it in that manner?"

Speaker Daniels: "Representative Lyons."

Lyons: "Because the original Bill focused on the income derived from criminal offenses and in speaking with law enforcement experts, it was agreed that this should target the offenses committed by focusing on a small group of gang members who commit a larger number of offenses."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I would think, you know, when you introduce a Bill originally applying to certain offenses, that you were serious about those offenses. Now we're cutting it down a bit. Although the concept of the Street Gang Racketeering Influence and Corrupt Organizations Act is a good one, and I believe that Representative Scott had a similar Bill that was introduced this session, I'm concerned about the Amendment in that it also, not only to reduce the applicability to certain crimes, but it also takes away the ability of local state's attorneys to bring...to do certain actions under this Bill such as the wiretaps, et cetera, and gives that ability to...exclusively to the Attorney

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General's Office. Isn't that correct?"

Speaker Daniels: "Representative Lyons."

Lyons: "This does not take anything away from the State's Attorneys Office."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, it doesn't take away the current law under the State's Attorneys Office, but it does take away what you originally proposed under the original Bill. It's my understanding, under the original Bill, there were certain...much of the ability to infiltrate these types of gangs and infiltrate this activity was given to the local state's attorneys. And now what we've done, is, we've essentially said we'd rather give it to the Attorney General's Office. Why do we...why would you want to take away that ability of the local state's attorneys?"

Speaker Daniels: "Representative Lyons."

Lyons: "I have worked with the State's Attorneys Office and the Attorney General's Office to tighten up this Bill and to improve it. It's with their help that this Bill has been improved."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is that the State's Attorneys Association, Representative? The entire association or is it individual state's attorneys? And if it's individual state's attorneys because I don't believe it's the State's Attorneys Association, which individual state's attorneys did you talk to?"

Speaker Daniels: "Representative Lyons."

Lyons: "The association has not taken a position on that. I didn't mean to give you that impression."

Speaker Daniels: "Representative Hoffman, your time is almost over."

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Hoffman: "Yeah, I understand. I'll just make a statement for the final 45 seconds. First of all, I think that the concept of the Bill is a good one and I would like to commend Representative Scott for putting this forward earlier, Representative Lyons for doing this. The problem is, I think, is that what has happened in some of the Amendments is that it's watered down the Bill to some extent. That doesn't mean that we shouldn't support it, it just means that we could have a better Bill. I think we had a better Bill in many instances, originally. I think the Bill that gave the authority to the State's Attorneys Association as well as some authority to the Attorney General would have been a better Bill. I think that what we've done is we've maybe watered down the initial Bill to some extent. Although I think we can support the Bill, I think we could have had a better Bill."

Speaker Daniels: "The Gentleman from Kendall, Representative Cross."

Cross: "Move the previous question."

Speaker Daniels: "The Gentleman's moved the previous question. All those in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it, the previous question has been put. Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker. I urge my colleagues to vote for this good piece of legislation that will be a tool for law enforcement. And in working with the Attorney General's Office, I'm convinced this is a good piece of legislation. Thank you."

Speaker Daniels: "The Lady's moved for the passage of House Bill 1437. 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?"

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The Clerk will take the record. On this question there are 112 'ayes', none voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Postponed Consideration, House Bill 989. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 989, a Bill for an Act that amends the fees and salaries. Third Reading, Order of Postponed Consideration."

Speaker Daniels: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. This morning we had all the arguments for this Bill. There were a number of individuals who asked me to bring this up again since they were not present in chamber, and I would ask for a positive consideration on this vote."

Speaker Daniels: "The Gentleman's moved for the passage of House Bill 989. 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. This question has 74 'aye', 42 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Committee announcements."

Clerk McLennand: "Committee posting announcements. The following committees will meet...the following committees will meet tomorrow morning at 8:30. Insurance Committee will meet on Wednesday at 8:30 a.m. in Room 118 to consider House Amendment #8 to House Bill 2331 and Amendment #8 to House Bill 2337. Insurance Committee, Room 118, 8:30 a.m. Wednesday morning. Transportation and Motor Vehicle Committee will meet on Wednesday, April 26 at 8:30 a.m. in Room 114 to consider Floor Amendment #1 to House Bill 811 and Floor Amendment #1 to House Bill 1538. Again,

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Transportation and Motor Vehicles Committee, Wednesday,
8:30 a.m., Room 114 and Insurance Committee, Room 118, 8:30
a.m."

Speaker Daniels: "House Bills, Third Reading. House Bill 1967.
Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1967, a Bill for an Act in relation
to violence prevention. Third Reading of this House Bill."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill was discussed
previously in our Amendment stage. It creates the Illinois
Violence Prevention Authority. The authority is co-chaired
by the Director of the Department of Public Health and the
Attorney General of this state. The authority develops a
plan for violence prevention in families, communities and
schools. I would be happy to answer any questions that you
might have."

Speaker Daniels: "The Gentleman moves for the passage of House
Bill 1967. 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? Clerk will take the record. On this question
there are 109 'ayes', none voting 'no', 8 voting 'present'.
This Bill, having received the Constitutional Majority, is
hereby declared passed. House Bill 25. Read the Bill, Mr.
Clerk."

Clerk McLennand: "House Bill 25, a Bill for an Act that amends
the Property Tax Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Deering, are you here?
Representative McGuire? Representative McGuire, do you
wish to handle the Bill, Sir? Okay. The Chair recognizes
the Gentleman from Will, Representative McGuire."

McGuire: "No, Sir, I do not. I defer to Representative Deering."

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Speaker Daniels: "He's not here, Sir."

McGuire: "Okay, hold on. Okay, I'll give it a good try, Mr. Speaker."

Speaker Daniels: "I'm sure you can. Representative McGuire, for a good try."

McGuire: "Okay. All we're talking about is if you get an assessment reduction you get to keep the reduction for the entire tax cycle. And I'll try to answer any questions you may have, and if not, I'd appreciate an 'affirmative' vote. Thank you."

Speaker Daniels: "Representative Biggins."

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

Speaker Daniels: "He indicates he will."

Biggins: "Now, Representative, when you had this Bill in Revenue there was one little problem with it and I think it can be ironed out in the Senate. But at the time, unless it's been amended, if an assessor or a board reduced a value during a assessment cycle or a quadrennial period, the Bill originally written said it couldn't be changed at all, upward or downward. Now the problem with that is, let's suppose the state reduces a value and the next year let's say an incinerator is built next to a site causing a drop in value. The assessor would be precluded from lowering the value again. Is that still...if that's still in there we can pass it out of the House and they can amend it in the Senate or correct it there, but the taxpayer should be allowed to appeal downward again. I know the intent is not to have an upward increase."

Speaker Daniels: "Representative McGuire."

McGuire: "Yeah, Representative Biggins, my best information is that situation would not really occur till the next cycle, so it's not a situation that would occur. We'll talk about

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it and we can change it in the Senate if needed, but we don't believe that that situation would occur."

Speaker Daniels: "Okay. The Gentleman, Representative McGuire, moves for the passage of House Bill 25. All those in favor will 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 112 'aye', none voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1045. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1045, a Bill for an Act that amends the Real Estate License Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill simply cleans up some language in the real estate dual agency disclosure laws that we passed last year. It simply allows for a dual agency disclosure to be a part of written listing agreement. The language we passed last year left it vague and has forced real estate companies to have dual forms. I ask for your passage."

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

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Brady, you talk about dual agencies. Could you please explain that to me? Dual agencies..."

Speaker Daniels: "Representative Brady."

Brady: "Yes, Representative, last year we passed legislation which allows a real estate licensee, a salesperson, to act as a designated dual agent or a designated agent of a

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client. Dual agencies simply allows that designated agent to act as a designated dual agent. What we are asking here is that the language that allows that designated agent to act as a dual agent, be allowed to be offered in the...the brokerage agreement."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. Would you...In that capacity, the real estate agent, as a dual agent, could bene...could represent both sides of that transaction. Is that what you're referencing to?"

Speaker Daniels: "Representative Brady."

Brady: "Right. The language we passed last year allows an agent to operate as a representative of the buyer and a representative of the seller under limited responsibilities."

Speaker Daniels: "Representative Granberg."

Granberg: "So the legislation we passed last year at the request of the Illinois Realtors Association, allowed that person to represent both sides of the transaction. Your Bill allows them...it would change the disclosure mechanism for that dual agency. Is that correct?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, it doesn't necessarily change the disclosure language. It simply states that the disclosure language can be part of the brokerage agreement. Right now the language is vague, and for that reason real estate companies have felt to be safe, they had to offer two separate forms."

Speaker Daniels: "Representative Granberg."

Granberg: "So, Representative, let me...if I understand this correctly. So what they want to address is the issue of potential liability because it's not clear to the parties

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on both sides of the transaction on what capacity that broker has been retained?"

Speaker Daniels: "Representative Brady."

Brady: "Not at all, Representative. All this does is allow the language that's required by law to be included in the same form."

Speaker Daniels: "Representative Granberg."

Granberg: "So they just want to clarify, Representative, because now they have two separate forms. The legislation last year enabled them to represent both sides of the transaction. Now, you want...so they disclose that relationship. Now, they have the real estate contract and the form that discloses that relationship. Currently, there are two forms that they..."

Speaker Daniels: "Representative Brady."

Brady: "Representative, it is now legal for them to, in the real estate contract, to redesignate dual agency exists. We're talking about the brokerage agreement, a buyer brokerage agreement or a listing brokerage agreement, to be able to include in those agreements the opportunity for a designated dual agency. The contract that has already allowed for redesignation of that authority."

Speaker Daniels: "Representative Granberg."

Granberg: "The listing agreement is the broker's contract with the seller. Is that correct? So how would you do that with the buyer?"

Speaker Daniels: "Representative Brady."

Brady: "There's a buyer brokerage agreement."

Speaker Daniels: "Representative Granberg."

Granberg: "I'm sorry, Representative, I didn't hear that last part."

Speaker Daniels: "Representative Brady."

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Brady: "There is a buyer brokerage agreement."

Speaker Daniels: "Represent..."

Brady: "Just like there's a listing agreement with the seller to list the property, there's a brokerage agreement between the buyer and the real estate agent and company as a buyer brokerage agreement."

Speaker Daniels: "Representative Granberg."

Granberg: "So you would just allow this to be incorporated into the one form on the real estate contract. I didn't mean to go through all these machinations, Representative. But this would allow you to do that, to put into one contract, one thing that would be signed so both parties of the transactions...transaction would understand that this is a dual agency, Representative, and so they would acknowledge the conflict, potential conflict of interest situation. So they are willing buyers, willing sellers and there is complete disclosure, so there'd be no potential liability during the transaction. I assume that this is at the request, also, of the Illinois Association of Realtors, Representative?"

Speaker Daniels: "Representative Brady."

Brady: "As well as Al Gore, to reduce the paperwork."

Speaker Daniels: "Representative Granberg."

Granberg: "The Gentleman, Representative Brady, now moves for the passage of House Bill 1045. All those in favor will 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 106 'aye', none voting 'no', 11 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1218."

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Clerk McLennand: "House Bill 1218, a Bill for an Act that amends the Riverboat Gambling Act. Third Reading of this House Bill."

Speaker Daniels: "Return the Bill to Second Reading. For what purpose does the Gentlemen from Whiteside arise?"

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

Speaker Daniels: "State your point, Sir."

Boland: "Mr. Speaker, my light did not come on on Representative Deering and McGuire's wonderful Bill, House Bill 25, but I'd like the record to reflect that I would have been a 'yes' vote had it come on."

Speaker Daniels: "The record will so reflect. House Bill 1268. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1268, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Members of the House. House Bill 1268 amends the Cannabis Control Act and it increases the penalty for possession, manufacture of more than 500 grams of cannabis and for cannabis tracking (sic-trafficking). Under current law it's a Class III felony to possess more than 500 grams of cannabis; a Class II to manufacture or possess with intent to deliver and that is three to seven years, \$100,000 fine; and a person guilty of cannabis tracking (sic-trafficking) is sentenced to a term of imprisonment not less than twice the minimum term. The problem that we have downstate and in a lot of the communities which border the major arteries, we have large volume cannabis trafficking. In last week alone in LaSalle County there were two seizures; one of 1,800 pounds

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of high grade cannabis, a second, of 400 pounds. Total street value estimated at \$4,000,000. Under our current code they would be looking at potentially 6 to 14 years maximum, so I was requested by the state's attorneys and Mark 'Vernaveen', Joe 'Navaro' and Larry 'Vandersnick', in particular, three of the local state's attorneys and also the State's Attorneys Association, to put this legislation in place. There is identical language in a Senate Bill being carried by Senator Hawkinson. It is something that's necessary and is beneficial to all of downstate Illinois. To let you know what the penalties will be if we enact this legislation; it will make a Class III felony from 2 to 5 years, \$10,000 fine to possess more than 500 grams, but not more than 2,000 grams; it would become a Class II felony, 3 to 7 years and \$10,000 fine to possess more than 2,000 grams, but not more than 5,000 grams; and a Class I felony to possess more than 5,000 grams. In the instance of manufacture or possession with intent to deliver, these would go to Class II felony, 3 to 7 years; Class...for the range of 500 grams to 2,000, a Class I felony, 4 to 15 years..."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 1268. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 'aye', none voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we have two bills left and then we can adjourn for the evening. House Bill 1869. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1869, a Bill for an Act that amends

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the Disabled Person Rehabilitation Act. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1869, frankly, may be the best Bill I've ever had in this House. This Bill increases the pay for those who take care of home care...provide home care service for people who need help from our Department of Rehabilitation Services. Many of these home care workers and personal assistants are really unsung heroes in the health care system that we have. They're people that work very hard to keep people out of nursing homes and out of other institutional care and, really, I don't think we can pay many of these people too much for the work that they do and the dedication that they bring to their jobs."

Speaker Daniels: "Is there any discussion. The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I rise in strong support of House Bill 1869. I'm proud to join Representative Leitch in a Bill that's long overdue and I urge an 'aye' vote."

Speaker Daniels: "The Gentleman, Representative Leitch, moves for the passage of House Bill 1869. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 'aye', none voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1893. After this Bill we have a Resolution and an announcement. House Bill 1893. Representative...Read the

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Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1893, a Bill for an Act that amends the Uniform Penalty and Interest Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1893 with Floor Amendment #2, which becomes the Bill, is the agreement between the Illinois Retail Merchants and the Department of Revenue. This is now an agreed Bill. Representative Dart and I had a rather lengthy conversation about this Bill yesterday which I'm not sure anybody listened to, but I know of no opposition to this Bill."

Speaker Daniels: "Is there any discussion? Being none, the Gentleman moves for the passage of House Bill 1893. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental Calendar #2. Mr. Clerk, read the Resolution."

Clerk McLennand: "House Resolution 40 offered by Representative Churchill. Resolved, by the House of Representatives of the Eighty-Ninth General Assembly of the State of Illinois, that pursuant to House Rule 3-7, the following legislative measures are recommitted to the Rules Committee: House Bills 91, 149, 202, 203, 235, 239, 420, 443, 495, 498, 525, 554, 565, 578, 602, 604, 63..."

Speaker Daniels: "Is there leave to dispense with the reading of the exact Bills that are on the Resolution, themselves?"

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Hearing no objections, leave is granted. The Gentleman, Representative Churchill, moves for the adoption of House Resolution 40, recommitting approximately 90 Bills to the Rules Committee. All those in favor signify by saying 'aye'. Opposed 'no'. Unanimous leave is granted and this Resolution is adopted. Representative Churchill for an announcement."

Churchill: "Thank you, Mr. Speaker. Our friends in the airline industry have asked me just to announce that their reception will continue after 8:00 o'clock tonight for anybody who might want to stop by the Sangamo Club. Those are my friends, the airlines. Thank you."

Speaker Daniels: "We're happy to know you have some friends in the airline industry, Representative Churchill. The Gentleman from Boone, Representative Wait. For what purpose do you arise, Sir?"

Wait: "Yes, I'd like to announce the Transportation Committee will meet tomorrow at 8:30 in the usual room. 8:30 for Transportation for a short meeting."

Speaker Daniels: "Mr. Clerk, any announcements?"

Clerk McLennand: "Committee announcements. Immediately upon adjournment, Judiciary - Civil Law will meet in Room 114. For Wednesday, April 26th at 8:30 a.m., Transportation - Motor Vehicles will meet in Room 114. Insurance Committee will meet in Room 118 at 8:30."

Speaker Daniels: "Okay, everybody get that? I know you did. The Gentleman, Representative Churchill, moves for...now moves the House stand adjourned until Wednesday, April 26th, 1995, at the hour of 9 o'clock a.m. All those in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it, and allowing for perfunctory time for the Clerk, the House now stands adjourned until Wednesday, April 26th,

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1995 at the hour of 9 o'clock a.m."

Clerk McLennand: "House Perfunctory Session will be in order.

Introduction and First Reading of Senate Bills.
Introduction and First Reading of Senate Bills. Senate Bill 3, offered by Representative Tom Johnson, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 14, offered by Representative Clayton, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 78, offered by Representative Hoeft, a Bill for an Act to amend the Township Code. Senate Bill 204, offered by Representative Churchill, a Bill for an Act to amend the Property Tax Code. Senate Bill 472, offered by Representative Salvi, a Bill for an Act to amend the Property Tax Code. Senate Bill 804, offered by Representative Winkel, a Bill for an Act concerning health care. Senate Bill 943, offered by Representative Winkel, a Bill for an Act to amend the School Code. Senate Bill 980, offered by Representative Stephens, a Bill for an Act in relation to regulation of physical therapy by Department of Professional Regulation (sic - a Bill for an Act to amend the Regulatory Agency Sunset Act). Senate Bill 1026, offered by Representative Pankau, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1084, offered by Representative Parke, a Bill for an Act to amend the Condominium Property Act. Senate Bill 1111, offered by Representative Bost, a Bill for an Act to amend the River Conservancy Districts Act. Senate Bill 1142, offered by Representative Bost, a Bill for an Act to amend the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Senate Bill 1202, offered by Representative Black, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1211, offered by Representative Stephens, a Bill for an Act concerning rent

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control. First Reading and introduction of these Senate Bills. Being no further business the House Perfunctory Session stands adjourned and the House will reconvene on Wednesday, April 26th, at the hour of 9:00 a.m."

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