

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

54th Legislative Day

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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 the Pastor Jeff Houfgh of the First Pentecostal Church in Altamont. Pastor Houfgh is the guest of Representative Noland. Will the guests in the gallery please rise and join us for the invocation? Pastor Houfgh."

Pastor Jeff Houfgh: "Let us pray. Father, we are grateful to you this morning for your blessings upon us and the burden of responsibility weighs heavy upon our heart today that we are ministers to mankind and called of God to fulfill a purpose in a position that is very unique. We ask for unique wisdom, special guidance. We ask, Father, that you teach us your ways, cause us to count the costs and to count our ways that we might regard the law of God in all that we do and in all that we say. We thank you, Lord, for the institutions of the home, of the schools, of the church, of government, and what role they play in our society and the very importance that there is there to them. We have an affect upon all of that, and I ask, Father, that you would guide our thoughts this day and give us that knowledge and that insight and particular understanding that we would lack if it weren't for you. We have looked the hills from what has come as our strength, encourage these that are here today. I pray that you would encourage them and uphold them, strengthen their thoughts. I pray, Master, that as we think of a time that we will stand before you and give an account to God of what we do in this life, in this flesh, that we will give great consideration to the words that we say and the life we live, the homes that we orchestrate, and the government that we have here in this great State of Illinois. We

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thank you for your many blessings all across this plain that we are a part of. We ask that you would guide everything that is said and done. In the wonderful name of Jesus Christ, Amen."

Speaker Churchill: "We will be led in the Pledge of Allegiance today by Representative Lachner."

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

Speaker Churchill: "Roll Call for attendance. Representative Currie, are there any excused absences on the Democratic side of the aisle?"

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez and Representative Morrow are both excused today."

Speaker Churchill: "The Journal will so reflect. Representative Cross, are there any excused absences on the Republican side of the aisle?"

Cross: "Yes. Representative Biggins please. If you would let the record reflect that Representative Biggins is excused, Mr. Speaker. Thank you."

Speaker Churchill: "Thank you, Representative Cross."

Cross: "Thank you again for asking."

Speaker Churchill: "The Journal will so reflect. Mr. Clerk, take the record. There are 113 Members answering the Roll and a quorum is present. The House will come to order. Senate Bills - First Reading."

Clerk McLennand: "Introduction - First Reading of Senate Bills. Senate Bill #11, offered by Representative Parke, a Bill for an Act that amends the Unemployment Insurance Act. Senate Bill #15, offered by Representative Parke, a Bill

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for an Act to amend the Workers' Compensation Act. Senate Bill #21, offered by Representative Parke, a Bill for an Act to amend the Illinois Public Labor Relations Act. Senate Bill #100, offered by Representative McAuliffe, a Bill for an Act to amend the Illinois Pension Code and the State Mandates Act. Senate Bill #253, offered by Representative Brady, a Bill for an Act in relation to sick leave benefits for State Employees. Senate Bill #354, offered by Representative Hughes, a Bill for an Act in relation to grievance procedures and employment. Senate Bill #355, offered by Representative Rutherford, a Bill for an Act concerning disclosure of employment records. Senate Bill #611, offered by Representative Saviano, a Bill for an Act to amend the Illinois Nursing Act of 1987. Senate Bill #618, offered by Representative Ryder, a Bill for an Act concerning emergency medical services. Senate Bill #662, offered by Representative Salvi, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill #682, offered by Representative Stephens, a Bill for an Act concerning education. Senate Bill #747, offered by Representative Moffitt, a Bill for an Act to amend the Criminal Code of 1961. Senate Bill #760, offered by Representative Pankau, a Bill for an Act to amend the Toll Highway Act. Senate Bill #813, offered by Representative Cross, a Bill for an Act concerning music licensing fees. Senate Bill #1133, offered by Representative Ryder, a Bill for an Act concerning nursing home facilities. Senate Bill #1191, offered by Representative Brady, a Bill for an Act to amend the Illinois Insurance Code. Introduction and First Reading of these Senate Bills."

Speaker Churchill: "We will now proceed to the order of Senate Bills - Third Reading. Mr. Clerk, please read Senate Bill

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42."

Clerk McLennand: "Senate Bill #42, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 42 provides that an individual who has been issued a purple heart or a Korean War Veteran license plate and has received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistant Act, can pay only half of the annual regular fee for the registration of his vehicle. It is pretty straight forward, pretty simple. It allows for 50% payment of licensure fees for those who have been awarded the purple heart or the Korean War Veteran Award as well as the Property Tax Relief and Pharmaceutical Assistance Act benefits. I would be more than happy to answer any questions that the Members may have on the Bill."

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

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

Speaker Churchill: "Indicates he will. Please, proceed."

Dart: "Representative, this is limited just to the purple heart plates and the Korean War Veteran plates. Is that correct?"

Speaker Churchill: "Representative Weaver."

Weaver: "Yes, it is. And they also have to have qualified for assistance under the Disabled Personal Property Tax Relief and Pharmaceutical Assistance Act."

Speaker Churchill: "Representative Dart."

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Dart: "How many people presently have the purple heart plates?"

Speaker Churchill: "Representative Weaver."

Weaver: "I'm not really sure about the purple heart plates. The Department has indicated that they think there may be as many as 6200 individuals who would qualify for this plate."

Speaker Churchill: "Representative Dart."

Dart: "Do you know how many people have the Korean War plates at this time?"

Speaker Churchill: "Representative Weaver."

Weaver: "I don't currently have any idea, no, Representative."

Speaker Churchill: "Representative Dart."

Dart: "I'm just wondering if there was any estimate then of how many people would qualify having both, either the two plates and the senior citizen pharmaceutical exemption. Would you have an idea of that number or a round figure?"

Speaker Churchill: "Representative Weaver."

Weaver: "The only impact that we have been able to estimate is, like I said, approximately 6000, a little bit over, who may qualify. Probably not all would take advantage of it and the...while it is very, very difficult to estimate how many people would actually avail themselves to this, they said that the very tops, the potential cost is no more than \$150,000."

Speaker Churchill: "Representative Dart."

Dart: "That was my next question. Where does the money presently go to...that comes into the Secretary of State's Office from the license plate fee? Where does it go presently?"

Speaker Churchill: "Representative Weaver."

Weaver: "Yeah, it goes into the fund that helps produce those plates and for your previous question, we do have an estimate. There are 1337 Korean War Veteran license plate registrants right now and there are approximately 5630

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purple heart registrants right now."

Speaker Churchill: "Representative Dart."

Dart: "Does all of the money then that is presently brought in from the license plates, does it all go just to the administrative costs and to the issuants of the physical license plate itself, no other place?"

Speaker Churchill: "Representative Weaver."

Weaver: "To the best of our knowledge, that is the case."

Speaker Churchill: "Representative Dart."

Dart: "Mr. Speaker, I have a couple more questions, but I want to take this off of Short Debate and I am joined by the appropriate number of hands."

Speaker Churchill: "I only see three hands. You have to...need more friends than that."

Dart: "I don't have many friends."

Speaker Churchill: "Okay. Oh, I see Bugielski has both hands up. Alright, it is off Short Debate. Representative Dart, proceed."

Dart: "Thank you. My concern was, Representative, is that this obviously sounds like a good idea. It seems like a relatively limited pool of people we are talking about here. But my concern was just the fiscal hit because we do have the Secretary of State's Office has been complaining at length about its lack of funds and the like, and I am wondering where in particular this money would hurt them. If it is just administrative, I would understand, but I was wondering if any of this money would come out of the road fund or anywhere else?"

Speaker Churchill: "Representative Weaver."

Weaver: "No, it would not come out of the road fund, and the Secretary of State's Office is in support of our effort."

Speaker Churchill: "Representative Dart."

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Dart: "Representative, I am looking at the fiscal note that was issued by the Secretary of State's Office and this...I guess the thrust of where I was going with the question because I frankly am not as versed in this as I should be. But, it says the fiscal impact on House Bill 42 on the road fund would be approximately \$41,000 if at least 25% of the current purple heart and 25% of the Korean War Veteran license plate registrants opted to take this discounted thing, license plate registration fee. Apparently from the fiscal note, it looks as if the money would come out of the road fund. I mean, is that not correct?"

Speaker Churchill: "Representative Weaver."

Weaver: "Apparently that would be... I stand corrected. It would be that \$41,000 would come out of the road fund."

Speaker Churchill: "Representative Dart."

Dart: "Just a final question then. Is...and truly, this is my ignorance here. Would all of the money that would be lost because of cutting this in half be coming from the road fund money or would this be coming from administrative money that the Secretary of State uses right now to administer license plates and the like, or is it all out of the road fund?"

Speaker Churchill: "Representative Weaver for the answer."

Weaver: "The money is put into an administrative fund which is part of the road fund so, I guess it is kind of 6 to 1, half a dozen of another."

Speaker Churchill: "Further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Yeah. Would the Sponsor yield?"

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

Hartke: "Representative Weaver, I am just a little bit confused. I am in support of it, I think, in what you are trying to

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do. But I am a little bit confused about why you are just talking about just the Korean War Veterans. Do we have special plates for Vietnam Veterans or World War II Veterans?"

Speaker Churchill: "Representative Weaver."

Weaver: "Not currently, no."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I thought a couple of years ago we passed a piece of legislation that was a veterans license plate and it didn't matter which war you were in, they went by military plate, you know, like you were in the Army or the Navy or the Marines, there is a special plate for that, too. And then we had those that were issued for those who were given the purple heart. I just wondered... I think your legislation here requires that they must have the purple heart or the Korean War plate now. I would think you would want to extend the same privilege of reduced rates to any disabled veteran, whether Korean War or Vietnam or World War II, but it seems to me like you are playing favorites here with just those in the Korean conflict and that is..."

Speaker Churchill: "I'm sorry, Representative, was that a question..."

Hartke: "Well, I think so, and I think he is studying the situation out. Representative Weaver, does this apply to World War II veterans as well?"

Speaker Churchill: "Representative Weaver."

Weaver: "If they are awardees of the purple heart, it does. The reason that we have extended this for the purple heart and Korean War veterans is that they currently qualify for discounts under the Circuit Breaker Program with the Department of Revenue, and so what we are doing is simply extending that circuit breaker privilege from those

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individuals with purple hearts and Korean War veteran plates who also participate in the federal programs that we announce...allows them to get a discount on their license plates."

Speaker Churchill: "Representative Hartke."

Hartke: "So, if you are a Vietnam Veteran and you have a purple heart, would you qualify under this program?"

Speaker Churchill: "Representative Weaver."

Weaver: "If you are currently participating under the Senior Citizens and Disabled Person's Property Tax Relief and Pharmaceutical Assistance Act."

Speaker Churchill: "Representative Hartke."

Hartke: "So, under this legislation, if you are just a Korean War veteran, do you have to qualify under the Senior Citizens Circuit Breaker, too? But, this says 'or'."

Speaker Churchill: "Representative Weaver."

Weaver: "You can be either qualified under the Senior Citizens and Disabled Person's Property Tax Relief and Pharmaceutical Act or if you are disabled. It provides an easy way for us to identify those purple heart recipients and those Korean War veterans who are enabled by this other program to be identified so that we can not only provide them with circuit breaker relief, but also relief on their license plates."

Speaker Churchill: "Representative Hartke."

Hartke: "As I read through the language of the current law, there is a deduction of \$2 of the license fees that goes to the Korean War Veterans License Plate Memorial and their fund. If you are reducing this to half price, from 48, it would be down to \$24, does the fund also receive a reduction for the Memorial Fund or does that stay the same?"

Speaker Churchill: "Representative Weaver."

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Weaver: "The 50% reduction shall not apply to the additional fee."

Speaker Churchill: "Representative Hartke."

Hartke: "So, that would be on top of the \$48, the \$15 dollar fee plus the \$2 for the fund. So, they would still be paying \$24 plus \$15 plus \$2 plus \$2. Is that correct?"

Speaker Churchill: "Representative Weaver."

Weaver: "We are not changing that part of the original legislation. That shall remain the way it is."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I am going to support the legislation. I just didn't want to get caught in the box where we are supporting the veterans from Korea over those from Vietnam or any other conflict that we have been in that we want to give that deduction to, especially if they have the purple heart or are disabled in those conflicts."

Speaker Churchill: "Representative Weaver to close."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is... Although it may sound like it is a bit complex, it is very simple. We are offering a 50% price break on license fees to those purple heart recipients and those who are veterans of the Korean War, if they are also taking advantage of some federal programs or excuse me, some circuit breaker programs on pharmaceutical assistance and senior citizens and I would appreciate an 'aye' vote on this very worth while Bill."

Speaker Churchill: "The question is, 'Shall Senate Bill 42 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 111 voting 'aye', 0 voting 'nay', 0

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voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 66."

Clerk McLennand: "Senate Bill #66, a Bill for an Act in relation to governmental matters. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 66 is a Bill sponsored by Senator Maitland. It includes land transfers. It carries transfers for many areas in the state including Representative Novak's district and I ask for your passage."

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

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of this Bill. There are a number of routine land transfers included, one of which is for my district. It would help the City of Kankakee and a developer build a large retail outlet facility south of the City of Kankakee, but within its district it would be one of the biggest retail developments in over 25 years. So I would certainly ask my colleagues to support this legislation. I believe there aren't any...are not any controversial land transfers in here and I would ask for your affirmative vote on this Bill."

Speaker Churchill: "Further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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

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Hoffman: "Yes, Representative, with regard to this Bill. Does this just apply to one specific individual authority or could you please explain more expansively what this applies to?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, there are various and numerous land transfers that apply to many counties throughout the state."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Alright, so this is just the land transfer Bill that we do every year?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, there are at least three quick takes as well."

Speaker Churchill: "Representative Hoffman."

Hoffman: "I apologize I couldn't hear that."

Speaker Churchill: "Representative Brady."

Brady: "The answer to your question is, yes. It applies to various areas of the state and it also has at least three quick take provisions."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Could you just briefly explain the quick take provisions?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, there is one for Aurora, for Romeoville, and for Jonesboro."

Speaker Churchill: "Representative Hoffman."

Hoffman: "I mean some people have general problems with quick takes. Is this just one specific...they have given the ability to the Department of Transportation to perform one specific quick take, or will this allow the Department of Transportation to continually perform this type of activity

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in those areas. If it is just one specific, what specific projects are they for?"

Speaker Churchill: "Representative Brady."

Brady: "Representative there are two for IDOT and one for the Anna-Jonesboro Water Commission. The one for the Anna-Jonesboro Water Commission allows it to improve it's water treatment and storage facility and transmission pipes. The two for IDOT, which include Aurora, allows for a period of one year to acquire easements for the construction of Phase II of the Indian Creek Flood Control Project and the quick take for Romeo grants IDOT the power for three years to acquire the right away for the 135th Street Bridge Project in Will County."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Are there any provisions in here that will pay money to private individuals?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, not that I'm aware of."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, the payment for some of these easements, I think, goes to individuals. Is that right? So the question is...I mean we are buying something from individuals. The state is buying something from an individual so we are either...or excuse me we are selling them to individuals. So IDOT is buying... It's my understanding that IDOT is selling land to individuals for a certain amount of money and giving them the easement rights. So these individuals that are going to pay. Have there been appraisals done in each of these instances?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, it is my understanding that the appraisals have been completed and all filed with the

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Clerk."

Speaker Churchill: "Representative Hoffman."

Hoffman: "For each of these properties, are we getting the appraised price or above?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, I'm not sure. IDOT has made the best determination they can in determining to do this, but I'm not for certain."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, my concern is, if there's appraisals on file and we know how much the market value would be, I would hope that we're paying either the market...I would hope that we're receiving either the market value or above. As you know we have just had some terrible instances which are occurring regarding hotel properties in this state and being able to get out from under certain loans for less than fair market value. So my concern is are we giving any of these people the type of 'sweetheart deals' that these other people, politically connected, may have gotten or are we at least getting market value or above?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, I fully understand your concern and share it. It's my understanding that IDOT has worked as best it can with the appraisals to get the best price they can for these properties and we have confidence..."

Speaker Churchill: "There being no further discussion, Representative Brady to close."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen. This is a, as I indicated earlier, a land transfer Bill which includes various areas of the state and I ask for your favorable vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 66 pass?'"

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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 111 'ayes', 0 'nays' and 2 people voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 116."

Clerk McLennand: "Senate Bill 116, a Bill for an Act that amends the Hospital District Law. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from McDonough, Representative Myers."

Myers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 116 amends the Hospital District Law to include congregate housing units in the definition of 'facility'. And it provides that a hospital district shall have the power to establish and maintain these congregate housing units to acquire or lease land for the location, and the establishment, maintenance, and development of those housing units and other facilities and to borrow the funds and give debt instruments, real estate mortgages, and security interest in the personal property, contract rights, and general intangibles. And finally to enter into any contract required for participation in any federal or state programs. I would be glad to answer any questions."

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

Schakowsky: "Thank you, Mr. Speaker. First, I would like to take this Bill off of Short Debate and I'm joined by the requisite number of my colleagues."

Speaker Churchill: "You have four hands up and Louie Lang is two

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of those. Okay, now there are enough hands up. It's off Short Debate."

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

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

Schakowsky: "Representative, I'm unfamiliar with the concept of congregate housing units in the context of any relationship to hospitals. I'm wondering if you could explain that. What are they?"

Speaker Churchill: "Representative Myers."

Myers: "In this case, congregate housing means, housing for senior citizens in this particular area and for a particular facility in my district. The hospital conducted a survey of needs for senior housing in the area and since other local units of governments were not willing or unable financially to assist with senior housing. In this case, these congregate housing units are going to be for senior citizens that need some form of light support services, such as meals or maybe light housekeeping. "

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "And exactly what kind of relationship then would these housing units have with the hospitals?"

Speaker Churchill: "Representative Myers."

Myers: "The relationship that these senior housing units would have with the hospital would be that the hospital board would be the controlling party or the controlling board for the ownership of the senior housing units. The hospital board would secure the funding for it and in this case, this particular hospital board has filed an application with the Farmers Home Administration, and the Farmers Home Administration would provide the loan funding to the board and the board then would oversee the housing units. There would be no hospital money whatsoever used in the

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establishment of the senior housing units."

Speaker Biggert: "Representative Biggert in the Chair.
Representative Schakowsky, continue."

Schakowsky: "If there's no hospital money, what is the financing
then for this congregate housing?"

Speaker Biggert: "Representative Myers."

Myers: "In 1991, when this hospital board did the survey and
discovered that there was a need, they applied to the
farmers home administration for funds under instruction
1944(e), the rural rental housing loan program and that is
the program that this local hospital board would be using
in securing the funds. The Rural Rental Housing Loan
Program."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Is there any particular financial advantage to the
hospital in doing this, or are they simply providing the
instrument to secure the loan?"

Speaker Biggert: "Representative Myers."

Myers: "I think there probably could be two advantages,
Representative. First of all, most of the loan programs
under the Farmers Home Administration carry a lower
interest rate than do the public loans. And secondly, the
federal loan program operated by Farmers Home
Administration does provide an instrument where they can
pool some loans together."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Representative, I'm assuming that because you are
seeking legislation that the hospital is prohibited under
current law from doing this. Is that the case?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, that seems to be a subject of
interpretation. Many people including the Illinois

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Hospital Association today currently thinks that, that the language is within the law to permit that; however, when this current hospital board submitted their application to the Farmers Home Administration for the funds available, their interpretation, legal council for the Farmers Home Administration was that, since it did not specifically state that this was permitted then their interpretation was that it was prohibited. Other sources would say that no, other hospitals have been doing it, or are doing it and think that it is permissible. This language just clarifies what some would already say is already in practice."

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

Schakowsky: "Thank you, if I could just close. To the Bill. Thank you, Madam Speaker. It seems to me that this language would clarify for the federal government that a hospital can, in fact, secure the loan in order to build senior housing and it seems to me that the goal of affordable housing for seniors particular in rural areas is a good one and I would urge support for this legislation."

Speaker Biggert: "Thank you. Representative Meyer, the Gentleman from Will. Ladies and Gentlemen, could we have some order here?"

Meyer: "Madam Speaker, I move the previous question."

Speaker Biggert: "Representative Meyer, you weren't recognized for that purpose. Representative Lang, the Gentleman from Cook."

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

Speaker Biggert: "He indicates he will."

Lang: "Thank you. Perhaps it's...because it's early in the week, Representative, I haven't been able to focus on what you've been talking about here. Can you give us a brief

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description of what this does and does it only...does it only affect one hospital district in Illinois?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, to recap what this Bill does is, it amends Hospital District Law to include congregate housing and in this case, housing for senior citizens as in the definition of 'facility'. It provides that the hospital district may have the power to establish and maintain these units. Further, in answer to your second question, it applies to 18 hospital districts that currently fall under Hospital District Law."

Speaker Biggert: "Representative Lang."

Lang: "Thank you. Is there something in the Hospital District Law today that prohibits them from doing this?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, as I stated previously there is nothing in the law that prohibits or prevents them to do it, but the law does not specifically permit them to do it. And in this case, one hospital that did apply for a loan under this authority was told by the financing authority that would grant them the loan, that since they did not read the permission into the language then they interpreted it as a prohibition."

Speaker Biggert: "Representative Lang."

Lang: "Well, can't the hospital district issue their own debt without even going to a financial institution? Can't they just sell their own bonds?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, perhaps some hospitals districts could, but this is a rural hospital district that chose either not to or did not have the capability available to them."

Speaker Biggert: "Representative Lang."

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Lang: "And the purpose of this is to put this housing together for families that have to stay overnight in the area because their loved ones are in the hospital, would that be correct?"

Speaker Biggert: "Representative Myers."

Myers: "No, Representative, that is exactly wrong. The purpose of this Bill is to establish housing for senior citizens. Senior citizen housing in this particular area is at a shortage and local units of governments either...other local units of local governments were either incapable of doing it or chose not to. But the need was there based on a survey that housing...or that the hospital board conducted and established that they could provide this service with perhaps a low interest loan from the Farmers Home Administration, erecting the housing and securing rent from the senior citizens."

Speaker Biggert: "Representative Lang."

Lang: "Well, how will the rent be set?"

Speaker Biggert: "Representative Myers."

Myers: "The Bill does not stipulate how the rents are to be set, that would be the authority of the hospital board to make that determination."

Speaker Biggert: "Representative Lang."

Lang: "Well...frankly, I understand what you're trying to do but when you start by telling us that the hospital district needs state approval to build these things because there's nothing in the Act. Why don't they need state approval to set the rents? Why can they do that on their own hook, but they can't build the units without our help. I don't understand how that works together."

Speaker Biggert: "Representative Myers."

Myers: "Representative, I assume that there are already

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provisions in the law that allow the hospital authority, the hospital boards, certain authorities in their daily functions. This apparently is not one of them, this is why that this language is being introduced to clarify the law."

Speaker Biggert: "Representative Lang, your time is drawing to a close."

Lang: "Thank you. Could you point out to me in the current law what would give the hospital district the authority to set the rents at these buildings once we give them the authority to build them?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, I didn't say that I could cite the specific law. I said that I assume there is that authority in the law."

Speaker Biggert: "Representative Lang."

Lang: "Well, do you think we should build laws in this state based on assumptions, Sir?"

Speaker Biggert: "Representative Myers. Representative Myers."

Myers: "Representative, currently there are authorities with the hospital boards that allow them to set rates for their room charges in the hospital. The hospital has authority to establish what services they want to offer, what equipment they want to purchase. This is just one of those other provisions within the law that authorizes them to establish another part of their facility and conduct that facility under the laws that they are already granted on establishing rental bases or room rent bases."

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

Flowers: "Madam Speaker, I would like to yield my time to Representative Lang, please."

Speaker Biggert: "Thank you. Representative Lang."

Lang: "Thank you and thank you, Representative Flowers."

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Representative, you've said that they can set the rents because it's one of their daily functions to run their facilities. It's also their function to build their facilities and yet this is a facility they want build and they need state approval to do that. I don't understand why there's a difference, why they need our authority to build but they don't need our authority to set the rents for these senior that are going to be there."

Speaker Biggert: "Representative Myers."

Myers: "Representative, I don't think that they understood it either, in fact, that was one of the reasons why they brought this Bill here. They didn't understand why the language didn't specifically state that they could do this. They didn't understand why the lending agency that they went to said in their language, since it does not state it in the Bill then it is not permissive to them."

Speaker Biggert: "Representative Lang."

Lang: "Did they try any other lending agency?"

Speaker Biggert: "Representative Myers."

Myers: "I have no information to that."

Speaker Biggert: "Representative Lang."

Lang: "Well, if you were building a home and the first proposed lender turns you down for the construction loan, you would probably go to another one, wouldn't you?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, I think the issue here is the hospital board and their source of funding and in this case, their source of funding is very willing to loan them the money. They just want to make sure, the federal agency just wants to clarify in state law what is permitted and what is not permitted."

Speaker Biggert: "Representative Lang."

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Lang: "Is this the first effort to build such a facility in Illinois?"

Speaker Biggert: "Representative Myers."

Myers: "I'm not aware of any other facilities, however there could very well be."

Speaker Biggert: "Representative Lang."

Lang: "Are there any other states that have similar facilities?"

Speaker Biggert: "Representative Myers."

Myers: "I'm not aware of that either, Representative."

Speaker Biggert: "Representative Lang."

Lang: "So, would you then say this is a case of first impression both for our state and for a federal government that was trying to give them authority, but couldn't do so without this clarification."

Speaker Biggert: "Representative Myers."

Myers: "Representative, could you repeat the question again? I'm not sure I understand what you were trying to get at."

Speaker Biggert: "Representative Lang."

Lang: "Well, let me ask a different question. The effort to build senior housing, have you seen the plans on the proposal to build this housing?"

Speaker Biggert: "Representative Myers."

Myers: "No, Representative, I have not."

Speaker Biggert: "Representative Lang."

Lang: "Who has proposed this legislation? Who signed in as witnesses for this and also, who signed in as witnesses against this legislation?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, I have seen absolutely no opposition. The proponents have been the Illinois Hospital Association, they have signed in fully supportive of this effort."

Speaker Biggert: "Representative Lang."

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Lang: "You indicated, and if I'm wrong correct me, but I think you indicated this effects 18 hospital districts in Illinois. Is that correct?"

Speaker Biggert: "Representative Myers."

Myers: "That is correct, but we don't know which ones other than this one in particular, that suggested the legislation."

Speaker Biggert: "Representative Lang."

Lang: "Well, I don't know...so you're telling me there are 18 hospital districts in Illinois, it effects them all but only one of them is interested in availing themselves of this legislation?"

Speaker Biggert: "Representative Myers."

Myers: "Representative, all 18 could be interested in availing themselves of this legislation, however only one stepped forward to suggest this change of language."

Speaker Biggert: "Representative Lang."

Lang: "Which hospital would that be and where is it located, Sir?"

Speaker Biggert: "Representative Myers."

Myers: "The hospital that stepped forward is the Rushville District Hospital more commonly referred to as 'Colberson' Memorial Hospital in Rushville which is in Schuyler County."

Speaker Biggert: "Representative Lang."

Lang: "Would that be in your district, Sir?"

Speaker Biggert: "Representative Myers."

Myers: "Yes, it is, Representative."

Speaker Biggert: "Representative Lang."

Lang: "Would that be one of the hospitals that might be in real serious trouble if we don't resolve the medicaid mess in our state, Sir?"

Speaker Biggert: "Representative Myers."

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Myers: "Representative, I think all of the hospitals in the State of Illinois are jeopardized by the problem. This is just one of those hospitals that are incurring the problems along with all the rest of them."

Speaker Biggert: "Representative Lang."

Lang: "Would you consider this special interest legislation since it's for a hospital in your district, Sir?"

Speaker Biggert: "Representative Myers."

Myers: "No, Representative, I do not. Since it can potentially effect 18 other hospital districts or 17 other hospital districts and this was just the first one to step forward, I do not consider it special legislation. They all can avail themselves of this particular piece of legislation."

Speaker Biggert: "Representative Myers to close."

Myers: "Thank you, Madam Speaker. This is a piece of legislation that I think can be a very beneficial impact to rural hospitals downstate in assisting their senior citizens in their local areas when no other facilities are available. I would certainly urge all in the chamber to cast an 'aye' vote. Thank you."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 116 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all vote who wish? Mr. Clerk, take the record. On this question, there are 113 'ayes', 0 'nays', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. I have the honor of announcing for Representative Stephens that there are 60 patriots of the famed 26th Infantry Yankees Division and their wives are in the gallery in back of me. This division... Ladies and Gentlemen, this is the first and oldest National Guard

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division. They have earned 80 battle streamers during their 76 year history from 1917 to 1993. They participated in every major war from the Revolutionary to the Vietnam Conflict. Over 6000 awards for valor in World War II alone. Mr. Clerk, please read House Bill...or Senate Bill 298."

Clerk Rossi: "Senate Bill 298, a Bill for an Act amending the Illinois Aeronautics Act. Third Reading of this Senate Bill."

Speaker Biggert: "The Chair recognizes Representative Churchill."

Churchill: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, this is a very simple Bill which only is just the Bill. It doesn't do anything further than this. It just updates the Aeronautics Act from 1970 to 1982. There was a previous Act called the Airport and Airway Development Act of 1970. That Act was repealed and everything that we referred to, we referred to that 1970 Act. This brings it up to the Administrator of Civil Aeronautics of the United States Act and Airport and Airway Improvement Act of 1982. That is all it does. It is just a word change. You vote on this, you put it on the Governor's Desk, it doesn't become anything other than just what you see."

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

Lang: "Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Lang: "Representative, if I'm understanding you correctly, this is just simply cleanup language because some of the laws have changed and you want the Act to read the way it is supposed to read. Is that correct?"

Speaker Biggert: "Representative Churchill."

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Churchill: "That is correct, Representative Lang. There was a 1970 Act which was repealed and every time we make applications or do anything, we have to refer to the 1970 Act. This cleans it up and brings it up to the 1982 Act."

Speaker Biggert: "Representative Lang."

Lang: "Does this do anything else, Sir?"

Speaker Biggert: "Representative Churchill."

Churchill: "It does nothing further, and if you vote on it, it goes to the Governor's Desk, so it will do nothing further."

Speaker Biggert: "Representative Lang."

Lang: "And so, I understand that there are no Amendments on this Bill of any kind that would require the Bill to go back to the Senate."

Speaker Biggert: "Representative Churchill."

Churchill: "That is correct."

Speaker Biggert: "Representative Lang."

Lang: "Well boy, I don't even have any questions. This Bill is too simple to ask any questions about. And since it is not going back to our colleagues in the Senate, I'll be happy to vote for your Bill, Sir."

Speaker Biggert: "Thank you. Representative Churchill to close."

Churchill: "Representative Lang is for the Bill and I am for the Bill and it is a good Bill. So, please help pass it."

Speaker Biggert: "The question is, 'Shall Senate Bill 298 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', 1 voting 'no', 6 voting 'present'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 159."

Clerk Rossi: "Senate Bill 159, a Bill for an Act concerning the Trauma Center Fund. Third Reading of this Senate Bill."

Speaker Biggert: "The Chair recognizes Representative Black."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. Senate Bill 159 simply requires an additional penalty of \$25 for a conviction or order of supervision for a violation of driving under the influence of alcohol or drugs. This is over and above any court costs or fees currently collected and it will go to the Trauma Center Fund. Now, in recognition of the high cost of providing trauma services, current law allows that \$5 of the amount collected as a result of moving traffic violations is deposited in the State Trauma Fund. Now, we all know that we have had a number of closing...closures on hospital trauma centers and unfortunately, an increase in the number of critically injured patients. And that just simply increases the burdens on our existing trauma centers. This legislation, I think, will go far to keep trauma services available. It does so without any strain on General Revenue. I'll be glad to answer any questions that you have."

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

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

Speaker Biggert: "He indicates he will."

Schakowsky: "First, if I could take it off of Short Debate, please, and I am joined by the requisite number of colleagues to do that."

Speaker Biggert: "Seeing the bare minimum, it will be removed

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from Short Debate."

Schakowsky: "Thank you."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Thank you. Representative Black, how is the money distributed before, how is it currently being distributed to the trauma centers?"

Speaker Biggert: "Representative Black."

Black: "It is being distributed under the State Trauma Center Fund which I believe is administered through the Department of Public Health."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "But, as I understand your legislation, what you are doing is saying that now the money will be distributed according to the use in the trauma center, and the volume of cases that are treated in the trauma center, what is the current way of distributing money to those trauma centers?"

Speaker Biggert: "Representative Black."

Black: "We are changing the formula somewhat to the... Currently, it is based on the number of trauma cases and then you will also add in the average length of stay for trauma cases. I believe that is what the hospitals in Cook County wanted."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I am sorry. You said that the hospitals in Cook County would prefer to add in the length of stay and that is what your Bill does, or did I misunderstand?"

Speaker Biggert: "Representative Black."

Black: "To the best of my knowledge, that is my understanding."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I know that it costs a certain amount of money, I would assume, to maintain a trauma center. Is it your understanding that this Bill will, in any way, threaten the

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existence of any trauma centers who may not be used as much as others or have you heard from them?"

Speaker Biggert: "Representative Black."

Black: "Well, I don't think anyone can guarantee you that since the formula for the distribution of this surcharge is based on number of cases and average length of stay, that all hospitals will receive more money...or all trauma centers. I wish that were the case. I think those trauma centers that are used quite heavily will see an increase in money available to them. As far as I know, that is why there is no general opposition to the Bill from the health delivery service's organizations."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Is there an estimate of how much additional money will be raised by increasing the fines that then will be available to the trauma centers?"

Speaker Biggert: "Representative Black."

Black: "I don't know how you could possibly put an estimate on that. With the ever increasing toughness of DUI laws and the concurrent change in attitudes about driving under the influence, I have no way and I don't think anybody would have any way of knowing how much money this surcharge on DUI or driving under the influence of drugs would create... I'd be happy if it didn't create anything because that would mean that a major problem in the utilization of our trauma centers has been eliminated. But, no, I have no idea how much additional revenue this will create. If it creates \$25 and it goes to a trauma center that needs it, I would say it is a good idea."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Well, currently then, let me ask this, how much money is generated by the fine that goes to trauma

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centers?"

Speaker Biggert: "Representative Black."

Black: "I have checked with staff and unfortunately, there is no one here from the department. I have no idea how much money is currently generated."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Well, then let me ask this, and I am sure it is in the Bill but I haven't had an opportunity to look as yet, but...so, what is the current fine amount that is put into the fund?"

Speaker Biggert: "Representative Black."

Black: "As I said earlier, current law allows that \$5 collected as a result of any moving traffic violation, is put into the State Trauma Center Fund."

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

Schakowsky: "Okay. To the Bill then. It appears to me that this will generate, perhaps, significant amounts of money to trauma centers which are increasingly under pressure to treat violent crime and drug related violence et cetera and gun violence. So, I would urge support of this legislation."

Speaker Biggert: "Thank you. The Gentleman from Cook, Representative Dart."

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

Speaker Biggert: "He indicates he will."

Dart: "Representative, I appreciate the fact that you are...it is hard to calculate how much money that this would bring in presently. Was there an estimate at all from the Secretary of State's Office as far as the number of DUIs in which this would apply to, just like a round figure?"

Speaker Biggert: "Representative Black."

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Black: "Yes, I wish I had that information when I was previously questioned. I think it is a very good question. I was just handed a copy of the fiscal note that was filed on the Bill when it was in the Senate and it indicates the Department of Public Health, with information from the administrative office of the courts, estimates an increase of between \$4,000,000 and \$5,000,000 annually to the Trauma Center Distribution Fund."

Speaker Biggert: "Representative Dart."

Dart: "Did they base that on any particular figure, because you had mentioned before, the thrust where I am getting at with this question is that we have under consideration, though apparently it is bottled up now, is the .08 Bill over in the Senate now. I was wondering if any of their estimates were based...were they based on the previous year's DUI figures, were they based on a projection or were they based on .08 or is it just based on the previous year's figures?"

Speaker Biggert: "Representative Black."

Black: "There is no date on the fiscal note when it was filed on the Senate Bill. I have a hunch that this fiscal note was probably filed prior to House Action on the 08 Bill and I, of course...so, I don't know whether they... My assumption would be that they have not taken the .08 legislation into consideration."

Speaker Biggert: "Representative Dart."

Dart: "One other area I was interested in, the provisions in this Bill... I think I like the way it is written, but I was just trying to get a clarification on it. Some of the other areas, especially in the area of DUIs, when we have supplied fines and fees and the like, have been in such a way where to be quite frank, once you get into the courtroom, they will waive them. They will do all sorts of

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other things with them to get around the intent of what we are trying to do around here. There is provisions in here that specifically mention that the additional \$25 fee shall not be considered part of the fine for purposes of any reduction in the fine for time served, either before or after the sentencing. How is that going to work out in the court, and what is the intent of what we are doing there?"

Speaker Biggert: "Representative Black."

Black: "Thank you, Representative. I think that is the crux of this whole Bill. I have had our legal council look at it and he says that the intent of the Bill is very clear, that the \$25 must be over and beyond any other fines and court costs assessed for a conviction of DUI or driving under the influence of drugs. Now, that is my understanding. That is what legal council has said. I must tell you that they Illinois Municipal League and the Mayor...Dupage Mayors and Managers...Dupage Mayors and Managers Group have a concern with the Bill because their fear is that judges will not follow the Bill, that they will just simply collapse a fine and the fine will be distributed as to the arresting authority and how those fines are distributed, as you know better than I, and that they will end up with only the \$5 for a moving violation. It is clearly not the intent of this legislation and I would think if the courts do not hold the intent, we may have to come back next year and clarify it, but the Senate Sponsor and those that I have had look at the Bill say that it is very clear as to what the intent of this language is. How the courts will interpret that, I have no idea."

Speaker Biggert: "Representative Dart."

Dart: "And the provisions for the administrative fees for the Clerk's Office are...they are phrased in such a way that

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they will not cut into the money going to the trauma fee, that it will be the...that that set amount will go to the trauma fee and it won't be a method for the Clerk's Office to take anything other than what you specified in the Bill?"

Speaker Biggert: "Representative Black."

Black: "Yes, again, in consultation with staff who has worked on both the Senate and the House version, that is our understanding. Again, as you indicated in your question and again, it goes to the heart of the matter, sometimes what we think we do is interpreted differently by the courts and the circuit clerk. So, I can only say clearly that is the intent, that this be over and above, not divided up and spread among administrative agencies. And if we find later that that is indeed happening, then I think we will have to come back for some kind of clarification."

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

Dart: "Thank you. Just one final question, Representative. As I mentioned before, I really like the way this thing was written, with the way this was delineated. Representative Hoffman I think had a Bill similar to this like a year or two ago and I don't know if he had the foresight that yourself had and others to make sure that this part was included. Because, as you have mentioned, this fine sometimes gets lost..."

Speaker Biggert: "Representative Black, was that an answer?"

Black: "I... When I brought the House Bill to Committee, Representative Hoffman was kind enough to point out some language that I think he wanted in the Bill. It is my understanding that that language in fact was added in the

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Senate and is included in this particular legislation."

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

Moore, E.: "Yes, Madam Speaker, I would just like to speak to the Bill. I think this is a very good piece of legislation. It is the same Bill that I supported last year and it passed out of the House unanimously with over 70 votes, and I commend Representative Black for picking this up and I support Representative Black, and I urge an 'aye' vote on this particular case. Thank you."

Speaker Biggert: "Thank you. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hoffman: "Representative, it is my understanding that two years ago, I remember two years ago, I passed a Bill that imposed the original \$5 fee on moving violations. At that time, it is my understanding that DUIs were included; however, I do applaud the effort to increase the DUI amount. My only concern is... I haven't had a chance to look at the entire Bill. It is my understanding that the way it was originally written is, half of the money would go into this trauma center fund and would be distributed and then the other half of the money would go into another fund that would be distributed based on the region that the money was collected. For instance, there are certain trauma center regions that are set up throughout the state, does this change that in any way?"

Speaker Biggert: "Representative Black."

Black: "It is my understanding that this surcharge goes directly to the distribution through the Trauma Center Fund, that there isn't any split and there won't be any \$12.50 dollars set aside for regional distribution, it will all go to the

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fund and all be distributed to trauma centers on the basis of number of cases and average length of stay."

Speaker Biggert: "Representative Hoffman."

Hoffman: "This will not take any money out of the original distribution and the original Bill?"

Speaker Biggert: "Representative Black."

Black: "To the best of my knowledge, it was drafted specifically to not do that. You are correct."

Speaker Biggert: "Representative Hoffman."

Hoffman: "In that case, I think it is a great idea. It is a great Bill and I would like to applaud the Representative for bringing it forward. One last question with regard to the circuit clerks. There was some problems with regard to ensuring that the collection has taken place. Are they okay with this Bill and will they just have to send the money to one fund? Their concern was they may have to send it to several different funds. Has that been all taken care of?"

Speaker Biggert: "Representative Black."

Black: "Representative, I don't want to misspeak. I think it has been. The only opposition expressed to the Bill was Dupage Mayors and Managers and the Municipal League because they were fearful that the courts would, as Representative earlier indicated, would ignore this and then they would lose some of the fine money from distribution. I think the intent is clear, it has been drafted as carefully as everyone involved in the process, in fact, your input was very valuable in the House Committee to avoid that and I don't think the circuit clerks have any opposition to the way the Bill is drafted."

Speaker Biggert: "Thank you. Representative Hoffman, are you finished?"

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Hoffman: "I would just urge an 'aye' vote from everyone."

Speaker Biggert: "Thank you. The Gentleman from Washington, Representative Deering."

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

Speaker Biggert: "He indicates he will."

Deering: "Representative, earlier this year the House passed unanimously House Bill 2401 that increased over and above the DUI fines by the amount of \$150 that was supposed to cover testing costs to the criminal labs if you had a BAC, a blood alcohol test or a urinalysis. This, as I understand it, \$150 fee could be set aside by the judge if the individual that was convicted of the DUI did not have the financial authority to pay this \$150. Now, my question is, if this Bill passes and goes to the Governor, the \$25 over and above all other fines for the DUI, what if this is a case of an individual that can't afford to pay the \$150 and the other fines, will this \$25 be set aside or will this \$25 be a mandatory payment, also?"

Speaker Biggert: "Representative Black."

Black: "Representative, it is my understanding that this is mandatory, over and above."

Speaker Biggert: "Representative Deering."

Deering: "So then, as I understand it for the intent, I may if I got convicted then had a blood test and it cost me an extra \$150 and I couldn't pay that, I could get that set aside, but I still would have to pay the \$25. Now, what is a situation if this is a first time conviction? I know that I will lose my license, will I not regain my license then until I pay this \$25? Will that be one of the hoops that I'll have to jump through to try to get reinstated of my driving privileges?"

Speaker Biggert: "Representative Black."

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Black: "Yeah, Representative, I know you and I share some of the same concerns because of the difficulty downstate in getting a timely hearing and the reinstatement of licenses, particularly in areas where we don't have mass transit. And it is sometimes very hard to get a restricted driving permit. I, again, I think this is over and above. It is going to have to be paid. In fact, it is even tougher than that because you don't need a conviction. If you are put on supervision, you are still going to pay this \$25 fee. So, this is not a slap on the wrist, so to speak, it is clearly saying that if you want to drink and drive, you are going to pay this money to the Trauma Fund because you are more likely to cause trauma than someone who chooses not to. It is a tough Bill. There is no question about it and I looked at that very long and hard before I decided to pick the Bill up."

Speaker Biggert: "Representative Deering."

Deering: "Thank you, Representative, I am glad you brought that to my attention that even if you get a suspension, or...I am sorry, supervision, that you have to pay this \$25. I was not aware of that. And I, like you, assure the concerns. You know, we want to make the highway safer and I think that if these Bills are intended to get tough on those problem areas, those problem individuals that have the drinking problem, then they are well intentioned. Thank you."

Speaker Biggert: "Representative Black."

Black: "Close."

Speaker Biggert: "Representative Black to close."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. This Bill has had thorough debate. It has brought bipartisan support. I think it does what

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many of us want to do and that is to get tough on those who abuse the right and privilege of driving, particularly driving under the influence. The money, as you have heard, the fine is over and above. That is our intent and that goes to the Trauma Center Fund. I think it is a reasonable, common sense Bill, but it certainly gets tough on those who abuse the responsibility of driving. I ask for an 'aye' vote."

Speaker Biggert: "The question is, 'Shall Senate Bill 159 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 'ayes', 0 'nays', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 75."

Clerk McLennand: "Senate Bill #75, a Bill for an Act that amends the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Biggert: "The Chair recognizes Representative Mulligan."

Mulligan: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, Senate Bill 75 is a technical cleanup of a TIFT district Bill that Senator Butler and I carried last year. Also, it was amended in Committee to add the municipality of Oak Park which is Representative...by Representatives Saviano, Durkin and Giles, who we just added to the Bill. All it does is extend the length of the TIFT districts. Both communities were in the position of having a TIFT district, but not finding a developer that could perform in the length of time because of different financial constraints of the communities. Recently, they both have

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found developers, but their TIFT district would have run out before the time of the existing project would be finished. So, therefore, I am asking for your support to extend these for those municipalities."

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

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

Speaker Biggert: "She indicates she will."

Lang: "Representative, the initial TIFT district that is mentioned in the body of Senate Bill 75, that is in Des Plaines. Would that be in your district?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Yes, Representative Lang."

Speaker Biggert: "Representative Lang."

Lang: "And the Amendment that was Representative Saviano's Amendment, what municipality would that be for?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Oak Park, Representative."

Speaker Biggert: "Representative Lang."

Lang: "Representative, why 12 years? Why not 20, why not 18, why this number?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, it was already 23 and it extended it to 35. So, I presume that both projects, Oak Park's and Des Plaines' are going to take that length of time to finish."

Speaker Biggert: "Representative Lang."

Lang: "So, the number would be arbitrary?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "No, it would not. It could be no longer than 35."

Speaker Biggert: "Representative Lang."

Lang: "But nevertheless, the choice of the number of 35 is

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arbitrary. You are extending it 12 years. You could have extended it 10 or 15 or 30 years. Why twelve years extension?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, it is meant to be consistent with the financing of each project."

Speaker Biggert: "Representative Lang."

Lang: "And is it your view that when we change TIFT laws and make these extensions in this manner that we should be consistent with the financing as opposed to having laws that are consistent where each TIFT has the same rules?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, I think it would depend on the community for the simple reason that you wouldn't want to make it longer because it takes some tax power away from the local district...other taxing districts. So, I think if you would make it longer than you actually need, it would be a disservice, but on their other hand to increase growth in business for a community is a service to the community in the long run."

Speaker Biggert: "Representative Lang."

Lang: "Well, in my notes it indicates that Peoria, Canton, Bartonville, East St. Louis all got a twelve year extension previously. So, apparently there is some interest in that number rather than in... I can't believe that each of these communities have the exact same financial structure in their TIFT. So, are you sure there is nothing magic to this twelve year extension? There is still no reason why it is twelve as opposed to twenty?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "I think behind it was just to make it consistent with legislation. Probably, it has something to do also with

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the climate of the economy and when they were able to attract a developer. So, that is probably where they hit on the twelve."

Speaker Biggert: "Representative Lang."

Lang: "Who are the proponents of this legislation?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "I would think that you would find that they would be the cities of Des Plaines, the cities of Oak Park, their constituents, their Representatives that represent them in this body and I would think the municipal conferences would be for it; although they never indicated a position for or against."

Speaker Biggert: "Representative Lang."

Lang: "Have their been any public hearings, in either Des Plaines or Oak Park, where the citizens of those municipalities would have had the opportunity to step forward and tell their village boards 'no, we don't want you to do this'?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, I am not quite certain about Oak Park. Perhaps Representative Saviano can do it. Des Plaines did hold hearings on new downtown development. There was no discussion against the TIFT district. There was discussion about what the development would be initially, but nothing about the TIFT district."

Speaker Biggert: "Representative Lang."

Lang: "Those comments go to the creation of the TIFT district...and the work that was being done, but what about this request, the village of Des Plaines or the City of Des Plaines is now requesting that we give them an additional 12 years to pay back the bonds, and I was wondering if the locals had an opportunity to make comment on that."

Speaker Biggert: "Representative Mulligan."

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Mulligan: "Representative, they have had numerous hearings. The downtown development has been a spot that has not only had commented hearings, but comment in mayoral elections because of the lack of downtown development. The downtown development has been very important to Des Plaines. They have a deck that divided the City and is often pointed to as a deck you would not want to put there for parking in another municipality and they have long sought to correct this issue. So, I think it has been a big controversy and the downtown development is very much sought by the community."

Speaker Biggert: "Representative Lang, your time is drawing nigh..."

Lang: "Thank you. I will move this from Short Debate with the requisite number of hands."

Speaker Biggert: "It shall be removed from Short Debate. The Representative from Cook, Representative Saviano."

Saviano: "Thank you, Madam Speaker. Members of the Assembly, to clarify some of the issues regarding the Village of Oak Park's involvement in this extension... Approximately 10 years ago, the TIFT district was established for downtown Oak Park which if you are from the area, you knew that it was a blighted area. We lost the Marshall Fields, we lost some very pertinent and important anchor stores in the area. We have been searching for a developer to come along for that period of time to come in and offer us a plan to redevelop the area. Recently, after numerous public hearings by the city council and the Village of Oak Park, we were able to approve a developer who came in with a very expanded plan to include a hotel conference center, new anchors, a total new concept for the area. The village requested the Amendment to this Bill to extend the life of

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the TIFT district to put it in sync with the redevelopment finance plan. It was that simple. I would ask for your favorable consideration of this Bill. I also would like to add that Representative Giles and Representative Moore have been added as hyphenated Cosponsors on this legislation since they also encompass the Village of Oak Park. So, it is a much needed plan and I would appreciate your support."

Speaker Biggert: "Thank you. The Gentleman from Clinton, Representative Granberg."

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

Speaker Biggert: "She indicates she will."

Granberg: "Representative, I have two TIFTs in my district, but I believe that you indicated this would have....this would not have any impact on any other TIFTs besides the one in your legislation. Is that correct?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, it is my understanding it falls on the date and the dates that were included in this are December, 1983 and July, 1985. So, I presume it would go to the creation of the TIFT district."

Speaker Biggert: "Representative Granberg."

Granberg: "And currently, Representative Lang started asking about this issue. Currenty, there is a set period for the bonds. Now, we are extending this by twelve years. I didn't really hear you accurately describe why the twelve year period. Is there an answer or does your staff know why it is twelve years as opposed to any other time limit?"

Speaker Biggert: "Representative Mulligan. Ladies and Gentlemen, could we have some order please? Representative Mulligan."

Mulligan: "Representative, my understanding is that twelve years would run from the time of the creation of the TIFT district until they finally got a developer when the

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developer got the bonds to the end of that period. So, that is why it was twelve years. Now, I don't know why so many of them are twelve years. I just know that is why ours is twelve years."

Speaker Biggert: "Representative Granberg."

Granberg: "Would this have any impact on the current bond holders if the TIFT...if that TIFT has issued any bonds that are outstanding?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "No, Representative, the problem was they couldn't get anybody to do the development and so they hadn't activated the TIFT district."

Speaker Biggert: "Representative Granberg."

Granberg: "So, there are no bonds currently outstanding for any of these TIFTS?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, there may be because they have done extensive sewer repair work. I couldn't say that for certain, but they would be municipal bonds and they wouldn't be for the TIFT district."

Speaker Biggert: "Representative Granberg."

Granberg: "So, we would lengthen the time period for these individual TIFT districts, but again that would have no impact on mine or anyone else in this Body. How would this impact, the negotiations currently going on with Senator Deangelis and the TIFT Association?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, I am not certain and I really haven't talked to Senator DeAngelis about that so I am not certain how it would impact that."

Speaker Biggert: "Representative Granberg."

Granberg: "Well it is my understanding Senator DeAngelis has the

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legislation that has come, I think, out of the Senate and they are negotiating on certain items in the TIFT language in the statute that would change some of the time periods, what certain districts can do. Representative Saviano indicated about Oak Park having a blighted downtown area, but I know that is the subject of negotiations currently going on. So, does the TIFT district association, and I think you know the individuals involved, do they have any position on your legislation or if that would be impacted by their current negotiations?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, they didn't file; although my original Bill was passed last year. This is just a cleanup so perhaps there...you know, I don't see... It has been out there...it has been in the Senate. It is Senator Butler's Bill and certainly Senator DeAngelis could have spoken to him, no one has."

Speaker Biggert: "Representative Granberg."

Granberg: "Well I know these negotiations are going on, Representative, because I am interested in this area as Representative Hartke is because he has a TIFT district and some other Members of this chamber, because we are concerned with what restrictions they might put on our current TIFTS or if in fact that legislation would expand their current authority for the bonds or anything else. There has been a great deal of discussion about how TIFTS have been abused and the reimbursement by the state particularly if it is a sales tax TIFT. So, again, this is not involved with your negotiations or your Bill and Senator Butler has not been contacted by the TIFT members or by Senator DeAngelis to the best of your knowledge, is that correct?"

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Speaker Biggert: "Representative Mulligan."

Mulligan: "That is correct. Also, Senator Butler as a former mayor. I formerly worked a municipal law. I think we are very careful about that because although it is necessary in some instances, it also takes away from the tax base."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Representative. I appreciate your time. I didn't mean to belabor the point, but those of us like Representative Hartke and myself who add these tests, we always get involved in these issues and our Members go crazy when they hear about any legislation that might impact them. So, we just...I have to make sure that there is no impact and how people are treated differently by various...in various TIFTs. So, I thank the Lady for her time and the answers to my questions."

Speaker Biggert: "Thank you. The Gentleman from Effingham, Representative Hartke."

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

Speaker Biggert: "She indicates she will."

Hartke: "Representative Mulligan, just very quickly, it is my understanding you are extending the time period in these specific TIFTs as has been done in a couple of others because of the time necessary to pay back the bonds and so forth. Yours was delayed because of not finding a contractor to start construction or whatever at the right period of time. And what you are trying to do is extend that period out to 35 years. Is that correct?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Yes, Representative, that is correct."

Speaker Biggert: "Representative Hartke."

Hartke: "I have a TIFT district in Effingham that I am concerned

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about as well. We started off right out of the shoot and things were going well, but it is my understanding that as the TIFT continues to be, if at some point in time they do another bond sale and so forth, would that end then at the required length of the TIFT or am I going to have to come back here and extend that TIFT district's life for a longer period of time? It is my understanding that most of the TIFTS were to expire after about 20 years. Is that correct?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, I think the timing was 23 years and as far as I know and I am not quite certain what...it is a little hard to hear, but I don't think this Bill would affect your TIFT district in any way."

Speaker Biggert: "Representative Hartke."

Hartke: "You know, I guess that is true. This legislation would not affect mine, but if my TIFT district in Effingham would happen to be...sell some bonds to do another program or another project, I guess I will have to come back and extend the Effingham's TIFT district as well. Is that correct?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, I am uncertain as to if you could do that, but I presume you could. Last year when I passed this Bill, I also added municipalities that Representative Steczo and Representative Murphy wanted. It seems to be the thought of the legislature to accommodate Members from local municipalities to help them in this endeavor, to help keep the climate of business blooming in each individual municipality and I am sure that if you were to do that, the Members of the Body would be supportive of you also."

Speaker Biggert: "Representative Hartke."

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Hartke: "Well, I stand in support of this because I think that the TIFT districts have been very good for those municipalities that have used it and like Representative Granberg said, I am quite concerned about what Senator DeAngelis is doing in Senate Bill 135. So, I will be watching that very carefully and I support you on this measure and hopefully I can count on your support about a year from now if we need that as well. Thank you."

Speaker Biggert: "Thank you. The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Madam Speaker. I rise on a point of personal privilege. I would like to acknowledge and introduce to some, my predecessor, the former Representative Woods Boughman."

Speaker Biggert: "Thank you. The Representative from Bureau, Representative Mautino."

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

Speaker Biggert: "She indicates she will."

Mautino: "Representative, in your... How many TIFT districts will be affected in this change in the legislation?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, two."

Speaker Biggert: "Representative Mautino."

Mautino: "Has there been any concern raised by the school districts? Are they currently being made whole in the TIFT districts?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, not to my knowledge. You know, they are always concerned when something like that happens, but I think they would prefer to see a booming downtown business district in my community, rather than one that is not. For the long range, it serves their purposes better."

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Speaker Biggert: "Representative Mautino."

Mautino: "Does this have any... Does your legislation address anything in regards to the oversight of the TIFT or any of the issues that are being brought up in Senate Bill 135?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, it only changes two dates and it does not change anything that wasn't previously already in the statute."

Speaker Biggert: "Representative Mautino."

Mautino: "And the reason that they are going ahead and changing these is so they don't have to go back and increase the property taxes to pay off bonds which were previously issued?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative, I don't think they put it into effect because they didn't have a developer. So now, it would run for the period of the development. Maybe I am misunderstanding you."

Speaker Biggert: "Representative Mautino."

Mautino: "I guess I should have asked, is there...has there been any development on this before, prior to this date? They have established it, but there has been no one developing the property. Is that what caused this change?"

Speaker Biggert: "Representative Mulligan."

Mulligan: "It has been a quite depressed area. In fact, several developers of large shopping centers have gone under in the time period and they really have not been able to move forward and they haven't gotten it together to have a new downtown or a community plan until recently."

Speaker Biggert: "Thank you. The Representative from Cook, Representative Giles."

Giles: "Thank you, thank you, Madam Speaker. To the Bill. I

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rise and stand in support of Senate Bill 75. I support this Bill because the tax increment financing for Oak Park, which is in my district, it is very important. As Representative Skip Saviano has said, Oak Park, the downtown area in Oak Park, has previously the last five years was sort of a depressed economic community, and since the development of Oak Park downtown, it has become one of the most influential, flourished communities in which Oak Park is proud of. The northwest part of Oak Park which is in my district, is a very live and vibrant community and this project will help Oak Park which is in my district, and I urge all Members on both sides of the aisle to support this. Thank you."

Speaker Biggert: "Thank you. Seeing no further discussion, Representative Mulligan to close."

Mulligan: "Thank you, Madam Speaker. I would just ask for a favorable vote on this issue."

Speaker Biggert: "The question is, 'Shall Senate Bill 75 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 voting 'aye', four voting 'no', five voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 235."

Clerk Rossi: "Senate Bill 235, a Bill for an Act amending the Regional Transportation Authority Act. Third Reading of this Senate Bill."

Speaker Biggert: "The Representative from DuPage, Representative Pankau."

Pankau: "Thank you, Madam Speaker, and other Members of the

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General Assembly. I ask for you favorable approval of Senate Bill 235. It makes equitable, across the state, the amount of time that a person has to file for a bodily injury accident if they are related to the RTA. Back in 1973, across the board, all time limits were two years. And then in 1986, the Legislature reduced the statute of limitations from two years to one year for all local public entities. That however, did not include the RTA in some opinions. Some people believe it does, some people believe that it doesn't."

Speaker Biggert: "Ladies and Gentleman. Could you please give the Representative your attention please."

Pankau: "So apparently, due to the oversight in 1986, that the RTA was not specifically mentioned. This legislation is being proposed so that all government entities, including the RTA, specifically mentioned in this one, will now have the one year period of time in which to file the lawsuit. I ask for your favorable approval and stand ready to answer any questions."

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

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

Speaker Biggert: "She indicates she will."

Lang: "Thank you. Representative, who were the proponents and opponents on this Bill in committee?"

Speaker Biggert: "Representative Pankau."

Pankau: "The RTA is the main proponent of legislation. I don't remember that there were any opponent slips signed in."

Speaker Biggert: "Representative Lang."

Lang: "Well, as I recall, the Illinois State Bar Association was opposed. And why do you think they were opposed?"

Speaker Biggert: "Representative Pankau."

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Pankau: "They did not give any testimony, so I would not wish to answer for them directly. I can only assume that they want a longer period of time to file in, but that's only an assumption on my part."

Speaker Biggert: "Representative Lang."

Lang: "Let me ask you this. My understanding is that your concern is consistency and so that some of the common carriers have a one year statute of limitations and you would like to bring the RTA down to one so that there's more consistency in the law. Would that be correct?"

Speaker Biggert: "Representative Pankau."

Pankau: "That's correct."

Speaker Biggert: "Representative Lang."

Lang: "Well, if our concern is consistency in the law, why do you bring the RTA down? Why don't you just bring the others up to two years like every other personal injury action in our state?"

Speaker Biggert: "Representative Pankau."

Pankau: "That's not included in this Bill Representative."

Speaker Biggert: "Representative Lang."

Lang: "Well I know, but Representative I have great respect for your intellect. I know you're concerned about consistency in the laws that we pass in this state, so if we're truly concerned about consistency, shouldn't these all be two years since all other personal injury actions in Illinois have a two year statute of limitations?"

Speaker Biggert: "Representative Pankau."

Pankau: "And I know you will join me in this urge for consistency and go along with the one year change."

Speaker Biggert: "Representative Lang."

Lang: "Well Representative, you really haven't answered my question. What is the policy consideration behind making

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this one year as opposed to two years?"

Speaker Biggert: "Representative Pankau."

Pankau: "Policy change for the RTA. In other words, how is it going to affect the RTA?"

Speaker Biggert: "Representative Lang."

Lang: "Well, I know how it's going to affect them. The question is, what is the governmental policy reason that we would want to lower this to one year as opposed to perhaps raising the others to two years?"

Speaker Biggert: "Representative Pankau."

Pankau: "The other governmental bodies have not asked to go to two years, number one; and number two, at least if you know when the filing date is, you'll know what kinds of liabilities you might have out there. And I think it was decided several years ago by the other governmental entities, that the sooner they know, the better it is for everybody, and so, I guess that's the policy that you're referring to."

Speaker Biggert: "Representative Lang."

Lang: "Well, I'm not quite sure how it's better. The witness that you had with you in committee, the day you presented the Bill, testified that because of claims that may be filed, they have certain reserves set aside. But he was not...and he said, 'well, if we can cut down on those reserves, we'll much more money for operations'. And when I asked him, how much more money for operations, he said, 'well, probably not to many because we have to prepare'. So, we wind up with this big circular argument and we wind up with one bottom line which is, that if you shorten the statute a period, you'll lessen the number of claims. Is that really what the RTA wants to do? Take good claims and just cut them off?"

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Speaker Biggert: "Representative Pankau."

Pankau: "I think the gentleman to which you refer, also stated in his testimony, that it's possible that they would have quicker settlements when... faster negotiations if they knew about the potentiality of the liability further ahead. I can...I assume from his comments and possibly I was wrong, maybe you heard it differently, that because the RTA is required by law to set up a potential liability fund, that it would not be necessarily in the actual dollars that they expended, that they would have any savings. I mean, it probably would be the same either way. But, that over the long run, they would not...if they knew about the suits sooner, they would have less money that they would have to put into this potential liability fund. Thats...that's what I...that's how I interrupted his comments. Maybe you interrupted them differently."

Speaker Biggert: "Representative Lang."

Lang: "Well, I'm not sure if the gentleman that testified from the RTA was a lawyer or not, but I can tell you that the statistics are...we can fill the room with statistics that lowering the statute of limitations doesn't cause anybody to have a smaller reserve. What it does do, is cut off possible litigation, giving people not the opportunity to file..."

Speaker Biggert: "If you could bring your remarks to a close."

Lang: "Well, I would just simply say this to the Bill, and I thank the Speaker for allowing me to finish. To the Bill. There is no policy consideration behind lowering the statute of limitations in this case. The comments made by the Sponsor and from the people from the RTA in committee, were that, 'well, the CTA has this, well, this person has this, well, the other person has this, and so we have to be

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consistent'. But, I would submit to you that consistency does not require the General Assembly of the State of Illinois, to cut off the rights of injured people. Further, we passed the Tort Reform Bill in this state. Now I want to further cut off the rights of injured people by shortening the statute of limitations. If we're concerned about consistency, raise the others back to two years, because every other cause of action for personal injury in this state is at two years. We should not have a two-tier system. We should have a sys... Thank you. That's one year for some and two years for others. Certainly I understand the Representative's argument about consistency, but to take just this group and reduce it to one, makes no sense at all. The others should be raised to two. That would be fairer to people who were injured, and that would be a better benefit to the system and would enable everybody within this system who worries about setting aside reserves for claims, to know exactly what page they're on. So, I understand the Representative's concern about consistency in government, but this Bill doesn't do it. This cuts off the rights of injured persons, and therefore, I would strongly recommend a 'no' vote."

Speaker Biggert: "Thank you. The Representative from Washington, Representative Deering.

Deering: "Thank you, Madam Speaker. I would like to yield my time to Representative Dart."

Speaker Biggert: "Representative Dart hasn't been called on. The Representative from Bureau, Representative Mautino."

Mautino: "Yes, I would like yield my time to Representative Lang from Cook."

Speaker Biggert: "I think Representative Lang has already closed. Is that the Republican from Skokie listed in the paper?"

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Representative Lang."

Lane: "You saw that newspaper article too, didn't you Madam Speaker. Yes, I was really proud of that and it's now on my bulletin board. Representative, what kind of claims are we talking about that get filed here against the RTA that they're so concerned about shortening the statutory period?"

Speaker Biggert: "Representative Pankau."

Pankau: "These are bodily injury and personal injury claims. Also wrongful death."

Speaker Biggert: "Representative Lang."

Lang: "I didn't hear the last part. Also, what?"

Speaker Biggert: "Representative Pankau."

Pankau: "Also wrongful death."

Speaker Biggert: "Representative Lang."

Lang: "Well, isn't there a different statutory period now on wrongful death cases anyway?"

Speaker Biggert: "Representative Pankau."

Pankau: "I'm sorry, what was your question Representative Lang?"

Speaker Biggert: "Representative Lang."

Lang: "Well, I don't practice in this area of law, but I thought we already had a statute regarding wrongful death that had a different statutory period. Am I incorrect?"

Speaker Biggert: "Representative Pankau."

Pankau: "I don't practice in this area either. In fact, I don't practice at all. Hold on just a minute."

Speaker Biggert: "Representative Pankau."

Pankau: "It appears that basically it would come under the Tort Immunity Act, and that is one year. That's one year."

Speaker Biggert: "Representative Lang."

Lang: "How many cases were filed last year against the RTA, please?"

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Speaker Biggert: "Representative Pankau. Representative Pankau."

Pankau: "Oh, I'm sorry. In 1994, there were nine; in '93 nine; in '92 10; in '91 10, and in 1990 nine."

Speaker Biggert: "Representative Lang."

Lang: "Wait a minute. Nine cases were filed against the RTA in all of 1994, is that what you've said to me?"

Speaker Biggert: "Representative Pankau."

Pankau: "No, I'm sorry Representative Lang. Lawsuits that were filed after one year but prior to two years were those numbers I just gave you. I don't have a total number for...like the last five years, or even for the last year. Total number of suits."

Speaker Biggert: "Representative Lang."

Lang: "So you're now telling me that there were nine cases filed last year that were filed between the one year period that you want to change the statute to, and the two year period that the statute that is for today, is that correct?"

Speaker Biggert: "Representative Pankau."

Pankau: "There were nine cases that were filed after the one year but before the two years. So that lapse period you might call it."

Speaker Biggert: "Representative Lang."

Lang: "So, the net affect of this statute that you want to pass to lower the statute of limitations is nine cases?"

Speaker Biggert: "Representative Pankau."

Pankau: "It would not necessarily be the number of nine, it would be knowing when the nine were filed. In other words, if these nine people filed the first year, at least you would know about it, and it would be consistent with the other laws in the state. What's the difference...if you know you are injured, why do you wait for the second year to file? Why not just file in the first year. At least you know

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what to anticipate as far as the RTA, and the person knows that he's got the suit filed."

Speaker Biggert: "Representative Lang."

Lang: "Well Representative, as you may know, there are certain kinds of injuries that take quite a while to heal, and no good lawyer would file a case within a year if they had two years if their client...if you weren't sure after one year whether your client was healed or needed surgery or any of the above. So, what you're telling me is, that you're really going to encourage more litigation rather than an attorney settling a case after the one year, because they had longer, You're going to say, 'well, if you don't know how your client is going to feel after one year, you better file this lawsuit before 365 days, you're out of luck'. Aren't you really encouraging those nine people to file a lawsuit?"

Speaker Biggert: "Representative Pankau."

Pankau: "Absolutely not Representative Lang. What you're doing here is...is you're not saying what kind of injury they have, what kind of treatment they're going to have. All of those things can be amended later on. You can change the lawsuit as it goes along. And you don't have to be healed in two years to file the lawsuit. By filing the lawsuit, as my understanding is, is just giving notice to a certain party that you feel they are liable for a certain incident or a certain thing that happened to you. That doesn't mean you're healed. That doesn't mean there's a dollar amount. It doesn't mean anything, but it does give notice to the courts that you as the person filing the lawsuit, feel that there is a liability. Now whether you end up having a liability or not, is not in this legislation at all."

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

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

Speaker Biggert: "She indicates she will."

Dart: "Representative, this sort of ties in with what Representative Lang was just talking about. Would it not be more beneficial if we in fact, had people file the claims in the appropriate fashion due to the injury that occurred, as opposed forcing them to file the claim within that first year, and then well, we'll amend it later, we'll change it later, as things occur, we'll change that. Would it not be more affective to have them file it as it arises? And if it does not in fact manifest itself until later, wait until it has manifested itself?"

Speaker Biggert: "Representative Pankau."

Pankau: "Representative, maybe because your a lawyer you will know more about this than I do, but I'm not so sure that there's any point at which you can say, 'I know everything about this so now I'm going to file the suit'. It seems to me, the common sense says, if you're injured, your injured. At least file the suit and then let it take its course. You get treatment, and the rest will follow forward. I guess I'm not understanding your logic at all."

Speaker Biggert: "Representative Dart."

Dart: "I guess the logic comes from this, is that, there are certain injuries that occur where the actual injury will not...not so much be healed, but will not manifest itself right away. Soft tissue injuries where someone has been struck or the like, where initially there may not be screaming out where your arm fell off or you've got a body part severed, but it will manifest itself later on down the road. I think...my thinking is, would it not be more appropriate to have that person not feel under the gun just...I got to file this suit, let's file it because I

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only have a year. Let them wait until this thing manifests or not manifests itself later on. Give them the second year, and if it doesn't manifest itself, they don't file a suit, but here they'd be saying, well, I was struck and it doesn't bother me now, but down the road a year, two years, it may manifest itself causing problems there, so I'd better file now, and then it turns out to be nothing. That would be yet another one of our many frivolous lawsuits that we'd be wanting to get rid of. Wouldn't it be more effective then if we were to allow them that extra year, so that they would have that opportunity to see if that is a real injury or not?"

Speaker Biggert: "Representative Pankau."

Pankau: "If you've been in an accident where maybe a bus has hit your or whatever, I would think you would know before two years if you feel you have an injury or not. There's a common sense period of time here, and besides, if you say or I know after two years, or maybe you won't know until after three years, or four years or five years. I think there comes a time when you may have the opportunity to file, but you just have to say, 'Wait a minute, doesn't it make sense that after a year, you're going to know if you are injured or not'."

Speaker Biggert: "Representative Dart."

Dart: "Well, I think also, common sense in the reality of the world, shows that most people don't sue. They normally don't sue, believe it or not. If in fact, if we were to give them...as opposed to saying you have a year and anybody who was on a bus where an accident occurred is going to be filing and whether they were hurt or not, they would have that extra year, the two years they presently have in which to see whether or not there was any injury that

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manifested itself. This way, they'd be sitting there saying, 'Well, I only have the year, I better file something. I don't feel any pain now.' Most people don't have in their mind, despite what the proponents of most of this legislation will say. All the studies show the same thing. Most people don't sue. Frankly they just don't sue. They don't do it. So, it would seem to me to make more sense if we allowed them to have the extra year in which to make sure that in fact, there is a real injury here and that we aren't just saying, 'Okay, well, you were on the bus, you got a year, you better file and you better file it soon'. Doesn't that seem to make sense?"

Speaker Biggert: "Representative Pankau."

Pankau: "I think Representative Dart, that many people feel that that same scenario that you just described actually happens before the two years. So, what is the difference in that case between one year and two years? Why not move it up to the one year?"

Speaker Biggert: "Representative Dart."

Dart: "Well, why not make it a one month or two month statute of limitation then?"

Speaker Biggert: "Representative Pankau."

Pankau: "Just for the sake of consistency, the rest of the laws right now are one year. Why not make this one year too, also? One year also."

Speaker Biggert: "Representative Dart. Maybe you'd like to speak to the Bill."

Dart: "Naw, not me. I think as Representative Lang mentioned, that there's a lot of other laws that are two years or even three years, so consistency is served in the eye of the beholder here. How many of these...you mentioned that there was nine cases in the past year and there was nine

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before, give or take, what type of injuries did those people have that we are now going to cut off? What type of...were these people injured very seriously? Now are those the people we are going to say, no go? What type of injuries are we cutting off here?"

Speaker Biggert: "Representative Pankau."

Pankau: "I really don't know what type of injuries these nine were. However, I would argue with you, you are cutting off none of their rights, because when they sue, they are just alerting the RTA that they feel they have a liability against them. As that case now progresses in court, what actual injuries they have and how much money they get, that will be determined by the court. As it would in one year, as it would in two years."

Speaker Biggert: "Representative Pankau to close."

Pankau: "I ask for your favorable approval of Senate Bill 235. This cuts off no one's rights as to receiving money for injuries they might have. But what it does do, it puts the RTA in line with other governmental entities, so the same amount of filing period, they will at least know of the potential liability at the same time as other governmental bodies, and I ask for your favorable approval."

Speaker Biggert: "The question is, 'Shall Senate Bill 235 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 'ayes', 44'nays', four voting 'present', and the Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 238."

Clerk McLennand: "Senate Bill 238, a Bill for an Act that amends

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the Property Tax Code. Third Reading of this Senate Bill."

Speaker Biggert: "Representative Jones."

Jones, John: "Thank you, Madam Speaker, and Members of the General Assembly. I come before with you with Senate Bill 238, which my Senator sponsored in the Senate, and I'm pleased to carry it here in the House for him. This Bill amends the Property Tax Code to provide that the information gathered from applications for the Senior Citizens Tax Freeze Homestead Exemption is confidential, and any improper disclosure is a Class A Misdemeanor. This is a Seniors Citizens Tax Freeze Homestead Exemption passed last General Assembly, and this is something that the Senator and I both felt needed to be added to this Bill and so I'll be open for questions."

Speaker Biggert: "Thank you. The Representative from Cook, Representative Schakowsky."

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

Speaker Biggert: "He indicates he will."

Schakowsky: "What was the genesis of this legislation? Has there been a problem with using these lists inappropriately or some lack of confidentiality?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, in my district and Senator O'Daniel's district, we had senior citizens come to us requesting this legislation. They felt uncomfortable giving out this information about their tax returns on their \$35,000 exemption, due to the fact that...you know, people come around in the summer time especially wanting to paint their houses, re-roof their houses, and new guttering, whatever."

Speaker Biggert: "Representative Schakowsky."

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Schakowsky: "Yes, Madam Speaker. I would like to take this Bill off Short Debate, and I'm joined by my colleagues."

Speaker Biggert: "Seeing the requisite number the de...the Bill will be taken off Short Debate."

Schakowsky: "Okay, thank you."

Speaker Biggert: "Proceed."

Schakowsky: "So, this Bill was brought to you and your Senator by the people in the district who were concerned about it?"

Speaker Biggert: "Representative Jones."

Jones, John: "It was first brought to both of us by some of our senior citizens in our district and also my and Senator O'Daniel's own tax assessor in Mt. Vernon township in Mt. Vernon."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Representative, when I first came here, there were a number of people in my district who could get, and can still get a decrease in their vehicle sticker from the municipality if they are eligible for circuit breaker. And there were confidentiality rules that made it impossible for our office to give that information to the city in order for the discount to be available, and we were able to change the legislation so that we were able to expedite this information going to the city. Would your...I don't know if your...if the Senior Citizens Homestead Exemption triggers any other benefits. Do you know that, if it does?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, not to my knowledge."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Well, in the event that it might in some small towns or villages, would those villages be prevented from finding out that information...for example, from your office,

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whether someone was in fact, eligible?"

Speaker Biggert: "Representative Jones."

Jones, John: "It just makes the info confidential. I'm not sure on that."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "This may not be a big point, but it was a real problem for some people in my district in terms of the circuit breaker. It might be something at some point to revisit just to make it easier to do that, so I think we need to at least be on the alert for some problems that may result. I would...would you consider that at some point?"

Speaker Biggert: "Representative Jones."

Jones, John: "Yes, Representative, if there's problems we'll consider it later on."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I understand what the Sponsor's intentions....certainly we don't want these lists to be made available to any one and everybody who might be trying to exploit senior citizens by getting this information, knowing their income, et cetera. On the other hand, I do have this slight concern that we may be inhibiting other units of government from information that could be used to make these seniors eligible for other programs. With the Sponsor's willingness at some point if we need to revisit this concept, I would support this legislation."

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

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

Speaker Biggert: "He indicates he will."

Granberg: "Representative, you indicated a violation I think, would entail the improper release of information. What would be deemed improper?"

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Speaker Biggert: "Representative Jones."

Jones, John: "Representative, you know, improper would be giving the information out to just any citizen that just came in and wanted to see that information."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, what would then be proper? Does proper...you could give that information in the office or to someone who had a proper purpose, and how would that be determined if someone had a proper purpose outside of the office itself?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, improper would be taken up by the courts really."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, we have to give them some sort of standard Representative, so, how would the definition of improper be made? Would the courts just say something is improper or do state that in your language in the Bill?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, it's not stated in the language in the Bill, but I think...you know, our tax assessors have enough knowledge being in those positions to know whether it's improper or not to give this information out."

Speaker Biggert: "Representative Granberg."

Granberg: "Did you consult with your tax assessors in committee on how to draft this legislation?"

Speaker Biggert: "Representative Jones."

Jones, John: "No Representative, I didn't draft the legislation. Senator O'Daniel's staff did."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, you indicated that they would know what is improper, so have they contacted you personally since this is your legislation, and have they told you what is proper

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and what is improper?"

Speaker Biggert: "Representative Jones."

Jones, John: "Not specifically Representative, but some of my assessors have expressed what they think is improper."

Speaker Biggert: "Representative Granberg."

Granberg: "And what is that then?"

Speaker Biggert: "Representative Jones."

Jones, John: "As I said earlier Representative, almost anybody that comes in off the street, you know, they would consider it improper to give out that information."

Speaker Biggert: "Representative Granberg."

Granberg: "So they said almost anybody off the street? It would be improper to give it to almost anybody off the street? So what persons off the street can they give it to?"

Speaker Biggert: "Representative Jones."

Jones, John: "No one really."

Speaker Biggert: "Representative Granberg."

Granberg: "So, not anybody off the street, but now really no one off the street, is that what you're saying?"

Speaker Biggert: "Representative Jones."

Jones, John: "That'll be my intentions."

Speaker Biggert: "Representative Granberg."

Granberg: "So they can't give the information to any one off the streets? Can they give the information to any one outside the building? Any one who might be employed with appraisers, with tax appraisals, with real estate appraisers, any one who might serve in that capacity?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, only through the courts could you receive that information."

Speaker Biggert: "Representative Granberg."

Granberg: "Does it say that in the Bill Representative that the

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courts will make that determination?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, it says in except with accordance with the proper judicial order in the Bill so..."

Speaker Biggert: "Representative Granberg."

Granberg: "What does that mean, proper judicial order?"

Speaker Biggert: "Representative Jones."

Jones, John: "You being an attorney would know more about that than I do, but it's a declaration of the court."

Speaker Biggert: "Representative Granberg."

Granberg: "No Representative, this is not my legislation. I don't know what a proper judicial order is in this context. Would you please explain that to me?"

Speaker Biggert: "Representative Jones."

Jones, John: "It's strictly just the rightful order of the court."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, could you give me an example of what type of order that would be?"

Speaker Biggert: "Representative Jones."

Jones, John: "Not specifically I can't, no."

Speaker Biggert: "Would you hold on for just a moment. I would like to announce that back in the gallery, we have the Clara Barton Elementary School from 7650 South Walcott in Chicago. They are in Representative Flower's district, and we have Constance Means the Principal, Marian Hansen the Discipline and Art Delaney, the Eighth Grade Coordinator. The Clara Barton Elementary School. Please proceed Representative Granberg."

Granberg: "Thank you, Representative...Madam Speaker. So, I sorry Representative Jones, you were indicating what would a proper judicial order and a type of a proper judicial

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order. I did not...I think then we were interrupted Sir."

Speaker Biggert: "Representative Jones."

Jones, John: "I apologize Granberg, but I didn't hear the question."

Speaker Biggert: "Representative Granberg."

Granberg: "You were going to indicate I believe, what a proper judicial order was or an example of that type of order Sir."

Speaker Biggert: "Representative Jones."

Jones, John: "No, I indicated that I'm not an attorney."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, you are the Sponsor of the Bill though. So, you have in your legislation, that a person can be put in jail for up to a year unless he accords with the proper judicial order on release of information. I'm just simply asking what a proper judicial order is?"

Speaker Biggert: "Representative Jones."

Jones, John: "It's strictly just the rightful order of the courts."

Speaker Biggert: "The Representative from Jo Davies, Representative Lawfer."

Lawfer: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Biggert: "He indicates he will."

Lawfer: "Representative Jones, I understand this is coming from Senator O'Daniel and fine Senator that he is, but recognizing the questions and the problems that you are trying to solve. If this legislation would pass, would there be rules and regulations written up by the Department of Revenue?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, that's not stated in the Bill."

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Speaker Biggert: "Representative Lawfer."

Lawfer: "Do you envision that there would be a necessity for some rules and regulations to serve as guidelines for the Supervisor of Assessment?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, they would be interpretations of the court to serve as those guidelines."

Speaker Biggert: "Representative Lawfer."

Lawfer: "In my estimation, would there be any...or does this Bill apply to any appeal process through the Board of Review?"

Speaker Biggert: "Representative Jones."

Jones, John: "No Representative."

Speaker Biggert: "Representative Lawfer."

Lawfer: "Madam Chairman, to the Bill. I think..."

Speaker Biggert: "To the Bill."

Lawfer: "I think that there are some things that are necessary to implement the Senior Tax Freeze Assessment and it's very possible that this statute is necessary. However, I am concerned about this because to my knowledge, this probably would be the first legislation that would make information in the Supervisor's Assessment Office confidential and I think that that's an office at least in the rural counties that has been open to all kinds of information and here we are taking a step to include some confidentiality. However, I do assume that this Bill is necessary and that it might be a step toward confidentiality that may not be desirable."

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

Pugh: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Biggert: "He indicates he will."

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Pugh: "Representative, could you bear with me, I want to try and understand this process. Each year, a certificate goes out letting individuals...making individuals aware of their tax exemption, am I correct?"

Speaker Biggert: "Representative Jones."

Jones, John: "Each year, your senior citizens must fill out an application for this, yes."

Speaker Biggert: "Representative Pugh."

Pugh: "And, whose responsibility is it for the notice to be made to the senior citizens? Is it the County Assessor's Office that sends out the notices letting the senior citizens know that they are eligible for this exemption?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, if there is responsibility, it would be with the county tax assessor."

Speaker Biggert: "Representative Pugh."

Pugh: "So, the county tax assessor is the only one under your legislation, the county tax assessor will be the only body that would be...that would have this data base of information to make individual senior citizens aware of this exemption?"

Speaker Biggert: "Representative Jones."

Jones, John: "It can be the county tax assessor or the Department of Revenue."

Speaker Biggert: "Representative Pugh."

Pugh: "And they are contacted by mail, am I correct?"

Speaker Biggert: "Representative Jones."

Jones, John: "If there is a notice, it would be given by mail, yes."

Speaker Biggert: "Representative Pugh."

Pugh: "So, under your legislation, this would make it a Class A Misdemeanor for any entity or individual to have access to

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that mailing list or information that should be disseminated by either those two departments?"

Speaker Biggert: "Representative Jones."

Jones, John: "Representative, not the mailing list, but the actual information on the application."

Speaker Biggert: "Representative Pugh."

Pugh: "What...for what other purpose would the information on the application be used for, if not identifying the senior citizen of their eligibility for this program?"

Speaker Biggert: "Representative Jones."

Jones, John: "I would hope none."

Speaker Biggert: "Representative Pugh, you time is just about up."

Pugh: "So, can you tell me what other in..."

Speaker Biggert: "Proceed."

Pugh: "Can you tell me what other information on the application could be used for some kind of criminal activity?"

Speaker Biggert: "Representative Jones."

Jones, John: "It's a senior citizen's income information that we're trying to protect."

Speaker Biggert: "Representative Pugh."

Pugh: "Last question, what information on the application are you attempting to protect, and how would this impact on the Public Information Act...Freedom of Information Act?"

Speaker Biggert: "Representative Jones."

Jones, John: "The information we're trying to protect is the income of the senior citizens."

Speaker Biggert: "Representative Pugh."

Pugh: "There was a second part to the question. What impact would this have on the..."

Speaker Biggert: "Representative Jones."

Jones, John: "This information would become confidential, it

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would not be included in the Freedom of Information Act."

Speaker Biggert: "I have another announcement. I'm very happy to announce that the Putnam County Junior High School is visiting the State Capitol today, and are guests in the Speaker's Gallery. These students are from Representative Frank Mautino's district. Welcome to the House of Representatives. The Representative from Winnebago, Representative Scott."

Scott: "Thank you, Madam Speaker. I yield my time to Representative Granberg."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Madam Speaker. Representative Jones, before our time expired, we were going to the point of what information would be punishable up to a year in jail. So you indicated to Representative Pugh that only the financial information of the senior citizen, if that was released without proper judicial order would be impacted by your legislation, did I understand that correctly?"

Speaker Biggert: "Representative Jones."

Jones, John: "We're trying to protect all the information Representative Granberg, but the financial is one of the key things, yes."

Speaker Biggert: "Representative Granberg."

Granberg: "Yet, if a person in the Assessor's Office gives out a mailing list, this would not be impacted by your legislation?"

Speaker Biggert: "Representative Jones."

Jones, John: "If it's used for official purposes, no."

Speaker Biggert: "Representative Granberg."

Granberg: "And an official purpose would be defined as what Sir?"

Speaker Biggert: "Representative Jones."

Jones, John: "Any duties of the Chief County Assessment Office."

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Speaker Biggert: "Representative Granberg."

Granberg: "So, his official duties would that be...could they give that information to a private enterprise?"

Speaker Biggert: "Representative Jones."

Jones, John: "Only if it's pursuant to official duties."

Speaker Biggert: "Representative Granberg."

Granberg: "Could they give it to an assessment office? Could they give it to a real estate appraiser? Would that be part of the official duty?"

Speaker Biggert: "Representative Jones."

Jones, John: "That might be debatable Representative Granberg on the appraiser."

Speaker Biggert: "Representative Granberg."

Granberg: "If it's debatable, maybe we should draw that out in the Bill and say what is not and what is covered by your legislation to comply with its intent. Would you agree or disagree with that."

Speaker Biggert: "Representative Jones."

Jones, John: "It might be debatable to me, but I think the courts will make the ruling on that."

Speaker Biggert: "Representative Granberg."

Granberg: "Do the courts have the expertise to determine what is reasonable with an assessor, or would that go strictly to the agent himself or the person in charge of that office."

Speaker Biggert: "Representative Jones."

Jones, John: "The assessor will make the determination and if somebody outside that office or in that office either one questions it, well then, the charges will be filed."

Speaker Biggert: "Representative Granberg."

Granberg: "You indicated you're attempting to address a problem. I assume you believe that there will be violations of this legislation once it is enacted and is signed by the

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Governor?"

Speaker Biggert: "Representative Jones."

Jones, John: "In all honesty, Representative Granberg, all the tax assessors in my district and I think yours too that I know, you know, I have no problem with them violating this, no."

Speaker Biggert: "Representative Granberg."

Granberg: "So, there currently is not a problem Representative?"

Speaker Biggert: "Representative Jones."

Jones, John: "You know, in my district people have been reluctant to sign up for the tax freeze, and my own tax assessor is the one that requested some kind of Bill like this to really protect her, you know. She didn't want to give out the information prior to this, and has been reluctant to give out that information, and this is just something to kind of protect her."

Speaker Biggert: "Representative Granberg."

Granberg: "Do you envision that there will be violations of this Act though if though there aren't any violations in your district or my county you assume? Do you believe that there will be violations of this Act in other counties or jurisdictions in this state?"

Speaker Biggert: "Representative Jones."

Jones, John: "There's always that possibility."

Speaker Biggert: "Representative Granberg."

Granberg: "So, you don't think it will happen so that's why you had the legislation because you don't believe there will be a possibility or you don't believe that there will be violations of this Act?"

Speaker Biggert: "Representative Jones."

Jones, John: "I believe that there will be some minor violations you know, but whenever you consider all the tax assessors

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throughout this state, it'll be few."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, if you believe that there will be violations which you have just indicated, wouldn't that have a fiscal cost to the county?"

Speaker Biggert: "Representative Jones."

Jones, John: "You know, if there's prosecutions, there could be cost involved, but for the most cases, I would say the county would probably make money off the fines."

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

Granberg: "Representative, you indicated that this would have an impact, so that affects the county jails because they could be sentenced up to a year in jail, why did you waive the fiscal note impact last week?"

Speaker Biggert: "Representative Jones."

Jones, John: "Well, we didn't waive it, you know, the imprisonment part of it is..."

Speaker Biggert: "Representative Jones to close."

Jones, John: "Thank you, Madam Speaker. You know is a Bill that was brought to myself and Senator O'Daniel in my district and by our own tax assessor. After conferring with many of the tax assessors in our district, we felt the need for this Bill. The tax assessors want this for their protection. It passed out of the Senate 54 to nothing, and I would just for a favorable vote for this Bill. Thank you."

Speaker Biggert: "The question is, 'Shall Senate 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

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question, there are 110 'ayes', zero 'nays', 2 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 222."

Clerk Rossi: "Senate Bill 222, a Bill for an Act amending the Illinois Public Labor Relations Act. Third Reading of this Senate Bill."

Speaker Biggert: "Representative McAuliffe."

McAuliffe: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Senate Bill 222 would amend the Public Labor Relations Act. Provides that all peace officers, the rank of Lieutenant, Sergeant or Captain that are not an exempt rank, in municipalities of more than 1 million people, would be able to bargain collectively. It's currently the situation in every other town in Illinois except Chicago."

Speaker Leitch: "Representative Leitch in the Chair. Any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield for a couple of quick questions? Thank you. Obviously, I'm in strong support of this measure. Representative, how many police officers will this affect?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "It would affect approximately 1500 Sergeants, 400 Lieutenants and 49 Captains who are not holding an exempt rank."

Speaker Leitch: "Representative Dart."

Dart: "And their unions...their organizations have been actively pushing for this, correct?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "Yes. Last week we had a hearing, and the president of the lieutenant's association came down and testified in favor of this. The FOP is also in favor of this although

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these officers would not belong to the same lodge that Sergeants...that Patrolmen and Detectives belong to. But even though they would not belong to the FOP Lodge, they are still in strong support of this because they feel it is needed, because at the current time, I can give you an example. A friend of mine's wife was promoted to Lieutenant, and in the course of three weeks they changed her shift every week, and there's no process set up for grievance. They can't do that to a patrolman because of the FOP agreement, but the Lieutenants and the...Sergeants, Lieutenants and Captains have no way to grieve that if that happens to them, and they can change their day off or they can change their furlough. They can change just about anything, and there's no way to get any satisfaction."

Speaker Leitch: "Representative Dart."

Dart: "It's my understanding, the only opposition to this measure has come from the city itself, is that correct?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "That's correct. The City of Chicago came to this committee. They did not offer oral testimony, but they registered their opposition to the Bill."

Speaker Leitch: "Representative Dart."

Dart: "Finally Roger, just...you know and I know the arguments that they've been putting forth in this. How is it that you see that this thing is not going to give...have the adverse impact that the city has said it may have?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "These supervisors do not set policy. The policy is set by the exempt rank, the Superintendent and the First Deputy and the various chiefs, and they are of the exempt rank. Ordinary Sergeants or Lieutenants or Captains that are not exempt rank, set no policy, they just follow

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directions...directives from above."

Speaker Leitch: "Representative Dart."

Dart: "I just rise in support for this Bill, and I want to commend the Sponsor for his hard work in this and other measures dealing with pensionary matters that are some of the measures that are long overdue and I'd like to commend him for his work."

Speaker Leitch: "The Gentleman from St. Clair, Representative Hoffman. For what purpose do you rise, Sir?"

Hoffman: "Yes, will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Yes, Representative. It's my understanding that this will actually increase the bargaining unit?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "No, I don't believe that's correct, because these people would not join the current bargaining units. They would have a separate bargaining unit. Now I can't tell if it would be a separate one for Sergeants and Lieutenants and Captains, it may be one for all three. But at the current time there is a Sergeants Association and a Lieutenants Association and a Captains Associations and they may well get together and form one group or it could be each individual group would try to lobby...try to organize."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Regardless of the...what units that they're in, what we're essentially doing is allowing Sergeants, Lieutenants and Captains to have an collective voice as opposed to not being able to organize, is that right?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "That's correct, and it's currently the situation in every other municipality in Illinois except Chicago. They

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were excluded."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So this Bill only applies to the City of Chicago. Has no affect on any other municipality or village downstate?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "That's correct. The Bill applies to the City of Chicago and doesn't affect any downstate area or suburban area, just the City of Chicago."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Yes, I think is a good piece of legislation. Does the Fraternal Order of Police favor this Bill?"

Speaker Leitch: "Representative McAuliffe."

McAuliffe: "Yes, the Fraternal Order of Police came down last week and testified. There was two people who testified, the President of the Fraternal Order of Police and the President of the Lieutenants Association. And they both came down and testified. They're a hundred percent in favor of this Bill."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Nothing further then I urge an 'aye' vote."

Speaker Leitch: "Representative McAuliffe to close."

McAuliffe: "Thank you, Mr. Speaker. I just want to urge an 'aye' vote."

Speaker Leitch: "The question is, 'Shall Senate Bill 222 pass?' All those in favor shall vote 'aye', all opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? This Bill, having received...Mr. Clerk, take the record. On this question, there are 110 voting 'aye', none voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 239 please."

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Clerk McLennand: "Senate Bill 239, a Bill for an Act concerning incarceration. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 239 is a boot camp Bill which is to amend the Counties Code, and permit the sheriff in a county of 3 million or fewer inhabitants, with the approval of the county board to operate an impact incarceration program boot camp, for persons who would otherwise be sentenced to serve a term of imprisonment. It also includes the power of the sheriff with the county board approval, to enter into intergovernmental cooperation agreements with the Department of Corrections. Under which IDOT...prisoners could participate the county boot camp programs, and you've heard this Bill several times before and I would ask for your favorable approval."

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

Hoffman: "Yes Representative, this has nothing to do with the pilot program for Rockford concerning juvenile boot camps, does it?"

Speaker Leitch: "Representative Biggert."

Biggert: "No it does not. This is the same program as House Bill 186, which I brought for your approval a few weeks ago."

Speaker Leitch: "Representative Hoffman."

Hoffman: "It's my understanding that this would essentially allow counties with the approval of the county board to set up these juvenile boot camps, is that...excuse me, adult boot camps, is that correct?"

Speaker Leitch: "Representative Biggert."

Biggert: "That's correct. It's for youthful offenders, ages 17 through 29. There is also a...currently a juvenile boot

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camp Bill which is over in the Senate, which passed out of the House, but this was youthful offenders 17 through 29."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Just to align anybody's concerns about who would be eligible for this boot camp, could you go through the qualifications for individuals who would be eligible, in other words, to ensure that violent criminals would not be utilizing this boot camp?"

Speaker Leitch: "Representative Biggert."

Biggert: "Those who would be eligible to participate, are...is stated currently in the statute, that the person shall not be less than 17 years of age; no more than 29; the person has never served a sentence of imprisonment for a felony in an adult correctional facility; the person has not been convicted of a Class X Felony; first or second degree murder; armed violence; aggravated kidnapping; criminal sexual assault; aggravated criminal sexual abuse; or a subsequent conviction for criminal sexual abuse; forceable detention or arson; and the person has been sentenced to a term of imprisonment which is five years or less. It also requires that they be physically able to participate in strenuous physical activity, and that they do not have any mental disorder or disability that would prevent participation in the program."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So, what we're saying is, that the same exact criteria that is presently used by the Department of Corrections, will be used in this instance. In other words, we're limiting the ability of certain violent offenders and people we believe as having violent tendencies from being involved in these local boot camps?"

Speaker Leitch: "Representative Biggert."

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Biggert: "That's correct."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Now, it's my understanding that these local boot camps could hold individuals that have been sentenced through the Department of Corrections on a felony charge, and they could go through the impact incarceration of the Department of Corrections. Who will make the determination as to whether the local counties have to accept these DOC transfers to the local boot camps?"

Speaker Leitch: "Representative Biggert."

Biggert: "There would be an intergovernmental agreement where the sheriff, with the approval of the county board, would accept those."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Do you know if there has been any of those intergovernment agreements that have been proposed, in case this Bill passes, or has anybody been negotiating with the Department of Corrections...at this time?"

Speaker Leitch: "Representative Biggert."

Biggert: "This is the third Bill I've presented on this...on this floor with this agreement in there, and I think we'll eventually get one to the Governor's Desk and get it out, then we'll be able to work on that, but I don't know of any others. I know that the Cook County does have a boot camp which is starting now, but I don't know if they have any intergovernmental agreement. There is a voluntary juvenile boot camp which is run by the Department of Corrections in southern Illinois, and I don't know if there is an agreement with the counties down there."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well concern I guess, although I know this passed out 101...with a 101 votes previously this year. That was

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earlier in the Session I think at the time we talking about there's going to be some potential agreements reached regarding some potential concerns about, (1) whose is going to be liable if we have these state prisoners in local counties, could the county conceivably be liable, how's that going to be addressed. It's not addressed at this point, I don't think. Number two, what are we going to do when it comes to the point of only certain counties being allowed to get these boot camps because they are the ones who are able to foster agreements with he Department of Corrections, and other counties can't receive that type of funding, and I think that has to be addressed. At this point, I think I'm going to vote for the Bill because I have in the past, but still I think we're a long way from getting a consensus on the Bill, and I hope we work on it at the end of Session."

Speaker Leitch: "The Gentleman from Washington, Representative Deering. For what purpose do you rise?"

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

Speaker Leitch: "She indicates she will."

Deering: "Representative, you say this Bill will allow the county to set up an incarceration program. Is this permissible with...does this give the option to the sheriff of those respective counties?"

Speaker Leitch: "Representative Biggert."

Biggert: "Yes it does Representative. Of those counties under 3 million, the sheriff can set them up with the approval of the county board."

Speaker Leitch: "Representative Deering."

Deering: "The sheriff does have to have the approval of the board, and if where is an increase in funding, will that come through the General Revenue Fund or the county that

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will be appropriated by the county in the annual budget?"

Speaker Leitch: "Representative Biggert."

Biggert: "It is only with the approval of the county board. This is substantive law and really has not addressed the funding issue. As you might recall on the other Bills, this is permissive and would be up to the county board and sheriff to find the funding for such a boot camp. The...Cook County has done that, and they have been building their boot camp and it was funded through federal funds, state funds, and local funds, but that was addressed by the county to find the funding for that. So this is really only giving them the permission to do this. It does not address the funding issue."

Speaker Leitch: "Representative Deering."

Deering: "Well Representative, what if I have a county that wants to get in this program and their jail facility is full, and I understand this is for juveniles, and their existing facility will not take juveniles, they want to get into the program, so the county board says, 'Sure Mr. Sheriff, you can do this, build the building and we'll get started now'. But if they decide to do that, whose going to pay for it? Will it come out of the GRF or the county? Will they go to the taxpayers and ask for a referendum or will there even be referendum. Will it be a front door referendum or will it be a back door referendum?"

Speaker Leitch: "Representative Biggert."

Biggert: "The answer to the first part of your question is, this does not involve juveniles. This is only 17 years of age through 29 years of age. The second part is, it is up to the county board and the sheriff to determine how they want to fund this. It could be different in every county. So, I really can't answer for how a county is going to fund it.

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The only one who has done anything so far, is Cook County, and the county funded it by a grant from the federal government, and a grant from the state, and a grant from local funds. Now they...any of these counties that would like to do this, would have the option of going...asking the taxpayers, going for a referendum, or getting a grant from the federal government or the state. But this Bill does not address the funding issue."

Speaker Leitch: "Representative Deering."

Deering: "Well Representative, especially in this year of speaking of fiscal responsibility and no mandates, do you not think that this Bill would be better Bill if you would bring it back to Second and put an Amendment on, saying that, no funding from the taxpayers could be used on the local level unless it was guaranteed a front door referendum question on the ballot. I'm afraid that in certain situations, you'll get a program started, whether with state or federal funds, and then in the subsequent year, the sheriff will come back or the county board will come back to the residents of that county, and say, 'We have to raise taxes because we have this program that the state mandated us to do, and now we have to pay for it, and there are not federal or state funds'. So, would you not feel more comfortable putting in a guarantee that taxpayer dollars could not be used unless they had a say so in it?"

Speaker Leitch: "Representative Biggert."

Biggert: "No, I really wouldn't Representative Deering. This proposal was at the request of my county and was joined in by other counties from the Metro Association as being a good idea. It really is, and you used the word mandatory, it is absolutely not mandatory, it is permissive. It only allows the county to have a boot camp if they so wish, and

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they find the funding. I don't think we want to micro-manage the counties and direct them as far as the funding. Only by statute are they able to do this. It does not say they have to do it or even have to think about it. It's just if they want to do it, they have the ability in law, to be able to do it."

Speaker Leitch: "Representative Deering."

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

Speaker Leitch: "I'll give you another minute to close."

Deering: "My concern about this Bill is, as the Sponsor wasn't alluding to, is the funding. I'm afraid that if we open up another avenue here and micro...the term micro-management, if you would, seems to me that we're opening up another avenue where the county board or the sheriff will try to siphon off the General Revenue Fund dollars in the future to fund something, and then we'll have to go back and ask the taxpayers for an increase of funds. And especially if we have a county that has the property tax caps that can't fund their schools. We're going to say, we want to raise taxes for another program, but it's not going to be a question of whether it's a mandate or not at this time. In the future after these counties have gotten started, and then when it comes where there are no state or federal funds for the program, that's when these local officials will holler mandate."

Speaker Leitch: "The Representative from Cook, Representative Dart. Tom Dart. For what purpose do you rise?"

Dart: "Will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Dart: "Representative, for starters, do you have any statistical data, and if so, can you tell us of how much of the reduction and recidivism raised has occurred as a result of

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individuals going to boot camp as opposed to regular penal institutions?"

Speaker Leitch: "Representative Biggert."

Biggert: "I don't have any."

Speaker Leitch: "Representative Dart."

Dart: "Are you aware of whether or not there has been any studies that have been conducted, whether in Illinois...or Michigan started before we did doing this, or any other state in regards to recidivism rate, and also the cost effectiveness of these programs?"

Speaker Leitch: "Representative Biggert."

Biggert: "I don't have any statistical data. Just from the articles that I've read as far as in Illinois and the volunteer boot camp that was started down near Chanute that...in interviews of the young people who had attended that boot camp and their response and how they felt that they really had turned around their lives. And the one in Cook County really is not going yet, so I don't have any."

Speaker Leitch: "Representative Dart."

Dart: "I was wondering...particularly, how long has our boot camp program been going in this state?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think that the one that is being still built in Cook County, the one the volunteer program started about two years ago."

Speaker Leitch: "Representative Dart."

Biggert: "So I don't think it's really time to be able to make a determination yet."

Speaker Leitch: "Proceed Representative Dart."

Dart: "Thank you. I was wondering whether or not that the one that is down by Shawnee, I visited that one a couple of years ago, you got to imagine they've done some study on

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how effective they've been, or in the Michigan area, because this is...we've been putting more and more people in these boot camps and I think it would be effective before we expand these much further, that we know whether or not they're serving our purpose. They obviously will cost less money because we kick people out of the prison system a lot quicker, but I think it would be important to know if we would be actually saving us money in the long run. The second thing I was going to ask was, is whether or not this would be...if the success rate is going to be diminished by the fact that...like in other areas, we have expanded this, the age limit for which people can take boot camp. Originally it used to be up to 25 or 29 years old. This is up to 35? Would that diminish the results?"

Speaker Leitch: "Representative Biggert."

Biggert: "The statute says 17 to 29. I don't think that it goes to 35."

Speaker Leitch: "Representative Dart."

Dart: "One other point I was going to make here. Now if an individual is sentenced for a felony offense...quite often...say like a residential burglary. Someone...or a burglary, say a burglary, say they've been charged with a burglary, and they're sentenced to probation, and say 364 days in the county jail. How many days will this person now serve, this individual who has a 364 day sentence for a felony offense, how many days would they serve under this Bill if they go to boot camp?"

Speaker Leitch: "Representative Biggert."

Biggert: "Between 120 and 180 days."

Speaker Leitch: "Representative Dart."

Dart: "So by opting for the boot camp, this individuals sentence would be cut in...by two-thirds approximately, if they had

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the maximum sentence served county facility?"

Speaker Leitch: "Representative Biggert."

Biggert: "And if they've successfully completed this program.

And were not sent back to complete their sentence. And were admitted into the program."

Speaker Leitch: "Representative Dart."

Dart: "I was just checking. I think 35 is the age limit on this by the way. And for misdemeanors, how much are we reducing the penalty if they are accepted in this program? How much are re reducing the penalty for misdemeanors?"

Speaker Leitch: "Representative Biggert."

Biggert: "It's seven days for each 30 days."

Speaker Leitch: "Representative Dart."

Dart: "And it is your feeling that this measure, even though it's not mandatory, but it would have in fact a net gain for us even though we don't have any results to show whether or not these boot camps have in fact, been good, have worked efficiently and whether or not there's anybody to watch the people when they are released."

Speaker Leitch: "Representative Biggert."

Biggert: "Well, I don't think I would have had some kind of Bill like this at least three times on the House floor and sent it over to the Senate. I really believe in them, just from what I read. I'm not very good in remembering statistics, but from what I've read about the volunteer boot camp with the juveniles from what I've read about Michigan and all the other areas, I think the more that we can find, preventive measures, to really keep young people from going back into the life crime, and to get them distanced from what is really the jail as of now, and to do something to build their self esteem and to give them the education. I think that the thing about this program is the self esteem

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through the physical labor and through the education that they get, that this really is a very positive program and I'm very excited about it."

Speaker Leitch: "Representative Biggert to close."

Biggert: "Thank you. This is another Bill to have the impact incarceration program for young adults, and I would ask for your favorable vote."

Speaker Leitch: "The question is, 'Shall Senate Bill 239 pass?' All those in favor shall vote 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'aye', none voting 'no', this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House...Senate Bill 293."

Clerk McLennand: "Senate Bill 293. A Bill for an Act to create the Mental Health Treatment Preference Declaration Act. Third Reading of this Senate Bill." Speaker Leitch: "Representative Krause."

Krause: "Thank you, Mr. Speaker. I'd like at this time to present Senate Bill 293. This Bill creates the Mental Health Treatment Preference Declaration Act. It permits a adult competent person to designate a attorney in fact, to make a written declaration of preference with instructions regarding the mental health treatment that can be provided if and when that person is incapable of making treatment decisions. The legislation goes on and lays out a form entitled, Declaration for Mental Health Treatment, Breaks out as to the sections that the principal can check. Provides for the naming of the attorney, in fact, the agent as well as the witness' forms. It is a piece of legislation that goes a long way to help us make our own

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determination as they relate in the field of health services. I would be pleased to answer any questions concerning this legislation."

Speaker Leitch: "The Lady from Cook, Representative Schakowsky."

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

Schakowsky: "Representative, how is this...how are the provisions of this Bill different from the durable power of attorney for health care?"

Speaker Leitch: "Representative Krause."

Krause: "Representative, it is very similar, and I think the theory here is identical, and that is for all of us while we are competent to address the issues of our health care, this one is strictly in the field of mental health. The other one in the field of course, is of health care. This one is more limited. If you look at the power of attorney for health care, it is extremely broad as to what someone can provide. If you look at this form, it just lists psychotropic medications, electroconvulsive treatment and then also where the person can state that he does not consent to any treatment and also names a choice of physician if he wishes. In addition, this one provides on revocation, it can be revoked in whole or in part by a written statement at any time by the principal, if the principal is not incapable, the statement is effective signed by the principal and the physician and then, delivered to the attending physician."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Representative, as you know, in committee wha...as you know, in committee, what was raised in my view, is a serious concern about this Bill by equip for equality used to be the...non-blanking what they used to be, you know...okay, equip for equality, was the issue that the

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person can only revoke this power of attorney if they find a physician who would sign the revocation. There was strong feelings by this organization, was the Protection and Advocacy isn't it...didn't it use to be, that this is a serious limiting of the rights of a person who is mentally ill. I would want you defend that point."

Speaker Leitch: "Representative Krause."

Krause: "Thank you. I think in this field, as you know, there were a number that supported, and I do. I think it goes to all of us working to try and control our own destiny in the field, that of mental illness or whatever. This area here, as you heard those witnesses that supported it, and they were people who had worked in the field. They had pointed out, that as they looked at that issue, and went...they were ones that were working already with attending physicians, physicians that were uniquely aware of their condition. Because Representative, if you take the alternative, which we have now, which is to go to court, then the principal or the individual is faced without having anyone out there who is as directly familiar with their condition, as they would be if they worked through this and they worked through the form. Just remember briefly in a court proceeding, you have to file for court, a guardian adlittum is appointed, and that person finds a physician who really has no knowledge of it. Under this type of a forum, here the person has been dealing with his physicians working with them. Remember, there are two physicians that also sign on this, and are well familiar with the condition of what we call the principal. And there is a greater familiarity under this type of position, then if we had none."

Speaker Leitch: "Representative Schakowsky."

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Schakowsky: "Well, one of the things that they said to me was...that...I mean, it's their feeling that the purpose of this Bill is to in fact, to a certain degree, take out of the hands of the person that is mentally ill, some decisions about their care. This is a group whose only...who advocates only for patients. These are not families. These are...this group advocates for the patients. What they were saying is, that this Body would never consider forcing someone for instance, to have chemotherapy, even though it could save their life. We wouldn't think of that, and yet here, we're talking about electroconvulsive tre...."

Speaker Leitch: "I'll give you sometime to close."

Krause: "Representative, does not the form specifically say that if you do not want that, you exclude it? Is that not really the goal of what we're after and that is the self-determination over ourselves. By using this form you can specifically say I will not give consent; without it, people have to try to make a good faith without a doubt, at determination, on whether or not you want shock treatment or any other type of treatment. Here, you say ahead of time. The same way with the power of attorney for health care. If you don't want a transfusion, amputation, since early you state it up front, that is the goal of these type of forms. And I think that they help address what I think is important and that is that we determine our health care needs while we're competent and lay them out for the attorney in fact, of the agent, to make those decisions and that's what we're striving for here."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Yeah, I know that there are others whose lights to give more time to this. Representative Dart would give me

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his time."

Speaker Leitch: "Representative Dart."

Dart: "Thank you, Mr. Speaker. I yield my time to Representative Schakowsky."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Thank you. I really appreciate. This is a serious piece of legislation and I want to be clear about it. On page 10 of the Bill, I understand that the Amendment took out affirmation of physicians and I'm confused as to why we would want to take that portion out of the Bill, Representative."

Speaker Leitch: "Representative Krause."

Krause: "I think that merely is the affirmation and merely as far as the signing of the declaration is what was deleted."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, then what is the significance of that portion and why don't we need it anymore?"

Speaker Leitch: "Representative Krause."

Krause: "We still have the provisions as far as two witnesses which is the key. The key issue here is to obviously have the principals sign and then have the witnesses attest that they were in the presence of the witnesses. Similar to a will that they found the person competent, that they personally knew the person. On the power of attorney for health care we have one witness."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Who needs...who witnesses this document now?"

Speaker Leitch: "Representative Krause."

Krause: "We have two witnesses, adult witnesses, who will see the person sign. They aren't related as such. Similar to a will. Two independent people witness the signature of the principal now."

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Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Representative, are there opponents now to the legislation?"

Speaker Leitch: "Representative Krause."

Krause: "In committee, proponents were the Alliance for the Mentally Ill of Illinois, the Department of Mental Health and Developmental Disabilities, the Illinois State Medical Society, Illinois Association of Community Mental Health Agencies. Opponents; Equip for Equality and, I believe, the Hospital Association."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "On the analysis I have, which may or may not be up to date, I also see that Guardianship and Advocacy Commission and the Illinois State Bar Association were listed as opponents."

Speaker Leitch: "Representative Krause."

Krause: "They are neutral according to staff, at this point."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Amendment #2, I was trying to figure out what it did besides take out that affirmation statement. Were there any other...what were the other changes that were in the fi...in that Amendment?"

Speaker Leitch: "Representative Krause."

Krause: "The Amendment that was adopted in committee, Amendment #1 to Senate Bill 293, made some...made good faith reliance by a medical service provider a protection against civil liability and criminal liability."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Why is it necessary for us to limit liability here?"

Speaker Leitch: "Representative Krause."

Krause: "I don't know if it's as much of a limit, Representative, as much as it is of a clarification because what it merely

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does is to again say that the medical provider is to act in good faith. That does not mean in the law that therefore he is excused in any way as far as willful conduct, gross negligence. I think it merely clarifies that as long as he acts in good faith and he bases his decisions on that, then in turn an action will not lie for civil or criminal liability."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Is this a diminishing of liability of what would...what would currently be the law? I mean, how...what stan...is the standard different, then?"

Speaker Leitch: "Representative Krause."

Krause: "My view is, is that that is a standard that is always there and that is, is that be it a provider in this case or some other professional, they are to conduct themselves in good faith. And I think I do not see this as a diminishing but merely a clarification as far as liability, negligence. The person is still going to be responsible, obviously willful, gets into the field of criminal law and I do not believe it's a diminishing."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "If I could, Mr. Speaker, just to...to the Bill. Representative, I believe that you're presenting this Bill in good faith, but I have to say that I have grave concerns along the lines raised by Equip for Equality and now the fact that guardianship and... I mean the Illinois Hospital Association is also opposed to this Bill. I've heard your explanations, but they feel adamant that this legislation is a diminution of the rights of persons with mental illness to revoke the power of attorney that they've given and thus to make decisions whether to receive or not receive care. I'm afraid that I'm going to be unable, as I

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was in committee, to support this legislation."

Speaker Leitch: "Representative Krause to close."

Krause: "Thank you, Mr. Speaker. Ladies and Gentlemen, I would...I would ask for support of Senate Bill 293. This Bill goes a long way and there are protections in it for us individuals to make our own determinations in the field of mental health that we can, while we are competent, lay out to our physicians and our family the determination in this field as to the type of treatment that we want and the type of treatment that we do not want, but that we make the decisions and that they not ultimately be made by some court that does not know what our intent and feelings are. It is compatible with the power of attorney for health care, which is working exceedingly well in Illinois. This legislation is working in the State of Oregon and I ask for your support and a 'yes' vote."

Speaker Leitch: "Representative Krause now moves for passage of Senate Bill 293. The question is, 'Shall Senate Bill 293 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 97 voting 'aye', 4 voting 'no', and this...Senate Bill 293, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 303. Representative Turner."

Clerk McLennand: "Senate Bill 303, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Turner."

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

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House. Senate Bill 303 provides that a person whose petition for executive clemency has been denied by the Governor, may not apply again for executive clemency until one year has passed from the date of denial. In recent years the board has been forced to process and forward to the Governor repeated applications for clemency from people who are regularly denied. Some inmates apply three times each year regardless of lack of merit. This proposal does not prevent an applicant to obtain a waiver of the one year waiting period from the Chairman of the Board if it is necessary to prevent injustice or genuine hardship. I'd be glad to answer any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Leitch: "Yes, he will."

Pugh: "Representative, could you repeat your...the remarks you just...just made? I'm sorry, I had a hard time hearing you."

Speaker Leitch: "Representative Turner."

Turner, J.: "Yes, Representative. I had indicated that the Bill provides a person's petition for executive clemency has been denied by the Governor, may not apply again for executive clemency until one year has passed from the date of denial. I had also indicated that the Bill does allow an applicant to obtain a waiver of the one year waiting period from the Chairman of the Board if it is necessary to prevent injustice or genuine hardship."

Speaker Leitch: "Representative Pugh."

Pugh: "The individual contain a waiver based on exten...what kind of extenuating circumstances could..."

Speaker Leitch: "Representative Turner."

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Turner, J.: "Well, the example that comes to mind would be to health of an inmate or perhaps a family member."

Speaker Leitch: "Representative Pugh."

Pugh: "What's...what does the current law state? Is this contrary to the...to any case law or the Constitution?"

Speaker Leitch: "Representative Turner."

Turner, J.: "It is not contrary to any case law nor is it contrary to the Constitution that current law does not put any limit on the number of times that an application can be filed. This law just brings a sense of reasonableness into the process, in that if executive clemency has been denied in a...for a one year period, you cannot file again after the point of denial."

Speaker Leitch: "Representative Pugh."

Pugh: "I'm having a little hard time hearing you, Representative, but..."

Speaker Leitch: "Please, the Gentleman's asking some important questions about an important Bill and we need to have the chamber more quiet. Please take the conversations to the rear."

Pugh: "Let's take it to account the individual who is currently on death row, 'Gerves Davis'. Let's say that his petition for clemency is denied come Thursday. What happens if he's set to be executed on May 17th?"

Speaker Leitch: "Representative Turner."

Turner, J.: "He could apply for a waiver, but in that case my guess is it only stands to reason that there's not something new to be brought to the Governor's attention in a number of 10 days or so, that the decision would be the same in any event. So, unless there was something new to be brought forward, I would not expect that the Governor would be having a change of position. But in any event,

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that may be one of those extenuating circumstances where a waiver could be sought, would be granted, and a further determination may be made by the Governor."

Speaker Leitch: "Representative Pugh."

Pugh: "In the event that there's new evidence, does the evidence have to come by way of adjudication or can someone just petition the Prisoner Review Board or does it have to go directly to the Governor? How does that happen in the case of new evidence?"

Speaker Leitch: "Representative Turner."

Turner, J.: "The new information would be presented to the Prisoner Review Board, and again, under certain circumstances, that certainly would be one if there was new evidence. They could apply for a waiver and if there is new evidence, in my judgement, would be granted."

Speaker Leitch: "Representative Pugh."

Pugh: "So in the case of new evidence, the evidence is submitted to the Prisoner Review Board and if the Prisoner Review Board finds merit in that evidence, he can be granted another hearing. But suppose the Governor doesn't find merit in the evidence. Will he still be granted a new hearing?"

Speaker Leitch: "Representative Turner."

Turner, J.: "If the Governor has made his determination he would have had his hearing at that point."

Speaker Leitch: "Representative Pugh."

Pugh: "Does the Governor...does the Governor make the decision based on the recommendation of the Prisoner Review Board or based on the evi..."

Speaker Leitch: "I'm going to give you another minute. It was very noisy in here, Representative, so proceed."

Pugh: "Thank you, Mr. Chairman (sic-Speaker). Does the Governor

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make his determination to grant clemency based on the information that is presented via the Prisoner Review Board, or does the Governor make his determination based on the information, the new information?"

Speaker Leitch: "Representative Turner."

Turner, J.: "The Governor certainly considers the recommendation from the Prisoner Review Board. However, the Governor is not under obligation to follow the recommendation. I don't have any statistics. My guess is, that in most instances the Governor would follow the recommendation. But, specifically, the answer to your question would be both as you posed it."

Speaker Leitch: "Representative Pugh."

Pugh: "So, in the case of new evidence, the new evidence should go directly to the Prisoner Review Board and not to the Governor?"

Speaker Leitch: "Representative Turner."

Turner, J.: "Yes, if seeking the waiver as I indicated."

Speaker Leitch: "Do you want to speak to the Bill, Sir?"

Pugh: "It's my opinion that...To the Bill, Mr. Speaker - that this piece of legislation will run contrary to any case law and to the Constitution. In the event that an individual has brought forth or has had the opportunity to unleash new information, that information should be weighed carefully and it might take more than a year for the evidence to be brought to fruition. The death penalty is one that and oftentimes is needed and should be granted, but in a lot of cases individuals are innocent and the new evidence that is brought forth exonerates them on a lot of different instances. For instance, in the 'Gerves Davis' case there's new evidence that's going to be presented that does not relate to the...does not justify the...conviction."

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

For what purpose do you rise, Sir"

Dart: "Will the Sponsor yield?"

Speaker Leitch: "He indicates that he will."

Dart: "Representative, how many executive clemency...how often are they granted?"

Speaker Leitch: "Representative Turner."

Turner, J.: "In 1993, I'm advised that 35 were granted."

Speaker Leitch: "Representative Dart."

Dart: "In the past...in 1994, how often did individuals seek it?"

Speaker Leitch: "Representative Turner."

Turner, J.: "I don't have any of the exact data on that, but I'm advised it was sought in around 400 instances."

Speaker Leitch: "Representative Dart."

Dart: "Of those approximate 400 instances, were these individuals people who had sought clemency more than once?"

Speaker Leitch: "Representative Turner."

Turner, J.: "I'm sorry, Representative, I cannot answer that question. I don't have the answer available."

Speaker Leitch: "Representative Dart."

Dart: "I guess where I was going here was the reason for this Bill, I was just trying to get...I mean, we passed legislation already this year in which we have shortened the time period for death penalties and the like to move them along, and I've taken part personally in executive clemency hearings and the like and I understand some of them are almost pro forma when people are going through them on a regular basis. I was just trying to get a handle on, though, is this in fact, is it something that the department perceives as an abuse or who is it that other than just the fact that we want to move things along. Is there an entity, Prisoner Review Board, the Governor's

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Office or the Department of Corrections, who believe that the present system for executive clemency is fraught with abuses? Because as I mentioned before, I've taken part in these and there's been some that I thought were sort of unnecessary."

Speaker Leitch: "Representative Turner."

Turner, J.: "Representative, the Prisoner Review Board is strongly in support of this piece of legislation. They have expressed concern that petitions were filed in many instances which were nothing more than repetitive and new allegations were not raised. They also expressed the concern that the families of victims were asked to come forward as well as state's attorneys and other individuals to object to the petitions and that it became a matter of just, frankly, just being a little bit silly to ask the victims and their families and the state's attorneys to come in on numerous occasions in the same year, when the same relief is being sought under the same allegations."

Speaker Leitch: "Representative Dart."

Dart: "So then just for clarifications, every time they file...the prisoner files a petition for clemency, there is mandated that there is a response. Is that correct?"

Speaker Leitch: "Representative Turner."

Turner, J.: "Yes."

Speaker Leitch: "Representative Dart."

Dart: "Well, I think...I think what you're doing here makes sense and particularly so because of some of the protections you've put into the law. As I was looking at it, it seems to me that virtually every instance that you can imagine would require somebody to come forward with some new evidence. Whatever, you've taken care of that here. There seems...I guess some people might even complain that you've

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put so many exceptions in that there's...the Bill won't do anything. But the way I look at it is, is that it looks as if you've taken care of all foreseeable possible evidentiary questions and anything that could substantively come out outside the area of being frivolous. Isn't that correct?"

Speaker Leitch: "Representative Turner."

Turner, J.: "That was certainly the intention, Representative, and I believe it is correct, yes."

Speaker Leitch: "Representative Dart."

Dart: "So that in fact, if someone came forward with a petition for clemency and laid out the grounds for it and was then subsequently denied, but then was to come up with, as was mentioned, some...a new witness popped out of nowhere, new evidence was found, there was reason to question a witness's voracity for some reason, your Bill here would take full...take care of that by doing what?"

Speaker Leitch: "Representative Turner."

Turner, J.: "It would allow the petitioner to seek a waiver from the one year prohibition on filing the application for a second time within 365 days."

Speaker Leitch: "Representative Dart."

Dart: "As I just mentioned, Representative, I think this Bill was drafted well in that it covers all of the exigent circumstances which could arise in this area to make sure that nobody's rights are cut off here and any new evidence were to come forward, they would still have that ability."

Speaker Leitch: "The Representative from Cook, Representative Lou Jones. For what purpose do you rise?"

Jones, L.: "Thank you, Mr. Speaker. I yield my time to Representative Pugh."

Speaker Leitch: "Representative Pugh."

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Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, can you share with me the genesis, or with the Body, the genesis of this legislation? Why do you see the need for it?"

Speaker Leitch: "Representative Turner."

Turner, J.: "Yes, Representative, I will probably be somewhat redundant inasmuch as I have attempted to address the reason for this legislation earlier. But the Prisoner Review Board had gone to the Senate, of course, first, to Senator Petka who had sponsored this Bill and it had gone through the Senate and then come to me. The concern of the Prisoner Review Board was that the families of victims were asked to come forward and that it was very difficult for them to do so. It certainly is difficult if it occurs only once a year, but if it's happening more than once a year, two or three times a year, that it can be an emotional problem for them. Certainly it causes them much grief in having to relive the experiences as the victim or the family of victim always does when they are the victims of a crime. And then moreover, the Governor was asked to make a decision or the Prisoner Review Board was asked to make a decision based upon exactly the same allegations or circumstances that the petitioner had originally alleged. And finally, the state's attorneys from the counties wherein the conviction was originally...where the conviction was originally given, were also asked to come forward and express their opposition to executive clemency. So for all those reasons the Prisoner Review Board felt that the need for the legislation was apparent, that it did not deprive the incarcerated inmate from seeking executive clemency, that it did put a reasonable restriction in that they would only be allowed to do so once per 103...per 365

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days, unless they could seek the waivers showing special circumstances as to why they should be given it."

Speaker Leitch: "Representative Pugh."

Pugh: "Can you...Thank you for the elaborate answer. Can you tell me why was executive clemency needed in the beginning? Why was the concept of executive clemency brought to fore?"

Speaker Leitch: "Representative."

Turner, J.: "I can't tell, Representative, that I read the historical analysis and perspective as to why executive clemency was needed. But my guess would be that a person who was entitled to go through, of course, all the appeal process beginning with the Appellate Court up to the Supreme Courts, post-conviction relief and the like, was normally afforded just about every opportunity in order to prove that some flaw had occurred earlier at the trial stage when they were convicted. But in spite of all those protections, one last protection was afforded for either those who may have clearly been found guilty or for perhaps those who the executive...the chief executive in the state or for indeed in this country, felt that some special pardon or some special circumstances warranted leniency. And so I believe that it was just kind of a last resort put in as a final protection which was added to the trial process and the appeal process."

Speaker Leitch: "Representative Pugh."

Pugh: "So you are in agreement that the executive clemency process is a very valuable instrument, yes or no?"

Speaker Leitch: "Representative Turner."

Turner, J.: "Yes, although clearly it is only applicable in the rarest of cases."

Speaker Leitch: "Representative Pugh."

Pugh: "And those cases being circumstances of compellent where

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humanitarian evidence regarding compelling humanitarian nature as stated in the Bill is brought to fore."

Speaker Leitch: "Representative Turner."

Turner, J.: "That would be at least one reason, yes."

Speaker Leitch: "Representative Pugh."

Pugh: "How long does it take, usually, to bring a murder trial or a trial that would require the death penalty that would lead to an individual filing all of these writs for executive clemency to take place?"

Speaker Leitch: "Representative Turner."

Turner, J.: "If I understood your question, from my understanding, not, frankly, from reading this piece of legislation, but other pieces of legis..."

Speaker Leitch: "Representative, proceed."

Turner, J.: "That this Body had addressed from the date of sentencing until execution in a death penalty case was actually carried out, was about 11 years. And I believe that is pretty much the status of how those cases are handled by way of the time frame even as we speak, although we have recently passed some legislation hopefully designed to shorten that period."

Speaker Leitch: "The Lady from Cook, Representative Monique Davis, for what purpose do you rise?"

Davis, Monique: "Representative, I yield my time to Representative Coy Pugh."

Speaker Leitch: "Representative Pugh."

Pugh: "Thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Leitch: "Representative Turner."

Pugh: "Representative Turner, in the case of most murders, what is...are there any percentages that you are aware of, of individuals that have been granted executive clemency based

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on...in the last...in the past 10 years?"

Speaker Leitch: "Representative Turner."

Turner, J.: "I know of none."

Speaker Leitch: "Representative Pugh."

Pugh: "Do you know of anyone that has been granted executive clemency in the past 50 years?"

Speaker Leitch: "Representative Turner."

Turner, J.: "For the crime of murder or just executive clemency in any particular crime?"

Speaker Leitch: "Representative Pugh."

Pugh: "For any particular crime."

Speaker Leitch: "Representative Turner."

Turner, J.: "Over the last 50 years I could not give you the number of times executive clemency has been granted. However, earlier I had cited that in 1993 there were three hundred and some odd cases where it had been requested and there had been about 35 where it had been granted."

Speaker Leitch: "Representative Pugh."

Pugh: "And these were for various crimes, but the genesis of this legislation is trying to get to the crime of murder whereby the individuals who were...the family members of the victims would not be subjected to continuous exposure to this process. Is that correct?"

Speaker Leitch: "Representative Turner."

Turner, J.: "No, that is incorrect. This Bill is not designed to cover only the crime of murder. It is designed to cover all felonies."

Speaker Leitch: "Representative Pugh."

Pugh: "I sorry, I didn't hear the last comment."

Speaker Leitch: "Representative Turner."

Turner, J.: "The Bill's not designed to cover only the crime of murder, it covers all crimes for which persons are

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incarcerated in the Illinois Department of Corrections."

Speaker Leitch: "Representative Pugh."

Pugh: "So, if this Bill were currently on the statutes, then the case that I alluded to earlier, the 'Gerves Davis' case, would his extenuating circumstances fall into the requirements to ask for the waiver that's needed to take a further...a better look at the case?"

Speaker Leitch: "Representative Turner."

Turner, J.: "Well, I...as the Sponsor of the Bill cannot substitute my judgment for the discretion that the Chairman of the Prisoner Review Board would have, but it only stands to reason that clearly, in the case you're citing, that the request for executive clemency can take place once every 365 days. After denial, if there are extenuating circumstances which would allow application before 365 days has again run, then the Chairman could waive the 365 day requirement. I think it stands to reason that if there is new evidence presented, that this would be a clear circumstance where the waiver should be granted and I would anticipate that it would."

Speaker Leitch: "Representative Pugh."

Pugh: "And in developing this legislation when the Prisoner Review Board gave you the idea, what kind of change in circumstances did you have in mind that would merit a quicker review of clemency hearings?"

Speaker Leitch: "Representative Turner."

Turner, J.: "Well, the most obvious example is the one that you're citing where new evidence was found. Second, I think a rather obvious example would be the health of the incarcerated individual."

Speaker Leitch: "Representative Pugh."

Pugh: "So you're saying that if an individual were fitted with a

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colostomy, a bag, or had some other kind of deteriorating incurable disease, that that would be grounds to have a clemency hearing prior...before the..."

Speaker Leitch: "Representative Turner."

Turner, J.: "Well, it would be grounds to request the same, however, it would depend upon the crime for which the person seeking the waiver was incarcerated. It would depend upon the amount of sentence left on the period of incarceration and a myriad of other factors. I don't think just getting sick or having your life in jeopardy because of some recent illness would necessarily entitle you to a waiver. I think it would be a factor to consider along with, as I indicated, the nature of the crime and the amount of sentence left, position of the victims family and the victim, et cetera."

Speaker Leitch: "The Gentleman from Will, Representative Meyer, for what purpose do you rise, Sir."

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

Speaker Leitch: "The previous question has been put. All those in favor shall say 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Turner to close."

Turner, J.: "I move for favorable action. Thank you."

Speaker Leitch: "The question is, 'Shall Senate Bill 303 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. All those...Have all voted who wished? Have all voted who wished? Have all voted who wished? On this question there are 99 voting 'aye', none voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 313."

Clerk Rossi: "Senate Bill 313, a Bill for an Act concerning

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roller skating rink safety. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This does create a new Act. It establishes the rights and responsibilities, both, of those people who use roller skating rinks and specifically the rights and the responsibilities of those who maintain or own roller skating rinks. It does have language that's placed within the Bill at the request of the Trial Lawyers Association which achieved their neutrality on the Bill. At this stage I know of no opposition to the Bill, but I would be happy to answer questions concerning the content of the Bill and I would move for its passage, Mr. Speaker."

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

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

Speaker Leitch: "He indicates he will."

Lang: "Representative, you recall that a couple of months ago we debated a Bill that we on this side of the aisle called the 'Zamboni' Bill. It involved ice skating rinks. Does this have anything to do with that?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I didn't meet Mr. 'Zamboni' when he was here to testify, so I'm unfamiliar with your Bill. I think that it's a good concept and I would suggest that you stick around because my understanding is that there is a Bill that does concern hockey games that we're going to be talking about next week. So, we should...we probably should have encompassed them all in the Sports Liability Bill, but unfortunately we didn't have that foresight."

Speaker Leitch: "Representative Lang."

Lang: "And so this Bill requires the operators to post the duties of the skaters and the operators in locations where it can

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be seen. Is that correct?"

Speaker Leitch: "Representative Ryder."

Ryder: "The answer's yes."

Speaker Leitch: "Representative Lang."

Lang: "How do they determine what those responsibilities are?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, those responsibilities are outlined specifically in the Bill. I draw your attention, if I could, please, on the page two, Section 15, which discusses the operator's responsibility. Sections 1, 2, or perhaps paragraphs 1, 2, 3, 4, 5, 6. On page three it continues 7, 8, 9, 10, 11, and 12. In addition, on page 3, Section 20, outlines paragraphs 1 through 5 which are the skaters responsibilities. There are also the specific language, my recollection is, that was placed in here as a result of the request of the Trial Lawyers Association would be the top of page 4."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. We would like to remove this from Short Debate, Mr. Speaker. I'm joined by the requisite number of colleagues. Thank you. Representative, in Section 15 on page 2 of the Bill, line 17, subsection 1, one of the operator responsibilities is to post the duties of roller skaters and spectators and the duties and obligations of the operator. How do they determine what those responsibilities are? Are you referring to this list? Is this what they must post?"

Speaker Leitch: "Representative Ryder."

Ryder: "I believe the most accurate list would be the list that's contained within the Bill, what I hope to be the statutes, Sir. I would indicate that it should...the responsibilities of the operator, but I also believe the

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skaters responsibility should also be posted."

Speaker Leitch: "Representative Lang."

Lang: "Now, in Subsection 2 in that same Section 15, it says they must comply with all rink safety standards published by the Roller Skating Rink Operators Association. Will that...will those standards be listed separately or will there just be a blanket statement such as this that says they must comply with this other list that's published."

Speaker Leitch: "Representative Ryder."

Ryder: "Sir, specifically for the intent of the Bill, I believe that the compliance with the standards as enumerated in paragraph...or Subsection 2, that the words contained in lines 107 through 110, that language would be sufficient for posting status. But it's my understanding that those who are the good operators who are in compliance with the Roller Skating Rink Operators Association, also post the responsibilities as enumerated under that association. It would be in a different place and not part of this statute, this language."

Speaker Leitch: "Representative Lang."

Lang: "So it's your intention to have the Roller Skate Rink Operators Association's standards posted some place?"

Speaker Leitch: "Representative Ryder."

Ryder: "Sir, I don't believe the posting, that Roller Skating Rink Association's standards as required by this Bill, I think compliance with them is required by this Bill. But I do think that stating that that compliance is necessary, is required to be posted. What I did say, is that I thought that individuals who are the good operators do post. I know that that's the case in the...some of the facilities that I've seen and I would encourage folks to do that, but it's not required under this statute."

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Speaker Leitch: "Representative Lang."

Lang: "Well, since minors can roller skate, let's assume for a second that a four or five or six year old kid is dropped off by their parent who can't necessarily read these standards. Are they covered by this statute and would the operator be exempt from their injuries as well?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, the posting is only one of the requirements. Maintaining the other parts of the Bill, the other operations, the other Subsections, is the operator's responsibility. In the event that the operator has complied with the Sections that you enumerated, one through twelve, then the operator has met his or her requirements for minors as well as adults."

Speaker Leitch: "Representative, one more minute, then I will go to Mr. Ryder to close."

Lang: "Thank you. In Section 25 of the Bill we talked about assumption of the risk. Can a minor assume risk under the law? Can a six or seven or eight year old child assume the risk under the law?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, let me confer with the staff here on that one. Just...Representative, learned staff has indicated to me that the parent of the child who allows the child to go on to the rink, has therefore complied and allowed the child to do that. The parent who's responsible for the child has assumed the risk by allowing the child to go onto the rink, assuming that the operators maintain the rink in the fashion in which it was intended."

Speaker Leitch: "Representative Ryder to close. There were no lights on when I extended you the courtesy, Sir, of another minute. They were not on at the time when the Chair

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announced that we would move after your additional minute.
Representative Ryder to close."

Ryder: "Thank you, Mr. Speaker. This is a Bill that does have bipartisan support. It came out of committee with a 10 - 0 vote. It does have language in here that was requested and recommended by the Trial Lawyers Association. I appreciate the questions that were significant and asked by my colleague on the other side of the aisle, and as a result, for that, I believe that we've had a discussion and I would ask for your favorable passage on this piece of legislation."

Speaker Leitch: "The question is, 'Shall Senate Bill 313 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? On this question there are...Mr. Clerk, take the record. On this question there are 105 voting 'aye', none voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 362. Senate Bill, I'm sorry. The Chair would like to correct that. Senate Bill."

Clerk Rossi: "Senate Bill 362, a Bill for an Act amending the Department of Mental Health and Developmental Disabilities Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 362 permits the Department of Mental Health and Developmental Disabilities to establish a voluntary program called CHOICE, consumers have options for integrated competitive employment. It would be a two year demonstration program that would allow those with

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developmental disabilities to go out into the workplace, seek their own forms of support, which would then be brought to support them. I would be happy to yield to questions to the best of my ability."

Speaker Leitch: "The Lady from Cook, Representative Schakowsky. For what purpose do you rise?"

Schakowsky: "Mr. Speaker, I rise to ask some questions about this Bill."

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

Schakowsky: "Oh, okay. Thank you, Mr. Speaker and Representative Roskam. First, I'd like to take this Bill off of Short Debate. I'm joined by the requisite number of colleagues."

Speaker Leitch: "So acknowledged."

Schakowsky: "Thank you. I know...I'm a big supporter of supported employment programs, but I wanted to ask you, this sounds like some real specific kind of program choice. I just wondered where it came from and who's promoting this CHOICE Program or if it's a model in other states. Just some background on CHOICE."

Speaker Leitch: "Representative Roskam."

Roskam: "Representative, I can't speak to where it's working in other states. I'm sure you've got better personal background on that, but it's a program that's been initiated by the Citizens Assembly. Representative Olson, in the last General Assembly, had similar legislation. It wasn't permissive, it was mandatory and as a result it didn't go anywhere. This is permissive and so that's the nature of the legislation."

Speaker Leitch: "Representative, let me get some atten...order in here. I'm having a very hard time hearing, myself. Could we give the Representatives our attention, please? Representative Schakowsky."

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Schakowsky: "Thank you. Don't we already have a supported employment program? Or was that...did that fail when Representative Olson's plan...I thought we had passed that. I thought it was law."

Speaker Leitch: "Representative Roskam."

Roskam: "Representative, we do have supported employment programs. This is trying to more or less open up a different avenue for a different experimental type of employment program. My understanding of employment programs is this. That they are more or less topped down. There are spots that are created for those with developmental disabilities that the clients, as you were, have to fit into that pigeonhole. What's happening here in this CHOICE initiative is that those with developmental disabilities are being encouraged to go out into the workplace to more or less find their own program and then determine their own program and then the support people come in and encourage them from there. So it's...it's a pilot program. It's small in nature and it's just a way to try and open up more opportunities for people who are situated in this way."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "I see in the Fiscal Note that the Department of Mental Health and Developmental Disabilities will seek funds from the Illinois Planning Council on Developmental Disabilities. Are there such funds? I guess that means federal funds to pilot this program?"

Speaker Leitch: "Representative Roskam. Please, it's getting very very hard here. I don't believe the Representative is able to ask her questions. Very difficult. Representative Roskam."

Roskam: "Representative, it's our hope that this type of enabling

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legislation will encourage the planning council to fund the program, but you and I aren't going to decide that today. But we're going to pave the way for that to happen and this...but this legislation would have to be in place before that could happen. Do you follow me?"

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "I'm wondering if the planning council has a position on this legislation?"

Speaker Leitch: "Representative Roskam."

Roskam: "Representative, it's my understanding that they're neutral."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Do we have any estimation of how many people would then be eligible to participate in this program?"

Speaker Leitch: "Representative Roskam."

Roskam: "Representative, it would depend on how the department would put the initiative together. So, no, we don't."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Is there any obligation on the part of the employer or what obligation is there on the part of the employer to this person in the supported employment program?"

Speaker Leitch: "Representative Roskam."

Roskam: "Representative, there would be an arrangement and that would be promulgated in the rules, however, that would be worked out. But whatever the arrangement is that's in place for this type of supported employment would be consistent. But the point is, that this is trying to give those with the developmental disability the opportunity to get out into the workplace, to more or less create their own...their own path and their own way. So I don't imagine that any different obligations on the employer would come as a result of this program."

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Speaker Leitch: "Representative Schakowsky. Representative, I'm giving you another minute as well and then we're going to close. There are no other lights on."

Schakowsky: "Thank you, Mr. Speaker. To the...to the Bill. My one and only concern with the Bill is that it could, in fact, end up being meaningless. If we look at the testimony of the Illinois Planning Council on Developmental Disabilities when the Bill came up in the Senate, they said you need to be aware that the council cannot provide funds for these services. So while it's a great idea, it may be another one of these great ideas that we pass and that may not be able to be implemented. Certainly, I think we may want to go on record as supporting the notion of an individualized employment...supported employment program. That's a good idea. But whether or not this is going to see the light of day, I think, is a great big question mark, too. But I like it."

Speaker Leitch: "Representative Roskam to close."

Roskam: "Thank you, Mr. Speaker. Just to speak to that issue, it is my sincere hope that this does see the light of day. If the planning council is not cooperative, then they're...I think that we, as a General Assembly, can find others who will be. And that's our charge and our job and I would ask your favorable consideration."

Speaker Leitch: "The question is, 'Shall Senate Bill 362 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 108 voting 'aye', none voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please

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read Senate Bill 424."

Clerk McLennand: "Senate Bill 424..."

Speaker Leitch: "Representative Brady."

Clerk McLennand: "...a Bill for an Act in relation to public employee pensions. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Brady."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Committee...of the Assembly. Senate Bill 424 is sponsored by Senate President, Pate Philip. What it does is it creates the Pension Laws Commission. The purpose of the Pension Laws Commission would to be review pension legislation as it comes before this General Assembly and let us look at comprehensive effects of pension laws as they come in front of us. It would create a 16 member commission that would consist of eight Members of the General Assembly, two appointed by each leader and eight public members, two appointed by each leader. I ask for your favorable vote."

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

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

Speaker Leitch: "He indicates he will."

Granberg: "Representative Brady, you said this would be a new commission with 16 members and would study pension legislation. What does the Pension Committee do?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, the Pension Committee votes on whether or not legislation involving personnel and pensions should be passed on to the House for consideration."

Speaker Leitch: "Representative Granberg."

Granberg: "But doesn't the Pension Committee study pension legislation throughout the course of the year, Mr. Brady?"

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Speaker Leitch: "Representative Brady."

Brady: "Representative, certainly each individual Member of the Pension Committee would evaluate that legislation. The purpose of this, primarily, is to bring into account public sector members who would have professional designations in the areas of actuary, who could provide an overall analysis of the effects of any changes in our present pension laws."

Speaker Leitch: "Representative Granberg."

Granberg: "Is that currently being done, though, Representative?"

Speaker Leitch: "Representative Brady."

Brady: "No, there's no Pension Law Commission right now."

Speaker Leitch: "Representative Granberg."

Granberg: "So there is no Pension Law Commission right now. Wasn't the previous Pension Law Commission abolished because it was duplicative of the Pension Committee?"

Speaker Leitch: "Representative Brady."

Brady: "I believe it was, Representative, but not because it was duplicative, because of the leaderships...the leadership here in the General Assembly's lack of willingness to take into account what the Pension Laws Commission provided. As I understand it, before my time when the Pension Law Commission was in effect, the leaders, to be, decided that they wanted to negotiate their own Pension Bill and didn't want to let it go through the legislative process. We'd like to bring a little more back to the legislative process, look at a true analysis, not only an analysis of Members of the General Assembly, but also the public sector and through that, we believe, provide better government and better decisions."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, Representative Brady, Leader Daniels and Speaker Madigan took that initiative to abolish all these

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commissions because they were not necessary. They just created another level of bureaucracy, they cost taxpayers money and so we abolished all these commissions back in the early 80's and now you want to renew a commission. So what happens if you renew this commission? How many more commissions are we going to renew that have been previously abolished?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, I can only speak to this commission and I can tell you that now Speaker Daniels believes very strongly that this commission can play an active role and he's going to let it play an active role. It's my understanding that the former Speaker would not allow this commission to operate as efficiently and effectively and for the benefit of the people of Illinois."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, Representative, I assume that you don't think the Pension Committee has the expertise or the time available to it to study these Pension Bills. I mean, that's...it seems to be that's what you're saying. How many times has the Pension Committee met this spring?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, the Pension Committee will act just as any other committee and evaluate all the information they have in front of them. I think you know as well as I do and you served on the Pension Committee last year, I don't believe there's anyone with the professional designation of actuary that sits on that committee. What we're trying to do is to bring some of that private sector knowledge and ability in to help us make better decisions here in the Illinois General Assembly."

Speaker Leitch: "Representative Granberg."

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Granberg: "Well, how many times has the Pension Committee met this spring and how many Bills has it voted upon or acted upon during the course of this Session which began in January?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, I'm not sure how many times we met. Five to seven times? We've had numerous subject matter hearings on different legislation sponsored by different Representatives. We've...we passed a Bill which we thing helped out the...provides security for retired teachers throughout this state. We've also passed a Bill that dealt with IMRF funding for school districts. We've passed a Bill that dealt with extending the 'early out' for the teachers. We've looked at various issues in a very serious way and we continue to negotiate those, Representative."

Speaker Leitch: "Representative Granberg."

Granberg: "So you've met five times, six times this spring, since January. You've acted upon numerous Bills. How many House Bills did you actually vote out of committee, Representative? Two, three this Session?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, I believe we've passed out four or five, but I'm told by staff that that might be almost five times the amount of Bills you passed out when you were Chairman?"

Speaker Leitch: "Representative Granberg."

Granberg: "Representative..."

Speaker Leitch: "Representative, go ahead and bring your remarks to a close, please."

Granberg: "I believe I'm going to have additional time, Mr. Speaker. If you would recognize..."

Speaker Leitch: "I'll give you another minute. It was very noisy in here when you were trying to do your talk, so, proceed,

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Sir."

Granberg: "Representative Dart...Well, Representative Brady, the question is what...why do you need a Pension Laws Study Commission? We never said we did, although, in fact, we worked on a bipartisan basis last year to craft the most serious, responsible pension funding law in the history of this state according to our Governor. Unfortunately, you have not followed that tradition this year by working on a bipartisan basis. In fact, our Pension Bills that have come before you to fund the Teacher's Health Insurance Crisis had not even been deemed important enough to have a committee hearing, have not even been deemed important enough to take a vote. Apparently you don't trust the Members of the Pension Law Committee because you wouldn't let them vote on their proposal to fund the health insurance crisis, so now you want a Pension Laws Study Commission cause you don't trust them to vote on any other Bills. So I have additional questions, Mr. Speaker, when you recognize another Member and I'm sure he or she will yield their time to me."

Speaker Leitch: "The Gentleman from Peoria, Representative Saltsman. For what purpose do you rise, Sir?"

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

Speaker Leitch: "He indicates he will."

Saltsman: "Will these commission members be paid?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, this legislation does not call for any compensation other than reimbursement for expenses."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Daily expenses, weekly, monthly, and what would the legislation...the Legislator do, be on a strict per diem for...This is going to take a lot of hours when this

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committee gets started. I was involved with the previous one approximately ten years ago before I was in the Legislature. I was working down here for the firefighters and we had some meetings that lasted two and three days when we were really...It was really a negotiating session. Has anybody figured out yet how these people will be compensated cause you're going to have some people here who have to have knowledge of, you know, the Department of Insurance and these pension laws. You're not going to get some person in there for no \$10 or \$15 a day."

Speaker Leitch: "Representative Brady."

Brady: "Representative, this legislation doesn't deal with that. It would depend on what the appropriation was and then how the Legislative Body and the commission itself would seek to use that appropriation."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Yes, are the other eight members going to have any expertise in pensions and the Department of Insurance? Are the private sector members going to have any special expertise in the line of pensions or Department of Insurance?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, the legislation calls for the private sector members to have knowledge in the funding of private and public sector pension programs."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Well, any decisions when this board makes a vote, when this board comes to making a decision, will anything be binding to the Illinois General Assembly?"

Speaker Leitch: "Representative Brady."

Brady: "No, Representative, this is a commission which is advisory and to try to provide all the facts to the

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Illinois General Assembly so that they can make their decisions based on the factual evidence like the private sector does. The purpose of the commission will be to provide the knowledge to the Members of the Pension Commission...Pension Committee can use to make sure they make the right decisions for the people of Illinois."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Yes, I was involved in the last commission that was established and sometimes it was effective and sometimes it wasn't. We had times when they'd make recommendations to the General Assembly and it's something like maybe could having...you're very familiar with the Pay Review Board, aren't you?"

Speaker Leitch: "Representative Brady."

Brady: "I'm familiar."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Yes, Representative Brady, with this kind of Act in the same sense of the authority that the Pay Review Board has, they can just recommend to us and we can either accept or reject?"

Speaker Leitch: "Representative Brady."

Brady: "No, Representative. This commission would have the authority to advise the Members of the Illinois General Assembly as pension laws come before them about the impact of those."

Speaker Leitch: "Representative Saltsman."

Saltsman: "In other words, they'll be doing some of the work that our staff has been doing for us and we can hide behind some decisions if we want pension improvements or some kind of a perk by saying they were the ones that recommended or referred these to the General Assembly."

Speaker Leitch: "Representative Brady."

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Brady: "If you're suggesting that this commission might take some of the politics out of making good long-term decisions, I would concur with you."

Speaker Leitch: "Representative Saltsman."

Saltsman: "It could work either way. I'm just hoping that it don't. Yes, to the Bill, Mr. Speaker. I don't know how effective this will be. If the people are there with the right expertise, it could be an asset to this Legislative Body to recommend, but at this time we haven't passed that much legislation out of here in the last seven or eight years. We've been very particular of what Pension Bills went out and I'll be opposing it."

Speaker Leitch: "The Gentleman from Washington, Representative Deering. For what purpose do you rise, Sir?"

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

Speaker Leitch: "He indicates he will."

Deering: "Yes, Representative, if this Commission Bill passes and we have a Pension Laws Commission once again, will we still continue to have a Pension Law Committee here in the House of Representatives?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, as you know, the committee structure is up to the Speaker. It is the indication that I received from the Speaker that, yes, we will continue. This, from the current Speaker. And he really believes strongly that as Sponsor of the Bill, that this will help enable the Pension Laws and Personnel Committee to act more efficiently and effectively."

Speaker Leitch: "Representative Deering."

Deering: "Well, you know, Representative, you mentioned a strange fact here just a little bit ago in a prior question, that we passed several laws that came out of the Pension

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Committee. One of them was of the sham that we passed taking care of retired teacher's health insurance. That was dead on arrival in the Senate. And as you know, we didn't have any regularly scheduled pension meetings. You know, I'm the spokesman on the committee. We've yet to have any scheduled hearings prior to the passage of that legislation. There wasn't any scheduled hearings, but because we knew that there...but because the Speaker knew that it was Retired Teacher's Lobby Day, we went ahead and put a dog and pony show into place - it's a 'feel good' Bill - when that was just a shell Bill passed out of committee. If this Pension Laws Commission is in place and they make recommendations to the General Assembly, what's to say that a lot of these Bills won't be changed when they come to the floor and have Amendments added as they are now?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, the purpose of the Pension Laws Commission is to make recommendations based on various pieces of legislation. As you know, all Pension Bills can be changed as they come to the floor, as they're amended; and hopefully they will continue to be so for the good of the people of Illinois, much like the piece of legislation which you referred to earlier. I think it's important that this piece of legislation pass so that you and I as individuals on the Pension and Personnels Committee have the benefit of hearing from actuaries, from individuals in the private sector who truly understand what...how pension systems operate in fiscally responsible way. This legislation gives us the input and the guidance we need and frankly takes some of the politics out. And I think that's important and that's important for the people of Illinois."

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Speaker Leitch: "Representative Deering."

Deering: "Well, Representative, are you insinuating, then, that the actuaries that are employed by our current pension systems are giving us political answers or wrong answers when we go to them and ask them for Pension Impact Notes or different types of impacts that legislation has on the five public pension systems monitored by the State of Illinois? Are you thereby saying in your remarks here a moment ago that they're being too political and they're giving us incorrect information?"

Speaker Leitch: "Representative Brady."

Brady: "Not at all, Representative. As you know we...there are several Articles of the Pension Code and of those Articles there are many that don't have actuaries on field...nor that testify in front of us. As you also know, when we get beyond the state operated pension funds, we go into those areas and we deal with legislation and the majority of the legislation we deal with comes from those non-state operated funds. We simply...we simply regulate the way in which those are operated. They don't have actuaries who come and testify. We think this will provide soundness and benefit for the participants of the pension systems that they're applied toward, to the people who are paying into those systems and to all the people of Illinois."

Speaker Leitch: "Representative Deering."

Deering: "Under the current committee setup, when there was pension legislation introduced that positively or adversely affect any pension system in the state, did not those members of those systems have an opportunity to come before the Pension Committee and bring their actuarials along with them so they can...or their actuaries with them so they could testify in front of the committee as to the pluses or

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minuses that the legislation would have. I believe we have done that in the past. Is that not correct?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, I'm not sure, I thought I tried to answer that question previously. But I think the intent here is that we're gonna, through the benefit of this commission, we'll be able to focus on things for a longer term basis. We'll be able to look at more equity and not piecemeal it for political reasons."

Speaker Leitch: "Representative Deering. The Gentleman from Williamson, Representative Woolard. For what purpose do you rise, Sir?"

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

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Brady, you indicated there will be 16 members of this commission and eight members will be Members of the General Assembly. Will those be the Members who are currently on the Pensions Committee?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, you can read as well as I can and clearly you can see that each of the Legislative Leaders will make two appointments. So you can answer that question as well as I can."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative Brady, the Pension Laws Study Commission was abolished in 1983. Do you know how much money was appropriated to the Pension Laws Study Commission in it's last fiscal year of operation?"

Speaker Leitch: "Representative Brady."

Brady: "No, Representative."

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Speaker Leitch: "Representative Granberg."

Granberg: "Do you know how much this commission is going to cost the state?"

Speaker Leitch: "Representative Brady."

Brady: "That will be up to the Illinois General Assembly, as they appropriate it."

Speaker Leitch: "Representative Granberg."

Granberg: "So it's going to cost about the same amount as when we abolished it in 1983 because we're going to be doing the same type of operation as was conducted in 1983. Isn't that correct?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, I wasn't around in 1983. I am around now and I know the way this is drafted and I understand what the purpose of this legislation is. I think it's a valid purpose. I would...will assume that under...under today's leadership this commission will not...not assume, I know that it will operate efficiently and effectively. And as we move through the budget process we will appropriate what money we deem necessary to operate this efficiently and effectively for the benefit, again, of the participants of the pension, of the annuitants and of the people of Illinois."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, Representative, when we abolished this in 1983, we thought it was a waste of money. Your leader thought it was a waste of money. Our Members thought it was a waste of money and it's still a waste of money. Now, it's my understanding of these 16 members, they are going to get per diem, operating allowances and other items. So who currently performs these audits and Pension Law Impact Statements that you say will be in the purview of this new

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commission? Does no one currently do this?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, the indication is that there would be two staff members transferred from the Economic and Fiscal Commission to the Pension Laws Commission. Representative, just...there is no statement of per diems or anything like that in this legislation. That would be up to this General Assembly to appropriate."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, you've indicated, Representative, that this commission is direly needed so we can develop a cohesive policy. So we're going to put eight of our Members on, like a committee which we already have. Well, you've indicated it's not being done. That's why we need it, that we need this comprehensive input. Well, who's currently doing this? Isn't this function being performed right now?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, the purpose of this is to provide an ongoing basis of analysis. You talk about your present Speaker Daniels as Minority Leader attempting to do away with this. This was due, for the most part, due to this frustration of the current Speaker's inability to allow this commission to operate effectively and efficiently. In other words, it was his thought that this was ignored. He thought it played a valuable role in the process of pensions in the State of Illinois. We continue to think it will play a valuable role. We believe it's very important that we provide this type of good public policy which will ensure that we look at pensions on a long-term basis. That we look at them for the benefit of everyone and for a true and accurate understanding of the changes and the effects

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those changes have on again, the participants, the annuitants and the people of Illinois."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, isn't that currently being done? You're saying that that is not being done at the present time?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, we don't have the benefit of the private sector expertise coming in and helping advise us on a long-term basis. And I think that's the purpose of this commission, to evaluate things in an overall perspective, bring us the benefit of the private sector. We really believe strongly that this will create better public policy and better long-term benefits."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, Representative, the Economic and Fiscal Commission prepares these Pension Impact Notes, currently. It provides the analysis of all these areas. In fact, Sandra Goldstein, with the...who is contracted with the Economic and Fiscal, does the private consultation. So this is being done currently and I'm not quite sure why you want to do this except to create another level of bureaucracy."

Speaker Leitch: "The Representative from Cook, Representative Lang. What purpose do you rise, Sir?"

Lang: "I yield my time to Representative Granberg."

Speaker Leitch: "Representative Granberg."

Granberg: "So you've indicated, Representative, the purpose of this commission is to provide this cohesive policy and private sector inputs. Well, that is being done now. That's what I don't understand. We have the Economic and Fiscal Commission who does an excellent job of pension

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impact legislation. They currently do that. They've also contracted with Sandra Goldstein for the private sector analysis and the private sector input on legislation. So this is being done now. So why do we want...to have a commission that was killed in 1983, saved taxpayers money, and now we're going to appoint members and we're going to pay them a per diem. You said that these members are going to be paid a per diem. That was your response to Representative Saltsman. You indicated that to Representative Saltsman that they would be paid, they would receive money for their expenses. Now, you told Saltsman that. Are you now changing that that is not the case that there will be no costs to the state, there will be no payments made to these public sector...these persons who will serve on this commission?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, I told Representative Saltsman it would be my expectation that any members would be compensated for their expenses. I never said per diem. Representative, to go on further. As you know, as past Chairman of the Pension Committee, there are various pieces of legislation in Washington that we must deal with. The purpose of this is that we will have a quasi-public, quasi-private sector vote through this commission on whether or not certain changes ought to take effect. We strongly believe that by bringing the expertise of the private sector into this decision-making process, the General Assembly will act more responsibly. That's the purpose."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, these members for this public sector input that you're so desperately craving, are going to be down here, I assume, during Session, to give this great input to the

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members of the commission. So I assume they will have to be down here during the course of the whole Legislative Session and I assume they will be reimbursed for those costs, to stay here from January to May 30th every year. What kind of costs will be accrued by those individuals in association with the commission? Do we have any idea what those costs will be?"

Speaker Leitch: "Representative Brady."

Brady: "Which costs do you speak of, Representative?"

Speaker Leitch: "Representative Granberg."

Granberg: "For your direly needed public input with these consultants, I assume they will have to be down here during the entire course of the Legislative Session to provide this public input. So if they're down here during the course of the Session, what would their expenses be? How much would be accrued? What would be the totality of those expenses that the taxpayers will have to pay that over and above...existing laws since we don't have that obligation currently?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, this piece of legislation doesn't require when or...they will be down here...It also does not indicate the amount of appropriation. That is what we will leave up to the budgetary process in using that form."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Ladies and Gentlemen, to the Bill. You have had an opportunity to serve in this Body to cut down the size of government. That is what they're attempting to do at the federal level. And today you're going to have the opportunity to keep existing law, but no, no, no, no, we don't want to do that. We want to create another commission. Not any other commission, but a

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commission that was abolished in 1983. We abolished this as being duplicative. We have a Pensions Committee. We have staff that are currently being paid. This is going to set up a new commission, new public members, new private members. We're going to have to pay per diem, we're going to have to pay salaries. Representative Brady indicated we're going to have to hire two staff people. This is what you're doing, you're going to create this new bureaucracy for what? For a commission that was previously abolished. This is ridiculous. We do this very well right now, and the Representative is going to be honored to receive one of our value grow awards. One of our value grow awards because of his outstanding contribution to increasing the size of state government. And we're for that, let's increase the size of state government, let's spend more taxpayers money that is not being spent now. If that's what the Representative wants to do, if that's what your side of the aisle wants to do, you're going to vote for this. I am not. That's why we abolished this in 1983. We abolished it because it costs money, it wasn't needed and you're saying this is more important. If you vote for this you're saying we've got to have more commissions. They're extremely valuable. We have to have more public input because we can't get it now and we have to pay for it. We need more taxpayer money to pay for it because we think it's more important than Medicaid or anything else. Sure, let's pay another commission member. Yeah, that's important. That's more important than paying our nursing homes and our doctors. Well, that's your decision, it's not going to be mine. I urge a 'no' vote."

Speaker Leitch: "The Gentleman from Will, Representative Meyer. For what purpose do you rise, Sir?"

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

Speaker Leitch: "The previous question has been put. All those in favor...Representative Granberg, on your point of order. What is your point, Sir?"

Granberg: "Thank you, Mr. Speaker. If this vote to this Bill receives the requisite number of votes, I would ask for a verification."

Speaker Leitch: "So acknowledged. The previous question has been put. All those in favor shall say 'aye'. All those opposed shall say 'no'. In the opinion of the Chair the 'ayes' have it and the previous question is put. The question is, 'Shall Senate Bill 424 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 63 voting 'aye', 51 voting 'nay' and the Gentleman, Representative Granberg, do you persist, Sir? All right. Mr. Clerk, please read the Affirmative Roll. Will Members be in their seats and available for the verification. Representative Granberg."

Clerk McLennand: "Those Representatives voting in the affirmative: Representative Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. Tom Johnson. John Jones. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Andrea Moore. Mulligan. Maureen Murphy. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait.

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Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik.
Zabrocki. Zickus and Mr. Speaker."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Hanrahan,
please."

Speaker Leitch: "Representative Hanrahan. Representative,
do...does Representative Kubik and Representative Biggins
have leave to be verified?"

Granberg: "Sure."

Speaker Leitch: "Representative Pedersen? Representative Verna
Clayton? Representative Hanrahan. Is the Gentleman in the
chamber? Mr. Clerk, please remove the Gentleman from the
roll. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Ackerman."

Speaker Leitch: "Representative Ackerman is in his seat and he's
voting 'no'."

Granberg: "I'm sorry. Thank you, Mr. Speaker. Representative
McAuliffe."

Speaker Leitch: "Representative McAuliffe. The Gentleman is at
the back of the chamber."

Granberg: "Representative Winkel."

Speaker Leitch: "Representative Winkel is in the rear of the
chamber, Sir."

Granberg: "Thank you, Mr. Speaker. Representative Bost."

Speaker Leitch: "Representative Bost is in his seat, Sir."

Granberg: "Nothing further, Mr. Speaker."

Speaker Leitch: "On this question there are 62 voting 'aye', 51
voting 'nay' and Senate Bill 424, having received a
Constitutional Majority, is hereby declared passed. Mr.
Clerk, read Senate Bill 992."

Clerk McLennand: "Senate Bill 992, a Bill for an Act in relation
to the conveyance of real property. Third Reading of this

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Senate Bill."

Speaker Leitch: "Representative Myers. Rich Myers."

Myers: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 992 authorizes the Illinois Department of Conservation to convey three tracts of real property to various institutions and receive compensation. It authorizes the Illinois Department of Conservation...or Department of Transportation, excuse me, to convey property to the City of Macomb for \$43,160. It authorizes Corrections to transfer approximately 237 acres of land to the Lockport Park District in exchange for a new housing or dorm unit at the Stateville site in land adjacent to Stateville Prison. It authorizes Corrections to transfer approximately 20 acres of land to Will County and this land will be used for the county juvenile detention facility.

Myers: "Would be glad to answer any questions."

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

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

Speaker Leitch: "He indicates he will."

Granberg: "Representative, are these parcels also included in the normal land transfer Bill that is currently where...working its way through the House?"

Speaker Leitch: "Representative Myers."

Myers: "Yes, Representative, they are."

Speaker Leitch: "Representative Granberg."

Granberg: "So these exact same parcels are also included in another Bill. Is that correct?"

Speaker Leitch: "Representative Myers."

Myers: "Representative, the last two parcels are included in that Bill. The first parcel transferring property to the City of Macomb from the Illinois Department of Transportation is

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not included in that Bill."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you. Representative Myers, why wasn't the first parcel included with our normal land transfer legislation?"

Speaker Leitch: "Representative Myers."

Myers: "Representative, that's the way it came from the Senate. It is my understanding that that's the way the Senator wanted it. She wanted it transferred on her own right."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, thank you, Representative. As you may or may not be aware, we normally just have one Bill that goes through the House and the Senate, which actually transfers the titles to these properties. So I didn't understand why we needed a separate Bill for one parcel. Representative, have all the appraisals been filed pursuant to the Statutes?"

Speaker Leitch: "Representative Myers."

Myers: "Yes, Representative, the Clerk has them."

Speaker Leitch: "Representative Granberg."

Granberg: "And for the first parcel, you had indicated Senator Donahue wanted. Who prepared the appraisal for the property in McDonough County?"

Speaker Leitch: "Representative Granberg. (sic - Myers)"

Myers: "Representative, the Illinois Department of Transportation did the appraisal for the property in Macomb."

Speaker Leitch: "Representative Granberg."

Granberg: "And, Representative, I assume that the Department of Transportation is in approval with you to acquire this property, I'm sorry, to quitclaim this property to the the City of Macomb. Is that correct?"

Speaker Leitch: "Representative Myers."

Myers: "Yes, Sir, they are in agreement with that."

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Speaker Leitch: "Representative Granberg."

Granberg: "And for what purpose is this authorization, Representative? Specifically, McDonough County. What is the purpose of that land transfer?"

Speaker Leitch: "Representative Myers."

Myers: "The Illinois Department of Transportation owns this less than one half acre of ground along the right of way. It's a piece of property that was involved in road construction when a bypass was constructed through the City of Macomb and around the business area. This is extra property that is left over. The City wants to acquire this property and trade it for another piece of property with an individual within the City. The Department of Transportation has no use for this property. They are glad to sell the property, take the funds and let the City of Macomb do with it what it wants to."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Representative. And to the other two parcels that are in your Bill, as you indicated, those are in another piece of legislation, but those two have also... Are those two have also been approved by the Department of Corrections and the Department of Conservation...Oh, I'm sorry. They are both with the Department of Corrections?"

Speaker Leitch: "Representative Myers."

Myers: "Yes, Representative. The Department of Corrections is in support of these two transfers and they have prepared everything."

Speaker Leitch: "Representative Granberg."

Granberg: "And it's my understanding the one transfer is for the purpose of building a housing unit at...at Pontiac. Is that correct, Representative?"

Speaker Leitch: "Representative Myers."

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Myers: "Representative, with your permission, I would defer the answer to this question to Representative Hassert, whose district that this is in."

Speaker Leitch: "Representative Hassert."

Hassert: "Representative, could you repeat the question, please?"

Speaker Leitch: "Representative Granberg."

Granberg: "Thanks, Representative. I assume, Representative, I think the one parcel that is in your district is for the building of a housing unit at one of the correctional facilities. Is that correct?"

Speaker Leitch: "Representative Hassert."

Hassert: "Yes, that's at the state built property."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, thank you, Representative. To the Bill, Mr. Speaker. As Representative Myers indicated, two of the parcels are currently in other legislation, and I think they are working their way through this House. And the other provision has been approved by the Secretary of Transportation at the Department of Transportation's request, so we have no objection to the Bill. All the documents have been filed according to Statutes, and we rise in support of the Representative's legislation."

Speaker Leitch: "Representative Myers now moves for passage of Senate Bill 992. All those in favor shall vote 'aye'; all those opposed shall 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 voting 'aye', none voting 'no'. And Senate Bill 992, this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 48."

Clerk McLennand: "Senate Bill #48, a Bill for an Act that amends

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the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. Senate Bill 48 is a Bill that passed out of the Senate 54 to nothing. And basically what it does, it exempts the sale of emission allowances to comply with the Federal Clean Air Act from the requirement to obtain Illinois Commerce Commission approval. Currently, because emission allowances are considered utility property, utilities are required to obtain ICC approval for the sale of these allowances and for their purchase of allowances from other utilities. And the reason they need to have this changed is to remove any barriers to full utility participation in the national allowance trading market. This will help permit Illinois utilities to burn Illinois coal, which will save Illinois' mining jobs. It's supported by the Illinois Commerce Commission, Illinois Power, Com-Ed, Northern Illinois Gas and the Illinois Coal Association. I would welcome any questions that the Members may have."

Speaker Leitch: "The Gentleman from Kankakee, Representative Novak, for what purpose do you rise, Sir?"

Novak: "Will that Gentleman from DuPage County yield?"

Speaker Leitch: "I suspect he will."

Novak: "Representative Persico, what is the effect upon the Illinois Commerce Commission with respect to this legislation?"

Speaker Leitch: "Representative Persico."

Persico: "The Illinois Commerce Commission is neutral on this Bill."

Speaker Leitch: "Representative Novak."

Novak: "Well, will they have, assuming this Bill becomes law,

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will they have any more responsibility with respect to emission sales? Doesn't this Bill take the Illinois Commerce Commission out of the process?"

Speaker Leitch: "Representative Persico."

Persico: "Yes, it does, Representative. Basically, many of these State Statutes were written in the 1920's to curb the abuses that some utility companies were doing, but this was long before the concept of trading emission allowances was developed. And so what we're trying to do is send...or these emission allowances are considered property. They have to go in front of the ICC Board, and this makes it very difficult for the utility companies to trade these allowances on a national level."

Speaker Leitch: "Representative Novak."

Novak: "So would you say this is a consumer Bill?"

Speaker Leitch: "Representative Persico."

Persico: "What this will do, it will help save Illinois coal jobs, because we burn high sulphur coal and we're able to buy these, you know, allowances...emission allowances."

Speaker Leitch: "Representative Novak."

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

Speaker Leitch: "The Lady from Cook, Representative Schakowsky. For what purpose do you rise?"

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

Speaker Leitch: "He indicates he will."

Schakowsky: "Representative, where are the environmental groups on this legislation?"

Speaker Leitch: "Representative Persico."

Persico: "They haven't expressed any decision one way or the other."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "What is the impact on the environment, different

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from what already exists in terms of the sale of emissions that could result from this legislation?"

Speaker Leitch: "Representative Persico."

Persico: "There's going to be no change in it. This... The Federal Government gives out these emission allowances out at the beginning of the year. Just allows Illinois companies to trade on a national level. Basically, the reason being that this is considered property, as I mentioned previously, and anything considered property has to go in front of the ICC for approval. While these emission allowances are sold at an auction and there's no way that they know the price at that time, and so when they go to seek approval by the ICC, they're rejected because the information is incomplete."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, just in principle, the whole notion, the sale of emission allowances means that those utilities that don't meet the environmental standards are able to do so if they purchase them. Will this make it easier for them to purchase them and therefore easier to pollute the environment?"

Speaker Leitch: "Representative Persico."

Persico: "As I mentioned earlier, it's the Federal Government sets these standards at the beginning of the year. There's going to be no change in the amount of pollution. It just allows certain company to buy allowances that... from companies that have fewer emissions."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, maybe nationwide that's true. I'm asking though in Illinois specifically, is there a chance then that someone that a utility that might otherwise be polluting the environment, if we don't pass this Bill, they

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won't be able to?"

Speaker Leitch: "Representative Persico."

Persico: "As I mentioned, these standards are set at the beginning of the year. There are a certain amount of emissions that could be, you know, in the air at that time at...in Illinois. This just allows us to sell and buy from certain companies, you know, from some that may be putting less of these emissions in the air, having companies that are producing more to buy and it levels it out. There's no more, one way or the other."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg, for what purpose do you rise, Sir?"

Granberg: "Will the Gentleman yield?"

Speaker Leitch: "He indicates he will."

Granberg: "Representative Persico, I think I understood you to say earlier that the Illinois Coal Association was in support of this Bill. Is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "Yes, they do, because this will save Illinois mining jobs."

Speaker Leitch: "Representative Granberg."

Granberg: "Some of the Members on this side of the aisle have...It's very difficult to conceptualize how this actually impacts the coal industry, but I think you're indicating that's by allowing these utilities to purchase these credits and that prohibits them or at least allows them to use an alternative to using scrubbers at these power plants and these utilities. Is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "If they build scrubbers, it's the least cost effective way to burn Illinois coal. And so, what this does, it allows us to burn Illinois high sulphur coal by trading

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these allowances. And again, this is why it would be saving the Illinois...or mining jobs in Illinois."

Speaker Leitch: "Representative Granberg."

Granberg: "So hypothetically, if these allowances were not available to be purchased by a utility, then their only alternative would be to install scrubbers on their utilities if their intent was to utilize Illinois coal. Is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "Either that or buy coal from other states."

Speaker Leitch: "Representative Granberg."

Granberg: "So they would be faced with the decision whether in fact to install these scrubbers to use Illinois coal or to buy coal from the...from Montana and other areas at a lower cost...at a lower cost...no, higher cost, I believe, because of the low sulphur content. But that would in fact cause a loss of Illinois jobs in our coal mines, particularly in Southern Illinois. Is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "That's correct, Representative."

Speaker Leitch: "Representative Granberg."

Granberg: "And, Representative, how long will this be available to the utilities that, in fact, they could utilize this credit purchase provision?"

Speaker Leitch: "Representative Persico."

Persico: "These credits will be reduced by the beginning of the next century."

Speaker Leitch: "Representative Granberg."

Granberg: "So at that time, Representative, these credits will...or the availability of these credits will be limited or they will, in fact, expire and then that will not be available to the utilities. They will then be forced with

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the initial determination, or once again that determination of whether to buy low sulphur coal or to make the expenditures to install scrubbers on their power plants. Is that right?"

Speaker Leitch: "Representative Persico."

Persico: "That is a very distinct possibility, Representative."

Speaker Leitch: "Representative Granberg."

Granberg: "So eventually, they will have to make that determination at some point in the future. We are merely delaying that date when that determination will have to be made?"

Speaker Leitch: "Representative Persico."

Persico: "Representative, it is very difficult as you know and even in our General Assembly what is going to happen in the next ten years and so, yes, this does help us buy some time in order to save Illinois mining jobs in order to burn the Illinois coal."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, thank you, Representative, and, Mr. Speaker, to the Bill. Obviously, I rise in support of it. This is a major concern to us in downstate Illinois. The Representative has indicated this would allow our utilities to purchase these credits to utilize Illinois coal. This may not be the best solution. This may not be the long term solution to the availability of coal mining jobs in Illinois, but what it will allow us to do in this state, and particularly downstate, is to diminish or restrict the date of impact of the Federal Clean Air Act on Southern Illinois and our coal mining jobs. This would allow our utilities located in Illinois to utilize Illinois coal, although at a higher sulphur content and that will remain, that will keep jobs remaining in Illinois, help keep our

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mines open. So I appreciate the Representative's support of this legislation, the work he's put into it, and I think it's an idea that we have to...an idea whose time has come at least to...for the near future to do anything we can to keep those jobs in Illinois."

Speaker Leitch: "Representative Persico, to close."

Persico: "Thank you, Mr. Speaker and Members of the House. Senate Bill 48 is a good Bill. We debated it quite thoroughly. As I said, it's going to help save Illinois jobs. It's going to help save Illinois mining jobs, and I would ask for your favorable vote on Senate Bill 48."

Speaker Leitch: "The question is, 'Shall Senate Bill 48 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question there are 105 voting 'aye', none voting 'no'. And Senate Bill 48, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House...Senate Bill 105. Representative Biggins."

Clerk McLennand: "Senate Bill #105, a Bill for an Act that amends the Property Tax Code. Third Reading of this Senate Bill."

Speaker Leitch: "Out of the record. Mr. Clerk, please read Senate Bill 206. Representative Churchill."

Clerk McLennand: "Senate Bill #206, a Bill for an Act in relation to Fox Waterway. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Fox Waterway Agency Act. More than ten years ago, the people of Lake and McHenry Counties voted by referendum to create a new unit of government to look over the Fox River Channel Lakes. That Act had a ten year

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sunset in it, and at the end of the ten years, the agency went back to the people to determine whether or not the agency should be continued. By a vote of 79%, the people of McHenry County approved the agency and by a vote of 74%, the people of Lake County approved the agency and said, 'Let this agency continue to exist.' Since that was just done last year, we've come in with a Bill that would clean up the Act and would provide some powers in the agency so that it can continue to do business. We changed the name from the Chain O Lakes-Fox River Management Agency Act to the Fox Waterway Agency Act. We compensate the Board of Directors. We provide for the appointment of an Executive Director. We give the agency the power to borrow money. We include them in the Illinois Municipal Retirement Fund and we clean up all of those parts of the Act that were meant for the initial ten year period to get them out of the Statutes. This is a Bill which only affects those people in the area and any of those people who might use the Fox River Chain O Lakes, and since the State of Illinois really doesn't have the funds to take care of this beautiful waterway, it's important that this agency continue to exist so that through the use of boater fees and other things that it can continue to provide the clean up and the maintenance and the management of this agency, of this waterway. So I would be happy to answer any questions that you might have."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg, for what purpose do you rise, Sir?"

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

Speaker Leitch: "Yes, he will."

Granberg: "Representative Churchill, I think you indicated you would provide certain powers be given to this new

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Authority. Is this a new Authority or is this basically a name change from the existing Authority?"

Speaker Leitch: "Representative Churchill."

Churchill: "This is a name change to an existing Authority."

Speaker Leitch: "Representative Granberg."

Granberg: "And it's my understanding that there are provisions in here for pay raises for the people who serve on this Authority. Is that...Is that new or is that in current law?"

Speaker Leitch: "Representative Churchill."

Churchill: "In the initial legislation, which like I said before was for this agency to exist for a period of ten years, there were no...there was no compensation to those people who were elected to the Board of Directors. This current Bill would provide that the agency could compensate those Directors, should it so choose."

Speaker Leitch: "Representative Granberg."

Granberg: "So this Bill would provide for new pay raises or new salaries for those Directors if they so choose. And it's also my understanding for a Board Chairman, apparently the Board Chairman in the past did not receive any reimbursement as well. Is that correct?"

Speaker Leitch: "Representative Churchill."

Churchill: "This current Bill, before you right now, would permit the Board to compensate the Board of Directors up to \$3,000 per year and the Chairman of the Board, which is an elected position, up to \$5,000 per year. They are currently unpaid."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, I think your legislation also allows the new Authority to issue Revenue Bonds. Has that been allowed previously?"

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Speaker Leitch: "Representative Churchill."

Churchill: "The current situation is that the agency has no power to borrow money. Under this Act, the agency would be able to borrow funds from a lending institution or issue Revenue Bonds."

Speaker Leitch: "Representative Granberg."

Granberg: "So the power to issue Revenue Bonds would a new power given to the Authority. I assume, Representative, that the revenue for the debt service on the bonds would be derived from local fees. Is that correct?"

Speaker Leitch: "Representative Churchill."

Churchill: "Yes, this agency charges a boater fee, so that if you wish to take your boat on the Fox River or the Chain O Lakes, you would have to get a sticker, much as municipalities charge vehicle sticker. And this has been a system that has been set up now for the past ten years. They've identified all those who use this waterway. They send them stickers and make the charge for those stickers, and its those fees which go into fund the agency for its various projects, it would be those fees that would be used to repay any indebtedness that it might have, be that a bond or a borrowing from a bank."

Speaker Leitch: "Representative Granberg."

Granberg: "In addition to the new power to issue Revenue Bonds, does this also increase the fees that would be available to the Authority to pay off the debt service or lease the financing mechanism for the Revenue Bonds?"

Speaker Leitch: "Representative Churchill."

Churchill: "This Bill does not increase the fees, but it does say that the agency could increase those fees if the agency so chose. The agency has hearings on its fee structure and from time to time, looks at the fees that are charged for

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different boats. The...There's a lesser fee charged for smaller boats. There's a greater fee charged for larger boats. And from time to time, the agency just puts into place its fee schedule and then that's what it charges. This would raise the amount of the fee schedule for some...for those things in their fee schedule."

Speaker Leitch: "Representative Granberg."

Granberg: "So, you basically you have the new Authority or the expansion of the Authority, the power to issue Revenue Bonds, the power to increase fees in order to pay the debt service on the Revenue Bonds, you have the provision that would allow salary increases or salaries for Directors and the Chairman. And then I think there was a provision in the current law that would limit how much the Authority could actually spend on the general operations and what percentage would be mandated to be spent on improvements with the waterway itself. Is that correct? And if that is the case, would your legislation change that percentage or have any impact at all on the general operations of the Authority or the funds expended on those capital improvements for the waterway?"

Speaker Leitch: "Representative Churchill."

Churchill: "The initial legislation said that 75% of the fees that were raised would go into actual projects or only 25% ...of the 25% could be expended for..."

Speaker Leitch: "Proceed, Sir."

Churchill: "Only 75...or 25% could be used for administrative expenses. I believe this Bill keeps that the same."

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

Lang: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lang: "Representative, one of the sites that many people have

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been talking about for new riverboats in Illinois is in this waterway. Does this Bill have anything to do with that proposal?"

Speaker Leitch: "Representative Churchill."

Churchill: "This Bill has nothing to do with riverboats."

Speaker Leitch: "Representative Lang."

Lang: "So none of the changes you make here have anything to do with creating a Regulatory Authority that would in any way impact on a potential riverboat in that waterway?"

Speaker Leitch: "Representative Churchill."

Churchill: "Well, when you say impact on, if they cleaned up the waterway and the boat was...there was a riverboat and it was in the waterway, it would get to use the cleaner waterway. If they dig...dug a channel deeper, then they could go in that channel. I mean there may be some impact, but that would...that's...this is not meant to address anything about riverboats, so it would just be whatever benefits came to the whole Chain O Lakes-Fox River system, might be benefits that could be used by a riverboat should one ever be there. But this has nothing to do with putting a riverboat on that area...It has nothing to do with riverboats, per se."

Speaker Leitch: "Representative Lang."

Lang: "But in the Bill, you indicate that if an ordinance of the agency conflicts with local municipal ordinances, the agency ordinance supersedes. That being the case, should there be an effort to put a riverboat in these waters. You're giving this agency, are you not, a substantial impact over and above local ordinances that could deal with the use or the occupancy, if you will, by a riverboat of these waterways, are you not?"

Speaker Leitch: "Representative Churchill."

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Churchill: "The purpose of that is to regulate noise and speed, particularly in night time hours, and the...there are some local municipalities that have noise ordinances, and what they're just saying is, is if the agency were to put in a noise system, that all the boats on the whole Chain O Lakes would have to comply with that noise system. If the agency was to put in a night time speed limit, then all the boats in the Chain-Fox River would have to comply with that speed system, so that you wouldn't have to go from one municipality at maybe ten miles an hour to another municipality at 20 miles an hour in a boat, that it would be an Act that would comply across the whole Chain O Lakes. That's what that's meant to be."

Speaker Leitch: "Representative Lang."

Lang: "Well, was this issue regarding superseding local ordinances, why my notes show that the Villages of Lake, Barrington and Algonquin are opposed to this legislation? Or are my notes incorrect?"

Speaker Leitch: "Representative Churchill."

Churchill: "The...There was an issue in regards to one of the marinas at the very south end of this system, and that marina had a limit in terms of where it became a no weight limit. And the agency tried to make that a larger area. So in other words, from 1100 feet from the damn, they tried to push it up to 2900 feet or whatever 29...to 1100, one way or the other. That issue was addressed in the Amendment that was placed on the Bill, so that the City of Algonquin now has the power to regulate that particular issue. So I believe that the City of Algonquin would now...not have objection with the Bill, due to the Amendment that was placed on the Committee."

Speaker Kubik: "Representative Kubik in the Chair."

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Representative Lang, proceed."

Lang: "Thank you. I note that you allow this agency to issue Revenue and Refunding Bonds. Why and under what conditions would they need to do either of these?"

Speaker Kubik: "Representative Churchill."

Churchill: "Currently, the agency has no ability to borrow any funds. From time to time, they could borrow funds to do a massive clean up project or a massive dredging project, and so they want the ability to go in and borrow funds to be able to do that should the need arise. I don't think at this point that they have any specific plans for borrowing, but they don't want to be tied in the event that some day that that becomes a necessity for them to finish a project."

Speaker Kubik: "Representative Lang."

Lang: "Tell me what this Bill does on the issue of user fees. User fees."

Speaker Kubik: "Representative Churchill."

Churchill: "The initial Bill that we passed about 10 or 11 years ago, maybe even before that, set in place a structure whereby this agency relies on the user fees from stickers applied to boats. So basically, it's the boaters of the area that pay for the money that then pays for the projects to be completed. This...This whole agency is driven by those boaters' fees. That is the basis of their revenue. There is no property tax in this agency, and so that's why it is. It's...The whole agency is driven by fees."

Speaker Kubik: "Representative Lang, your time is expired. Let me give you one more minute and if you could bring your questions to a close. Representative Lang."

Lang: "Thank you, Mr. Speaker. Back to the Sponsor. Mr. Churchill, if I read this Bill correctly, it increases some

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fees, it establishes new salaries, increases penalties, permits agency ordinances to supersede municipal ordinances, even where the municipal ordinance is more stringent. Why do we want to vote for this Bill? I don't...I can't see why any target would vote for this Bill, given those circumstances."

Speaker Kubik: "Representative Churchill."

Churchill: "This is a unit of local government. All we're doing is giving the unit of local government the same powers, not the same powers, but giving them some powers. If we were to create a new municipality or another unit of government, we would breath into that unit of government all sorts of powers. That's all we're doing here is giving this agency the powers that other units of local government enjoy and we...This is one of the few agencies that was created by an initial referendum. The people of this area voted to create this agency. We put a..."

Speaker Kubik: "Representative Churchill, to complete his remarks."

Churchill: "We put a ten year sunset on this agency. And we know that we could put a ten year sunset on every governmental agency that we create down in this place, and we give it back to the voters to say whether or not this should be continued, and the voters said, 'We find value in this governmental body. We want to continue it, and we want it to breath powers that the other agencies and other governmental units have.' And so by a vote of the local people, they decided that this is the way it should be. So we're just following the requests of those people in the local area."

Speaker Kubik: "Further discussion? Seeing none, Representative Churchill, to close."

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Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Chain O Lakes-Fox River is a beautiful area in our state. It's a natural wonder that is used by thousands and thousands of people. Literally, on a Sunday afternoon, you can go out on your boat and you'll find ten or fifteen thousand boats or more out on the Chain O Lakes enjoying this beautiful, natural wonder that we have. The State of Illinois for years and years and years watched over this waterway, but never had the funds to do any of the projects that needed to be done in terms of dredging or clean up or improvement to this waterway. The people of the area said we need something put in place as a governmental unit to keep this natural wonder alive, so that the waters don't eutrophy and the channels don't close up and the lakes eventually die. This is the agency they chose to do that with, and it's the people there that want this agency. They want it to have the ability to do the projects that they're requesting, and they have come to us to ask us to breath life into this agency for the second time. I would ask for your affirmative vote. Thank you."

Speaker Kubik: "Representative Lang."

Lang: "Thank you. On a parliamentary inquiry, Sir."

Speaker Kubik: "State your inquiry."

Lang: "Thank you. I don't know if there are any home rule units in the Fox Lake-Chain O Lakes areas, but if there are, this Bill would clearly pre-empt the home rule powers of those municipalities. Perhaps Mr. Churchill could enlighten us as to whether there are such units. If there are, I would ask the Chair to rule that it pre-empts home rule and requires 71 votes."

Speaker Kubik: "The Chair recognizes the Gentleman from Lake, Representative Churchill."

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Churchill: "I know there are no home rule municipalities in the Lake County portion, and I don't think... Okay, we're checking on that. Hang on one second."

Speaker Kubik: "Representative Lang. The Parliamentarian has re... Could we have some order, please. Let's tone down the noise level in the House. Mr. Lang, the Parliamentarian has reviewed the Bill, and looking through the Bill, believes that the Bill does not pre-empt home rule, and the Chair would rule that the Bill does not pre-empt home rule. Representative Lang."

Lang: "Mr. Speaker, whether the Bill actually uses the words, 'pre-empt home rule' that's just a drafting situation. The Sponsor clearly said that this agency can pass ordinances that supersede local ordinances. The question is not whether the Bill uses the magic words, because the Sponsor himself has indicated that local ordinances will be pre-empted. The issue is whether there are any communities within this agency that are home rule units. If there are, then their home rule rights are being pre-empted clearly. That's the issue, and that is what I would ask the Parliamentarian to answer for us."

Speaker Kubik: "Representative Lang, we again have looked at the legislation, and the Chair's ruling will stand. Mr. Lang."

Lang: "I would just simply like to know, Mr. Speaker, from the Sponsor of the Bill who lives in Lake County, from Mr. Skinner who lives in McHenry County, where I believe are the counties affected by this, whether or not there are any home rule units in those counties? It's a simple question, requiring a simple answer. If the answer is no, then my point is irrelevant anyway."

Speaker Kubik: "Representative, we're not...we're not debating the Bill. We're...You know. You are recognized on a

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parliamentary inquiry. Please, if you'd stick to that point. Representative Lang."

Lang: "Thank you. Well, alright, apparently no one wants to answer that question for me. Maybe there's no local, maybe there's no map available to check that out. I would ask to overrule the Chair and ask for a Roll Call Vote and a Verification on that Motion."

Speaker Kubik: "The Motion is, 'Shall the Chair be sustained?' Again, the Motion is, 'Shall the Chair be sustained?' Those in favor of the Motion will vote 'aye'; those opposed will vote 'no'. The voting is now 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 62 voting 'aye', 50 voting 'no' and 1 voting 'present'. And Mr. Lang has requested a Verification. Now, Mr. Lang, Representative Johnson is asking for leave to be verified. Leave is granted. Mr. Clerk."

Clerk McLennand: "Those Representatives voting in the affirmative on the Motion. Representatives Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. John Jones. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Andrea Moore."

Speaker Kubik: "Mr. Clerk. Representative Lang. Representative, would you...Representative Pedersen is asking leave to be verified."

Lang: "Representative 'Zamboni' can go. That's fine."

Speaker Kubik: "Okay, Representative Pedersen is given leave."

Clerk McLennand: "Mulligan. Maureen Murphy. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe.

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

Speaker Kubik: "Representative Lang, questions of the Affirmative Roll."

Lang: "Representative Brady?"

Speaker Kubik: "Representative Brady."

Lang: "Hello, Representative, nice tie."

Speaker Kubik: "Representative Brady's in the center aisle. I guess you have noticed that. Okay. Representative Lang, any further questions?"

Lang: "Just a second, Mr. Speaker. Your Members are not in their chairs, so as I'm about to say a name I notice them in any particular place, so bear with me. Representative McAuliffe?"

Speaker Kubik: "Representative McAuliffe."

Lang: "On the Democratic side, certainly."

Speaker Kubik: "Representative McAuliffe is on the Democratic side as usual."

Lang: "Mr. Speaker, have you noticed that most of the time when I try to verify your Members off, they're on our side of the aisle. I'm not sure what that says, but..."

Speaker Kubik: "Well, Representative Lang, you have a very friendly group of Members. There's no question about that."

Lang: "That is true, Sir. That is true."

Speaker Kubik: "Very friendly. Further questions of the affirmative? Representative Lang, any further?"

Lang: "One moment. No further, Sir."

Speaker Kubik: "On this question, there are 62 voting 'aye', 50 voting 'no', 1 voting 'present' and the Motion prevails. Now, to the main question. The question is, 'Shall Senate

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Bill 206 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 voting 'aye', 50 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House (sic - Senate) Bill 388. Representative Hughes."

Hughes: "Senate Bill #388, a Bill for an Act in relation to audits. Third Reading of this Senate Bill."

Speaker Kubik: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I stand to present Senate Bill 388. Senate Bill 388 amends the Illinois State Auditing Act to eliminate the Auditor General's biannual program audit for facilities under the jurisdiction of the Department of Mental Health and Developmental Disabilities; amends the Abused and Neglected Long Term Care Facility Residents Reporting Act to require the Auditor General to conduct a biannual program audit of the Office of the Inspector General, including an analysis of the Inspector General's effectiveness in investigating reports of neglect and abuse. This Bill has two Amendments. Amendment #1 provides that the Inspector General and the Department of Mental Health and Developmental Disabilities shall report to the Director of DMHDD; gives the Inspector General authority to investigate reports of abuse and neglect in facilities for programs that are licensed or certified by DMHDD or funded by DMHDD and not licensed or certified by another state agency; permits the IG to cooperate with other state agencies; removes the IG involvement in routine

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programmatic licensure and certification functions; requires the IG to promulgate rules for investigations; requires an appeals process for those subject to actions resulting from investigations and confidentiality of patient's records; deletes sunset provisions for the IG. Amendment #2 is the Department Bill and allows registered nurses and physicians to be hired by the Department of Mental Health and Developmental Disabilities without complying with time consuming civil service evaluation procedures; removes the term, 'Developmental' from the names of what will now be the Alton Mental Health Center and the Adolf Meyer Mental Health Center; allows the Chester Forensic Facility to confine persons to their rooms for up to ten hours a day under certain conditions; repeals certain obsolete provisions; allows DMHDD to place a statutory lien on a recipient's property without first obtaining a court judgement and provides that a person ruled unfit to stand trial must be recommitted every 180 days by a Criminal Court; requires the patient in confinement to be checked every 15 minutes and a record to be kept of observations; specifies the court of original jurisdiction shall hold hearings related to the mental condition and appropriate treatment or disposition of the person; makes minor technical clarifications. This Bill passed the Committee...with 18 'ayes' and no 'nays'. It is supported by the Department of Mental Health, Illinois State Medical Society, Department of Public Health, AMI, Community Mental Health Associations, ARC, IACMA, and Lutheran Social Services. I would urge a 'yes' vote."

Speaker Kubik: "The Lady has moved for the passage of Senate Bill 388. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Ronen."

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

Speaker Kubik: "The Lady indicates she will yield."

Ronen: "Representative Hughes, is this, if I recall correctly, this is the Bill that was...came out of discussions with the Citizens Assembly on Mental Health. Is that correct?"

Speaker Kubik: "Representative Hughes."

Hughes: "A portion of the Bill, Amendment #1 originated from the Citizens Assembly, but has been modified through 11 revisions to build a consensus of support."

Speaker Kubik: "Representative Ronen."

Ronen: "Yes, a few more questions, but I'd like to also take this off Short Debate, and I'm joined by the requisite number of my colleagues. So, Representative Hughes, this...the original idea came...Was that acknowledged?"

Speaker Kubik: "Well, I noticed that today everybody's raising only one hand..."

Ronen: "We're...democracy."

Speaker Kubik: "...Except for Representative Lang, who is raising two hands. So, yes, yes."

Ronen: "One person, one vote."

Speaker Kubik: "So, we have...Your request is acknowledged."

Ronen: "Thank you, Speaker. So the original concept came from the Citizens Assembly and then you very graciously and studiously met with the whole range of different advocacy groups and hammered out a compromise around this issue. Is that correct, Representative?"

Speaker Kubik: "Representative Hughes."

Hughes: "That is correct for Amendment #1. Amendment #2 is the Department Bill."

Speaker Kubik: "Representative Ronen."

Ronen: "Amendment #1 relates to the specifics of the Inspector General and... report and the difference now is that the

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Inspector General, the lines of reporting have been made more clear, and the Inspector General reports now to the Director of the Department of Mental Health. Is that correct?"

Speaker Kubik: "Representative Hughes."

Hughes: "That is correct."

Speaker Kubik: "Representative Ronen."

Ronen: "And, their areas...previously the Inspector General had a more wide ranging or maybe a more vague area of responsibility. Does this Amendment then hones in on specific areas, and are there certain duties that the Inspector General was performing previously that she will not be now?"

Speaker Kubik: "Representative Hughes."

Hughes: "Two points relative to the Inspector General's respons...well, three. One, reporting to the Department Director is clearly defined. Two, expands inspection roles to facilities that are funded by the Department and not licensed by another agency for neglect and abuse only; and three, provides for rule-making as to the procedures for inspections... investigations regarding abuse and neglect."

Speaker Kubik: "Representative Hughes...I'm sorry, Representative Ronen."

Ronen: "Thank you. There was also some discussion about the roles of other Inspector Generals and this came up especially as it related to some of the state funded agencies that might receive funding from different agencies, and there was some confusion as to different Inspector Generals visiting and...Does this Bill address any of those issues and cause better coordination among the Inspector Generals?"

Speaker Kubik: "Representative Hughes."

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Hughes: "It provides for better coordination. First of all, if an agency is licensed by an agency that has an Inspector General, that other agency would be the lead, but it does provide for cooperation between the departments."

Speaker Kubik: "Representative Ronen."

Ronen: "And could you just briefly, I'm sorry, describe then Amendment, what Amendment 2 does?"

Speaker Kubik: "Representative Hughes."

Hughes: "Basically, Amendment #2 is the Department Bill which passed, and most of the Bill was passed last year by both Houses with an Amendatory Veto by the Governor, which was accepted by this House. The Bill then did not get called for action by the Senate. It has a lot of clean up language, some name changes to reflect changes in the functions of institutions. It has provision, one that received some discussion, you'll probably ask next, relative to programs for teenage suicide. There was legislation adopted in 1986 to sunset in 1991 for a planning council relative to teen suicides. This repeals that legislation to get it off the books. It should be stated clearly though that both this Department, DCFS, DASA, all have ongoing programs relative to teen suicide, so we are not eliminating any programs, merely eliminating a planning council that has ceased to function five years ago."

Speaker Kubik: "Representative Ronen."

Ronen: "Thank you, Speaker. I thank you for answering all those questions. I commend you for all the work I know you put in behind the scenes to make this Bill come to fruition. I urge all my colleagues to support this. I think this...the delineation of duties related to the Inspector General is definitely a step in the right direction, so I urge 'do

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pass'."

Speaker Kubik: "Further discussion? The chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Schakowsky: "What was the problem with the Inspector General that this Bill intends to address?"

Speaker Kubik: "Representative Hughes."

Hughes: "First of all, current legislation sunsets the Inspector General for DMHDD June 30th. So, this removes the sunset for the Inspector General. Secondly, it clarifies that the Inspector General shall report to the Department's Director. That was vague in existing Statutes, so it strengthens reporting for the Inspector General. Another provision in here that we haven't mentioned is, it removes from the Inspector General licensing and certification, which has currently been done under the Inspector General's Office."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Was this with the approval of or the suggestion of the Department and the Inspector General? Or was there some sort of...Is this some effort to limit the authority of the Inspector General?"

Speaker Kubik: "Representative Hughes."

Hughes: "I would say that it is not an effort to limit the authority of the Inspector General; it is an effort to clarify the authority, to clarify when and under what circumstances the Inspector General shall investigate, to clarify reporting, to clarify relationships with other agencies, but not to restrict."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Representative, what I'm trying to get at, usually

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when we do this kind of legislation, it's as the result of either some confusion of duty, some problem that usually precipitates the drafting of this kind of legislation. I'm just trying to get some background to understand how this improves some situation."

Speaker Kubik: "Representative Hughes."

Hughes: "It improves the existing situation because it removes the sunset, which would eliminate the position. It improves it by clarifying reporting... The current legislation is vague as to whom the Inspector General, and if the Inspector General, reports to anyone. It clarifies the issue of separating investigatory authorities from licensure and certification. It also allows the Inspector General to investigate agencies that are funded, currently not investigated, which might have abuse and neglect complaints."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "What are...This last point, it allows the Inspector General to inspect places that were not previously inspected. What are those?"

Speaker Kubik: "Representative Hughes."

Hughes: "Those would be agencies that are funded by DMHDD and not licensed by another state agency, such as Public Aid. And they would be limited to situations where there is a complaint of abuse and neglect."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "And are you saying currently if there is a complaint of abuse and neglect, the Inspector General currently does not have the authority to go in and check that out?"

Speaker Kubik: "Representative Hughes."

Hughes: "That's correct. There's currently no statutory authority for her to do so."

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Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Okay, I understand that, but let me just clarify the issue of the teen suicide prevention program. Let me just get that. You said that programmatically, that nothing is affected, but that it... I mean the way it reads is that it eliminates the suicide teen...the teen suicide prevention program, but you're saying the program still exists. So what is it that we're eliminating?"

Speaker Kubik: "Representative Hughes."

Hughes: "We're not eliminating any programs. We are eliminating a planning council which reviewed the needs and programs that existed and developed a plan of action. A number of those programs are being administered by the Department by other agencies as well. This does not affect those programs. It merely removes from the Statutes a council that was sunsetted five years ago."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "I have one last, quick question before my time is out. It allows for liens against all property, not just house. Is this usual for other agencies that are allowed to put liens on?"

Speaker Kubik: "Representative Hughes."

Hughes: "This is consistent with the authorities that Public Aid has whereby people who have assets would be subject to a lien. It avoids the Department from having to go to court in every instance and is here at the suggestion of the courts."

Speaker Kubik: "Further discussion? Seeing none, Representative Hughes, to close."

Hughes: "This Bill, again, is the Department Bill and a major piece of legislation for the Office of Inspector General. It has strong support from a large number of agencies, and

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I would urge a 'yes' vote. Thank you."

Speaker Kubik: "The question is, 'Shall Senate Bill 388 pass?'

All those in favor will vote 'aye'; those opposed will vote 'nay'. The voting is now 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 110 voting 'aye', none voting 'no', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Speaker Daniels in the Chair."

Speaker Daniels: "Senate Bill 389. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #389, a Bill for an Act that amends the Illinois State Auditing Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 389 is a product of the Legislative Audit Commission, and it creates a 12 member Circuit Court Clerk Guidelines Committee to develop guidelines for auditing circuit clerks. It designates the Auditor General as Chair and a combination of three circuit clerks, two municipal representatives, two county representatives, one state agency representative, one State Treasurer representative, one Comptroller representative and one Supreme Court representative. Requires the Committee's report and repeal of the Section in 1996. I urge the Members to give this vote for... Proponents are the Legislative Audit Commission, the Auditor General and the DuPage County Circuit Clerk."

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

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

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Speaker Daniels: "Indicates he will."

Granberg: "Representative Biggins, what is the necessity for this Senate Bill?"

Speaker Daniels: "Representative Biggins."

Biggins: "Well, during a audit conducted by the Auditor General, the audit revealed that circuit clerks remitted over a \$110 million in fiscal 92 to ten state agencies for deposit into 21 different funds. The audit also found that most state agencies don't have monitoring procedures to make sure that receipts are appropriate. The Statute which establishes fees, fines, and surcharges are inconsistent and often confusing. Circuit clerks are not given adequate guidance or training in carrying out laws which affects monies of the state. Consequently, the circuit clerks got together and assisted in the drafting of the legislation."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, could they do this currently without the necessity of legislation?"

Speaker Daniels: "Representative Biggins."

Biggins: "Well, they currently collect monies as part of their duties for the fees being charged for the services of their office. But this develops a consistency to their reporting systems and collection means."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, it's my understanding, Representative, that this new Committee would develop guidelines. So my question is, can't these guidelines be developed currently and in cooperation with the Auditor General or whomever? Or what is the specific necessity of having enabling legislation?"

Speaker Daniels: "Representative Biggins."

Biggins: "Yes, Sir, the Auditor General originally came up with this idea and decided to expand it beyond circuit clerks."

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If the Authority fails to report the agency being created within 30 days, the appointing authority will be transferred to the Auditor General."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, I'm not necessarily opposed to what you're trying to do, Representative, so don't misunderstand us. But I just don't know why, I'm just not quite sure why we need the enabling legislation. Because I think, wouldn't there be some cost to actually implementing this or the actual organization of the Committee and its day to day operation and oversight function?"

Speaker Daniels: "Representative Biggins."

Biggins: "In setting up this Commission, we're bringing in other agencies and members of other units of state government to enable their input to be brought so that the Audit Commission can do its job."

Speaker Daniels: "Representative Granberg."

Granberg: "But the... I think the question was, Representative, are there any costs entailed in doing this? I know you want to appoint a new Committee, and are there any costs involved in the operation of that Committee?"

Speaker Daniels: "Representative Biggins."

Biggins: "The Fiscal Note filed on Senate Bill 389 indicated that the fiscal impact would be less than \$5,000. And these are costs that will consist of reimbursements of travel expenses for Committee Members."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I'm sorry. I don't have a copy of the Fiscal Note, but you said it is under \$5,000. I think you also indicated that would be for the expenses incurred by the Committee Members for their performance on the Committee. Is that correct?"

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Speaker Daniels: "Representative Biggins."

Biggins: "The only expenses would be for travel. They will not be reim...They'll be no compensation for service, but shall be reimbursed, all expenses incurred by them in the performance of their duties."

Speaker Daniels: "Representative Granberg."

Granberg: "So the cost entailed in this Committee, this new Committee, would just be those attributed to the Members' traveling expenses. Would there be any type of per diem necessary for accommodations for meals, for staff, those types of items?"

Speaker Daniels: "Representative Biggins."

Biggins: "No, there won't and that was very much deliberately put into the Bill, that there will be no further compensation."

Speaker Daniels: "Representative Granberg."

Granberg: "So, there is no compensation over and above the traveling and incidental expenses incurred pursuant to the traveling to, I assume, Springfield for this Committee, for the Committee meetings to develop these guidelines. So there would not be any per diem, those types of allowances at all. Is that correct?"

Speaker Daniels: "Representative Biggins."

Biggins: "That's correct."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I...you guys are on a roll today. So you are now, too, the proud recipient of the 'Grow Award' for creating a new committee, a new committee in state government, and I'm sure we all want to be a part of that. So, Representative, thank you very much. I appreciate your answers."

Speaker Daniels: "Representative Biggins, to close."

Biggins: "Thank you, Mr. Speaker. I urge an 'aye' vote. This

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Bill came out of Committee in the House 18 to nothing..."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 389. 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 107 'ayes'...matter of fact, Representative Granberg should give himself the award, none voting 'no', 6 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Granberg, you going to present yourself with the award?"

Granberg: "Mr. Speaker, I just want to say I appreciate your commenting on my voting for the legislation. I know this is your side of the aisle's idea, and I appreciate your concern in re-establishing the Pension - Laws Committee that you worked so hard to abolish in 1983 and now you...instead of sunsetting that legislation, we ought to call it sunrise because you just gave birth to another one. So I appreciate..."

Speaker Daniels: "What a difference a day makes, right? Thank you. Further... Senate Bill 458. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #458, a Bill for an Act in relation to the transfer of interests in real property. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Senate Bill 458 is a land transfer Bill for the Departments of Transportation et al. It passed out of the Senate 54 to nothing, House Committee 17 - 0 to 1. It's a very detailed Bill. I'd be glad to respond to any questions. We... and I move passage of

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House Bill...or Senate Bill 458."

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 Stephens, we're getting a little confused with how many transfer Bills there are this year. Normally, there's only one. We dealt with it in the Veto Session, or we attempted to, and we had one earlier today. So - we had two earlier today - so I assume the parcels in here were...could not be incorporated into the normal land transfer Bill?"

Speaker Daniels: "Representative Stephens."

Stephens: "I...You can assume that if you wish. I don't think that that has anything to do with the genesis of this Bill, and it's not unusual for us to pass more than one land transfer Bill, as you know."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I'm not commenting on the substantive matter of the Bill. I'm just asking why are we doing this? Normally, in past years, we just do one Bill, so I didn't know why they weren't included in the Senate Bill 66. But, so apparently they must have...been additional concerns that the various departments felt they needed to be addressed, because of the release of all these parcels. Have the requisite appraisals been filed for all the properties in Senate Bill 458?"

Speaker Daniels: "Representative Stephens."

Stephens: "Yes, they have."

Speaker Daniels: "Representative Granberg."

Granberg: "And of the parcels in the Bill, Representative, did most or any of these parcels go to private individuals or

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did they go to municipalities or other governmental units?"

Speaker Daniels: "Representative Stephens."

Stephens: "Representative, you can read them as well as I. I didn't separate them out, but as I was reading them, it's a combination of all of the above. I would say that my guess would be that a lot of the largest part were transferred between what you referred to as individuals, which may be a farm, corporation or partnership or some sort of local ownership. Let's call it civilian ownership and the state, but some was between various agencies and a local unit of government. But I didn't count them and I did not separate them out, segregate them in the manner that you asked the question."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, thank you, Representative, I was going through this because normally they are released to some municipalities at their request. And normally, as you know, with IDOT requests, it's usually to the contiguous property owner, and that is normally not a problem. I assume, Representative, that of all the quitclaim interest back to private ownership, that the amounts paid, or at least the appraised value, either from IDOT or Conservation or whatever agency, is quitclaiming their interest in those properties."

Speaker Daniels: "Representative Stephens."

Stephens: "To the best of my knowledge, that may be true. You may wish to comment on the three that involve your district."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I know the ones in my district received over and above the appraised value, so we just want to make sure all...are that way as well. So to the

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best of your knowledge, all the conveyances are over and above the appraised value. Is that..."

Speaker Daniels: "Representative Stephens."

Stephens: "Maybe we better look at it again."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I couldn't hear you. What did you say?"

Speaker Daniels: "Representative Stephens."

Stephens: "When you referred to your district, I said maybe we'd better look at it again in jest. The truth is to my knowledge, having conferred with the Department of Transportation and the other departments here, with our staff who has conferred with your staff, to the best of my knowledge, everything in this Bill is in order."

Speaker Daniels: "Representative Granberg."

Granberg: "And I...now I'm looking at it, Representative. It looks like most of the parcels were the ones that were agreed upon and sought by the various departments that were the subject of the legislation last, on the Veto Session. And I think there have only been a few additions to the Bill that was considered last fall. Does your Staff, or do you know whether that's the case?"

Speaker Daniels: "Representative Stephens."

Stephens: "Well, your staff's not giving you good information. About half of these are new. Representative, if you, if they have one that you want to discuss, if there's a problem with any, I can only tell you this, that the Department and their staffs have worked with our staff and yours. Each one of these have been available to every interested party, a very open process. The Senate reviewed it; the House Committee reviewed it. I can stand before you in good faith and tell you that to the best of my

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knowledge, everything here is in order and is as it should be. And if there is anything that is not as it should be, as we review it after its final passage and incorporate it into the Statutes, I will be glad to go back and make any corrections that we should find at a later point. But to my..."

Speaker Daniels: "You want to bring your answer to a close. The time is expired. Further discussion? The Gentleman from Madison, Representative Stephens, to close."

Stephens: "Thank you for the discussion. I move favorable passage of Senate Bill 458."

Speaker Daniels: "The Gentleman moves the passage of Senate Bill 458. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 105...106 'ayes', none voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 407. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #407, a Bill for an Act that amends the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 407 is to provide procedures for perfecting an assignment of rents by recordation. An assignment of rent will be perfected from the time it is recorded and without requiring the assignee to take any other action. And the assignment is constructive notice to third parties. This is a Bar Association proposal and currently, there's no Illinois Statute stating how to

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perfect a security interest in rents and the court decisions have been highly inconsistent. This is the reason for this Bill and I would hope for your favorable approval."

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

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

Speaker Daniels: "She indicates she will."

Lang: "Representative, this was a proposal of the Chicago Bar Association. Is that correct?"

Speaker Daniels: "Representative Biggert."

Biggert: "That's correct."

Speaker Daniels: "Representative Lang."

Lang: "Now, for those who are in the Body that really don't know what recording an assignment of rent means, perhaps you could give us an example of how this would be used in the real world?"

Speaker Daniels: "Representative Biggert."

Biggert: "The...Let's assume that there is a lender and they have a security interest in a building and the borrower is collecting rent. And the borrower goes into default. So the lender would say to the renters, 'Pay the rent directly to me.' And the confusion that has arisen before is that between the time of the loan agreement and the default, a second mortgagee has gone in and recorded, so that the courts have...most of the courts have hold...have held that the recording is sufficient and that the lender would be able to have priority in collecting the rents. But in some cases, the courts have held that the second mortgagee has come in and may have been able to collect and been top priority. So, this really is a clarification of the law."

Speaker Daniels: "Representative Lang."

Lang: "What is the effect on this of tenants on the property?"

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Speaker Daniels: "Representative Biggert."

Biggert: "Representative Lang, I think the effect on the tenants is that they know to whom to pay the rent. It really has no other effect on them."

Speaker Daniels: "Representative Lang."

Lang: "Well, then I presume this does not change the law relative to the notification process that's necessary after a closing if...when the new buyer is suppose to notify the tenants that they now own the property. So they would record an assignment from the previous owner of the assignment of rents. They would still have to notify the tenants, I presume, that they are the new owner."

Speaker Daniels: "Representative Biggert."

Biggert: "I think that this really only is how to perfect a security interest in the rents. It really does not deal with any notification to the...the renter...rentees...or renters, I guess it would be."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. I stand in support of your Bill, Representative."

Speaker Daniels: "Representative Biggert, to close."

Biggert: "Thank you, Mr. Speaker. This is Senate Bill 407, which is to...regards the assignment of rents and perfection of notice through recordation, and I would ask for a favorable vote."

Speaker Daniels: "The Lady has moved for the passage of Senate Bill 407. 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 110 'aye', none voting 'no', 2 voting 'present'. This Bill, having received the Constitutional

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Majority, is hereby declared passed. Senate Bill 105.

Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 105, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 105 is a taxpayer friendly Act. It clears up a vague description in the current legislation regarding when a property tax bill becomes delinquent and thereby eligible for a tax sale. Currently, the law is unclear as to whether a property tax bill or payer is delinquent in his taxes, and the language is unclear as to whether it occurs after the first installment or the second installment. So for counties of 3,000,000 or less inhabitants, this Bill would then now define the delinquent date. You become delinquent when the second installment has not been paid. I urge an 'aye' vote."

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

Fantin: "Thank you, Mr. Speaker. Will the Representative yield for questions?"

Speaker Daniels: "He indicates he will. Representative Biggins. Okay, Representative Fantin."

Fantin: "Representative, could you tell me if there were any proponents on this Bill?"

Speaker Daniels: "Representative Biggins."

Biggins: "Yes, the County Treasurer's Association supports the Bill, as well as the Downstate Tax Purchaser's Association."

Speaker Daniels: "Representative Fantin."

Fantin: "And what about opponents? Were there any opponents on this?"

Speaker Daniels: "Representative Biggins."

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Biggins: "None, known so far."

Speaker Daniels: "Representative Fantin."

Fantin: "On the analysis, I had noticed there was a couple of them. Was that changed since you had the Amendments? Did that make a difference? There were two opponents listed as I see."

Speaker Daniels: "Representative Biggins."

Biggins: "Yes, the Downstate Taxpayers Associations had problems with the original language. Subsequently, we added two Amendments."

Speaker Daniels: "Representative Fantin."

Fantin: "Also, I'd like to take this off Short Debate. Okay. Representative, with this Bill, will this benefit the property owners?"

Speaker Daniels: "Representative Biggins."

Biggins: "It will give the taxpayer more time to make tax payments that were late, before those taxes are sold to a tax buyer. So its...becomes taxpayer friendly for those people who have not been able to pay their taxes in full the year they're suppose to pay them."

Speaker Daniels: "Representative Fantin."

Fantin: "Can you tell me at this point, how much time do they have after property is delinquent?"

Speaker Daniels: "Representative Biggins."

Biggins: "From the time it occurs that...Let's say the second installment is due in August or September, in the fall of that year, they'd be declared...well, they'd be declared delinquent the day they were not paid on time. And they would then be eligible for a tax sale subsequent to whatever the county treasurer would set the tax sale."

Speaker Daniels: "Representative Fantin."

Fantin: "From the time they acquire the property through a tax

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sale to the time they can take title, do you know what the expand of time is there?"

Speaker Daniels: "Representative Biggins."

Biggins: "I think the normal wait is nearly two years. The normal time period is about two years."

Speaker Daniels: "Representative Fantin."

Fantin: "Okay, so this would shorten the time, I mean lengthen the time the property owner would be able to get...or pay their taxes...before their title to their property could be taken over. Is that correct?"

Speaker Daniels: "Representative Biggins."

Biggins: "This would lengthen the time period in most cases."

Speaker Daniels: "Representative Fantin."

Fantin: "I have no problem with the Bill. It sounds like it's a very good Bill, and I would urge a 'yes' vote."

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

Currie: "Thank you, Speaker. Would the Sponsor yield for a few questions?"

Speaker Daniels: "He says he will."

Currie: "Representative Biggins, it looks to me as if Senate Bill 105, as it came to us, made some substantial improvements for home owners whose taxes had been sold at a sale and who needed additional time to round up the cash to take that property off the delinquency rolls. But there were two Amendments adopted in House Revenue Committee and I'd like you to explain to us what exactly House Amendment 1 to Senate Bill 105 does."

Speaker Daniels: "Representative Biggins."

Biggins: "House Amendment #1 specifically states that the Bill, when enacted, will apply to 1995 taxes, payable in 1996, and thereafter."

Speaker Daniels: "Representative Currie."

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Currie: "Thank you. So the effect of Amendment 1 was to say that this will be helpful to you later, but not as the Bill passed the Senate, not today, not this year, but only maybe next year. Could I ask you who was the proponent? Who drafted? Who was the supporter of adding this slight retrenchment to Senate Bill 105?"

Speaker Daniels: "Representative Biggins."

Biggins: "There's an organization called the Taxpayers Action Committee and also the DuPage County Treasurer participated in the drafting of Amendment #1."

Speaker Daniels: "Representative Currie."

Currie: "My recollection, Representative, that in Committee it was the Tax Buyers from the upstate part of town who came in with this Amendment. It looked as if they had done the drafting, and it certainly will benefit them. Can we talk about Amendment #2? Would you tell us what Amendment #2 that's been adopted to this Bill will do?"

Speaker Daniels: "Representative Biggins."

Biggins: "As Amendment #2 allows the holder of the certificate of purchase to pay for... They must pay the subsequent taxes before the second date, because at that point, they virtually own the property. By the way, the first Amend...the first Amendment and the second Amendment were both sponsored by the Downstate Tax Buyers Association. The name of their organization is the Citizens Taxpayers Action Committee."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker. To the Bill, if I might. There's no question that both of these Amendments came from Tax Buyers. The whole point of the Bill, this Bill as it passed the Senate, was to improve the lot of home owners, who for whatever reason have become delinquent in their

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property tax payment. The effects of the action in the House have been substantially to water down the goody that this Bill provides to home owners who may need an additional amount of time to pull together the cash in order to make the payment, in order to buy the back taxes and retain title to their own property. It will...It waters the Bill down by making it perspective only, so it won't do any good this year, but it may provide some relief in the future, and it certainly does protect some degree the tax buyers who are at issue here. My question to the Members of this Assembly is really the question whether this does a good enough job, whether when the Senate passed the Bill, they wanted to provide real protection for home owners who have to duke it out with the tax buyer organization. And I suppose my question is, 'Do we have reason to believe that the Members of the Senate will adopt these Amendments if we pass this Bill as it comes to the House Floor?' Perhaps in his closing, Representative Biggins would give us information on that score and maybe he'd also tell us if in his view, this Bill is now sufficiently watered down, that what it really has become is a vehicle. And if it is a vehicle, maybe he'd give us some instruction and guidance on how he plans to use this measure during the remainder of the Spring Session."

Speaker Daniels: "Representative Biggins, to close."

Biggins: "Thank you. I urge an 'aye' vote. This is a taxpayer friendly Bill."

Speaker Daniels: "The question is, 'Shall Senate Bill 105 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are

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109 'ayes', none voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bills, Second Reading. Senate Bill 111. Read the Bill Mr. Clerk."

Clerk McLennand: "Senate Bill 111. The Bill has been read a second time previously. Committee Amendment #1 was referred to Rules Committee. Amendment #2 is referred to Subcommittee. A Judicial Note had been requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. Senate Bill 229. Read the Bill Mr. Clerk."

Clerk McLennand: "Senate Bill #229. The Bill's been read a second time previously. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to Subcommittee. A Judicial Note had been requested on the Bill. It has been filed."

Speaker Daniels: "Third Reading. Senate Bill 885, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 885, Bill for an Act making appropriations. Second Reading of this Senate Bill, no Committee Amendments, no Floor Amendments."

Speaker Daniels: "Third Reading. Are there any announcements? Representative Parke. The Gentleman, Representative Parke. Representative Churchill now moves that the House stand adjourn until Tuesday, May 9, 1995, at the hour of 11:00 a.m. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and allowing time for Perfunctory Session for the Clerk, the House now stands adjourned until Tuesday, May 9, 1995, at the hour of 11:00 a.m."

Clerk McLennand: "The House Perfunctory Session will be in order. Introduction, First Reading of Senate Bills. Senate Bill

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18, offered by Representative Cowlshaw, Bill for an Act to amend the School Code. Senate Bill 281, offered by Representative Black, Bill for an Act to amend the Unemployment Insurance Act. Senate Bill 287, offered by Representative Winkel, a Bill for an Act concerning state universities retirement system board of trustees. Senate Bill 337, Bill for an Act... offered by Representative Wennlund, Bill for an Act to amend the Civil Administration Code of Illinois. Senate Bill 465, offered by Representative Ryder, Bill for an Act in relation to state government. Senate Bill 565, offered by Representative Maureen Murphy, Bill for an Act in relation to assessment officials. Senate Bill 573, offered by Representative Ryder, Bill for an Act to amend the State Finance Act. Senate Bill... Senate... Senate Bill 628, offered by Representative Maureen Murphy, Bill for an Act concerning leases of real property. Senate Bill 749, offered by Representative Ryder, Bill for an Act amends the Governmental Account Audit Act. Thir... Senate Bill 784, offered by Representative Maureen Murphy, Bill for an Act to amend the School Code. Senate Bill 947, offered by Representative McAuliffe, Bill for an Act concerning the election of the mayor of Chicago. Senate Bill 961, offered by Representative Wojcik, Bill for an Act to amend the School Code. Senate Bill 1006, offered by Representative Cowlshaw, Bill for an Act to amend the School Code. Senate Bill 1007, offered by Representative Cowlshaw, Bill for an Act in relation to boards of education in school districts with populations of 500,000 or more. Senate Bill 1018, offered by Representative Cowlshaw, Bill for an Act relating to school reform in districts with populations exceeding 500,000. Senate Bill 1027, offered by

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Representative Brady, Bill for an Act to amend the Liquor Control Act, 1934. Senate Bill 1066, offered by Representative Churchill, Bill for an Act to amend the Illinois Governmental Ethics Act. Senate Bill 1186, offered by Representative Churchill, Bill for an Act that amends the Illinois Aeronautics Act. Introduction, First Reading of these Senate Bills. Introduction, First Reading of House Bills. House Bill 2504, offered by Representative Fantin, Bill for an Act relating to the Introduction of Bills in the General Assembly. Introduction, First Reading, these Senate Bills. Being no further business, the House Perfunctory Session stands adjourned, and the House will reconvene on Tuesday, May 9th, at the hour of 11:00 a.m."

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