

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

62nd Legislative Day

May 18, 1995

Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for today is the Reverend Walter Baker of Earville Presbyterian Church in Earville. Representative Baker...Reverend Baker is the guest of Representative Stephen Spangler. Will the guests in the gallery please rise and join us in the invocation. Reverend Baker."

Reverend Baker: "Let us pray. Dear God in Whom we live and breath and have our very beings, we give You thanks for this new day. A gift from Thee we know that is a promise of hope of how this day can be. Help us to use it well and not to take it for granted. We thank You, dear God, for this Assembly, for the principles of democracy, for the worth of the individual that stands behind what this is all about. And all the details that we go through and all the statistics that we go through, may we not forget the larger picture of what this is and the privilege of it is to have service in this House. There are those, dear God, we know across this state that struggle each day to build life for themselves and for their family, that struggle to pay bills. There are those that struggle even to have a home to go to. There are those, dear God, that face great medical bills and are ill and worry about tomorrow. Even though, dear God, there are no instant answers, may this be a place where concern and care is given and people know that even those voices that are so small are heard upon this floor. Dear God, give us renewed appreciation of what this Assembly is, the heritage that we are a part of. Bless those, dear God, that are around us. Bless our fellow Legislators. For whatever differences we might have between ourselves, dear God, help us know that we share You and that You are the One that gives all of us life. We

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share families. We share so many more things in common that would divide us. Lord, help us to give the best of our faith on this day. We share a faith that is precious to us all. We share a faith that is meaningful to us. Help us bring that faith to the floor of this Assembly, dear God, and may this floor of the Assembly be enriched by the faith that we live out each day. Dear Lord, we thank you for all things. We thank You for those around us, for people here and people back home. Now bless us, dear God, as we begin a new day. Amen."

Speaker Churchill: "This morning we'll be led in the Pledge of Allegiance by Representative Fantin."

Fantin 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 is excused today."

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

Cross: "You want me to answer that or..."

Speaker Churchill: "I would like to have you answer that. Yes, please."

Cross: "Okay, I wasn't sure what the question was. There's no one absent on our side today, Mr. Speaker, but thanks for asking."

Speaker Churchill: "I always like to call on you when you're here."

Cross: "Well, thank you. By the way, I really...I don't care for

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your tie today. I have to be honest with you."

Speaker Churchill: "I wore this especially for you. Mr. Clerk, take the record. There are 117 Members answering the Roll and a quorum is present. The House will come to order. You'll now proceed to the Order of Senate Bills - Third Reading. Mr. Clerk, please read Senate Bill 1142."

Clerk McLennand: "Senate Bill #1142, a Bill for an Act that amends the Barber, Cosmetology, Esthetics and Nail Technology Act of 1985. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I rise to present Senate Bill 1142, which amends the Barber, Cosmetology, Esthetics and Nail Technology Act, to make changes to the pre-existing practitioner's section. This Assembly will recall in 1991 we licensed nail technicians and gave existing technicians to December 31st, 1994, to register. Since there were some problems in getting the word out to many nail technicians, we are now just in this Bill extending the date by which pre-existing practitioners can register to December 31st, 1995. This Bill passed unanimously in the Registration and Regulation Committee and a similar House Bill passed unanimously by this House last month, but failed to go to the Senate. I urge 'do pass'. Thank you."

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

Cross: "Well, thank you, Mr. Speaker, for calling on me. Will the Sponsor yield?"

Speaker Churchill: "She indicates that she will. Please proceed."

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Cross: "Representative, I'm sorry, I...there are a few of us over here that didn't understand your explanation of the Bill. Could you go through it again for us because we're a bit confused?"

Speaker Churchill: "Representative Ronen."

Ronen: "I'd be happy to, Representative. We licensed nail technicians in 1991 and set forth instructions that future nail technicians would have to have grandfathered in those that were existing nail technicians and gave them to December 31st of last year to show that they had met requirements and to register with the Department of Registration and Regulation. There were some problems in getting information out and having all existing nail technicians aware of this new licensing procedure, so many of them who were eligible did not register with the department. All this Bill does is give them another year to do that registration. So anybody that was eligible to register last year by December 31st, 1994, now has to this December 31st."

Speaker Churchill: "Representative Cross."

Cross: "So, are we...Let's just assume for the moment that I want to be a nail technician in the summer. And I've explored that idea. If I'm not registered today and I decide since we're going to be out of here in a couple of weeks or a week and a half that I don't have anything to do this summer, what do I need to do to be a nail technician?"

Speaker Churchill: "Representative Ronen."

Ronen: "You would still have to follow those criteria set forth in the Act that we passed in 1991 which calls for, I think, about 350 hours of instruction in nail 'technicianess'. So, this Bill only relates to those who already had taken instruction and were nail technicians and would have

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qualified already. This just gives them another year to register. If somebody right now wants to become a nail technician, they have to meet all the requirements and criteria set forth by the 1991 Act."

Speaker Churchill: "Representative Cross."

Cross: "What are we doing with those people that are going around non-registered and... Are we talking about people that do manicures?"

Speaker Churchill: "Representative Ronen."

Ronen: "That's exactly who we're talking about."

Speaker Churchill: "Representative Cross."

Cross: "So, what about the fraudulent people out there doing manicures that aren't registered. What's the penalty for not registering under this Act and if, you know, what happens if you give a real bad manicure? Like if you get the fingernail polish on the other side of the finger? What happens?"

Speaker Churchill: "Representative Ronen."

Ronen: "The Department of Registration -- Regulation really is in charge of those kinds of issues. This Bill only relates to...it's making a really a very minor change in persons who were pre-existing technicians, allowing them, if they were able to register last year, just allowing them to register this year."

Speaker Churchill: "Representative Cross."

Cross: "Would this alter our...talking about nails, does this apply to the person that...What do you call the person that does the feet? Is that a pedicure?"

Speaker Churchill: "Representative Ronen."

Ronen: "I presume when you say feet, you really mean toes and that might be a pedicurist. And this would apply to manicurists and pedicurists, as both toes and fingers have

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nails, nail technicians."

Speaker Churchill: "Representative Cross."

Cross: "Does this just apply to human toes and human fingers?"

Speaker Churchill: "Representative Ronen."

Ronen: "Well, one would presume, yes, but actually we've never really tested that in court, have we."

Speaker Churchill: "Representative Cross."

Cross: "I think yesterday we did a Bill for guard dogs, and I didn't know if any of these people are working on guard dogs with pedicures and manicures. Is there any correlation between that Bill and this Bill?"

Speaker Churchill: "Representative Ronen."

Ronen: "No, this Bill relates only to hands and feet, not paws."

Speaker Churchill: "Representative Cross."

Cross: "Well, for those of us from downstate, I...we have some concerns about the individuals that are out doing pedicures and manicures on paws. Is this just apply...Does your Bill just apply to Cook County barbers and cosmetologists?"

Speaker Churchill: "Representative Ronen."

Ronen: "No, this applies uniformly to the entire state."

Speaker Churchill: "Representative Cross."

Cross: "You wouldn't have an objection to working with some of us on this side of the aisle that are concerned about some downstate problems in the area of cosmetology, would you? Maybe on another Bill."

Speaker Churchill: "Representative Ronen."

Ronen: "I look forward to that opportunity, Representative."

Speaker Churchill: "Representative Cross."

Cross: "And I know there's some others on your side of the aisle that represent downstate, would it be maybe wise to bring this Bill back to Second Reading now, put an Amendment on there so we could cover paws? Just to make sure that we

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are not missing anything as far as registration goes or the like."

Speaker Churchill: "Representative Ronen."

Ronen: "I would suggest, Representative, if we did that, we might hear some howling in the chambers, so I would recommend we don't do that."

Speaker Churchill: "Further discussion? The Gentleman from Whiteside, Representative Mitchell."

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

Speaker Churchill: "She indicates she will. Please proceed."

Mitchell: "Representative Ronen, I'm not at all sure what ...what all this Bill does cover. Is there anything in here that would change the situation for a cosmetologist or a barber who had a license at one time, got out of the practice for a period of time, even though this particular gentleman went through an apprenticeship where he had a year of apprenticeship prior to getting his license? Now he would like to renew that license; however, the law reads that he has to take a whole bunch of courses over again. His question to me was, 'Why couldn't I just go back an apprentice again with a licensed barber for a period of time without taking all of these courses and going back through it?' He really can't afford to do that. He has a family now. He doesn't feel that he's lost his skill, yet the law will not allow him to get...Is there anything in this particular Act that would help out that young man?"

Speaker Churchill: "Representative Ronen."

Ronen: "Representative Mitchell, this Act is...does not relate to that issue at all. We're only speaking of nail technicians, that Section of the Cosmetology Act, so this Bill would not relate at all to that issue."

Speaker Churchill: "Representative Mitchell."

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Mitchell: "I saw on the board where it said barber and cosmetology. I also know a young lady in very much the same situation that is no longer practicing, but would like to renew her license. Is...There's, I assume, nothing in there that would help her out either...with a hairdresser?"

Speaker Churchill: "Representative Ronen."

Ronen: "No, I'm afraid it wouldn't. This only relates to nail technicians and very specific just to nail technicians."

Speaker Churchill: "Representative Mitchell."

Mitchell: "Granted, this probably is a pretty good Bill, something that's needed and I really feel like the problem I have with a couple of constituents in my own district is probably something that is suffered statewide, and I would think it would be a pretty simple matter to draft an Amendment and attach to this Bill, if we could get it back to Second Reading. I think we could probably make this a better Bill and help out an awful lot of people. Would there be any way possible for you to convince the Sponsor or you as the House Sponsor to do something like that, to help out these people?"

Speaker Churchill: "Representative Ronen."

Ronen: "Representative, the Senate Sponsor was very specific about this Bill addressing nail technicians and there is really a very serious problem of persons who have been performing these tasks and now are in danger of losing their ability to perform these tasks and I would be very concerned if...to move this back and not move it...allow it to move forward and solve this serious problem."

Speaker Churchill: "Representative Mitchell."

Mitchell: "I...I see here that the Senate Sponsor is Senator Dunn. Is that correct? You probably know Senator Dunn better than I do since I'm pretty new here, I don't know

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how solid he is in his beliefs, but I think it would be worth a shot to...it would certainly help out a lot of people and it's really...would be a pretty simple Amendment. I think it makes good sense when these people already have the skill. The Gentleman explained it to me, it's really kind of like riding a bicycle. You really don't forget how to cut hair or how to maybe you might need a little help with styles and the apprenticeship could take care of that. I would think that this might be an area that could help out an awful lot of people."

Speaker Churchill: "Representative Ronen."

Ronen: "What you raise is no doubt a serious concern, but I think my concern and many concern of Members on your side of the aisle as well as my side of the aisle are to address this problem, which we have been looking at for the last four months, and are finally moving forward to address it. I would suggest that at this point, it might seriously impair the ability of this Bill to be passed and address the problem, if we were to move it back, since we can't do Amendments on the floor, I think it would seriously injure this process."

Speaker Churchill: "Representative Mitchell."

Mitchell: "You know, I don't know how injurious it might be to the process. I probably would assume that I'd have probably enough help on this side to get this Amendment on the Bill pretty quick. If we could probably have a show of hands on this side to show how much support there would be to help these people, and I would imagine there would be enough help over here to attach an Amendment to this, except possibly one Representative to my far right. However, I understand your situation. I understand that you really are not in sole control of this particular Bill.

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Perhaps you and I can get together at a later date and maybe draft some legislation that would help out my constituent and probably constituents in your own district. I didn't realize that there were both hairdressers and barbers in this same situation, but I certainly think it would be something that would be worthwhile to that entire industry. And with that, Mr. Speaker, to the Bill. It's probably a pretty good Bill."

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

Parke: "Thank you, Mr. Speaker. Will the Sponsor of this Bill yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Parke: "First of all, before I get started, I...it seems to me this is sort of deja vu. I guess I...deja vu. Hey look, I'm from the south side of Chicago, I say 'daja'. Thank you. But it seems like we were just here a few minutes ago. I thought I went home and took a...went to sleep. By the way, there's an awful lot of empty seats over there, guys, on the other side, I mean... Well, I'm glad to see there's 15 of you over there. These are the faithful. Hi everybody, nice to see you. Representative, I was one of the lead Sponsors of the Nail-Tech Bill two years ago. And what does your Bill do that addresses what obviously there must be a flaw in it and you're trying to correct that?"

Speaker Churchill: "Representative Ronen."

Ronen: "Your Bill was an excellent Bill, Representative. And as you will recall, your Bill allowed til December 31st of 1994 for existing nail technicians to register with the Department of Registration & Regulation. There was some problem in getting information to all of those existing technicians, so not being aware of it, they didn't register

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in time. All this Bill does is give an additional window of one year to December 31st of 1995."

Speaker Churchill: "Representative Parke."

Parke: "So it's pretty straightforward, you need an additional amount of time. Is that because the nail techs were not informed. They just weren't aware that this legislation was in place?"

Speaker Churchill: "Representative Ronen."

Ronen: "Yes, you're...that's absolutely correct."

Speaker Churchill: "Representative Parke."

Parke: "Is there anything else that's going to go into this Bill other than just giving it a window of opportunity for them?"

Speaker Churchill: "Representative Ronen."

Ronen: "No, Representative. Just an extra year to those who would have been eligible last year will still be eligible til December 31st of this year."

Speaker Churchill: "Representative Parke."

Parke: "Well, on the face of it, this seems like there's no problem. I think we should be reasonable with people. And when we pass legislation, many times it's difficult for the rank and file citizen to know what's going on in terms of legislation we pass down here and to put a short window, I guess isn't quite fair and I think this is a good idea and that the Body ought to pass it."

Speaker Churchill: "Is there further discussion? The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

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

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All those in favor will signify by saying

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'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Ronen to close."

Ronen: "Thank you, Speaker, Ladies and Gentlemen of the House. I think we've had a rather thorough discussion of this Bill and I urge 'do pass'. Thank you."

Speaker Churchill: "The question is, 'Shall Senate Bill 1142 pass?' All those in favor vote 'aye'; any opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', none voting 'nay' and 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1211."

Clerk McLennand: "Senate Bill #1211, a Bill for an Act concerning rent control. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Well, good morning, Mr. Speaker, and..."

Speaker Churchill: "Good morning."

Stephens: "From the back row, your tie looks just fine."

Speaker Churchill: "Thank you."

Stephens: "Senate Bill 1211 comes to us from Senator Walsh in the Senate. It's an initiative of the Illinois Realtors' Association. It enacts rent control to prohibit any local unit of government from enacting, maintaining or enforcing an ordinance or resolution that would have the effect of controlling the amount of rent that may be charged for leasing private, residential or commercial property. I believe this Bill is necessary, because rent control

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actually will contribute...actually contributes to the deterioration of housing stock and commercial properties. Limiting the income only limits the repairs and maintenance of rental property, and thus the housing stock continues to worsen. Rent control is contrary to the American tradition of a free market place. And so we think that public policy in Illinois, as in 14 other states that have already enacted similar legislation, ought to prohibit local units of government from enacting irresponsible legislation such as rent control. I'd be glad to respond to any questions about the Bill and I would move for passage of Senate Bill 1211."

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

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

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

Pugh: "Representative, I know we discussed this Bill in committee, but at that time I didn't get the genesis of the legislation or why we need this kind of legislation in Illinois where it's not...it hasn't been done before?"

Speaker Churchill: "Is that a question, Representative Pugh?"

Pugh: "Yes, I'm asking why do we need this particular piece of legislation? Yes, Sir."

Speaker Churchill: "Representative Stephens."

Stephens: "Because it's important that public policy of the State of Illinois clearly state that local rent control represents poor housing policy and is detrimental to the citizens of this state and it is our job as Legislators to set public policy. This is sound public policy and thus, you now know the genesis of the Bill."

Speaker Churchill: "Representative Pugh."

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Pugh: "Okay, can you explain the methodology for rent control? Are we talking about putting caps on rent or are we talking about taking caps off of rent so that more rent can be charged or are we putting caps on rent so less rent can be charged?"

Speaker Churchill: "Representative Stephens."

Stephens: "Neither. We are prohibiting any local unit of government in the State of Illinois from enacting, maintaining or enforcing ordinances or resolutions that have the effect of controlling the amount of rent that may be charged for leasing private, residential or commercial property."

Speaker Churchill: "Representative Pugh."

Pugh: "Just so that I can be informed about this issue, we're saying that this piece of legislation will allow individual home rule units to remove or not be restricted by any kind of rent control legislation. Is that the purpose of the legislation?"

Speaker Churchill: "Representative Stephens."

Stephens: "I'm sorry, Representative. You're going to have to restate that question because as you stated it, I don't know how to respond."

Speaker Churchill: "Representative Pugh."

Pugh: "The legislation is restricting or prohibiting units of local government from enforcing any rent control ordinance on...over private residents. Am I correct?"

Speaker Churchill: "Representative Stephens."

Stephens: "You are correct, Sir."

Speaker Churchill: "Representative Pugh."

Pugh: "Is that on private and commercial property?"

Speaker Churchill: "Representative Stephens."

Stephens: "Yes."

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Speaker Churchill: "Representative Pugh."

Pugh: "Are there any cities that currently control, in the State of Illinois, that control rents?"

Speaker Churchill: "Representative Stephens."

Stephens: "This Bill is visionary in its nature, and I know of no local unit of government that has rent control in place."

Speaker Churchill: "Representative Pugh."

Pugh: "So, giving to the visceral nature of this legislation, you're stating that may or may not be needed at this point in time."

Speaker Churchill: "Representative Stephens."

Stephens: "Well, Representative, let me respond this way. If you believe that the State of Illinois should have sound housing policy, then it is needed. If you believe that Illinois should be a state whose policy on housing and commercial properties is not sound, then this Bill is not needed."

Speaker Churchill: "Representative Pugh."

Pugh: "So why don't we include affordable housing in this piece of legislation? Why don't we include all types of housing in this legislation? And lastly, Mr. Chairman, would I be correct in assuming that this piece of legislation, because it pre-empts home rule, requires a 71 vote margin?"

Speaker Churchill: "Representative Stephens."

Pugh: "Two questions."

Speaker Churchill: "Representative Pugh."

Stephens: "I don't believe that I get to rule as to the number of votes required. I am a Member of the General Assembly and I believe the Speaker is the appropriate person to respond to that question and I would... I forget your other question."

Speaker Churchill: "Further discussion? The Gentleman from Will,

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Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I rise for the purpose of a parliamentary inquiry."

Speaker Churchill: "Yes, Representative Wennlund."

Wennlund: "Since this Bill is, indeed, a pre-emption of home rule powers, how many votes does it take to pass this Bill? What is the Constitutional Majority that it takes to pass this piece of legislation?"

Speaker Churchill: "The Parliamentarian will look at that point for you and we'll get back to you. Do you have other questions? Would you like to proceed on a line of questioning?"

Wennlund: "Will he get back to you before the vote is taken?"

Speaker Churchill: "We'll get back to you before the vote is taken."

Wennlund: "Thank you very much."

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

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

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

Schakowsky: "Representative, are there any cities who have have...had come before them any proposal for rent control that you're aware of?"

Speaker Churchill: "Representative Stephens."

Stephens: "I'm aware of none that have rent control in place and as to whether the issue has come before any local government, that would be rel...that would be impossible to determine without extensive research. I don't know if anyone has ever voted on this in the history of the state or not."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Are you aware of any townships or any counties where

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this has been an issue that's been under consideration or contention? The reason I thought you might know is because I thought perhaps a realtor has brought you this piece of legislation based on some real life circumstance. And so I'm wondering if you're aware of any other units of local government that have considered rent control?"

Speaker Churchill: "Representative Stephens."

Stephens: "This Bill is brought to you for the purpose of establishing sound housing public policy in the State of Illinois to prevent problems before they occur. So often here, we are crisis managers. In this instance we are managing before the crisis. I believe that that is the...that is appropriate for this Assembly and I believe that this Bill will help preserve commercial and residential properties that are being rented. The proponents of this Bill, besides the Illinois Association of Realtors, are the Home Builders Association, Illinois...or the National Multi Housing Council and the Chicago Land Apartment Association. And these are people that provide homes for people to rent and they know that if for some strange reason, a locality...a local unit of government implements rent control, that the quality of the housing stock and the commercial stock is going to decrease because there will be no dollars left to put money into repairs and maintenance and keeping the place in general, good order. So, as to your question, I know of no current circumstance that we'll be correcting. I do know that we'll be preventing the problem from occurring in the future."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Well, at some risk, I ask another question because I fear that I'll have no time to address the Bill, but I

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wanted to ask a hypothetical question. If a municipality were to create some senior citizen housing, would that municipality under this legislation lose its ability to in any way control how much of a senior citizen's income, for instance, they would pay to live in that housing?"

Speaker Churchill: "Representative Stephens."

Stephens: "They could...If they own the housing, they can charge what they want."

Speaker Churchill: "Representative Schakowsky."

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

Speaker Churchill: "To the Bill."

Schakowsky: "You know we have many important pieces of legislation before us, before we adjourn this Session, and here we are dealing with a piece of legislation that deals with not a single real life situation. There is not one city, township, county that has tried or considered instituting rent control. There is not a single group lobbying in favor of rent control. It is not on the agenda of any organization that I'm aware of to try and push for rent control, and yet at the behest of all those in the business of building housing, this Representative has decided to bring before us a Bill that has no relationship to any real life situation. It is a completely useless piece of legislation, and it's a complete waste of time for this Body to be engaged in even deliberating this. And I urge a 'no' vote on this silly Bill."

Speaker Churchill: "There being no further discussion, we'll go to Representative Stephens to close, but..."

Stephens: "Well, thank you, Mr. Speaker. As to the question about, does it pre-empt home rule? There... Since there is no ordinance or resolution in place anywhere in this state, this Bill will not pre-empt any home rule, so that's my

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opinion on that. As to the...my close and to the insulting remarks by the last speaker, I would like to respond by saying that although Illinois has no current problem with rent control, the following states have established policies of rent control and have been proven to be detrimental to those who have to rent the property because their property winds up being degraded. So if you...if you support poor housing and if you support doors falling off and not being afforded to be replaced, and windows broken and not being repaired, then you would want to be like the states of California and the District of Columbia and Maryland and Massachusetts and New Jersey and New York and some of the other slums associated with those areas. If, however, you would like to follow the lead and be a little more visionary in your thinking, instead of waiting for the problem to occur, you might want to join states that pre-empt rent control. States like Arizona, Kentucky, Indiana, Idaho, Georgia, Florida, Colorado, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, many states that aren't known for their slums. States that are known for the beauty of their cities and the sense of urgency by which they maintain the quality of housing and commercial developments. I would say that we have an opportunity here, Mr. Speaker, to prevent a problem by setting sound public policy before the problem overwhelms us. And for that reason and many others, I urge the passage of this common sense piece of legislation."

Speaker Churchill: "Before we go to the vote on this Bill, it is the ruling of the Parliamentarian that this Bill will take 71 votes. The question is, 'Shall Senate Bill 1211 pass?' All those in favor vote 'aye'; all those opposed vote

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'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. Mr. Stephens, what is your wish on this Bill?"

Stephens: "Mr. Speaker, I was seeking recognition for Postponed Consideration."

Speaker Churchill: "The Bill will be placed on Postponed Consideration. Mr. Clerk, Senate Bill 8."

Clerk McLennand: "Senate Bill #8, a Bill for an Act concerning Public Aid. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "I think this Bill should require 60 votes. Mr. Speaker and Ladies and Gentlemen of the Assembly, this Bill came out of the Senate with 43 'aye' votes because it makes a lot of sense. It's about whether we should give preferential treatment to convicted criminals serving time in our penal system when they apply and have their applications for welfare, for public aid, given special priority. The...the arguments against the Bill are that...in committee were that well, this...these poor people who come out of prison right away they...on that first day out of prison, they need to be on public aid. And so we're going to process their paperwork and give them preferential treatment because they need to feed their families and themselves; they need a place to live. But we don't give that same consideration to a young woman who, let's say has two or three children. Her husband has just beat her up and left and she's left homeless and with no money. She's got to wait 30 days. Her crime was that she didn't commit a crime. Had she committed a crime and been thrown in jail and found the same circumstances, on the

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next day she would be on public aid and be receiving a check and food stamps. But no, she raised her family honestly, she didn't commit crime, she didn't seek the temptation to prey on society. And so for her honesty, for her dignity, we reward her by saying you must wait 30 days, but your friend who committed a crime on society will get in line in front of you at the Public Aid Office and have preferential treatment. And I think that is wrong and so I move passage of Senate Bill 8. I'd be glad to respond to questions and urge your favorable consideration."

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

Turner, A.: "Yes, thank you, Mr. Speaker. Will the Gentleman yield for a question or two?"

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

Turner, A.: "I do have one and that deals with the issue of applications. Is it my understanding that if I am a...just being released from prison that I don't have to wait 30 days, that I can sign up the day that I'm released and I'm put on public aid. Is that your inference?"

Speaker Churchill: "Representative Stephens."

Stephens: "If you are...if you were getting out of prison today, the Department of Public Aid is driven by language in the statutes that says that the department shall enter into a written agreement. The Department of Corrections shall enter into an agreement with the Department of Public Aid which shall provide for inner agency procedures to process and expedite applications for benefits authorized by the Illinois Department of Aid which are first...excuse me, which are filed by or on behalf of persons scheduled for discharge from facilities operated by the department, that department being the Department of Corrections. So, yes,

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they...these applications would be expedited so that when you were released from prison, and I would never want to see you in prison, but if you were and you got out, your application for public assistance would be expedited. And the poor lady that I referred to earlier with the two children and the bruised face and the bruised ego and without food, she will have to wait. She won't be in front of you in line, she'll be behind you. Because you committed a crime and she didn't."

Speaker Churchill: "Representative Turner."

Turner, A.: "Yes, Mr. Speaker. He lost me on that one, it takes a little time for him to answer the question. That was almost three minutes. But...and I'm still not certain if he said expedite, whether that means that's 30 days. I mean, there are those who believe that in government that to do it in 30 days is pretty fast. So...but any how, what does...will anybody's eligibility for AFDC change as a result of the legislation that you're proposing now?"

Speaker Churchill: "Representative Stephens."

Stephens: "If the question was, does anybody's eligibility change? The answer is, no."

Speaker Churchill: "Representative Turner."

Turner, A.: "Whose eligibility will be delayed as a result of this type of legislation that you're proposing here?"

Speaker Churchill: "Representative Stephens."

Stephens: "No one's would be delayed. They would simply be...everyone would be treated equally. Criminals, instead of being given favorable consideration over honest, hard working, regular people who get in trouble and need public aid, would no longer be given preferential treatment. So, no one's would be delayed."

Speaker Churchill: "Representative Turner."

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Turner, A.: "Approximately how many people last year does this legislation affect? How many people applied, prisoners applied and as you say their application was expedited as a result of their being released?"

Speaker Churchill: "Representative Stephens."

Stephens: "I don't know."

Speaker Churchill: "Representative Turner."

Turner, A.: "The answer is 22. Why do you suppose that, and when this particular piece of legislation was signed into law, which allows the department to set up this inter-agency agreement, why do you suppose that former Governor Jim Thompson signed that legislation?"

Speaker Churchill: "Representative Stephens."

Stephens: "Well, I guess he was due to make a mistake sooner or later, and I guess this was the Bill he made the mistake on. As to the answer being 22, I can tell you, Sir, that if it was one, one criminal who stood in line in front of a lady who decided to live her life honestly and got in trouble, one person in front of her in line is too many."

Speaker Churchill: "Representative Turner."

Turner, A.: "First of all, I...Representative, you stand...I need to correct you that...because I think the way you're describing this process, it does not work that way. That there is no preferential preference and that people who apply aren't denied because people who are being released from the Department of Corrections receive the grant first. And so that inference is, I think, you're way off base on that one. Will there be any savings to the Department of Public Aid as a result of this legislation being enacted?"

Speaker Churchill: "Representative Stephens."

Stephens: "Would there be any savings? The...if your numbers are correct, the savings would be min..."

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

Stephens: "The savings would be minimal. But as I said, if it only affects one, one woman trying to raise her family honestly, then it's worth the effort to me."

Speaker Churchill: "Further discussion? The Lady from St. Clair, Representative Younger."

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

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

Younger: "Representative Stephens, did you consider giving the poor woman, that you're concerned with, a preference? Rather than taking a preference away from a group of people who find difficulty getting jobs when they're released? Did you consider the possibility of righting the situation by giving a preference to the person that you're concerned about?"

Speaker Churchill: "Representative Stephens."

Stephens: "I don't think that would be good public policy to try to anticipate financial failure 30 days or so before it happens. I think that the department's policy on processing public aid applications, as a basic policy, is probably a very fair policy right now, except that we are expediting applications for criminals. Of all the people that we want to expedite, Why...why do we want to take people who have committed crimes against society, been judged and been punished and put in jail, why do we want them to have their application expedited and no others?"

Speaker Churchill: "Representative Younger."

Younger: "Representative Stephens, are you aware that people who are former prisoners or convicts have difficulty finding jobs when they get out of prison? Are you aware whether or not they do have difficulty being employed?"

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Speaker Churchill: "Representative Stephens."

Stephens: "It's been my experience that everyone faces some degree of difficulty in finding a job. No matter what your education, no matter what your background, there is a challenge there. Things just aren't given to us in life; we have to make an effort to get them."

Speaker Churchill: "Representative Younge."

Younge: "The question is, do ex-prisoners have more difficulty finding jobs than other people who haven't been to prison? Are you aware that they do or you don't think they do?"

Speaker Churchill: "Representative Stephens."

Stephens: "I would think that the question should be comparing apples and apples. And the question of whether prisoners just released from prison have more difficult time finding a job than a woman who has just been beaten by her husband, kicked out of the house and struggling with her two children to try to find a way to survive. Now I don't have those statistics, Representative, but again I will tell you that if it's only one criminal that stands in front of that woman in line, then it's wrong. Now, prisoners may have difficulty finding jobs when they come out of prison. But you tell me, how easy is it to find a job when you've just been beaten by your husband and you walk in and your eyes are black and blue, your dress is torn, you have no place to sleep and you need assistance, and you've got to stand in line behind a guy who may have been thrown in prison for rape or murder."

Speaker Churchill: "Representative Younge."

Younge: "There's no question but that we should help the woman that you describe, and I believe that everyone here wants to help the woman that you've described. But the question is, we've got this group of people who have come out of

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prison. Do we want them walking around hungry? Do we want them walking around with no place to live? What will happen is that recidivism will increase and they will go back to prison and then we'll be picking up the tab and it will be a greater bill to the state. I think that this is why the preference is. We have to look at the reasons behind the rule, and the rule is clear that we don't want that category of person out there walking the street hungry. I think that if you're concerned, and I believe you honestly are concerned about that woman, what you ought to do is to change the law to give her a preference, too. We ought to be taking care of women in that category, nobody is denying that. But the other thing is that we don't want dangerous people, hungry people, homeless people, out walking the streets with no resources at all. Because obviously what is going to happen is that they will revert back to crime. They will... We will pick up a tab for \$35,000 a year for them to be in prison again and that is bad public policy. And for those reasons, I think your Bill ought to be voted down."

Speaker Churchill: "Further discussion? The Lady from Kane, Representative Deuchler."

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

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

Deuchler: "Representative Stephens, of these 22 individuals, how many of them were women, that you said had expedited?"

Speaker Churchill: "Representative Stephens."

Stephens: "I don't know."

Speaker Churchill: "Representative Deuchler."

Deuchler: "I am going to assume since it was AFDC that they were qualifying for that they were all women. And basically to the Bill, Representative Stephens, I mean we are concerned

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about relative foster care and the costs are about three times what an AFDC grant would produce for that same family. I'm going to say to you that I think this is cost effective as well as humane public policy, so that that woman can regain her children. So, I certainly am going to vote 'no' on this Bill."

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

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

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

Pugh: "Representative Stephens, are you aware that once an individual is...is released from prison that the only thing that he or she has, once they're released, is 25 to 45 dollars that the institution grants them? And for the most part, no way of supporting themselves or reuniting with their family?"

Speaker Churchill: "Representative Stephens."

Stephens: "I don't where you've been, Representative, but a lot of guys are put in jail now that are filthy rich."

Speaker Churchill: "Representative Pugh."

Pugh: "Where...this Bill, Representative, refers to women. And I've been there to answer your question; that's where I've been. And when you're there, the...if you have any inclination to straighten it out and to rekindle your role in the community, then you depend on the community to which you have paid your dues to, to help you in order to become a productive part of the community. When we're talking about the mere pittance that AFDC offers young ladies in order to reintegrate with their families, this would not only allow them to become productive members of their families, but it would stop - it would stop the youth to

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whom they're charged with...with rearing to become productive citizens, to help them. The mothers are the very integral fabric of our communities. The women are the ones that we depend on to instill the moral values that determines how an individual acts in society. If we are going to cut off the attempts that anyone makes as a result of being penalized throughout the Department of Corrections, to...apply the rehabilitation that they have received while being incarcerated, then the purpose of the Department of Corrections is being vaguely or greatly manipulated. I don't think that that was the purpose when the judge incarcerated any of these individuals. I don't think that the assistance that we're talking about affording these individuals is enough for us to be debating on this House floor. We've taken away the three cent stamps that would allow these same prisoners to even talk or communicate with their families. What's next? What are we going to take from them next? Are we just going to put them in shackles and chains, balls and chains? Why don't we just put them in balls and chains and set them out on a lagoon with alligators and ostracize them from society? Why don't we do that?"

Speaker Churchill: "Representative Stephens."

Stephens: "I think that's an excellent idea."

Speaker Churchill: "Representative Pugh."

Pugh: "So why don't we take this Bill back to Second and then I'll vote for your Amendment? If you take this back to Second and we'll include, we will include that we will put these individuals in balls and chains and we'll take them and put them, not on a desert island, but we'll take them and put them in your community and let them work on the roads and the streets. I'll vote for that Amendment."

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Speaker Churchill: "Representative Stephens."

Stephens: "Well, I'm..."

Speaker Churchill: "Excuse me one second. Will the large crowd in the middle of the aisle right in front of the Speaker please move. Representative Stephens."

Stephens: "Representative Pugh couldn't see me crying those crocodile tears back here. Representative, I don't think we ought to take this Bill back to Second Reading for the purposes of that Amendment. However, you have given me inspiration to continue my fight to make sure that people who prey on society aren't triply rewarded as those as you refer to on a very personal level a moment ago. You...they are guilty of preying on society, so society pays by being submitted to the...to their crime. Then society pays, as Representative Younge responded, she said she estimated \$35,000 a year, I don't know if that's correctly, but we pay for their prison stay and their health care. And then thirdly..."

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

Stephens: "And now you're saying that we must immediately pay for their food and their housing while they had an opportunity while they were in prison to earn money. And why didn't they save a little bit of that? If they're so concerned about their welfare. I just don't understand it, Representative, and I don't think you get it."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. The rhetoric that the Sponsor has offered us in support of this measure displays a fundamental misunderstanding of the Aid to Families with Dependent Children Program. There is no

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line, no one gets bumped, no one is sent to the back of the class. The fact is that AFDC is an entitlement program and the day that you're eligible, the day that you're eligible and the department can process your papers, you get your benefits. It doesn't matter if there are 12 people, 100 people or 250 people who are also eligible on that same day. This is not a program that limits and says that if you get benefits today, somebody else equally eligible will not. Let me tell you a bit about the history of the program that says that there will be an opportunity for women on their way out of Dwight to pre-apply for public aid. The problem that that legislation was intended to correct was the catch 22 for women and children. The woman coming out of prison could not get back her children from the Department of Children and Family Services without showing the department that she had income, that she had resources to take care of those children. She couldn't get public aid because she didn't have the children. She can't have aid to families with dependent children unless she has children to care for. So women walked out of Dwight knowing that they couldn't have their kids because they had no income, knowing that they couldn't get public aid because they didn't have the kids. These women were entitled to establish their 30 day eligibility period, same as anybody else, while they were still in the prison. So that when they came out of the prison, they could be restored to their relationship with their youngsters, so that instead of being homeless, instead of being on the streets, instead a maintaining a disconnection between mom and kids, there was a way to return those youngsters to their mother. It's costly for us if we don't permit that reconnection. Because to pay for those children through

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the Department of Children and Family Services is far more costly than the size of the AFDC check. So if you care about returning families to wholeness, if you think that that mother coming out Dwight is the person who ought to continue caring for those children and if you think we ought to be saving money as well as saving those families, you will vote 'no' on Senate Bill 8."

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

Lang: "Thank you. I would like to yield my time to Representative Pugh."

Speaker Churchill: "Your time is yielded to Representative Pugh. Representative Pugh."

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

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

Pugh: "Representative Stephens, if your concern is for the women that this Bill is going to affect, then why do we have a two year limit?"

Speaker Churchill: "Representative Stephens."

Stephens: "Because we believe that everyone should share, at least in part but hopefully in whole, for their own welfare."

Speaker Churchill: "Representative Pugh."

Pugh: "And if it's correct, Sir, that once an individual makes a mistake that is detrimental to...to the welfare of society, that the Department of Corrections is designed to teach that individual or rehabilitate that individual in a manner that would make them a productive member of society. Is that correct?"

Speaker Churchill: "Representative Stephens."

Stephens: "Well, some would say that the prison system in America

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and here in Illinois is designed for rehabilitation. I like to harken back to the old days when prison was meant for punishment."

Speaker Churchill: "Representative Pugh."

Pugh: "So this particular piece of legislation is designed to take us back to the old days?"

Speaker Churchill: "Representative Stephens."

Stephens: "The old days was in response to your question. But many of the things that existed in the old days were good, some were bad. I think those things that were good, we should try to restore. Self respect and responsibility for ones actions is something that we could learn from the past from. There certainly were things, public policies in the past, that were bad and we have...and we continue to correct those bad public policies of the past. I think one of those bad public policies that ought to be corrected is giving thieves and killers preference...preferential treatment in the Department of Public Aid."

Speaker Churchill: "Representative Pugh."

Pugh: "Representative, with all due respect, I don't think that this piece of legislation is designed to address the problem of offering preference to individuals that have been incarcerated. It's my understanding that the legislation will allow an individual, that the teen parent will be...will apply for...will be able to apply for AFDC 30 days prior to their release so they will be enabled...so they will able once they're released to enter the mainstream or to enter some facsimile of societal norms. And if we're in the business...if we're in the business of building a nation, then we should not be in the business of restricting opportunities for individuals, no matter who they are. Whether or not they've been involved in the

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penal system, whether or not they're black or white, whether or not they're Jewish or Italian, I think that we should be in the business of having opportunities so that all our citizenry can become a productive part of society, which will in turn build, continue to build, this great nation that we are a part of. I promote and I request, as humbly as possible, a 'no' vote."

Speaker Churchill: "Further discussion? The Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Thank you very much, Mr. Speaker. I move the previous question."

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

Stephens: "This is a pretty easy decision to make. You either think that thieves and murderers should be coddled when compared to those who live an honest life or you don't. You either favor the convicted criminal or you favor the honest citizen. A 'yes' vote is for the honest citizen; a 'no' vote means that you stand behind the criminal. It's as easy as that. It's time that we get back to reality. I move passage of Senate Bill 8 and urge a sensible 'yes' vote."

Speaker Churchill: "The question is, 'Shall Senate 8 pass?' All those in favor vote 'aye'; any 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 66 voting 'aye', 48 voting 'no' and none voting 'present'. This Bill, having received a Constitutional Majority, is

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hereby declared passed. Mr. Clerk, please read Senate Bill 50."

Clerk Rossi: "Senate Bill 50, a Bill for an Act amending the School Code. Third Reading of this Senate Bill."

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

Brady: "Thank you, Mr. Speaker. Senate Bill 50 is passed by the Senate, provided provisions for moving up of the regional superintendents effective date to take office after an election. It also included Representative Winkel's language for House Bill 445, Representative Hoefft's language for House Bill 1920...legislation, Representative Cowlshaw suggested, and legislation which would provide for a greater say in the division of a present school district into a new school district. I ask for your favorable vote."

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, how many Bills are...was...were these originally? How many separate Bills?"

Speaker Churchill: "Representative Brady."

Brady: "About four."

Speaker Churchill: "Representative Dart."

Dart: "Why is it that we put all of them into one Bill?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, due to the time constraints and the efficiency, we thought most of these provisions, not all were agreed to. They were all germane and we thought this would be the best way to handle it."

Speaker Churchill: "Representative Dart."

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Dart: "Well, I question why we ran out of time in the first place here. The...In regards to this, what is... the changes that you are making in the...that in House...it was House Amendment #7. Why are we doing that?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, I would like to yield to Representative Cowlshaw. That was language she asked."

Speaker Churchill: "Representative Cowlshaw for the answer."

Cowlshaw: "Thank you very much, Representative Brady. I'll be glad to respond. Amendment #7, I sponsored myself, Representative Dart, because of some suggestions that had been made to me by superintendents of schools and other people who are kindergarten teachers in my own district and in nearby districts including the district, the seven elementary districts that feed into the one high school district in Lockport, stating that they thought the September 1 date was really not the appropriate date, that it should be just a little bit later. Not a massive change, just a small change. I believe those are the people who work with these children. If that's what they believe we should be doing, then I'm certainly in accord with it."

Speaker Churchill: "Representative Dart."

Dart: "Representative, just as a follow-up, do they have any indication of how many children would be affected by this?"

Speaker Churchill: "Representative Cowlshaw for the answer."

Cowlshaw: "I believe the people in Downers Grove, the people in Lockport and I can't recall which other, I believe there was one other down around Morris, indicated it would be something like less than one percent of the total kindergarten population. So what we're probably talking about is maybe one or two children in a whole school

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district."

Speaker Churchill: "Representative Dart."

Dart: "Representative Brady, now as to the alternative school section, who decides what that curriculum is?"

Speaker Churchill: "Representative Brady."

Brady: "I'm sorry, Representative. Would you repeat your question?"

Speaker Churchill: "Representative Dart."

Dart: "Thank you. Who will decide the curriculum for the alternative school provisions?"

Speaker Churchill: "Representative Brady."

Brady: "If I might, Representative, I'd like to yield to Representative Winkel. He has put a lot of time and effort into this and I'd like for him to answer that question."

Speaker Churchill: "Representative Winkel for the answer."

Winkel: "Representative, the curriculum would be designed locally. There's broad guidelines in the proposed legislation for a multi-disciplinary curriculum. But that curriculum would actually be decided on a local level by the regional district, by the board that is actually the regional school board for that district."

Speaker Churchill: "Representative Dart."

Dart: "Will any of these requirements under these broad guidelines, are those requirements that can be waived by the locals or...and to design their own alternative school due to the waiver provisions?"

Speaker Churchill: "Representative Winkel."

Winkel: "Representative, in the Bill, we've put a provision in there that the regional school district board must give due consideration to the guidelines promulgated by the State Board of Education."

Speaker Churchill: "Representative Dart."

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Dart: "So these only...they just have to give consideration, they don't have to necessarily follow what the State Board is asking."

Speaker Churchill: "Representative Winkel."

Winkel: "The State Board of Education would be the ones who would actually be deciding whether or not this is a certified program and whether or not they get the...It's a grant funding mechanism. My intention is that they would give due consideration to the guidelines, and it's my anticipation that the regional school district boards would give heavy...a great weight to those guidelines."

Speaker Churchill: "Representative Dart."

Dart: "Why is it that we are not starting Cook County out at the same time with this? Why are they not being given the benefit, I guess, of these same provisions? And also, where's the money coming for (sic - from) for this?"

Speaker Churchill: "Representative Winkel."

Winkel: "Actually, Suburban Cook County is to implement this effective immediately upon passage and enactment. It's the Chicago School Board that would have to come up with a plan. It would actually delay implementation in the Chicago schools for one year. The thinking there, Representative, was that it is such a gigantic school district with 411,000 students that we thought it best for the Chicago School Board to look at its own system and to come up with the best way of implementing the alternative schools for Chicago. As far as the funding, there is no mandatory funding, as was originally in the Bill. Rather, we're looking for additional funding for the alternative schools. Each regional school board would be given an appropriation through the State Board of Education and the local board then would establish its budget. We've

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estimated that for an alternative school with 30 to 40 students, the State Board of Education has estimated that it would cost approximately \$225,000 a year. So it depends on how much money we can find in the appropriations process, that'll determine the number of schools and the...so we're depending on an appropriation. This Bill does not appropriate."

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

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

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

Mautino: "Representative, I have a question on the alternative school proposal, which Mr. Winkel may wish to answer. In that proposal, will the school board be given the right to choose how to educate or who to send to the alternative schools? Right now they currently don't have that option."

Speaker Churchill: "Representative Brady, will that be for Representative Winkel? Representative Winkel, will you answer that question, please."

Winkel: "Representative Mautino, the mechanism that we've put in place in Amendment 1 to Senate Bill 50 would empower or authorize the local school districts to come up with their own policy as to expulsion and suspension. The whole thrust of this program is that the disruptive students are defined as those who are eligible for expulsion or suspension, and that's going to be determined by the local policies that will...The only mandate here is that those local policies of the local school districts be coordinated within the regional school district, so that they're working off the same page. But those policies for who is eligible, who is defined as a suspension or expulsion eligible student are defined locally."

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Speaker Churchill: "Representative Mautino."

Mautino: "Representative, if this passes, and let me give you a situation. I have a current situation, we have other legislation which you and I discussed earlier. In...back in my district there was a situation where an eleven year and a seven year old raped a five year old. Under the current law, the school districts have to put, once these adjudicated felons have received their...received their conviction, have to put them back into the same classroom with the victim. Now that law which is over in the Senate, and I appreciate your help on passing that, will allow them to decide how to educate that child, whether it be send him to an alternative school, just to protect the safety of the children in the classroom. Under this provision in your Bill, will that be allowed? Will they have the ability to say this student is going to be sent to one of these alternative schools?"

Speaker Churchill: "Representative Winkel."

Winkel: "Representative, yes, I believe it will. In fact, I think it dovetails rather nicely with the legislation that you sponsored. I think that the whole idea here is that we give the local school districts this alternative. The alternative being instead of suspending or expelling and putting these kids on the street, we have an educa...an alternative educational setting that can deal with these kids' problems. And yes, it will give the school district an opportunity, a place, an alternative, an option, to send these kids rather than putting them back into the same class with the victim as your situation that you described."

Speaker Churchill: "Representative Mautino."

Mautino: "That's all the questions I have. Thank you."

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

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

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

Lang: "I note that the term will start mid-year. What is the purpose for starting at mid-year?"

Speaker Churchill: "Representative Brady, again...Representative Lang, is that to the alternative school question?"

Lang: "No, that's on the school superintendent's term."

Speaker Churchill: "Okay, Representative Brady."

Brady: "Representative, the term is to begin at the same time other county elected officials take office, which is in December."

Speaker Churchill: "Representative Lang."

Lang: "Well, I'm sorry. I didn't hear or understand the answer. Could I get it again, please."

Speaker Churchill: "Yes. Representative Brady."

Brady: "Representative, you're changing the effective date for regional superintendents from August to December 1st."

Speaker Churchill: "Representative Lang."

Lang: "Well, I know you're doing that. The question is, why are you doing that? The school year starts in September. Shouldn't these folks since...their work deals with the school, shouldn't it start around the same time school starts? Why don't you start it September 1st?"

Speaker Churchill: "Representative Brady."

Brady: "Representative, the reason is that these individuals are elected in November when the rest of us are and we thought that the period between November and August was too long for a lame duck superin...regional superintendent to sit in office, and we thought the sooner the better. The people have made their decision; let's let them take office

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quickly and effectively."

Speaker Churchill: "Representative Lang."

Lang: "Amend...Is Amendment #8 on this Bill?"

Speaker Churchill: "Representative Brady."

Brady: "Number 8 was adopted."

Speaker Churchill: "Representative Lang."

Lang: "So Amendment #8 deals something about, and I can't understand the Amendment, it deals with the tax school districts. I think it's...Well, I don't know whose Amendment it was. Can you tell me what that Amendment did to the Bill?"

Speaker Churchill: "Representative Brady."

Brady: "Certainly, Representative. Presently, if a part of the district which is to detach itself to another district, it votes to do so. If over 25% of the property is in the detached area, then the whole of the district has the authority to vote. If over 8% of the EAV in the detached area, the whole district has the right to vote. We're amending the language to also allow that if 8%...over 8% of the students would be in the detached area, the whole district would have a right to vote."

Speaker Churchill: "Representative Lang."

Lang: "Is there...Is there a particular area that that legislation is for? Is there someone that legislation benefits?"

Speaker Churchill: "Representative Brady."

Brady: "No, Representative, this would affect the entire state."

Speaker Churchill: "Representative Lang."

Lang: "Amendment #7, which is on the Bill, changes the date by which children have to be five years from September 1st to September 15th. Why are we doing that?"

Speaker Churchill: "Representative Brady."

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Brady: "I think Representative Cowlshaw discussed that and I'll just reiterate what she said. We had inquiries from superintendents, principles who wished to see that moved up. I think it allows the flexibility and a better formation for which entry would provide and we just think it would be the best thing for the State of Illinois."

Speaker Churchill: "Representative Lang."

Lang: "Well, I don't disagree. I'm just concerned about why two weeks? Why not a month? Why not two months? Why...How did we come up with that two week period?"

Speaker Churchill: "Representative Brady."

Brady: "It's my understanding that this was at the request of educators and given their input."

Speaker Churchill: "Representative Lang."

Lang: "Which educators?"

Speaker Churchill: "Representative Brady."

Brady: "As Representative Cowlshaw indicated, educators in her area had come...come to her and requested this, and I think others throughout the state thought this would be a good idea."

Speaker Churchill: "Representative Lang."

Lang: "Was there any debate or discussion of this Amendment in committee? Was there any opposition?"

Speaker Churchill: "Representative Brady."

Brady: "Full debate; no opposition."

Speaker Churchill: "Representative Lang."

Lang: "Thank you, Representative."

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

Brady: "I ask for your favorable vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 50 pass?' All those in favor vote 'aye'; all those opposed vote

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'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 116 voting 'aye', 1 voting 'nay' and none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Johnson in the Chair."

Speaker Johnson, Tim: "Mr. Clerk, read Senate Bill 51."

Clerk McLennand: "Senate Bill #51, a Bill for an Act that amends the School Code. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Madison, Representative Stephens, on the Bill. Representative Stephens. Out of the record. Mr. Clerk, read House Bill 6...or Senate Bill 68."

Clerk McLennand: "Senate Bill #68, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Churchill: "Representative Lyons on the Bill."

Lyons: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 68 amends the Environmental Protection Act to require the Environmental Protection Agency to deny a permit application for a municipal waste incinerator if specified conditions exist. The conditions would be that the agency finds in the permanent application non-compliance with laws and rules of this state or the application indicates that the mandated air emissions standards will not be reached within six months of the proposed municipal waste incinerator beginning operation. I'd be happy to answer any questions."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Clinton, Representative Granberg. Representative Granberg, proceed. "

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

Speaker Johnson, Tim: "She indicates she will."

Granberg: "Representative Lyons, in the base Bill, before we talk about the Amendment. Would this have any impact on Robbins incinerator?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, it will not."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Will this be prospective for any future incinerators? Is that your intention?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, it will."

Speaker Churchill: "Representative Granberg."

Granberg: "So, if I understand you correctly, Representative, I'm sorry I was in a discussion when you were going through the Bill. If I understand you correctly, you would allow certain conditions that have to be met where a license for an incinerator could not be renewed?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "The permit would be denied."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And could you please state those conditions, Representative?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "The conditions that would be...The agency finds in the permit application non-compli...non-compliance with the laws and rules of the state or the application indicates that the mandated air emission standards will not be reached within six months of the proposed municipal waste incinerator beginning operation."

Speaker Johnson, Tim: "Representative Granberg, further questions?"

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Granberg: "So the standards involved, Representative, would they be more stringent than the federal standards? You're saying they have to comply with existing...Oh, it's state law, I believe. Would this make it more stringent whereby an existing incinerator would have a more difficult time or a future incinerator would have a more difficult time getting permitted?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "If these two cond...If these two conditions exist in their application, yes."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Representative, I believe there was an Amendment put on this Bill."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "There was no Amendment put on this Bill in the House."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And I believe that Amendment says that existing or incinerators that are existence today or in the future would be prohibited from burning certain types of waste, and that would include hazardous...not hazardous or what type of waste would they be prohibited from burning?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I'm not aware of the Amendment you're referring to, Representative."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Senate Amendment 1, I believe, Representative."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Can you tell me, Representative, which Section of the Bill you're referring to?"

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Yes, I'm sorry, Representative. Senate Amendment #1 and on our records it does not show that that Amendment was

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adopted. It states, amends the...further amends the Environmental Protection Act to remove a specified condition on permit application..."

Speaker Churchill: "Proceed."

Granberg: "and...and it was my understanding in our notes that it would impact what type of waste could be burned, but that is not the case?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, I don't believe so."

Speaker Johnson, Tim: "Representative Granberg, further questions?"

Granberg: "Yes, well, Representative, we just want to make sure cause there are currently two that are being permitted and they are...they base their market studies and feasibility studies on being able to burn certain types of materials. So we wanted to make sure that had no impact on that process. So your Bill, without that Amendment, would just provide you add certain conditions for the repermitting of a type of facility. Was there any opposition to your Bill in the Senate or on the House Committee?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "The Illinois Association of Environmental Service Companies was the only opponent."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And who do they represent, Representative? Do you know?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Pardon me? I did not hear you, Representative."

Speaker Johnson, Tim: "If we could have a little order in the Chambers so that the Lady can hear the Gentleman's questions. Representative Granberg, do you want to repeat the question? I ask the Members to address their attention

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to Representative Granberg and Lyons on this important Bill."

Granberg: "So, you know who that organization represents?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, they represent the Summit Incinerator people."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Madison, Representative Davis. For what purpose do you rise?"

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

Speaker Johnson, Tim: "Indicates she will."

Davis, S.: "Representative Lyons, can you give me the definition of the municipal...the municipal waste incinerator. Would that mean only incinerators that are operated by municipal governments? Is that correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Are operated by whom?"

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "These municipal incinerators, these are only incinerators that are operated by municipalities and by local governments?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "That's correct."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "So this actually...Changing this law actually does not effect privately owned waste incinerators. Is that correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "That's correct."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "Under the changes in the hazardous waste that was in the Amendment, did we clearly define exactly what the hazardous waste...I mean, can municipalities burn creosote

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under this? Would this prohibit the burning of creosote in the municipal incinerators under this Act?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I'm not aware of any specified waste in this particular Bill. The Amendment that you were referring to before was not adopted."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "Well, under the analysis in the Amendment it says that there was a change to remove the specified condition for which EPA shall deny a permit application and to make a release of liability for a release or threatened release of hazardous substance or pesticide inapplicable to any person who is seeking a construction or development permit. What are...The threatened release of hazardous substances, what are those hazardous substances that we're talking about?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I cannot give the answer to specified substances. It's a waste incinerator. Specifically, I'm not familiar with the specifics of that."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "I have no further questions. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook. It's unprecedented, Representative Davis, you didn't use your whole five minutes. Thank you. I don't mean for you, I mean for the Chamber. The Chair recognizes the Gentleman from Cook who wants to follow in that precedent, Representative Dart. Representative Dart, proceed."

Dart: "Not a chance. Representative, I do just have a few questions here. What is it that you are requiring the agency to do now as far as regards to incinerators? What are you requiring them to do?"

Speaker Johnson, Tim: "Representative Lyons."

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Lyons: "To deny the permit if these two conditions existed then deny the permit."

Speaker Johnson, Tim: "Proceed."

Dart: "Thank you. I...In regards to the denial of a permit, now under present law, under existing law, if the agency finds that a permit application is in noncompliance with laws and rules of the State of Illinois, what do they do?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I'm sorry. Could you repeat the question, please?"

Speaker Johnson, Tim: "Give the Gentleman your attention. Representative Dart, repeat the question."

Dart: "Sure. Now under present laws that exist now, if the agency finds out that a permit application is in noncompliance with laws or rules of this state, what do they do now?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "They can deny a permit, but what we're asking for is for these two conditions to be included."

Speaker Johnson, Tim: "Representative Dart."

Dart: "But, isn't...I mean what...what are they doing at this agency if in fact when they get a application and it doesn't follow any laws or rules, it violates all of them, are they approving those right now?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "What was your last sentence, please?"

Speaker Johnson, Tim: "Representative Dart."

Dart: "Is this agency so bad right now that when they get applications that they are not following the laws and rules of the state, are they approving those right now?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, they're not, but what we're asking them to do is to further ensure the safety of the environment by including

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these two conditions."

Speaker Johnson, Tim: "Proceed, Representative."

Dart: "But...I'm still a little bit confused here and this isn't a first either. But it seems to me that if you...we're asking them to do something they're doing already. They...If they are not...If they get application for an incinerator and it doesn't have any of the pollution control devices it needs and doesn't have any of the other devices as required by law and all the rest of the siting, zoning things, it seems to defy reason and logic that they would be nonetheless going ahead and approving these things. It seems as if we're asking them to do exactly what they are doing now and if they aren't, we ought to have an investigation of that agency to find out what they are doing. Is that not the case?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, this is not the case, but what we're asking here is that they mandate the air emission standards and we're also asking them to limit the liability granted by the State of Illinois as well."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "I don't have questions in regard to the limit and liability part...portion here. My questions deal with the changes that we were just discussing. In particular, it says the agency will give careful scrutiny of a permit. Well, I...once again, I ask the question, what are they doing now? Do they get them and they throw them in a heap and just stamp them? Why do we have to put into law that they should give careful scrutiny to something? Is that a novel concept for this agency? Are they an agency that just doesn't look at anything and the second they get the permit they are stamping approved on it? Why is it that we

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are asking them to do something, a. scrutinize something carefully, which I would hope these agencies are doing now. Why would we be asking them to do that? Then why would we be asking them to not approve a permit that violates the law? If they aren't doing that now, what are they doing? And if they are not doing that, we seriously should investigate this agency and find out what they're doing."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "As I said before, this further asks them to scrutinize the process. And as I said, it also includes the limit of liability clause in this as well."

Speaker Johnson, Tim: "You want to bring your comments to a close, Representative Dart."

Dart: "Yeah. To the Bill. I have no problems with the limit of liability portion of this Bill, but let's not go kidding anybody here. This Bill does absolutely zero when it comes to scrutinizing permits and tightening up. It does nothing. I defy anybody to show me where it does because if they do show me that, we should have a major investigation of this agency because it is taking one heck of a lot of our money and doing nothing with it."

Speaker Johnson, Tim: "The Chair would announce that in the Speaker's gallery is the eighth grade class of the Sparland Grade School from Marshall County - are the guests of Representative Dan Rutherford. Welcome to Springfield. The Chair recognizes the Lady from DuPage, Representative Pankau."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor vote 'aye'; opposed vote 'no'. The 'ayes' have it. 'Ayes' have it, the main question is put. Representative Lyons to close."

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Lyons: "I just want to thank the Senate for sending this Bill to the House with a vote of 55 to 1, obviously convinced that it does expand the scrutiny of incinerator sites and would ask for your approval."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 68 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 116 voting 'yes', none voting 'no', none voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 86."

Clerk McLennand: "Senate Bill 86, a Bill for an Act concerning adoption. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "On the Bill the Gentleman from DuPage, Representative Roskam. Proceed."

Roskam: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 86 was amended in Committee and is now an initiative of the DuPage Bar Association. What the Bill does is it authorizes a county board to increase the filing fee in actions between \$1 and \$8 and the proceeds of that increase in the filing fee would be used to fund domestic relations legal charities. In other words, people who are providing legal services for those who need the help financially, to have an attorney to represent them in domestic relations matters. I'd appreciate a favorable roll call and I'd be happy to do my best to answer any questions that you may have."

Speaker Johnson, Tim: "On the Bill the Gentleman from Cook, Representative Lang. Proceed."

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

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Speaker Johnson, Tim: "Indicates he will."

Lang: "Thank you. Representative, I have a lot of questions about the Amendment, but first can you explain briefly what the main Bill does regarding foreign adoption licenses?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative, the Amendment becomes the Bill. The foreign adoption issue was taken care of last night in Senate Bill 1140."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you for clearing that up. Why does your Amendment deal with DuPage County only?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative, we talked about that in committee. I'd be happy to work with you or anybody else in the future. At this late date this was brought to me by the DuPage County Bar Association. As I mentioned in committee, there was a perception that this wouldn't be favorably looked upon by other Members of the General Assembly, and if it just affected DuPage County litigants, it would more likely receive a favorable roll call."

Speaker Johnson, Tim: "Representative Lang."

Roskam: "If you're interested in the future, I'd be happy to work with you."

Speaker Johnson, Tim: "Proceed, Representative Lang."

Lang: "It was explained to you, I believe, in committee, that last year there was a Bill...or last session there was a Bill that would have done this for Cook and there was some difficulty moving it along. Why do you suppose that was and why should we do this for DuPage when we wouldn't do it for Cook, previously?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative, we weren't in the majority in the last

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session, so I don't know."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So where do you live, Representative? What county do you live in?"

Speaker Johnson, Tim: "The Gentleman lives in DuPage. Representative Lang."

Lang: "Well, thank you, Mr. Speaker. I thought he could have answered that for himself and I think this he knew without a staff person standing around him and I appreciate that. Well, Representative, it just seems to me that again we're talking about a Bill here that is inconsistent. If you think this is a good program, if you think that it would be good for the foster care situation statewide, if you think it would be good to have a Domestic Relations Legal Funding Act that covers every county in the state or at least the major counties, why don't you just do that? Does someone need to come to you to ask you for that?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "It's a fair criticism, Representative. I guess my approach is creep and crawl and then walk and then run. Let's do this in DuPage, let's see how it works and if it's successful, as we've often heard of other initiatives, let's have a pilot program. Let's see what works, let's see what doesn't. If this is successful, then let's come back and initiate this for other counties who want it."

Speaker Johnson, Tim: "Further questions, Representative Lang."

Lang: "Well, after you try this program for a year or two, will you be coming back with some sort of committee to study it? Are you going to be getting a grow award from us in two or three years?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative, if I do get a grow award, I hope that

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you'll sign it and you'll bring it over."

Speaker Johnson, Tim: "Representative Lang on the Bill."

Lang: "It would certainly be my pleasure. So how does this work in the real world? Give us a practical example of how this money would go into the fund, who administers the fund and how the money will be expended from the fund."

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative Lang, in the real world what would happen is the county board would have to take the initiative to pass the ordinance that would put the fee increase in place. Then it would be collected by the County Clerk, the Clerk of the Circuit Court giving to the County Treasurer, which on a monthly basis would make that available to the chief judge, which would then receive grant applications and make the distributions accordingly."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I note there's something in here about a limit to any single charity of \$50,000. Why do you have that limit?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "The limit, Representative, is on page four, line twenty-seven. It's a half a million dollars."

Speaker Johnson, Tim: "Representative Lang."

Roskam: "A half a million dollars is...it's admittedly arbitrary, but that, in my opinion, moving beyond that amount of money would be excessive for one charity. We need to spread it around."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So you have...This is another Bill in this session with a arbitrary cap of half a million dollars. Is that what it is? Are you trying to make this on a level playing field with the Tort Reform Bill that we passed because that also seems to have a...an arbitrary cap of half a million

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dollars? Is that where you got this language from?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "You know, you're good at your job."

Speaker Johnson, Tim: "Representative Lang, with that compliment do you want to bring your comments..."

Lang: "With that compliment, even though he said nothing about my tie, I'm finished. Thank you very much."

Speaker Johnson, Tim: "Thank you. The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Dart: "Representative, I also echo Representative Lang's comments in regards to this that I don't see any real reason why we should not be doing this in Cook County as well as in DuPage County. Do you have an idea of the numbers of domestic violence cases in DuPage as opposed to Cook?"

Speaker Johnson, Tim: "If I could interrupt briefly, the Chair would recognize the St. Paul Lutheran School from Woodworth, Illinois. Guests of Representative Bill Black and Representative Rick Winkel. In the Speaker's gallery. Welcome to Springfield. Representative Dart, proceed. All right, Representative Roskam."

Roskam: "Representative Dart, in terms of gross numbers I'm sure that Cook outweighs DuPage in terms of the number of litigants that comes in. In terms of a percentage, you know this field better than I do. My sense is that domestic violence and domestic issues don't know any geographic boundaries. Let me just give you a quick example of a case that walked into my office about...my state legislative office, six months office. A personal friend of mine was beaten beyond recognition. This is a woman who lives six blocks away from my house. Beaten

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beyond recognition, physically threatened by her husband. I initiated legislation that is now over in the Senate to take guns away from guys like this. These types of people are in dire straits as you know. Now I am more than anxious to work with you down the road to broaden this and I think that your criticism is reasonable and fair. But I would ask for your favorable consideration to get this thing on the table, get this idea moving and if it's successful, I'll bet you dollars to donuts we'll come back and roll it out on a broader basis if you want to take that initiative."

Speaker Johnson, Tim: "Further questions, Representative Dart."

Dart: "Well, I support this idea. And as you mentioned, I've dealt with these cases too often as it is and they don't know any geographical boundaries. But I was wondering, was there any particular reason other than...I mean, it's the area you come from, that DuPage was picked out? Was it an area where there was a higher incident, lower incident, the average...was just the one you decided?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "No, Representative. It's because I'm from DuPage and the DuPage bar people said, listen we've got a serious problem here. Can you craft something that can get through the General Assembly and that can solve that problem?"

Speaker Johnson, Tim: "Representative Dart."

Dart: "The question I mentioned in committee and I don't know whether or not I had articulated well enough to actually pose it in the form of a question where it was something that you then had an opportunity to go out and look for, but different domestic violence groups throughout the state presently access money through different funds such as the Attorney General's Office and other areas. Will not DuPage

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County be getting a windfall because of the fact they'll still be accessing this money from the Attorney General and other sources and yet they'll also have this money, too. Were you able to check into that? Will their money from these other sources be somehow diminished?"

Speaker Johnson, Tim: "Representative, proceed in response."

Roskam: "Representative, I don't view that as a windfall. I think that whatever programs are out there in terms of eligibility for the various shelters that you've been involved with, those are still in place. What this would do is say parties in DuPage County, people bringing a cause of action and responding to a cause of action in DuPage County, are going to be kicking in additional money. So it's a new pool. It's limited in scope from that point of view, so I don't perceive it as a windfall. I suppose a critic of the Bill could say it would be, but my instinct is that, no, it's not a windfall. It's not an opportunity to access additional money from the Attorney General. This is a separate initiative."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, to be honest with you, in this issue if someone does get a windfall, I think it's a good idea because this initiative deserves it. I just...as I say, I'm not going to harp on this any longer. But the reality is as you said, domestic violence does not have any borders around the state, county or political, and it's something that does need things such as this, the additional money, because as I've been working in this field and is horribly underfunded, we see the same faces coming in and out all the time and it's because there is not enough resources to handle it. And I truly wish that this was something that we could be doing in Cook County as well because I know

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things are bad there and the times are desperate. And I know on the board that I am, we are losing money because all the charities are cutting back, so I wish we had this as well."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Flowers."

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

Speaker Johnson, Tim: "Indicates he will."

Flowers: "Representative Roskam, I too, would like to take this opportunity to thank you for bringing forth this legislation for DuPage County, but unfortunately, as has been stated, we have this problem all over the state. Last week the Conference of Women Legislators, we held a press conference urging the Governor to appropriate two and a half million dollars for domestic violence centers across the state. Would you join in our efforts in encouraging the Governor to fund such a program to help women across the state? Would you be amendable to that, please?"

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative, I'm happy to look at the initiative of the Council of Women Legislators. I haven't seen the details, but you know, clearly there has to be a responsibility on the part of the state to intervene where it's appropriate, and to the extent that that's appropriate, I'll be happy to enter into a substantive dialogue with you on that."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Thank you very much."

Speaker Johnson, Tim: "Any further discussion? Hearing and seeing none, the Chair recognizes the Gentleman from DuPage, Representative Roskam to close."

Roskam: "Thank you, Mr. Speaker. I move the passage of Senate

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Bill 86 and ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 86 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'yes', 9 voting 'no' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill...Senate Bill 92."

Clerk McLennand: "Senate Bill 92, a Bill for an Act regarding information. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Bill will be returned to the Order of Second Reading. Mr. Clerk, read Senate Bill 114."

Clerk McLennand: "Senate Bill 114, a Bill for an Act in relation to health benefits for benefit recipients of the Teachers' Retirement System. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from McLean, Representative Brady on the Bill."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 114 is a Bill which passed with no opposition out of the House Personnel and Pensions Committee. It includes provisions in Senate Bill 100, 103, 104, 230, 346, 423, 532, 653, 244, and some additional cleanup provisions. I ask for your favorable vote and I remind the Members that there's no opposition in the House Personnel and Pension Committee."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Effingham, Representative Hartke. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

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Hartke: "Representative Brady, would you very distinctly explain the difference between this piece of legislation and that piece which we passed here a couple weeks ago?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, Senate Bill 114 was the Senate's version of the Retired Teachers' Insurance. That...All those provisions were gutted from the Bill. The provisions which I mentioned earlier which were agreed to in the Personnel and Pensions Committee are the only provisions in this Bill. It has nothing to do with Teachers' Retired Health Insurance."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Okay. I...I guess I missed the explanation. Would you repeat it, please?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Thank you. It includes the provisions of Senate Bill 100, which is...gives the Chicago firefighters. Senate Bill 103, which is some IRS cleanup language; Senate Bill 104, which is the administrative language for SERS, TRS and JRS; Senate Bill 230, which is cleanup language for the Chicago Park District; Senate Bill 346, which is an IRF administrative language; Senate Bill 423, which is survivors...firefighter survivor tax issue; 523, Chicago Teachers Board of Trustees; Senate Bill 653, Cook County Pension Fund; House Bill 244 deals with SERS cleanup language; There's IMRF cleanup language; The Chicago Police Pension Fund cleanup language."

Speaker Johnson, Tim: "Representative, proceed."

Hartke: "Thank you very much, Mr. Speaker. I would like to defer the rest of my time to Representative Granberg."

Speaker Johnson, Tim: "Proceed, Representative Granberg, with..."

Granberg: "Thank you, Representative Brady, for the information

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on this...the Members on this side of the aisle. This does not have any of the provisions for funding the health insurance for the Teachers' Retirement System. Is that correct, Sir?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Absolutely. All that language was taken out of the Bill."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Thank you. That will be included in another Bill that will be before the House, I assume, today or tomorrow. So there are no provisions on the health insurance items. Mr. Speaker, to the Bill. As the Representative indicated, these matters have been agreed upon by the parties involved. We were involved in some of the negotiations last fall. Representative Brady, Senator Madigan and others have worked on these matters this spring. This is agreed. There is some very important provisions for the park district members, for a widow of Congressman Madigan and others and I rise in support of the Bill. They worked very hard on this item. As I said, there is no opposition and I would urge an 'aye' vote."

Speaker Johnson, Tim: "Representative Brady to close on the Bill."

Brady: "Thank you very much, Mr. Speaker. Just to reassure we want nothing in here to deal with the Retired Teachers' Health Insurance - thank the General Assembly for it's cooperation and appreciate your 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 114 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question there are 114 voting 'yes', none voting 'no', 1 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 158."

Clerk McLennand: "Senate Bill 158, a Bill for an Act that amends the Conveyances Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Representative Winters on the Bill."

Winters: "Thank you, Mr. Speaker. Senate Bill 158 provides that no deed, mortgage, assignment of mortgage or other instrument relating to or affecting title to real estate may include a provision prohibiting the recording of that instrument. It also includes the removal of language making a page that exceeds 120 square inches a full page for purposes of fixing the recording fee. I'd appreciate a favorable vote and would answer any questions."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "He indicates he will. Proceed."

Lang: "Representative, is Amendment #2 on the Bill?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "I do not believe it is."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Parlia...Inquiry of the Clerk. Is Amendment 2 on the Bill?"

Speaker Johnson, Tim: "Mr. Clerk. We will receive that response for you momentarily, Representative. Mr. Clerk."

Clerk McLennand: "Amendment #1 has been adopted on the Bill. Amendment #2 has been referred to Rules."

Speaker Johnson, Tim: "Representative Lang, proceed."

Lang: "Thank you. As for the Bill itself, if I read this right it provides that no deed or other instrument affecting

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title may contain a provision that prohibits the recording of that instrument."

Speaker Johnson, Tim: "Representative Winters."

Lang: "Do we...I haven't asked the question yet, Sir. Is there something in the law now that we're addressing by this legislation. I don't know what we're doing here. What is the purpose of this legislation?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "I'd like Representative Wennlund to answer this if he would."

Speaker Johnson, Tim: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. In answer to Representative Lang's question, let me tell you the necessity for this. Here's what happens. A guy's property who's assessed at a hundred thousand, he sells it on contract to a buyer on an installment contract over ten years, let's say. He puts a provision in the contract that prevents it's recordation. The reason he does that is to keep it out of the assessor's eyes so the assessor doesn't see the property he paid a hundred for, he has just sold on contract for two hundred and it prevents his assessments from going up over the term of the contract. Well, if it's not recorded, he could always sell it to somebody else because it wouldn't appear in public record. He could mortgage it for more than he sold it for and end up damaging the contract land buyer. That's the reason for the necessity of this to make sure that we don't prevent anyone, a buyer for instance, from recording his installment contract that would then be a public record and a mortgage couldn't be placed on ahead of them nor could it be sold to somebody else in the meantime. And, thirdly, the assessment will be accurately reflected

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for school districts and for other taxing bodies who rely on those and the fair market value is best set by a willing buyer and a willing seller. That's the necessity for this Bill."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "Yes. Going back to the Sponsor of the Bill, please. House Amendment 1 discusses prohibition of fees for UCC filings that are nonconforming. What are you trying to get at with this Amendment?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "The reason for this is that there have been some county recorders that have said that any page that exceeds the standard size would require a doubling of the fee and they're going after pages that may have a signature that is scrawled in a larger...a very large signature that's scrawled that goes out into the margin or even in the case of somebody using recycled paper that has a little indices at the bottom that they're using soybean inks. If those go into the margin then they are charging a much higher fee. Other recorders are taking a much more reasonable approach. This Bill simply says that those small indices out in the margin are not enough to require a larger fee. It would only be for an oversized document and this sets up the language that allows them to set a uniform fee across the state."

Speaker Johnson, Tim: "Representative Lang."

Lang: "The Amendment sets up certain standards that documents must meet to be exempt from additional fees. Who wrote these standards?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "I believe it came from the County Clerks and Recorders Association and then obviously through LRB."

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Speaker Johnson, Tim: "Representative Lang."

Lang: "So do the county clerks and county recorders both support this legislation?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "That is correct."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, what about the county recorders that were charging these fees. Are they now willing to forego them?"

Speaker Johnson, Tim: "Representative Winters, in final response."

Winters: "They are willing to go along...they felt that they had to charge a larger fee by the way that they were reading the original legislation."

Speaker Johnson, Tim: "Any further discussion? Seeing and hearing none, the Chair recognizes the Gentleman from Winnebago, Representative Winters to close."

Winters: "This is simply some technical cleanup. It passed out of the Senate unanimously and would appreciate your vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 158 pass?' All those in favor vote 'aye'; all those opposed 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. On this question there are 115 voting 'yes', 1 voting 'no', 1 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair would like to announce and welcome to the Illinois House of Representatives the students from Platt Academy in Chicago. The Platt Academy of students led by Kathy...teacher 'Kathy Guess' are in the House gallery right now as guests of State Representative Tom Dart. Welcome to Springfield. Mr. Clerk, read Senate Bill 165."

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Clerk McLennand: "Senate Bill 165, a Bill for an Act that amends the School Code. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "On the Bill, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 165 - the material that was in 165 when it came here from the Senate has been removed and Senate Bill 165 is now identical to what was House Bill 798, which passed out of this House without a single dissenting vote. One hundred percent of the people voting on that Bill voted in favor of it. Since I'm sure you're already familiar with the provisions that were contained in House Bill 798, I shall just briefly review what those are. First, there is a request to...the response to a request to shift the Christa McAuliffe Federal Fellowship Program from the Student Assistance Commission to the State Board of Education because it has nothing to do with student assistance. It applies only to things such as sabbaticals for teachers. The other material in here is material requested by Representative Wennlund, having to do with the rent fund tax in his own district where they have been leasing educational facilities and they are...they need some temporary relocation expenses to be available from that fund. Then we have the material requested by Representative Skinner in House Bill 2169, which simply provides the Regional Board of School Trustees does not have to hold a meeting every four...every three months unless there actually is an agenda. Then there is the material in House Bill 2042, which is a request brought to me by several school administrators as well as teachers, having to do with the fact that right now there is some interpretation that requires every single teacher to send in a statement of

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economic interest. Clearly, that was not our intent. All we want is the people with administrative or chief school business official endorsements to file those statements of economic interest. So that...this would exempt teachers from having to put up with that paperwork. Then there is the contents of House Bill 2239, which was an initiative of Cook County State's Attorney Jack O'Malley, which has to do with not revealing to people who may inquire any information about a student if there is a...an order of protection involved in that student's family. As I say, that is an initiative of Cook County...Cook County State's Attorney, Jack O'Malley. That is the content of House...Senate Bill 165 and I would be glad to answer any questions."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Cook, Representative Dart. Proceed."

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

Speaker Johnson, Tim: "Indicates she will."

Dart: "Representative, I just want to touch on a few of the things...matters here. I remember we discussed at length, you explained to me at length the whole Christa McAuliffe Fund, so I'm not even going to touch that one. The provisions here dealing with the Early Intervention Service Act. It creates a revolving fund. Can you explain to me what that is and what..it's suppose to pay for early intervention services. I am unsure of exactly what that is."

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Yes. Representative Dart, I apologize to you. I should have mentioned that that is included in this Bill and was not a part of House Bill 798. This is a request that has come to us from the State Board of Education. It

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has to do with the early intervention revolving fund that can be used by the state board to the extent necessary to pay for early intervention services. This...As I say, this came as a request from the State Board of Education. It is really a technical Amendment."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Would it be fair to say that they do this now? They have the ability to do it, but for technical reasons they're just making...putting a fund together for it that's distinct from the one they have now."

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "It was thought, Representative Dart, and I certainly agree with this, it does make a lot of sense to me at least. Currently, the state agencies that provide early intervention services number one, two, three, four, five, six, seven, eight, nine, ten. So that...if the actual providers may have to send Bills to ten different agencies in order to get paid, I think that's unreasonable. And so this early intervention revolving fund simply means that the State Board of Education would kind of act as the billing agent or whatever. So if you are providing those services you could send one bill and the State Board of Education would be responsible for paying. Do you want a list of the ten agencies that do this?"

Speaker Johnson, Tim: "Representative Dart, no further questions?"

Dart: "No, just a couple here."

Speaker Johnson, Tim: "Proceed."

Dart: "In the one provision I recall and as I say it was sort of...I found it so hard to believe that they were actually required to, and they were required to hold the hearings even when they had nothing on the agenda. But I think in

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that same Amendment there's provisions that deal...when that...or that Bill when it was put on. There's provisions dealing with authorizing school districts to abolish or abate it's fund for leasing educational facilities. Can you explain what that provision is?"

Speaker Johnson, Tim: "Proceed, Representative."

Cowlshaw: "Thank you very much. Representative Dart, that has nothing to do with the Regional Board of School Trustees. This is a totally different subject and it is...the one you are referring to now was...began as House Bill 2167. It was sponsored by Representative Wennlund. It allows the school district whose school board determines that it no longer needs money held in the fund established for taxes levied for leasing educational facilities and for temporary relocation expenses to abolish that fund and use the fund balance and outstanding taxes to abate taxes levied for debt service to construct new classrooms or for other lawful school purposes determined by the school board. Apparently, there is a school district in Representative Wennlund's area that had been leasing some educational facilities and no longer needs to do so. So they would like to use the moneys that have been very heretofore available only for those leasing uses. They would like to be able to use those either for abating taxes for debt service or to construct new classrooms or any other legal purpose."

Speaker Johnson, Tim: "Representative Dart."

Dart: "As far as...this Bill is directed...is directed just toward that district or is it generally available to any district, but the only one it really applies to right now is the one in Representative Wennlund's district?"

Speaker Johnson, Tim: "Representative, in response."

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Cowlshaw: "Representative Wennlund assures me that this applies statewide. So if there were a school district like his, had used this money for leasing facilities and had money left in this fund, they could indeed use it for abating the taxes for the debt service, just as they want to do where Representative Wennlund is."

Speaker Johnson, Tim: "Representative Dart, if you could bring your comments to a close."

Dart: "Just a final question. In the area dealing with the domestic violence and the order of protections. If the order of protection itself makes no reference at all to the child, if it is something and it has no...nothing to do with the child, does this Bill still apply or does the order of protection have to have some reference to the child?"

Speaker Johnson, Tim: "Just respond to the question, Representative."

Cowlshaw: "What this Bill says is that if they're...that it is prohibited for either a public or private school, that has received and has therefore available to it a certified copy of an order of protection that prohibits a respondent's access to the records, from allowing a respondent access to a protected child's records and prohibits the release of information in those records to the respondent. Does that answer your question?"

Speaker Johnson, Tim: "Hearing and seeing no further questions, the Chair recognizes the Lady from DuPage, Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I urge a 'yes' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 165 pass?' All those in favor vote 'aye'; those opposed vote

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'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 115 voting 'yes', none voting 'no', none voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 190."

Clerk Rossi: "Senate Bill 190, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Sponsor, the Lady from Cook, Representative Jones. Proceed."

Jones, Lou: "Thank you, Mr. Speaker and Members of the House. Senate Bill 190 amends the Criminal Code and the Hospital Licensing Act regarding breast feeding. It clarifies that breast feeding of infants is not an act of public indecency under the Criminal Code. Right now it is...it is under the Criminal Code to...for an individual to do breast feeding out in public. In fact, there's been a couple of cases and one of them in Illinois where the individual has been arrested. So what this Bill does...says, it's not indecent to breast feed your child in public and it also asks that hospitals explain and expand the need for breast feeding because of how important it is to the infant. And I ask for an 'aye' vote."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Lady from Cook, Representative Schakowsky. Proceed."

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

Speaker Johnson, Tim: "She indicates she will."

Schakowsky: "Isn't it true, Representative, that right now under the law a woman cited for public indecency for nursing her child could be found guilty of a Class A misdemeanor which could involve up to one year in jail and a \$1000 fine?"

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Speaker Johnson, Tim: "Representative Jones."

Jones, Lou: "That's correct."

Speaker Johnson, Tim: "Representative Schakowsky."

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

Speaker Johnson, Tim: "To the Bill."

Schakowsky: "This is a piece of legislation that certainly is long overdue. I would certainly hope that every Member of the General Assembly would respect the rights of women to breast feed their children without running the risk of being actually arrested, fined, or at least under the law, potentially even imprisoned. That's really a relic of sometime past, where it probably wasn't...it certainly wasn't even appropriate then and it's time to get it off our books now, so I would urge an 'aye' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Thank you, Mr. Speaker. I rise in strong support of this Bill and I'm proud to be a Cosponsor. I commend Representative Jones for doing this. Not only will this Bill fix a problem and a mistake in the law, but I think it will send a message also. Breast feeding is a good and natural thing and there's something wrong with society if we are arresting women who are breast feeding in public. Representative Jones pointed to a couple of cases in Illinois and I read recently of a case in Florida where a woman was arrested and fingerprinted and brought to jail for a short period of time. That's an absolutely unacceptable status of the law and so I hope with this Bill we'll fix that mistake in our law and we'll also send a message to society that there is absolutely nothing wrong with breast feeding and breast feeding in public."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook,

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Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of this legislation. I remember a few years ago when I had my daughter 'Makita', I had to go and hide in the bathroom of the General Assembly in order to breast feed her. And I think once we educate the public to know that breast feeding is really natural and it's good for the child as well as good for the mother. It's extremely well as far as bonding is concerned, so I, too, rise in support of this legislation and hopefully we can be a model for the rest of the country. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I call for the question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'. Those opposed by saying 'no'. The 'ayes' have it. The main question is put. The Chair recognizes the Lady from Cook, Representative Jones to close."

Jones, Lou: "Thank you, Mr. Speaker. I want to appreciate my Cosponsors and remarks and I ask for a favorable vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 190 pass?' All those in favor vote 'aye'; those opposed 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. On this question there are 117 voting 'yes', none voting 'no', none voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. By way of announcements, the Chair would introduce the Breese-Beckemeyer Grade School, led by Charles 'Hilms'. They're in town for the History Expo and are guests of

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Representative Granberg and Stephens. Welcome to Springfield. Mr. Clerk...The Chair recognizes Representative McGuire. For what purpose do you rise?"

McGuire: "Thank you, Mr. Speaker. I was off the floor on Senate Bill 158. I want to be recorded...my intention was to vote 'aye'."

Speaker Johnson, Tim: "The record will so reflect."

McGuire: "Thank you very much."

Speaker Johnson, Tim: "The...Mr. Clerk, read Senate Bill 240."

Clerk Rossi: "Senate Bill 240, a Bill for an Act to limit the civil liability of persons participating in equine activities. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermilion, Representative Black. Proceed."

Black: "Yes, thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 240 creates the Equine Activity Liability Act. It requires that a participant, excuse me, who engages in an equine activity to expressly assume the risk of and legal responsibility for any injury loss or damage to persons or property. The exception to this is, anything covered under the 1975 Illinois Racing Act is not covered under this Act. It requires that all equine professionals post and maintain signs at equine activities that contain a warning as specified in the Act. This Bill passed the Senate 44 to 3, had a very fair hearing in committee. I would be glad to answer any questions that you might have."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Lang. Proceed."

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

Speaker Johnson, Tim: "He indicates he will. Proceed."

Lang: "Representative, you may recall that the day you had this

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Bill in the Ag Committee farmer Lang was there, and farmer Lang had some questions about this Bill and I would like to repeat those questions now or at least some of them. My concern at that time was not for your interest in dealing with horse shows and the like and I understood what you're trying to do there and supported it. But you may recall that I pointed to some language in the Bill that I indicated might be drafted in a flawed way which might indicate that in the way the Bill was drafted you would be excusing from liability poor horse trainers. So I brought up the example of a horse trainer with a seven or eight year old child and the horse trainer does a poor job and the child falls off of the horse due to the trainer's negligence. The way the Bill is written to my eyes, that person would be exempted from liability and I invited you to take it back and correct it at that time. You didn't wish to do that. Have you had an opportunity to look at this language, Representative?"

Speaker Johnson, Tim: "Representative Black."

Black: "Yes, Representative. I had a lengthy meeting yesterday with the three people most interested in this Bill, former...I think two of them are former Representatives. Joe Mudd, Bob Brinkmeier and a gentleman by the name of Paul Briney, who represents the Horsemen's Association on this. We had about an hour meeting to review the very questions that you did ask and they are good questions. We think that because the Bill is silent and does not specifically, nor is it the intent to waive any worker's compensation rights, that the Bill would not be able to be construed as doing that. It's very similar to an exemption for participants on motorcycle or automobile racing tracks. This is aimed at the participant only. And the release is

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simply indicating that you are, if you are a participant in these activities, that you are aware of the inherent risk. So it would cover the participant or the person paying for the lessons or spectators, not the trainer because there's no language in here that would exempt them from being covered under worker's compensation. Furthermore, the three gentleman who are very concerned about this Bill looked at it at some length and said, of course, nothing in this Bill can be construed as legally signing away your right to seek redress in the courts and that would be either as an employee or as perhaps a student that you mentioned because you could still address your concerns in a court action. The only thing that they really want in this Bill or that they think is important, that they would then be able to go into court and say, you as a participant, not the trainer, not the employee, you as a participant signed a release indicating that you were aware of inherent risks and it is felt that that may reduce their exposure to liability. Your questions are extremely valid questions. I certainly would not be adverse if the Governor wants to Amendatorily Veto this and bring it back and perhaps we need to do that. In the interest of time, we just felt that we did not have time to specifically address your concerns but they are very valid concerns."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "Well, yes. You know, the interest of time aside, this Bill in my view would give a court a reason to dismiss a case filed by an eight or a ten year old child against a horse trainer for negligent training. There's nothing in here that says that is not the case. In fact, it includes training activities and includes participants in training activities. But if you're not going to bring the Bill back

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to second to correct it, can you at least tell us for legislative intent that you have no intention of exempting that kind of activity from liability."

Speaker Johnson, Tim: "Representative Black, do you wish to respond?"

Black: "Yes, absolutely, Representative. That would not only be my intent but it would be the intent of the various horsemen's associations that are seeking this legislation. In no way would we be trying to...and of course you can not sign away a minor's rights in any way shape or form. It is certainly not our intent to try to supersede our worker's comp laws or anything of that nature."

Speaker Johnson, Tim: "Representative Lang, do you want to bring your comments and questions to a close."

Lang: "Well, just this. To the Bill. This is flawed legislation. I think inherent in the Sponsor's comments, if you read between the lines you can see that he acknowledges it's flawed legislation. We ought to demand that he take it back to Second Reading and correct it and not fail to do that just because we're running out of time. There's time to do it."

Speaker Johnson, Tim: "The Chair recognizes the Gentlemen from Williamson, Representative Woolard. Proceed."

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

Speaker Johnson, Tim: "He indicates he will."

Woolard: "Representative Black, I happen to have several of these facilities in my district. In fact, one of them and I don't think there's a conflict here, but one of them is owned by my sister. And one of the things that has happened in their facility is that they used to have the rink or the arena open to all of the potential participants in the area that wanted to use it. And due to the high

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cost of insurance, they've had to close the facility for that very reason because of the fear of lawsuits to them. Is there a possibility that...that your intent is to expand the opportunity for this type of recreation to people in various areas of this state?"

Speaker Johnson, Tim: "Representative Black."

Black: "We think that's exactly the intent, Representative. Without this law that 31 states have already adopted, I think you will see the end of trail rides in our state parks and our national forests. I don't think you will see the stable where people are encouraged. You know, a lot of people think you can solve a lot of your problems on the back of a horse, that it's just a relaxing, recreational activity, but without this Equine Liability Act, I don't think these stables are going to be open to the general public. If you're not fortunate enough to own a horse, I don't think you're going to soon be able to trail ride or learn to ride or enjoy an activity that's been around for as long as we've been a country."

Speaker Johnson, Tim: "Further questions? Representative Woolard."

Woolard: "So...so that we get this perfectly clear - for legislative intent purposes, you positively are not trying to deal with employees of any of these facilities as far as workmen's compensation variances of any kind. Is that correct?"

Speaker Johnson, Tim: "Representative Black."

Black: "That is absolutely 100% correct. Legislative intent is clearly that the burden...The standard of proof in this Bill is...will still be what it is now. A preponderance of the evidence in Sections 20(b) and 20(c) obviously allowed injured persons to allege negligence in which the trier of

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fact will evaluate what the defendant knew or should have known. The release is aimed at participants in these shows, certainly not aimed at the employees of a stable or of a trail ride concessionaire or anything of that sort."

Speaker Johnson, Tim: "Further questions?"

Woolard: "Further...let's go back to the legislative intent as far as you're concerned. You're not trying to provide an opportunity for anyone to fail to be responsible in their nature. You're not trying to create a situation that will be harmful to children. What you are trying to do is to accomplish an expansion or continuance of available arenas and opportunities for children and adults to participate where they don't have the ability to own their own facility, their own horse and they still will have access to the equine opportunities. Is that right?"

Speaker Johnson, Tim: "Representative Black."

Black: "Yes, Representative, that is absolutely the intent of this legislation."

Speaker Johnson, Tim: "Representative Woolard, further questions?"

Woolard: "To the Bill."

Speaker Johnson, Tim: "To the Bill."

Woolard: "I stand in total support. I think that it is something that is necessary. I think we're seeing these type of facilities lost across this state. I would encourage each and everyone to support this because I believe that it will continue...or allow many children across the state the access to horses which is very important. I think that there has been proof by many groups across that maybe there are a lot of our children who are in some kind of physical disability or mental incapacity that have had experiences with these types of animals that have brought them out of

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whatever their illness might be and have brought them to the front and have made productive citizens out of them. I think that working with horses, riding horses, the opportunities to participate in this kind of activity, is one of the greatest experiences that especially young folks and many older folks have to endure. I stand in total support of the Gentleman's Bill."

Speaker Johnson, Tim: "By way of announcements. The Chair would announce that a group of students and parents from Ladd Grade School are here for the State History Fair. They're guests of Representative Frank Mautino. Welcome to Springfield. On the Bill the Chair recognizes the Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; those opposed by saying 'nay'. The 'ayes' have it, the main question is put. And on the Bill, Representative Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I thank you for your patience on this Bill. I agree with what the...Representative Woolard has said. We simply ask your help in letting Illinois join more than than 30 states to adopt equine liability legislation and keep that relationship that many of us unfortunately have lost over the last few years, that relationship between the people who enjoy and like to ride horses. It's how we all started. Most of us now only see a horse that's under the hood of our car. I think it's a part of our heritage that we want to keep and I would ask your 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 240 pass?' All those in favor signify by voting 'aye'; those

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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 'yes', 2 voting 'no', 6 voting 'present'. And this Bill, having received a Constitution Majority, is hereby passed. Mr. Clerk, read Senate Bill 269."

Clerk Rossi: "Senate Bill 269, a Bill for an Act amending the Board of Higher Education Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "On the Bill the Sponsor, the Lady from Kane, Representative Deuchler. Proceed."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. I'm bringing before you Senate Bill 269 from the Senate Sponsor, Senator Adeline Geo-Karis. She's worked very hard on this Bill with the Board of Higher Education and input from the state universities and President...from Northern Illinois. The purpose of the Bill is to attain gender equity in intercollegiate athletics. It would authorize public institutions of higher education to grant tuition waivers in addition to amounts previously authorized by the board as long as the waiver does not exceed one percent of the tuition income. Be glad to answer any questions. This Bill passed out of the Senate on a vote of 54 in favor and 2 against."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Representative Hoffman, proceed."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Hoffman: "Yes, Representative, how much is this going to cost?"

Speaker Johnson, Tim: "Representative Deuchler."

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Deuchler: "I have a Fiscal Note here which perhaps you have seen as well. It's from the Board of Higher Education. Based on estimates of fiscal year 1996 an additional five million and tuition revenue would be waived and not collected if each public university chose to waive the full one percent authorized. We don't believe that that will happen, but that is the parameter that we're talking about."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "We're talking about additional loss to universities of five million dollars or potentially five million dollars. Is that right?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Potentially. We don't know how many universities will use this. The interest on their part is to equalize some of the losses that both female and male sports have engendered, such as wrestling and other sports that have been cut back such as at Northern."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, you are aware, Representative, that I believe most universities, I know that SIU has proposed and several other universities have proposed, tuition hikes this year. Are you aware of that?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Yes, I am."

Speaker Johnson, Tim: "Representative Hoffman, further?"

Hoffman: "Well, as you know, whenever we waive tuition for individuals, that money has to come from somewhere and normally it either comes from the state, it could come from a foundation, it may come from an athletic foundation. That's doubtful. But it has to come from somewhere and that money is going to be lost as a result of these additional tuition waivers, is going to have to come from

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increased tuition to the present students. Now it's my understanding that currently there is already three...up to three percent of the total income can be set aside for scholarships for athletics. Wouldn't it be better to say that three percent of the income has to be utilized in a fair manner to assure gender equity with regard to intercollegiate activities instead of expanding more waivers of tuition?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Representative Hoffman, as I said, Senator Geo-Karis has worked very carefully with the state universities. This is the suggestion that has been brought forward and I certainly support it."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "Are you aware of, I believe it's Title 9 of the federal law, which requires equity regarding intercollegiate athletic scholarships between men and women?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Well, of course I'm aware of Title 9, Representative Hoffman."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, doesn't that already mandate the gender equity and don't we already have that in this state?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "I believe you know that in both male and female sports there have been some problems that the universities have seen and in an effort to comply, which we certainly do want them to comply and they must comply under federal law, this gives them a one percent waiver area to address some of the areas that have been cut. The alumni as well as the current students support the inclusion of the sports for

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both men and women and it does give the universities some options in administering Title 9."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Who then, Representative, will make the ultimate decision of what each university will do? Their individual boards?"

Speaker Johnson, Tim: "Representative Deuchler."

Deuchler: "Yes, it is."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "Well, to the Bill. First of all let me just say that I do support the concept of gender equity in intercollegiate athletics. When I was in college playing baseball, Title 9...a long time ago, Title 9 was just coming into fruition. I think it was a good thing, I think it is a good thing. My concern with the Bill, that I'm going to vote in favor of, but I think it's a legitimate concern, is more tuition waivers, and more tuition waivers, ultimately, is going to result in more costs to the individual students. It's my understanding, though, that there is no opposition from the universities and no opposition from student organizations. Therefore, I think, hearing no opposition I would only assume that they are for this Bill. They think it's okay and I guess we can give it an 'aye' vote. I think that the goal certainly outweighs the potential for abuse."

Speaker Johnson, Tim: "On the Bill the Lady from Kane, Representative Deuchler to close."

Deuchler: "Ladies and Gentlemen of the House, there is no opposition from the Bill. We have worked with the universities on this and I ask for your support."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 269 pass?' All those in favor vote 'aye'; those opposed vote

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'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 117 voting 'yes', none voting 'no' and 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 271."

Clerk Rossi: "Senate Bill 271, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes Representative Cross the Sponsor. Proceed."

Cross: "Thank you, Mr. Speaker. This is a Bill I'm doing on behalf of Senator Cullerton and at the request of the Department of Corrections and actually the Illinois State Bar Association that would allow...or that would provide that the Department of Corrections shall inspect county juvenile detention and shelter care facilities statewide. Presently, we have 16 of such facilities statewide. The Department of Corrections has received a federal grant that would allow them to implement this program. I don't know of any opposition at this point. It got out of committee unanimously. It got out of the Senate, I believe, unanimously and I'll be glad to answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the hyphenated Chief Sponsor, Representative Erwin. Proceed."

Erwin: "Thank you. Thank you, Speaker. Just for the benefit of my side of the aisle, I stand in strong support of Senate Bill 271. As Representative Cross has indicated, we know of no opposition to this Bill. It is a very good thing and there are federal dollars that are available. The Chicago Bar Association has worked on this and there are

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subcommittees on juvenile justice. I would urge a strong 'aye' vote. Thank you."

Speaker Johnson, Tim: "On the Bill, further questions? The Gentleman from St. Clair, Representative Hoffman. Proceed."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Hoffman: "Representative, it's my understanding that this would allow for the Department of Corrections to receive some type of funding to do this."

Speaker Johnson, Tim: "Representative Cross."

Cross: "That's correct, Jay."

Speaker Johnson, Tim: "Representative Hoff..."

Cross: "Yes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, the reason I asked, I know when I use to be the Director of Probation in St. Clair County, the detention center would be inspected by a guy by the name of 'Donny Schneider' who many people know now. Donny now since has moved up within the ranks of the Department of Corrections and now has become a very influential individual in the Department of Corrections. I would just want to make sure that Donny can keep his job and will not have any...his job cut as a result of this legislation..."

Speaker Johnson, Tim: "Represent..."

Hoffman: "...because I think he's done a wonderful job for the people of the State of Illinois for many many years. Him, along with 'Missy Stutler', they are certainly stalwarts over there at the Department of Corrections and I certainly believe that we need to take care of those two individuals."

Speaker Johnson, Tim: "Representative Cross."

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Cross: "Jay, rest assured that they're fine. They support this Bill. They're very grateful that you're concerned about them, I know, I will speak for them on that issue. So thank you for your grave concern, but they're safe."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, it's my understanding that this now would say that the Department of Corrections shall do these inspections, shall inspect the adult facilities, the juvenile facilities and the other facilities under their purview. Couldn't this really...couldn't this be done now?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Jay, right now the language of the current statute and if you look at the Bill under paragraph (b) of Section 3-15-2, it says 'may' at this time and all we're doing is changing it to 'shall'. They do it at the request quite often, but this will mandate that they do it and it's part of the condition of the grant that we change it to 'shall'. You asked a good question."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "The question is this, does this...By changing it to 'shall' is the reason we can now access dollars because of it? Is that why we need to change it?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Yes. I'm sorry, I thought I'd explained it. That's exactly right and it helps the department get their money."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "So the department...the department is in favor of it? Do you know of any opposition at all?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Jay, no opposition. In fact, we have the Illinois State

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Bar Association, the Illinois Department of Corrections, DCFS, League of Women Voters, and if you keep asking questions, 'Missy' and 'Donny' can't get back to their jobs and then we're going to be a little concerned about it. So, if you have some more questions, we'll try to hurry it along."

Speaker Johnson, Tim: "Further questions, Representative Hoffman?"

Hoffman: "Yes, I think...I need to get, for the sake of legislative intent, into the record. This in no way is designed to hamper in any way the ability of the Department of Corrections to do any type of inspections on their own facilities. This has nothing to do with that. Is that right?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "No. No, not at all, Jay."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "All this has to do with is simply with county facilities, individual county facilities, not facilities that are run by the Department of Corrections."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Jay, the language is very clear. Starting on line 29, the department shall inspect each county juvenile detention and shelter care facility for compliance with the standards established. The department shall make the results of such inspections available for public inspection. We're only talking about the county facilities."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, to the Bill."

Speaker Johnson, Tim: "To the Bill."

Hoffman: "I think that everybody on this side of the aisle certainly should support this piece of legislation. I know

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that Representative Erwin as well as Representative...Senator Cullerton have worked long and hard on this piece of legislation. They should be commended because here's what we're going to be able to do. Not only are we now going to be able to ensure that these facilities are inspected on a yearly basis, we're going to be able to ensure that 'Donny' and 'Missy' keep their job. We're going to be able to ensure that sufficient federal funds come from the Feds so that we can do this. The way it use to be when I was at a juvenile detention facility is it was kind of a catch is as catch can, and if they could afford it during any given year, they would do the inspections. If they couldn't afford it they wouldn't do the inspections. And to me it is vitally important that these inspections get done. I ask for an 'aye'..."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Gentleman from Vermilion, Representative Black. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Black: "Representative, define a county juvenile detention facility for me."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, there's not a definition. Let me look through the Bill to make sure. In this Amendment, Representative, there's not a definition of a county juvenile detention center, but we're talking about the 16 present facilities we have throughout the state and it's my understanding those 16."

Speaker Johnson, Tim: "Proceed, Representative."

Black: "Thank you. You say there are only 16 county juvenile detention facilities. Is that correct?"

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Speaker Johnson, Tim: "Proceed, Representative."

Cross: "Yes, Representative, 16 run by the counties throughout the state. That's the only one's we have."

Speaker Johnson, Tim: "Representative Black."

Black: "How many of those 16 juvenile detention facilities are located in what we would historically say are in downstate Illinois?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, we're checking with the group around me. We're not sure exactly where they are, but the consensus is most of them are in the northern part of the state as opposed to downstate."

Speaker Johnson, Tim: "Representative Black."

Black: "Well, thank you, Representative, I appreciate your patience. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill."

Speaker Johnson, Tim: "To the Bill."

Black: "The Gentleman has a good Bill, it's going to pass with a sufficient number of votes. I simply rise to express my frustration, total, total frustration over the fact that most of these county juvenile detention facilities are indeed in the northern part of the state and every time I've tried to address this problem by allowing those counties, who spent millions of dollars, millions of dollars building jails that met every applicable federal standard prior to 1989, we now can't hold them. We've got to haul them all over the State of Illinois or worse yet, let them loose. Turn them loose and let them go out on the street. I think this is an absolute travesty. All right, we're going to inspect the 16 detention centers and they need to be inspected and I don't have any problem with the Gentleman's Bill. But I simply rise in total frustration

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for those of us that have tried to bring some common sense and sanity back into the ability to hold a violent juvenile, we are met with opposition, opposition, opposition, high-powered lobbyists. Behalf of the counties that I represent, we're tired of it, we're sick and tired of it. We don't have the money to spend and I for one am going to cast a 'no' vote simply because I'm frustrated by the whole process."

Speaker Johnson, Tim: "Seeing and hearing no further discussion, the Chair recognizes the Gentleman from Kendall, Representative Cross to close."

Cross: "Thank you, Mr. Speaker. I'd appreciate a favorable vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 271 pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 3 voting 'no', 2 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 292."

Clerk Rossi: "Senate Bill 292, a Bill for an Act relating to persons with disabilities. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Lady from DuPage, Representative Cowlshaw, on the Bill. Representative Cowlshaw. If you could give the Lady your attention. Representative Cowlshaw, do you wish to proceed on the Bill?"

Cowlshaw: "Yes, please. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 292 changes

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the references to handicapped children and handicapped child in the statutes, to children with disabilities and child with disabilities. This change was made in a Bill sponsored in the Senate by Representative O'Malley. Senator O'Malley was...was kind enough to agree to let us take the language that had been in here in relation to this change from the term handicapped to disabled and place it in the Bill which we passed yesterday, that was Sponsored by Representative Mitchell. Then we used this Bill in order to accommodate some of the Members who believe that they would like to have their Amendments or their ideas heard, but whose ideas have lost along the way somewhere. First, we have included Senate Bill 366, which is Senator Petka's Bill sponsored here by Representative Roskam, which allows public school teachers and administrators to use, read from, or post historically significant documents, writing and records and prohibits content based censorship of American history or heritage based on any religious references contained in such documents. It also includes what was Amendment #2 to House Bill 797, which is an initiative that was requested by Representative Lang which allows three constituents, three young children living in Skokie, to attend the school that they were told was their's when they enrolled and they have later been told that they no longer...that they actually don't live in that district. That is all that the Bill does. It simply contains what was Senate Bill 366 and House Bill 797. I am sure that Representative Roskam and Representative Lang would appreciate your support for Senate Bill 292."

Speaker Johnson, Tim: "On the Bill, the Lady from Lake, Representative Gash. Proceed, Representative."

Gash: "Mr. Speaker, I'd like this Bill to be taken off Short

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Debate and I'm joined by a sufficient number of my colleagues. Will the Sponsor yield?"

Speaker Johnson, Tim: "I don't believe that the Bill is on Short Debate, but you're certainly recognized or joined by that requisite number of people. There's no indication in the record that it's on Short Debate. Proceed."

Gash: "I'm sorry, I wasn't at my desk. I have a couple questions of the Sponsor. Would it be accurate to say that this Bill, if taken literally, could allow a teacher to post religious quotes and provide daily Bible readings?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, because this question is related to a Bill originally Sponsored by Representative Roskam, I would respectfully request that Representative Roskam be permitted to answer the line of questioning on that Bill."

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker. I'd be happy to try and respond to any questions. It was actually Representative Phelps's Bill originally, but I Sponsored it in the committee. Representative, I think the language is clear. What it says is, that someone can't be prohibited from using or posting or talking about materials like the Mayflower Compact, the National Motto, the Declaration of Independence, the Constitution of the United States and the State of Illinois, writing speeches and documents and proclamations. I'm not trying to use up your time but my sense is that what has happened and Representative Phelps testified in committee that there are teachers that he knows of who have felt uncomfortable talking about things that have been historically significant to the founding of our country because there are religious references in them. So, to the extent that they are historically based and add

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value to the historical discussions of the State or historical discussions of our country, then those materials would be appropriated, they're enumerated here. I think this...the court would frown on attempts, on a constitutional basis, to just take passages of the Bible, for example, that are unrelated to any historical event or whatever within the context of a historical discussion and use those. Now, you know and I know that right now I visited a public high school recently and they were talking about Milton's Paradise Lost and the various issues at a theological level that are involved in that. So that type of discussion is constitutional today. And what we're trying to do is ease the fears of some public school teachers who are uncomfortable in this area."

Speaker Johnson, Tim: "Representative Gash."

Gash: "Representative, I understand what you're trying to do here but, in fact, what this Bill would do, would be to allow a teacher to use religious quotes and provide daily Bible readings in classrooms. Are you aware of any reports of Illinois teachers being forbidden from using the documents listed in the Bill? Cause we're not aware of any reports of that."

Speaker Johnson, Tim: "Representative, in response."

Roskam: "Representative, that is...that is going directly to what this Bill is trying to remedy. In committee, I don't know if you were there that day, I think you were. In committee Representative Phelps said, he is aware of teachers who have not been comfortable using the historical documents upon which our country was founded because of a fear that they were somehow crossing a line. What we're trying to do here, Representative, is to make that line bright, to enumerate the things that people are free to use. So, I

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don't accept the underlying premise of your question and I guess it's just from a different philosophical place that you and I are coming."

Speaker Johnson, Tim: "Representative Gash."

Gash: "Representative, I understand what you're trying to do but I don't know if we can be making our laws based on trying to assuage the fears of teachers who may be misinterpreting what the law is now. And I don't know that we should be in a situation where we make laws that actually would condone daily Bible readings in our schools. I don't know that that's constitutional."

Speaker Johnson, Tim: "Representative Roskam."

Roskam: "Representative, it is constitutional. It is our job to try and articulate and make people certain of what our laws are and I would respectfully disagree with your conclusion about where this is going. I think you're miscasting this with the representations that your making as it relates to Bible readings and that type of thing."

Speaker Johnson, Tim: "Representative Gash."

Roskam: "I...I'm putting on the record that that's not the intention of this Bill."

Speaker Johnson, Tim: "Representative Gash, you want to bring your comments to a close?"

Gash: "I think this particular part of the Bill, and there are other parts of the Bill that don't do this, but this particular part of the Bill, in fact, does do something that I think would be unconstitutional. I think we're..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Bureau, Representative Mautino."

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

Speaker Johnson, Tim: "Your wish is granted. Representative Lang

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proceed."

Lang: "Thank you. I have no questions, but I do have some statements. Mr. Speaker, Ladies and Gentlemen of the House, I appreciate Representative Cowlshaw saying that I would support this Bill and indeed there's a portion of it that is in here at my request. However, listen very carefully to me. I am opposed to Senate Bill 292 even with this Section in it that is in there for me. And let me tell you why I'm opposed. I'm opposed because of the Section about historical documents. Those of you who have been on...in this House for some time have heard me debate this issue before. I respect the desire of the Sponsor to get historical documents read at schools; however, first let me tell you there is no record anywhere of any teacher being forbidden to read any of the ten documents that are listed in this Bill. Moreover and more important, I invite all of you to read lines 25 through 27, on page 8 of the Amendment. This says, that the documents listed in the Amendment are not exclusive. They're not exclusive, it's not just the Mayflower Compact, the National Motto, the Declaration of Independence, et cetera. It's anything. It's anything. There are no criteria in this Amendment at all. So a teacher, a principal, an administrator can say, I think the Bible is an historical document. I think the teachings of this religious figure are historical and I'm going to read them to my students. I'm going to list them on the bulletin board. Everyday I'm going to have a different religious teaching on the board because after all, to me, this is a historical statement. This is historical. In an effort to deal with getting religion into the schools, there will be teachers and I don't say that Mr. Roskam is trying to do this, he's an honorable

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person. But in an effort to bring religion into the public schools, we all know that some members of the Religious Right, some members of society, some teachers, principals or administrators will desire to bring religion into the classroom. And Ladies and Gentlemen, they will take this one sentence in this Bill and do that. Now the establishment clause of the United States Constitution is clear. There is supposed to be a separation of church and state and we all believe, despite the debates that we've had regarding whether there should be prayer in the public schools or should not be prayer in the public school, we all agree that the public school is not a place for religious teachings. None of us believes that. Even those of us who are very religious in our own lives and want to bring more religion to the lives of children, none of you even believe that we should bring personal religious beliefs into public school classrooms. Whether or not that is the desire of the Sponsor, that will happen if we pass this legislation. This legislation says that the ten kinds of documents that are listed, that they desire to read, that they desire to use are not exclusive. And as I said last year when we debated this, if it didn't say that, I would support the use of these ten documents. I would say, use the Declaration of Independence anyway you like, use the Mayflower Compact, use the United States Constitution, use this list, it's great, let kids learn all about those things. It will be great for them as they grow up. But to take any risk that we will bring religion into the public schools, is a risk that is far too great to take. We must not take this risk because we take public schools and change them. Because the person who's reading the document, reading the Bible, posting the Biblical quotes on

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the bulletin board is the person who will turn and twist the minds of the students. Perhaps not purposely, but indirectly and Ladies and Gentlemen, indirectly is a bad enough way to do it. So the issue here is not the ten documents that are listed and the issue here is not the intent of the Sponsor. The issue is the plain wording of the legislation and the legislation says it is not exclusive. Who's going to decide which documents can be read? Everyone who decides that will decide from their own personal moral and ethical code. It may not be our moral and ethical code. That code should not be shared with our students. Religion is for the home, religion is not for the classroom. This is dangerous legislation, please vote 'no'."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I, too, rise in opposition to Amendment 5 to Senate Bill 292. Usually the Bills we pass in this Chamber are Bills that are intended to solve problems, intended to solve problems or prevent problems from developing in the future. I am aware of no problem that Amendment 5 to this Bill would attempt to solve. I am aware of not a single school teacher, public school teacher, in the State of Illinois being censored or prohibited from using any of the documents listed in this Amendment in a classroom situation. This measure, regardless of our Sponsor's intentions, this measure comes to us from the Free Congress Fund. Documents from that institution make it clear that the whole point of the measure is not to solve a problem of censorship, not to solve a problem between administrator and teacher about what is and is not legitimate in the

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classroom, but to provide a way to circumvent the prohibition on prayer in school. The promoters of this legislation, not just in Illinois, but in Maryland and Kentucky and the other states that have considered it, have made it absolutely clear that it's not to solve a problem that exists but to create a situation in which nobody can stop a teacher bent on inserting prayer and religion into the curriculum, no one can stop that individual from so doing. I believe in the separation between church and state. I think for those who disagree with me or think that we need change. There's a clear root to making change in the fundamental doctrine that governs our constitutional democracy. A Constitutional Amendment is a straight forward, above board, fair and open way to go if you want to bring prayer into our public schools. Passage of Senate Bill 292 is not the way to do it. I urge a 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Will, Representative Wennlund."

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

Speaker Johnson, Tim: "Question is, 'Shall main question be put?' All in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The main question is put. Representative Roskam to close."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Wow. This Bill is not...is not as represented by its opponents. This Bill is a Bill to prevent censorship in the public school. We're having a free and open debate on this Bill on the House floor in front of a chamber full of people. There's no one that's attempting to do something fast. This Bill was debated in committee. It's been debated on the floor in the past under the sponsorship

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of Representative Phelps. There's no attempt to move quickly or not deliberately in any fashion. The establishment clause, as one of the previous speaker's mentioned, is clear. There is a separation between church and state in this...in this nation. This Bill is not about an attempt to undermine that. What it is about, it is an attempt to say, look if you're a public school teacher and if you want to use documents that are directly founded in our history to teach the children of this great state about our founding fathers, about our heritage, about our freedom, and there are religious references within those documents, you can use those. You know, the representation that somehow there hasn't been a hue and cry and there's not a rally of people saying, move this legislation, is actually encouraging to me. Because what it says is, we're being forward thinking, we're saying look there is a bright line that needs to be defined in this legislation and the language is clear. If you look on page 5, paragraph (b) it says, 'There shall be no content base censorship of American history or heritage based on any religious references'. That's what this is about. Don't nibble on the red herrings. I urge an 'aye' vote."

Speaker Johnson, Tim: "Question is, 'Shall Senate Bill 292 pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Roskam."

Roskam: "Mr. Speaker, I ask that this be placed on...Mr. Speaker, I ask that this be placed on Postponed Consideration."

Speaker Johnson, Tim: "Representative Cowlshaw, is that your request? It is and your request is granted."

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Speaker Daniels: "Speaker Daniels in the Chair. Senate Bill 327, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 327, a Bill for an Act concerning coal combustion by-products. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. Senate Bill 327 passed out of the Senate 56 to nothing and passed out of the House Committee 22 to zero. This amends the Natural Resources Act to require the Department of Energy and Natural Resources to consult with the Department of Mines and Minerals, Transportation and the Environment Protection Agency to encourage utilization of coal combustion by-products. And it amends the Civil Administrative Code to require the Department of Mines and Minerals and IDOT to foster certain uses of coal combustion by-products. It amends the Environmental Protection Act to require EPA to develop in cooperation with the Department of Natural Resources and Illinois Department of Transportation a leachate test for coal combustion by-product. Changes defined term of 'coal combustion waste' to 'coal combustion by-product' and adds boiler slag to the definition. The reason for this Bill is simply that it will increase the use of Illinois coal. The coal by-products or fly ash can be used for such purposes as road construction, stabilization product of bike and foot path construction. And...you know, this is a good Bill for our coal industry, our coal industry is struggling throughout this state and I'd...be available to answer questions on it."

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

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

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Speaker Daniels: "Indicates he will."

Granberg: "Representative Jones, I think we would all like to help the coal industry. But, I just curious about some of the provisions in your Bill. What would be the necessity for actually passing the legislation to encourage this to happen. Can they not do any of these functions under existing law?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative, this will just help increase the use of Illinois coal."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, I hope it does, Representative. My question is though, can...can any of these functions be currently carried out under existing law?"

Speaker Daniels: "Representative Jones."

Jones, J.: "No."

Speaker Daniels: "Representative Granberg."

Granberg: "So, on page 3 of your Bill on line 18 through 23, it would give...it says the authority, quote, to consult with the Department of Mines and Minerals and Transportation and the Illinois Environmental Protection Agency for the purpose of developing methods and standards that encourage utilization of coal. That can not be done under existing law, the ability for them to consult with two departments?"

Speaker Daniels: "Representative Jones."

Jones, J.: "No, Representative, we don't have a thorough policy on how to use the by-products at this time."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, that's what I was interested in, Representative, because I thought they could consult. There's no legislative...there's no legal prohibition against them consulting with each other on how to expand the use of

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Illinois coal. But, you're indicating that this has to be in the legislation to allow them to consult. Is that right?"

Speaker Daniels: "Representative Jones."

Jones, J.: "You're right to a certain extent there, Representative. But this also expands the uses of fly ash and the like."

Speaker Daniels: "Representative Granberg."

Granberg: "Well I hope that's the case, but my question was, Representative Jones. Is this authority absolutely necessary to put in the legislation to give an agency the ability to consult with another agency?"

Speaker Daniels: "Representative Jones."

Jones, J.: "I simply, you know, the purpose of it is to give them incentive to expand the uses of coal."

Speaker Daniels: "Representative Granberg."

Granberg: "Okay, to a different matter, Representative. My only point was, these agencies should be doing this. I mean, I don't think they need legislative authorization to consult with another agency on how to expand use of coal. If anything, I would think it would be in the legislative intent of the legislation of the Bill, not in its authorization, that they have the authority to consult because I would think they would be doing that currently. Unless...I could be wrong, if you could please tell me if that's the case. They don't want to do this, or they haven't done this at all in the past?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative, it's just, you know, strictly to encourage them to do it, you know."

Speaker Daniels: "Representative Granberg."

Granberg: "So, Representative, this would hopefully encourage

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that and this would encourage the use of coal slag and other products, by-products of coal. Is that correct and how would that occur?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Yes, that's correct."

Speaker Daniels: "Representative Granberg."

Granberg: "I'm sorry, maybe you didn't hear me. How would that occur, Representative. What types of methods are you looking at so you can actually increase utilization for coal slag and those other by-products?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Under Amendment #1, it allows the use of fly ash to be used for road beds and the like."

Speaker Daniels: "Representative Granberg."

Granberg: "So, they will be able to use those items for road beds and the EPA would not have any problem. In the past we've had problems with doing some lead based filler, those types of items and the USEPA and state IEPA have always had some problems with the utilization of those types of minerals."

Speaker Daniels: "Representative Jones."

Jones, J.: "Yes, this is a non-IDOT roads and you know, this...same language was in House Bill 1089, which passed out of here 106 to 1."

Speaker Daniels: "Representative Granberg, you're almost out of time, Sir."

Granberg: "Thank you. Representative Jones, what was the...if I can just finish this question, Mr. Speaker. What was the reason for making it..."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. What was the rationale, Representative Jones, for excluding state roads. If we're doing state legislation and we're doing state

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authorization, why would we just limit it to non-state roads? It would seem it would be just the opposite, Representative. That if we really want to do this, the greater utilization would be at the state level with all state roads, not indicating to our counties and township roads what they can use. Is it a cost factor? Is it a policy factor? And why would we not use state roads in this legislation?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Granberg, the answer I can give you is that, you know, the IEP...Illinois EPA agrees to this but the Department of Transportation did not want that language for IDOT roads. So, that's the reason it's not in there."

Speaker Daniels: "We're joined today by representatives from the Illinois Organization of Nurse Executives and Illinois Council of Nursing Managers, the guests of Representative Andrea Moore. Will you please welcome them to Springfield. The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, these by-products that we're going to use from...coal waste, these are currently used now to make shingles and other building materials. Is that not correct? Shingles, cement, is that not correct?"

Speaker Daniels: "Representative Jones."

Jones, J.: "I don't believe so, Representative Deering."

Speaker Daniels: "Representative Deering."

Deering: "Yeah, I think right now, Representative, fly ash and bottom ash coming out of the power plants, especially in my district, they're shipped down south and they are one of the main components when you manufacture shingles. So, we already do some of this but...and I support this Bill but my question is, we have some fossil fuel fired power plants

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today that are doing test burns with the contaminated soil, some supposedly non-toxic soil and we want to expand some of the mixtures at the power plants to include tires, railroad ties, so on and so forth. Now, will any of these by-products or the coal combustion waste, will they be labeled as a toxic item and will they have to be stored separately from other materials on any service yard or can they be stored with any other aggregates that may be out?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative Deering, in order for that to be done there would have to be a written definition from the IEPA on that."

Speaker Daniels: "Representative Deering."

Deering: "So...so, if the Baldwin Power Plant wants to burn railroad ties or toxic contaminated soil with its coal, before they can remove those by-products they have to have permission from the EPA. I don't believe that was the answer that was given in...testimony in committee."

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative, would you repeat that?"

Speaker Daniels: "Representative Deering."

Deering: "I think someone on the committee, possibly myself, might have asked that same question about special permits. If you burn railroad ties or toxic or...contaminaed soil with coal, would you have to have special permits? Now, in committee the answer was 'no', and now you eluded to the fact that they had to get a permit from EPA. Now, I don't know if that is correct, can you elaborate on that a little more, please?"

Speaker Daniels: "Representative Jones."

Jones, J.: "Representative, on page 7 of the Amendment. No, they don't have to have a special permit, no."

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Speaker Daniels: "Representative Deering."

Deering: "So, then this...this would not...this should not have any, there shouldn't be any environmental concerns that would be tied with this specific Bill or the Amendments that are on this Bill."

Speaker Daniels: "Representative Jones."

Jones, J. "No, there are not."

Speaker Daniels: "Representative Deering."

Deering: "To the Bill, Mr. Speaker. I think this is a good...I think this is a good piece of legislation that would broaden the aspect of using coal combustion by-products which some are used now in certain areas and while it will not save the Illinois Coal Industry, it will be...it should have a positive impact on it. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Saline, Representative Phelps."

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

Speaker Daniels: "He indicates he will."

Phelps: "Representative Jones, we applaud your efforts and we know what you're trying to do here, but for the record and maybe for the edification of other folks that may not be acquainted with by-products of coal. The intent, and I think the language is clear in this Bill that any of the by-products EPA will work to conduct a leachate test for any of the by-products that might be questionable as to the environmental threat. So, that's in the Bill and I just want to ask you that...beyond that...the use of the by-products, for example, if those that may be familiar with the reclamation needs and standards that we have for strip mining operations. These materials can be utilized and that's what we're encouraging in this Bill for the

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reclamation folks to use them in that case. Is that correct?"

Speaker Daniels: "Representative Jones."

Jones, J.: "That is correct, Representative."

Speaker Daniels: "Representative Phelps."

Phelps: "But I was in error, they took the leachate tests out in the Amendment. So, I apologize for that. So the by-products that we are producing because of trying to utilize further our marketing of coal. Then the by-products now we're saying, with the cooperation with our agencies, can further extend the market for a very descending industry that's been hit hard and that's your attempt here, right?"

Speaker Daniels: "Representative Jones."

Jones, J.: "That's exactly right, Representative Phelps."

Speaker Daniels: "Representative Phelps."

Phelps: "Mr. Speaker, I just rise in support and I applaud the efforts of Representative Jones in trying to do so for an industry that's really been ailing and we appreciate his attempts."

Speaker Daniels: "Representative Jones to close."

Jones, J.: "Thank you, Mr. Speaker. You know, this is...this is a Bill that's good for the coal industry and it's a non-partisan Bill as you can see. Representative Deering, Woolard, and Phelps and Bost are on here as Cosponsors and I would simply ask for an 'aye' vote on this Bill. Thank you."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 327. 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

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question, there are 116 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bills, Second Reading. Senate Bill 17. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 17 has been read a second time previously. No Committee Amendments are on the Bill. Floor Amendment #6, offered by Representative Salvi, has been approved for consideration."

Speaker Daniels: "Representative Salvi."

Salvi: "Thank you, Mr. Speaker. Floor Amendment #6 simply names the subdistrict where the pilot program for vouchers will be...the subdistrict will be subdistrict 5, Representative Ben Martinez's district, the 'Pilsen' Little Village area."

Speaker Daniels: "Any discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Daniels: "Indicates he will."

Davis, M.: "Is this legislation an intent to allow only Latino people to partake of the proposed voucher legislation?"

Speaker Daniels: "Representative Davis, this is on Amendment #6. Would you limit your questions to that Amendment?"

Davis, M.: "That is exactly what I am doing."

Speaker Daniels: "The Amendment, Representative Davis, refers to naming a subdistrict. So, on the Amendment."

Davis, M.: "Is that subdistrict 5?"

Speaker Daniels: "Yes, Ma'am."

Davis, M.: "Can he answer my question?"

Speaker Daniels: "Representative Salvi."

Salvi: "Yes, it is subdistrict 5."

Speaker Daniels: "Representative Davis. Representative Davis."

Davis, M.: "Why would you limit the supposed opportunity to only those in that district? Why?"

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Speaker Daniels: "Representative Salvi."

Salvi: "Representative, I can't tell you how happy I am that you recognized that this is a great benefit that should be afforded to more people than subdistrict 5 in Chicago, but we wanted to limit this Bill as much as we could because it is a pilot program and we want to try and test this concept, this Milton 'Friedman' concept of educational choice and competition in education. Sure, we want to help the kids in subdistrict 5. We would love to help kids elsewhere, too, but this is a small step in a long journey."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, how much are we talking about taking from the public school system to give to private schools, including religious institutions? How much are we discussing here?"

Speaker Daniels: "Representative Davis, you must stay limited to Amendment #6 which merely names a subdistrict. You may enter into that conversation during the debate on the Bill. Representative Davis."

Davis, M.: "Who represents district 5? Who is the legislator that represents that district?"

Speaker Daniels: "Representative Salvi."

Salvi: "Representative Ben Martinez represents part of subdistrict 5. I don't know who the other Representatives are."

Speaker Daniels: "Representative Davis."

Davis, M.: "How many private parochial schools are located in that district?"

Speaker Daniels: "Representative Salvi."

Salvi: "There is a diversity in a wide selection in subdistrict 5. I don't know the exact number, but one of the reasons,

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in addition to the fact that it is Representative Martinez's district, one of the reasons we chose subdistrict 5, is it fits the criteria for this pilot program. One of those criteria is that we have a diversity of choice in education."

Speaker Daniels: "Representative Davis."

Davis, M.: "Mr. Speaker, since I'm limiting my questions to the Amendment, he should limit his answers to the Amendment."

Speaker Daniels: "If she limits that, will you please just answer her question? Representative Davis."

Davis, M.: "Can the council or whatever group that you proposed to administer the voucher program, can they change the district, or with this Amendment that you have simply limit it totally to one district?"

Speaker Daniels: "Representative Salvi."

Salvi: "The benefit of this Bill would be limited to subdistrict 5 at this time."

Speaker Daniels: "Representative Davis."

Davis, M.: "Can you give me the ethnicity of the children in Chicago who live in subdistrict 5?"

Speaker Daniels: "Representative Salvi."

Salvi: "There is a large Latino population. There is a large African-American population, I understand there, too. So this benefit, I imagine, would go to people with various ethnic backgrounds."

Speaker Daniels: "Representative Davis."

Davis, M.: "Are there... You know, like in every district, there is an ethnic breakdown and by law, that has to be presented on certain forms. Do you have the breakdown of how many African-American children and how many white children and how many Latino children would benefit from this Amendment?"

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Speaker Daniels: "Representative Salvi."

Salvi: "I would like to go to you and ask you. I know you have access to that information. Sometime, I would like to go to you and ask you if you could provide that to me. I know that there is a significant population of African-Americans and Latinos in subdistrict 5, but I don't have the specific information available to me that you are asking about."

Speaker Daniels: "Representative Davis, you only have 11 seconds left."

Davis, M.: "I would like for you to look at your Amendment and look at the dates that you have. I think your dates are in conflict with the regular Bill."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Frias."

Frias: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of Amendment #6 which designates subdistrict 5 in the City of Chicago as the geographic area for the pilot program created by Senate Bill 17. Subdistrict 5 includes my district as well as Representatives Ben Martinez and Art Turner. Mr. Speaker, if I may, I'd like to read a letter addressed to this Body by my colleague, Representative Ben Martinez. 'Four years ago, several principals from private schools...'"

Speaker Daniels: "Excuse me, Representative Frias. Ladies and Gentleman. Ladies and Gentlemen. Alright, Representative Frias."

Frias: "Thank you. 'Four years ago, several principals from private schools in my district came to see me to discuss education. We talked about the problem of overcrowded public schools in the second district. Many children in my district were being bussed across the city to school because there was no room in their neighborhood school."

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However, at the same time, several private schools were forced to close and others had space available in their classrooms. We realized there was a way to address both problems. A voucher could be given to families unable to afford the tuition charged for enrollment in private schools; thus, children would be able to attend school in their own community, and the private schools would have high enrollment and not be forced to close. This is why I have been working for the last four years to bring a voucher pilot program to the 'Pilsen' Little Village and McKinley Park areas. This idea has the support of the Catholic Conference, the Arch Diocese of Chicago, the christian schools, and many other organizations throughout the State of Illinois. While Senate Bill 17 may not be perfect, it is legislation that has the potential to help children in my district. The Bill creates a voucher program in one of the subdistricts of the Chicago Public School System. Senate Bill 17 provides children from families living below the poverty level with a voucher worth up to \$2500. This enables them to attend a private school within the subdistrict. I believe subdistrict 5, which is within my district and Representative Frias' district, should be the one chosen for this program. Its residents are relatively poor and the schools are severely overcrowded. Furthermore, the residents of 'Pilsen' Little Village and McKinley Park have fought for such a plan. They held rallies in their community. They have traveled to Springfield at their own expense to show their support for this plan. This is why I have worked diligently to make this voucher plan a reality. Some of you are opposed to vouchers; however, Senate Bill 17 will help children who need it most. A 'no' vote will force children to continue

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to attend overcrowded schools and be taught in hallways and closets. Allow these children to attend classes in an actual classroom. Allow them to utilize space and schools located within their community. I urge your support for Senate Bill 17. Sincerely, Ben Martinez'."

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

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

Speaker Daniels: "Indicates he will."

Lang: "Representative, I've noted that there might be a flaw in your Amendment or the Amendment might make the Bill flawed, because the Act is repealed on July 1 in the year 2000. Do you see that as being a problem when you compare that to the dates on your Amendment?"

Speaker Daniels: "Representative Salvi."

Salvi: "No, I do not. I think you are getting your dates confused, Representative. What the Bill says is that the subdistrict selected by the council, in this case it is subdistrict 5, shall not be changed prior to July 1 of 2000 which will no longer be relevant with the Amendment."

Speaker Daniels: "Representative Lang."

Lang: "Well, let me ask you this. After June 30, 2000, the subdistrict that serves for the pilot project may be changed. What if this thing is working so well that it would be foolhardy to change it? How do we keep that from happening?"

Speaker Daniels: "Representative Salvi."

Salvi: "That is the beauty of this Bill. We expect it to work so well that, Lou, I expect you to be down here sponsoring an expansion of vouchers in Illinois once you see the results of this Bill. That is what this Bill is all about."

Speaker Daniels: "Representative Lang."

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Lang: "Well, Representative, the pilot project ends June 30 of the year 2000, but your Amendment says that, after that date, the subdistrict that is chosen for the pilot project can be changed. These things don't mesh together. If the project is over, how do you change the subdistrict?"

Speaker Daniels: "Representative Salvi."

Salvi: "I don't see how it is inconsistent. The Act is repealed on July 1 of 2000."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, I'm not sure what you mean. If the Act is repealed on that date, and your Amendment says that, after that date, you can change the pilot project to a different subdistrict, how do those mesh together? If the program is over, how do you change it? How do you put a pilot project in another subdistrict?"

Speaker Daniels: "In a friendly voice, Representative Lang. Representative Salvi."

Salvi: "The Bill, Representative, says the Act is repealed July 1, 2000. The Amendment says, the day before that, June 30, 2000. It says, after June 30, 2000, the council may, but is not required to change the subdistrict that thereafter serves as the geographical area for the operation of the pilot program. It makes perfect sense to me. I don't see any problem whatsoever with that."

Speaker Daniels: "Representative Lang."

Lang: "Well, let me just point out that if the project is over on a certain date, you can't do anything after that date relative to the project, but let me go on. Are you familiar with the Bill that came out of the Senate that will do away with the subdistricts?"

Speaker Daniels: "Representative Salvi."

Salvi: "Yes, and rather than go back to you for the next

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question, I know what the next question would be. I am, but that doesn't mean that we can't use the geographical boundaries of subdistrict 5 for the purposes of this particular pilot program."

Speaker Daniels: "Representative Lang."

Lang: "Well there may be no subdistrict 5. Are you simply saying that we will just use this geographic boundary whether or not there are subdistricts? Well, how did you choose this particular location?"

Speaker Daniels: "Representative Salvi."

Salvi: "This subdistrict is a perfect example of the kind of area that we want to...where we want to help the public school system and the public school kids and the families. Ben Martinez's letter really hit, I think, the reason that we need vouchers, and his district is a perfect example of an area where we need vouchers. Their schools are overcrowded. We have heard what Bill Bennet said about many of these schools. They are teaching under stairwells and in boiler rooms, and right across the street, there are high quality private schools providing education for one third of the costs. And what we are saying is, let's spend \$2500 for a good quality product, relieve some of the overcrowding in the public schools rather than spend \$7500 for a lower quality product. I think Ben Martinez's letter answers your question, Representative Lang."

Speaker Daniels: "Representative Lang."

Lang: "Can I have a few second to finish my remarks, Sir?"

Speaker Daniels: "Go right ahead."

Lang: "Thank you. To the Amendment. I would rise in opposition to Floor Amendment #6. I'm all for... I'm all for... I'm all for making public education better. I don't think this is the way to do it. When you steal from the public

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schools to provide vouchers in this way, you are damaging public schools. You are damaging the ability of public schools to do their work better. I would also, in addition, repeat my comments or at least try to recall my comments to the Bill regarding the historical documents. I'm very concerned about any Bill that deals with vouchers..."

Speaker Daniels: "Excuse me, Representative Lang. To the Amendment."

Lang: "Well this is about the Amendment. It deals with vouchers, Sir."

Speaker Daniels: "Okay. Well your time is expired, Sir. The Lady from Dupage, Representative Pankau."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Salvi to close on Amendment #6. Salvi."

Salvi: "This Amendment simply names the subdistrict where this pilot program will be conducted. It names subdistrict 5 in the Chicago school system as the geographic area for this pilot program. I'd appreciate your favorable consideration."

Speaker Daniels: "The question is, 'Shall Amendment #6 be adopted?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. It's on Amendment #6. 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 61 'ayes', 55 'noes', 0 voting 'present'. And this Amendment, having received a majority, is hereby declared adopted. Third Reading."

Clerk McLennand: "No further Amendments. Third Reading."

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Speaker Daniels: "We are joined today by Christ Lutheran School of Jacob, Illinois in the Speaker's Gallery and they are guests of Representative Bost. Senate Bills, Third Reading. Senate Bill 17. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #17, a Bill for an Act concerning a pilot program for vouchers for educational expenses. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Salvi."

Salvi: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Senate Bill 17, the Educational Choice Act, creates a pilot voucher program within a part of the City of Chicago whereby parents can choose the school of attendance for their children and be provided the financial support to sustain their choice. This is an extremely modest proposal. It is limited to parents and students, grades 1-12, who live and attend a school within one Chicago Board of Education subdistrict in the City of Chicago. That would be subdistrict 5 Pilsen Little Village. It is limited to a maximum appropriation of \$5 million per year. It is limited to four years at which time the program sunsets. It is restricted to parents who meet reduced income guidelines, 1.5 times the family income necessary to qualify for free lunch under the National School Lunch Act. In fact, this program may not cost the State of Illinois taxpayers any additional funds. To the extent that the 2,000 plus students who participate in this pilot program come from both public and non-public schools, the actual financial cost will be zero and taxpayers will save money. The need for this additional program in our efforts to improve education is obvious. The most critical ingredient in a child's educational success is the active positive involvement of parents or custodian in the child's day to

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day education. This Bill explicitly affirms that role by giving parents the programmatic and financial support they need to make individual educational decisions which are the best for their child or children. We are acknowledging today that no one is as concerned, caring, and interested in the child's education as the parent. School reform efforts from within have made certain limited commendable strides, but as we have seen with our other educational legislative initiatives in this Body such as charter schools and wavers on certain mandates, it sometimes takes an additional force to make children's interest come first. We don't need to site here today the statistics on school performance, drop-out rates, or incidents of violence in our schools. All indicators prove that the need exists for solutions that will help our students learn better and more effectively and intuitively, we must admit that solutions that strongly support parents choices and what is best for their children seem to have the greatest positive payoff. This Bill creates the possibility of such a solution. This Bill is, as I have said, a very small beginning, almost too small, but as the ancient proverb says, 'A journey of 1,000 miles begins with a single step'. We must start this journey. We must see this initiative as a responsible necessary beginning. We must find ways to being constructive, productive, alternatives to government schools. We must find ways to reduce bureaucratic waste and make sure that more educational dollars are directly expended on teachers and classroom learning activities. We must find ways to restore the confidence in our educational systems of all Illinoisans, not just Chicago, but those who fear that we are slipping further and further behind. Who fear, in particular, possibly losing a whole generation of

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inner-city children through inadequate education. We must bring good old fashioned American competition to education. Senate Bill 17 represents a good compromise between our objectives of supporting public education, but also those of creating new responsible constitutional ways of supporting parents who choose to send their children to alternative educational programs. Senate Bill 17 has been very carefully drawn to meet U.S. Supreme Court guidelines enunciated in several court cases including 'Mueller vs. Allen', 'Winter vs. Washington Department of Services', 'Zobrest vs. Catalina Foothills School District'. Those guidelines can be distilled as follows. Educational choice initiatives must benefit a broad class of beneficiaries neutrally defined without regard to religion. Senate Bill 17 gives vouchers to parents of both public and non-public school students with out discrimination. Educational choice initiatives according to these cases must assure that any assistance may benefit religious schools...a that may benefit religious schools results from private individual choices. Senate Bill 17 does not give any assistance directly to schools, but to individual parents, like the GI Bill or Pell Grants which the student could use at Loyola, for example, or Notre Dame. What it comes down to is choice. A choice too many inner-city poor kids do not have. Are we going to go the public sector route in the inner city and purchase a public sector product or are we going to purchase generally higher quality private sector product in subdistrict 5 for 1/3 the cost to the taxpayer. In closing, let me underscore the fact that Senate Bill 17 is a very limited pilot with very limited funding, created for the purpose of exploring and supporting new educational alternatives specifically by

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focusing resources where they can most effectively be used with parents and other responsible adults. I ask for your support for the school children and for the taxpayers."

Speaker Daniels: "Is there any discussion? The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation. This pilot program will give us a chance to evaluate the effective vouchers on public education. Let's find out how much help vouchers can give to the troubled Chicago public schools. How much it will help Chicago school kids. Let's try to relieve the overcrowding Representative Martinez discussed in his letter earlier. Poor families will be given the choice to leave overcrowded public schools in subdistrict 5 and attend quality private schools, many of which are half empty because of high tuition. We don't object to medicaid dollars being used in Catholic hospitals or welfare dollars being used to receive services from various religious charities because we receive a good product for low cost. We should evaluate the same opportunity to spend fewer education dollars for a quality product in the private sector and I urge an 'aye' vote."

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

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

Speaker Daniels: "He indicates he will."

Schoenberg: "Representative Salvi, in your introductory remarks you alluded to recent legal decisions that would be supportive of a school voucher program that would see public dollars going for parochial schools. Could you please tell the Members of the assembly what those

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precedents are and where we are currently in the courts on public funds for parochial school?"

Speaker Daniels: "Representative Salvi."

Salvi: "Well there are many examples, Representative, of where the state is found it to be in our best interest to direct monies that ultimately are used by religious schools. Transportation monies for example, book monies, and school lunch monies are a good example. The case law says that you can't discriminate. The case law says as I said, you have to benefit a broad class of beneficiaries neutrally defined without regard to religion. The case law says that you have to assure that any assistance that may benefit religious schools results from private individual choices. Senate Bill 17 was carefully drafted by a highly regarded law firm to meet these requirements as we meet these requirements with those funds that I discussed earlier. And other examples, as I mentioned in my opening...the GI Bill and Pell Grants. So, there are many precedents that we could look at and we looked very carefully at the case law and the requirements set forth by the various courts with regards to an initiative such as this."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, to the Bill. The most recent court decision was dated March 14, 1995. It was in U.S. District Court in Milwaukee, Wisconsin and it pertained to an attempt by several of the plaintiffs to expand the current educational choice program in Milwaukee, which prohibits funds for parochial schools. There was an attempt made by the plaintiffs unsuccessfully within the courts to expand the voucher program so that public dollars could go for parochial schools. In the case of 'Miller vs. Benson', it

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clearly points out to the precedent that was established in the 1973 Supreme Court 'Niquist' decision which clearly stated and I quote 'There can be no question that these tuition grants could not consistently with the Establishment Clause be given directly to sectarian religious schools'. In conclusion in it's decision less than 60 days ago, the Federal Courts on this very same issue ruled the present state of First Amendment law compels this court to hold that the plaintiff's request to expand the current choice program to make tuition reimbursements directly payable to religious private schools would admit eligible choice program children would violate the establishment cause. I think it's fair to say that we should all caution against blurring the distinction between charter schools, mandate waivers, and clearly devoting public funds towards parochial schools in manners which have already been consistently found unconstitutional by the Federal Courts. We have all heard from a number of our constituents on this very matter. However, as inclined as we are to provide schools and educators and parents and children with greater educational opportunities, nonetheless our Federal Courts have clearly delineated where such funds are appropriate and where they are not. This program would not pass the 'smell' test as articulated by the Federal Courts and it's for that reason and my firm heartfelt belief that we must continue to uphold the Establishment Clause of the Constitution and ensure the unrequited separation of church and state that I urge you all respectfully to vote against Senate Bill 17."

Speaker Daniels: "The Gentleman from Dupage, Representative Persico."

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

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Speaker Daniels: "He indicates he will."

Persico: "Representative, I understand that your Bill is very limited in nature, you know, listening to the debate and listening to the Amendment that you put on. But one thing that concerned me when you did with your opening statements, you said that these vouchers, these \$2500 vouchers are open to public and private school students. Is that correct?"

Speaker Daniels: "Representative Salvi."

Salvi: "That's correct and to qualify, you have to be a poor child and we define that as being at the level of 1.5 times the level needed to get a free lunch under the lunch program or under, so, poor children: public or private."

Speaker Daniels: "Representative Persico."

Persico: "Who will make the determination if a child meets those qualifications. Who will make the determination whether or not to accept that student into the parochial or private school?"

Speaker Daniels: "Representative Salvi."

Salvi: "If we are so successful that we have more applicants than we have money and it's limited as you say to \$5 million, we did that to make sure that this stayed a very limited program, five million dollars out of a five billion dollar education budget. If we are so successful, the council of advisors will determine how to most fairly allocate that money to these poor children either reducing the amount or whatever and the council of advisors is going to be chosen from the leaders of this Body, the leaders of the Senate and the Governor. There will be 15 members...it will be bipartisan...bipartisan group."

Speaker Daniels: "Representative Persico."

Persico: "Representative, I know one of the goals or one of the

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concerns that many people, not only legislators, but in Illinois, is that the public school system in the City of Chicago is not what many people feel is doing an adequate job. If that's the case and that's one of your goals, if you pick students that are already attending private schools. Let's say you picked 75% of those applicants that are eligible to receive this come from the private schools, how do we get a good indication of whether or not this is really achieving your goal of helping out the public schools in the City of Chicago and making sure that these kids get an adequate education?"

Speaker Daniels: "Representative Salvi."

Salvi: "I think the 75 figure is no where near anything that we could expect in this program because the fact of the matter is we're trying to give, and this Bill specifically authorizes giving vouchers to families that presently can not afford to go to private schools. It's going to the poor kids who don't now have the option of going to the private schools. So I disagree with your premise, Representative, and I would say that while there may some children certainly in the private schools now who are poor who will be getting the benefit of these vouchers, I would point out that if they are poor then they should get the same benefit as poor kids that are presently in the public schools."

Speaker Daniels: "Representative Persico."

Persico: "Thank you, Representative. Hopefully that will be the case. Another question I have is, one of the concerns I have as an educator myself is that, with inclusion with the number of special ed students that the public schools are currently required by law to take care of, in many cases, some of these expenses average out to probably 12, 10, 12,

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\$13,000 per child. Now your voucher is only allowing \$2500 per student. What guarantee do we have that a special ed child will be accepted into this private school with only a \$2,500 voucher, yet it will cost \$12,000 to educate him or her properly."

Speaker Daniels: "Representative Salvi."

Salvi: "I am a father of a special ed child. I wanted my child to go to a Catholic school. Catholic school said, absolutely we'll accept that child, but you can not, Mr. Salvi, get the monies that normally follow such a child because we are a religious institution. So, Representative, if you will eliminate that discrimination in the law that presently exists, that prohibits special ed monies from going along with the child if the child goes to a religious school then...that inequity, inequality in the present system would be eliminated. This Bill does not undo that inequity. This Bill very simply says that poor kids will be given choice. And again, I have a private or I have a child who I would like to send..."

Speaker Daniels: "Representative Salvi."

Salvi: "To a Catholic school. He is now going to a private non-religious school and now I am able to get the benefits of the Special Education District of Lake County. So, if those additional monies, and remember monies for Special Ed kids are additional monies in the budget. If those monies will follow the child then that would be great and that's the inequity that you are pointing to."

Speaker Daniels: "Representative Persico, you are out of time, Sir. Do you want to bring your line of questioning to a close?"

Persico: "May I ask one more question, Mr. Speaker?"

Speaker Daniels: "Yes, Sir."

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Persico: "Thank you. Representative, just to follow up on that Private schools are not required by state statute to provide Special Ed Services and so even, at least in my opinion, if this child is accepted in a private school with a \$2500 voucher, I believe that they would be then sent to the public schools sometime during the day to receive those Special Ed Services. And so this particular aspect of the voucher system is something that is a major concern to me and this is why I always have difficulty with it."

Speaker Daniels: "Representative Salvi."

Salvi: "Again, additional monies are given for Special Ed children. The only time a child and a family doesn't get those additional monies is if that child, under the law now, goes to a religious school. You are right, that's an inequity. I would love to get rid of that inequity, but unfortunately the religious schools are discriminated..."

Speaker Daniels: "Representative Salvi, are you done?"

Salvi: "I'm done."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker. I rise in opposition to Senate Bill 17. I have seven good reasons which I am going to express. First of all, the Bill imposes a dollar drain on the 400 plus students in the Chicago public schools at a time when our schools have made major progress and are threatened with a huge deficit. The plan will funnel already sparse public dollars from school districts to private and parochial school. The plan will cost \$5 million in each of the first four years with astronomical cost for the future. Number two, this plan will not raise student achievement based on evidence from a similar voucher experiment in Milwaukee. The Chicago voucher

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legislation is based on the Milwaukee experiment in which participating low income students have made no significant achievement gains over four years, with 70% still below the national average in reading and math. A recently released independent audit of that experiment shows that voucher students did no better in reading and math than low income students who remain in the Milwaukee public schools. Voucher advocates had promised achievement will shoot up in private schools. That hasn't happened. Each year, 23% to 32% of the students who have entered the voucher program had left that program, often to return to public schools. The voucher program rate of transfer out has averaged higher than the transfer out of Milwaukee public schools. Between 18 and 36% of the voucher school teachers have left over the past four years. The most common complaint of teachers, who left were low pay and benefits and a lack of teaching materials. Number three, private school students who have never attended public school will be eligible under the plan. This opens the door for a huge new subsidy to private school. This is actually a plan to bail out private education. The voucher plan will not save the state money. It is true that in the first two years the program will not cost substantial extra dollars because it deducts voucher costs of students moving from public to private school from the allocation made to Chicago public schools. However, in the third and fourth year, students already attending private schools will become eligible for vouchers, thus the voucher plan opens the door for a huge new subsidy to private school in the state that already does not adequately support its public schools. In fact, 100 Illinois school districts are in financial difficulty. Proponents of this plan including the archdiocese of

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Chicago have clearly stated their intention to recover the cost of private education from the public 'purse' on as wide a scale as possible. Fourth, this Bill I believe, is unconstitutional because it spends public funds on religious schools. This violates the Illinois Constitution's strict requirement that public funds can not be spent on religious schools. The statements in the Bill that the funds go to parents and not to school fail to overcome the problems of separating church and state. It is certain that groups concerned about the church/state issue would immediately sue to block this legislation. The Illinois Constitution, Article 10 Section 8, Section 3 states that the General Assembly can never make any appropriation or pay from any public fund whatever to help support or sustain any public...private school, controlled by any church or secretarian denomination. Number five, this Bill allows private schools to pick and choose students creaming off the best and leaving the rest for public schools. They can screen out those with low test scores and behavioral problems leaving these students behind for the public to educate. Private schools will have no obligation to educate children who speak a language other than English. Number six, the Bill does not relieve overcrowding in public schools because private schools..."

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

Hughes: "Thank you, Mr. Speaker, to the Bill. I rise in support of Senate Bill 17. I think a great deal of work and effort has been put into this. I think it's time that we allow a voucher program to be tested in Illinois. My only concern about this program is that it is so narrowly crafted that it won't be a test of what vouchers can do and what the

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potential is for opening up our educational system, but I rise in strong support of giving vouchers a try. Thank you."

Speaker Daniels: "Further discussion? The Lady from Lake, Representative Gash."

Gash: "Thank you, Mr. Speaker. I would just like to state for those Members of this Assembly who may not be familiar with our State Constitution, I would like to read to you part of Article 10 Section 3. That is no public funds for sectarian use. 'Neither the General Assembly nor any county, city, township, school district or other public corporation shall ever make any appropriation or pay from any public fund whatever, anything in aid of church or sectarian purpose or to help supporters sustain any school, academy, seminaries, college, university or other literary or scientific institutions controlled by any church or sectarian denomination whatever. Nor shall any grant or donation of land, money or other personal property ever be made by the state or any such public corporations, to any church or for an sectarian purpose'. Regardless of whether this particular Bill is a pilot program or not, this Bill would do that. I applaud Representative Salvi for his concern about the schools and in fact, I share that concern; however, vouchers for tuition at religious schools violates clearly the Illinois Constitution. The delegates to the 1970 Constitutional Convention expressly considered and in fact rejected allowing public funds for payments for tuitions at sectarian schools. This Bill clearly violates the First Amendment, Establishment Clause of the United States Constitution, also. Vouchers are, in fact, not good public policy. They will devastate the already imperilled public school system of our state. Unlike public schools,

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as has been pointed out, private schools can take the cream of the crop. They can be very selective about the children they, in fact, enroll. They leave other children in the public schools to flounder. What we need to do is be concerned about the public schools. I think the situation we are dealing with would be different if we had all the money in the world for public schools. We don't have that. There is no evidence. Also, the Milwaukee school situation was brought up. We have absolutely no evidence whatsoever that voucher plans will result in better education for Illinois children. In fact, the similar plan which was not necessarily a violation of church and state because it was limited to non-sectarian schools when in fact this Bill would allow sectarian schools, but a similar plan in effect in Milwaukee for several years according to just published study by professor John Witt of the University of Wisconsin says that the test scores of the students enrolled in that program are in fact no better or worse than the students who stayed in the public schools. Mr. Speaker, Members of the Legislature need to be aware of the fact that the answer to our educational crisis lies in solving the problem of our public schools and addressing that. Education is the best opportunity we can provide to equalize people, to give up on the public schools in inappropriate. If this Bill passes, I would request a verification, Mr. Speaker. I would like to mention that I voted, in fact, for learning zones. I was the lead Sponsor of the Learning Zone Bill last year. I voted for charter schools, I voted for mandate waivers. I share the Representative's concerns about education. Representative, I would urge you to please join us in working to improve the public schools. This, in fact, is not the way to do

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it. I urge a 'no' vote."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I was not intending to really speak on this legislation, but I am tired of the rhetoric that I'm hearing from people who are afraid to try new ideas. I have a lot of questions about the idea of vouchers like all of you do, but I think it's time to try this idea. I mean, what are you afraid of? I mean, whatever we're doing in the City of Chicago for the majority of the students in Chicago, their educational system is failing. Now we are offering an opportunity to try and help those children and we're coming up with all these red herrings about it. Talk about constitutionality, well when you become Supreme Court Judge I'll listen to your constitutionality arguments. We have a separation of powers here. We'll decide what legislation we'll put out and the courts will decide whether it's constitutional. You should be voting for this. It's time to try a new idea. I'm going to tell you something. I'm not sure this will work, but I think it's time to try this idea. The children deserve it. The system deserves it. For us to be standing and arguing all these other arguments is ridiculous. Let's give it a try. Prove to me, prove to you, prove to the people of this state, and prove to the children of this state that this system won't work, but I'm going to vote for it to give it a chance and that's what you ought to be doing, too. And don't give me all these phony excuses about it."

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

Bugielski: "Thank you, Mr. Speaker, Members of the House. This

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Bill is not new. Voucher Bills have been around here for the last several years. Many of you that have been here for the past several years remember House Bill 890. We started out with House Bill 890 being statewide. We went from statewide to just the City of Chicago and everyone was saying, well we should try a pilot program. Last year we had Bills for pilot programs, we had statewide Bills, we had City of Chicago Bills. This is a pilot program. A pilot program means nothing more than just a test. We are testing it. People have come up and said, well how could you vote for this because this is not going to help the people in your district. Well a pilot program cannot be statewide. You only could have a certain area for this. We set it up. It's a test. If it works, fine. We could expand on it in four years. If it doesn't work, well then we are going to be able to see what the problems are either refine it or just drop the whole program all together. So it's a pilot program and I think we are in a situation right now in saving money for the state. I don't know how there could be a discussion saying that it's going to take money away, we are going to be losing money and everything else. We are giving a scholarship or a voucher for \$2500 to the student versus spending over \$7,000 in education for this. If we are spending \$7,000 for a student and he's not being educated and if we could do it for \$2,500, I don't know what school you went to but to me that's a savings. And lastly, what we are doing is we are empowering the parents. Remember one thing, many parents are sending their children to a school, it's a monopoly. There's no competition. You don't have a choice in the City of Chicago to send your student to the school in which, you feel, would be most beneficial for that student. They have

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to send it to a school, the schools are afraid because they are going to have some competition. The public schools could improve on this by saying, hey, if we are going to be losing the students to these other schools...to the voucher schools, well if we expand on our philosophies and our education, the parents will be coming back to this. So you're also creating the competition. Competition is good and all throughout the society, but we are empowering the parents, giving the parents the choice to feel what they feel is best for their student and I am a firm believer of this program and I ask for an 'aye' vote."

Speaker Daniels: "Further discussion? The Gentleman from Dupage, Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Johnson, Tom: "Representative Salvi, I have been listening to this debate this morning and there were several questions raised about evidently, the failure in Milwaukee or cases in Milwaukee. Could you explain that to me as to what you know about that?"

Speaker Daniels: "Representative Salvi."

Salvi: "It's interesting because we didn't bring up Milwaukee. It's interesting that the opponents of vouchers have abandoned their normally defensive position with regards to the absolutely incredible success of the Milwaukee program. The Milwaukee program has made careers, the Milwaukee program has made a national hero out of a black state legislator in that state. The Milwaukee program is a huge success and it's one of the reasons that vouchers are as popular as they are throughout this country. So on the Milwaukee issue, although we didn't raise it, I find it very interesting that the opponents have decided that the

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best defense is a good offense. Secondly, on the...the constitutional attack on the attempt to expand the voucher program in Milwaukee, and isn't it interesting if it's a failure, why are they trying to expand the program in Milwaukee? On the attempt to expand the program in Milwaukee to include religious schools, they made a mistake because their money goes directly to the school. And as I said, the case law on this issue is very clear. The guidelines have to assure that the assistance does not go directly to the school. This Bill is drafted differently than the attempt recently Milwaukee took to expand on their successful program. This Bill specifically says the voucher will go to the parent and the parent will then choose where to spend that voucher. So I appreciate the opportunity to address those issues."

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Mr. Speaker, to the Bill. This is not an issue, in my opinion, of a violation of the Establishment Clause. This is not a case where we are taking money from the public sector to throw in. The issue isn't taking money from the public school for quote 'the private'. This is not a secular religious issue. You know for years/people, let's be honest, the private schools have been subsidizing the public schools. They are not taking advantage of the public schools. They are paying for their own education. If all of those kids were to flood the doors of the public schools tomorrow, the public schools would collapse even further. This is really, in my opinion, an issue of those who are willing to recognize that in education, the most treasured thing for all of us as parents for our children, to give the children the best, to be able to make those choices on an individual basis for our children. I

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supported waivers. I support charters. I support vouchers. I support learning zones. We need to break free of the way in which we have been doing business for years as it relates to education. We have to break these shackles and to open the choice to parents to children is going to bring out the best. It's going to bring out the best in the public system as they compete for these children. It's going to bring out the best in the private sector and it is going to bring out the best in us as a society and parents because we will now have to take responsibility for these choices on our children. This is not something that I think we need to continue to be fearful of. I think the time has come. Let's do, for a change, what is best for our children and not what is best for keeping the status quo. I strongly urge a 'yes' vote on this Bill."

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

Jones, L: "Thank you, Mr. Speaker, and Members of the House, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Jones, L: "First I have a couple of questions for the Sponsor. First, I would like to know how did you come about with subdivision five?"

Speaker Daniels: "Representative Salvi how did you arrive at subdivision five? Representative Salvi."

Salvi: "As I indicated earlier, Representative, this is the perfect area, I am told, for a program like this. Ben Martinez's letter, I think, very eloquently described why subdistrict five would be perfect for this Bill. Let me give you an example. We have overcrowded schools in subdistrict five where we spent \$7,500 per student. As Ben Martinez pointed out, not only are they overcrowded, but

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they have some very disappointing results. Across the street from some of these public schools where they are teaching under the stairwell and in the boiler rooms are private schools, mostly Catholic schools that are providing a high quality product, the classes are half full because the kids can't afford the education there and it would cost us \$2500 to give the family of a poor child the chance to go across the street. It would cost us one third as much money to give them that choice, to give them that higher quality product and to relieve the overcrowding in the public schools."

Speaker Daniels: "Representative Jones."

Jones, L: "Representative, because I only have five minutes, don't take up all my time answering two or three of my questions. Next, I would like...when I questioned you about the Bill a few days ago, you were explained to me that the reason why you were for vouchers and for this pilot program because it would help poor children. You know I have listened to learning zones, chartered schools you name it, all geared for Chicago. Do you have any poor children in your district?"

Speaker Daniels: "Representative Salvi."

Salvi: "I do have poor children in my district and I would love to have this program in my district, Representative."

Speaker Daniels: "Representative Jones."

Jones L.: "Representative, since you were carrying the Bill I would think you should be able to pick anywhere that you wanted to, to put your pilot program. Why Chicago? I mean you know I love all the concerns that you people have about Chicago, but I know you have poor children in your district because you have North Chicago and that school almost closed. Now to me I would think that you take care

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of home first. And you should put the pilot program in your own district and if it works, come back and tell us about it and then maybe if it works for you we will expand the program. Wait a minute. Second question, who determines, who makes the final decision as to what children go into the school?"

Speaker Daniels: "Representative Salvi."

Salvi: "The bipartisan group that I told you, the Council of Advisors, if we have a lot of success then the bipartisan group the Council of Advisors will decide how to distribute these vouchers, but nobody will be turned down and we don't...if you are talking about these Catholic schools, Representative, we talked about this earlier. There's no admissions test at these schools. They are not keeping anybody out and the Council of Advisors which will be chosen by both leaders in this Body and in the Senate and by the Governor. The council of Advisors will decide, if we have a lot of success, how to distribute these vouchers."

Speaker Daniels: "Representative Jones."

Jones: "Representative, there is no Council of Advisors at Holy Angels Catholic School which is right down the street from where I live. I personally talked to the principal at this school and he told me that he will control who comes into his school. I gave him an example...I said what if a...I have Raymond School in my district. What if a lady at Raymond School has five children and there's slots at Holy Angels and she took all five kids there and submitted the voucher to go there for each one of her children. He will select who goes there. In other words, if two of those children have high marks in spelling, high marks in reading high marks and math, he will accept them. The other three

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children he would not accept. They would go back to a money strapped system and you are dividing a family. It is not fair for a principal to make a decision..."

Speaker Daniels: "Representative Jones, can you bring your remarks to a close?"

Jones, L: "Thank you. It is not fair for a principal to make a decision. If you've got 500 spots, 100 spots or 10 spots, it should be on a first come first serve basis. You did not answer my question when I asked you who makes the final decision at that school, who comes into that school. In ending I will say again, please don't do us any favors. We are working our system in Chicago and I think in your own backyard you have problems. Try it in your own backyard then let us know how it works and then maybe we will look at it."

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

Klingler: "Thank you, Mr. Speaker. I support this Bill in hopes that the resulting competition and innovation that the system may bring would result in saving some taxpayer dollars in the education of our children. I'm extremely concerned about the fact that taxpayer money and the operating expense for students in the City of Chicago is over double that of schools in my district. While the City of Chicago public schools spend over \$7,000 per student, se examples from my district include Auburn spends \$2,900, Pawnee spends \$3,900, Chatham spends \$3,600. I think these school districts that I just named provide an excellent education to those students and I would challenge the City of Chicago public schools to provide the kind of education that these students get. If they can do it in Pawnee and in Auburn and Chatham, and they can do it for \$2,500 and

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\$3,600 a year, let's see some cost savings in the City of Chicago. Let's try some competition and some innovation and save taxpayer dollars."

Speaker Daniels: "The Gentleman from Cook, Representative Pugh. Hang up on your conversation. There you go. Representative Pugh."

Pugh: "Thank you, Mr. Speaker, and Ladies and Gentleman of the House. Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Pugh: "Representative, are you familiar with the recent article in the *Forbes* Magazine that indicated that the Milwaukee...the results from the Milwaukee school system that has been referred to here were not in yet and that there is no conclusive evidence that shows that vouchers work?"

Speaker Daniels: "Representative Salvi."

Salvi: "I read the article. I loved the article. I thought they were right on point and they made a lot of good points and to the extent that in the Milwaukee program is as successful as it is and some of the successes were highlighted in that article. As successful as it is, we learned a lot. I learned a lot from reading that article. I learned a lot from reading a lot of the results of the study in Milwaukee and I believe that we will learn a lot from our program too. And just like Milwaukee, Representative, I'm sure we will choose to expand our program. Milwaukee is expanding it for a reason."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, it was earlier stated that we just didn't know if this program was going to work. And if I didn't know that a program or a project was going to work, I would not want to take that program or project to your community

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and find out whether it was going to work or not. I would try it in my community first and then determine whether or not it should be expanded to your community. That's one point. The main point that I would like to get to, if we are right now, we're spending \$7,500, and I heard you state that we were spending \$7,500 to educate students in Chicago and they were not being educated properly at the tune of \$7,500. If we are going to help poor people, if we are going to help poor families, how are we going to justify giving a poor family who has no other source of income \$2500 to receive an education? Where would they go with \$2500 to be educated?"

Speaker Daniels: "Representative Salvi."

Salvi: "Well, your premise is wrong. They'll go to the school of their choice. They will be empowered to go to a private school if they so desire. And on your previous question Representative, as to why I and I would like to address this because earlier it was mentioned, as to why we are supposedly putting this in your area, you're wrong. We are not putting it in your area. We're putting it in Ben Martinez's area. He talked about that. We read that article. He wants it and he described why he wants it. We are not forcing this on anyone. Read Ben Martinez's letter. He gave you a copy."

Speaker Daniels: "Representative Pugh."

Pugh: "I beg to differ with you, Representative. I think a substantial portion of Subdistrict Five runs through my district and although Ben Martinez who, in his absence, God bless him, might have some interest of having school districts in his district affected by this legislation. There is a substantial amount of other Representatives who are not in favor of this legislation, for the record. And

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if this letter from Ben Martinez is one thing, I think we debated a letter we had from the NAACP, but that doesn't make it right! The rightness of the issue comes with whether or not this program is going to be doable and it's already been stated that this is unconstitutional. That we are going... and you're saying that we are going to have to spend money... let's see if the courts have to... tells us that this is wrong. Why do we have to spend time to take this to the courts if the Constitution already spells out that this is unconstitutional? The Constitution under Article 10 clearly states that we cannot give money to parochial educa... to parochial schools so why are we in the business of usurping the Illinois Constitution? We are in the business of developing laws in accordance with the Constitution and we are not in the business of spending taxpayers money in order to litigate cases of this nature."

Speaker Daniels: "Was that a question Sir?"

Pugh: "Yes Sir."

Speaker Daniels: "Okay, Representative Salvi."

Salvi: "Well then why don't we repeal Medicaid? Because we give money for the purposes of..."

Speaker Daniels: "Representative Salvi, the time's expired so would you please bring your answer to a close."

Salvi: "Number one, you're right. We can't give money directly to a religious institution. We're not. We're giving it to the families and so you can repeat all you want, you can't give money directly to the religious institution, you can't give money to the religious institution. You're right! And we're not! We are giving it to the family. Number two, Medicaid, we give money to Catholic hospitals, don't we? Well not directly, do we? We give it for the purposes of helping sick people. We give money to religious charities,

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for example, because they dispense welfare programs efficiently and cost effectively. This is the same thing! Why are we so afraid to utilize proven concepts in education? Who are these guardians of mediocrity that demand that we not implement known successful ideas in education?"

Speaker Daniels: "Further discussion? The Lady from Lake, Andrea Moore."

Moore, A: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 17. I was asked, 'Representative Moore, are you dissatisfied with the public schools in your district'? And I explained 'Absolutely not'. I have some of the finest public schools in my district. However, this is a pilot program and I don't understand what we're afraid of. We have pilot programs in the criminal justice area. We have pilot programs in the public health area. We have environmental programs. We have agricultural programs. These programs recognize the great diversity that we have in our state and allow us to evaluate the merits of new alternative approaches. Yes, the schools in my area are excellent, however that is not true in many areas of our state and as we all know that diversity says that one size doesn't fit all. Let us evaluate this pilot program in education. Support Senate Bill 17. Thank you."

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

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

Speaker Daniels: "He indicates he will."

Davis, M: "Representative what are the boundaries for District Five?"

Speaker Daniels: "Representative Salvi."

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Salvi: "We are going to bring a copy of the boundaries over to you, Representative. I don't have them in front of me here. It's the 'Pilsen Little Village' area."

Speaker Daniels: "Representative Davis."

Davis, M: "I think the Body here needs to know what all it includes. If Minister, the Honorable Minister, Louis Farrakhan who has a school, an elementary, I think they go up to like tenth grade or eleventh. Could his school partake of these vouchers?"

Speaker Daniels: "Representative Salvi."

Salvi: "If they meet all of the other requirements absolutely, sure."

Speaker Daniels: "Representative Davis."

Davis, M: "I believe they will meet all the other boundaries and perhaps that may be a good side to this, I'm not sure. We recently also passed legislation out of this Body that made certification requirements for bilingual children in reference to teachers teaching early childhood. Would we be able to demand from parochial schools or Minister Farrakhan's school, that those people who teach early childhood education have bilingual classes? Will we be able to require that of them?"

Speaker Daniels: "Representative Salvi."

Salvi: "As you know, Representative, most of these private schools meet and exceed the mandates that we put on our public schools, particularly those in the inner city. With regards to bilingual education, the Catholic Schools all provide a bilingual education. They don't as a matter of practice turn anybody down. I would like to address that issue as raised earlier. And again, they meet and exceed not only the mandates and the standards of the public schools, but they also meet and exceed in quality and in

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test scores."

Speaker Daniels: "Representative Davis."

Davis, M: "I think you made a misstatement when you said they meet and exceed test scores. That really is not documented. In fact, it's just not true. I believe that you might want to know that Clarence Page in November of '92, in the Chicago Tribune stated that maybe vouchers are attractive. They may have been oversold to solve the state or the nation's ills. Private schools reserve the right not to take the disabled, not to take the slow learner, not the take the children with behavior problems. You might also need to know that according to the Daily Harold in April of 1991, they state that school choice would present unique funding and logistical difficulties that could make open enrollment extremely costly for our state and we can't fund private education because we are not funding public education. Normally a pilot program means you're going to try something and if it's successful you're going to expand it to a larger pool of people. We will not be able to fund the private education for all the students in the State of Illinois. Here again, what we are doing, is saying to the public school, we are going to take some more of your dollars and allow another experiment on minority children. What you are saying is, not my school children, not my neighborhood, not my tax dollar. But you find it to be appropriate to experiment on minority children and I find it extremely offensive. We also could look at what EDRED said, Senate Bill 17 funnels money to public... I'm sorry, to parochial schools circuitous as the route may be it's in violation of our Constitution. Representative, how do you plan to get around the Constitutional question, that states that we are to provide free non-parochial education to the

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students in the State of Illinois? How do you plan to get around that?"

Speaker Daniels: "Representative Salvi, we're almost out of time so keep your answer brief, please."

Salvi: "We have indeed failed the children with the present funding system in Illinois and we are trying to fix that with this Bill, Representative. We're trying to meet the requirements of the Constitution with this Bill. We're trying to implement innovative ideas to make sure that we get off the road of failure and onto the road of success. We're trying to make sure that these kids that Ben Martinez talked about, are not studying underneath the stairwell, are not down in the boiler room. We're trying to relieve the overcrowding in these public schools, spend 1/3 the amount of taxpayer dollars to send them to a private school of their choice."

Speaker Daniels: "Could you bring you answer to a close, Sir? Alright. Further discussion..."

Salvi: "The record speaks for itself with regards to the competition and the choice that we're making available to these kids and the quality of these inner city private schools."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Pedersen."

Peterson: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I support this Bill and it comes down to a simple choice, \$7,500 of the taxpayers money or \$2,500 or even less than \$2,500 of taxpayers money for higher quality product. We already know that the private schools work. We already know they are superior. They produce superior education. We know that the rich liberal millionaires out there are providing their kids with private educations."

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All we want is, for poor parents who's children are trapped in a lousy school system, a similar choice and I urge an 'aye' vote."

Speaker Daniels: "The Lady from Cook, Representative Maureen Murphy."

Murphy: "Thank you, Mr. Speaker. Once again, we've been on this battleground before, as an earlier speaker represented. Last year we couldn't do this because it was too large, it was statewide. This year, when we come back with a pilot project, where we don't have all the answers, but at the behest of a fellow colleague. You know there's something wrong in Chicago and we want to bring the neighborhood school concept back. Growing up on the block that I currently live on, my mom was able to choose between whether to send me to a parochial school at one end of the block and a wonderful public school at the other end of the block. Quite frankly, we believe in all forms of education, for trade schools, parochial schools, private schools. We all know kids learn different and today's children face far larger hurdles than any of us ever did. And the children in Pilsen deserve to have the opportunity to be in their neighborhood to be near their mom, to be able to walk home from school. And you know what, those 'nay' sayers who are so fearful of change, who want to deny a scholarship, an opportunity for a limited basis, are truly afraid. You know there's a fear of change and sometimes there's a fear of success. Maybe some of you are afraid this will be successful and what would be so wrong to have competition and choice for our children. I urge your 'yes' vote and set aside your fears and please don't deny the neediest children of Chicago this opportunity."

Speaker Daniels: "Further discussion? For the Members

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information, there is a film crew on the floor, that's filming this debate. For your own information. The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am breaking a promise that I've made to myself that I would not get up and debate anymore during this Session, but I've heard the comments of many of the colleagues on that side of the aisle that are saying, 'what are we afraid of?'. Well I ask you, what are you afraid of in not funding public education in this state at 51%. Why is it that this state is funding public education at a rate of 31%? If you want to try something new, let's put our money where our mouth is and adequately fund public education. I'm a product of the public and Catholic school system and people think that Catholic schools are so much better than public schools. Well, I went to DeLaSalle High School. Where five of the Mayors of the City of Chicago are alumni of that school. And one of the alumni is the current mayor that many of you have a problem with, so you ought to think about that when you vote on this Bill. But to the point, someone says, what are we afraid of? One colleague on your side of the aisle mentioned how much money is spent in her district per capita or per student. Well we ought to be embarrassed at the fact that we spend more than \$26,000 to lockup an inmate, but less than \$10,000 to educate a child. We ought to be embarrassed of ourselves Ladies and Gentlemen. We're saying that we would rather incarcerate you, than educate you. We would rather build more prisons than see you become taxpayers and productive citizens. We ought to be embarrassed of ourselves, really embarrassed of ourselves. And I just had a note that came in from a Gentleman in the Gallery, why in

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this Bill, which we have standards and achievement of students in the public schools system, why aren't these same requirements for Catholic and private schools? If you want to be on an equal basis or you want to educate my child have some standards in your school. Have some achievement goals in your school, if you want to educate my child. But most importantly, let us as Legislatures who are supposed to be elected to represent the people... If we're going to do something innovative let's consider the Amendment that the minority leader has been trying to push all Session long, which is Fund Education First! But no, we hear from the forked tongues in this General Assembly. I'm one of the few Representatives here that was around to vote on the school reform issue. And at the time, we negotiated the diversion of Chapter One monies back to the individual schools, but yet there's a Bill to now divert that same money back to the General Education Fund. You guys don't keep your word. You don't keep your commitment. What's to say two years from now, you want to change the system again because this has failed. Let's try something that is a surety, a surety! Let's fund public education for all the students of the State of Illinois not for just one part of the students of this state. Let's fund education for everybody at 51% which is what we as elected officials and the Illinois State Constitution says that we should do. This Bill should be defeated soundly, I'm not going to get into the merits of religious schools and all that because religion should have nothing to do with it. Religion should have nothing to do with the education of our children. The education of our children should be because it's right, it's needed, and we were also educated because there were people in the General Assembly at that

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time that had the backbone and had the heart and had the wherewithal to say, we are going to fund our children and guarantee them the right to an adequate education and not incarcerate them, but educate them. This Bill should be soundly defeated."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Kubik: "Representative, I must tell you I'm most concerned about the Special Education Question. I heard some debate earlier regarding the Special Education portion. And I guess what I'm gathering from this is, that your Bill doesn't... your Bill technically doesn't discriminate against Special Education students. However, it's a question of dollars and I guess my question to you is, that if we enact this program is there anything other than the amount of dollars being spent that would stop a Special Education child from applying for a waiver?"

Speaker Daniels: "Representative Salvi."

Salvi: "No."

Speaker Daniels: "Representative Kubik."

Kubik: "So the decision as to whether or not to accept this Special Education child would rest with the school. That is, the school that the student wishes to attend?"

Speaker Daniels: "Representative Salvi."

Salvi: "Yes, Representative, if I may. These schools do not turn down Special Education kids. There is a discrimination in the law now and as a father of a special ed. kid, I know this intimately. If I want to send my child to a Catholic school Special Ed. monies will not go to that religious school. If I want to send my child to another private

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school that's not religiously affiliated, as I've chosen to do those additional special ed. Monies will go there. That's a discrimination in the way we fund education now. This Bill does not undo that discrimination. These schools generally don't turn down Special Ed. kids anyway. At the St. Marys, for example, at Freemont they said we would love to have your son. We will do everything we can, but the state, additional state monies that normally follow a child will not go with your child to our school because that's state law. That's discrimination in the law. The schools are not discriminating on that basis. I would love to get rid of that discrimination in the law. Maybe, we can do it next year."

Speaker Daniels: "Representative Kubik."

Kubik: "Representative Salvi, I'm going to support your Bill. And I think that one of the reasons I'm going to support your Bill is because I believe that for one way or another we will address this question to the... to the enactment of this program. I must tell you because this is a pilot program this will allow us the opportunity to look at the results of this program. But I have to tell you that, as somebody who is deeply concerned about how we take care of people who have Special education needs, which they did not create themselves. They were brought into this world and have to deal with those needs. If we are going to say that schools are going to be competitive, if it's going to be competition that is the real answer to the education question, then the private schools are going to have to accept that burden as well. And I believe that if we pass this Bill, we will have some results as to how private schools deal with this question. And I must tell you that I'm going to support the Bill, but when this Bill comes

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back and the information from this program is disseminated, I am going to look very carefully at how this affects Special Education children. Because to me they're entitled to an education and if there's a Catholic school that's across the street that they wish to attend and the only reason they can't attend is because a Catholic school says that they can not afford to educate them because of for whatever reason, you've got to go to a public school, I think that's wrong. If you're going to accept, if you're going to accept everybody then, accept everybody. So I will vote for the Bill, but I will be watching."

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

Laurino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's an old adage that says 'if it's not broke don't fix it'. Well, let me give you some facts about the Chicago Public School System. The ACT scores released in October 1994, showed 91% of the Chicago High Schools, 58 of 64 of them in the bottom 10% of the nation. What's most devastating is that 55% of the Chicago public schools 35 of 64 are in the first percentile nationally. The lowest possible ranking with ACT scores of 15.4 or lower. You're telling me that the Chicago Public School System is working for your children or your constituents children? I doubt it. This is an alternative. Representative Salvi is only trying to give you an alternative. He's not trying to press anything down your throats. It's a pilot program. I think it's about time we quit closing our eyes to the inevitable. We've got to do something, bring in competition, bring these public school systems and teacher and educators back in line. The grammar schools and high schools are no longer learning institutions, you know what

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they are? They are meeting and greeting places for these people, these students, to get together and have a little club and then they leave school and nobody can find them. And that's why we don't have a percentage rate higher than one at being one of the lowest in a nation of graduations. So I say to you, do yourself a favor and vote 'aye' on this particular piece of legislation to give these kids a chance to accommodate your bene... your potential thoughts concerning their benefits. Because education is the only way they are going to survive. They're obviously not surviving now with the 'gang bangers' and everything else. They're dropping by the wayside like fleas and flies. So give them a chance. This is something that is very badly needed. It's an alternative. If it doesn't work we can always fix it later on, but I think it at least deserves a little shot. And that's all Representative Salvi is asking for and I agree with him wholeheartedly. Thank you."

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

Ronen: "Thank you, Speaker, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Ronen: "Representative, you spoke to public dollars going to hospitals and drawing an analogy there and other speakers have made reference of public dollars going to religious institutions and drawing a parallel. Let me ask you a question. In hospitals are those programs that are providing social services by the religious sector, is religion taught?"

Speaker Daniels: "Representative Salvi."

Salvi: "Religion is not taught and if the child doesn't want religion taught in the school, the child doesn't go to religion class. Eighty-five percent of most of these inner city schools have... or 85% of the pupils are not Catholic."

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This is a ser... an educational service. If they don't want to go to religion class they don't have to."

Speaker Daniels: "Representative Ronen."

Ronen: "In fact federal law, state law requires that if those monies are given to those institutions religious symbols can... should be no where and that should be no part of that and we do that because we believe very strongly and this country was established on the principle of separation of church and state. So the analogy that you're drawing is really not one that is fair or analogous to this situation. Let me ask you another question, Representative. Could you answer this question please, are we adding money? We are spending \$5 million. Is there going to be an additional appropriation to the state in the amount of \$5 million for education?"

Speaker Daniels: "Representative Salvi."

Salvi: "I'm going to answer the first question. When we... I'll answer the first and the second questions, Representative. When I pointed out they don't go to religion class if they don't want to, then you said well... you make this analogy to the hospitals. They have religious symbols in these schools. Well they have religious symbols in the hospitals too, believe me. So that... I appreciate your bringing that point up. Regarding the money, \$5 million will go to this Subdistrict Five at the maximum of \$5 million for the purposes of giving money to poor kids for their education. The money will go to the particular subdistrict here, Subdistrict Five. If the child goes from the public school to the private school even though, that school is not going to have the responsibility to educate the child. So it's a windfall for the Chicago public school system and it's not going to cost a penny to the taxpayers outside or

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in the State of Illinois. It's going to be the same appropriation and it's going to be a windfall for the City of Chicago. It's a win, win situation."

Speaker Daniels: "Representative Ronen."

Ronen: "To the Bill, Speaker. The Representative at best is... his arguments are specious. We believe, in this country we always have and we should continue to believe in separation of church and state. It is inappropriate for public dollars to be used in the fashion that he is suggesting. It is further compounded by the fact that what he is talking about is using scarce dollars. Additional dollars are not being put in this state budget for education. In fact right now and every year, the state's share of public education keeps declining. To keep on picking away at public schools and to infer, not even infer to, say directly that somehow this is a windfall is outrageous. We are still under funding our schools and this program is yet another attack on public education. We talk about failing the children. It's the state that's failing the children. That's why children are failing because we are not meeting our financial or moral or constitutional responsibility to fund education. And until we do that, we shouldn't be talking about... about pilot programs that divert money from a public school system that needs those dollars. We have great public schools. I have great schools in my district. What they need is help from the state not picking away of state dollars that they most... most importantly need. And what property tax owners need, in my district and throughout the state, is for the state to fulfill it's responsibility to public education, so that we can start reducing property taxes. I urge all my colleagues to vote 'no' on this Bill."

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

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

Speaker Daniels: "He indicates he will."

Giles: "Representative Salvi, in the language of your Bill I have a couple questions. I have a question on the eligibility for scholarship school status. Could you explain to me exactly what are the eligibility of the scholarship school status?"

Speaker Daniels: "Representative Salvi."

Salvi: "Basically to qualify, you have to be poor. 1.5 times the amount that's required to get school lunch aid or less."

Speaker Daniels: "Representative Giles."

Giles: "Representative, also in your Bill in some of the language you have where it provides for a random selection process for awarding scholarships, if more than 2,000 pupils applied during a school year. Now let's take a scenario in which if more than 2,000 students will apply for a voucher during a school year. And let's just take a situation where a family has say maybe a household of seven pupils that need to go to school and at this current time you are over the 2,000 pupil limit. Could you tell me... could you explain the substance of your Bill? How we will educate those extra pupils in this Bill?"

Speaker Daniels: "Representative Salvi."

Salvi: "I don't see anywhere where it says it's a random selection process, please let me address the question nonetheless. If we are successful as you say we may be, if we are so successful, first of all we will be very grateful and very proud. Secondly, the Council of Advisors will sit down, a bipartisan group, to decide how can we divvy up

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this great success that we have. How can we decide how to distribute this \$5 million. I limited it to \$5 million because I wanted to make sure that this was as limited as possible of a pilot program. We would have liked to have spent more for the poor kids in Subdistrict Five, for Ben... the people that Ben Martinez is trying to help, but we limit it to \$5 million. If we get that kind of success the Council of Advisors will make the decisions as to how to distribute the money to these poor children."

Speaker Daniels: "Representative Giles."

Giles: "Thank you. Representative, providing for a random selection process, that is language that is in this Bill. Could you tell me who decides who will receive a voucher? Could you tell me that?"

Speaker Daniels: "Representative Salvi."

Salvi: "I'm sorry, I didn't hear your question."

Speaker Daniels: "Representative Giles."

Giles: "The question is, who decides who will receive a voucher?"

Speaker Daniels: "Representative Salvi."

Salvi: "Every qualifying pupil who applies will get the voucher unless again we have this great success that I was talking about. And if we have that kind of success, it's not a random decision. It's a decision to be made by the Council of Advisors and it's a bipartisan group. They will decide how to best do this. We felt that it was important to give them this flexibility, Representative, in order to implement this program fairly and stay within a \$5 million budget."

Speaker Daniels: "Representative Salvi or Representative Giles. Excuse me."

Giles: "Mr. Speaker to the Bill. This Bill has been formed and shaped in the language of a scholarship. To me a

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scholarship is an award granted on merits. In this scenario it is not merit. It is really unfortunate because I do believe in reform and change. But this Bill does not address true reform and true... does not address true reform. I am a realist and the problem here is that no situation that can be successful... you can not have reconstructions, you can not have reform, you can simply not have any type of rehabing of a particular issue or a situation unless in this society you add dollars, you add monies. The leader of the State of Illinois simply does not meet that responsibility. We need dollars in order to have true reform and this Bill does not address that. If you were to rehab your house or rehab or reconstruct or add a new facility on to a building you have to have dollars that is the bottom line. This state is not taking the responsibility of having a 51% mandate as mandated by the state 51% for education. This is something that we must do. This is something that we are not doing in this Bill and I would urge all my colleagues on both sides of the aisle not to vote for this Bill. This is not the Bill to vote for."

Speaker Daniels: "The Gentleman from Dupage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. A couple of weeks ago I called the legislative research people and asked the roughly how much money we are spending on secondary and elementary education in Illinois? And they said about \$5 billion if you take the federal money and everything altogether. Don't hold my feet to the fire on exact numbers, but it's in that order of magnitude. Now earlier today on Senate Bill 269 we put 117 votes up on the board in a five minute discussion on Senator Geo-Karis

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Bill to put \$5 million into gender equity programs. I supported that, we all did, that's a good idea. Now when you take the \$5 billion dollars that we allocate to spend on secondary and elementary education in Illinois and you run Representative Salvi's program against that as a percentage, we're not talking about 1% like Senator Geo-Karis wanted for her program. We are not talking about a 10th a percent. We are not talking about 100th of a percent. We're talking about 1/1000th of 1%. This is not a high risk initiative. Now on the issue of constitutionality, already under the law in Illinois we support text book programs and transportation programs for parochial schools. Those initiatives have been held constitutional. The other analogy is the way we spend our money in higher education. If a student in your district wants to receive funding from the Illinois State Scholarship Commission or whatever it's called today, they can go to school anywhere in Illinois and use that money. They can come to a religious school, Wheaton college, in my district and study for the seminary. They can go to the University of Illinois. They can go to the Illinois Institute of Technology. So the constitutionality is a red herring. I think the thing that persuades me the most to support this Bill is the notion that if you're a student who grows up on West Ogden Avenue in Chicago, right now you have got one choice and your only choice is to go to Farragut West High School. My sense is let's break down the barriers. Let's empower children, let's empower families to make their own choices. I urge an 'aye' vote."

Speaker Daniels: "The Lady from Dupage, Representative Pankau."

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

Speaker Daniels: "The question is, 'Shall the main question be

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put?' All in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. Representative Salvi to close."

Salvi: "Thank you, Mr. Speaker. As modest as this proposal is, as little money as we are putting into this program, a tremendous amount of promise lies in the heart of this program. And I think that's one of the reasons we see so much opposition because with the promise there's also a little bit of a threat to the guardians of mediocrity and the Chicago Public School System. Ben Martinez was right when he worked so hard over the years to try to bring this program to his district. Ben Martinez knows his district as he wrote 'many children in my district were being bussed across the city to school because there was no room in their neighborhood school, however at the same time several private schools were forced to close and others have space available in their classrooms. This is why he writes, 'I have been working for the last four years to bring a voucher or pilot program to the Pilsen Little Village in the McKinley Park areas. He knows that this program will work as small and as modest as it is. It has promise. And it's as simple as this, as Representative Pedersen said 'look at it this way, try to block out the prejudices that you have with regards to education.' We've had a socialized system of funding education in this country for 50 years it's failed us. Look at it this way, look at it as Bernie Pedersen said, 'We have a choice. We have a choice of spending \$7,500 of taxpayer's money to send a child to an overcrowded school that's not producing, that's having trouble even graduating 50% of the kids or we can give vouchers to poor kids. This isn't a 'cream of the crop' Bill. We are giving the voucher only to the families

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of poor children. We can give them the chance that rich kids have. We can spend 1/3 as much money to get them to go across the street to get a better product. It's simple. It's a great idea that's why it's working, where it's being implemented. Illinois has the chance to implement one of the most exciting ideas in education ever brought to this country. We had it 100 years ago. We can bring it back and we can bring our schools back. And we can help the kids in the State of Illinois and in the City of Chicago. Vote 'yes', please on Senate Bill 17. Give the kids a chance."

Speaker Daniels: "Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Mr. Speaker. Should this receive the requisite number we request a verification."

Speaker Daniels: "It's already be requested by Representative Gash. She's a step ahead of you."

Lang: "Thank you."

Speaker Daniels: "Okay, the Gentleman, Representative Salvi, has moved for the passage of Senate Bill 17. The question is, 'Shall Senate Bill 17 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? Take the record. On this question there are 49 'aye', 66 'no', none voting 'present' and the Gentleman, Representative Salvi."

Salvi: "Speaker I would asked that this be placed on postponed consideration."

Speaker Daniels: "Placed on..."

Salvi: "I had my button pushed."

Speaker Daniels: "Postponed consideration."

Speaker Johnson, Tim: "Representative Johnson in the Chair."

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We'll proceed with the order of Senate Bill's Third Reading.

Speaker Johnson, Tim: "Mr. Clerk, read Senate Bill 384. We could have some order in the chamber, after the Bill, so that Representative Cross can present his Bill. 384."

Clerk McLennand: "Senate Bill #384. A Bill for an Act that Amends the Juvenile Court Act of 1987. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Kendall, Representative Cross, proceed."

Cross: "Thank you, Mr. Speaker. 384, Senate Bill 384, does a variety of things. First of all, it amends the Confidentiality and Accessibility of Juvenile Court Records Act, by providing that in certain juvenile cases, we can release... Right now, last year we passed a Bill that allowed the release of juveniles' names and addresses to the general public and for certain offenses. We did not in that Bill, include that we would release the offense that was committed. This Bill simply says that the offenses that are committed, upon a finding of adjudication, shall be available to the public. Also on this Bill, are variety of... five different Amendments for the Probation Association. It got out of committee unanimously, but I'll be glad to answer... I will answer any questions you may have."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Proceed."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates that he will."

Hoffman: "Representative, it's my understanding that House Amendment #1, has really rolled up all the probation initiatives for the Probation Association, and put them

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into that... this Bill?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Yes, Representative, I'll tell you what they are, so just for clarity, I should have done that earlier. I'm sorry. We added into this Bill, House Bill 2045, House Bill 2046, House Bill 2048, House Bill 2049, and House Bill 2050. All suggested on behalf of the Illinois Probation and Court Services Association. Jay, I don't know of any opposition of those five and I remember John McCabe in committees testifying. I don't remember him suggesting or saying that there was any opposition. But those are the five Bills we rolled into this, in addition to the underlying Bill, 384."

Speaker Johnson, Tim: "Further questions, Representative Hoffman."

Hoffman: "Just so that everybody on this side of the aisle and that side of the aisle knows what's going on. The first provision that you spoke of, would require a Juvenile Impact Note... a Juvenile Detention Facility Impact Note on these types of offenses. Any Bill that would create a new offense for which commitment to a juvenile detention facility, probation or community service, may be imposed, must have a... an impact note on Second Reading. That is much like I believe, would be much like the Fiscal Impact Note and the Corrections Impact Note, but would be able to... for us, as Legislators, to utilize the impact of these Bills on local counties."

Speaker Johnson, Tim: "Representative."

Cross: "Representative, you've couldn't have said it better. It's a... simply requires a Probation Budget Impact Note for all... for legislation. And your... yours was an accurate characterization."

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Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "The second thing this would do, is it would allow for unsupervised probation. Unsupervised supervision, excuse me, to be extended from six to twelve months. There's no opposition to that provision. I think that's agreed, is that right?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, once again, this used to be House Bill 2046. I'm not aware... there was no opposition in committee when we rolled this in to 384 and I've never been told that there was any opposition earlier as... in its form of House Bill 2046."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "In addition, this has the provisions pushed forward by the Probation Association, regarding intermediate sanctions. Could you just briefly explain what that is all about? I don't think that anybody has any opposition. And it's my understanding, that I had some concerns earlier that have been taken care of by saying that these intermediate sanctions would not be utilized if an individual commits another felony offense while on probation. Is that in the Bill?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Jay, my understanding, it is. And once again, John addressed that in committee. I think any concerns must have been... were apparently cleared up because a... and I think your question was addressed."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "This also would extend beyond five years, the period for restitution, if it is in the best interest of the victim. Some people may view that as being anti-victim, but really what we're talking about here is we're saying

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that, this is better for the victim because the person could serve time in the Department of Corrections be unable to pay. And we could then extend the restitution and insure that it gets paid in the future. Could you just briefly explain why this is good?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, let's assume for a moment that a clown named 'Bucky' commits an offense, a criminal offense..."

Speaker Johnson, Tim: "Representative Hoffman. Proceed."

Cross: "And I'm still to continue to answer. Let's say this character 'Bucky' commits an offense and goes to the Department of Corrections or a local facility, a county jail, and he's ordered to pay... he's ordered to pay restitution and this happened. This happened in our county or local area, where a township supervisor stole a great deal of money. And he was ordered to pay it back. Now at this time, the judge can order, only order you to pay that restitution back, over a five year period. If he'd had more time, he could pay significantly more back to the township as part of his penalty. So we're saying, if in the interest to the victim, and it's in fairness to the victim, then we will extend the time in which he has to pay. And in the case of the clown, committing a crime at a carnival, he or she would have time to pay... to pay the penalty."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I wish to yield my time to Representative Hoffman so he can follow up on this 'Bucky' thing here."

Speaker Johnson, Tim: "Proceed, Representative Hoffman."

Hoffman: "So it would probably... it would probably also apply to

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if 'Skeeter' did something in Kendall County and was sentenced to jail for seven years. And while he's in jail, he couldn't be paying this restitution, so we would say 'Hey, when you get out of jail in year eighth, you will begin to pay this restitution'. So really, if it's in the victim's best interest, this could be done so that 'Skeeter' would start to pay the restitution to the victim."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, I think the operative words here, and you pointed out earlier, is if it's in the best interest of the victim. We don't want to extend restitution or the time frame to benefit the defendant. You know, if the clown, in the carnival stole money and needed some more time, you don't want to do it to protect the clown, you want to do it to protect, as we've said several times now, just the victim."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "There's also provision in the Amendment, regarding juvenile probation fees. And what it would allow is for a minor who's placed on supervision, in other words, on probation for a juvenile, that up to a 25 dollar per month fee, could be paid and utilized for juvenile services to the probation department. Now, some people may be concerned about this being a fee increase, I personally believe that it's mak... insuring that people who commit crimes pay for their time while they're on probation. And allow individuals to... allow the Juvenile Probation Department to do its job. Whose going to pay this fee, number one, and number two, if the individual cannot afford to pay or the family cannot afford to pay, will something bad happen to these individuals or is there... will there

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be a sliding scale, based on ability to pay?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, you make a good point. I don't see how anyone could interpret this as a fee increase. What this does, says the court, may impose this fee of 25 dollars. And as you said earlier in you're... you're right on point. First it would require the minor, if the minor can't do it, the court can go to the parent, guardian, or legal cus... custodian. So I think you characterized the Amendment maybe better than I can, but you're exactly right on it. And I appreciate that."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I think we've nearly went through it all, unfortunately when you roll Bills together like this, it's hard to do it in five minutes. The only... the last thing is the original underlying Bill, regarding public access to juvenile records. This... does this... does this expand in any way the offenses that individuals can get the juvenile records? It doesn't, does it?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "It does not expand them at all, Jay, it says... it adds one word, really two words. Not only are the names and addresses available to the public for the offenses outlined in the previous Bill, last year, it says 'and the offense shall also be available to the general public upon adjudication'."

Speaker Johnson, Tim: "Proceed, Representative Hoffman."

Hoffman: "So the simple thing that that portion does, it doesn't expand the offenses, all it does is allows and clarifies what can be given as a result of the Bill that we... you and I... or I think I was a cosponsor of, it was actually your Bill, passed last year. Is that right?"

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Speaker Johnson, Tim: "Representative Cross."

Cross: "That's enti... that's exactly right. And I think you did help on that, Representative."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, to the Bill."

Speaker Johnson, Tim: "To the Bill."

Hoffman: "I think that this is a good piece of legislation. I think that we've worked all the way through it. People can make up their own minds, but it's my understanding, with regard to the Amendment, which is essentially the entire package put forward by the Probation and Court Services Association. That a... I don't see any reason to have any type of opposition to this. I think what it does do, is it makes some clarifying languages... language and ensures when we vote on things that effect local county probation departments and juvenile detention centers and juvenile detention facilities, that we will have an Impact Note filed so that we'd know what the cost is going to be. Secondly, we debated last year, this issue regarding confidentiality and accessibility of juvenile court records. At that time, we made a determination that we thought it was important that we could allow public access to some of that. This doesn't change that in any way. It just clarifies and ensures that we can... we give the proper information, not more, not less."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Cook, Representative Blagojevich, proceed."

Blagojevich: "Thank you, Mr. Speaker, will the Sponsor yield for a question or two?"

Speaker Johnson, Tim: "He indicates that he will."

Blagojevich: "Representative Cross, could you briefly repeat, just briefly what this Bill does?"

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Speaker Johnson, Tim: "Representative Cross, proceed."

Cross: "Well, Representative, I certainly will. I appreciate you asking that. The underlying Bill Amends the confidentiality Section of the Juvenile Court Act. It says, in addition to name and addresses of the juvenile being released to the public, the type of offense can also be released. We added five Amendments in committee the other day. Formally, House Bill 2045, 2046, 2048, House Bill 2049 and House Bill 2050 all became part of this Bill. They're all done at the request of the Probation and Court Services Association. And as I went over with Representative Hoffman, we talked about some examples. I'll be glad to go over those again with you, if you have some questions."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "Yes, thank you, Representative Cross. I do, in fact. I wonder if you could perhaps illustrate how you envision this legislation working, if we pass it. Let me give you a hypothetical. Let's say that you have an adult who attends a children's party, with juveniles. And the adult is acting as a clown, he's dressed as clown, he's there for pay, for hire. He's a clown for hire at a children's party, floppy feet, red nose, painted face. Let's say hypothetically he's from the Metro-east area. Let's assume that one of the juveniles there, were to pull the red nose off and then kick the clown, causing physical damage. Unpermitted touching, without consent, that would be a battery. Tell us if that adult from the Metro-east area, dressed as a clown, acting as a clown for hire, pressed charges against the juvenile for a battery, and that juvenile were found guilty of the crime, how your Bill would impact that particular juvenile and the adult dressed

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as a clown, doing this for hire?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, before I could answer that, does the hypothetical clown have a name?"

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "Bucky the Clown?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative Blagojevich, this is purely hypothetical, isn't it?"

Speaker Johnson, Tim: "Representative, proceed."

Blagojevich: "You might think so. I could not possibly comment. Sometimes there is fact with fiction."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, as you could imagine, I... I would assume that 'Bucky the Clown' would hire an attorney. Someone from the Metro-east area. Maybe someone that had been experienced representing clowns. Maybe someone that had experience representing stalkers in the New York City area, I don't know. But there would be a trial and if the clown was found guilty or the juvenile, then the battery would be... the battery offense would be available to the public. As would the clown's name, if the clown happened to be a juvenile or acted like a juvenile."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "Just for your own edification, Representative Cross, if you want more information with regard to this. If you want to find out whether or not this hypothetical is purely hypothetical, or whether or not there is in fact, substance to this, you may want to talk to one of your colleague's, Representative Salvi on this side of the aisle. just kind of privately. To the Bill, I think it's time that... I address the Bill specifically. I support

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the Bill. I think the concept is good. I don't think we ought to clown around with this issue, but I do think Representative Cross may want to get more information with regard to that particular hypothetical."

Speaker Johnson, Tim: "Hearing and seeing no further discussion, the Chair recognizes the Gentleman from Kendall, Representative Cross to close."

Cross: "I think we've thoroughly debated this issue. I would appreciate a 'yes' vote. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 384 pass?' All in favor vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', none voting 'no', and 11 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3... Senate Bill 399. Chair recognizes the Gentleman from Jersey, Representative Ryder."

Clerk McLennand: "Senate Bill #399, a Bill for an Act concerning liquefied petroleum gas, Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Proceed."

Ryder: "Thank you, Mr. Speaker. This Bill is brought to us at the recommendation of the association of Petroleum Gas Providers. It increases some fines at their recommendation, but it also makes an exemption for some of the provisions on the small 20 pound containers that I have and perhaps you have on your barbecue grills, and some other folks use them for fish fries and that sort of thing. I would be happy to answer any questions that you might have."

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Speaker Johnson, Tim: "Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, will the Gentleman yield?"

Speaker Johnson, Tim: "He indicates he will, proceed."

Novak: "Representative Ryder, I know we discussed this, Bill in our committee. Does this affect the consumers that have barbecue grills on their decks, that purchase or rent or lease propane tanks?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, Section 2.5 of the Act, says as follows; 'This Act does not apply to any liquefied petroleum gas container designed to hold 20 pounds or less of liquefied petroleum gas.' I'm not an expert in the size of the containers that are normally used but it is my belief upon the statements of others, that that exemption covers the size that are used in normal, everyday barbecue arrangements."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Thank you, Mr. Speaker. I was kind of concerned. My seatmate, as you well know, Representative Deering, is a strong advocate of barbecuing. And a... but he prefers the charcoal fires, so apparently this Bill is not going to apply to him. We certainly wouldn't want to put any impediments toward his grandiose barbecue cooking. But are there any provisions in the Bill that concern alternative fuels?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "No, Representative, the Bill is as it came out of the Senate. It did not have an Amendment in the committee. And I can attest to your seatmate's great ability in barbecue, although he doesn't invite me very often. On those rare occasions when he has, it's been a delight

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to my palate."

Speaker Johnson, Tim: "Further questions, Representative Novak?"

Novak: "Thank you, Mr. Speaker. Representative, I appreciate the accolades you heaped upon my seatmate here, but he'd love to invite you to a barbecue. He's invited quite a few Republicans, but apparently they don't like to show up. I don't know what the problem is. But I stand, certainly stand in support of this legislation. I think it's wise and prudent and reasonable. And I would urge my colleagues to support it as well. Thank you."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Clinton, Representative Granberg. Representative Granberg."

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

Speaker Johnson, Tim: "He indicates he will."

Granberg: "Representative Ryder, I thought you indicated there is an increase in the penalties for violations of the Act. Could you tell me what that increase is and what is the rationale for those increases?"

Speaker Johnson, Tim: "Represent... Representative Ryder."

Ryder: "Representative, the increases are substantial for the reason that I think it's been over a decade or more since the fines were raised. It was originally upon a conviction, 'shall be punishable by a fine of not less', originally it said ten, now it says 100. 'Nor more than', originally it said 50, now it says 500. For each offense and not more than 500 nor more than 1000 for a second and subsequent offenses. The second and subsequent offense language, is new to the Act."

Speaker Johnson, Tim: "Representative Granberg, further questions."

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Granberg: "Thank you. And Representative, who made the determination on how much to increase the penalty by?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Well, certainly the drafters' of the Bills would be the people that would be immediately responsible. But this is at the recommendation of the Liquefied Petroleum Association. They are the ones that suggested that the fine should increase. It's their effort to continue to make their industry, if you will, serve consumer needs. And also to make sure that if someone violates the law, that the fines are meaningful. In some cases, it could have been a 10 dollar fine previously, and that just didn't have the deterrent effect, that one would like to see in the law. While a 500 dollar fine, may seem large, you know, I believe that it is. The range from 100 to 500 seems appropriate when you're dealing with something that could be explosive and dangerous, although if handled in the correct fashion, is clearly safe."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And would be... and would the fine, Representative be discretionary with the courts or would be mandatory with the violation?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, because it is a range of fine, with no less than 100 or no more than 500 for the first offense, the amount of the fine is always subject to the judge's discretion within those ranges."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And Representative, where would the proceeds from the fines go? Is there a dedicated fund for some purpose?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, I don't in this Bill or in the Act, know

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of a specific fund, so I believe it's simply a criminal fine that is distributed in the normal... normal manner in which criminal fines are. So I'm sorry that I don't have that specific answer for you and I would believe that it would be handled as any other criminal fine."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Thank you, Representative. I didn't know if there was a provision in the Bill that would set up a dedicated fund for this particular group for some type of policy reason. So as you indicated I would assume then that it would go to the normal course of fines, be locally distributed for various purposes. I also assume that various additional provisions would be assessed to the fine, driver's education and all the fees that have already been allocated, on various provisions and violations of these Acts. One last question Representative, I think you increased the amounts or the size of the tanks to 20 pounds? Is that correct?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, the original Act did not contain language that described the small 20 pound or less containers that are now, in fairly common use. They were not, when the Act was drafted or, when the fines were originally created. This is simply an acknowledgement that those are in the use of everyday consumers and they're not held to the same standards for their activities with the smaller tanks, such as a dealer or a professional would be. That's why they're excluded. It is not meant, by the way, to exclude the ability of the petro... propane gas..."

Speaker Johnson, Tim: "Representative Granberg, further questions?"

Granberg: "Thank you, Mr. Speaker. Representative Ryder, one

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last question. I think you've indicated that this would have no impact on the normal consumer, which I believe is the intent of the legislation. Because we certainly don't want to impact people like Representative Deering and what their activities might entail. So I appreciate the time and your consideration in your answers and I rise in support of the Bill."

Speaker Johnson, Tim: "Hearing and seeing no further discussion, the Chair recognizes the Gentleman from Jersey, Representative Ryder to close."

Ryder: "Thank you and I ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 399 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 1 voting 'no', 3 voting 'present', and this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill... Senate Bill 447. Senate Bill 447."

Clerk Rossi: "Senate Bill 447, a Bill for an Act concerning the Leasing and Ownership of Condominiums. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 447, Amends the Condominium Property Act and the Civil Code of Procedure. This is the same Bill that we passed out earlier in Session. It was House Bill 1721, which I believe passed unanimously out of the House. In essence this Bill is also was... initiated by the

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Chicago Bar Association. Primarily unless otherwise expressly provided in other Sections of the Act, the provision of this Act are applicable to all condominiums in the state. And any portion of a condominium instrument that is inconsistent with this Act is void. In addition the bylaws of a condominium must provide the method of filling vacancies among the officers, who shall include the authority for the members of the board, to fill the vacancy for the unexpired portion of the term. Corrects drafting errors and provides that the condominium association's right to terminate certain long term contracts made prior to turnover of control from the developer to the unit owners, commences with the election the first unit owner board of managers and runs for a period of six months from the 'electo'. And provides that the cancellation is effective 30 days after mailing notices to the other party, to the contract. Clarifies the board of managers of the Condominium Association has the power to expand assessments that it has levied. The Code of Civil Procedure changes, makes the Section of the Code, a civil procedure consistent. That previously Amended Section 18 out of the Condominium Property Act, by permitting the use of the evident remedy of the non-monitory defaults of the unit owners or tenants. also requires the instruments of ten days notice and provides a form of notice if the Condominium Association is proceeding directly against a tenant for eviction under Section 18 and the Illinois Condominium Property Tax... Property Act. In essence that highlights some of the major changes to the Condominium Act and I would be happy to answer and entertain any questions."

Speaker Johnson, Tim: "The Lady from Cook, Representative Erwin."

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Erwin: "Thank you, Speaker. I just rise in strong support of Senate Bill 447 and remind the members that I believe this was nearly, if not unanimously approved earlier in this Session and an identical House Bill that Representative Parke, Feigenholtz, and myself, also Sponsored. So I urge an 'aye' vote."

Speaker Johnson, Tim: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. This Bill clarifies a very complicated part of a condominium law and I applaud Representative Parke for leading this initiative. It will help a lot of the residents in my district who are condominium property owners and I urge everybody's support on the Bill. Thank you."

Speaker Johnson, Tim: "The Lady from Cook, Representative Schakowsky."

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

Speaker Johnson, Tim: "He indicates he will."

Schakowsky: "Representative, one of the interesting things about becoming a floor leader is you begin to read some of the laws that govern the State of Illinois. And I was amazed to find that the condominium... that the Condominium Property Act, deals with tiny, little things like, portions of perimeter doors and all portions of windows, and perimeter walls and little things. I mean, I expected to find the color of paint in condominium law here. What I really want to get to then is, how does... how do the changes in this Bill improve the life of condominium owners in the state?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "Representative Schakowsky that's a fine question and I'm glad you've asked it. Because in essence, I as well as

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many other members of the General Assembly have a lot of condominiums in their districts and I certainly am not an exception to that, that's why I'm carrying the Bill. But what we've found in the course of people taking over their own associations, from developers as they develop, they find that there's problems in the turn over. They find that there's problems in dealing with the needs and rights of those members that own condominiums. And when they come along, usually then, they go to court. Say, you know, one party says that the condominium owners are not doing it right, the board of directors made of with the people that are in there, and it ends up being disputes. Those disputes are brought to the attention of the Chicago Bar Association, who has a committee that sits down and listens to their member lawyers who talk about all the problems that are developing within that condominium law area. And so, this committee then gets together and says, 'Well, let's clean it up. Let's try and find a way of making it better. Let's find a way of answering the concerns clarifying the law so that it's easier to understand, not only by the courts, but by the people who live in those. In essence, that's what we've done with this. We've taken their recommendation. We've presented it to the Body. It's been looked over by our staff, I'm sure your staff. I have heard of nobody saying that anything in here is controversial or problem. It's just clea... clean up language and good public policy.

Speaker Johnson, Tim: "Representative Schakowsky, do you have further questions?"

Schakowsky: "Well, I'm wondering if you could give me then, who finds this law a little bit difficult to get through, one example of a way in which it does make more clear or

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improves in some way a situation for condominium owners."

Speaker Johnson, Tim: "Representative Parke."

Parke: "Representative, one area was the determination of how the board of managers fills a vacancy. Now, I mean, to you and I that may not big deal, but if you have people in an association, I happen to have a town home that I have down here and I know that we have concerns on how it's operated and run. And we want to make sure that that everybody operates within a guideline and within the law, so it's common sense. So, under this legislation, we've clarified that and said that a vacancy on the board of directors will be filled by the board of directors. Ultimately, that board must stand for election and most of the time it's on a staggered basis. And therefore, we have clarification now, that the board of directors will replace its own members until... until the next election."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Thank you for that example. Let me just ask, one more question. I, by the way, stand in support of this legislation but I wanted to know how the Amendment to the Code of Civil Procedures affects the issue of... entry and detainer, which I understand really translates to eviction, forceable entry and detainer. What... How does the law, this legislation change the issue of eviction?"

Speaker Johnson, Tim: "Representative Parke."

Parke: "Well, in Section 9-104.2d of the Condominium Law, requires the issuance of a ten days notice and provides a form of notice if the condominium association is proceeding directly against the tenant for conviction. Under Section 18n, of the Illinois Condominium Property Act. In an essence, we're just... I think everybody

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deserves to be notified when in fact, they are in the process of being evicted. I would say 99.9% of the time, there's no surprise to that. People know that they're in trouble, that there's a problem of non-payment of association dues or not complying with the association rules. And so that in essence, is what we've done is clarified that further."

Speaker Johnson, Tim: "There be no further discussion, the Chair recognizes the Gentleman from Cook, Representative Parke to close."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a no-brainer. It's much of a technical cleanup as it is a clarification and I would ask the Body to approve this legislation."

Speaker Johnson, Tim: "The question is 'Shall Senate Bill 447 pass?' Those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 115 voting 'yes', none voting 'no' or 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill... Senate Bill 478."

Clerk Rossi: "Senate Bill 478, a Bill for an Act Amending the Airport Authorities Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple Bill, which basically just says, that if you are an employee of the state or federal government, you can serve on the local board of

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commissioners of an airport authority, but you can not do so if you are an elected official of the state or federal government. That's it."

Speaker Johnson, Tim: "On the Bill, the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Dart: "Representative, what was the impetus for this Bill?"

Speaker Johnson, Tim: "Representative Churchill."

Churchill: "I believe that someone in the Senator's district. Senator Karpziel's district brought this to her attention. And that's why she put the Bill in."

Speaker Johnson, Tim: "Proceed."

Dart: "Thank you. The entire Bill then, is just to allow a member who is on the gaming board to also serve on the DuPage Airport Authority, is that it? I mean, real straight forward that's all it does?"

Speaker Johnson, Tim: "Representative Churchill."

Churchill: "Currently what the law says is that if you are an employee of the State of Illinois or the federal government, in some capacity, you could not serve also on the board of commissioners of an airport authority. This is allowing an employee to serve, but if you're an elected official, you still can not serve."

Speaker Johnson, Tim: "Representative Dart, further question?"

Dart: "I had some information, and I don't know if you're aware of it, or not. You mentioned it was a Senator that brought it to your attention. But I had some information that dealt with someone on the gaming board, who also wants to be on the DuPage Airport Authority, too. Do you know whether or not that's the case?"

Speaker Johnson, Tim: "Representative Churchill."

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Churchill: "There's nothing in my notes or minutes. Obviously this Bill was... I've had my name put on this Bill because I thought it was for some other purpose and since it's not for that purpose, we're going to do this."

Speaker Johnson, Tim: "Representative Dart."

Dart: "What, pray tell, could that other purpose have been? Mr. Speaker, I'd move to have this taken off short debate and I'm joined by the appropriate number of hands and I... that's enough questions for me."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I call for the question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The main question is put. The Gentleman from Lake, Representative Churchill to close."

Churchill: "It's a simple Bill, just ask for your affirm to support, thanks."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 478 pass?' All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 voting 'yes', 9 voting 'no', and 10 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 509."

Clerk Rossi: "Senate Bill 509, a Bill for an Act Amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Gentleman from Cook, Representative Saviano."

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

Senate Bill 509 is a Bill that has four separate Bills collapsed into one. First provision, which is the original Bill that came over from the Senate, would forbid used car dealers from removing the emission testing sticker on the window, when a vehicle is sold. This would insure that the new owner would know when the expiration date on the vehicle emission testing is up. The second Bill, it establishes the Recreational Trails Trust Fund to be administered by the Department of Conservation. There's no taxes or fees are included in this Amendment, but the fund needs to be established so that federal funds authorized by the Sims National Recreational Trails Act of 1991, can be received by the state. The Department of Conservation is in agreement with this provision. The other Section of this Bill, would require that beginning January 1, 1996, every new 'all terrain' vehicle must have a certificate... certificate of title. The purpose for this, is that most ATV's are titled now, but this language makes titling a requirement so that the Department of Revenue has a way of assuring that sales tax is collected on the sale of all ATVs. All these provisions have no opposition. Have been reviewed by the Department of Conservation, the Secretary of State, and the motorcycle manufacturers. This Bill is strongly supported by the Illinois Motorcycle Dealers Association. I would ask for approval on this Bill, thank you."

Speaker Johnson, Tim: "Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Dart: "Representative, how was Amendment #1... how was that different from Amendment 2?"

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Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Representative, what we did is, Amendment #1, erroneously eliminated... erroneously eliminated the original intent of the Bill, so we had to file Amendment #2 to reinclude, Senator DeLeo's language in the Bill."

Speaker Johnson, Tim: "Representative Dart."

Dart: "There's provisions in here that will allow the department by rule, to make funds available for trails on private lands? What's that for and why are we doing that?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Well, the private funds will be deposited into the fund, for the purpose of constructing and maintaining recreational trails on federal, state, county, municipal, or private lands. The funds may also be used to construct trails, sight facilities, acquire property for trails, develop urban trail linkages, restore areas damage by usage of recreational trails, and provide for use by persons with disabilities, to comply with the 88th."

Speaker Johnson, Tim: "Further questions, Representative Dart."

Dart: "Yeah, but is there a reason why we'd be using the public money on private land, though?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Okay, if... For them to use that land, they would have to acquire it through the regular means through the courts and everything for the use by the public. Just like any other public agency that wanted to utilize private lands, they would have to go through the regular commendation procedures. Things like that. The language is in there just to connect certain public ways that may come up in a connection process."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So the land by then, would then actually be... it would be

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public land by then?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yes it would, either through acquisition or an easement process."

Speaker Johnson, Tim: "Representative Dart."

Dart: "In the formula you have here, where it says administrative expenses not to exceed 7% of the money deposited in the fund. At least 30% of the money, in the fund would be allocated for motorized recreation and at least 30% would be allocated for non-motorized recreation, where does the rest of the money go?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "It would just go to other costs associated with administering the program. Administrative expense shall not exceed 7% of the funds, that would include, personnel, thing like that. Apparently the other 20..., I think 28%, would be used just to further promote the program."

Speaker Johnson, Tim: "Representative Dart."

Dart: "It... Just that I want a couple more questions here. What... It says here that they can use the money for a list of purposes and one of the ones they can use for is, upgrading and expanding or otherwise facilitating motorized use for access to trails, predominately used by non-motorized trail users. How much of a percentage of the trails are non-motorized trail routes?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "It's pretty much a 50-50 split. And we had to put that language in there so we'd protect the pedestrians, the walkers, even the bike... the regular non-motorized bicycles."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Just... finally... On this... The provisions dealing with

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certificate of titles for 'all terrain' vehicles. It's requiring by January 1, of '96, that they all have certificate of titles. What are you doing in regards to the ATVs that are out there now, that don't have the titles? Are they going to be required to get those?"

Speaker Johnson, Tim: "Representative Saviano, you want to bring your remarks to a close."

Saviano: "They would simply 'grandfathered in'."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Washington, Representative Deering. Representative Deering."

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

Speaker Johnson, Tim: "Indicates he will."

Deering: "Representative, on the titles, what's the fee of the titles going to be?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Whatever they currently are. There's no change but most ATVs are currently titled. So whatever the current cost is... I know I have one, I think it's eight dollars or something minimal."

Speaker Johnson, Tim: "Representative Deering."

Deering: "So there's not an increase then, in the fee, okay. Why do we want to mandate the titling of ATVs?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Well, currently, approximately, 80% of these ATVs are already are titled. There's the other 20% that is falling through the cracks, we feel that since the majority of people are already paying the appropriate sales tax to the state, this would insure that it would be... level the playing field and everybody would be obligated to pay the state the due taxes due to the state."

Speaker Johnson, Tim: "Representative Deering."

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Deering: "What kind of crac... currently of the 20% that are not being titled, what kind of cracks are they falling through? Are they driving them on the highways? Are they being stolen? What, what, what are we trying to protect them from?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Pretty much, dealers who are not following the law, because there's no law in place to ensure that a titled ve... that is, a vehicle that's sold, pays the appropriate taxes. Through the certificate of title process, we will be able to trace these sales and ensure that any sales made, that the appropriate taxes are paid."

Speaker Johnson, Tim: "Representative Deering, further questions?"

Deering: "Currently, before this Bill, are dealers required to pay a sales tax on ATVs that they sell?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yes, they are required, but unless there is a certificate of title issued, there's no way that the state could ensure that those taxes have been paid."

Speaker Johnson, Tim: "Representative Deering."

Deering: "If these vehicles are then going to be titled, will they be allowed to be driven on secondary roads?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Absolutely not."

Speaker Johnson, Tim: "Representative Deering."

Deering: "I'm sorry, I...Did you say, 'absolutely'? 'Absolutely not', oh okay. I didn't hear the 'not'. Thank you, Mr. Speaker. I have no further questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Pedersen. Representative Pedersen, for what purpose do you rise?"

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Saviano to close."

Saviano: "This is a good common sense Bill. It addresses some things that we needed for some time and I certainly would ask for approval on this Bill. It's a good Bill. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 509 pass?' All those in favor vote 'aye'; those opposed 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. On this question, there are 96 voting 'yes', 16 voting 'no', 4 voting 'present'. The question, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 540."

Clerk Rossi: "Senate Bill 540, a Bill for an Act in relation to taxation of motor vehicles. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 540, as amended and approved by committee, would require that the Department of Revenue issue a refund under the Lemon Law if an auto dealer receives a car back from the consumer. This is to make sure that the refund of the sales tax is passed on to the consumer. The second portion of the Bill would amend the Sales Tax Act to include tangible personal property used to

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modify a motor vehicle for use by a disabled person or any other medical reason to the list of items that would be taxed at the 1% sales tax. I'd be glad to answer any questions and ask for a favorable Roll Call."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Dart."

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

Speaker Johnson, Tim: "Indicates he will."

Dart: "Representative, what are the...this is doing a couple of different things and it's changed a little bit after that House Amendment 1. But the primary Bill as it came over dealt with the Lemon Law. What is the changes that you have in there dealing with...in regards to collateral charges?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Sorry, Representative. Explain that or clarify that collateral charges?"

Speaker Johnson, Tim: "If you could give the Gentleman your attention. Representative Dart, you want to repeat the question for the Chamber and for the Sponsor."

Dart: "What changes have you made in regards to collateral charges and namely that...that was part of the refund to the consumer, the full price, including all collateral charges? Has this...This Bill has made changes to that and what is that?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "What this Bill does, it would require that when under the new Vehicle Buyer Protection Act, if a consumer returns a vehicle under that Act and it goes back to the manufacturer, that the dealer will now have to refund the sales tax on the vehicle returned to the consumer, then apply to the Illinois Department of Revenue to receive the

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refund of that sales tax back. As it stood before, the consumer returning a vehicle under the new Vehicle Buyer Protection Act was returning the vehicle to the manufacturer, not to the dealer. Thus the Department of Revenue was not obligated to refund that sales tax. This came as a live example in my district, so what we're trying to do is clarify this statutorily that the consumer will receive that sales tax refund."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And that really was my concern with it, that portion of the Bill was to make sure that the taxes paid by the consumer. This is to ensure that that money gets to the consumer and will get to the consumer?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Correct, Representative. In fact, the mechanism in place in order for the dealer to receive back from the Department of Revenue the sales tax refund, they must certify that they have already given that sales tax amount back to the consumer first."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Are the dealers in agreement with this provision?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "I'm not sure that there's any reason to believe that they would be opposed to it."

Speaker Johnson, Tim: "Representative Dart."

Dart: "My only concern was this. Maybe you can answer this, was if they are required to give them the money before they get the money from the Department of Revenue, is there any opposition from them based on the fact there might be a lag time between the two where they're shelling out this money and they're not certain as to when they will get money from the Department of Revenue?"

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Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Representative, when this Bill moved through the Senate, came to us here in the House, I had no one approach me that they have a problem with this. And if I could highlight, this is probably a very small number of occasions that this is going to happen. But it just so happens that it does happen, and particularly when it happens to a resident of Cullom, Illinois in my district and my Senator's district and they don't get their sales tax refund back when there is a glitch in the law, we go out and try to take care of it, Representative."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "The full service representative on duty at all hours? Another one of our Members wish to ask some questions, so I'd ask to have this removed from Short Debate right now and I'm joined by the requisite number of hands here."

Speaker Johnson, Tim: "You're recognized for that purpose."

Dart: "Thank you. I... Just one final question here. In regards to the changes you're making in regards to the modifications to the motor vehicles, why...what is necessitating that?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. As it stands right now, if one was to buy personal property used to modify motor vehicle for a disabled individual, it would fall under the full sales tax percentages that we have here in our state. What this is doing is putting it under the same provisions as one with for any other medical equipment."

Speaker Johnson, Tim: "Proceed."

Dart: "Thank you. My analysis here shows that there was a court case back in 1992. Was that the reason why we're having to do that and if so, does this comply fully with that court

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case?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Thank you, Representative, for highlighting that.

This does clarify what was the outcome of the court decision. This will put it in the statutes so that we will have it clear in the future. Yes, this is the genesis to this language."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates he will."

Hartke: "Representative Rutherford, I...it was my understanding that, normally when a constituent or a customer had a lemon car, that they would normally return that car to the dealership and the company or the manufacturer would replace that car and it was not a replacement for cash. Is that true?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "That may be one scenario to it, but if one exercise is their option or their opportunity under the New Buyer Protection Act, they can return it. The way it stands now is if they did return it, they would not be able to receive a refund on that sales tax. It was going back to the manufacturer."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "As you looked at this piece of legislation and you wrote the thing, does it go entirely through the statutes because I know this also applies to trucks as well as farm machinery and equipment, motorized also falls under the law of the lemon law. Would this same piece of legislation apply across the board?"

Speaker Johnson, Tim: "Representative Rutherford."

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Rutherford: "Representative, let me just read a portion of the Bill as we have it here. It says, 'For purposes of this Section, the tax is deemed to be erroneously paid by a retailer when a manufacturer of a motor vehicle', so however one may interpret that. A motor vehicle sold by the retailer accepts the return of that automobile and refunds to the purchaser the selling price of that vehicle as provided by the New Vehicle Buyer Protection Act."

Speaker Johnson, Tim: "Further questions? Further questions, Representative?"

Hartke: "Let me restate the question. I know you're talking about vehicles, but I've never considered a John Deere combine a real vehicle. I mean that's a piece of farm equipment and it's separate. Does this statute also apply to those farm machinery dealers and the reimbursement by the dealer to the customer if he should buy a lemon piece of farm equipment?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Representative, you bring up a good point. I hesitate to venture what the interpretation of this may be, but here we've got it in the statutes or the language saying motor vehicle under the New Motor Vehicle Buyer Protection Act. I believe that would be under the interpretation of the Department of Revenue."

Speaker Johnson, Tim: "Proceed."

Hartke: "Well, Representative Rutherford, I'm very, very leery once in a while of some of the rulings that are made and determinations by the auditors of the Department of Revenue. I would think that you could maybe hold this Bill for a little bit, maybe move it back to Second and we could add that piece of language to that. I think we're going to be here a couple of days and I think that might be a good

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idea. Would you consider that?"

Speaker Johnson, Tim: "Representative Rutherford."

Rutherford: "Well, Representative, under the recognition of the clock that we're dealing with here and the adjournment schedule, I would not be...I would not be willing to do that. I would be willing to work with you though come the Fall or Spring Session on some language that may want to clarify further what you'd like to have accomplished in it."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, Representative Rutherford, with your stature and status on your side of the aisle, I'd be...we've seen pieces of legislation that moved very fast through this Chamber, and I would think that if you went into the back room and say, 'Mr. Speaker, we got a real problem here. Could we just hold this?' and so forth and I think we could...We could probably do that in a very short period of time, probably before the week is over and I think that would be plenty of time for the Senate to take action to concur. Cause, you know, I think there's a lot of individuals over on the other Chamber who are concerned about the agriculture interests in this state, and we're trying to do it for the consumers of motor vehicles. I'm sure that we want to try for the agriculture sector as well. You represent an agriculture sector. I think you could be considered a hero to those individuals who buy a lemon as opposed to, you know, a John Deere or a Case or something like that. It would be wise on your part to consider that, so let me ask you again. Would you reconsider that suggestion that I'm giving you?"

Speaker Johnson, Tim: "Representative Rutherford, if you'd bring your comments to a close."

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Rutherford: "Well, Representative, I appreciate your recognition of the clout that I can carry with the back room back there, but there's only so many chips and points one uses up in the time that the clock has running left to them. And I agree with you that probably could well be a good idea, a good opportunity. As we look to prepare legislation come this next cycle through, I'd be glad to work with you on whatever we can do to make things better for the agriculture industry in the State of Illinois."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Pedersen."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Rutherford to close."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask for a favorable Roll Call."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 540 pass?' Those in favor vote 'aye'; opposed 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. On this question, there are 112 voting 'yes', none voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 628."

Clerk Rossi: "Senate Bill 628, a Bill for an Act concerning leases of real property. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Lady from Cook, Representative Maureen Murphy."

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Murphy, M.: "Thank you, Mr. Speaker. Senate Bill 628 is introduced at the request of the Chicago land Apartment Association and the Illinois Apartment Association. This Bill would provide that a lessee or occupant uses the leased premises for unlawful acts involving controlled substances or is charged with committing a Class X felony, subsequent probable cause is found in a judicial hearing where the alleged offenders indicted by a grand jury, the property owner may give the lessee or occupant written notice to vacate within five days. We've had much debate on this. A Bill similar to this came before the House and I'd urge your favorable consideration and I'll stand for questions."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Dart."

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

Speaker Johnson, Tim: "Indicates she will."

Dart: "Who does this apply to?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "This would apply to any lessee in an agreement between a lessor and a lessee where part of the lease had a clause that is prescribed by the federal authorities stipulating that anything that could jeopardize the lease, like your standard form, co-form, pardon me. I would like to reiterate. This would affect those people that have entered into a lease with a provision that they would not...that they would be a drug-free zone, much like we have in public housing lease forms."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Does this apply to just public housing or does it say drug-free zones? Can you clarify that?"

Speaker Johnson, Tim: "Representative Murphy."

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Murphy, M.: "The Class X penalty portion does."

Speaker Johnson, Tim: "Representative Dart."

Dart: "For just Class X felonies that...Can you just clarify, how would you just...how would it apply just to public housing for Class X felonies?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "No, it would be for public or private housing wherein, the lessee and lessor entered into...it would only be enforceable if they execute a lease addendum for a drug-free housing as promulgated by the unit state's Department of Housing/Urban Development."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So for this to apply, then these individuals have to affirmatively ahead of time enter into this agreement?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "That is correct. It's a bilateral agreement."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And this is both public and private housing of any type where there's disagreement ahead of time?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "I believe if I understood his question, it's for public or private and agreed to ahead of time. I concur with that."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "Now in regards to the offenses here, are these upon conviction of these offenses or is this if somebody is indicted or charged or in another way have the charged drawn against them? What is it, the threshold level here?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Representative, I'm sure you're familiar with the Nuisance Abatement Act, and so as it is with that Act and would be with this, would upon a...there could be a

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probable cause; upon a judicial finding of probable cause, a preliminary hearing or indicted by a grand jury."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So in other words, they just have to be charged. It does not need to be a conviction. So if an individual is charged with an offense, then they are thrown out. Is that it?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Representative, evictions are not that easy, as I'm sure you are well aware. No, they are not just simply thrown out. After they...a notice could be given at the option of the owner, so a lot of things would have to happen on a form used by the State's Attorneys Office that have most likely been the instigator of letting the owner know about the Class X felony occurring on the premises. So what would happen is the transgression or crime would occur, the State's Attorney would let the owner know. The owner would have to decide what the State's Attorney most likely, I would believe, as to what the course of action should be, so as not to cause a nuisance abatement. At that time, the owner could go and post a notice with the five day vacancy notice, and at that time if there...if they didn't vacate the apartment, they'd then have to go to eviction court and then find themselves in front of a judge."

Speaker Johnson, Tim: "Further questions, Representative Dart."

Dart: "If the indictment is quashed or if the evidence is say suppressed and the case never even gets to a trial, what is the remedy for an individual who's been evicted?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Well, there is no criminal penalty involved for the inverse logic, there is no remedy for the opposite. I

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would call to your attention, any transgressions that could have occurred under Nuisance Abatement that we are very familiar with throughout...in its current law."

Speaker Johnson, Tim: "Bring your comments to a close, Representative."

Dart: "So then under your Bill then, if the individual is... the indictment is thrown out, never even goes to a trial because the evidence is thrown out, there is no evidence, if that occurs then the individual is allowed back into the house. Is that correct?"

Speaker Johnson, Tim: "...response, Representative Murphy. Your time is expired."

Murphy, M.: "Not to my knowledge."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Lachner."

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

Speaker Johnson, Tim: "Indicates she will."

Lachner: "Representative Murphy, we discussed this Bill at length in committee and I would...think the Members of the House and I, myself, would be particularly interested to have you explain to the Members the provision in the Bill, in the Amendment, I think that was placed in the Senate, with respect to the information that's in the lease that the tenant signs. Originally I stood in opposition to this Bill, but after you explained that Amendment, I found that I could be a strong supporter of this Bill. Would you go through that again for me, please?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Yes, thank you for your attention to that, Representative. The provisions of this Section are enforceable only if the lessee or occupant and the owner, the two parties of the lease, execute a lease addendum

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agreeing to a drug-free housing. And this form has been promulgated by the United States Department of Housing and Urban Development or a substantially similar document."

Speaker Johnson, Tim: "Representative Lachner, further questions?"

Lachner: "So as I understand this, both parties, the landlord and the tenant, understand going into the lease that there is a provision in that lease that would allow for this eviction should somebody in that apartment be charged with a Class X felony."

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Yes, that is correct. And that is the best part of it. All of this negotiation, questions of certainty can be settled at the time of the lease."

Speaker Murphy, M.: "Representative Lachner. No further questions. The Chair recognizes the Gentleman from Cook, Representative Pugh."

Pugh: "Thank you."

Speaker: "Representative Pugh."

Pugh: "Yes, Sir, thank you, Mr. Chairman, Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Johnson, Tim: "Indicates that she will."

Pugh: "Representative Murphy, does this Bill restrict the due process rights of an individual once he's charged with a crime?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "No, it does not."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "With all due respect, Ma'am, I beg to differ with you. If an individual is merely charged with a crime, and he is subsequently penalized for being only charged with a crime, then his due process rights are being violated."

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Representative, let's take a case scenario. Let's say that someone who lives in the..."

Speaker Johnson, Tim: "Give the Gentleman your attention. Give Representative Pugh your attention, please. Proceed."

Pugh: "Let's say that... Let's say that an individual is renting... Pardon me? Let's say that an individual renting an apartment has a guest over who is charged with the possession of narcotics. Would that individual subsequently be in violation of this law and subsequently be thrown out on the street?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "I need to underscore, Representative, that this does not carry criminal penalties. This is not a criminal act. It is talking about if a criminal Class X transgression appears as a matter of an agreed to contract. This is about contract law with an agreement between the two parties, and we do have much of this in public housing already and the standard co-lease, if you're familiar with that does state later on in the first page that lessor...lessee shall not have unlawful acts and...in the leased premises. So all of this is hammered out at the time of lease."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "Representative, I, too, understand the necessity for a piece of legislation like this, but I submit to you, Ma'am, that this legislation is flawed due to the fact that we are charging an individual or convicting an individual or penalizing an individual just on the merits of a case where he may or may...he or she may or may not be guilty. If we work, and of course, I think that if an individual were guilty of possessing narcotics, was guilty of using narcotics or selling narcotics in a public housing or

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anywhere, that he should be penalized, but there has to be facts. And that's what our judicial system is designed to do is to weigh the facts to determine the innocent or guilt of an individual and an individual in the State of Illinois is innocent until proven guilty."

Speaker Johnson, Tim: "Representative Murphy, do you wish to respond?"

Murphy, M.: "Yes, I do. There are two different court actions that could happen, Representative, for adjudication and due process to occur. When the five day notice is posted and they end up going before a judge, they could talk about whether there was probable cause to issue the five day notice. Secondly, with regard to the State's Attorney Class X felony, that is a separate issue that would be happening. Again, we need to underscore that both parties in a bilateral agreement would agree to this transaction. This is contract law. It is something that the parties would agree to and it's something that should be hammered out in the beginning. It is not about a penalty. It is about the owner being told by the State's Attorney, the owner having the ability, because of the contract that he entered into."

Speaker Johnson, Tim: "Further questions, Representative Pugh?"

Pugh: "Yes, thank you, Mr. Speaker. If, let's say for instance that an individual was charged with a crime. He went to court and the case was thrown out. The...the Bill the way it states, it states that the renter or the owner of the property can seek damages. What if the case is thrown out? Does this Bill allow for individuals who are not found guilty to seek damages for the problems that they have incurred as a result of being a victim of this legislation, victimized by this piece of legislation?"

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Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "You cannot charge for damages to that which you have agreed to. And that is not...This is not...The option is not to go after victims, I don't know what victims you're talking about, but a cute little crack apartment, there are..."

Speaker Johnson, Tim: "The Chair recognizes the Lady from McHenry, Repre... Do you want to complete your response, Representative Murphy?"

Murphy, M.: "I did."

Speaker Johnson, Tim: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker Johnson, Tim: "If Representative Murphy wishes to respond further, then we'll do that. The five minutes had expired. Representative Murphy asked...Representative Murphy, do you wish to edify your answer?"

Murphy, M.: "Yes. Representative Pugh, I answered that. It is a matter of contract. There are no civil penalties that could be...if you had agreed to something in advance in a contract."

Pugh: "Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman...or the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker Johnson, Tim: "Indicates she will."

Hughes: "Representative Murphy, could you clarify for me what would take place in a situation where, let's say the adult male in the household were charged with a Class X felony under this law and has a wife and five children in that

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unit. What would happen under this provision?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Representative, I have seen quite a few eviction courtrooms and eviction is never easy, Representative. And when the breadwinner does not pay and you end up in eviction court, again, once the notice is posted, this will end up in an eviction court before a judge. And I've seen many a benevolent judge grant extra time for the children and the mother to vacate the premises and find some place. But again, this is agreed to in the beginning and just as when there is nonpayment, an eviction is not pleasant under any circumstances. An eviction still ends up in an eviction court."

Speaker Johnson, Tim: "Further questions?"

Hughes: "So it would be possible then that during this hearing process, the perpetrator would be evicted, but his family would be able to remain there or at least until they found appropriate housing."

Speaker Johnson, Tim: "Proceed, Representative Murphy."

Murphy, M.: "If the landlord wants to say with regard to who was on the lease form and who is entitled, many times something else happens where the drug person is on the lease and all manner of other people are there. So we'd have to straighten that out with regard to who was allowed to be taken possession of the premises, and I'm sure that's what the judge would be deciding in that eviction case."

Speaker Johnson, Tim: "Further questions? Representative Pugh, I believe out of courtesy, even though you'd had your five minutes, you wish to ask additional questions, we'll give you an additional minute on your time. Proceed."

Pugh: "Thank you, Mr. Speaker, for being so gracious. Representative, which rental units...how many rental units

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does this...does this...do you think this law will apply to?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Any number."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "When you... You stated that the typical lease agreement requires individuals to admit or submit to not being involved in any delinquent activity or any activity that's against the law. I've never seen a lease that speaks to this kind of activity. So my point is, what kind of recourse does an innocent individual...Let's say that..."

Speaker Johnson, Tim: "Keep going."

Pugh: "Let's say...Let's say that a mother has a son who is charged with a drug possession and the...and he's found innocent, but the family has been evicted from the premises. What kind of recourse does this mother of five or six children have to regain her place within her housing unit?"

Speaker Johnson, Tim: "Representative Murphy, you want to briefly respond?"

Murphy, M.: "Representative, the law already allows a landlord to void a lease if a resident is in violation of the Controlled Substance Cannabis Nuisance Act based on rebuttable presumption of guilt before any trial is concluded. This simply says that a five day notice may be given and again, this is... there will be no recourse. There will be a court of law in the eviction and there would be a court of law for the criminal activity."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Pugh, please."

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Speaker Johnson, Tim: "Your request is granted. Proceed, Representative Pugh."

Pugh: "Thank you. Thank you, Mr. Speaker and Representative Granberg. Representative Murphy, the lease that we were referring to, does it state that an individual would be responsible for relinquishing the premises within five days or does it state that it will be a thirty day period that they'll have to find additional residence?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "I...With the five day notice, a five day notice to vacate is totally different that getting out within five days. The section of the co-form that you're referring to or I believe are referring to, Representative, makes the agreement between the lessor and the lessee. It gives the lessor the option and makes the lease voidable. Now, if that action is acted upon is another item."

Speaker Johnson, Tim: "Representative Pugh, further questions?"

Pugh: "So, if the lease is voided, then what?"

Speaker Johnson, Tim: "Did you complete your question, Representative Pugh? Yea, I didn't...Representative Murphy."

Murphy, M.: "If the lease is voided, it is done by notice by posting or delivery. A five day notice is generally used and that's the five day notice we're referring to. If in five days, whatever the notice was requesting, either the occupancy of the premises or rent, if after five days that request is not granted, then the landlord goes to court for forceable eviction. Then it takes time to be on the court docket. It takes time to go to court. I've seen many people request a lawyer in court, get a continuance and so on it goes. Let me stipulate, we are very well aware of the eviction process is not an easy one and is one that is

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determined by law."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "So, if an individual receives this five day notice and he or she has no where to go, they have to quit the premises within five days, the...this allows the landlord to seek damages for the rest of the time that they're on the premises?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "No, it does not."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "So in what instance does this...the landlord have the right to seek civil damages?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "I think we would be getting under the law as pertaining to a lease and since we are...we don't have a hypothetical lease in front of us, Representative, I am not certain that I'd want to typify what could possible happen. All leases are unique while we tend to use one form or two. Again it depends on what was agreed to with regard to performance, but with regard to security deposits, an agreement that is usually hammered out, negotiated between a lessor and a lessee."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "Representative, let me read to you what your legislation states will happen regardless of the agreed upon lease. 'If a lessor or the lessor's assignee voids a contract under the provisions of this Section and a tenant or occupant has not vacated the premises...the premises within five days after the receipt or written notice to vacate the premises, the lessor or the lessee's assignee may seek relief under Article IX of this Code of Civil Procedure.' Now this states that...this states that the... If they do

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not leave in five days that you...civil damages will begin to accrue and that the landlord will be in the position where he will be able to...seek these damages. That's what the...That's the way this reads. And if that's not what your intent is, I think we should rethink this legislation and maybe amend it so that the true purpose...that I think is admirable, should be met."

Speaker Johnson, Tim: "Representative Murphy, are there any closing comments?"

Murphy, M.: "Closing comments?"

Speaker Johnson, Tim: "No, closing comments in response to the inquiry of the Gentleman."

Murphy, M.: "Oh, okay. I'm sorry. I really do not agree with you. Now in a court of eviction, many a landlord will go for simple occupancy and not for damages. Well, you asked if I did agree and I...you read it to me, and I'm saying, no, under that Section of the law, the...when they do..."

Speaker Johnson, Tim: "Do you wish to bring your remarks to a close?"

Murphy, M.: "Yes. The five day notice that we're talking about may or may well go for the possession of the premises. Now as far as any amount of money that the lessor would be going for, if the apartment has been trashed or damages have been done, that again was under the contract part of the lease that I'm not sure which lease you are referring to."

Speaker Johnson, Tim: "Representative Pugh. Representative Pugh, go ahead and proceed. We've extended you several courtesies. If you could bring your questions and comments to a close, it would be appreciated."

Pugh: "Thank you, Mr. Chairman. Your kindness will never be forgotten. Representative, under this legislation, it

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states that notwithstanding the Section that I mentioned, judgement for a cause against the plaintiff seeking possession of the premises under this Section shall not be awarded to the defendant unless the action was brought by the plaintiff in bad faith. We have a problem...How do you define bad faith? If an individual...If an individual is adjudicated innocent as a result of a faulty charge, why shouldn't they be in the position to recoup the damages that they would receive as a result of this if the landlord is going to be able to recoup civil damages? Why can't it go both ways? I think it should go both ways and if that is your intent, that's not what the Bill states."

Speaker Johnson, Tim: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. Representative Murphy to close."

Murphy M.: "Thank you. Once again we do...we are...the law already allows the landlord to void a lease if there is a controlled substance with regard to the Cannabis and Nuisance Act. This will simply allow a five day notice that was well talked about in advance during the leasing stage between the lessor and the lessee. While we talked a lot about that...that person that may be the Class X offender, why don't we think about the other residents of that apartment building, that 12, that 24 unit or a residential house on a block. We have to look at the good faith when we hear from a State's Attorney that it's

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presumed that this is a problem in this block, down this hallway. And here there will be a court that will hear the eviction, and there will later on be a court that will hear the criminal. This is not a criminal proceeding. This is simply a question of notice and it follows through with the law. It is already on the books with regard to the Controlled Substance and Cannabis Nuisance Act. Cute little crack houses are...strike fear in the hearts of families that are living in rental housing units. I would urge your 'aye' vote and I appreciate your due consideration. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 628 pass?' Those in favor vote 'aye'; opposed 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. On this question, there are 99 voting 'yes', 13 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 629."

Clerk Rossi: "Senate Bill 629, a Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Lady from McHenry, Representative Hughes. Proceed."

Hughes: "Thank you, Mr. Speaker. Senate Bill 629, as amended, amends the Illinois Protection Act to provide the three year local siting approval expiration applies... It extends the siting approval expiration from two to three years and states that it applies only to sanitary landfill operations. Adds the definition for the following terms: recyclable tire, tire carcasses, tires dry... fuel, tire, retread or tire storage unit, and excludes category of tire

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storage sites for those facilities that sell tires at retail and maintain an inventory of less than 1,300 recyclable and 1,300 tire carcasses and 1,300 used tires stored in a certain manner. It also provides for the prohibition of disposal operations except by the state at certain NSWLF sites after the date established by the US Environmental Protection Agency to provide financial assurance. This provision puts the state in compliance with federal regulations. Further, it provides for provisions concerning the rights and liabilities of holders of secured interest in underground storage, tanks and systems. This is a provision that is a mirror of proposed rules of the Federal Government and those rules...proposed rules are prefaced with a recommendation that states adopt a mirrored language. Most all of these provisions have been voted on by this House in House Bill 1089, which passed out on an overwhelming majority. I would..."

Speaker Johnson, Tim: "Do you wish to proceed?"

Hughes: "No, I would entertain questions."

Speaker Johnson, Tim: "Questions of the Sponsor. The Gentleman from Kankakee, Representative Novak."

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

Speaker Johnson, Tim: "She indicates she will."

Novak: "Yes, Representative Hughes, does this three year, the three year siting approval extension, is it my understanding that it's currently two years required by the siting law?"

Speaker Johnson, Tim: "Representative."

Hughes: "Yes, it currently is two years. That's correct."

Speaker Johnson, Tim: "Further questions, Representative Novak?"

Novak: "Yes. Can you tell me what associations or business group put this request in to have it extended and can you tell me

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why?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "National Solid Waste Management Association was a proponent of this and some engineering consulting firms are proponents of this and the reason for it is as the siting process has become more sophisticated, as the rules and regulations of the EPA have become more sophisticated, it takes a longer period of time to develop all of the the background information necessary before the IEPA can approve these permits. What this does is give them a little more flexibility, give the applicant more flexibility in getting better, longer term data, and relieve some pressure from IEPA to rush a decision to beat that two year deadline. It in no way changes any requirements that have to be met."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Thank you, Representative. Can you tell me when the last landfill was sited in Illinois and how long it took? Did it take more than...Did they...Did it take more than two years or did they get their process done before the two year time? I know it's been a long time since we've sited landfills in this state, but can you tell me when the most recent landfill was sited?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "No, I can't give you a specific time on that. I do know though that the process has become extremely complicated and demanding."

Speaker Johnson, Tim: "Representative Novak."

Novak: "You have any idea what the cost to the landfill business, what the cost it is to their entity that concerns the entire siting process? Can you give the Body an idea the extent of those costs?"

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Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I know from personal experience through hearings in my county, that the hearings alone cost anywhere from 2 to 300,000 to over a half million dollars. That's for the hearings alone and not for all the testing and all that goes forward. So, I would guess that there are some that are upwards to a million dollars."

Speaker Johnson, Tim: "Representative, further questions?"

Novak: "Yes, thank you, Representative. In the current landfill law, do we allow opposition groups to use dollars from the business entity to testify and to analyze data and other information during the hearing process? Do we allow opposition groups to use resources from landfill companies seeking to site landfills to use that to analyze data and to explain their opposition during the 7...172 siting process?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I know that...I wish you asked me some of these questions in committee, I could have practiced. I know that opposition is well represented at the hearings. I know some of the funding there is private funding. I know that the landfill applicants reimburse the county for their portion of the hearings, which is a very significant and substantial amount of money, and it is the county, or whatever the hearing body is, is representing all of its citizens: proponents - opponents, who are residents of those areas. Specifically, does the tax dollars pay for the opposition? I cannot answer that specifically. To some extent, yes, but in its entirety, I don't...I believe not."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Yes, now in your county, and you're from McHenry County."

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I see you shaking your head. Do you have a McHenry County Defenders Organization? I'm kind of familiar with that. Would they be in support of this legislation?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "I have not heard from them regarding this legislation. I think to the extent that there are opponents out there who are opposed to landfills under any situation, they would be opposed to this because they would see it as a way of enhancing the ability to achieve a permit by loosening up time restrictions."

Speaker Johnson, Tim: "If you'll bring your comments to a close, Representative Novak."

Novak: "Yes, Mr. Speaker. Thank you. I just need a few more seconds. There..."

Speaker Johnson, Tim: "Go ahead."

Novak: "Yes, according to my analysis, there's some language in here about redefining tires. Is there any language in this entire Bill about tire derived fuel?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, there is and again, this was contained in 1086, which this House passed...1089, excuse me. Tire derived fuel is redefined as meaning a product made from used tires to extract specifications of a system designed to accept a tire derived fuel as a primary or supplemental fuel source."

Novak: "Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Johnson, Tim: "Indicates she will."

Granberg: "Representative Hughes, let me just follow up on one of Representative Novak's questions. Is there any formal

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opposition to this legislation that you are aware of?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "There is not formal opposition that I am aware of. ENR, IEPA, Waste and Community Bankers are supporters of this legislation."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "The Community Bankers are in support as well? That was not in my analysis."

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is based on the hearing before the Energy and Environment Committee."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Has any other group now endorsed your legislation since the committee hearing?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Illinois Association of Environmental Service Companies."

Speaker Johnson, Tim: "Representative Granberg, further questions?"

Granberg: "And I believe you explained to Representative Novak why we're changing the time period. If I understand correctly that is because of the amount of money involved, the time delays in the process and the fact that a number of these filings are very complex of nature. Is that the rationale?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, that is the rationale and I think that there is a public interest in assuring that we do have a complete set of data and a good set of data and that it isn't rushed. That's the public both collecting the data and to have a decision made without the time constraints to do it in a quick manner. I think this provides for safety assurances

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in that it's a longer period to collect data and it's a more thorough review of that data."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So I would think, Representative, the public would be in favor of that portion of your Bill because it would provide for a greater input, greater information availability to the public. Is that your opinion as well?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That would be my opinion, yes."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, Representative, in your legislation you talk about a number of different terms. If you could just verify for this side of the aisle why we need to differentiate between a recycled tire, the tire derived fuel, the tire carcass, and the different items you define in your Bill and the reasons for them?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "These are being redefined for purposes of separation. It is also to provide for redefinition for facilities that are in the retail business so that they have more flexibility in terms of storage. It gives...It provides storage requirements for them, allowing them to store 1,300 as opposed to 100."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Representative, could you just address that point that you indicated this would help the retail community because it would allow them to store tires in different numbers and in different ways. Is that my...Is that correct?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "It allows them to have on-site a larger number to separate them in the process of moving them onward for recycling. And this would assist in allowing for abandoned

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tire sites to be cleaned up as well."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "In regard to the retail aspect, Representative, could you just give me a hypothetical on how that will actually function? So if you have a Sears store, this would enable them to store the tires in a different manner or to handle them more expeditiously?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Currently, they are limited at 250...250 tires. Under the new definitions, it would raise the limit and it would also require that they be stored inside the facility rather than outside."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Thank you, Representative. That really does clarify it, cause I didn't understand what the standard was. So current law says any...these types of retailers can hold or store up to 250 tires on the premises outside? And then this would change it to allow them to hold a greater number, but they would have to now be stored inside to compensate for the greater volume?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes."

Speaker Johnson, Tim: "Representative Granberg, bring your comments to a close."

Granberg: "Well, thank you, Representative, that certainly helps our side of the aisle, and I see no reason we should not support your legislation. Thank you very much."

Speaker Johnson, Tim: "There being no further discussion, the Lady from McHenry, Representative Hughes, to close."

Hughes: "Again, both Houses have reviewed most portions of this Bill. We've discussed thoroughly some aspects and I urge a 'yes' vote."

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Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 629 pass?' Those in favor vote 'aye'; those opposed 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. On this question, there are 114 voting 'aye', none voting 'nay' or 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 710."

Clerk Rossi: "Senate Bill 710, a Bill for an Act amending the School Code. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 710 amends the School Code. It requires that if any school receives federal safe and drug-free schools and community act monies, they must use those monies to provide violence prevention and conflict resolution education. As of 1987, the State of Illinois has received over a hundred million dollars to implement the drug-free, safe...the Drug-Free Schools and Communities Act. And last year or the year before...two years ago, the General Assembly passed a Public Act requiring that schools teach violence prevention, but they were not required to do that unless the funds neces...available. This makes the...because the Federal Government has changed the Drug-Free Schools and Communities Act to the Safe Drug-Free Schools and Communities Act, there is now money available and this Bill requires that if any school receives those federal funds, that they be used for the violence prevention and conflict resolution classes."

Speaker Johnson, Tim: "On the Bill, the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in

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support of this good Bill. We did pass legislation three years ago that will establish for us a violence prevention curriculum available to local public school districts. But changes in Washington made it impossible for us to fund the program through the use of drug-free federal dollars. The curriculums are up and running. There are schools that are taking advantage of the opportunity to help our young find better ways to solve their problems than with their fists, their knives, their guns. This new federal access will offer us a great opportunity to expand the reach of violence-free and anti-violence education in Illinois. The passage of this Bill is critical to that effort, because if we don't make the violence...anti-violence curriculum the priority, we will not find that our school districts are using these new monies for that purpose. So I rise in support of the Bill. I would like to take this Bill off Short Debate, and I believe I'm joined by the requisite number of people. I think there are some technical questions that others might have with respect to the Bill, but as a matter of public policy, and as a useful and worthwhile priority for Illinois use of these new drug-free funds, there's no question that Senate Bill 710 is the right way to go."

Speaker Johnson, Tim: "The Bill will be removed from the Order of Short Debate. The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in support of this Bill. From my own experience as a teacher for 27 years, I can attest to the effectiveness, the need first of all, of this type of curriculum that has already been established. We implemented it in the public schools in which I was teaching before I came to the General Assembly. It works.

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It can help very much in resolving many of the problems that make many of our schools unsafe today. It's a way of getting kids to relate to each other, building inter-racial, inter-gender, all types of inter-ethnic friendships and disputes settled in a peaceful way. It helps to make our school safe so that all of us who want to can send our kids to good, safe schools, as all people do, and I would urge all of us. We now have the money coming from the Federal Government. We have the curriculum set up. This should allow us to implement this all across the State of Illinois. I can't emphasize too much the importance of this. So I would definitely urge everyone, both sides of the aisle, to please vote for this Bill."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "Indicates she will."

Lang: "Representative, isn't this a mandate?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I'm sorry. I didn't hear you."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I believe the question was just a little too long. Isn't this a mandate?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "It is a mandate that was put in place two years ago by the General Assembly, but it was not required to be implemented unless there was...there were funds available. Now there are funds available."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, is this one of those mandates that local school districts can apply for waivers from?"

Speaker Johnson, Tim: "Representative Lyons."

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Lyons: "Possibly."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, so talk this through with me. You want to continue this mandate. You have a Bill to do that. The local schools can waive the mandate, or apply to waive the mandate, and when they apply to waive the mandate, after they jump all...through all these hoops, that waiver request comes right back to you and I. And then we're going to be ruling on the very same thing we're filing this Bill on today. Chances are those of us who are against local mandates for schools will turn down that...will approve that mandate reque...waiver because we don't want them to have to mandate. So why are we adding that burden on them today?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "First of all, when you apply for a mandate, you would have to...You would only get a waiver if you could prove that you could fulfill the intention of the mandate...before you could get a waiver."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, why don't you explain for me why they wouldn't be able to do that in this case?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Why they wouldn't... They'd have to prove that they could fulfill the mandate before it could be...it could receive a waiver. So they would have to prove that they can teach violence and resolution in the classroom in a different fashion."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, what you're telling me is they probably wouldn't get a waiver from this mandate. But, isn't it likely that many school districts across Illinois are going to ask for all

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kinds of waivers on all kinds of mandates and aren't we putting an additional burden on us next fall by passing this today?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, because this is a mandate that the General Assembly passed two years ago and said you did not have to implement if the funds were not available. Well, now the funds are available."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Did you vote for the mandate waiver Bill that we sent out of here earlier and that the Governor signed?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, I did."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, rather than continuing this mandate that you are going to allow local school districts to waive, why don't we do away with the mandate so that local school districts won't have to waive it, won't have to worry about it? And wouldn't that more be in line with the intent of the Bill you voted for?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Representative, do you want to talk about the Mandate Waiver Bill or this Bill?"

Speaker

Johnson, Tim: "Representative..."

Lyons: "I prefer to talk about this Bill."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I'm not sure I'm here to answer the questions. You're the Sponsor of the Bill. I'm asking you about mandates."

Speaker Johnson, Tim: "Representative..."

Lang: "You, on your side of the aisle were very intent, as matter

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of fact some on this side of the aisle, were very intent on taking these mandates away from local schools, and now you've got a Bill that deals with an additional mandate on a local school. Where are we here? Are we for these mandates or are we not for these mandates? Are we going to allow local school...Are we going to continue to put mandates on schools and then say, 'Well, come back here for waivers and we'll give them to you.'?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I have a problem with mandates, just as you do, but this is a mandate that is actually funded. There are funds available for this mandate."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well nevertheless, you say to a local school district if you get the money for this, so that yes, it would be funded, then you must do so and so with the money. Isn't that a mandate?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, yes, it is, but we're giving the schools the flexibility of how they are going to do this. One hour a day, two hours a day. We're giving them the flexibility of how they fulfill this mandate."

Speaker Johnson, Tim: "Representative Lang."

Lang: "You can say that for a thousand different mandates that they're going to come and ask waivers for. Holocaust education, black studies, the history of women, the history of the union movement in the United States of America. That applies to all of them, Representative. That's not just this one. And so I say to you, it's not giving them flexibility if you say to them they have to spend it on this. Maybe they'd rather spend it on physical education, maybe they'd rather spend it on biology, maybe they'd

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rather spend it to hire another guidance counselor. Isn't this a mandate?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "What we're saying if the schools receive these monies, that they be used for the purpose that they were intended for."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Chairman, Members of the House. Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Persico: "Representative, I recall being on the Education Committee a few years back when this Bill came before the Education Committee. And one of the concerns I had at that time was not only...was putting on a mandate without the funds available. This Bill, as it progressed though, I was fully convinced it was a much needed piece of legislation that many school districts throughout the State of Illinois were requesting. If this Bill does not pass, then the funds will not be available to implement this program throughout many of the school districts. Is that your understanding, Representative?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "That is correct."

Speaker Johnson, Tim: "Further questions, Representative?"

Persico: "Yes, Mr. Speaker. So what you're trying to do is to find the necessary funds that will allow many school districts to implement a very needed and a very much requested program. Is that correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "That is correct. It is estimated that the next fiscal year, there will be \$20,000,000 available for this

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program."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I notice from the Bill that these monies shall be applied first to the conflict resolution classes. Can you still fund drug programs such as DARE with this money?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, you can. We're leaving it up the schools how they implement both programs."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Thank you, Mr. Speaker. No further questions but to the Bill. First of all, I want to...I stand in strong support of House Bill 710. I know that many school districts in my area as well have implemented programs to deal with the conflict resolution Bill that we passed a few years back, and this will allow us to be able to fund these programs, and I urge an 'aye' vote on Senate Bill 710."

Speaker Johnson, Tim: "On the Bill, the Lady from Cook, Representative Monique Davis."

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

Speaker Johnson, Tim: "Indicates she will."

Davis, M.: "Representative, the funds that will be available, where will they be coming from?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "The Federal Government."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "And does your Bill...Is the purpose of your Bill to make certain that those federal dollars are not used for any other purpose? That the only purpose they can be used for is to teach conflict resolution?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "They'll be used for conflict resolution, but also for

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drug-free programs as well."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "A school district that didn't have problems with any conflicts or rarely they, too, would have to use those dollars for conflict resolution?"

Speaker Johnson, Tim: "Proceed, Representative."

Lyons: "They could choose...We're leaving it up to the schools how they implement the programs. It could be one hour, two hours, one hour a week, two hours a week. We're leaving it up to the schools how they implement the violence prevention...the violence resolution program."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Are we saying to school districts that do not necessarily need...They have absolutely no need for violence prevention or teaching methods for preventing violence. They have absolutely no need for that. You're saying they still will be mandated to teach that."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "A mandate to teach preventative, it's a preventative measure. What we're trying to do is prevent violence by teaching violence resolution."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "There are some schools in the State of Illinois that perhaps don't even need that. There are some schools...I mean I hear some of you talk about how ideal your school situations are and I mean it appears it would be such a waste to use those dollars for something that is totally unnecessary. If they wanted to use it for something in which their school really needed, I think we would make an error in defining that they could only use it for drug-free schools or violence prevention when they say, 'Well, at this school there's no violence anyway.'"

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Speaker Johnson, Tim: "Representative Lyons."

Lyons: "But, I would find it very hard to believe that there's any school that could not implement this program for preventative measures alone. So I disagree with you."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "You feel that there are absolutely no schools in the State of Illinois who don't need to have violence resolution taught. You're thinking that every single school in the State of Illinois, the children need to be taught conflict resolution. There's absolutely none that could do without this. Is that correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, I do think that, but this...these include the schools that are taking the money. If they're taking the money, we're asking that that money be used for this purpose."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Do you have reason to believe that some have been or plan to take the money and not use it for that purpose?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "They could be using the money right now for the drug-free program. And what we're saying now is because the Federal Government has changed the funds from the Safe Drug-Free Communities and Schools Act, that they can now use the money for the violence resolution as well."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "You're giving us two purposes for use of that money. Is that correct? Currently there's one, and you're trying to make us have two purposes. They can either teach the prevention of drug abuse or conflict resolution."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "They can use the money to tie the two together. The

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drugs and violence are tied together, and this is to show that connection. And I think any school can implement a program like that and be productive."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "May I merely conclude by saying if we fund education first and if we start to actually do what the Constitution of the State of Illinois calls for, and that's funding our schools, we may not have a need for many of, many of these other things that we're dancing and skirting around the issue on. The issue becomes that children do have conflicts when their education is not meeting their needs. There may be a need for these kinds of resolutions when children are not given enough money to have the kind of technology they need in their buildings. And I think a lot of the things that we're doing and mandating on this House floor is merely to take the spotlight off the issue that the State of Illinois stands at the 47th level in funding of education of its children. And yet we pretend to be concerned about..."

Speaker Johnson, Tim: "Please bring your comments to a close."

Davis, M.: "...and care about the children in this state. And yet we refuse to fund education."

Speaker Johnson, Tim: "There being no further discussion, the Lady from Cook, Representative Lyons, to close."

Lyons: "I would just ask my colleagues' support for this very good legislation for...to protect our children in Illinois."

Speaker Johnson, Tim: "The question is... The question is, 'Shall Senate Bill 710 pass?' Those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the recor... Take the

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record. On this question, there are 110 voting 'yes', none voting 'no', 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read... The Chair is now going to proceed to the Order of Senate Bills - Second Reading, after which we are going to return to the Order of Senate Bills - Third Reading. Inform the Body accordingly. We'll now... The Order of Senate Bills - Second Reading. Mr. Clerk, read Senate Bill 15."

Clerk Rossi: "Senate Bill 15 has been read a second time previously. No Committee Amendments, no Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read Senate Bill 20."

Clerk Rossi: "Senate Bill 20, a Bill for an Act in relation to compensation for certain State officials. Second Reading of this House (sic - Senate) Bill. No Committee Amendments, no Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read Senate Bill 55."

Clerk Rossi: "Senate Bill 55, a Bill for an Act concerning state finance and funds. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. The Fiscal Note that was requested on the Bill has been filed."

Speaker Johnson, Tim: "Third Reading. Representative Biggert in the Chair."

Speaker Biggert: "Mr. Clerk, please read Senate Bill 69."

Clerk Rossi: "Senate Bill 69, a Bill for an Act in relation to the prosecution of minors for first degree murder. Second Reading of this Senate Bill. Amendment #5 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. A Judicial Note has been requested on the Bill and has not

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been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Mr. Clerk, please read Senate Bill 79."

Clerk Rossi: "Senate Bill 79 has been read a second time previously. Amendments 1, 2 and 3 were adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The Notes that have been requested on the Bill have been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 84."

Clerk Rossi: "Senate Bill 84, a Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 93."

Clerk Rossi: "Senate Bill 93, a Bill for Act amending the University Retail Sales Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 97."

Clerk Rossi: "Senate Bill 97, a Bill for an Act amending the Illinois Aeronautics Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. The Fiscal Note that was requested on the Bill has been filed."

Speaker Biggert: "The Gentleman from Cook, Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Madam Speaker. Did the Clerk indicate that the Fiscal Note had been filed?"

Speaker Biggert: "He did. Mr. Clerk, would you read that again, please."

Clerk Rossi: "The Fiscal Note has been filed."

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Speaker Biggert: "Representative Lang."

Lang: "Madam Speaker, who filed the Fiscal Note?"

Speaker Biggert: "Mr. Clerk."

Clerk Rossi: "The Fiscal Note was filed by the Department of
Commerce and Community Affairs."

Speaker Biggert: "Representative Lang."

Lang: "Madam Speaker, I have a copy of the...what purports to be
the Fiscal Note that was filed with the Clerk and it's not
signed. Would you know who prepared this Fiscal Note?"

Speaker Biggert: "Mr. Clerk, is your Fiscal Note signed?"

Clerk Rossi: "The Fiscal Note is not signed."

Speaker Biggert: "Representative Lang."

Lang: "Madam Speaker, I believe that the rules of the statute
that regarding...regard Fiscal Notes require that they be
signed by an officer of the agency that is obligated to
file the Note. And accordingly, you don't have a proper
Fiscal Note."

Speaker Biggert: "Just a moment, Representative Lang will check
the Note. Representative Lang, the Parliamentarian would
like to know if you have a cite to that provision?"

Speaker Biggert: "Representative Lang."

Lang: "Well, I don't have the cite, but let me do you one better,
Madam Speaker, and I think you and the Parliamentarian and
the Clerk should listen carefully to what I'm about to say.
I have called the Department of Commerce and Community
Affairs. They did not prepare this Note. I asked them,
'...Did you prepare a Fiscal Note to Senate Bill 97?' They
said, 'No.' So I don't know who prepared this. but it
wasn't them and it isn't signed."

Speaker Biggert: "Okay. Mr. Clerk, Senate Bill 97 will remain on
Second Reading while we check this out. Yes,
Representative Lang."

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Lang: "Well, I think this raises an interesting point for inquiry, and I think Madam Chair is a fair-minded person. You'll agree. If the Department of Commerce and Community Affairs did not prepare this Fiscal Note, who did? I think...I think two...I think...I think two things should be...two...two inquiries are appropriate here. Who did and did they break any law by forging the Department of Commerce and Community Affairs Fiscal Note on their stationery filing with the Clerk of the House to make it look like an official Note?"

Speaker Biggert: "Representative Lang, the Bill is remaining on Second Reading and we will certainly look into it, and thank you for calling it to the attention. Mr. Clerk, please read Senate Bill 108."

Clerk Rossi: "Senate Bill 108, a Bill for an Act in relation to use and occupation taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. A Fiscal Note has been requested on the Bill as amended and has not been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Representative Lang, for what purpose do you rise?"

Lang: "Well, Madam Speaker, I think that what has happened with Senate Bill 97 calls something very important into question. And it calls into question whether any of the Fiscal Notes that have been filed here are valid. Certainly if they're unsigned, they're not valid. Certainly it calls all the Fiscal Notes into question and I would request that the Chair not send any Bill to Third Reading with a Note filed until we absolutely know who filed the Note. We don't know who filed the Note. These are phony Notes. A phony Fiscal Note was filed. How many

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more phony Fiscal Notes? Who prepared this phony Fiscal Note?"

Speaker Biggert: "Representative Lang, I said before that we are investigating into that matter. You have not given me a cite yet as to where...what requires the signature, nor have I discovered that that...nor have I discovered that that Fiscal Note was not filed by that department. Now we are checking into it, but at this point, I would like to move along. Okay, Mr. Clerk, what's the status of 108?"

Clerk Rossi: "Senate Bill 108 was held on the Order of Second Reading pending the filing of a Fiscal Note."

Speaker Biggert: "Mr. Clerk, please read Senate Bill 112."

Clerk Rossi: "Senate Bill 112, a Bill for an Act amending the Counties Code. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 130."

Clerk Rossi: "Senate Bill 130, a Bill for an Act amending the School Code. Second Reading of this Senate Bill. Committee Amendments 4, 5, 6, and 7 were adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. A Fiscal Note has been requested on the Bill and has not been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Mr. Lang, we're going to consider these Bills one at a time. If you have something on each one, we will look at it at that time. Representative Lang."

Lang: "Well, Madam Speaker, Section 50/5 of the Note Act, the last line indicates that this is to be signed by the head of the Board Commission Department Agency, this is an agency, or other entity by a responsible representative

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designated by him for the purpose...for Mr. Nemerovski's aide, this is on page 1158, the Volume I of the Statute Book. Madam Speaker, you moved Senate Bill 112 to Third Reading illegally. It's unsigned and in fact, Madam Speaker, the point I'm trying to make is for you. The point I'm trying to make for you is that even where they are signed now, where we're obviously having phony Fiscal Notes filed in violation of the Statutes of the State of Illinois. It clearly calls into question all of the Fiscal Notes, even the ones that are signed. So we would demand, Madam Speaker, that all of the Bills that went to Third Reading today be held on Second until there's a complete investigation by whoever you choose of all the Fiscal Notes."

Speaker Biggert: "Representative Lang, I said we would consider each Bill one at a time. Senate Bill 112, which you had just said moved illegally, had no requested Note and no Note on it. No Note...There was no Note requested. Representative Lang."

Lang: "Thank you. That's part of the point. Whoever is filing these phony Fiscal Notes, they're just filing them on every Bill, just to file them. That is the whole point. These are phony Fiscal Notes."

Speaker Biggert: "Representative Lang, we are looking at the Note that you called to our attention. We are taking the Bills one at a time and I don't think that you should make the overall point that these have been filed not from the agency that...had the request made of them. So, I think that that's a statement that you might regret in the future. Representative Lang."

Lang: "Madam Speaker, I appeal to you as a normal and responsible person. A normal and responsible person, you are one of

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few on that side of the aisle, okay. Now, see...I guess they're questioning that you're normal and responsible. At any rate, Madam Speaker, it must be apparent to you that there's some dirty work afoot here. It must be apparent to you that there's a problem with these Fiscal Notes. It must be apparent to you that somebody is phonying up these Fiscal Notes."

Speaker Biggert: "I have no evidence of that right now, Representative Lang. And we are looking into it. Now, we might continue. Representative Lang."

Lang: "Well, you say there's no...You say there's no evidence. I have said that on Senate Bill 97, I personally called and they didn't file it. And if the Director of that agency..."

Speaker Biggert: "Representative Lang. Representative Lang, I said that we were investigating it. Now we might move along. All right. Mr. Clerk, please read Senate Bill 133."

Clerk Rossi: "Senate Bill 133, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments have been approved for consideration. The Fiscal Note and the State Mandates Note that were requested on the Bill have been filed."

Speaker Biggert: "All right. Representative Lang, do you have a problem with these Notes?"

Lang: "Is there a Fiscal Note filed?"

Speaker Biggert: "Yes."

Lang: "Is it signed?"

Speaker Biggert: "Mr. Clerk."

Clerk Rossi: "The Fiscal Note has been filed and has been signed. The Director of the Illinois Department of Revenue, Raymond

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T. Wagner."

Speaker Biggert: "Representative Lang. Third Reading. The Gentleman from Jersey, Representative Ryder, for what purpose do you rise?"

Ryder: "Thank you, Madam Speaker. I rise to state a point of personal privilege, if I may. I rise for the reason that the process here is not at the whim of those who wish to stand and yell the loudest. The process is to proceed. Now, the slow-down tactics, the dilatory tactics are ones that we've come to expect. But when the other side stands up and questions the very essence of a piece of paper, one can only wonder how desperate they must be. What is it that it...these pieces of legislation that causes them to shudder in the very places where they stand and to raise their voices in such a loud volume? The Bills have been filed. The Notes have been requested. The Notes have been filed. There's no further inquiry necessary, nor can there be any further inquiry tolerated. Please proceed with the business of the House."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 134."

Clerk Rossi: "Senate Bill 134, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. The State Mandates Note that has been requested on the Bill has not been filed."

Speaker Biggert: "Remain on Second. Mr. Clerk, please read Senate Bill 141."

Clerk Rossi: "Senate Bill 141. A Bill for an Act amending the School Code. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for

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consideration. The fiscal note and the state mandates note that were requested on the Bill have been filed."

Speaker Biggert: "Mr. Lang, do you have any questions on these notes?"

Lang: "Well thank you, Madam Speaker, and first, my point of personal privilege. Despite the hysteria of the Majority Party in being concerned about how we proceed on this side of the aisle, let me say that the people of our state have an interest in having all of the laws in statutes filed...followed, even the ones on fiscal notes of which they know nothing, only we do. And so we have a responsibility on both sides of the aisle to make sure the process is subverted by fraud, and we believe that there are at least two fiscal notes that we have related to already here, that were fraudulently filed. I'm wondering what the Speaker will do if we determine that that note was not filed by the Department of Commerce and Community Affairs. What will you do then, Madam Speaker?"

Speaker Biggert: "Mr. Lang, we are investigating it now and then depending on what happens, I will make that determination. I thank you for calling it to my attention and we are investigating. Third Reading. Mr. Clerk, please read Senate Bill 150."

Clerk Rossi: "Senate Bill 150. A Bill for an Act amending the School Code. Second Reading of this Senate Bill. Amendment #4 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The fiscal note and the state mandates note that were requested on the Bill have been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 169."

Clerk Rossi: "Senate Bill 169. A Bill for an Act concerning

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counties. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The fiscal note that was requested on the Bill, as amended, has been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 180."

Clerk Rossi: "Senate Bill 180. A Bill for an Act amending the Counties Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. The fiscal note and the state mandates note that were requested on the Bill have not been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Mr. Clerk, please read Senate Bill 182."

Clerk Rossi: "Senate Bill 182. A Bill for an Act amending the Public Utilities Act. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The fiscal note that was requested on the Bill has not been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Representative Lang, for what purpose do you rise?"

Lang: "On Senate Bill 182, as amended...in fact a fiscal note was filed with the Clerk on May 11 at 3:00, but it's unsigned. It's another phony fiscal note. Maybe only we get the phony ones."

Speaker Biggert: "Mr. Clerk, do you have a copy of a fiscal note on Senate Bill 182? Mr. Clerk, do you have a copy of the fiscal note?"

Clerk Rossi: "I do not have a copy of the fiscal note."

Speaker Biggert: "The Bill will remain on Second Reading. Senate

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Bill 192. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 192. A Bill for an Act amending the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 205."

Clerk Rossi: "Senate Bill 205. A Bill for an Act amending the Illinois Municipal Code. Second Reading of this Senate Bill. No Committee Amendments. No Committee Amendments. No Floor Amendments. The home rule note that was requested on the Bill has not been filed."

Speaker Biggert: "Mr. Clerk, could you repeat that please? I can not hear it."

Clerk Rossi: "The home rule note that was requested on the Bill has not been filed."

Speaker Biggert: "Alright. Okay. Representative Lang, for what purpose do you rise?"

Lang: "Well, Madam Speaker. Madam Speaker, despite the fact that the home rule note may not have been filed, I think I should report to the Speaker and to the Ladies and Gentlemen of the House that on this Bill, we have another phony fiscal note purported to be from DECA and a phony fiscal note...the state mandates note from DECA which is also phony because it's unsigned. So that is two more. We are up to at least five, at least five."

Speaker Biggert: "Representative Lang, thank you again. It's very hard for me to hear the Clerk, and I'm right behind him, with the noise. I would like to know whether these notes have been filed or not. So I would appreciate... I will recognize you if you have an objection. But I would appreciate if you and your colleagues could tone it down so I could hear so that I can answer you. I would appreciate

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also, if you would provide us with a copy of those notes so that we can do an investigation. Representative Lang."

Lang: "Well, Madam Speaker, some things must be said about what you've just said. First of all, the Members on my side of the aisle are angry because they are shocked and appalled at these phony fiscal notes. Secondly..."

Speaker Biggert: "Are they outraged, too?"

Lang: "Secondly, let me say in all seriousness, that it is not our responsibility as the Minority Members here to provide you with the fiscal notes from departments and agencies of this state that are on your side of the aisle. However, in the interest of truth and justice, we will provide you with as much documentation as we have."

Speaker Biggert: "Let's see. Senate Bill 205 will remain on Second Reading. Mr. Clerk, please read House Bill...or Senate Bill 217."

Clerk Rossi: "Senate Bill 217. A Bill for an Act relating to a medicaid cost saving and suggestion awards program. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A fiscal note has been requested on the Bill and has not been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Mr. Clerk, please read Senate Bill 231."

Clerk Rossi: "Senate Bill 231. A Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The fiscal note and the state mandates note that were requested on the Bill have been filed."

Speaker Biggert: "Representative Lang."

Lang: "Well, Madam Speaker, did the Clerk indicate that the

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fiscal note had been filed?"

Speaker Biggert: "You couldn't hear him? Mr. Clerk, please repeat."

Clerk Rossi: "Senate Bill 231 was read a second time previously. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration. The fiscal note and the state mandates note that were requested on the Bill have been filed."

Speaker Biggert: "Representative Lang, for what purpose do you rise?"

Lang: "Madam Speaker, I just have to say it again and I'm probably joined by hoards of my colleagues. Phony note not signed, not signed. Who prepared this note, Madam Speaker? Madam Speaker, in all seriousness, are you investigating all of these or just Senate Bill 97?"

Speaker Biggert: "All of the ones I have kept on Second Reading, because you said that they are unsigned. We are investigating. So Senate Bill 231 will remain on Second Reading. Was the note signed?"

Clerk Rossi: "The notes are not signed."

Speaker Biggert: "The Bill will remain on Second Reading. Representative Lang, for what purpose do you rise?"

Lang: "Well, Madam Speaker, you seem to indicate that my only problem with these notes is that they were unsigned. That is not my problem with these notes. My problem with these notes is, I think they are phonies and so I think that we ought to not only be getting someone down here to sign them. It will satisfy you. I think our side of the aisle demands an investigation as to who has filed these phony notes. Have state documents been forged?"

Speaker Biggert: "Representative Lang, we are investigating. Mr. Clerk, please read Senate Bill 246."

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Clerk McLennand: "Senate Bill #246. A Bill for an Act that amends the Illinois Public Labor Relations Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments approved for consideration. Fiscal note request...had been requested by Representative Lang has been withdrawn by Representative Lang."

Speaker Biggert: "Third Reading. Representative Hartke, for what purpose do you rise?"

Hartke: "Now, just tell me, how in the world can you move a Bill from Second to Third if we have got a fiscal note that is unsigned? We don't know if it's phony or true or what. The law requires that a fiscal note be filed. Now, I would think that it would be..."

Speaker Biggert: "Representative..."

Hartke: "I would think that we would have to have some certification or something by a signature that it is real, true and an honest fiscal note."

Speaker Biggert: "Representative Hartke, to which note...or to which Bill are you referring?"

Hartke: "To move to Third."

Speaker Biggert: "The Bill that I just moved to Third Reading. The note request had been withdrawn. The Bill before that, Senate Bill 231, I said would remain on Second Reading. I did not move it to Third. Mr. Clerk, please read Senate Bill 265."

Clerk McLennand: "Senate Bill #265. A Bill for an Act that amends the Public Building Commission Act. Second Reading of this Senate Bill. Committee Amendment #4 was adopted. No Floor Amendments approved for consideration. Fiscal note, state mandates note that has been requested has not been filed."

Speaker Biggert: "The Bill will remain on Second Reading. Mr.

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Clerk, please read Senate Bill 274."

Clerk McLennand: "Senate Bill #274. A Bill for an Act that amends the court...Circuit Court's Act. Committee Amendment #1 was adopted. No Floor Amendments have been approved for consideration. The fiscal note and judicial note requested on the Bill have been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 276."

Clerk McLennand: "Senate Bill #276. A Bill for an Act in relation to alternate fuel. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. Fiscal note has been requested on the Bill has been filed and the state mandates note that has been requested on the Bill has been filed as well."

Speaker Biggert: "Representative Lang, for what purpose do you rise?"

Lang: "Madam Speaker. Madam Speaker. Madam Speaker."

Speaker Biggert: "Yes, Representative Lang."

Lang: "Madam Speaker, can you hear me? Can you hear me?"

Speaker Biggert: "Yes, I can."

Lang: "I've been accused of being too loud, but we have another phony fiscal note here. It's not signed. The policeman up there is watching your every move, Madam Speaker. The note is not signed. This is a violation of the law, Madam Speaker."

Speaker Biggert: "The Bill will remain on Second Reading."

Lang: "Are you..."

Speaker Biggert: "Mr. Clerk, please read Senate Bill 287."

Clerk McLennand: "Senate Bill #287. A Bill for an Act concerning State Universities Retirement System Board of Trustees. Second Reading of this Senate Bill. Pension impact note that has been requested has been filed and the fiscal note

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that has been requested on the Bill has been filed as well."

Speaker Biggert: "Third Reading. Senate Bill 301. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #301. A Bill for an Act that amends the State Employee's Group Insurance Act of 1971. Second Reading of this Senate Bill. Committee Amendment 2 has been adopted and distributed. No Floor Amendments approved for consideration. The fiscal note has been requested on the Bill, as amended, and has been filed."

Speaker Biggert: "Third Reading. Representative Lang, for what purpose do you rise?"

Lang: "Well, thank you. This fiscal note seems to have been signed by the legislative liaison. I'm just...want to get a ruling from the Parliamentarian as to whether a legislative liaison can do that legally under the statute. Of course, you know, we are very concerned about following the law on fiscal notes on this side of the aisle and we just want to make sure this comports with the statute."

Speaker Biggert: "The Parliamentarian has informed me that that is appropriate under the section that you have stated. Representative Lang."

Lang: "Would that be the same Parliamentarian who five minutes ago, did not know that they had to be signed in the first place?"

Speaker Biggert: "The very same. Representative Lang."

Lang: "Thank you. Has... Do we know that the Director of the Department of Insurance has authorized 'Mr. McAndrew' to sign this document on his behalf?"

Speaker Biggert: "Well maybe when we have signature digitalization, we can have the signatures to match up. Representative Lang."

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Lang: "Well, Madam Speaker, we are entitled to have the statute followed. The statute says...the last line says, 'or by a responsible representative designated by him for that purpose', and unless we have a document filed by the director of the Department of Insurance authorizing Mr. McAndrew to sign this note, it is another phony note."

Speaker Biggert: "Under the doctrine of apparent agency, I think that would apply. So the Parliamentarian has ruled... Third Reading. Mr. Clerk, please read Senate Bill 326."

Clerk McLennand: "Senate Bill #326. A Bill for an Act that amends the Property Tax Code. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. No Floor Amendments have been approved for consideration. The fiscal note and state mandates note have been requested on the Bill, as amended, and they have been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 336."

Clerk McLennand: "Senate Bill #336. A Bill for an Act to create the Department of Natural Resources. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. Fiscal note that has been requested on the Bill has been filed."

Speaker Biggert: "Representative Lang, for what purpose do you rise?"

Lang: "Well thank you. My crack staff has once again determined that on Senate Bill 326, the previous Bill, which you moved to Third Reading. We think you did that illegally, Madam Speaker, because the note is unsigned. It's another phony note, and we would like you to move this back to Second Reading."

Speaker Biggert: "Since you asked so nicely, Mr. Clerk, please

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return Senate Bill 326 to Second Reading. Senate Bill 336 - Third Reading. Mr. Clerk, what is the status of Senate Bill 326?"

Clerk McLennand: "Senate Bill #326 is now being held on the order of Second Reading."

Speaker Biggert: "Thank you. Senate Bill 345. Mr. Clerk, please read Senate Bill 345."

Clerk McLennand: "Senate Bill #345. A Bill for an Act that amends the Motor Fuel Tax Law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A fiscal note and state mandates note have been requested on the Bill and they have been filed."

Speaker Biggert: "Representative Lang, for what purpose do you rise?"

Lang: "Madam Speaker, your voice cracked for a moment there. I know this has been difficult for you. Madam Speaker, I have before me the proposed legal fiscal note on Senate Bill 345. Unfortunately, Madam Speaker, it is unsigned and therefore, it is a phony note. And so, we would like this Bill held on the order of Second Reading, and while I'm at it, most of these notes that have been phony have been from DECA. Somebody up there ought to figure out what the rules are here."

Speaker Biggert: "Mr. Clerk, please hold Senate Bill 345 on Second Reading. Mr. Clerk, please read Senate Bill 349."

Clerk McLennand: "Senate Bill #349. A Bill for an Act in relation to real estate. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments approved for consideration. The fiscal note that has been requested on the Bill has been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, please read Senate Bill 354. Senate Bill 354."

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Clerk McLennand: "Senate Bill #354. A Bill for an Act in relation to grievance procedures in employment. Second Reading of this Senate Bill. Committee Amendments #1 and 3 have been adopted. No Floor Amendments approved for consideration. A fiscal note has been requested and has not been filed."

Speaker Biggert: "Senate Bill 354 will remain on Second Reading. Mr. Clerk, please read Senate Bill 368."

Clerk McLennand: "Senate Bill #368. A Bill for an Act concerning property tax assessments. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. No Floor Amendments have been approved for consideration. Fiscal note has been requested on the Bill, as amended, and has been filed."

Speaker Biggert: "Third Reading. Representative Lang, for what purpose do you rise?"

Lang: "Thank you. Those of us who care about filing proper fiscal notes on this side of the aisle would like to congratulate the Director of the Department of Revenue for signing his fiscal note."

Speaker Biggert: "Mr. Clerk, please read Senate Bill 387."

Clerk Rossi: "Senate Bill 387. A Bill for an Act concerning government administration. Second Reading of this Senate Bill. Amendment #1, 2 and 3 were adopted in Committee. A Motion has been filed by Representative Lang to table Amendment #3. A state mandates note and a home rule note have been requested on the Bill and have not been filed."

Speaker Biggert: "Representative Kubik, for what purpose do you rise?"

Kubik: "Nothing."

Speaker Biggert: "The Bill will remain on Second Reading. Mr. Clerk, please read Senate Bill 412."

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Clerk Rossi: "Senate Bill 412. A Bill for an Act for the conveyance of certain real property. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The note requests on the Bill have been withdrawn."

Speaker Biggert: "Third Reading. Representative Lang, for what purpose do you rise?"

Lang: "It's withdrawn. It's okay."

Speaker Biggert: "Mr. Clerk, please read Senate Bill 416."

Clerk Rossi: "Senate Bill 416. A Bill for an Act relating to education. Second Reading of this Senate Bill. No Committee Amendments. Amendment #1 was tabled in Committee. No Floor Amendments have been approved for consideration."

Speaker Biggert: "Third Reading. Representative Brunsvold, for what reason do you rise?"

Brunsvold: "Madam Speaker, what is the status of 416?"

Speaker Biggert: "Mr. Clerk, what is the status of Senate Bill 416?"

Clerk Rossi: "Senate Bill 416 was moved to Third Reading."

Speaker Biggert: "Mr. Clerk, please return Senate Bill 416 to Second Reading. Mr. Clerk, please read Senate Bill... Representative Brunsvold, I didn't mean to cut you off."

Brunsvold: "Thank you, Madam Chairman. I would request a Democratic conference immediately. Room 118."

Speaker Biggert: "How much time do you need, Representative?"

Brunsvold: "An hour."

Speaker Biggert: "The Democrats will caucus in Room 118 for approximately one hour. Representative Leitch, for what purpose do you rise?"

Leitch: "Thank you, Madam Speaker. The Republicans would request

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a conference in Room 114 as well."

Speaker Biggert: "Alright. Thank you. The Republicans will conference in Room 114 for approximately one hour. The House will stand at recess until 6:15."

Speaker Daniels: "Will the House please come to order? Members be in their chairs. Representative Lang has raised a question regarding fiscal notes and the propriety of several fiscal notes that have been filed. Representative Lang, you are correct. There were several notes that are irregular and apparently, improper. This has required investigation by the Speaker's Office and the Clerk's Office which will be conducted this evening. Tomorrow morning, we'll be in a position to answer the questions as to how many we think its limited and scoped very limited in nature. We will make sure that the appropriate action is taken and report to you in the morning. In the meantime, the House... Representative Churchill now moves that the House stands adjourned. There will be no questions. We will answer that tomorrow morning when we have all the facts available to us. Representative Lang."

Lang: "Thank you for acknowledging me, Sir, and I thank you for your agreement to investigate these notes. I would just simply request that a member of our staff be allowed at this investigation. So..."

Speaker Daniels: "You have the assistant Clerk who will be reviewing it with the Clerk. We will report to you tomorrow morning. I think you will find that...you will find that... Mr. Rossi has total confidence in the Republican side of the aisle. Representative Churchill now moves that the House stand adjourned until 9:00 a.m. tomorrow morning. Allowing perfunctory time for the Clerk, all those in favor signify by saying 'aye'; opposed 'no'.

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The 'ayes' have it. The House now stands adjourned until 9:00 a.m., May 19, 1995, allowing perfunctory time for the Clerk. Thank you."

Clerk Rossi: "The House Perfunctory Session will come to order. Messages from the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills together with the attached Amendments and ask concurrence of the House in said Amendments: House Bill 5 - Amendments 1 and 2, House Bill 122 - Amendment 1, House Bill 160 - Amendment 1, House Bill 175 - Amendment 1, House Bill 589 - Amendment 1, House Bill 597 - Amendment 1, House Bill 653 - Amendment 1 and 2, House Bill 731 - Amendment 1, House Bill 741 - Amendment 1, House Bill 797 - Amendment 1, passed the Senate, as amended, May 18, 1995. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills with the following titles: House Bill 859. A Bill for an Act to amend the Municipal Code, together with Senate Amendments 1 and 2. House Bill 1023. A Bill for an Act in relation to rights and remedies, together with Senate Amendment #1. House Bill 1093. A Bill for an Act to amend the Wildlife Code, together with Senate Amendment #1. House Bill 1363. A Bill for an Act to amend the Illinois Public Aid Code, together with Senate Amendments 1, 2 and 3. House Bill 1459. A Bill for an Act to amend the School Code, together with attached Amendment - Senate Amendment #1. House Bill 1498. A Bill for an Act concerning ethics, together with Senate Amendment #1. House Bill 1696. A Bill for an Act concerning collegiate license plates, together with Senate Amendment #2. House

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Bill 1816. A Bill for an Act to amend the Criminal Code of 1961, together with Senate Amendment #1. House Bill 1825. A Bill for an Act to amend the Election Code, together with Senate Amendment #1. House Bill 1891. A Bill for an Act concerning support, together with Senate Amendment #1. House Bill 1910. A Bill for an Act concerning guardianship and advocacy, together with Senate Amendment #1. House Bill 2317. A Bill for an Act to amend the Criminal Code of 1961, together with Senate Amendment #1. Being no further business, the House Perfunctory Session will stand adjourned."

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