

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

63rd Legislative Day

May 19, 1995

Speaker Daniels: "The House will be in order. The Members will be in their chairs. Speaker Daniels in the Chair. The Chaplain for the day is the Reverend Anthony Danhelka of the Riverwoods Christian Center in St. Charles, Illinois. Reverend Danhelka is the guest of Representative Tom Johnson. Guests in the gallery may wish to rise for the invocation. Reverend Danhelka."

Reverend Anthony Danhelka: "Let us pray. Our Father, we pause here to recognize Your presence with us in this great Assembly here this morning. We thank You that your compassion, your mercy and your forgiveness is new with us everyday. As we step into these final days of this Session, God, we continue to call to You to grant wisdom. Refresh our hearts as often the hours have gone long. Renew our zeal to serve the people of the State of Illinois and grant us the wisdom to see the dignity and the worth of each individual citizen of this great state. Help us to understand as much as we would like to be understood. You alone are God and we humbly praise You here this morning. Thank you, for the legacy that we will leave behind of the 89th General Assembly. In the name of Jesus Christ our Lord we pray. Amen."

Speaker Daniels: "Thank you, Reverend. We'll be led in the Pledge of Allegiance by Representative Mike Weaver."

Weaver - 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 Daniels: "Roll Call for Attendance. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Please let the record show that

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Representative Martinez is excused today."

Speaker Daniels: "The Journal will so indicate. Representative Cross."

Cross: "Thank you, Mr. Speaker. Pleased to report we're all here this morning. Thank you."

Speaker Daniels: "Thank you. Mr. Clerk, take the record. There are 118 Members answering the Roll and a Quorum is present. The House will come to order. Yesterday the Democratic Caucus questioned the propriety of several fiscal notes. At my direction the Clerk and his staff in conjunction with House Republican research staff, conducted a review of all appropriate files. As a result of these investigations 36 fiscal notes were identified as unauthorized. Various technical flaws including the lack of required signatures were discovered in other notes. The Assistant Clerk as well as legal counsel to the Minority Leader was apprised of the Clerk's findings and presented with a complete listing of all Bills for which unauthorized notes were filed. A legal review of Statutory and House Rule requirements was also conducted by my staff. Based upon these investigations I have concluded that there have been no violations of the Fiscal Note Act or House Rules. The unauthorized fiscal notes, all of which were filed with respect to Senate Bills, were not required under the Fiscal Note Act because either; (1) the House of Representatives was not the House of introductions in accordance with the appropriate statutory law; or (2) in the case of those Bills amended in the House, no appropriate or timely Motion requesting a fiscal note was adopted in accordance with appropriate statutory law. Consequently there were no violations of the Fiscal Note Act or House Rules stemming from the 36 unauthorized notes. However, the long-standing

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courtesy of the House has been to honor fiscal note request for Senate Bills. This practice permits House Members to be fully apprised of the fiscal impact of a Bill prior to voting on Third Reading. I have determined the following actions have been or will be taken in response to this matter. 1) Any unauthorized or technically flawed notes will be filed with respect to Senate Bills that remain on Second or Third Reading and be replaced in the form required before those Bills are advanced. And 2) the Clerk, in cooperation with the Assistant Clerk, will institute new procedures to insure compliance with all Note Acts and long-standing practices of the House. I personally regret this incident has occurred. As Speaker of the House I take full responsibility for the operations of this House and want to apologize for the Members of the House for the actions that have occurred. We ensure each and every Member of this House that from this day forward all actions will be taken to ensure the integrity of every fiscal note request and fiscal note filed. That concludes the matter. Are there any questions? Representative Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House. Our view of this matter is greatly different than what you had just stated. I wish to read a letter which is addressed to you from me and will be given to you very shortly. Dear Speaker Daniels, I write to demand a thorough investigation into the fraud that has been perpetrated against the Members of the House of Representatives and all Illinois citizens. Concerning the preparation and filing of fiscal and other notes during your brief tenure as Speaker. Specifically, it has come to our attention that Members of your staff have prepared fraudulent fiscal and other notes

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and caused these fraudulent notes to be filed with the House Clerk. In particular, your staff has falsified fiscal and other notes to make it appear that the notes were prepared by the Executive Branch, when, in fact, they were prepared by your staff in total disregard of the requirements of the statutes. We call upon you to determine the scope of this fraud, the identity of all persons who perpetrated or had knowledge of this fraud and to immediately terminate any such employee. We further call upon you to institute immediate disciplinary proceedings against any Legislator who committed malfeasance by participating in or having knowledge of this fraud. A review of our records indicates that this fraudulent practice has been occurring throughout this legislative Session and involves both House and Senate Bills. The Bills that are tainted by this fraud are as follows and they are listed in this letter. In addition, our investigation into this matter has divulged hundreds of other Bills to which improper and insufficient fiscal and other notes have been filed, in violation of state law. For example, Section 5 of the Fiscal Note Act and Section 8(b)2 of the State Mandates Act by reference specifically require fiscal and state mandate notes to contain the name of the agency preparing the note and to be signed by the head of that agency or his or her designee. This Session, hundreds of such Bills with improper notes, either have been passed by the House or are still pending on the daily Calendar despite the fact that the clear and unambiguous terms of the statutes have been ignored, and those Bills are cited in the letter, close to 150. In order to fully investigate the extent of the fraud perpetrated in this regard I specifically request that you publicly disclose

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the name of each staff person responsible for analyzing each of these Bills and the name of each such employees immediate supervisor. Upon information and belief I understand that you intend to hold one young staff person, Mr. Edward Peck, responsible for this fraud and terminate his employment. Mr. Peck is a member of your research appropriations staff, is under the direct supervision of Mona Martin, the director of that staff. Ms. Martin reports to your Chief of Staff, Michael Stokey, who of course reports directly to you. The sheer number of Bills tainted clearly indicates a pattern of fraud, perpetrated by more than one young staff person. Accordingly, senior staff must be held accountable for this action. Ultimate responsibility, however, must rest with you as Speaker and as their employer. Moreover, several of these Bills have already been passed both Houses of the General Assembly and been sent to the Governor. Prior to being sent to the Governor you signed each of these Bills certifying that all of the procedural requirements concerning the passage of those Bills had been satisfied. You now have personal knowledge that, in fact, the procedural requirements concerning the passage of Senate Bill 66, 116, 226, 239 and 298 were not met. In addition, you have reason to suspect that the procedure requirements concerning the passage of House Bill 204, which has already become law, were also not met. As a result, your certification of these Bills was erroneous. More importantly, the fraudulent preparation and filing of these notes deprive the Members, both Democrats and Republican, of the information necessary to conduct an honest and open debate regarding these Bills, accordingly. Please forward the enclosed letters, which I have taken the liberty of having drafted for you to the

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Governor, to resend your certification of these Bills. In addition, I call upon you to take the following corrective actions: (1) Call for a vote on a Resolution which I have filed today, calling for the appointment of a special counsel to investigate this matter and report back to the House no later than August 1, 1995; (2) notify the Sangamon County States Attorney and the United States Attorney for the Central District of Illinois for investigation and prosecution of those responsible for this fraudulent scheme; (3) call for a vote on an Amendment which I have filed today, imposing criminal penalties on those who defraud the Legislature and the citizens by preparing fraudulent fiscal and other notes; (4) cause to be filed and ultimately voted upon Motions to reconsider the vote on all Bills which have passed the House and have not yet been sent to the Governor; (5) return all Senate Bills listed on the Daily Calendar to the Order of Third Reading to the Order of Second Reading until such time as the proper notes have been prepared and filed; (6) hold all Bills listed on the Daily Calendar on the Order of Second Reading on that Order of Business until such time as proper notes have been filed with the Clerk; and, (7) apportion responsibility for this fraudulent scheme upon those in positions of accountability and do not make a scapegoat of one young low level staff person. Mr. Speaker, that is our position, we expect compliance with that, Sir."

Speaker Daniels: "Further discussion? Being none, let's move forward. We will now proceed to the Order of Senate Bills, Third Reading. Representative Madigan."

Madigan: "We request an immediate Democratic Caucus."

Speaker Daniels: "Request will be honored. How long do you

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need?"

Madigan: "We simply don't know, Mr. Speaker."

Speaker Daniels: "We'll grant that for one hour. We'll reconvene in one hour, the hour of 10:30 in this chambers. Democratic Caucus is granted. House Republicans will meet in Room 114."

Speaker Churchill: "The House will come to order. We will now proceed to the Order of Senate Bills, Third Reading. For what purpose does the Gentleman from Cook, Representative Lang, arise?"

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution #49 has been filed. Appropriate Motions have been filed and we hereby move, joined by the appropriate number of people on our side of the aisle, to go to House Resolution 49. If it's been assigned to the Rules Committee, there's also a Motion on file to discharge the Rules Committee and ask for Roll Call Votes if the Chair decides not to go to these orders."

Speaker Churchill: "That's a fine...that's a fine Motion, Representative Lang. Unfortunately, the Resolution has not been filed with the Clerk yet. You're a little early. Filed but not introduced, I'm sorry. Representative Lang."

Lang: "Well, it's been given a number by the Clerk, House Resolution 49 has been introduced and it is with the Clerk and this House Resolution 49 is a 2 and a 1/2 page Resolution that embodies the request of the Minority Leader that he made earlier regarding the appointment of a special counsel and the other items that he indicated. This is very important business before the House. Certainly the respect that we all have for this Body and the respect that we want the public and State of Illinois to have for the Illinois House of Representatives is so important that this

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business should supersede any other business before us, Sir. Moving Bills on Third Reading when the integrity of the House of Representatives is at stake, it seems to be that it would be an embarrassment to the process, and so all of us on this side of the aisle stand for trying to uphold the integrity of the House of Representatives. House Resolution 49 would begin to do that and we would make a request that the Majority Party join us in an effort to get to the bottom of this problem, to have a special counsel appointed to look into this further and again we move to go to this order immediately, Sir."

Speaker Churchill: "Representative Lang, it is the Chair's intention to follow the rules of the House and the laws of the State of Illinois, and we cannot go to an Order of Business when the Bill has not been introduced properly and assigned properly. So, you are ahead of the ball game and you're asking us to break the law and break our rules to consider your Motion. Representative Lang. Representative Lang."

Lang: "Thank you, Mr. Speaker. I don't think any of us on this side of the aisle know what the heck you're talking about. House Resolution 49 has a number on it. It wasn't given a number by us, we don't phoney up the Resolutions, Sir. So House Resolution 49 has a number. Why don't we have an inquiry of the Clerk as to whether this has been introduced, Sir?"

Speaker Churchill: "Mr. Clerk, has that Resolution been introduced and read a first time?"

Clerk McLennand: "Under House Rule 4-4 No.5, the Resolution has not presented to the House yet."

Speaker Churchill: "Mr. Lang."

Lang: "Well, then we would request that we recess so that the

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Clerk can read this into record, so that we can deal with the Resolution that deals with a very important matter, which is the honesty and integrity of the Illinois House of Representatives. There can't be anything more important in this Body today than dealing with this important issue. And so...so we would move to recess the House and to put our House into Perfunctory Session so the Clerk can appropriately read the document, Sir."

Speaker Churchill: "Representative Lang, please reduce that Motion to writing and present it at the well. In the meantime, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Well, Mr. Speaker, we don't believe that, that Motion has to be reduced to writing, and feel as though that if, if we would like to have an open Body, which we believe is vitally important, that we can just go to this. Why...why debate this? Let's have a Roll Call on whether we can immediately consider this or go to Perfunctory Session. If you're serious about getting to the bottom of this, you're going to do it. Join with us, this side of the aisle can join with us. Let's not have the...make us make the partisan statements. Let's look at what's really going on here, let's move the Resolution forward. Otherwise we're going to have to...because I think it is our obligation to the taxpayers of this state. We're going to have to stand up time and time again to continually ask that this Resolution be heard. Let's just go to it, get it over with, let's have a vote and get moving on with the investigation of what's going on with these phoney fiscal notes."

Speaker Churchill: "Further discussion? The Gentleman from Jersey, Representative Ryder."

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Ryder: "Mr. Speaker, I rise on the Motion or Motions that have been suggested by the other side. By my last count there are four that have been made. The Chair has indicated, the Speaker has indicated, a request to comply by making a Motion in writing. That is not unreasonable and, in fact, it is appropriate. In addition because of allegations of problems with procedure we are now being asked to abrogate procedure by immediately going to a Resolution when the promoter of the Resolution realizes that the appropriate fashion is for it to be read before the House. It immediately goes to Rules Committee and that person is asking for us to discharge a Committee that hasn't even had an opportunity to deal with the issue. Now I don't suggest that my words are going to satisfy either the maker of the Motion or those that are speaking for it, but I do find it ironic that you're asking us to abrogate the rules in order to sustain the rules because it fits your purposes for this morning. I find this situation as difficult as every other Member in the House, but you don't solve a problem by saying, we're going to disrupt other rules because of allegations of rules being disrupted. Otherwise, the rules mean nothing and I'm certain that none of the Speakers previous to me would have us believe that the rules mean nothing. Let us follow the rules of the House in this situation. In the event that the results are not as you wish I rest confident that you will remind us of it as we proceed through the business of the House today. Mr. Speaker."

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

Currie: "Thank you, Speaker and Members of the House. Of course for the introduction of House Resolution 49 was the failure

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of people under the control of the current Speaker of this House to follow, not only the rules of this Chamber but the statute. I don't know what the deal is. We've introduced Resolutions in the past, I don't see in the rules a place where it said that the Clerk must read them in their entirety before the Chamber. If that is, I just don't see a reference in our rules that specify that, but if that is essential, go ahead and read it. We can stay here, we don't need to go into recess in order for you to read that Resolution. The point of the matter is, that you ought to welcome this opportunity to clear the air and clear the name of this institution. We are asking for the appointment of a special counsel, we're leaving the question of nominating a special counsel up to the Attorney General of the state, Republican Jim Ryan. What are you afraid of Speaker? What the problem? Don't you want to clear your name and clear the air? There's nothing wrong, nothing wrong, with moving expeditiously on this Resolution so that we can then get on to the business that makes a major difference to the people of the state. Issues of the budget, issues of Medicaid funding, issues of funding education, all the other problems that people are dealing with. We want to make sure that this House maintains its integrity and we would hope that you would welcome our help in making sure that it does. The Motion that you requested has now been filed but I think the real issue is that we can move expeditiously, right now, with or without a written Motion to adopt this Resolution and move on to other business."

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

Dart: "Thank you, Mr. Speaker. Let's get real here for one

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second. I know that would be unique around this place, for a second. For starters, 7-4 says that the presiding officer, if he desires, can have rules reduced to writing. So, that up to you, you want to cover it up, fine. It is in writing though. So there's the second part of your argument that fails on its face. It is in writing there, second. Third, believe it our not I hate to give you this news flash but never before this year have we had to have Resolutions read into the record. They haven't been done yet. When they're introduced and given a number they are then recorded in Journal the next day as having been read. So that falls on its face as well. Mr. Speaker, it's a question, real simple, real straightforward. Do you and your party stand for integrity or not? The answer is obviously, no. There could be nothing more important for us to be doing in this Chamber right now than trying to clear this air, this foul smell that has been given to this place by your party, this new open government here. This is outrageous what has occurred here. Believe it or not, I think if your lawyers will take a look at the statute books, what has occurred and believe it or not, is a criminal violation. We had a crime occur here. If you care to cover that up, go right ahead. Let's try to get to the bottom of this now. There is no piece of business that is more important than trying to give us back a little bit of integrity in this place right now. It's an utter disgrace if you push this off. We ought to handle this right now."

Speaker Churchill: "Representative Lang."

Lang: "Thank you, Mr. Speaker. The Motion you requested is now in writing. So again I move to...for immediate consideration of House Resolution 49."

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Speaker Churchill: "Again, Representative Lang, that Motion is out of order because of the fact that the House Resolution has not been introduced. It has been filed at the well, Ladies and Gentlemen, it's been filed at the well but it has not been read a first time which is the official introduction to the House, that's in the rules. Representative Lang."

Lang: "First a parliamentary inquiry. Can the Parliamentarian point to anywhere in the rules or the statutes that would require a Resolution to be read a first time before we can discharge committee when there's a Motion pending?"

Speaker Churchill: "Representative Lang, under Rule 3-6(a) reads that all Resolutions, after being initially read by the Clerk, shall automatically be referred to the Rules Committee and this has not initially been read by the Clerk yet. Representative Lang."

Lang: "Thank you, Sir. The Motion that's been filed is a Motion that the House Resolution 49 be read and considered immediately. So the part of the Motion is that we have the Clerk read it right now. The integrity of the House of Representatives..."

Speaker Churchill: "Representative Lang."

Lang: "...can I finish, Sir?"

Speaker Churchill: "Representative Lang. We were ready to go to that but out of courtesy I've been calling on your Members to talk and that's what we were going to do, is go to introductions and if you want to do that right now, we'll do it. Introductions, Mr. Clerk."

Clerk McLennand: "House Resolution #49, offered by Minority Leader Madigan. Rules Committee."

Speaker Churchill: "Representative Lang."

Lang: "Well, now I would Move for immediate consideration of

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House Resolution 49 by this Body, Sir."

Speaker Churchill: "I don't believe that's the proper Motion because of the fact it's in the Rules Committee where it was properly assigned. Representative Lang."

Lang: "Well, we'll just keep playing these games until you're ready. I move to discharge the Rules Committee and have immediate consideration on House Resolution 49."

Speaker Churchill: "Would you please reduce that to writing. Let's follow the rules. Representative Lang."

Lang: "Sir, you're in the Chair. Your rules that you foisted upon us in January indicate that the Chair can ask for this in writing but does not have to. Is it your position that you don't think this an important enough matter to move on immediately without this silliness of putting something in writing on the back of some scratch paper?"

Speaker Churchill: "It is my position that we will do everything by the letters. In this case we would like have you file the Motion in writing, please. Representative Lang."

Lang: "Thank you, Mr. Speaker. The Motion that you have insisted on is now in writing in the Clerk's well and we would...and has been and we demand an immediate action be taken on that...on that Motion and that a Roll Call be taken, unless the Chair wishes to summarily go to that order."

Speaker Churchill: "I hear someone seeking recognition. Is that Representative Hoffman? The Gentleman from St. Clair, Representative Hoffman. Are you seeking recognition?"

Hoffman: "Yes, Mr. Speaker. It is my understanding that we had previously written and filed with the Clerk this Motion to discharge committee. I would ask that we have a Roll Call Vote and immediately consider that. You have not answered that. You said we hadn't filed it. It is my understanding that we had already filed. If we haven't filed it well

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then we could just run one up there real quick and then the same Motion would occur."

Speaker Churchill: "The Parliamentarian will make sure that we give you the appropriate method for you to do this. Representative Lang. Would you...would you please take a look at Rule 3.8.(d), it would be the ruling of the Chair that this would have to be...to be discharged from the Rules Committee that it would take unanimous consent. The Parliamentarian...the Parliamentarian corrects me that, that Resolutions cannot be discharged from Rules Committee. Representative Lang."

Lang: "Mr. Speaker, I would move to overrule the Chair and demand a Roll Call Vote."

Speaker Churchill: "Okay. The question is, 'Shall the Chair be sustained?' All in favor will vote 'aye'; any opposed will vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'aye', 52 voting 'nay', and the Chair is sustained. Representative Lang."

Lang: "Thank you. Could I have some order please, Mr. Speaker? Could I have some order? Mr. Speaker? Mr. Speaker, Ladies and Gentlemen of the House, it's apparent to everyone on this side of the aisle and it must be apparent to the Majority Party, that there is some chaos in the Speaker's office that no one has their act together back there. We believe you need the weekend to get your act together so that we can do something about the respect and integrity of the Illinois House of Representatives. Accordingly Sir, I move that we adjourn until Monday morning at 11:00 a.m."

Speaker Churchill: "The Motion is that the House be adjourned until Monday morning at...I'm sorry, what time,

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Representative Lang, eleven o'clock? All in favor of that Motion will vote 'aye'; any opposed to that Motion will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 52 voting 'aye', 64 voting 'no', and the Motion fails. We will now proceed to the Order of Senate Bills, Third Reading. Mr. Clerk, please read Senate Bill 79."

Clerk McLennand: "Senate Bill 79, a Bill for an Act concerning beneficial interest and land trusts. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Minority Leader Madigan."

Madigan: "Mr. Speaker, to request an immediate Democratic Caucus."

Speaker Churchill: "How long will you be gone, Sir?"

Madigan: "We don't know."

Speaker Churchill: "Okay. We'll await your return and the Republicans will be free to go get lunch. There will be an immediate Democrat Caucus in Room 118. Republicans will be free to go get lunch. For one hour, let us reconvene at 12:35. The House will come to order. The House will come to order. For what purpose does the Gentleman from Cook, Representative Lang rise? Representative Lang."

Lang: "Thank you, Mr. Speaker. Inquiry of the Clerk."

Speaker Churchill: "State your inquiry."

Lang: "Thank you. Earlier in Mr. Daniels' comments, he indicated there were 36 Bills wherein he agreed there was some irregularity relevant to the fiscal notes. I would like to ask the Clerk the identity of those Bills, and what status each Bill is in, whether it's Second, Third Reading, or whether indeed they've left this Chamber. If we could get

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that list right now, it would be helpful to the Body to determine who the Sponsor of those Bills were, and so that the Sponsors can do whatever is necessary to clean up those irregularities. So, I would request a list of those Bills from the Clerk be read into the record."

Speaker Churchill: "Mr. Clerk."

Clerk: "A list of those Bills was first provided both to the Assistant Clerk and the Legal Counsel for the Minority Leader."

Speaker Churchill: "Representative Lang."

Lang: "Well, thank you Mr. Clerk, and Mr. Speaker. I know that list has been given, but that list should not be just a piece of paper handed to two or three people. That list, since the Speaker has acknowledged that the list exists, since the Speaker has acknowledged that there's 36 Bills in question, the public has a right to know, and so, let me then ask the Clerk this question if I make, another inquiry of the Clerk."

Speaker Churchill: "State your inquiry."

Lang: "Thank you. Mr. Clerk, can you tell me if the following Bills are on the list? The following Bills...House Bil...Senate Bill 66, Senate Bill 116, Senate Bill 226, Senate Bill 239, Senate Bill 298 appear to be with the Governor today; Senate Bill 75, Senate Bill 77, Senate Bill 122, Senate Bill 256, Senate Bill 948, Senate Bill 1111, appear to be on the Order of Concurrence in the Senate; Senate Bill 108, Senate Bill 206, Senate Bill 478, Senate Bill 992, Senate Bill 1067, apparently have passed both Houses, but are not yet with the Governor; Senate Bill 80, Senate Bill 284, Senate Bill 949, Senate Bill 1186, Senate Bill 112, and Senate Bill 412, apparently are in the House on Third Reading; and Senate Bill 97, Senate

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Bill 135, Senate Bill 205, Senate Bill 405, Senate Bill 477, Senate Bill 711, Senate Bill 764, Senate Bill 772, Senate Bill 788, Senate Bill 907, Senate Bill 908, Senate Bill 931, and Senate Bill 1123, all appear to be in the House on the Order of Second Reading. Will the Clerk confirm what I've given as the current Bills on the list and the current status thereof?"

Speaker Churchill: "Prior to the answer from the Clerk, please, Representative Lang, Representative Lang, prior to the answer from the Clerk, please be reminded that in the Speaker's remarks this morning, he indicated that these are Senate Bills, this is not the House of origin of Senate Bills, and therefore, fiscal notes are not required on those Bills. Representative Lang."

Lang: "Well, I heard what the Speaker said, and without acknowledging whether he is correct or incorrect, because, well I don't believe he is. The question is, whether this is the list of Bills that was provided by the Clerk, and whether the status that I've indicated is correct and after I get the answer to the question, I'll have another Parliamentary Inquiry."

Speaker Churchill: "Mr. Clerk."

Clerk McLennand: "Yes, Representative, you have read my handwriting correctly, and that is the list that I gave to the Minority Leader's Legal Counsel and the Assistant Clerk."

Speaker Churchill: "Further discussion? The Gentleman from Jersey, Representative Ryder."

Ryder: "Would the Gentleman who is making the inquiry, yield for a question?"

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

Ryder: "Representative Lang, you just read from a list of Bills

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inquiring as to the status, and the Clerk's Office indicated that the status that you indicated was correct. Would you be so kind, Sir, as to indicate the source of that list that you just read?"

Speaker Churchill: "Representative Lang."

Lang: "This...the House Clerk apparently gave this list to our Legal Counsel. But I have no idea why I'm answering questions here. But nevertheless that's the list that was given to us by the Clerk."

Speaker Churchill: "Representative Ryder."

Ryder: "Mr Lang, you're not required to yield to my questions, and if you wish to refuse you're certainly within your rights to do that, Sir. I was simply inquiring as to the list of Bills that you read, as to how it was that you came about that. I thank you Sir, that you kindly confirmed that you did receive it from the Clerk of the House as was indicated earlier this morning to indicate that which the Speaker said was indeed true, despite your denials. And I appreciate the opportunity of the Chair to allow me to ask the question of Mr. Lang, and I thank you for agreeing to yield to my questions."

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

Currie, Barbara: "Thank you, Speaker. I think I put light on untimely, I believe that Mr. Lang was going to renew his Motion to discharge the Rules Committee, and it was on that Motion that I wished to speak on the question, whether that Motion was ordered."

Speaker Churchill: "Representative Currie, when I looked at the board, unfortunately Representative Lang's light was not on and yours was, so I called on you. Do you wish to say something at this point, or do you wish to speak at a later

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time?"

Currie, Barbara: "Thank you, Sir. As I said, my light was on untimely. I would like to speak on the issue should Mr. Lang renew his Motion to discharge the Rules Committee."

Speaker Churchill: "Then, let's proceed to the Gentleman from Cook, Representative Lang."

Lang: "Thank you. In response to Mr. Ryder, this is the list provided by the House Clerk. And apparently it is the list that was agreed to between the Clerk and the Speaker. Earlier, the Speaker indicated there was 36 Bills with irregularities, apparently he agrees that there were phoney fiscal notes and notes filed on these Bills that do not comply either with the Rules of the House, or the Statutes of the State of Illinois, so this would be the list, at least from the Speaker. We think there are more, but at least from the Speaker, there's an acknowledgement that these 36 Bills have some phoney fiscal notes attached to them..."

Speaker Churchill: "Excuse me, Representative Lang. For what purpose does the Gentleman from Jersey, Representative Ryder rise?"

Ryder: "First, a question on the purpose for which Representative Lang is to...is speaking at the moment. And secondly, to take strong, strong exception to the use of the word phoney. I believe that the Speaker has indicated there are irregularities. The Speaker's words speak for himself. You may attempt to characterize those or whatever else, it's within your right on the House floor. You may characterize him whatever way that you wish, I simply stand in objection to that, Sir. Thank you."

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

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Lang: "Thank you. Apparently whether we called them phoney, fraudulent or irregular, these are the...apparently the Bills that both Speaker Daniels and the House Clerk have agreed, appear to be on improper agency letterhead, unsigned, or perhaps forged, so this would be the list. Inquiry, Mr Speaker if I may proceed, I don't know if it's for you or the Parliamentarian, but I do have another inquiry."

Speaker Churchill: "State your point."

Lang: "Thank you. Since Speaker Daniels has indicated that there is at least an irregularity about these, would it not be appropriate to move all of these Bills back to the Order of Second Reading, whether they have left the Chamber, whether they are on Third Reading, whether they're in limbo between here and the Governor. It seems to me that if we pass legislation out of this Chamber, that was either illegal or certainly irregular, it seems to me that we should not allow legislation to proceed. The good hard-working sponsors that passed this legislation on either side of the aisle would surely not like to have a law voided by some court because we did not comply with the statutes of the State of Illinois. And so I ask the Speaker if there is a willingness on behalf of the Speaker to cooperate with us to take all these Bills to the Order of Second Reading?"

Speaker Churchill: "Representative Lang. The Speaker indicated this morning and I again indicated just a few minutes ago, that these are Senate Bills. Senate Bills do not originate in the House and therefore, do not require fiscal notes. Representative Lang."

Lang: "Well Speaker, many of these Bills are amended, that's the first point. The second point is, we think you and Speaker Daniels are in error as to you interpretation, and thirdly,

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let me state categorically, that even if you're correct in your interpretation, if a document has been filed that is phoney, fraudulent or irregular, whether necessary or unnecessary under the statute, it does something about the integrity of this House of Representatives. You as the person in the Chair, Speaker Daniels sitting somewhere behind you in his office, have a duty and a responsibility to uphold the integrity of this Body, and if there's an agreement, and apparently there is, that at a minimum these fiscal notes and other notes that have been filed are irregular. It seems to me that the system and the process under which we work would be best served by taking these Bills back to a place where we can take a look at what was filed. If you...and therefore, Mr. Speaker, the fact that anyone would file either a phoney, irregular or fraudulent document, call it what you will, whether necessary or unnecessary, is a fraud upon the people of the State of Illinois, and we have a duty and a responsibility to investigate this further before these Bills become law. And so I would ask, Mr. Speaker, if you would cooperate with us in an effort to take all of these Bills back to Second Reading. The Bills that are on Third, the Bills that have passed this House. There should be a Motion to reconsider, but we should unanimously support, so that we can put ourselves in a posture of showing the people of the State of Illinois that this Body has some respect for itself. Some respect for the rules that we have in this House, some respect for the statutes of the State of Illinois, and respect for the people that send us here because they don't desire that we pass Bills passed on fraudulent documentation that's filed. And so Mr. Speaker, I ask you here and now, if you're willing to cooperate with

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us in this effort?"

Speaker Churchill: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Mr. Speaker, speaking only for myself, but I would join the Gentleman on those Bills that are still within the jurisdiction of the House, and suggest that they should be held where they are and not considered by the House. I would not move them from Third to Second or from Second to Third. I believe that they should be held. They should be held where they are at this point. Those that are on the list, I would have to do a little better job of research that I'm presently prepared to indicate on a Motion to reconsider Bills that have left the House on a previous date. But as to those Bills still within the jurisdiction of the House, I think the Speaker's indicated and I would indicate, they should be held in the current status and not moved period, until this matter is rectified."

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

Hoffman: "Yes, Mr. Speaker. With regard to #66, 116, 226 and 239 and 293, those are all, those are all Senate Bills. They are on the list that was provided to us from the Speaker's Office as well as the Clerk. So a question Mr Speaker is, by putting that on the list, those Bills that have been sent to the Governor and since they are on the list, they are...the fiscal note was inappropriately filed, otherwise they would not be on this list. So my question to you is, is that an admission that the ones...that these Bills, these Senate Bill 66, Senate Bill 116, Senate Bill 226, Senate Bill 239 and Senate Bill 298 which were sent to the Governor, is that an admission that those fiscal notes were improperly completed by staff and not properly completed by

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the department, that's the simple question?"

Speaker Churchill: "And the answer is, for the third time in a row, those are Senate Bills, they do not originate in the House. There is no requirement that fiscal notes be filed on those Bills according to the Fiscal Note Act. Representative Hoffman."

Hoffman: "I understand what your answer is. But I think it's a simple yes or no, yes or no answer. Number one, two questions, were fiscal notes filed, and if fiscal notes were filed, who prepared them? It's my understanding this list is made up of fiscal notes that were improperly prepared by the staff and not by the agencies, so the question is, regardless of that, were these Bills that were sent to the Governor, that had fiscal notes filed, were they done incorrectly by staff instead of the department?"

Speaker Churchill: "These Bills were not amended in the House, and by law, do not require fiscal notes being filed. Representative Hoffman, that is the answer. Representative Hoffman."

Hoffman: "Well, that's your answer. But the problem is, I don't believe it's the answer to the question. The question is, if that were the case, that were the case, then we would understand your statement, but why then do we put them on the list? The reason they're on the list, is because the forged, phoney, fraudulent, whatever you want to call, fiscal notes were filed on these Bills. The question then is, is it the admission of the Chair, that these Bills had forged, phoney, forged, phoney, fraudulent or irregular fiscal notes filed on them and now they're on the Governor's desk. You're answering the way you want. I just think that's a legitimate question, otherwise, they wouldn't be on the

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Speaker Churchill: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Mr. Speaker, if this were a courtroom and apparently its attempting to become that, I would suggest to the person who is speaking from the other side, the question has been asked and the question has been answered. I would ask for the House, the Gentleman may not like the answer, I understand that. I don't suggest given the temperature of the day, but any answer of the Speaker is going to make that Gentleman happy. He's within his rights. He's able to make objections. If he doesn't like what the Chair says, he has the opportunity to overrule the Chair if he so wishes. The question has been asked three times and the answer has been given. Let us proceed with the business of the House."

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

Lang: "Thank you, Mr. Speaker. Since we're not getting anywhere with this debate, I hereby move that the Rules Committee be discharged from further consideration of HR 49 and that the Bill be advanced to the Order of Second Reading. You have a written Motion on file, and I would ask for a Roll Call on this Motion and a verification should the...well, forget the verification."

Speaker Churchill: "Representative Lang, this is an issue that we discussed earlier. It is the opinion of the Chair that you cannot discharge this Resolution from the Rules Committee. That is the opinion of the Chair, and you have your rights, Sir. Representative Lang."

Lang: "Well, even under your interpretation, which of course is erroneous, even under your interpretation, Sir, this...the Rules Committee can be discharged by unanimous vote, so, I

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would ask that we put the vote upon the board and see if we get a unanimous vote. Let's see what the Members of the Majority Party want to continue to cover this over."

Speaker Churchill: "Representative Lang, Representative Ryder objects, so you have at least one 'no' vote, and that cannot be unanimous. Representative Lang."

Lang: "Well, then I would...I'm entitled to demand a Roll Call Vote on my Motion, Sir, and despite the fact that Mr. Ryder objects, any Member according to your rules, Sir, that you foisted upon us in January, is entitle to ask for a Roll Call Vote on any matter before the House, and I so request."

Speaker Churchill: "Representative Lang. As I stated before, House Resolutions cannot be discharged from the Rules Committee period. Representative Lang."

Lang: "I would move to suspend the rule you're citing, Sir, whatever the number is and ask for a Roll Call Vote on that Motion."

Speaker Churchill: "And on that Motion, the Gentleman from Jersey, Representative Ryder."

Ryder: "The rule plainly states that it requires unanimous consent to discharge the Rules Committee, and the Chair has so ruled."

Speaker Churchill: "The Chair has ruled that you cannot discharge a Resolution. Representative Lang. We're trying to get you into the proper spot so that you're doing the correct thing to try and do what you're trying to do. We believe that you need to make a Motion to suspend Rule 3-6(a) if that's what you're trying to do. The Lady from Cook, Representative Currie."

Currie, Barbara: "Thank you Speaker. I have filed that Motion, but on the question whether rules can be discharged from

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consideration of Resolution, I would point to House Rule 3.8(d) and (e). House Rule 3.8(d) says Bills may be discharged from Rules Committee only by unanimous consent and House Rule 3.8(e) says that except for those rules that require unanimous consent, this rule can be suspended by a vote of 71 of the Members elected. So, I would argue that as...as rules, subparagraph (d) refers only to Bills that in fact, Resolutions may be discharged from rules by 71 votes. And before I pursue the Motion to suspend House Rule 3.6(a), I would ask the Parliamentarian to consider the points I've just made with respect to discharge of rules for consideration of Resolutions."

Speaker Churchill: "The Parliamentarian is going to consider that right now. Ladies and Gentleman of the House, there has been a Motion filed by Representative Currie. That Motion reads as follows, 'I move to suspend House Rule 3-6 and to advance House Resolution 49 to the Order of Second Reading.' The Chair recognizes Representative Ryder."

Ryder: "Thank you, Mr. Speaker, and I appreciate your reading the Motion to us as it has been filed in writing. The Motion as I heard it is a compound Motion that asks for the House to vote on two issues with one vote. I Move to divide that question."

Speaker Churchill: "The question is, 'Shall the question be divided?' All those in favor signify by saying 'aye', the opposed say 'nay', in the opinion of the Chair the 'ayes' have it and the question shall be divided. Now the Motion before us is, I Move to suspend House Rule 3-6. Representative Currie."

Currie, Barbara: "I would assume that that Motion requires 60 affirmative votes, is that the ruling of the Parliamentarian?"

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Speaker Churchill: "That is correct."

Currie, Barbara: "And again, in respect to the earlier question about the discharge of Rules Committee on Resolutions, I'm still waiting for an answer from the Parliamentarian. I have additional information from Roberts Rules of Order, that that might be helpful to him as he thinks through the points that I have made."

Speaker Churchill: "At this point, we have in front of us, your singular Motion. Do you wish to talk to that Motion?"

Currie, Barbara: "Thank you very much for the opportunity. This is a Motion to suspend the rules so that we can give immediate consideration to House Resolution 49. We've talked about this Resolution earlier in the day. It's a Resolution that would authorize the Attorney General of the State to nominate to us, a special counsel to look at the question of irregularities in fiscal note practices during this Session of the Assembly. This decision of an appointment of a special counsel would be left to us. Be left up to the Members of this Chamber to make a decision whether to accept or reject Mr. Ryan's nomination. I think it would be good for all of us, especially the Members of the Majority Party, to clear the air on the issue of these irregularities. I think there is no reason for the Members of the Majority Party to fear, to be concerned about it is they may have to hide without adoption of this Resolution. I think there will be a legitimate concern on the part of the citizenry whether what's happening in Springfield is a cover up. So, I invite you to join me in the Motion to suspend the rule requiring Resolutions to go to the Rules Committee before they can be considered by this Chamber. I believe as I say, that vote requires but 60 votes. I think you will be doing all of yourselves and all of ourselves

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and all of the folks who sent us here, a favor if we get this issue behind us. That's all this Motion is about, suspend the rule so we can consider the Resolution, get the whole thing behind us. So that we can move on and respond to the business, the real business of the people of this state. So, I would renew Speaker, my call to suspend that rule, so that we may then move to the other part of the Motion which would be immediate consideration of House Resolution 49."

Speaker Churchill: "Further discussion? The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. An inquiry of the Chair. On this Motion, is the rule that is asked to be suspended 3.6(a)? That part that says no Resolution may be considered by the House unless approved for such consideration by the Rules Committee? Is that the Lady's Motion?"

Speaker Churchill: "The Lady's Motion says, 'I move to suspend House Rule 3-6', and it goes on beyond that. But there was a question of division and the Motion was divided. Representative Ryder."

Ryder: "To the Lady's Motion. I believe that the language that she wishes to, although I'm not clearly not speaking for the Lady, is that the rule indicates that all Resolutions after being initially read by the Clerk, shall be automatically referred to the Rules Committee which may thereafter refer any Resolution before it to the House or to a standing committee. No Resolution may be considered by the House unless approved for such consideration by the Rules Committee. There are other portions of that which deal with reorganization of the House. I would differ from the Lady's argument given that she was arguing the

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substance of the Resolution that has been filed, and her Motion clearly is different than that. The Motion is whether we should allow the Rules Committee to do its job as indicated by the rules of the House, or whether we wish to suspend the rules of the House. It is ironic I suppose, the one who is now, feels that irregularities have taken place is asking us to proceed in an irregular manner. I for one, believe that the matter should be referred to the Rules Committee and I would ask the Members of the House to so indicate by opposing the Lady's Motion."

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

Lang: "Well, thank you very much, Mr. Speaker. I'm prepared to give most of my debate, if we can get the Resolution to the floor, but suffice, suffice to say this, this measure is so important because it calls into question the integrity of the Illinois House of Representatives, that it begs immediate response. Unless the Chair is willing to indicate to the Members, that there would be a Rules Committee called post haste, then it seems to me that we have a responsibility as Members who are each sent here by 97,000 people, to protect the integrity of the House. It baffles me that the Majority Party at least to date has resisted the effort to put this on the front burner, so that we can tell the people of our state that are interested in open government, so that we can tell the people of our state, you don't have to worry, some irregularities or some fraud or some phoniness took place here, but we're going to police ourselves and we're going to take care of it. You don't have to worry about the integrity of the Illinois House of Representatives. But as of this moment, Mr. Speaker and Ladies and Gentlemen of the

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House, there is a serious question about the integrity of the Illinois House of Representatives. The people that run it for sure, but also the people that work here, staff members, Representatives and everyone else involved with the process. I dare say, even our lobbyist friends are a little embarrassed about what they see down here today. So, the importance of dealing with this in an immediate way, is obvious. Any effort to push this aside, any effort to do any other business before we do this, says to the people of our state, well there's some concern about the integrity of the Illinois House of Representatives, but we think dealing with these other matters that we can deal with some other time, are more important. Mr. Speaker, there is nothing more important then telling the people of our state that we care about this process. I care about this process. Mr. Speaker, I've talked to you about the process of the Illinois House of Representatives over the years, and while you and I disagree about how the process should be run and while you and I disagree about the policies of the State of Illinois, both you and I and others that I have talked to, respect the chamber, and this is the moment in our chamber. This is the moment in this Session and perhaps a moment in history. When we can step forward and talk about the integrity of the process, the integrity of the people who work here and the process and the rules by which we govern this chamber, and accordingly, Mr. Speaker, I rise in strong support of the Lady's Motion."

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

Dart: "Thank you, Mr. Speaker. What are we trying to hide here? Let's be real here for the people around here just for

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once. For the people in the gallery, the people sitting around here. We've been here discussing rules for quite awhile. The rules have by in large meant nothing here on a regular basis. We have voted on 18, 30 some Bills all in one Motion. Things never heard of before. What has occurred on this Floor is an absolute disgrace. Anybody here realizes that. And you can sit back there and giggle all you want about it, but it is an absolute disgrace. We have people who have admitted here, that they have lied. They have lied to this Chamber. When it comes to balancing our budget and putting together budget documents, how can we begin to do that when we have fiscal notes that staff members put together at their own little whim. They decide when to do, what number to put on it, and move this stuff along. This is an absolute disgrace. You should be an embarrassed person."

Speaker Churchill: "Representative Dart."

Dart: "You should be embarrassed to be part of this..."

Speaker Churchill: "Representative Dart. This isn't is Resolution. This is a Motion to suspend the rules. Could you stick to the Motion please. Representative Dart."

Dart: "I am sticking to the Motion, Mr Speaker. I'm trying to get...we have to keep this in perspective. If this Motion isn't heard, then we aren't going to go ahead with the Resolution, and everybody knows what the Resolution is about. It's about the integrity of this place and about the foul stench that's in it now."

Speaker Churchill: "You're talking about the Resolution again. We're talking about a Motion to suspend the rules. Please stick to the Motion to suspend the rules. Thank you."

Dart: "Thank you, and I will stick to that, Mr. Speaker. If we do not suspend the rules today, if we do not suspend the

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rules right now on this vote, let it be known what you are doing. So that you are not living in a vacuum and you do not what you are doing here. If we do not suspend the rules right now, we will not hear this Resolution. And if we do not hear this Resolution, we will not have any integrity in this House. For those of you who think that's fine, go ahead, listen to your leadership and do that. But this is something that has never been done before. If we do not suspend the rules right now, you will be part of the cover up. If that is what you wish to do, go right ahead and do it, and go back to your constituents and say, I did not agree to suspend the rules because I didn't want to believe that I was part of this cover up and wanted to continue this'. So, go right ahead and delude yourselves all you want. Go right ahead."

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

Hoffman: "Yes, Mr. Speaker. To the Motion. I don't think that this, and I'm very serious about this, I don't think this is an issue. At this point, that we should be yelling and screaming and yelling about it because I think it is so serious that this is truly in my opinion, goes to the heart of this Body. Goes to the heart of what we do, goes to the heart of how we base our decisions. And I think we should go to this issue immediately. Not so much because we're Democrats, you're Republicans, but because we every day base decisions on the integrity of each individual agency. We every day base decisions on the integrity of our staff and we every day base the decisions on the integrity of the House in general. I have three different, three different types of fiscal notes in my hand. Two of them are clearly, clearly..."

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Speaker Churchill: "Representative Hoffman."

Hoffman: "Hold it, I..."

Speaker Churchill: "You're going to the Resolution, please. You have a Motion on the Floor. Please discuss the Motion to suspend the rules, not the underlying Resolution. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. The reason that I raise these to show everybody, is I think it goes to the heart of the matter of why we need to discuss this. Why we need to suspend the rules immediately. Discuss it immediately. Let's get this out in the open. All too often in government, we have seen when these things aren't done immediately, what happens, what happens. The cover up begins. Things get shredded. Don't allow this to happen here. Let's start talking about it today. Let's start ensuring that the integrity of this House is maintained, because if we don't do it now, if we do it next week and if we put it off into the Veto Session, the only people who are going to be hurt that side of the aisle and this side of the aisle because the system and the integrity of this House is going to be what's damaged. I urge that we support the Lady's Motion and an 'aye' vote."

Speaker Churchill: "Representative Currie to close."

Currie, Barbara: "Thank you, Speaker. It's a simple Motion to suspend the rule that requires Resolutions to first go to the Rules Committee before they are debated by this full Chamber. I think the issue is a clear one. Everyone knows what the Resolution that is...the particular stake is about, and I just renew the call that all of us should join together in finding a way to put this very unpleasant situation behind us. I would appreciate your 'aye' vote."

Speaker Churchill: "The Motion before the House is Representative

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Currie's Motion that reads, 'I move to suspend House Rule 3-6.' All those in favor will vote 'aye', any opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 53 voting 'aye', 62 voting 'nay', and the Motion fails. Representative Currie."

Currie, Barbara: "Thank you very much, Speaker. I'm the Minority Spokesman on the Rules Committee and you are of course its Chair. I would ask you please to call an immediate meeting of the Rules Committee so that we might consider House Resolution 49 and its appropriate disposition."

Speaker Churchill: "Representative Currie, I'm in the Chair right now, and I plan on being here for awhile, so perhaps when I'm done we can go to that. The House...the House will now proceed to the Order of Senate Bills on Third Reading. Mr. Clerk, please read Senate Bill 79."

Clerk McLennand: "Senate Bill 79, a Bill for an Act concerning beneficial interests and land trusts. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 79 amends the Illinois Adoption Act. Under current law, putative fathers may sign a denial of paternity in an adoption matter, however, if the putative father attempts to revoke that denial of paternity, the statute does not set forth a standard to be used by the court in deciding if the denial of paternity may be withdrawn. This Amendment makes the standard to be used by the court, identical to the standard that must be used in consent situations. The standard is, that unless the

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denial of paternity was obtained by fraud, the denial is irrevocable. The Bill will also amend the code of civil procedure. The Bill verifies that necessary parties under administrative review may include a party not named by the administrative agency in its final order. These changes are technical, they are not substantive. They've been recommended by the administrative law section counsel of the Illinois State Bar Association. The third aspect of this Bill, amends the Probate Act that provides that health care providers and others who rely upon the decisions made by a guardian, stand by guardian or short term guardian, with immunity for following the directions of the individuals. I'd be happy to answer any questions."

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

Lang: "Parliamentary inquiry, Sir."

Speaker Churchill: "State your point."

Lang: "Thank you. I hold in my hand what purports to be a state mandates act fiscal note. The copy I have Sir, is unsigned. If it is, it would fall in the category of a fraudulent, phoney, illegal or irregular fiscal note. If the Bill went to Third Reading, Sir, based on this note, then it went to Third Reading erroneously cause this is not a note that complies with the Statutes of the State of Illinois. And I would ask that the Bill be brought back to Second Reading."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Minority Leader Madigan."

Madigan: "Mr. Speaker, on a point of inquiry."

Speaker Churchill: "State your point."

Madigan: "My staff has just advised me that the Clerk is advising our staff that Roll Calls are not available and that they

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can complete this form to obtain the Roll Call and then the Roll Call will be made available at the end of the day. And Sir please advise us, if that is the policy of the Clerk's office?"

Speaker Churchill: "The Clerk advises me that when they have extensive requests for a Roll Call that they give people that form so as they get done they can give them back to the people. It's just a matter so that people don't get lost and don't lose out on getting a copy of a Roll Call. You will get a Roll Call as soon as one is prepared. Representative Madigan."

Madigan: "I think we just requested a Roll Call within the last five to ten minutes and we would like to know when it is going to be available?"

Speaker Churchill: "Mr. Clerk, when will we have a Roll Call available? It'll just be a minute or two, they're making copies upstairs. Representative Madigan. Further discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I wait a response to my inquiry."

Speaker Churchill: "I'm sorry. We went to the Minority Leader and we did not answer your request for your question. Would you please restate it, so the Chair has it in focus."

Lang: "Be happy to. I'd be happy to restate this request, Sir. I hold in my hand what purports to be a State Mandates Act Fiscal Note. This Bill is now on Third Reading. This Fiscal Note Sir, is unsigned. I don't know who it was prepared by. I don't know if it is a legitimate note or not, but nevertheless, it does not comply with the statutes of our state relative to State Mandates Act Fiscal Notes, as it is unsigned. If this Bill has gone to Third Reading, and it has, based on the Clerk stating that the Note Act has been complied with, the Clerk was certainly in error

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accordingly, and I would ask the Chair and the Parliamentarian to rule that the Bill went to Third Reading erroneously, and that this Bill should be returned to Second Reading."

Speaker Churchill: "Mr. Clerk, do you have appropriately signed notes in your file?"

Clerk McLennand: "We have a state mandates note that has been signed by Dennis Whetstone."

Speaker Churchill: "Representative Lang."

Lang: "Inquiry of the Clerk."

Speaker Churchill: "State your inquiry."

Lang: "Mr. Clerk, are you reading the State Mandates Act Fiscal Note that was time stamped by your office on May 17 at about 10:30 a.m.?"

Clerk McLennand: "I am reading the State Mandates Act Fiscal Note, Senate Bill 79 as amended by the House, Amendments #1, 2 and 3, Sponsor John Turner, signed by Dennis Whetstone, filed with the Clerk on the 17th and signed by Mr. Whetstone yesterday."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. This...the...Mr. Speaker, could I have some order? Thank you. The note that I have Mr. Speaker, was time stamped by the Clerk's office at about 10:30 a.m. on the 17th. Further inquiry of the Clerk. At what time was it signed by Mr. Whetstone?"

Clerk McLennand: "That was not time stamped, I would not know."

Speaker Churchill: "Representative Lang."

Lang: "Is the Clerk aware of whether this had been signed at the time it was filed? Yes or no will do."

Speaker Churchill: "Mr. Clerk."

Clerk McLennand: "I do not believe so."

Speaker Churchill: "Representative Lang."

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Lang: "Mr. Speaker, if this note was signed when it was filed, it's an erroneous, fraudulent, phony or irregular fiscal note. You can not file it and later then sign it and say it's your handy work. In addition, in addition, there still seems to be no indication or no proof unless the Clerk is going to tell us he saw Mr. Whetstone sign it. And finally Sir, I believe our statutes require that the fiscal note that is filed be provided to all sides of the aisle. The only note we have is unsigned. Filed with the Clerk around 10:30 a.m. on May 17th. We don't have a signed copy of this. Now, I don't know if we're about to go through this all day, but we could spend a half hour on each of these Bills if you wish. So, all we want to do it have the statutes of the State of Illinois complied with. And Mr. Speaker, it's clear that this was signed after it was filed. Accordingly when it was filed it was an improper fiscal note without complying with the statutes of our state. You have a right and a responsibility Sir, in this chamber, to uphold the laws of our state and we expect your to do that. Now, they can refile this, but to do that, the Bill will have to be returned to the Order of Second Reading. If in...and in fact, it may very well be that this Bill was moved to Third Reading before Mr. Whetstone signed it. If so, it was moved to Third Reading erroneously. This Bill should be moved back to Second and the record should be cleared up by simply filing an appropriate fiscal note. That would be easy to do Sir. Then you could move the Bill to Third and pass it tomorrow. So, we demand that the laws of the State of Illinois be complied with and I believe Mr. Speaker, when your constituents sent you here, they expected that you would follow the laws of the State of Illinois, so, we would ask

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for a ruling on this issue."

Speaker Churchill: "The ruling of the Chair is, that this is a Senate Bill and that it is not required to file fiscal notes on Senate Bills. Representative Lang."

Lang: "Mr. Speaker, this is a Senate Bill that was amended in the House. It's not the same Bill as it was when it left the Senate, that would be the first argument. But be that as it may, if you're going to persist in this ruling, that I would move to overrule the Chair and demand a Roll Call Vote on that Motion."

Speaker Churchill: "The question is, 'Shall the Chair be sustained?' All those in favor vote 'aye', any opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'aye', 53 voting 'no', and the Chair is sustained. Now, is there any discussion on the Bill? Representative Lang."

Lang: "Thank you. If we can turn the Parliamentarian's attention to page 1158 of Volume 1, of the Illinois Compiled Statutes of 1992, Section 50/7, entitled, Amendment of Bill Necessitating Statement of Fiscal Affect of Purposed Amendment. Section 7, 'Whenever any committee of either House reports any Bill with an Amendment of such nature as will substantially affect the costs to the revenues of the state, units of local government, et cetera, et cetera, et cetera, there shall be included with the report of the committee, a statement of the affect of the change purposed by the Amendment reported, if desired'. So, we do desire, Sir, and accordingly the Parliamentarian is in error and I hate to point it out to the Chair, but the Chair is apparently also in error. So, all this stuff from Speaker

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Daniels and yourself today..."

Speaker Churchill: "Representative Lang. You only read a portion of that part of the law, would you read the rest of it to the Body, please. Read the rest of it please."

Lang: "Well, if the Parliamentarian believes I'm wrong..."

Speaker Churchill: "Representative Lang, would you read the rest of that statute to the people of this Body so they know what the rest of it says?"

Lang: "No, I'm not in a position to read that to you, Sir, but you may read it."

Speaker Churchill: "The rest of the language says, 'If it is desired by a majority of the committee'. Mr. Clerk, was there anything from the committee stating that a majority requested that?"

Clerk McLennand: "No."

Speaker Churchill: "Let us go to the Bill. Is there any discussion on the Bill? The Gentleman from Cook, Representative Dart."

Dart: "Inquiry of the Chair."

Speaker Churchill: "State your inquiry."

Dart: "Can we get a number or gauge from you on how many of these other notes we have which have been previously submitted to us and now have been doctored? So we know which ones are legit now, which ones aren't? We don't know."

Speaker Churchill: "We have the Assistant Clerk, perhaps the Assistant Clerk could work with the Clerk and they could provide something to you at some point. At this point, we are going to go...pay our attention to Senate Bill 79. Was there any discussion on Senate Bill 79? There being no discussion, Representative Dart."

Dart: "You're so kind, Mr. Speaker. Will the Sponsor yield?"

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

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Dart: "Representative, from what I understand about your Bill, you have an Amendment in there that deletes the entire notice provisions for the putative father statutes so that now, when an individual attempts to be...have their rights upheld as the father, they would not have any notice and could have their rights terminated as a father without receiving any notice whatsoever? Can you explain that?"

Speaker Churchill: "Representative Turner."

Turner, J.: "Yes, I can Representative. As you and I had discussed in the committee, that language is deleted, however, it is picked up in two separate Bills, I don't know the numbers, but the Baby Richard Bill and the Baby Jane Bill and that language will still be part of the statute that does acknowledge...assume one of those Bills will pass and become law."

Speaker Churchill: "Representative Dart."

Dart: "Representative, I know, you and I have talked about this before, and you recall our debates in committees went around the fact that despite all our talk about committee process and what we're going to do here, that this was an idea that nobody had seen, nobody had heard of and all of a sudden it showed up in committee and as a matter of fact, there was some major problems with it. Is it not a fact and can you explain to the Body what your remedy is here? You and I have discussed this, but we better get this clear. Its not a fact that this Bill...if this were to be passed, would abolish the notice provision for fathers who are...who had children and what is the remedy that you have suggested to insure that this...cause this is a mistake. What happened was a mistake and because we rushed this through the way we did it, that Section being abolished is a mistake. What has been the agreement that you have

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agreed to do to try to try to remedy that mistake?"

Speaker Churchill: "Representative Turner."

Turner, J.: "Well, Representative Dart, I'm not sure that it's actually an error. I think was drafted with purpose. And the purpose was not to be duplicative but you do raise a legitimate concern. And your concern is whether those notice provisions that were stricken should still be a part of the existing law, and certainly they should. And as we had discussed if indeed either of the Bills do pass, being the two that I mentioned earlier, concerning the Baby Jane, Baby Richard case, then this Bill should be withdrawn from the record. I certainly would stay on top of it as it moves back to the Senate to make sure that it does not become law inappropriately."

Speaker Churchill: "Representative Dart."

Dart: "Just to make it clear, this...as this Bill was drafted, this was a mistake. It was an obvious mistake. I mean it has been agreed to by the people who drafted it, it was a mistake, because of the fact that they deleted a Section of the Bill which is not suppose to be deleted. It could be considered a clean up if another Bill passes which is not the way we operate here. So, it was mistake. The agreement has been now, that this Bill because it has Amendments on it, its got to go back to the Senate where you got commitments that this Bill will be held, pending this other Bill getting signed, to make sure that the notice provisions which your Bill has taken out, will be put back in with this other provision. Is that...is that the scheme we have set up here, that this will be held up until we get the other Bill passed. So that we're sure that the notice provisions that are coming out, are put back in by this other Bill?"

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Speaker Churchill: "Representative Turner."

Turner, J.: "Yes, Representative, that is what I was attempting to articulate, I perhaps did not do as well as I should have, but thank you for helping me out with that, that is correct."

Speaker Churchill: "Representative Dart. Representative Dart, did you have further discussion? No. Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, I would like to yield my time to Representative Hoffman."

Speaker Churchill: "Well, Representative Hoffman has not talked yet, and I was going to proceed right down the row, so I was going to go next to the Gentleman from Effingham, Representative Hartke."

Hartke: "Next in line would be Representative Hoffman, so I would like to yield my time to Representative Hoffman."

Speaker Churchill: "Well, unfortunately you can't yield it since he hasn't talked yet. But we'll go to Representative Hoffman next. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Well, I think you probably can yield. We do it one day one way, and the next day the next. But to the Bill. Representative Turner, Representative Dart, I think if the Sponsor would yield, Representative Dart has raised some concern since you and I have worked together on this piece of legislation and I think Representative Dart's concerns are exactly legitimate. However, this has to go back to the Senate which some action has to be taken, and it is my understanding that it's your commitment that if one of these other two Bill don't pass, that you will not move this Bill in the Senate?"

Speaker Churchill: "Representative Turner."

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Turner, J.: "That is absolutely correct, Representative."

Speaker Churchill: "Representative Hoffman."

Hoffman: "It's my understanding that this is going to take care of a potential situation that I believe happened in Madison County, whereby an individual...adoptive parent had the child removed and (burp) because of certain actions this is going to take care of that situation, a specific situation, which now is rectified, but for later law, we want to clarify the law and insure that that is taken care of, is that right?"

Speaker Churchill: "Representative Turner."

Turner, J.: "Yes, Representative."

Speaker Churchill: "Representative Hoffman."

Hoffman: "I understand the concern of some people on my side of the aisle with regard to passing legislation, but I think the problem is, the problem is we're running into some time constraints and this Bill does things that I think are vitally important, are extremely to adoptive parents. It's going to insure the integrity of the adoption system, and with the integrity of this Sponsor, giving us the commitment that this Bill will not be moved unless something else is passed in the Senate, I take that as a good word, and I would urge an 'aye' vote."

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

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

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

Pugh: "Representative, can you explain Amendment #2 to this legislation?"

Speaker Churchill: "Representative Turner."

Turner: "Representative, I'm not sure the Bill st this point can

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be broken down into Amendments, but you're referring to, I believe, the part of the Bill that amends the code of civil procedure, is that correct? Okay. Yeah, I think I can explain that. What it does is makes some technical changes to the administrative review law and what it does, is allow a reviewing court to add an additional party so that they can complete the review if that party is inadvertently not named by the administrative review judge. The Illinois State Bar Association had asked me to Sponsor this particular Bill, apparently...is...the law as is currently written is apparently being followed as the purposed changes indicate, however, they've recommended that we change the language in any event because they're technical and not substantive and so I've done this at the request of ISBA, and again, I don't think Representative, that the changes that we're contemplating today will actually change the practice because the practices that we're actually doing...what I'm suggesting in the language."

Speaker Churchill: "Representative Pugh."

Pugh: "So, the objective of this legislation is designed to take a child who may or may not have a putative father and place them into a adoptive home in a timely fashion, is that the objective of the legislation?"

Speaker Churchill: "Representative Turner."

Turner, J.: "That would refer to a different part of the Bill. To address your question...the reason for the proposed language and the change that will be made, is to address situations where a putative father signs away their right to make claim to a child, in other words, they sign denial of paternity. What this says is, after that denial has been signed and after the child has been placed in the custody for adoption by another family, that that putative

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father can't come back later and attempt to take the baby away by saying that they wish to change their mind on their signing of the denial of paternity. What it does is it is apply a standard which is similar to what is used in cases, and the standard basically is as a putative fraud, if you deny paternity you can't come back later and say that you didn't mean to sign. You can't come back later and say that I actually am the father and you can only do that based upon the standards set forth in this Bill if fraud existed."

Speaker Churchill: "Representative Pugh."

Pugh: "So, forgive my naivete, but these Amendments don't necessarily blend. They're not necessarily dealing with the same issues. The three Amendments can be three separate Bills."

Speaker Churchill: "Representative Turner."

Pugh: "Could be considered..."

Turner, J.: "Representative, there are three parts of this Bill. You are correct that...the Bill was formed or formulated out of three different Amendments. And one of those Amendments dealt with the Adoption Act, one dealt with the Code of Civil Procedure, and the other dealt with the Probate Act. And the first question you asked me dealt with what used to be Amendment number, I think two, with regard to the Code of Civil Procedure. The second question you asked me was with regard to what used to be Amendment #1 on the Adoption Act. They all are however, right now, one Bill."

Speaker Churchill: "Representative Pugh."

Pugh: "Am I correct in understanding that the three Amendments, become the Bill, but they're not necessarily inter-related?"

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Speaker Churchill: "Representative Turner."

Turner, J.: "The three Amendments to make up the Bill. As far as whether or not they are related, I guess it depends on how...what definition you would give as to being related. As I've indicated, one deals with the Code of Civil Procedure, one with the Adoption Act, one with the Probate Act. I suppose you could argue it either way."

Speaker Churchill: "Representative Pugh."

Pugh: "I was under the impression that...that the Amendment to a Bill had to be germane to the Bill, and if these Amendments aren't germane, in some shape, form or fashion, then we have a problem. Is that the problem that you were going to address?"

Speaker Churchill: "Representative Turner."

Pugh: "That you spoke to earlier?"

Turner, J.: "No, the problem that I was...I am going to address, is relates to the Adoption Act and two other Bills that are currently in existence that need to be passed in order to preserve certain language which is necessary to be in the statutes in order for Senate Bill 79 to become law, and I committed to the Representative to make certain that that language is not deleted from the statute before I would allow Senate Bill 79 to become effective as law. As to your question concerning germaneness, that issue was not raised in the committee, and it was not challenged as to whether these three particular Amendments were germane in changing Senate Bill 79, so, I believe that issue was disposed of in as much as it was not challenged at the committee level."

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

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

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

Schakowsky: "Representative, what you're saying is that by mistake, a Section that would give notice to a birth father that his parental rights are being terminated was deleted from the Bill, is that correct?"

Speaker Churchill: "Representative Turner."

Turner, J.: "I did not use the word 'mistake', that was Representative Dart's. Actually it was done purposely because it was assumed at that time that one of the other Bills would pass. But you are correct, that language is necessary. The notice language is necessary and the commitment I made to you is to make sure that it is still part of the statute before Senate Bill 79 would become law."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Well that, that is really highly irregular, but what I want to ask you is what...why do you believe that you can assurance to this Body that when this Bill goes to the Senate and back to its original Senate Sponsor, that you'll have control over that. Why should we feel that this Bill will not pass, even though you're asking us to vote for it? In the Senate, why should we think that?"

Speaker Churchill: "Representative Turner."

Turner, J.: "Well, I have a great deal of respect for the Senate and Senators as I'm sure you do, and I guess it's just a matter of trust, if I tell them the Bill is not good unless certain things happen, and please don't move it unless these things happen. I trust that they would not want to make bad law, and I believe that I'm making a representation to you that they simply would not do that if I went to them and made that indication."

Speaker Churchill: "Representative Schakowsky."

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

Speaker Churchill: "To the Bill."

Schakowsky: "I would suggest that either the Sponsor take this Bill, which is he said, if it passes is bad law, back to Second and amend it so that the Bill has internal integrity and does what he wants to do. Let's think about this. We are being to asked to vote for a Bill that will...that could unfairly terminate parental rights. Maybe aside from voting on things that have to do putting a person to death, the issue of terminating parental rights, is huge. This is not a small matter that we're dealing with. So, if this Bill for some reason, and I'm not questioning the integrity of the Sponsor or the Cosponsors of this Bill, if this Bill were to pass, it denies a birth father his right to know that his parental rights are being terminated. I don't know how we can be asked at this time and in this fashion, to vote for this Bill, and I would urge the Sponsor so that we can or those who want to support his Bill, can do so, and not have to vote for a bad Bill. To take it back to second and amend it. Otherwise, I can't see how anyone can cast an 'aye' vote for this legislation."

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

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

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

Davis, M.: "Representative, I am referring to Amendment 3, in reference to health care providers and directions that they receive from guardians, short-term guardians or long-term guardians, and stating that the medical profession should do what the guardian asks that person to do, rather than what should be done?"

Speaker Churchill: "Was that a question Representative Davis?"

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Davis, M.: "It's a question."

Speaker Churchill: "Representative Turner."

Turner, J.: "No Representative, that's not the purpose or intent of the proposed language in this part of the Bill. As you know, guardians are sometimes appointed on a temporary basis or on a permanent basis, and all the Bill does is, it says that if a hospital or it's employees or doctor relies upon the guardian who has been appointed, the direction given to them by the guardian, that the hospital personnel or doctor should not be liable for providing treatment when they been good faith relied upon what a guardian has indicated to them as to the desires as to how the patient should be treated."

Davis, M.: "Do health care providers normally treat children, who are not, say under a guardian, differently? Are these children to be treated differently because they have a guardian?"

Speaker Churchill: "Representative Turner."

Turner, J.: "No, actually they're not. That...the Bill does not address that question. Children are of course treated as they...as in accordance with what the doctor believes is in the best interest of a child, and a doctor would of course received permission from the guardian for treatment, unless it was an emergency situation."

Davis, M.: "I would like to read this Section to you, Representative, and I think we need to know what is your intent? This Section states, a guardian or standby guardian, a short-term guardian, who acts or refrains from acting, is not subject to criminal persecution or any claim based upon lack of his or her authority or failure to act, if the act or failure to act was with due care and in accordance with the law. The guardian or the standby

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guardian, or the short-term guardian should not be liable merely because he or she may benefit from the act, has individual or conflicting interest in relation to the care and affairs of the peer who acts in different manner. I don't know what that intent is. What is your intent in this Section?"

Speaker Churchill: "Representative Turner."

Turner, J.: "Representative, I'm not sure which Section you were referring to, you started reading before I was able to find it. Let me ask Representative, are you referring to Subsection C?"

Speaker Churchill: "Representative Davis."

Davis, M.: "I'm looking at Amendment #3 to House...Senate Bill 79, a...let's see, yes it is Section C."

Speaker Churchill: "Representative Turner."

Davis, M.: "What is ends..."

Turner, J.: "Well Representative, I'm not going to read it back to you because I don't think that's a good faith effort on my part in trying to respond to your question, but if you look at the plain meaning of it, I believe what it says, is that if the person acts in good faith, their not going to be responsible as long as they have acted in good faith, and as long as they have acted in a good manner."

Speaker Churchill: "Representative Davis."

Davis, M.: "I think if any parent take his or her child to a doctor, hopefully their acting in good faith. There's something very peculiar with what you're seeking here, and I'm really concerned when you talk about other people being the guardians of some child whose parental rights you have denied, and now your legislation is saying that whatever that guardian tells the medical profession to do, the medical profession can not be held liable because they're

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doing what was requested by a guardian who certainly may not have necessarily medical knowledge. I think you have an evil intent here, or whoever developed this has evil intent, and I think we should all listen up to what the purpose of this legislation is. Any parent, whether you're an adoptive or whether you are a natural parent, should have the same feelings and concerns about the child you take to the doctor, and the doctor..."

Speaker Churchill: "Representative Davis, would you bring your question to a conclusion?"

Davis, M.: "I will."

Speaker Churchill: "Representative Davis."

Davis, M.: "And the medical profession should have the same responsibility to all children. Not children who are under some new guardianship. I think this is a bad piece of legislation and people should look at it very, very carefully. I urge a 'no' vote."

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

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

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

Lang: "Thank you. Representative, you and I are attorneys, the Speaker is an attorney, there are a few other attorneys here, but we even have trouble understanding tendency by the entirety which is part of this Bill. Can you tell the Body what tendency by the entirety is, Sir?"

Speaker Churchill: "I want to hear a state's attorney that can answer that question. Representative Turner."

Turner, J.: "Well Representative, I haven't had the pleasure of setting tenancy by the entirety or tenancy in common or joint tenancy since law school, but it in as much as that part of this particular Bill is no longer in the

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legislation before you, I'm not sure that my failure to be able to respond to your question is exactly is what tenancy by entirety is, is relevant."

Speaker Churchill: "Representative Lang."

Lang: "So you didn't take it out just so you wouldn't have to explain it, did you?"

Turner, J.: "No, but that would have been a good idea apparently since I'm not sure that I could explain it. If you really want me to try I guess that I could. It might be a waste of time though."

Speaker Churchill: "Representative Lang, perhaps you could explain it."

Lang: "No, no, Mr. Speaker. Representative, could you give us a thumbnail sketch of what exactly what changes you are going to make in the adoption laws?"

Turner, J.: "Yes, I'll try to do so, Representative. A thumbnail sketch would be to put a standard into the adoption law where putative father has denied paternity, then wishes to change his mind as to why he signed or to whether he should have signed in the first instance. And the standard that is put into the statute is similar to what exactly is the same I guess, based upon the expert testimony we heard in committee as to what is used in consent cases. And what the standard basically does is, state that if the putative father denies paternity, that action is irrevocable action unless fraud or duress can be showed by the putative father who signed away his rights."

Speaker Churchill: "Representative Lang."

Lang: "You recall in committee we discussed this term irrevocable. And you'll recall that I asked you a series of questions regarding that term. As lawyers, we know that we usually tell our clients that nothing is irrevocable

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that don't worry this thing happened in court and I'm going to make a motion to undo it, or that thing happened to your property, but I'm going into court and undo it. And, I think as, lawyers were always very concerned about anything that is irrevocable. What is the policy consideration behind having this be irrevocable when just about nothing else in the law is irrevocable?"

Speaker Churchill: "Representative Turner."

Turner, J.: "That's a very good question, Representative Lang. I believe that you're correct. As a general rule, usually you can change just about anything in the law if you've got some procedure to follow. But some acts, at least in my judgement, and the policy behind this would be, in my judgement, is that some acts should be irrevocable. And one of those acts would be the signing away of your rights in an adoption case when you've indicated you're not the father of the child. The reason for that is, once the baby, for example, in the Baby Richard case or Baby Jane case, has found a new home and has been given custody...custody given to new parents, and that child has come together and bonded together into a new family situation, if the law should have protections in for the best interest of the child, to make sure that that child does not subject to some arbitrary law, being a situation where the child could be taken away from the adopted or custodial parents and put back with the putative father who earlier had denied his paternity, so the reason for it, is to protect the best interest of the child and I think that in some instances, and this would be one, the action itself should be irrevocable because it is in the best interest of the child."

Speaker Churchill: "Representative Lang."

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Lang: "If this law had been effect before the whole incident with Baby Richard started, would there have been any difference in the way that matter would have been resolved?"

Speaker Churchill: "Representative Turner."

Turner, J.: "I don't believe so, Representative. This addresses a different situation then the Baby Richard case and a different situation with the Baby Jane case, although I can't tell you that I know those facts probably as well as I should to discuss them. This Bill addresses a situation which takes upon similar consequences since we've passed the law with regard to the irrevocability of certain actions."

Speaker Churchill: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Chairman, Mr. Speaker. This is a real life issue, and I rise in support of the Bill. Just less than a month ago in my district, a couple came to me and the state had just come to their house and taken their adopted child away because the supposed father who signed away his rights to parenthood had changed his mind, and so the baby had to go to foster care. In the meantime, tests were done and indeed it was proved that the father, the supposed father, was not the father of the child and the under trauma that the family had to go through, the pain was just undescrivable, so I think that we should quit discussing this and move this Bill so we can get it on the Governor's desk as soon as possible."

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

Turner, J.: "Thank you for the patience of the General Assembly and Members, and I move for favorable action."

Speaker Churchill: "The question is, 'Shall Senate Bill 79 pass?'"

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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 'aye', 15 voting 'no', 3 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 46."

Clerk McLennand: "Senate Bill 46, a Bill for an Act concerning site remediation, Third Reading of this Senate Bill."

Speaker Churchill: "For what reason does the Gentleman from Cook, Representative Lang rise?"

Lang: "Thank you, inquiry of the Chair."

Speaker Churchill: "State your inquiry."

Lang: "Mr. Speaker, earlier when Speaker Daniels spoke to us and indicated that there were at least 36 by his count, Bills where there were...at a minimum, irregular fiscal notes, he indicated he was going to get to the bottom of that, he indicated he was going to investigate it. I'm sure you'll recall those statements. Earlier, the Clerk of the House, upon my inquiry, indicated on at least one Bill, the Bill we just did that, on that Bill, subsequent to the filing of a fiscal note that was not signed, that fiscal note was later signed. I don't know how the Speaker and the Clerk can investigate this matter, if there are changes in the documents that were fraudulently or at least irregularly filed, if those documents are tampered with or changed. It would be in the nature, Mr. Speaker, of tampering with evidence, because if those documents are changed, no one will know what they looked like when they were filed. I also direct the Chair to the statute 720LCS 5/38-8..."

Speaker Churchill: "Representative Lang."

Lang: "Entitled..."

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Speaker Churchill: "Excuse me, excuse me Representative Lang. I believe you're talking about the last Bill that we did and this debate prior to the last Bill. We're now on Senate Bill 46."

Lang: "Sir."

Speaker Churchill: "Representative Lang."

Lang: "Sir, I started by making an inquiry of the Chair. You indicated I could make that inquiry, and I would like to proceed to make that inquiry."

Speaker Churchill: "And, you're making your inquiry about the Bill that just passed. I'm asking, do you have an inquiry about Senate Bill 46? Representative Lang."

Lang: "Sir, I'm making a general inquiry which I have a right to do as a Member of this House. Now, if I may proceed. The statute talks about tampering with public records and you can read it yourself Mr. Speaker, but the fact is, that we're unclear as to how the Speaker of the House and the Clerk of the House can investigate this matter if the documents in question have been changed since the time they were filed. Can the Chair enlighten us as to what efforts have been made to preserve those records and set them aside so that they can be reviewed by the appropriate parties, so we can determine what the irregularities were? I think you'll agree Mr. Speaker, that a fiscal note that was filed unsigned that later shows up signed, it is a little difficult to determine when it was signed, how it was signed, and so we believe especially since they have not been dated when altered that to preserve these records for inquiry. The Chair must do something about that and we would ask that you soon so do."

Speaker Churchill: "Representative Lang. As you know, when you raised your question yesterday, you questioned whether or

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not certain notes had been signed. Last evening, those notes were reviewed and signatures were obtained from the appropriate people who had to sign for those. It is not required that those notes be filed on these Senate Bills since this is not the house of origin, and it's solely a matter of courtesy for the knowledge of the people who are here. We've ruled on those questions, you've made various motions to suspend in other things, and at this point, we need to proceed towards the passage of Senate Bill 46. I'll come back to you Representative Lang, but we've ruled on this matter already. Perhaps if you have some questions in regards to Senate Bill 46, we could focus on that question. Representative Lang."

Lang: "Thank you, Speaker. I'm asking you to rule really on a different point and I hope I can make this point clear for you. The question I raised, has nothing to do with whether the notes are now okay. The question I raise is, that the Speaker of this House and his remarks at about 9:15 this morning indicated there would be an investigation underway as to at least those 36 Bills. If these notes have been changed in any way, then the investigation can not properly take place. No one will know, especially since the Clerk has not been instructed to write down the time that they were changed, who changed them, and in fact, this is tampering or altering public records. The appropriate thing to have done would be to have the appropriate agency file a new and amended fiscal note so that the record that was previously filed would not be altered or changed or destroyed and so that the Speaker of this House, who by his own admission, indicated that he would proceed to investigate this matter but rightfully do that. If these records have been changed Mr. Speaker, how then would the

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Speaker and the Clerk proceed to investigate the wrong doing?"

Speaker Churchill: "The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you. Mr. Speaker, I wish to inquire since the Gentleman a general inquiry of the Chair. I'm wondering if the records would reflect that at any time in committee, as required by statute, if any time in committee, that a majority of the committee members after the amendments of Senate Bills requested a fiscal note, I think the statutes or mandates note? I think that the statues indicated that's one of the appropriate times to do it. In addition, I would also suggest to the Gentleman that in the event that they had access to the notes of which he describes, other then those indicated by the Speaker this morning, in the event that he had access to notes and he did not raise at the time of consideration, either on Second or on Third that issue, then the Gentleman has to explain the issue of laches and waiver since he had an opportunity to object to the, what is otherwise an unnecessary document by the very ruling of the Chair. I would suggest that we proceed on the business of the Bill that has been called before us and we do the business of the House."

Speaker Churchill: "Mr. Clerk, was a fiscal note requested by a majority of those on the committee?"

Clerk McLennand: "No."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. Mr. Speaker, the issue before us that I am raising has little to do with whether a fiscal note was requested or not. It has to do with the words of the Speaker of the House, Speaker Daniels at about 9:15 this morning. And he assured this Body that he would undertake

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an investigation of these fiscal notes even though he said they weren't necessary. Now, even if he is correct that they weren't necessary and I don't agree. But even if he's correct, he told this Body and of the people of this state that he would undertake an investigation. And the inquiry Mr. Speaker, is whether anyone can investigate this, if the notes in question have been altered, changed or tampered with. And I would submit to the Chair that can't take place. And I would submit to the Chair that if you were a judge you would be very interested in finding out who was has tampered or altered the evidence. Clearly the evidence that needs to be looked at and the inquiry that the Speaker promised us this morning has been changed, and if that has happened then the inquiry obviously would not be able to go forward because the very documents that have to be reviewed are not in the same condition that they were in when they were filed. And so I ask you Mr. Speaker, what will be done to preserve the evidence so that the Speaker of the House who has undertaken this inquiry can do so?"

Speaker Churchill: "Representative Lang, I believe that you are confused. The Bills that we are considering, particularly the Bill before us Senate Bill 46, was not on that list. That was discussed this morning, and therefore, we should proceed with Senate Bill 46. Representative Lang, we done this now three or four times today, and we've done this three or four times on this Bill. I'll come back to you again, but at some point, we've got to get to this Bill. Representative Lang."

Lang: "Mr. Speaker, I wasn't referring to Senate Bill 46. I had my light on between the two Bills. You called on me when you chose to. I, as a matter of fact, you acknowledged me with your finger, pick a finger, before you started Senate

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Bill 46, as if to say you'll get to me, and you did after you called Senate Bill 46, but the fact is, my inquiry is not about Senate Bill 46. The Speaker of this House spoke on this floor and I have a right to ask how he can do what he promised the citizens of our state to do, if the evidence is not available, and I'm asking Mr. Speaker or the real Mr. Speaker, what will be done to preserve the evidence so that the inquiry can proceed? I'm not talking about Senate Bill 46, I'm not talking about whether the fiscal notes are even necessary, Sir, I'm talking about what the Speaker of the House said this morning. He said, I promise you I will proceed to investigate this, I take full responsibility as Speaker of the House for this problem, and I promise you Members of the House, I promise you citizens of our state, we will get to the bottom of this, and so I ask you Sir, how do you get to the bottom of this if the evidence has been tampered with?"

Speaker Churchill: "Representative Lang. Four times you asked, three times I've answered, I do not believe those are the words of the Speaker this morning, but perhaps you could get a copy of the transcript and you and I can go over it word by word. The point is, we've done this back and forth now four times, my answer is the same, your question is the same, we're going to proceed. The Chair now calls on the Gentleman from DuPage, Representative Persico on Senate Bill 46."

Persico: "Thank you Mr. Speaker, and Members of the House. Senate Bill 46 is a major piece of environmental legislation. Senate Bill 46 was amended in committee to become the Bill. It passed out of committee on a vote of 23 to nothing. This Bill is commonly referred to as Brownfield Legislation. And I would like to take a few

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moments right now to basically go through some of the highlights of Senate Bill 46. The intent of this legislation is to establish both the clean up and Liability Release Program for all properties in Illinois that have been contaminated by prior use. The intent or result of this Bill is to encourage more voluntary remediation of property. This Bill will bring certainty and a risk base approach to environmental cleanups. By doing so, we believe that the enforcement actions will be reduced, property will be cleaned up consistent with the protection of the health and environment. And this property will re-enter the economic mainstream and contribute to the tax base. After long negotiations between the Illinois Chamber, the IMA, the Illinois Bankers, the Illinois EPA and the Governor's Office, substantial agreement has been reached on most of the provisions in this Bill. Here are a few of the key concepts of Senate Bill 46. The environment does not know the difference between a voluntary or mandatory project, but this Bills applies to all clean ups, both voluntary and mandated unless specifically excluded due to a federal conflict. The question of how clean is clean is squarely addressed in this Bill. Currently their remedial program is a one size fits all program. A new procedure contained in this Bill requires the owner to measure the condition of the property, and then compare it to the various cleanup levels which are determined by assessing the risk at the site. This allows the owner and the IEPA to agree in advance on the level of cleanup needed on the site. If we use their risk base approach, we must insure that the land is used only for the uses for which is was Clean up. The legislation requires that no further remediation letter be recorded with the recorder or

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registrar in a county where the site is located. If you intend to upgrade the land use, for example, going from industrial to residential, this may be done only if the owner operator chooses to reinvestigate the site condition and take appropriate action. This legislation also allows the opportunity to retain a private licensed professional engineer to work under the direction of the EPA. The ultimate decision making and approval authority is at the IEPA level. One further comment. After full clean up and no further remediation letter will be issued by the IEPA. This letter will provide the owner with the level of comfort that the clean up activities undertaken will protect them from the liability, but it is not a covenant not to sue or an absolute shield, and that's why the last provision, that of proportionate share is so critical. The Trial Lawyers I know are neutral on this Bill, and I ask for your favorable vote on Senate Bill 46, and I will be happy to answer any questions."

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

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

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

Novak: "Yes. Representative Persico, when the Bill was initially introduced, it had a tax credit that would be provided as a further incentive for those businesses interested in participating in this program. Is this tax credit still included in this Bill?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as I mentioned in my opening remarks, this Bill is a result of an ongoing negotiations between various groups, and one of these issues at stake, which

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passed out of the Senate originally, was that of tax incentives for businesses to clean up their sites. After negotiating with the Governor's Office and the other interest groups, this provision has been taken out of this Bill."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative. The Bill establishes the risk based system for cleaning up the contaminated sites or remediating environmentally contaminated areas. How does a risk based system work?"

Speaker Churchill: "Representative Persico."

Persico: "Basically, Representative, it's a three tiered system of remediation standards which will be established. The threat to human health, site characteristics and future land use are all taken into consideration when developing remediation objectives to be attained for that particular site. So, we have a level...tier one, tier two, tier three level of remediation, depending on what they are going to do with that particular site."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative. So essentially, it's very similar to the leaking underground storage tank rewrite that we did a few years ago that also established a three tiered risk system. Is that correct?"

Speaker Churchill: "Representative Persico."

Persico: "That is absolutely correct, Representative."

Speaker Churchill: "Representative Novak."

Novak: "The Bill also allows for a privatized review process for cleaning up contaminated sites. How does this process work and does the Illinois Environmental Protection Agency have any input?"

Speaker Churchill: "Representative Persico."

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Persico: "Representative, as I mentioned in my opening remarks, the ultimate authority on any remediation site will lie with the Environmental Protection Agency. But we did put in a provision that an owner/operator my contract with a licensed professional engineer to conduct a site investigation and to develop remediation objectives and submit that plan to either the agency or a review in evaluation...license professional engineer who then in turn, submits it to the agency for their final approval."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative Persico. Are any state funds used to clean up the contaminated sites under this Bill?"

Speaker Churchill: "Representative Persico."

Persico: "No, Representative, the cost of the clean up will be born by the industry that is cleaning up the contaminated site."

Speaker Churchill: "Representative Novak."

Novak: "Thank you. Does the public have any input into the site clean up remediation plan?"

Speaker Churchill: "Representative Persico."

Persico: "During the negotiations, one of the considerations that was given was to public input. And basically, there is a community relation program. However, the approp...this participation is appropriately made at the option of the person conducting the remediation. There will be many opportunities for public participation during the rules process by the Pollution Control Board as well."

Speaker Churchill: "Representative Novak."

Novak: "Under current state law, can owners clean up contaminated sites on a volunteer basis?"

Speaker Churchill: "Representative Persico."

Persico: "Yes, they may."

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Speaker Churchill: "Representative Novak."

Novak: "Will the sites which are currently being cleaned up on a volunteer basis be grandfathered under this new legislation and if so, how?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, any company or industry that has undertaken this voluntary program which has been runned by the Illinois EPA has the right, if it's started already, to remain in that program or going into this new program if it becomes law."

Speaker Churchill: "Representative Novak."

Novak: "I understand the Bill also requires the Pollution Control Board to adopt regulations to determine proportionate liability responsibility for contaminated sites. Would you explain the concept of proportionate liability, please?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, proportionate liability is where the company is responsible only for the amount of contamination that they were responsible for putting in that particular site."

Speaker Churchill: "Representative Novak."

Novak: "Is there a final release from liability, or how does the owner of the site obtain..."

Speaker Churchill: "Representative Novak, please bring your question to a conclusion. The Chair recognizes the Gentleman from Bureau, Representative Mautino."

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

Speaker Churchill: "I think Representative Novak thought you were going to yield your time to him. The Gentleman will yield. Please proceed, Representative Mautino."

Mautino: "Okay. Is this substantially the same as Amendment 1 to Senate...House Bill 359?"

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Speaker Churchill: "Representative Persico."

Persico: "No, Representative. Amendment #1 to House Bill 359, I believe, had number one, the tax incentives or tax credits in that particular Amendment as well as some other provisions that had been removed or compromised or, you know, dealt with during the negotiating process."

Speaker Churchill: "Representative Mautino."

Mautino: "In the... As far as companies that are currently under...undergoing voluntary clean ups that have signed up for this, if this passes, would they be able to...would the IEPA still have the ability to sign off on the project?"

Speaker Churchill: "Representative Persico."

Persico: "Yes. One of the concerns that the City of Chicago had was some of these industries and companies have entered into the voluntary program with the EPA. They wanted to be assured that they were...they would be allowed to stay in that program if they so desire, and they do have that option or they can go into the new process if this does become a law."

Speaker Churchill: "Representative Mautino."

Mautino: "What effect will this have on the 'RCRA' enforcement on superfund qualifying sites?"

Speaker Churchill: "Representative Persico."

Persico: "These superfund sites have been excluded in this Bill."

Speaker Churchill: "Representative Mautino."

Mautino: "Now, is...who then is going to be responsible for oversight on these? Does it still allow for local input into the oversight? I'll ask you very specifically. In 1987 and 1988, Greg Mishud from the IEPA, my father Dick Mautino and the director of the Farm Bureau worked extensively with U.S. Ecology which is one of the only sites in the Nation which is a score high enough to qualify

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for the superfund clean up, yet it was not placed on that list. Currently, the State of Illinois has oversight and monitoring of that facility and I just want to know who is going to be charged with that U.S. Ecology Site."

Speaker Churchill: "Representative Persico."

Persico: "Representative, if I understand you correctly, you are talking about a specific site. If it...all properties that would be under federal guidelines or federal law are excluded from this Bill. If yours has not been included under that federal law, I wouldn't know the answer to that, but all federal projects are excluded in this Senate Bill 46."

Speaker Churchill: "Representative Mautino."

Mautino: "Exactly to my question. This one was excluded from the federal guidelines from the federal project and its oversight right now is through the State of Illinois. I believe this year, it goes to the Department of Nuclear Safety that is going to take care of the low level nuclear site and I want to know who, after this passes, will be responsible to the other side which is going to be the toxic and chemical waste site."

Speaker Churchill: "Representative Persico."

Persico: "Representative, I believe that the way you presented it, that that site would be included in Senate Bill 46 if it became law if there are certain aspects of the contaminated site that was contaminated by a particular industry, they would be responsible for their proportionate share, I would say."

Speaker Churchill: "Representative Mautino."

Mautino: "I guess what I want to know is that the company which is involved, should we change this? We were requiring oversights in the past, but we are not going to allow them

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to walk away from this site. I guess that is my major concern. Is the Illinois Environmental Council in favor of this Bill?"

Speaker Churchill: "Representative Persico."

Persico: "The Illinois Environmental Council is in favor of many aspects of this particular Bill, but they do have some concerns on the proportionate share aspect or provision of this Bill as well as the public input provision."

Speaker Churchill: "Representative Mautino."

Mautino: "Has the IEPA signed off on this legislation?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as I mentioned in my opening statement, there has been substantial agreement on most provisions of this Bill. The Illinois EPA also has some concerns on the proportionate share of Senate Bill 46."

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

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

Speaker Churchill: "Representative Novak, you are back on."

Novak: "Yes, Mr. Speaker. Representative Persico, for the purpose of legislative intent, I have a few questions I would like to ask so they are appropriately added to the record. This Bill changes the liability provisions from 'joint' and 'several' to 'proportionate share'. What effect will that have on clean up activity?"

Speaker Churchill: "Representative Persico."

Persico: "Thank you, Representative. First, I believe that the liability provisions were changed in House Bill 20 which we dealt with earlier in this Session, the Tort Reform Bill. That Bill specifically repealed that section applied joint and several liability to environmental cases. This Bill

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makes the act...that action clear, 'thus removing any lingering perception of liability'. We believe that the change will increase the number of clean ups undertaken in Illinois. This is because the parties to a clean up: lenders, owners and purchasers are dealing with the perception of liability. It is this perception that has chilled many transactions in the availability of financing.

Under the joint and several liability, one could complete a clean up, sell the property and all parties could still be held 100% liable for any residual contamination. Although the odds of a lawsuit at this point are low I believe, the perception of liability lingers. By removing this perception under proportionate share, we believe sites which were not cleaned up for lack of financing and/or buyer, will be more likely to enter this program and thus, put these sites back on the tax role."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative. Under joint and several liability, the Illinois Environmental Protection Agency could force a group of potentially responsible parties to cover the cost of the entire clean up. What will happen now under this proposed Bill?"

Speaker Churchill: "Representative Persico."

Persico: "This action currently exists in the case where the Illinois EPA threatens to or actually brings an enforcement action against one or more parties. The IEPA tries to convince the parties that they should get together and split the costs and if they do not, the EPA will pick a few of them and make them pay 100% of the costs. Point one is that I believe this is blatantly unfair. Point two is that if they want to continue with this policy, they can do so by very simply by threatening or bringing an action under

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the federal superfund. Point three is that this unfair practice does not work. As most of us believe, the superfund has resulted in very little clean up and a great deal of litigation. We believe a new approach is in order in order to get these sites cleaned up."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative. If the properties are not required to pay for the entire clean up, who will pay for the part that is left over?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, this is what is called the so-called orphan share issue. First, it is important to realize that the orphan share only arises in the context of enforcement action as I mentioned previously, and we hope to encourage voluntary clean ups by this Bill. Second, the Bill sets in place procedures and liability provisions that will encourage such voluntary action. In the end, there will be a small universe of orphan shares in an easier nut to crack. For the remaining orphan shares, as I have stated, the EPA still has many resources at their disposal. They can still send pre-enforcement letters to all potentially responsible parties. They can still threaten the lawsuit under this law or federal law. They can refer their case to the United States Environmental Protection Agency. All such actions are available to the Illinois EPA and if this fails as in some isolated cases it will, then the responsibility for the clean up is exactly as it is right now if no parties are available. At a future time, hopefully we may be able to address this at a more appropriate time."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative. What is the intent of laying

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out in such detail the various steps in determining the clean up levels?"

Speaker Churchill: "Representative Persico."

Persico: "There are a number of reasons for this, Representative. First, next to the perception of linger and liability, the greatest barrier to clean up was the concept that clean up standards should be set at a level to assure a pristine land condition regardless of risk or land use. This made the cost of clean up prohibited in many cases. This Bill establishes the legislative intent that the owner of a site should ensure that the risk involved at that site are fully addressed, so as to protect the health and protect the health and the environment."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative, please explain the role of the public in the brown fields remediation process?"

Speaker Churchill: "Representative Persico, there are only two seconds left. Please, answer the question now."

Persico: "Can I continue with the full answer, though?"

Speaker Churchill: "Yes, please give the full answer."

Persico: "As I mentioned previously, the one provision of this Bill that the Environmental Council had difficulty with was the...on the role of the public. I happen to believe that they have dealt with that issue in a very good manner. First of all, the Bill requires the EPA to develop guidance to assist people in the implementing community relation plans when remediating sites are needed. It also authorizes the EPA to enter into service agreements at the option of that person conducting the remedial activity to assist in a community outreach efforts. Participation in community relation program is appropriately made as an

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option of the person conduction their remediation. The rationale for this is because many sites are of a small...small site with very little clean up and you don't always need public participation in that. It does encourage that for larger sites and more controversial remediations, that there will be extensive community relations put into this Bill."

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

Erwin: "Thank you, Speaker. I would like to yield my time to Representative Novak."

Speaker Churchill: "Representative Novak for five more minutes."

Novak: "Thank you, Representative Persico. I think you have done a fine and admiral job. I would like to applaud all the groups that were involved in the long and tedious negotiation process. To the Bill, Mr. Speaker. I rise in very strong support of this legislation. As the former chairman of the Environment and Energy Committee and working with Representative Persico when he was the minority spokesman, we are very concerned and had many discussions about trying to eliminate some of these contaminated terribly public health hazard contaminated sites in the State of Illinois. We all know the problems that have occurred with the superfund which is a federal fund under the 'RCRA' Act that has caused so many problems, so many litigations trying to determine the proportionate amount of liability. We need to find a new approach. There are literally hundreds of contaminated sites that need to be cleaned up, need to be reactivated, need to be put back on the tax roles so we can create jobs for Illinois citizens and a lot of these sites are in our urban areas, specifically in the intercities of the City of

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Chicago, in East St. Louis and other urban areas around the state as well as in some small towns and rural areas. I would ask my colleagues, despite the fact that this Bill is not pristine in its draft form, we want to get the Bill to the Governor's Office so he has some time with the appropriate parties and the EPA and all the other parties involved in the current discussions to try to smooth over some of these concerns that have been alluded to by the EPA and other interested parties. So, once again, I rise in strong support of this Bill and ask my colleagues to support Senate Bill 46. Thank you."

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

Kaszak: "Thank you, Mr. Speaker. I also rise in strong support of this Bill. This Bill may not be perfect and it certainly will be open to review as to how the process proceeds over the next year or so. But I think it is a major step forward in dealing with what is a critical issue. It particularly, in the City of Chicago which our sites that are...appear to be environmentally tainted. One of the problems that businesses have is that they have no certainty in the environmental regulation area. They do not have any certainty of time as to when they are going to det...it's going to be determined whether or not a site is usable and whether or not work needs to be done on it and whether or not...the particular type of work that needs to be done. It is unclear as to what the clean up standards are and it is also unclear as to what their liability is. Under this Bill, all of those questions are largely answered and I think, provide a great incentive to businesses to take sites under their control and proceed to clean them up voluntarily. It's also an exciting thing for

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the communities because instead of having abandoned sites, they have sites that will be developed and also environmentally cleaned up. I can tell you that the City of Chicago supports this browns field initiative. They have concerns regarding the remaining or the funding of the orphan share, but they commend the Sponsors of the Bill for taking on a tough issue and coming up with a solution which is workable and I think they are very excited about this as an opening opportunity for further development in some very needy areas in the city. So I commend the Speaker and the Sponsor for their work in this effort and urge all of my colleagues to vote for this."

Speaker Churchill: "Further discussion? The Gentleman from Lake, Representative Salvi."

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

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

Salvi: "Representative, I have some questions with regards to the proportionate share liability scheme in this Bill. If we abolished joint and several liability with regards to environmental issues when we passed House Bill 20, then why is it that you need to abolish it again in this Bill?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as I mentioned, I believe that these provisions were, you know, abolished in House Bill 20. But what we have out there is the perception of liability and as you are well aware, when we go into clean up these industrial sites, all the parties involved are very concerned about this liability issue whether they be lenders or the operators or a person hoping to buy this particular piece of property. What this will do is will put this proportionate share provision into the Illinois Environmental Protection Act and, you know, take away all

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perceptions of liability."

Speaker Churchill: "Representative Salvi."

Salvi: "Under the Bill's thought based proportionate liability scheme, who pays for those shares of the clean up that cannot be apportioned to responsible parties? That is, who pays for the orphan shares?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, when they go into this site and they want to set up the proportionate liability or shares of each one of these, the part that is left that no one is...you know, as they can figure out, who contaminated it or they went bankrupt or they are no longer around, this is the orphan shares that you are talking about. And basically, there are some options available to the Illinois Environmental Protection Act as I mentioned. They can send out pre-enforcement letters to all potentially responsible people and hope that they would hope that they would get some response there. They can threaten the lawsuit under this law or federal law. They can refer the case to the U.S. EPA. But basically, what we are hoping to happen with this proportionate share, Representative, is that this is a volun...we are going to encourage voluntary programs to go in there and remediate the site. If, let's say, that they...you know, the site that they want to clean up, they have figured out the share left is maybe 10, 15, 20% is what would be left in the so-called orphan share, hopefully then the owners or the person that wants to buy this property will just take responsibility for the whole rest of the remaining orphan shares because they have certainty, they know the parameters of how clean they have to clean up that site for the land use that they are going to have...use it for."

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Speaker Churchill: "Representative Salvi."

Salvi: "Well, if they don't do that then the state is going to pay for the orphan shares and if the state must pay for the orphan shares, what additional funding source is provided in this Bill to pay for the increased financial burden that is being placed on the state?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, currently, the state is responsible for any clean up of these sites as it stands right now. And remember now, this only takes place if there is an enforcement action taken on this particular site. If there is no enforcement action then this site does not get cleaned up. It stays there. It's off the tax roles and so on. Hopefully, as I mentioned earlier, at a future time we may wish to debate on this House floor the appropriate means to fund such actions. But right now, I believe we must move forward with this very good piece of legislation that everyone is in agreement, that the brown fields is a good concept, that it will work. There are some, you know, parts that still have to be negotiated, but I think what we have here is a very good Bill for this particular Session."

Speaker Churchill: "Representative Salvi."

Salvi: "So, if we end up with a situation because we have lost this powerful environmental tool of joint and several liability, if we end up with a situation now where the state has to bear the burden of the environmental clean up... Let me ask you, in that situation, if the state does not have the money to pay for the orphan shares in a site because there aren't monies appropriated here to do so, must the responsible parties still clean up the site to the standards adopted by the Pollution Control Board or will the clean up not occur until the state comes up with the

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money to pay for the orphan share?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I believe one of the good provisions of this Bill, if it does become law, it allows the owner and the EPA to agree..."

Speaker Churchill: "Representative Persico, please bring your remarks to a conclusion."

Persico: "As I mentioned, Representative, one of the good provisions of this Bill becomes law is that it allows the owner of this site or future buyers of this site and the EPA to agree in advance how much this site needs to be cleaned up. I think part of this process is going to be dealing with that orphan share aspect that you are talking about and if they cannot come to an agreement, what I feel would happen and I'm just, you know, guessing on this is that the owner or the future party will not even bother with the site. And if that is the case, this site is going to stay off the tax roll anyway, state contaminated and be left the way it is."

Speaker Churchill: "Before we go on to further conversation, Representative Leitch, who is that distinguished gentleman that you have back there with you?"

Leitch: "Thank you, Mr. Speaker. We are very proud to have with us today Congressman Ray LaHood from Peoria and the eighteenth congressional district."

Speaker Churchill: "Welcome, Congressman."

Leitch: "And a former Member of this House, I might add."

Speaker Churchill: "Welcome back. Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I would like to yield my time to Representative Salvi."

Speaker Churchill: "Representative Salvi, you are on again."

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Salvi: "To the Bill, Mr. Speaker. I have a lot of respect for the Sponsor and I think he's trying to do a lot of good here and I think the Bill is good in many ways. But I rise in strong opposition to this Bill. I do not believe that we are re-abolishing joint and several liability with the proportionate share liability scheme in this Bill. I think what is happening is there is a recognition that joint and several liability still exists with regards to environmental law. There are a lot of lawyers that feel very strongly that it does still exist and that it must still exist. Nowhere is joint and several liability more important than environmental law where you have for example, three different companies that may have created an environmental disaster in a particular site. It's very difficult for the government to go to that site and go to those companies and say, well, your 20% responsible for this and you are 30% over here and you are 50% and that is how we are going to proportion it. The government has a very powerful environmental tool right now. We can say, 'Listen, the three of you are liable. We don't know to what degree, but it is in your hands. You figure it out. The burden is on you and you come back and we will work it out and then we'll...the state won't have to pick up the burden'. Under this Bill's fault base proportionate share liability scheme, by eliminating joint and several liability for the attorney general, the state pays for those shares of the clean up that cannot be apportioned to responsible parties. The state, the tax payers. If the state must pay for orphan shares, there is no...additional money for us to pick up those orphan shares. If the state does not have the money to pay for orphan shares to the site, the Bill does not require the parties to clean up the

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site. Absent...the responsible parties voluntarily assuming responsibility for the orphan shares and I have a lot less faith in the philanthropic hopes of the companies...to sponsor the Bill. Absent the responsible parties voluntarily assuming responsibility for the orphan shares and paying for the clean up. The clean up will not occur until the state comes up with the money to pay for the orphan shares. That is a bad idea. The Governor is opposed to this Bill. I talked with the head of the...or with the legislative liaison for the Illinois Environmental Protection Agency. He has indicated that there is strong opposition to this aspect of the Bill. Let's not take away the power of the state to impose joint and several liability in order to force those who have created an environmental damage, to tell us who is responsible for the damage because they are in the best position to do. Don't take away this very powerful tool that the state now has to get these areas cleaned up and don't force the state, the taxpayers of this state, pick up where we are going to leave us after we eliminate joint and several liability with regards to environmental law. If it were true that joint and several liability was eliminated in the most...in House Bill 20, they wouldn't need to do this. They know that the attorney general, the State of Illinois still has that powerful environmental tool. Don't take it away. I strongly recommend a 'no' vote on Senate Bill 46."

Speaker Churchill: "Further discussion? The Gentleman from Madison, Representative Davis."

Davis, S.: "Thank you, Mr. Speaker. I rise in support of Senate Bill 46. I think it is a very important piece of legislation, but it's also very complicated and very comprehensive piece of legislation. But I do have a few

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questions for the Sponsor if the Sponsor would yield."

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

Davis, S.: "Representative Persico, in this piece of legislation there are provisions for the owners of the contaminated site to hire a registered professional engineer to come in and assist the...assess and evaluate the sites. Is that correct?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, the owner or operator of that particular site has the option of either going to a licensed professional engineer to conduct a site investigation and submit that plan to the agency or they can go to the agency themselves. As I mentioned, the final ultimate authority rests with the Illinois Environmental Protection Agency."

Speaker Churchill: "Representative Davis."

Davis, S.: "Currently under the state law, only the Illinois EPA can now come in and evaluate these sites. Is that correct? And this just gives the owners another option to actually speed up the process of the evaluations by hiring your own registered professional engineer. Is that correct?"

Speaker Churchill: "Representative Persico."

Persico: "That is one of the provisions of this Bill exactly, Representative. It allows them to streamline and speed up to the review process."

Speaker Churchill: "Representative Davis."

Davis, S.: "Now, there are a lot of different classifications of registered professional engineers in the state and I wonder if there is anything in this provision, is there...does it have to be an environmental engineer or can it be a civil engineer...a registered civil engineer or a registered mechanical engineer or a registered electrical engineer or

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does it have to be specifically a registered professional environmental engineer to do these evaluations?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, it can be any licensed professional engineer. I believe that the owner of this particular site is going to pick the best engineer that they can for the proper remediation that they would like...or that would be included for this site."

Speaker Churchill: "Representative Davis."

Davis, S.: "And the engineer has to be approved by the EPA, I believe, before they can even be hired by the owner. Isn't that correct?"

Speaker Churchill: "Representative Persico."

Persico: "Their remediation plan has to be approved by the agency and one thing that this will do is it will weed out over time, you know, the competitive market place will do this over time, will weed out the good and bad engineers because if the...bad plan is submitted to the EPA and is continuously turned down by that particular professional engineer, they will no longer be used by industry."

Speaker Churchill: "Representative Davis."

Davis, S.: "Can you answer me this question? There is some provisions in here about regulated substances and remediation concerning regulated substances. Can you tell me or give me a definition of exactly what is a regulated substance is?"

Speaker Churchill: "Representative Persico."

Persico: "If you hold on one second I will have that information for you, Representative. Representative, they define in the particular piece of...or Amendment the agrochemical facility, they define that. A carcinogen, they define that. You know, we are talking things like benzene and so

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on, PCBs and so on, any contaminate that puts in the soil.
All these will be regulated as they are."

Speaker Churchill: "Representative Davis."

Davis, S.: "Could you give me the definition and exactly what we...what we are talking about in this Bill when we talk about area background and determination of area background and remediation objectives?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, the term 'area background' means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities and not the results solely of releases at the site."

Speaker Churchill: "Representative Davis."

Davis, S.: "Originally in this Bill, I believe that there was a 25% tax credit for the owners of these properties and that provision has been taken out of the Bill under the Amendment, but I am curious as to why that provision was taken out because it seems like..."

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

Davis, S.: "It seems like that would have been an excellent incentive to add to this package to have these owners voluntarily clean up their sites. Could you explain to me a little bit about why that provision was taken out of the original Bill?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, whenever we begin the process of designing and implementing a major of piece of legislation whether it be in environment or other areas, you start at a point and then through the negotiation process, you end up

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with a compromise that hopefully all interested parties are going to be able to live with."

Speaker Churchill: "Further discussion? The Lady from Lake, Representative Andrea Moore."

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

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

Moore, A.: "Representative, this was a very complicated Amendment, very long and complicated and difficult to understand in Committee. But, do you know if Committee Amendment #1 contains the provisions of Senate Bill 694?"

Speaker Churchill: "Representative Persico."

Persico: "I would probably say no because I would guess that Senate Bill 694 dealt with leaf burning."

Speaker Churchill: "Representative Moore."

Moore, A.: "Yes. Senate Bill 694 did concern the issue of leaf burning and because this was such a complicated Amendment I was almost sure you had it included. Nevertheless, in all seriousness, I do have a question that regards the proportionate share of the Bill. It is my understanding that the Governor does intend to veto that portion of the Bill. Is that your understanding also?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I would never presume to know what exactly what the Governor is going to do. I am not the Governor. What I do know is that this process...or this Bill has been negotiated over many months. There are still concerns over proportionate share as we have been discussing here. I know the Governor has some concerns on that, but like any Bill that we pass to the Governor, and it is over...I mean if it is vetoed or amendatorily vetoed, we as a legislative Body always have the opportunity to override the Governor."

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Speaker Churchill: "Representative Moore."

Moore, A.: "Thank you, Representative. To the Bill. This is definitely not a perfect Bill. There are some problems as the Representative said, are still being negotiated. I have been with this issue of clean up on a number of different levels for a number of years. This looks like this might provide a way that we might actually start to address the issue of clean up in a common sense way and so for that reason, I support this legislation."

Speaker Churchill: "Further discussion? The Gentleman from Williamson, Representative Woolard."

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

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

Woolard: "Representative, I am sure that you are remembering a Bill that passed through this Body a short time ago, Senate Bill 448, which was the initiative of the Department of Agriculture and the director of the Body in regards to agrochem clean up, some of the remediation that was being done on the small sites, small problems. Are you familiar with that Bill?"

Speaker Churchill: "Representative Persico."

Persico: "Yes, I recall that Bill, Representative."

Speaker Churchill: "Representative Woolard."

Woolard: "As the Sponsor of this legislation, do you think that this would impact negatively the Bill that passed, Senate Bill 448, in any way?"

Speaker Churchill: "Representative Persico."

Persico: "No, I don't, Representative."

Speaker Churchill: "Representative Woolard."

Woolard: "For the purpose of legislative intent, let's just go through a scenario. You believe that if Senate Bill 46 passes that positively the plan that was set forth and

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Senate Bill 448 which is now on the Governor's Desk, would be implemented as was passed and would not be preempted in any way by this piece of legislation."

Speaker Churchill: "Representative Persico."

Persico: "Representative, that is my strong belief and by the title of this thing and the rules of the board and land application programs administered by the Department of Agriculture are eligible under Section 58-10 relief under this no further remediation letter. So I do not feel that this is negatively going to impact House Bill 448."

Speaker Churchill: "Representative Woolard."

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

Speaker Churchill: "To the Bill."

Woolard: "I stand in support of this Gentleman's legislation. I think that it is much needed in the industry of the state. I think that there are many sites that can be positively impacted with the knowledge now that the intent of the Sponsor and this piece of legislation does not negatively impact the agro-business industry in any way and the Senate Bill 448 which was passed a short time ago and sent to the Governor's Desk. I would encourage my colleagues to join in support of Senate Bill 46."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Davis. Representative Davis. Representative Davis. Here she is. Representative Davis."

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

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

Davis, M.: "Representative, as you know there are a number of locations in the City of Chicago, especially in the south, say far south end that is truly under a need for clean up. Former Representative Balanoff used to try very hard to get some relief from this Body. And my question to you is, why

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is the Illinois Environmental Council and why is the Environmental Protection Agency against your legislation?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, first of all, I want to let the House realize that the City of Chicago is very much in favor of this Bill, like some groups that you mentioned. The only concern that some interest groups have now, like the EPA and the Environmental Council, is over the issue of proportionate share. I happen to feel that this Bill encourages voluntary programs to...or voluntary clean ups to go forward because what it will do is, it adds certainty, it adds...the aspect of risk based site remediation to this process and then these companies or owners or lenders no longer have the perception of liability. They know what the clean up will cost. They know what they are going to use the land for and they will then go forward to clean up many of these industrial sites that are right now sitting there empty contaminated off the tax roles, not providing the jobs that the people of the State of Illinois need."

Speaker Churchill: "Representative Davis."

Davis, M.: "Excuse me. Representative, how does say a business, get one of these no further remediation letters? Does that mean that they have been investigated that someone has decided that they have done an ample job of clean up? It's no further remediation letter. It's a part of...I think Amendment #1."

Speaker Churchill: "Representative Persico."

Persico: "Basically, the process works this way. The owner or buyer who would like to clean up this contaminated site, either contracts or the licensed professional engineer to conduct a site investigation and develop a remediation

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objectives and submit that plan to the Illinois Environmental Protection Agency. After this plan has been submitted and reviewed by the EPA and this clean up takes place to their satisfaction, again the Illinois Environmental Protection Agency has the ultimate authority in this Bill. Then they will issue a no further remediation letter for that particular site. Now, that does not mean that if a company decides at a later date to use that site for another purpose. For example, going from an industrial site to a residential site, this letter is no longer valid. They would have to go in and clean it up to that pristine standard that they would need in order to use it for a residential area."

Speaker Churchill: "Representative Davis."

Davis, M.: "I'm trying very hard to support your legislation. I have one final question. Is the Brownfields issue in this legislation or are you expecting it had to be put in some place else. I don't think it's here."

Speaker Churchill: "Representative Persico."

Persico: "Representative, this issue is commonly referred to as the browns field issue."

Speaker Churchill: "Representative Davis."

Davis, M.: "When you say 'this issue', you mean the entire legislation?"

Speaker Churchill: "Representative Persico."

Persico: "Brownfield refers to exactly...what we are trying to do here and that is clean up old industrial sites and get them back to economic viability."

Speaker Churchill: "Representative Davis."

Davis: "I still would like to know why the Environmental Protection Agency doesn't support this."

Speaker Churchill: "Representative Persico."

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Persico: "The issue that the Environmental Protection...or I mean the Illinois Environmental Council has is somewhat over the issue of proportionate share. I thought I addressed that. Also, the issue of public input, but there has been, you know, a process set up in this Bill which will allow for public input conducted through money by the Environmental Protection Agency for public input. Plus, there is a lot of...a great deal of public input when they set up the rules at the Pollution Control Board."

Speaker Churchill: "Representative Davis with 16 seconds."

Davis, M.: "Yes, I do support it. I think it's excellent that you are going to give the community an opportunity to be a part of the remediation process and to give it stamp of approval on the remediation process. I think very often when we talk..."

Speaker Churchill: "Representative Davis, would you bring your remarks to a conclusion?"

Davis, M.: "I was just going to say it is good to have the community involved when we speaking of these kinds of cleaning up the environment. Thank you."

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

Johnson, Tom: "Yes, Mr. Speaker, Ladies and Gentleman of the House, to the Bill."

Speaker Churchill: "To the Bill."

Johnson, Tom: "I rise in support of the concept that where this Bill is trying to go, but I have serious reservations about this Bill. And the reason I do, many of the issues that were raised by Representative Salvi apply. However, I want to raise a scenario with you and it is a real life scenario and it occurs in my town of west Chicago which this Body has supported time and time again. I would suggest to this

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Body that if you ended up with a major, major source of contamination which West Chicago did, the thorium metalings, which in essence costs and is projected to cost \$190 million to remove from that city. Without joint and several liability, I would suggest to you that that price tag would have been picked up by the state or in the alternative since money would not be made available, a remedial plan would have to be developed because of economics to lead a radioactive contamination in the heart of a city. Now, I believe that where we are going with this in terms of trying to deal with our industrial sites. I applaud the efforts of all of those who have worked on this. Philosophically, I agree with that approach, but I do not agree with the end out result of what can occur absent the continued joint and several liability or in the alternative, remediation plans that it's not going to be leaving the State of Illinois with tremendous liability, especially for the major, major contaminations in this state where companies such as Kerr McGee et cetera cannot be held accountable to help pay and defray those costs. Therefore, I would urge instead of moving rapidly ahead with this piece of legislation that a 'present' vote is the proper vote or a 'no' vote, and that these issues continue to be...needed to be addressed and dealt with before we move and leave cities like west Chicago, in a position with no recourse."

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

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

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

Scott: "Representative Persico, first of all just a comment in general. I support this legislation and I support what you

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are trying to do with it, but there are some areas that have been raised. One was just raised by the previous speaker. Any of the sites that are on the circle list or the National Priorities List or the state list, this particular legislation doesn't apply to. Is that correct?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I am glad you brought up that question and the site that Representative...the previous Representative was speaking about would have been excluded under this particular Bill. That was a very serious problem that the state can and has used this federal law under the superfund sites to clean up and they do have joint and several liability under federal law."

Speaker Churchill: "Representative Scott."

Scott: "The whole issue of joint and several liability, if we could talk about that for a minute and Representative Salvi raised some concerns about that. Having been involved in some of these before as an attorney for a potentially responsible party, I've got some understanding of how this works. My concern is, and it was raised by him, joint and several liability really does encourage parties to get together and settle out in terms of their liability; whereas, this particular legislation...if I'm sitting there as a potentially responsible party thinking I only have a few percentage points involved in it, aren't I going to be less likely to want to participate in the negotiation of who is going to pay for the costs and how that is going to be settled?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, that is exactly correct. This legislation is designed to encourage voluntary clean up, because of the certainty, because of the risk based

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approach, because of the known cost of what it is going to be. Again, under...the state would still be responsible only if they had an enforcement action against that particular site. I don't believe that the...any owner or operator or party that wishes to buy this land is going to go into one of these industrial sites if they have a 5%, you know, they were responsible for 5% of the contamination and they have to pick up 100% of the costs."

Speaker Churchill: "Representative Scott."

Scott: "Let me go into...let me explore that just a little differently. If I'm sitting there and I know I've got a very small percentage of the shares though, the share of the cost of the clean up involved. Under joint and several, my...I have an interest in participating with the rest of the PRT's in deciding how that should be divided up because I could get hit for a lot more than my liability would normally be, but under this scenario, the opposite might be true. I might have more of an incentive just to sit it out and let them bring me into court, and thus we could end up driving up some legal fees. Couldn't we?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I'm sure that possibility exists, but it also exists right now. If the state would have an enforcement action against a particular site, they are going to try to bring all parties that had any liability into this site and try to come up with an agreement. If they cannot come up with an agreement, obviously through some of the powers that they have, they...one person that might have contaminated 10% of the site would be held liable for 100% of the costs and to me, that is basically unfair."

Speaker Churchill: "Representative Scott."

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Scott: "That brings us into another issue that has caused some concern for me because it is not really addressed in the Bill. It's going to be addressed in the rule making and that is this whole idea of how we proportioned the shares out. Let's take a hypothetical. Say we have got a site where you and I were potential polluters or potential...responsible for some of the damage to the site, and my contribution was 50,000 tons of residential refuse as a dumper, as a municipality potentially, yours is 2 drums...55 gallon drums of DDT. Do we proportion by volume? Do we proportion by toxicity? What is your take on how that is going to be done, because obviously it matters a great deal in terms of how we proportion shares?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I believe that will all be worked out in the rules set up by the Pollution Control Board that are... I'm not a chemical engineer. I'm an educator and a legislator at times and if I was, I would be in a different line of work, but I think this is best said...you know, left with the rules that will be set up by the Pollution Control Board."

Speaker Churchill: "Representative Scott."

Scott: "With respect to the rule making, the whole idea of public participation has been brought up. I mean this rule making process would involve the public just like all the other rule making processes of the PCB are made, wouldn't it?"

Speaker Churchill: "Representative Persico."

Persico: "That is correct. They will be involved as heavily as they would like to be when the rules are setup by the Pollution Control Board and the public can always utilize the provisions of the Freedom of Information Act."

Speaker Churchill: "Further discussion? The Gentleman from

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McHenry, Representative Skinner."

Skinner: "Mr. Speaker, Members of the General Assembly, this may be the most expensive Bill that we will vote on this entire Session. I have read the Fiscal Note. I would ask you all to take a trip up there and read the Fiscal Note. It's actually signed and it says that there is no way to predict how much this Bill is going to cost. That to me, means probably billions. It's certainly more than hundreds of millions. I don't know who is going to pay for these orphan shares, but I have a feeling it is going to be us and I think that one of the things we have to do to bring this budget under control is to find the camels' noses that are under the tent and step on the nose and force the camel out of the tent before he gets the whole hump under. So, I'm going to vote 'no'."

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

Granberg: "Thank you, Mr. Speaker. First, a parliamentary inquiry of the Clerk. Mr. Clerk, there is a State Mandates @ Fiscal Note filed. And the note I am looking at, Sir, is dated May 17 at 11:49 a.m. from the Department of Commerce and Community Affairs. It is time stamped by your office at noon, but there is no signature on the note as required by state law. Does that reflect that original document?"

Clerk Rossi: "The Clerk's Office is in possession of a State Mandates Note on Senate Bill 46 that has been signed by Dennis Whetstone."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Mr. Clerk. Is there a time stamped on that fiscal note or a date indicated?"

Clerk Rossi: "May 17 at 12:00."

Speaker Churchill: "Representative Granberg..."

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Clerk Rossi: "Twelve-o'clock."

Granberg: "So the copies that we have in our possession, I thought, were copies of those documents. But the ones we have, Mr. Clerk...or this item does not have the director's signature. So I am just trying to make sure. Is this the same Mandates Act - Fiscal Note or has there been two filed? Because apparently, they are at the approximate same time or they are the same time."

Clerk McLennand: "The official records on these notes reside in the Clerk's Office and, Representative, the copies that we gave to you of the original note, the Department has come in and authenticated."

Speaker Churchill: "Representative Granberg. " Granberg: "We changed Clerks. You indicated the Department came in and authenticated. Did they come in last night and authenticate?"

Clerk McLennand: "They came in yesterday."

Speaker Churchill: "Representative Granberg."

Granberg: "Did they authenticate every note?"

Clerk McLennand: "Those that their agency created."

Speaker Churchill: "Representative Granberg."

Granberg: "Mr. Clerk, the one that we have then, is not authentic?"

Clerk McLennand: "It is according to the agency. They created it."

Speaker Churchill: "Representative Granberg."

Clerk McLennand: "Would you request a copy of this one?"

Granberg: "What time was this authenticated last night?"

Speaker Churchill: "Representative Granberg, we have gone through this line before. These notes are not required under the Act. This is all a debate that Representative Lang had initially on the Bill and...Representative Granberg."

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Granberg: "Mr. Speaker, I am not trying to do anything to hurt the chances of passage of this legislation. I am in favor of it, but this is a separate Bill from what Representative Lang discussed. You indicated from the Chair that his remarks were not proper after we had gone over that Bill. This is a separate Bill. This is a separate Mandates Note request. This is a separate Fiscal Note on the State Mandates Act. This is the appropriate time to deal with this matter and I would ask the Clerk...I would simply ask the Clerk when this was authenticated. The statute says it should be signed. I am just curious which one is..."

Speaker Churchill: "Representative Granberg. Representative Granberg, it is the ruling of the Chair that the note is not required on this Bill. Do you have discussion that you wish to ask questions on this particular Bill? Representative Granberg."

Granberg: "Mr. Speaker, I do have questions on the Bill, but apparently you are saying it is okay to change documents as far as the Thursday night massacre when you have everybody come in and change fiscal notes, and I'm not sure that is proper. We are just trying to find out which ones are correct and which ones aren't. We'd like to know..."

Speaker Churchill: "Representative Granberg. Representative Granberg, it is the opinion of the Chair that that note is not required on this Bill. Do you have questions on Senate Bill 46?"

Granberg: "Yes I do, Mr. Speaker, but I just want to say I'm very disappointed because I know your Members as well as ours want to know on every Bill what they are voting upon. That has not been indicated this Spring at all, but I'm sure they do now. So, to the Bill, would Representative Persico take questions, please?"

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Speaker Churchill: "You have 10 seconds left. Please, proceed."

Granberg: "No. Mr. Speaker, that was an inquiry of the Clerk."

Speaker Churchill: "We will give you the additional time.

Representative Granberg, you have five minutes to ask questions of Representative Persico. Please, proceed."

Granberg: "Thank you. Representative Persico, you discussed the issue of joint and several liability. Has the Governor's Office approved of the current language in your legislation?"

Speaker Churchill: "Representative Persico."

Persico: "They approved of the current language with the exception of the issue of proportionate share."

Speaker Churchill: "Representative Granberg."

Granberg: "I have just been... I was informed previously, Representative, that there might be some problems with the Governor's Office on that language. Is there any understanding as to what might occur then with your legislation in respect to proportionate share?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as I mentioned earlier, this Bill has been negotiated extensively for the past months. With all interested parties, Environmental Protection Agency, IMA, Environmental Council, the Governor's Office, the Illinois Bankers Association who is very supportive of this Bill because of the perception of liability will be removed. The Governor's Office and the EPA, as I mentioned earlier, they do have a concern over the issue of proportionate share."

Speaker Ryder: "Representative Ryder in the Chair. Representative Granberg."

Granberg: "Thank you, Mr. Speaker."

Speaker Ryder: "You are welcome, Sir. My pleasure."

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Granberg: "Representative Persico, that was in fact that question. Has the Governor's Office indicated whether they will amendatorily veto that portion of your legislation?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, I believe that the Governor will either amendatorily veto this legislation or possibly complete veto of it. I hope that would not be the case; however, as I mentioned earlier as well, we as the General Assembly always have the ultimate right to override the Governor's Veto if we feel that this is an excellent piece of legislation which I and many other...many people on both sides of the aisle happen to feel that this Bill is."

Speaker Ryder: "Representative Granberg."

Granberg: "Representative, I agree with you. Mr. Steve 'Long' from the IMA persuaded me how valuable this legislation was. That is why I am concerned with its ultimate fate. Has the Governor's Office indicated whatsoever, whether they will just use the amendatorily veto or in fact, veto the entire clause on proportionate share?"

Speaker Ryder: "Representative Persico."

Persico: "They haven't indicated either way to me, Representative, other than they do...I do expect some type of veto. Hopefully, it will not happen, but these are things that still are maybe needed negotiated."

Speaker Ryder: "I'm sorry, Representative Persico. I didn't mean to interrupt. Representative Granberg."

Granberg: "Thank you, Representative. Again, to that issue though. I think for the Members on this side of the aisle because there is some confusion, and potential opposition in regard to that. If the Governor has previously indicated that he might veto the entire subject matter... I'm sure Representative Novak can assist you with this."

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But, if he does, what would be the status? And if he vetoes the entire section in regard to proportion liability, that would put it back to joint and several?"

Speaker Ryder: "Did you finish your question, Mr. Granberg? I'm sorry. Representative Persico."

Persico: "Representative, I happen to feel that even if he does amendatorily veto that section, that provision, that under House Bill 20, that we have already repealed that provision. And I have to reiterate what I said earlier, this Bill has been out there for months and the trial lawyers are neutral on this Bill."

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you, Representative. One last question before my time expires. I noticed in the legislation, you dealt with different tiers of remediation. Can you briefly explain why we would differentiate between those three different tiers?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, one of the very good provisions of this Bill if it becomes law, is the certainty that it will provide to owners when they go for remediation on a particular site. We have set up a three-tier site very similar to what we did with the underground storage tank Bill, and we have gone away from the idea that one size fits all to a very site...specific site. So, if they go through the tiered system for example, tier one, which everyone would go through, and that is potable water standards. That would be the only tier they would have to go through because you could use anything on that particular site. And then they would go further down to level two, and level three, and level three would be more site specific...what this site will be used for. These are

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the parameters of what we need to clean it up to. And then they would submit that plan to the Environmental Protection Agency."

Speaker Ryder: "Thank you. The Chair...did you...you were out of time, Representative Granberg. Did you have further questions? Your hand signals are undecipherable by me, Sir."

Granberg: "You may have seen the wrong hand signal."

Speaker Ryder: "I can barely see as is."

Granberg: "I just wanted to thank Representative Persico for his indulgence in this area. And I want to compliment the Gentleman for working with all the different groups in trying to arrive at some reasonable compromise on this legislation. I initially had some very serious doubts and concerns about this legislation. But as I indicated, Mr. Longsta from the Manufacturers Association, was most helpful to me and some of the Members on this side of the aisle in trying to alleviate our concerns. So thank you, Representative."

Speaker Ryder: "The Chair would recognize the Lady from Cook, Representative Flowers. Representative Flowers."

Flowers: "I would like to yield my time to Representative Scott. Representative Scott please."

Speaker Ryder: "Representative Scott was not seeking recognition. Oh, I'm sorry. I apologize. Representative Scott."

Scott: "Thank you, Mr. Speaker. I have a couple more areas to go into if the Sponsor would yield."

Speaker Ryder: "I'm sure that he will."

Scott: "Reluctantly, right? You mentioned before that the No Further Remediation Letter that people get from the EPA when a site is cleaned up and, you said that if their use changes, for example, if it goes from a commercial site to

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a residential site, they would have to go back and clean it up to the higher level. I have got a couple questions on that. One, what is the mechanism for doing that and second, what kind of monitoring will the EPA have to make sure that these sites don't just change their uses over time without the EPA having any insight into that?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, the No Further Remediation Letter is recorded on the title of that which is given to the County Registrar. So if a company or an industry comes in and says, 'we no longer want to use this property for XYZ industry, we would like to take these ten acres that we have and sell it off for residential use', the County Recorder would have that information. They would have that No Further Remediation. Then the EPA would come in and say, 'okay, now we have a new site. This site is going to be used for a new purpose and you are going to have to clean it up to these particular standards.'"

Speaker Ryder: "Representative Scott."

Scott: "Thank you. There are two more brief issues I want to ask about. One is, there has been some question about emergencies, whether or not this would preclude somehow the agency from ordering a cleanup on an emergency basis. Would this preclude the agency from actually doing that, from coming in and ordering an emergency cleanup?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, I believe the agency always has the authority for emergency cleanup action."

Speaker Ryder: "Representative Scott."

Scott: "And also, in a related issue, would this preclude individual owners from working with the agency on different terms as is currently done from time to time? There are

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cleanups that go on on different terms with the agency. Would this preclude that from happening or would the parties be locked into exactly what is here in the statute?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, what we are doing here is, first of all, allowing any company or any industry that is currently working with the Illinois Environmental Protection Agency in what is known as their Voluntary Cleanup Program to continue to do so if they desire. They may also, if this Bill becomes law, agree to go into this new process. And this new process, as I said, one of the very good aspects of this new process is that it sets up that certainty in the parameters of what the cleanup is going to be."

Speaker Ryder: "Representative Scott."

Scott: "And do we exempt anybody out from liability, even under a proportionate share scheme in this statute? Financial institutions, governments, is anybody exempted out from proportionate share liability here?"

Speaker Ryder: "Representative Persico."

Persico: "We exempt out of this particular Bill, any federal or superfund site if that is what your question is or is it a different one?"

Speaker Ryder: "Representative Scott."

Scott: "Say a private company wants to clean up a site and they are 50% responsible. There is a lending institution involved, perhaps a municipal government of the state, local government. Are they exempted out of...from any liability or would they have to come up with their proportionate share as well?"

Speaker Ryder: "Representative Persico."

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Persico: "Representative, according to proportionate share, during the cleanup process, those companies that contaminated that area would be responsible for that share. Once this area has been cleaned up and they are issued a No Further Remediation Letter. Then the liability is gone and this letter goes along to new owners if the property happens to be sold, unless they upgrade it to another use."

Speaker Ryder: "Representative Scott, ten seconds please."

Scott: "Thank you, Mr. Speaker. To the Bill, if I could."

Speaker Ryder: "Yes, you may."

Scott: "Despite the concerns over proportionate share and I share in many of those concerns, this is a major piece of legislation. I think it will be very helpful for many of our urban areas throughout the state."

Speaker Ryder: "Mr. Scott, I will give you extra time. Please, bring your remarks to a close. Thank you, Sir."

Scott: "Thank you very much, Mr. Speaker. Many of our, especially the older urban areas throughout the state, this will be a very helpful tool to be able to use to have, not only local governments, but also the private businesses help to clean up these sites. The EPA is doing some very innovative things with their Clean Break Program, trying to get businesses to comply with the laws. This is one more further, very innovative step in trying to make sure that we can do what we can to help clean up these areas of the state that have been contaminated. I happen to represent an area that has many of these sites involved in it. I look forward to being able to work with this. Hopefully, through the rule making procedure and the public input that comes from that, we'll be able to set standards that will adequately protect the health, safety, and welfare of the citizens involved in those cleanups. I'd ask for support

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on this Bill and I commend the Sponsor for his indulgence and his answers to the questions."

Speaker Ryder: "Thank you. The Chair recognizes Representative Lang. Representative Lang."

Lang: "Thank you. Inquiry of the Clerk."

Speaker Ryder: "Representative, I apologize. I didn't hear your statement. Could you repeat yourself, Sir?"

Lang: "Inquiry of the Clerk, please."

Speaker Ryder: "Please state your inquiry."

Lang: "Thank you. Mr. Clerk, did I understand you to say that the fiscal note on this Senate Bill had been authenticated?"

Speaker Ryder: "Mr. Lang, we were distracting the Clerk. I apologize to you, Sir. If you would repeat your inquiry, the Clerk now will give you his complete attention."

Lang: "Thank you. I understood the Clerk earlier to say that the fiscal note on this Bill had been authenticated and I just want to make sure that is what I heard."

Clerk McLennand: "The fiscal note was signed."

Speaker Ryder: "Representative Lang."

Lang: "But I think the words were 'authenticated', and if that was the word, I just want to know if that was the word that was used. Has it been authenticated?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "The...somebody from the Department came in and said that they had created that fiscal note."

Speaker Ryder: "Mr. Lang, anything further?"

Lang: "I didn't hear the answer. The question was, did the Clerk say previously that the note was authenticated?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "A liaison from that Department came in and said that that note had been created by them and signed to that

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effect."

Speaker Ryder: "Anything further, Mr. Lang? Yes. Representative Lang."

Lang: "Well, I'm trying not to belabor this point."

Speaker Ryder: "I appreciate that."

Lang: "If I need to get a transcript, I will. But we all heard the Clerk to say that the note was authenticated. If the note was authenticated, I just want to point out to the Chair that means it was previously not authentic, previously not kosher, if you will. All apologies to Representative Schoenberg aside. So, I just would like to point out...I would just like to point out to the Speaker that the Clerk, with that statement, has indicated that the previously filed note was not authentic and I would just like the record to show...indicate. Thank you."

Speaker Ryder: "Mr. Lang, the Clerk is neither an expert on the dictionary definitions or on kosher, although, I am certain he would be willing to take instructions from you or Representative Schoenberg on the latter. Thank you for your comments, Sir. The Chair sees no further...oh, I apologize. Now I did it. Representative Schoenberg, I am sorry. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Ryder: "Please state your point, Sir."

Schoenberg: "My name was used in debate. The question of Jewish Dietary Law is notwithstanding. I want to reaffirm my belief in Mr. Lang's opinion on the veracity of the various notes that have been filed or not filed or filed in varied altered states. So, I just wanted to state for the record that I share his view. I find it to be a very unfortunate set of circumstances and one which I hope will be rectified

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very soon. Thank you."

Speaker Ryder: "Thank you, Representative Schoenberg. Any further discussion? The Chair seeing none, the Gentleman from DuPage, Representative Persico, to close."

Persico: "Thank you, Mr. Speaker, Members of the House. This is a major piece of environmental legislation as you have been listening to the debate as it has gone on for the last hour or so. This Bill brings certainty to environmental cleanups. All of us have driven past industrial sites that are laying there with no buildings, no jobs, nothing. Not on the tax rolls. And we say, 'why can't we get them back on?' This is the Bill that can do that. It allows an owner or a buyer of a piece of property to know in advance when they go to submit their site to the Environmental Protection Agency, how much it will cost to clean it up, based on what they are going to use that site for. The trial lawyers as I mentioned, are neutral on this Bill. The City of Chicago is in favor of this Bill. Each and every one of us have these sites in our district. It's a good Bill. I think you should vote 'aye' on Senate Bill 46."

Speaker Ryder: "You have heard the Gentleman's Motion. The question is, 'Shall Senate Bill 46 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open and 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 95 voting 'yes', 15 voting 'no' and 6 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 133."

Clerk McLennand: "Senate Bill 133, a Bill for an Act that amends

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

Speaker Ryder: "The Chair recognizes the Lady from Lake, Representative Clayton."

Clayton: "Thank you, Mr. Speaker. This Bill amends the Property Tax Code to specify that all counties will classify property for taxation purposes, shall value open space land on the basis of its fair market value. Under current law, all counties except Cook assess parcels as open space under Section 10-155 of the Property Tax Code, if they are more than 10 acres and used for defined purposes, such as wetlands, golf courses, forests, wildlife preserves. This Bill expands this section to include Cook County. I'd be happy to respond to any questions."

Speaker Ryder: "Is there any discussion? The Chair would recognize the Gentleman from Cook, Representative Dart."

Dart: "Inquiry of the Clerk."

Speaker Ryder: "Please state your inquiry, Sir."

Dart: "Is the State Mandates Act signed?"

Clerk McLennand: "Yes."

Speaker Ryder: "Mr. Dart."

Dart: "Who was it signed by?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "Dennis Whetstone."

Speaker Ryder: "Mr. Dart."

Dart: "When was that signed?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "I believe it was signed yesterday."

Speaker Ryder: "Mr. Dart."

Dart: "Do you know when yesterday?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "Sometime early evening."

Speaker Ryder: "Mr. Dart."

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Dart: "That wouldn't have been after we went to our Democratic caucus, do you recall or does it note that?"

Speaker Ryder: "Mr. Clerk, do you know the time that it was signed?"

Clerk McLennand: "Approximately...approximately 5:30, 6:00 p.m."

Speaker Ryder: "Further inquiry, Mr. Dart?"

Dart: "Yes. I am holding in my hand what purports to be a State Mandate Act Fiscal Note for Senate Bill 133 as introduced in the House. Time stamped by House of Representatives Terrance McLennand, May 17, 1995 at 6:00 p.m. However, mine does not have any signature on it at all. Can you explain to me what I have here?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "It is dated May 17, 6:00 p.m. as being filed at that time."

Speaker Ryder: "Mr. Dart."

Dart: "Well, now is it the practice of the Clerk's office then to accept these then without signature and if so, is that the proper way to accept these?"

Speaker Ryder: "Mr. Dart, you may inquire of the court as to the existence of the document. I believe those questions have been answered. I would remind you again that the Chair has previously ruled and the fact that a different person is sitting here doesn't change that rule, that these notes were not required and as a result I would please ask you to bring your inquiry to a close if you will. Mr. Dart."

Dart: "An inquiry of the Chair then."

Speaker Ryder: "Yes. State your inquiry."

Dart: "What is it then, in fact, that I'm holding in my hand then if this is a document that differs from the document that you have there? Are we, on this side of the aisle, being given different documents and if so, can you explain to us

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why we get different documents than the rest of the House?"

Speaker Ryder: "Mr. Dart, I'm unable to explain the procedure on your side of the aisle. But I think, to paraphrase your statement, you're holding a document that purports to be a response to your request without a signature, Sir. Further, Mr. Dart?"

Dart: "Yes, Mr. Speaker. This was a response to a request for a fiscal note., I believe and what I'm holding is one that is not signed. And what I'm trying to figure out here is now, how is it that I have in my hands one that is not signed, the Clerk has one in his hands that is signed? How is it that a document that is suppose to be identical, differs? What happened here? What went on? Why is it that it's different?"

Speaker Ryder: "Mr. Dart, I believe that that question has been answered when the Speaker indicated to you that what you have in your hand is what you indicated was purported to be the response to the request but does not contain a signature. If you wish to see the fiscal note that is currently in the Bill file, I'm sure that Mr. Rossi or Mr. McLennand will be happy to show that to you at the well. Do you wish that, Sir? Mr. Dart."

Dart: "Well, who has seen it fit to issue to us documents that are only purported to be legitimate and not the legitimate ones? Who is behind that? Is that the department or is that the Clerk or is that the Speaker's Office?"

Speaker Ryder: "Perhaps..."

Dart: "Who's doing this?"

Speaker Ryder: "I believe that the documents are distributed through the Clerk's office. You may wish, Sir, to make an inquiry through the Assistant Clerk, the person designated by your party, to get a response on that. Any further

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inquiries? Representative Lang."

Dart: "Just a couple more, then I have a feeling there's some other people with a couple inquiries too. To finish off my inquiry though, two things: one, why in the world and this will be real strained logic, I'm sure, why in the world do we have people authenticating documents that, as you have said, are unnecessary documents? Why are we doing that?"

Speaker Ryder: "Again, we'll indicate to you that it's been the previous ruling of the Chair, and this Chair will continue in that ruling that these documents were not required. They're unnecessary documents, because this is not the House of origin of that Bill. Do you have further inquiry, Sir, or should I go to Mr. Lang? Representative Lang."

Lang: "Thank you, Mr. Speaker. Inquiry of the Clerk."

Speaker Ryder: "Please state your inquiry, Sir."

Lang: "Thank you. Can the Clerk tell us if the Speaker believes that these fiscal notes are unnecessary, because they're on Senate Bills, which you have stated and Mr. Churchill has stated and Mr. Daniels has stated. Then why did anybody go to the bother of having them authenticated? Why did anybody go to the bother of having agency heads toddle down here and stand in line to sign these things?"

Speaker Ryder: "Mr. Lang, I'm not going to suggest that the Clerk of the House can speculate as to the motivations of other individuals. It has been repeatedly responded to you and those of your party who have indicated today. The question has been asked previously. It's been extended as a courtesy. That courtesy has been extended. The letter of the law has been stated by the Chair. Do you have further inquiries, Sir?"

Lang: "No. I'll save my further inquiries, Sir."

Speaker Ryder: "Okay. Thank you, Mr. Lang. Any further

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inquiries on the Bill? Okay. Representative Dart, on the Bill."

Dart: "Yes. Initially, Mr. Speaker, I'm joined by the appropriate number of colleagues here and we're going to take this off of Short Debate."

Speaker Ryder: "I will acknowledge that request. Mr. Dart, on the Bill."

Dart: "Yes. And hopefully I'll get more answers on the Bill than I did on this. Representative, can you explain to me exactly what it is and who was impacted by this?"

Speaker Ryder: "Representative Clayton."

Clayton: "All open space, more than 10 acres...the open space considered for this purpose would be ones that are actually and exclusively used for maintaining or enhancing natural or scenic resources. Protects airstreams or water supplies, promotes conservation of soil, wetlands, beaches and other bodies of water. Conserves landscaped areas, such as, golf courses. Enhances the value of the public...of abutting or neighboring parks, forest and other wildlife areas and preserves historic sites. Land is not considered used for open spaces if it is used primarily for residential purposes."

Speaker Ryder: "Representative Dart."

Dart: "Yes. Representative, if you could maybe help me out, see that we really don't know anymore which fiscal notes are legitimate and which ones aren't. Can you tell me what the fiscal impact of this Bill is, that you're made aware of, and hopefully this is from somebody outside the people who are disseminating these documents? Do you know how much this will cost?"

Speaker Ryder: "Representative Clayton."

Clayton: "There would be no fiscal impact on the state. Local

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governing bodies could be impacted by the change in the assessed value."

Speaker Ryder: "Representative Dart."

Dart: "How is that they're assessed presently in Cook County right now for these areas?"

Speaker Ryder: "Representative Clayton."

Clayton: "They are assessed as commercial properties."

Speaker Ryder: "Were you done, Representative Clayton?"

Clayton: "Yes."

Speaker Ryder: "Did you complete your answer? I'm sorry. Representative Dart."

Dart: "And the change in this would assess them as open spaces, is that correct?"

Speaker Ryder: "Representative Clayton."

Clayton: "That is correct. They would be assessed as open spaces."

Speaker Ryder: "Representative Dart."

Dart: "But how many properties is estimated would be affected by this piece of legislation?"

Speaker Ryder: "Representative Clayton."

Clayton: "Any golf course or open spaces in Cook County would be affected by this."

Speaker Ryder: "Representative Dart."

Dart: "But do you have an idea of the number of golf courses or parcels that would be affected by this?"

Speaker Ryder: "Representative Clayton."

Clayton: "I have been told that there are 165 golf courses."

Speaker Ryder: "Representative Dart."

Dart: "Can you explain to me the..."

Speaker Ryder: "Were you finished with your question, Representative Dart, or did I catch you in mid-thought?"

Dart: "No...this would just make these laws uniform, that's

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correct?"

Speaker Ryder: "Representative Clayton."

Clayton: "That is correct. It would include Cook County along with all of the rest of the counties in the state that already have this."

Speaker Ryder: "Representative Dart, do you have anything further, Sir? Representative Dart, anything further? Seeing none, the Chair recognizes the Lady from Cook, Representative Fantin. Representative."

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

Speaker Ryder: "She indicates she'll yield to your questions."

Fantin: "You're stating that this only applies to Cook County, is that correct?"

Speaker Ryder: "Representative Clayton."

Clayton: "Yes. It only applies to Cook County because all the other counties in the state already have this."

Speaker Ryder: "Representative Fantin."

Fantin: "Thank you. And how many golf courses did you say this would apply to, I'm sorry I didn't hear?"

Speaker Ryder: "Representative Clayton."

Clayton: "I have been told that there are 165 golf courses. Of course, only the private courses would be affected because the public ones are tax exempt."

Speaker Ryder: "Representative..."

Clayton: "Excuse me, publicly owned are tax exempt. There are public courses that are not publicly owned."

Speaker Ryder: "Representative Clayton, I apologize for interrupting your answer. Representative Fantin, do you have further questions?"

Fantin: "Yes Sir."

Speaker Ryder: "Please proceed."

Fantin: "Do you know what the total loss of revenue would be to

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Cook County if this change was made?"

Speaker Ryder: "Representative Clayton."

Clayton: "I do not have a figure on that, no."

Speaker Ryder: "Representative Fantin."

Fantin: "Do you know the total of the estimate value of these golf courses?"

Speaker Ryder: "Representative Clayton."

Clayton: "I have a piece of paper that purports to be from the Cook County Assessor's Office, but it's not on a letterhead and it's not signed. But it says..."

Speaker Ryder: "I'm sorry, Representative Clayton. Please proceed."

Clayton: "This document says that the number of golf course parcels is 165 for a total market value of \$38,484,289. The..."

Speaker Ryder: "Representative Clayton, were you completed with the answer? Representative Clayton, to complete her answer."

Clayton: "If I may...I will finish..."

Speaker Ryder: "Please."

Clayton: "...describing what is on this document. It says, that if that total assessed value was assessed at 38%, that would be \$14 million, \$14,624,030. If we were assessed at 22%, that would be \$8,466...\$466,544. Loss to the property tax base would be \$6,157,486 or .02% and that the total property tax base is \$34 billion plus."

Speaker Ryder: "Representative Fantin."

Fantin: "So, if I heard you correctly, it's a loss of \$6 million in revenue to Cook County in taxes?"

Speaker Ryder: "Representative Clayton."

Clayton: "That's value in property, not taxes."

Speaker Ryder: "Representative Fantin."

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Fantin: "That is the total value loss, \$6 million, correct?"

Speaker Ryder: "Representative Clayton."

Clayton: "Yes. Total value, not taxes."

Speaker Ryder: "Representative Fantin."

Fantin: "Do we know what the loss would be to the school districts with this loss of revenue?"

Speaker Ryder: "Representative Clayton."

Clayton: "Representative Fantin, one of the reasons for wanting this Bill is to make them competitive with the Collar County courses. There is a concern of losing these courses to development. If that is the case, the cost to the municipalities and to the school districts would be much greater, because presently they really provide very little service to a golf course. To residential property there is a great deal of service."

Speaker Ryder: "Representative Fantin, please bring your remarks to a close. Oh, you were finished, I see. Thank you. The Chair would recognize the Gentleman from McHenry, Representative Skinner."

Skinner: "Well, I also have this document that purports to be from the Cook County Assessor, whoever that is, he doesn't have his name on it. It says it's about Senate Bill 133. It says Office of the Cook County Assessor source, but doesn't have the Assessor's name on it. Somebody says that name is Tom Hines, but he's from downstate so would how would he know? I mean, he would know. He owns lands in Cook County. But I notice by analyzing the purported analysis from the Cook County... the unknown Cook County Assessors Office, an undocumented Cook County Assessors Office, on no letterhead, that he claims that this class of property is assessed at 22%, and it's not. It's assessed at 16.29% according to the official records of the Illinois

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Department of Revenue. We have a scandal here Ladies and Gentlemen, a major scandal. If we can't trust the purported Assessor who doesn't have enough money to buy letterhead to tell us the truth, who can we trust around here? I don't know."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang."

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

Speaker Ryder: "She indicates she'll yield to your questions, Sir."

Lang: "Thank you. I just want to try to make this simple so that the Body understands the Bill that some people have tried to confuse. Will you help me do that, Representative?"

Speaker Ryder: "She indicates she will..."

Lang: "Good."

Speaker Ryder: "...Representative Lang, please proceed."

Lang: "Now as I understand it, all golf courses out of Cook County are assessed as open space, is that correct?"

Speaker Ryder: "Representative Clayton."

Clayton: "That is correct. Unless they are owned by a governing body and then they are tax exempt."

Speaker Ryder: "Representative Lang."

Lang: "And what rate are they taxed at out of Cook County?"

Speaker Ryder: "Representative Clayton."

Clayton: "Thirty-three and a third percent of fair market value."

Speaker Ryder: "Representative Lang."

Lang: "Now my understanding is, that in Cook County, golf courses are assessed at the highest and best use of the property rather than as open space, is that also correct?"

Speaker Ryder: "Representative Clayton."

Clayton: "That's correct."

Speaker Ryder: "Representative Lang."

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Lang: "And are they, therefore, taxed at a higher rate in Cook County then out of Cook County?"

Speaker Ryder: "Representative Clayton."

Clayton: "That's right."

Speaker Ryder: "Representative Lang."

Lang: "Then that's to make sure that golf courses all over the state are taxed in a fair way statewide, is that correct?"

Speaker Ryder: "Representative are you leading the witness? Representative Clayton."

Clayton: "Yes, that is correct. We need to keep them competitive."

Speaker Ryder: "Representative Lang."

Lang: "Well, Representative, I think that sounds like a very wonderful idea. I'm one that stands for consistency. You're trying to create consistency in the law. I applaud you for that. I'm for this Bill."

Speaker Ryder: "Any further discussion? Seeing none. The Lady from Lake to close, Representative Clayton."

Clayton: "I urge a 'yes' vote on this Bill."

Speaker Ryder: "You've heard the Lady's Motion. The question is, 'Shall Senate Bill 133 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open and 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 'ayes', 7 'noes' and 10 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 287."

Clerk McLennand: "Senate Bill #287, a Bill for an Act concerning the State Universities Retirement System Board of Trustees. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from

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Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Senate Bill 287, amends the Pension Code Article for the State Universities Retirement Systems. It changes the structure of the Board of Trustees. Beginning on July 1, 1995, it provides for a new board consisting of nine persons appointed by the Governor, including two participates and two annuitants. Glad to take questions."

Speaker Ryder: "You heard the Gentleman's Motion, is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates he will yield for your questions, Representative, please proceed."

Hoffman: "Yes. What does this do differently then current law?"

Speaker Ryder: "Representative Winkel."

Winkel: "Under current law, there are 11 members on the board. There's only one annuitant. There's four participates and the other six are appointed by the various governing boards, University of Illinois Trustees, Southern Illinois Board of Governors, Community College Board and Board of Regents. It's scheduled to change because of Senate Bill 241, which has become law, Public Act 89-4, and it would increase the size of the board to 16 members. What Senate Bill 287 would do, would be to reduce the size from 16 members to nine members."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Well, it's my understanding what this does is, it would essentially still allow appointed SERS members. So, apparently right now, as you said, the SERS members are appointed by the individual boards. Now they would be appointed by the Governor. So there would still be no

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accountability back to the individuals who are members of this retirement system, is that right?"

Speaker Ryder: "Representative Winkel."

Winkel: "No, absolutely not. That's not correct at all. In fact, this rearrangement is very consistent with our reform of higher ed governing boards throughout the state. It's very consistent with what we've done with the dissolution of the Board of Regents and the Board of Governors, and instead, making Governor appointed boards for each of those universities and colleges. What this does is, it creates a nine member board, each of whom are appointed by the Governor. And the Governor would have direct responsibility for that appointment and the buck really would stop with the Governor, as far as accountability goes. I think, by decreasing the size of the board also contributes to increased accountability. We're decreasing it from 11 members to 9."

Speaker Ryder: "Representative Hoffman."

Hoffman: "You're aware that the TRS System, the Teachers Retirement System, has elected members, isn't that right?"

Speaker Ryder: "Representative Winkel."

Winkel: "That's right, I am aware of that, yes."

Speaker Ryder: "Representative Hoffman."

Hoffman: "And the SERS System, has elected members, correct?"

Speaker Ryder: "Representative Winkel."

Winkel: "Yes, I'm aware of that."

Speaker Ryder: "Representative Hoffman."

Hoffman: "It is my understanding that this would be the only state system that does not have elected board members. In other words, although we believe that it is good enough for the TRS System to allow the individuals annuitants to decide who is going to serve, and we believe that for the

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SERS System, the individual annuitants should be empowered to decide who is to serve. We think that the SERS system for some reason, is above that. Well, I think the time has come where we're going to say and we're ready to say, that the SERS system shouldn't be above that. We've seen the excesses of the system that is ultimately resulted in the Executive Director resigning. We've seen the excesses of a system gone wrong, where appointment is the means of allowing an individual to serve on that board. We've seen the excesses and we've read about the excesses, and the audit commission found the excesses. The Chicago Tribune has reported on the excesses of a board gone bad. And now instead of empowering the annuitants, what we're doing here is we're perpetuating the falsehood of allowing people to serve without having any type of accountability. Every other system in this state, says they have to be elected. Every other system in this state runs their pension systems in that way, yet, we're going to allow a system that has run amuck to continue to have appointed individuals with no type of accountability. I'll tell you what, the AFL/CIO is against us for good reason, they want to empower the annuitants. The IFT is against it for good reason, they want to empower the annuitants. The members of this system are against it for good reason, because they want to empower the annuitants. To simply foster the notion and continue the notion that we're going to continue to allow this system to be out there, to spend money at will, to buy thousand dollar tie clips, is absolutely ridiculous. Representative, there's only one assurance in this Bill, that one university will have any members on this board, and that's the University of Illinois. I represent SIU, Edwardsville. Representative Bost represents SUI,

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Carbondale. Representative Weaver represents other universities, and we think that we should have people on there, too. We say elect people. That's the way to go, this isn't the way..."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, inquiry of the Clerk."

Speaker Ryder: "State your inquiry."

Lang: "I have what purports to be a Pension Impact Note from the Economic and Fiscal Commission, dated May 9th, 1995, stamped filed with the Clerk at about 3:30 p.m., on May 15th. There is no signature on this document and I don't know if it's been authenticated. Can the Clerk help me out with that?"

Speaker Ryder: "Sir, specifically, what is your inquiry? Do you wish to know if the note that is filed, has been signed? Is that your inquiry, Mr. Lang?"

Lang: "The inquiry is whether we have a valid Pension Impact Note filed with the Clerk under all the applicable statutes of the State of Illinois."

Speaker Ryder: "Mr. Lang, you've asked if the note is valid? I would ask you to be more specific. Do you wish to know, has it been signed? Do you wish to know, has it been filed? What is your specific inquiry, Sir?"

Lang: "Mr. Speaker, the law as we read it yesterday, requires that the head of the agency or someone at his or her direction, sign the fiscal note or the Pension Impact Note. The document we have before us is not signed. I'm wondering if the document the Clerk has is signed?"

Speaker Ryder: "Thank you, Mr. Lang. Mr. Clerk, is the document in the file, has it been signed?"

Clerk McLennand: "The Pension Impact Note on Senate Bill 287, as

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engrossed and we have in the file, has not been signed."

Speaker Ryder: "Mr. Lang."

Lang: "Well, Mr. Speaker, if it is not signed, then this one is not, to use the Clerk's term, authenticated. Accordingly, the Bill moved to Third Reading without a proper Pension Impact Note and the Bill has been erroneously moved to Third Reading, and we would ask the Chair to rule that the Bill should go back to Second Reading until we have a proper Pension Impact Note filed."

Speaker Ryder: "Mr. Lang, the Chair's previously ruled, and the Chair will so rule at this time that the document requested by you is not a necessary document under the Rules of the House and the Chair will so rule. Do you wish to make a further Motion, Mr. Lang?"

Lang: "One moment, Mr. Speaker. Mr. Speaker, and for the edification of the Parliamentarian, Illinois Compiled Statutes, 1992, Volume One, page 1159, refers to the Preparation of Note and it does not say the House of Origin, Sir. In Section 55/2, it says, 'in relation to any Bill introduced in either House of the General Assembly which purposes to amend, revise, or add to any provision of the Illinois Pension Code'. So, Sir, the previous ruling, which I believe is in error, but even under that ruling that said at the Senate..."

Speaker Ryder: "Mr. Lang, Mr. Lang, I hear your argument. If you believe that the previous ruling is in error, as you so state, you're welcome to make a Motion. Otherwise the Chair's ruled and we're prepared to proceed with our business. Representative Lang."

Lang: "I would make that Motion and..."

Speaker Ryder: "Good then."

Lang: "Excuse me?"

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Speaker Ryder: "Sir."

Lang: "Excuse me."

Speaker Ryder: "Representative Lang."

Lang: "I would ask for a Roll Call Vote and I ... "

Speaker Ryder: "Representative Lang..."

Lang: "Excuse me. And I assume the question will be, 'Shall this Chair be sustained?' In which case, I would ask for a verification."

Speaker Ryder: "Representative Lang, that is exactly what the Chair intends to do. The question is 'Shall the ruling of the Chair be sustained?' All those in favor vote 'aye'; all those oppose for 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 63 voting 'yes' and 53 voting 'no', with 0 voting 'present'. And Representative Lang do you persist in your request for verification, Sir? He indicates that he will. Mr. Clerk, please read the Roll of those voting in the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus, and Mr. Speaker."

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Speaker Ryder: "Mr. Lang? Representative, do you have questions of the affirmative, Sir?"

Lang: "Thank you. Tom Johnson."

Speaker Ryder: "Representative Tom Johnson. Representative Tom Johnson. Representative Tom Johnson is at the rear of the Chamber, Representative Lang. Further questions?"

Lang: "Representative Biggert."

Speaker Ryder: "I apologize. I was talking when you asked a question. The next name, please?"

Lang: "Representative Biggert."

Speaker Ryder: "Representative Biggert is also at the rear of the Chamber, Sir. You have further questions?"

Lang: "Representative Zabrocki."

Speaker Ryder: "Representative Zabrocki. Representative Zabrocki is over by the windows, Sir."

Lang: "You seem to have a lot of Members in the rear of the Chamber. Perhaps they could sit down."

Speaker Ryder: "Do you have further questions, Sir?"

Lang: "Representative Tim Johnson."

Speaker Ryder: "Representative Tim Johnson. Representative Tim Johnson. Representative Tim Johnson. Doesn't appear to be in the Chamber, please remove him."

Lang: "Representative Balthis."

Speaker Ryder: "Representative Balthis is at the Clerk's well, Sir. Do you recognize him?"

Lang: "Yes."

Speaker Ryder: "Thank you, Mr. Lang."

Lang: "Representative Stephens."

Speaker Ryder: "Representative Ron Stephens is in the rear of the Chamber, by his desk, I might add. Representative Lang."

Lang: "Representative Winters."

Speaker Ryder: "Representative Winters is in his chair, Mr. Lang."

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Any further?"

Lang: "No further."

Speaker Ryder: "No further. And on this question, 62 voted 'aye', 53 voted 'no' and the Chair's ruling is sustained. Any further discussion? The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I'm just rising to renew my request that the Majority Leader call an immediate meeting of the Rules Committee so that we consider House Resolution 49. And as the Majority Leader is no longer in the Chair, I thought perhaps this would be a good time for him to put the Committee notice out."

Speaker Ryder: "Thank you, Representative, we appreciate that. Any further discussion on this Motion? Seeing none, Representative Winkel to close."

Winkel: "Thank you, Mr. Speaker. There was some confusion, I think, in the questions directed to this Bill I'd like to clarify real quickly. There are other state retirement systems with appointed members. The Judicial Retirement System is one. And from the nature of the questions, I think there was some confusion of the governing board with SERS, confusing that with the proposed reorganization of the Illinois Board of Higher Education. There are no universities that have any guaranteed positions on this proposed... the new SERS Governing Board. Rather again, just so everybody understands, that this board would be a reduced size board. It would be nine members, appointed by the Governor, with two seats guaranteed for annuitants and two seats guaranteed for participants. It's a great step in the right direction. If next year we want to revisit the issue of whether they should be elected, we can do so. We need this reform now and I urge a 'yes' vote."

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Speaker Ryder: "You've heard the Gentleman's Motion and the question is, 'Shall Senate Bill 287 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open and 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 Lang, for what purpose do you rise?"

Lang: "To ask for a verification, Mr. Speaker."

Speaker Ryder: "Your request is acknowledged, Sir. On this question, there are 61 voting 'yes', 52 voting 'no', and 1 voting 'present', and Representative Lang has requested a verification. Mr. Clerk, please read the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus, and Mr. Speaker."

Speaker Ryder: "Thank you, Mr. Clerk. Questions of the affirmative, Mr. Lang?"

Lang: "Thank you. Representative Myers."

Speaker Ryder: "Representative Rich Myers is in his seat, waving at you, Sir."

Lang: "Representative Bost."

Speaker Ryder: "Representative Bost is in his seat, waving at

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you, Sir. Friendly folk."

Lang: "Representative Brady."

Speaker Ryder: "Representative Brady. He's in his seat, but he's not waving at you. Do you have any further university Republicans you wish to call?"

Lang: "Representative Moffitt."

Speaker Ryder: "Representative Moffitt is in his seat, waving at me. Representative Lang?"

Lang: "Representative Rutherford."

Speaker Ryder: "Representative Rutherford is always present, Sir. And is today."

Lang: "Representative Tim Johnson."

Speaker Ryder: "Representative Tim Johnson. Representative Tim Johnson. Representative Tim Johnson, please remove him, Mr. Clerk."

Lang: "Representative Hughes."

Speaker Ryder: "Representative Ann Hughes is in the back of the Chamber. Did you see her, Mr. Lang?"

Lang: "That's all, Sir."

Speaker Ryder: "Thank you. On this question, there are 60 'yes' votes, 52 'nays', and 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 741."

Clerk McLennand: "Senate Bill #641..."

Speaker Ryder: "Mr. Clerk, I'm sorry, I said 741. I apologize to the Clerk."

Clerk McLennand: "Senate Bill #741, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes Representative Spangler, on Senate Bill 741."

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

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House. What we have in Senate Bill...amended Senate Bill 741, is actually a roll up of several other Bills as well. But what it would do, it amends the Unified Code of Corrections and provides that the court after determining the defendant's ability to pay, shall require the defendant to reimburse law enforcement agencies for the cost of purchasing cannabis, counterfeit, or other controlled substances or look-a-like substances, if the defendant is convicted of the delivery of these substances and the defendant received money for the sale of the substance. The other Bills that are rolled up into this, are Senate Bill 175, Senate Bill 1038, House Bill 564, and House Bill 674. Senate Bill 175, amends the Unified Code of Corrections to clarify that notification of the conviction of a school employee for sex or drug offenses, should be sent to the Regional Superintendent of Schools. The Regional Superintendent is to then notify the State Board of Elections (sic-Education). Senate Bill 1038 is cleanup language on several statutes based on requests of the state's attorneys, judges, LRB, and law enforcement officials. It amends the FOID Act, to replace, has never previously been issued a FOID card, does not possess currently a valid FOID card. This makes it... excuse me, objective standard and it was requested by the Chicago Police Department and the State Police. It defines 'follows' in bonafide labor dispute as used in the stalking offenses and that was requested by LRB. It also has several other statutory cleanups. House Bill 564 amends the Criminal Code of 1961 and reduces the penalty for unlawful use of weapons to a Class A Misdemeanor, currently a Class 4 Felony, for persons 18 or older, and it defines 'immediately accessible' for purposes of exemption to

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unlawful use of weapons for transporting weapons that are not immediately accessible. And it provides that any weapon seized may be confiscated by the court. This is in response to a penalty increase in last year's Safe Neighborhood's Law and is at the request of hunters and sportsmen. House Bill 674, amends the Unified Code of Corrections and permits the Department of Corrections to install electrified security fence systems, meeting certain specifications at medium, maximum, or super-maximum security institutions. Also a portion of 741 was not assigned a Bill number, but it ended up being amended to it. It permits physicians or nurses who treat patients for injuries, that may have occurred from alcohol impaired or drug impaired driving, to test those patients for alcohol or drugs and release those results to law enforcement officials. I'd be happy to answer any questions that you may have."

Speaker Ryder: "You've heard the Gentleman's Motion is there any discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold. Representative Brunsvold."

Brunsvold: "Yes, Mr. Speaker, could we take this off Short Debate? I'm joined by the requisite number."

Speaker Ryder: "The Chair acknowledges the request."

Brunsvold: "Would the Gentleman yield for one question?"

Speaker Ryder: "He indicates that he will yield for your question."

Brunsvold: "Representative Spangler, the provisions of House Bill 564 are in this Bill?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, they are."

Speaker Ryder: "Representative Brunsvold."

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Brunsvold: "Thank you, Representative. To the Bill, Mr. Speaker."

Speaker Ryder: "To the Bill, Representative Brunsvold, please proceed."

Brunsvold: "Let me go over the provisions of House Bill 564. One provision, there's three provisions in this Bill. The first one was included in the Safe Neighborhood's Bill of last year. My good friend, Representative Dart had this in that Bill, and has taken the situation to a Class 4 Felony. Now, I understand where he's coming from on this Bill, as far as his situation in Chicago. Let me tell you what's happening downstate and I'll give you two examples. And I don't believe Representative Dart intended this to be this situation for downstaters..."

Speaker Ryder: "Excuse me, Representative Brunsvold, please give the Gentleman...please give the Gentleman your attention. Thank you."

Brunsvold: "Two examples; one, a lady borrowed her husband's car, who does testing of guns for a range and because her car was... had a flat tire, she went to Quincy and on the way she got stopped and was charged with a felony because there was a gun in the car, in a Bronco. She is now charged with a Class 4 felony. Not a criminal. She's not a criminal. Just lately a farmer from my district, was moving hogs from one field to another. Got stopped by a trooper because the back light was out on the trailer. He had a gun in the pick up to take care of skunks and such things and the trooper with some good sense, did not charge him with a felony, but he could have. That situation is going on right now, today, and we don't need this. The Chicago Tribune which I would think most of you would realize is not a pro-gun paper, has said this situation is

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not good and we should change it back to a Class A misdemeanor. And so even the Tribune has indicated that is what we ought to be doing. Secondly, we have defined what 'accessible' means. At present, there is no definition in our Code that says what's 'accessible' for a weapon. That is simply a definition. And thirdly, we've allowed a judge to confiscate or not confiscate a weapon, depending on the situation. Sure he's going to take guns away from criminals, from gangbangers and things like that, but there are occasions when honest citizens make a mistake and maybe we shouldn't take their gun away from them. So I would stand in support of Senate Bill 741 and the provisions that are included. That comes from House Bill 564. Thank you."

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

Currie: "Thank you, Speaker. Would the Sponsor yield for a few questions?"

Speaker Ryder: "The Sponsor indicates that he will yield for your questions."

Currie: "This Bill deals in many different areas. I'm particularly concerned about the provisions with respect to firearms. First of all, we very recently voted to increase the penalty for unlawful possession of a firearm in a vehicle or concealed on or about a person, from a Class A misdemeanor to a Class 4. Could you explain to me why you want to reverse course and reduce the penalty back to a Class A misdemeanor?"

Speaker Ryder: "Representative Spangler."

Spangler: "Thank you, Mr. Speaker. If I could, I'd like to defer to Representative Wennlund."

Speaker Ryder: "Representative Wennlund, to answer the Lady's question."

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Wennlund: "Thank you, Mr. Speaker. I didn't quite catch all the question because of the noise on the House floor and I'd ask you to repeat it, Representative Currie."

Speaker Ryder: "Representative Currie, I've given you some additional time for this purpose if you would care to ask your question again, please."

Currie: "Thank you, and I appreciate Representative Spangler's turning this issue over to Representative Wennlund. But at the end of the day, if the charge is made, that this provision means that we're going soft on crime, it will be Representative Spangler's Bill, not Mr. Wennlund's Bill against whom that charge is made. My question was, since last Session when we passed the Safe Neighborhood Act, one of the things we did was to increase the penalty for unlawful possession of a firearm in a vehicle or concealed on or about a person, from a Class A misdemeanor to a Class 4 felony. This Bill would reduce the penalty, would lower the penalty for unlawful possession of a firearm, you know, an opportunity for a drive by shooting or for carrying a weapon concealed unlawfully on one's person. Why in the world do you want to reduce the penalty that we just increased when we voted for the Safe Neighborhood Act? Why do you want to reduce it back to a Class A misdemeanor? What kind of message would that softened stance on criminal activities send to the criminal classes and to the law-abiding folks back home?"

Speaker Ryder: "Were you finished, Representative? Okay. Representative Wennlund to answer the Lady's question."

Wennlund: "Thank you very much. As a matter of fact, what really ought to please everybody in this Chamber, is the fact that now there is openness and we know exactly what is contained in a Bill. Under the prior Majority, we had no idea what

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was contained in that Safe Neighborhood's Bill, which was some where around 300 pages, thrown on our desk at the last day of Veto Session, without adequate opportunity adequate hearing, and adequate opportunity to hear it. Now, the Cook County Board favors this rollback because that Safe Neighborhoods Bill provision, which made a first time offender a Class 4 felon, three years in jail, and would result in 8,000 additional felonies a year, in Cook County alone. The cost to the County of Cook, who can not...who's jail is overflowing with over 8,000 inmates in it today, would be astounding. It was not meant to make felons out of first-time offenders, such as the one Representative Brunsvold described earlier."

Speaker Ryder: "Were you concluded, Representative Wennlund?
Thank you. Representative Currie."

Currie: "Thank you very much."

Speaker Ryder: "You're welcome."

Currie: "First of all, let me just point out that when we vote on 18 Shell Bills at a single sitting, it's possible that many people, including many of those who voted 'yes', hadn't a clue what they were voting for. Second question and perhaps again this a question for Mr. Wennlund. Right now, when you transport weapons that are broken down, non-functional, or are not immediately accessible, are exempt from the offense of unlawful use of a weapon. And this Bill defines 'immediately accessible' in a new fashion. Do you want to tell me what that definition is?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "Yes, I'd be very happy to. The statute currently contains no definition of what 'immediately accessible' means that would result in a citation for UUW. This creates a definition which is the same definition that

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Florida uses, for example; and it means that a firearm or other weapon is carried on the person or within such close proximity and in such manner that it can be retrieved and used as easily and quickly as if carried on the person. 'Immediately accessible' was not defined prior to this, so it would leave it up to the particular officer on the scene, if he thought that a firearm in a sport-utility vehicle, for instance, was accessible in any fashion, because they don't have trunks. Blazers, Jeeps, all types of vans, they don't have trunks, so you can't take it and put it in a trunk if you own a sport utility vehicle or a van. There's a need for some definition and clarity because we charge all citizens in Illinois with knowledge of what the law is. Well, ignorance is no excuse. So we need to put this provision into law to make sure that everyone knows what indeed 'immediately accessible' is."

Speaker Ryder: "Representative Currie."

Currie: "Thank you, Speaker, to the Bill."

Speaker Ryder: "To the Bill."

Currie: "Anyone who cares about being tough on crime ought to vote 'no' on this measure. Anyone who cares about the gun violence that haunts our community or communities across the state ought to vote 'no' on this measure. First of all, we are reducing penalties for unlawful use of a weapon, possession of a weapon. Secondly, we are..."

Speaker Ryder: "Please bring your remarks to a close."

Currie: "Thank you. Secondly, the Bill defines as 'immediately accessible', guns that don't include a loaded firearm in the seat of your car. Now that is crazy. That is absolutely nuts. To say that it's okay to have a firearm loaded and sitting in the back of your car and we won't call that 'immediately accessible'. So again, if you care

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about drive-by shootings and if you care about being tough on crime, then you would be very sadly mistaken if you were to vote 'yes' on Senate Bill 741."

Speaker Ryder: "The Chair recognizes...it was not a question. It was not a question. The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Wennlund: "Would..."

Speaker Ryder: "The Gentleman indicates he will yield Representative Dart."

Dart: "What in this Bill would prohibit an individual from carrying a loaded firearm on the seat next to their car?"

Speaker Ryder: "Who is answering the question? Representative Span... Representative Wennlund."

Wennlund: "Me. Thank you, Mr. Speaker. I'd be glad to answer that. There is nothing in this Bill that permits carrying a loaded firearm in any vehicle. Nothing whatsoever. The law specifically prohibits the carrying of any firearm that is loaded in a vehicle."

Speaker Ryder: "Representative Dart."

Dart: "Show me where."

Speaker Ryder: "Representative Wennlund."

Wennlund: "That's currently in the Criminal Code. They have to be unloaded and they have to be encased. That's what the law is."

Speaker Ryder: "Representative Dart."

Dart: "With this Bill, not anymore, Representative. I hate to burst your bubble here, but with your change on 'immediately accessible' now, a person who has a loaded firearm, could have that on the seat in the car, next to them. That has been the major change you've made here. By changing that language, you've gotten rid of that exception

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now, where you could not have it in your car. Now you can do it. If you had changed the words so it said 'an unloaded firearm', then you'd be fine, you'd be on target here. But your language is, 'immediately accessible'. Means that a firearm or other weapon is carried on the person or within such close proximity. Nothing about being unloaded. So under your legislation here, you can in fact, have a loaded firearm, sitting on the seat, right next to you and that's a fact. Show me otherwise."

Speaker Ryder: "Is that a question, Sir? Representative Dart? Representative Dart, was that a question?"

Dart: "Yeah, I was trying to ask him to show me otherwise."

Speaker Ryder: "Okay. Representative Wennlund."

Wennlund: "That is absolutely false and you know it. You're misrepresenting the truth because the law prohibits specifically carrying any firearm in a vehicle that is loaded. All this does is define what is 'immediately accessible'. That is absolutely false and you know it."

Speaker Ryder: "Representative Dart."

Dart: "That is absolutely, categorically wrong, Representative. Read the statute, okay? Because your statute, the change you're making, changes the definition of the exemptions to UUW. Okay, the exemptions say, 'transportation of weapons that are broken down in a non-functioning state or are not immediately accessible'. You have change what 'immediately accessible' means now, Representative. And you removed the requirement that they're not loaded. So you can do that now. Read your own Bill. Mr. Speaker, I have another question. To the people here, who are followers of the NRA, I have constantly had different Bills in regards to guns and the like. I have constantly fought the battle with them on different issues and I agree we do not want to

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take guns away from legal owners. They constantly bombarded me with the response, 'Stop going after the legal owner, go after the bad guys'. So guess what we did last year, we went after the bad guys. The raise in the penalty was not against people who legally have guns, not against people who have FOID cards. No, you're wrong, Representative, it's the truth. It was against UUW. What does that mean? It means you unlawfully possess a weapon. This is not going against people who legitimately have a gun. So I took their advice. Their advice was going after the bad guys. That's what the Safe Neighborhood's Bill did. It went after people who unlawfully have a gun. Took their advice and said, 'Well okay, we'll leave the hunters alone. We'll go after the people who illegally have the guns'. That's what we did. So all the people here who like to run around trumpeting how tough on crime you are, explain away this one. This Bill lowers penalties. It lowers penalties against people who illegally have a gun on them, not legally. So for all those people there, who are worried about the mailers, guess what? You're releasing, you opened the prison doors here, because these people, you're lowering the penalties. No two ways about it. Now, Representative, I also have another question. Your definitions of stalking. Where did you get those changes you made there?"

Speaker Ryder: "Representative Spangler, are you answering this question, Sir? Representative Spangler."

Spangler: "From whom does the Representative wish to question to be answered from?"

Speaker Ryder: "Representative Spangler, please answer the question."

Spangler: "You're asking on stalking, from whence the definition

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comes?"

Speaker Ryder: "Representative Dart."

Dart: "Your measure here, Representative, makes changes in the definition of stalking. Unfortunately, the way it has been interpreted by the courts, the way that I read this too, you're now making certain union activities illegal, where these individual's can be charged with stalking. So you can ex..."

Speaker Ryder: "Representative Spangler, the time is at end. Please answer the question."

Spangler: "I'm afraid you're terribly mistaken, Representative. I don't see anywhere in here where it would have anything to do with any union disputes or anything like that."

Speaker Ryder: "Chair recognizes the Lady from Cook, Representative Flowers. Representative Flowers."

Flowers: "I would like to yield my time to Representative Dart."

Speaker Ryder: "Representative Dart."

Dart: "I direct you, Representative, to page 4. Your changes in the definition there. If you can explain to me where you got that and how is this not going to prohibit legitimate union activities. Because by definition, Representative, statutory construction, the way the courts interpret it, is real easy. When you list certain things, that by necessitates that you exclude the other ones. You have delineated the different activities that are okay here. That means that all the other ones are not. So what about some of these legit union activities? They are now guilty of stalking. Can you explain to me your thinking there?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, Representative, I can. If you'll look under that Section, it would be 117 through 120, it says 'see exemption'. This Section does not apply to picketing

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occurring at the workplace that is otherwise lawful and rises out of a bonafide labor dispute or any exercise of the right of free speech or assembly that is otherwise lawful."

Speaker Ryder: "Representative Dart."

Dart: "Representative, you're making changes. I direct you to page 4, Section F. It says, 'for purposes of this Section in Section 12-7.4, bonafide labor disputes', you then describe what those mean. When you describe those, that means if it's not described there, the rest of them are not bonafide labor disputes and then guess what? You are in trouble. Most often, when we write these statutes, we have something in there that says 'includes but are not limited to'. You do not have that here. Because you don't have that that means, this is it, this is exclusively it. So what occurs when you have a lockout? That is not listed here. If you look for...through your entire Section F, it does not anywhere, deal with lockouts. So the individuals who are locked out of the union dispute, now would come under the heading of stalking, because of this rewrite here."

Speaker Ryder: "Representative Dart, was that in the form of a question? Okay, then Representative Spangler to answer."

Spangler: "Representative, I appreciate the efforts in what you're trying to do here. But may I only remind you, that certainly any Bill that would be enacted as a result of passing both Chambers, and being by...signed by the Governor, could come under Constitutional scrutiny or any other litigious questioning, if you will. Certainly the Bill is spelled out. It's spelled out fairly well. It's not going to perhaps address every single issue, but the intent is there and sometimes it is the courts that have to

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decide that at a later point in time."

Speaker Ryder: "Representative Dart."

Dart: "Representative, I fully appreciate that. But the exact language of your law, we're not dealing with something for the courts to read between the lines here. You're providing specific language here. And you have exempted, present law exempts from the stalking statute, does not apply to picketing occurring at the workplace, that is otherwise lawful and it rises out of a bonafide labor dispute. You then go and define what a bonafide labor dispute is. By defining that and leaving out things, such as 'lockout' or 'denial of unfair prac... labor practices', you have excluded those. You have said, 'those do not qualify as bonafide labor disputes. So by doing that, Representative, there's nothing here for a court to interpret, nothing at all. What you have done is now lock outs and unfair labor practice walkouts are now, guess what? Stalking! Criminal activities. So for those union members, they are now going to be guilty of a Class 3 felony. That is not what we should be doing here, Representative. Whoever put this together, did a very poor job at it and right now they have jeopardized a great deal of union people who may have legitimate concerns, but because you did not include them in your definition, they are guilty of stalking. And sure, courts today, they will look over these things on a regular basis. There's nothing to interpret here, Representative. This is real straightforward. You have to decide by your definition, what a bonafide labor dispute is. There's no room to read in between the lines. You have written that down. So those people conducting that other activity are going to be guilty of stalking, no ifs, ands, or buts. Now I also

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want to touch on the portion dealing with the Victim's Compensation Act. Why are we reducing the money that goes to them?"

Speaker Ryder: "Representative Spangler. Please give the Gentleman your attention and whoever is whistling is off key. Representative Spangler."

Spangler: "Representative, you're going to have to refer me to that Section, because a I... "

Speaker Ryder: "I'm sorry. The Chair recognizes the Gentleman from Cook, Representative Pugh."

Pugh: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to yield my time to Representative Dart."

Speaker Ryder: "Representative Dart."

Dart: "Thank you. Representative, I direct you to the original underlying Bill and the changes in that Bill? Can you explain to me what that will do to victim restitution and why we're cutting back on that?"

Speaker Ryder: "Representative Spangler."

Spangler: "There's nothing in the Bill with regards to that, to my knowledge. The restitution would go back to the law enforcement agencies that in turn are trying to recover moneys that they spent during course of the investigation for purchase and breaking up lines of illegal contraband and cannabis and other counterfeit or look alike drugs. Certainly the Bill spells it out very clearly that that will only take place and give the courts that latitude, when the defendant in fact, has the ability to pay. Too often, what we've seen, is that some of these smaller law enforcement agencies go after these different gangs and rings and try to eliminate them. Expending tax payers dollars in that process and then when they are pinched, if you will, and they're caught, those dollars are never

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recovered. And that's just what this Bill intends to do. As a matter of fact, I thought that the courts always had that ability before, but obviously they did not."

Speaker Ryder: "Representative Dart."

Dart: "Representative, the problem with this though, is that when we normally amend this Section and make our changes, the language we use is always really specific, very specific what it will always will say is that 'the court will order restitution to the police officer, after a victim has been paid off, after payment of restitution to victims'. That is how is always is. We always do it that way. This would not allow that. This will not allow that because this says 'shall'. This 'shall pay', in that fashion. What we normally do, is we say 'the court shall reimburse law enforcement after victims have been paid back for restitution'. That is what we normally do here. By leaving that out, what this will do then, is when restitution, when money is available, whether the defendant has it or not, if there's money available there, the court will then take the money. They'll pay it to law enforcement and then guess what? There might be zero left for the victim. So the victim is left holding the bag. That is what is not effective, Representative."

Speaker Ryder: "Representative Spangler."

Spangler: "Representative, what we're talking about here, is not restitution. Not as you've debated it here. This is just the ability of the courts to get those moneys expended by law enforcement agencies back to them. Has nothing to do with victim's restitution."

Speaker Ryder: "Representative Dart."

Dart: "Well, Representative, I'll direct you to your Bill, itself. Page 5, Section G-5, I believe it is, 'The court

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shall, after determining that the defendant has the ability to pay, require the defendant to reimburse a law enforcement agency for the cost of cannabis control, counterfeit, or look alike substance purchased by the law enforcement agency'. That's real clear, Representative! That doesn't say the court shall split up the pie, it says that's where the money is suppose to go, right then and there. It's the first place the money is going. If there's none left, no one else gets it. Representative, can you explain to me how that is to be interpreted any other way?"

Speaker Ryder: "Representative Spangler."

Spangler: "Yes, I can, Representative. Obviously you're confusing here victim restitution with what we're trying to do on recovering moneys expended by these different law enforcement agencies during the course of their investigation. Nowhere in this Bill, or in that Section that you just addressed, does victim restitution and this Bill have any effect on that."

Speaker Ryder: "Were you finished, Representative Spangler?"

Spangler: "Yes."

Speaker Ryder: "Okay, he's finished. Back to you, Representative Dart."

Dart: "Representative, there is only one pot of money here, okay? The defendant has a limited amount of resources here, okay? And this says here clearly. There isn't as if there's a separate little fund set up for victims that fall out of the sky. What this says here is that we normally, we'd give restitution back to victims after a crime. This here sets up a priority, where instead of the victim getting the money first, it says, 'law enforcement shall be reimbursed' first. That's fine. We want to reimburse law enforcement,

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but we want the victims to be made whole first. This does not allow for that. This is real clear in what it does, Representative."

Speaker Ryder: "Is that a question, Sir?"

Dart: "Yeah."

Speaker Ryder: "Okay. Representative Spangler, you have 14 seconds."

Spangler: "Representative, this is state money. We're just getting that back. This has nothing to do with restitution. We just want... don't want these individuals to make a profit on their activities."

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

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

Speaker Ryder: "Representative Dart."

Dart: "Thank you. Representative, the Bill's also real clear on where the money is coming from here. It says 'determine the defendant' is paying here, not the state. The defendant's paying money here, okay. So, it's not the state in the first place. And it has been my experience in my years, dealing with problems like this, it's very rare that the state ends up losing much money, because they usually get the money back during the arrest. You know the give the money for the dope. The dope is then confiscated back, and they keep recycling using that. What we're talking about here, though, is an inartfully drafted Bill. Has a great idea in mind. Sure we want to reimburse these, but the way this is written, is that the one pool of money, it's going to go to the cops first. And that... we want to reimburse them but we also want victims made whole and this does not do that, Representative."

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Speaker Ryder: "Is that a question, Sir? Oh, okay.

Representative Spangler."

Spangler: "Once again, Representative Dart. The state money that was used, involved in these transactions, is the money that goes back to the cops. None of the other money has anything to do with victim restitution or anything like that. This Bill certainly isn't going to try to take the money out of the hands of victims. That's not its intent. Its intent is to get state taxpayers dollars, back into the hands of the law enforcement agencies for recycling, so we can put an end to some of these drug runners."

Speaker Ryder: "Representative Dart."

Dart: "Then, Representative, that's not what this does. The fact of the matter is, it isn't as if these drug dealers are making a windfall profit off of this money their taking off the cops. That is not the case. I know that is not the case. That is not the case. In this Bill here, is real straight forward once again. It says, 'the court shall after determining that the defendant has the ability to pay, require the defendant to reimburse a law enforcement agency.' That's what this says. And so what that means is, that a court, after they've convicted somebody of some offense, 'shall' first and foremost, determine if the defendant has the ability to pay. They've determined he can pay and now their going to pay back law enforcement. We're not talking about state money, we're talking the money coming out of the defendant. I'm all for bleeding the defendant dry. Let's do it. But there's only so much you can bleed out of the defendant. And we want that to go to the victim first, in the form of restitution. This does not say that. This does not say this at all, Representative. How do you read this

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otherwise?"

Speaker Ryder: "That was a question, Representative Spangler."

Spangler: "Thank you. I'd like to read this to you. Perhaps it would make it more clear in everyone else's mind as well. 'The court shall, after determining that the defendant has the ability to pay, require the defendant to reimburse a law enforcement agency for the cost of cannabis, controlled counterfeit or look alike substances, purchased by the law enforcement agency from the defendant'. And that is all hinged upon that fact, it that defendant has the ability to pay."

Speaker Ryder: "Representative Dart."

Dart: "But, Representative, no where in there, do you take into account the defendant's ability to repay the victims of these assorted crimes for what they've gone through. That is the normal operating procedure we do around here, and this Bill is missing that. It is not in here. Representative, I want to touch on another portion of this Bill. We're going to go around in circles for hours on this one. The areas changing with the blood alcohol content?"

Speaker Ryder: "I'm sorry."

Dart: "What if the test is not done for the purpose of checking the blood alcohol content, but they still find, they determine that there is in fact, alcohol in there? Under the strict reading of the language in this, they would not be able to use that, is that correct?"

Speaker Ryder: "Representative Spangler."

Spangler: "No."

Speaker Ryder: "Representative Dart."

Dart: "Why are we amending this Section and not the Vehicle Code where we normally do with blood alcohol content and with

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areas dealing with DUI?"

Speaker Ryder: "Representative Spangler."

Spangler: "This Bill does not change the blood alcohol content level."

Speaker Ryder: "Representative Dart."

Dart: "Now, we just...we've had other Bills dealing with this. We like to usually keep these in the Vehicle Code where they're more readily available to different individuals, because that's where we usually find these things. Why is it that we're finding this to be unique and putting it in a different Section?"

Speaker Ryder: "Representative Spangler."

Spangler: "Because this deals with doctors and medical patient's rights and snowmobilers."

Speaker Ryder: "Representative Dart, 28 seconds."

Dart: "To the Bill. This Bill is a disaster. It's a disaster in the making. We are now jeopardizing union activity with this Bill. Rather clearly, there's no other way to read that. In addition to that, we are letting criminals out of jail earlier. We are also now allowing people to carry guns on the seat of their car. Anybody who votes for this has got to have their head examined."

Speaker Ryder: "Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

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

Speaker Ryder: "The Gentleman's moved the previous question. All in favor of putting the previous question, say 'aye'; those opposed 'nay'. The 'ayes' have it and the previous question is put. The Chair recognizes Representative Spangler to close."

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

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House. As I started off, I'll say again. We have a collection of very good Bills here. Certainly those who do not appreciate some of the aspects of some of these Bills can take those as one extreme or another. This is strong law enforcement legislation. And I would certainly appreciate an 'aye' vote from all my colleagues. Thank you."

Speaker Ryder: "You've heard the Gentleman's Motion. The question is 'Shall Senate Bill 741 pass?' All those in favor vote 'aye'; all those opposed 'nay'. The voting is open and 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's 72 'ayes', 36 'noes', and 3 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 164."

Clerk Rossi: "Senate Bill 164, a Bill for an Act amending the School Code. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Lady from DuPage, Representative Cowlshaw, on Senate Bill 164."

Cowlshaw: "Thank you very much. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 164, does absolutely nothing. It is probably therefore the most worthy of all proposals that will ever come before us. It really does nothing. I don't care whether you call it a Shell Bill or a Vehicle Bill or whatever you call it, this Bill does nothing. Are there any questions?"

Speaker Ryder: "Representative Cowlshaw, were you finished with your..."

Cowlshaw: "My opening statement? Oh no, my goodness, Mr. Speaker. I'm fully aware that there must be many, many things that could be said about a Bill that does absolutely

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nothing, and so, I would certainly be glad to try to answer any questions about Senate Bill 164, which does absolutely nothing."

Speaker Ryder: "You've heard the Lady's Motion. Is there any discussion? And drawing the short straw, is Representative Granberg."

Granberg: "What did he say?"

Speaker Ryder: "Representative Granberg."

Granberg: "This is my expertise. Will the Lady yield? Mary Lou."

Speaker Ryder: "Representative, she indicates that she will yield for your questions, and the Chair is biting his tongue with further straight lines."

Granberg: "I understand that. I try not to listen to everything you say. Representative, just to make one question. Amendment #3 became the Bill which just made the technical changes, is that correct?"

Speaker Ryder: "Did you conclude your question, Representative? I want to give you the full amount of time here. Representative Cowlshaw to answer his question."

Cowlshaw: "Amendment #3 creates a Bill that does absolutely nothing."

Speaker Ryder: "Representative Granberg, further questions on this Bill?"

Granberg: "No. I want to ...I want to thank the Lady for her honesty, her brevity, and I don't know how to follow this up., but...there is a...there is no intent to do anything with this Bill, Representative?"

Speaker Ryder: "Representative Cowlshaw."

Cowlshaw: "Representative, I think there may be some use for this Bill a little later on, but what that may be is of course, a matter of conjecture. But at the moment, it does

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absolutely nothing."

Speaker Ryder: "Representative Granberg, further questions?"

Granberg: "Thank you, Representative. So, this is being...the potential use for a vehicle for the Senate, but you have no idea what that potential use might be?"

Speaker Ryder: "Representative Cowlshaw."

Cowlshaw: "I can't say for certain, Representative, because I honestly don't know for certain. But I would suppose that this Bill will be used for something, having something to do with schools."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, thank you. To the Bill, Mr. Speaker. I again..."

Speaker Ryder: "To the Bill, Representative Granberg."

Granberg: "I appreciate the Lady's frankness, but for the new Members, please understand. When you have a Bill that is a Shell Bill, particularly in the last weeks of Session, that Bill can come back as anything. So, to the downstaters, I would say, if you're concerned about changes in the School Aid Formula, I would be very leery about voting for a Shell Bill. If you're concerned about different types of school reform, I'd be very concerned about voting for a Shell Bill, because what you see in the waning days of Session, can very, very rarely come back to haunt you. So with that, Ladies and Gentlemen, I intend to vote 'no'. Because I don't want to be on record for voting for something that may come back to adversely affect my school districts by taking away funds for my downstate school district, or for any other purpose that might adversely effect my constituents. Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from Kankakee, Representative Novak."

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Novak: "Yes, Mr. Speaker, I just have nothing to say about this Bill. Thank you."

Speaker Ryder: "Thank you, Representative Novak. The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Ryder: "She indicates that she will Representative Lang."

Lang: "Representative, since you indicated that this may come back from the Senate with something on it, let me ask you if you think this will come back with an Amendment to the Fiscal Note Act?"

Speaker Ryder: "Representative Cowlshaw."

Cowlshaw: "Representative Lang, I have already explained to a prior questioner, that I do not know what will be the ultimate fate of Senate Bill 164. The only thing I know about it for sure, is that right now it does absolutely nothing."

Speaker Ryder: "Representative Lang."

Lang: "Mr. Speaker, I'd appreciate it if you'd start the clock again."

Speaker Ryder: "The Chair apologizes to you."

Lang: "Oh, no need. No need."

Speaker Ryder: "Then I'll give you an extra five minutes in the hopes that you won't use it."

Lang: "Thank you. I don't think that I'll even use it all."

Speaker Ryder: "Thank you."

Lang: "Representative, the fact is, that anyone who has read Amendment #3, really sees that it does something. It is not a nothing Bill. It does something very important. In line 18, you add the words 'or her'. So what you're doing apparently is providing for gender equity in regional superintendents, are you not?"

Speaker Ryder: "Representative Cowlshaw."

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Cowlishaw: "That's true."

Speaker Ryder: "Representative Lang."

Lang: "Well, I think gender equity in regional superintendents is a good idea. In fact, we probably have some non-male regional superintendents, do we not?"

Speaker Ryder: "Representative Cowlishaw."

Cowlishaw: "Indeed we do. I just met several of them at a breakfast they held for all of us a little earlier this week."

Speaker Ryder: "Representative Lang."

Lang: "So you had inadvertently done something with this Bill, is that right?"

Speaker Ryder: "Representative Cowlishaw."

Cowlishaw: "Inadvertently is correct."

Speaker Ryder: "Representative Lang, further questions?"

Lang: "Oh yes. Now...now, Representative, since you have done this inadvertently even though it's a good thing, and the fact... doesn't the fact that you said the Bill does nothing, isn't that really an insult to the people who have inadvertently helped?"

Speaker Ryder: "Representative Cowlishaw."

Cowlishaw: "No."

Speaker Ryder: "Representative Lang."

Lang: "Well, so for all these non-male regional superintendents, you have inadvertently helped, you've said this does nothing. It does nothing. So what you said to them is, that you're for gender equity in regional superintendents, but that's not very important. Isn't that what you're saying to us now?"

Speaker Ryder: "Representative Cowlishaw."

Cowlishaw: "I've always believed in gender equity and since you have noticed that that is the absolutely only thing that

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we've left in here as a means of trying to transform this into a Vehicle Bill, I'm certainly pleased to hear that you applaud that gender equity item, and therefore, I would suppose that you will vote for Senate Bill 164."

Speaker Ryder: "Representative Lang."

Lang: "Actually, I won't, because it does nothing. But let me ask you this. Representative, when this goes over to the Senate, knowing how Mr. Philip feels about gender equity, is he going to concur with this 'or her' language in here? Maybe he doesn't feel we should provide gender equity for the non-male regional superintendents."

Speaker Ryder: "Representative Cowlshaw."

Cowlshaw: "It has never seemed to me to be a very wise thing for us to say unkind and rude things about one another, particularly about one who is the President of the Senate. But if that is your wish, of course it will be part of the record. I imagine that Senator Philip will have an opportunity to read that."

Speaker Ryder: "Representative Lang."

Lang: "Well, that reminds me. Do you know if Senator Philip has ever questioned the work ethic of the non-male regional superintendents?"

Speaker Ryder: "Representative Cowlshaw."

Cowlshaw: "I do not know whether Senator Philip has ever done anything like that. I only know that his own work ethic is such, that he works probably longer hours than almost anyone else here, with the possible exception of Governor Edgar and Speaker Daniels."

Speaker Ryder: "Representative Lang."

Lang: "Well, we certainly know that Speaker Daniels had a long night last night working, because he had lots to do last night. We know that. And we know that the Agency Heads

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had a lot to do last night, because they had a lot of fiscal notes to sign. I thank you for your answers. You've inadvertently done something with this Nothing Bill. But since it does nothing, I'm not voting for it."

Speaker Ryder: "Any further discussion? Seeing none, the Lady to close. Representative Cowlshaw moves for the passage of Senate Bill 164. The question is, 'Shall Senate Bill 164 pass?' All those in favor vote 'aye'; those opposed 'nay'. The voting is open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 voting 'yes', 50 voting 'no', and 1 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 146."

Clerk Rossi: "Senate Bill 146, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes Representative Kenner on Senate Bill 146. Representative."

Kenner: "Thank you, Mr. Speaker. Senate Bill 146 provides that a person confined in a penal institution and who has been convicted of a misdemeanor criminal sexual abuse, when the victim of the offense is under age 18 years of age, misdemeanor sexual exploitation of a child, or misdemeanor indecent solicitation of an adult, may not file a petition for a name change until two years have passed since the completion and discharge from his sentence. I'll take your questions at this point."

Speaker Ryder: "Chair recognizes the Gentleman from Kendall, Representative Cross."

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

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Speaker Ryder: "He indicates he'll yield, Sir."

Cross: "I'm sorry, Representative, over here is a little tough with the noise. Could you give us a brief description again of what this Bill does?"

Speaker Ryder: "Representative Kenner."

Kenner: "Yes, it provides that if you've been convicted of certain misdemeanor sexual crimes, that you cannot change your name within two years after you serve your sentence and been released from your judgement."

Speaker Ryder: "Representative Cross."

Cross: "Is there anyone in particular that encouraged you to Sponsor this Bill? Is there an organization, an agency, a constituent that requested this?"

Speaker Ryder: "Representative Kenner."

Kenner: "No."

Speaker Ryder: "Representative Cross."

Cross: "Are there any Amendments that have been added to this Bill Representative, that you're aware of?"

Speaker Ryder: "Representative Kenner."

Kenner: "No, no Amendments that were adopted."

Speaker Ryder: "Representative Cross."

Cross: "If I remember in committee Representative, there was several Amendments...couple of Amendments that were offered. What happened to those Amendments?"

Speaker Ryder: "Representative Kenner."

Kenner: "Truth in Sentencing was amended...was put on the Bill, but is was sent to subcommittee...to Rules, I think...I believe."

Speaker Ryder: "Representative Cross."

Cross: "Do you kn...do you know where the Department of Corrections stands on this particular Bill Representative?"

Speaker Ryder: "Representative Kenner."

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Kenner: "I couldn't hear the question. Could you repeat that, please?"

Speaker Ryder: "Representative Cross."

Cross: "Certainly. Do you know where the Department of Corrections stands, what their position is on this particular Bill?"

Speaker Ryder: "Representative Kenner."

Kenner: "Yes, they're neutral."

Speaker Ryder: "Representative Cross."

Cross: "How about the Illinois State's Attorneys Association, Representative? Did they offer testimony in committee? If so, what was their testimony? What's their position on this Bill?"

Speaker Ryder: "Representative Kenner."

Kenner: "No they didn't offer any testimony on this Bill."

Speaker Ryder: "Representative Cross."

Cross: "Representative, thank you. That...that concludes my questions. I appreciate you answering them for me. Thank you very much."

Speaker Ryder: "Representative Kenner, you have the honor of closing on the only Bill to be allowed Short Debate."

Kenner: "Senate Bill 146 passed the Senate unanimously. Passed the Judicial Committee unanimously. I ask for a favorable vote. Thank you."

Speaker Ryder: "You've heard the Gentleman's Motion. The question is, 'Shall Senate Bill 146 pass?' All those in favor for 'aye; all those opposed 'nay'. The voting is open and 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 'yes', none voting 'nay', and none voting 'present', and this Bill having received a Constitutional Majority, is

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hereby declared passed. Mr. Clerk, Senate Bill 859."

Clerk Rossi: "Senate Bill #859, a Bill for an Act in Relation to the Department of Professional Regulation. Third Reading of this Senate Bill."

Speaker Ryder: "Mr. Lang, for what purpose do you rise?"

Lang: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Ryder: "State your inquiry, Sir."

Lang: "Perhaps your calendar is printed differently than mine, but we seem to be skipping around with no rhyme nor reason. If you have rhyme and reason, perhaps you could tell us how you're picking and choosing the order of the Bills you're calling, Sir?"

Speaker Ryder: "Sir, I realize that we took Mr. Kenner's Bill out of order, but we will precede in numerical order at the call... at the Chair's wishes, thank you. Anything further?"

Lang: "Well, no, if you're going to go in order, that's great. Are you going to be skipping Bills as you go through the order?"

Speaker Ryder: "The next Bill is 859 and I'm not sure after that, Sir. But I'm sure you'll keep me advised. Representative Lang."

Lang: "Well, I certainly will keep you advised as you go along. I think the Members on both sides of the aisle, Sir, have a right to know the order of business, so that we can keep track of our important agenda today."

Speaker Ryder: "As would the Chair. Thank you, Mr. Lang. The Chair recognizes the Lady from Cook, Representative Wojcik on Senate Bill 859. Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, and Members of the House. Senate Bill 859 restructures funding for the Department of Professional Regulation. It requires the department to

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establish an allocation plan each year and conduct an analysis of the year's allocation cost before establishing an allocation plan for the following year. It creates a Professional Indirect Cost Fund to support the regular indirect cost of regulation, such as legal council, equipment, travel, et cetera, that are not directly attributable to a single profession. It establishes that moneys in the Indirect Cost Fund are to be allocated for these costs. It also provides that funds shall be transferred from the dedicated funds of various professions and the General Professions Dedicated Fund of various occupations to the Indirect Cost Fund to meet the indirect cost. This legislation will show us, through the analysis of the Cost Allocation Plan, exactly which professions or occupations are not supporting the cost of their regulation. It will then be necessary for those occupations to increase their own fees to meet their costs or relinquish regulation by the state. I will entertain questions."

Speaker Ryder: "You've heard the Lady's Motion. Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Ryder: "The Lady indicates that she will yield for your questions, Sir. Please proceed."

Granberg: "Thank you. Representative, how many dedicated funds will be impacted by your legislation?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Thirteen, Representative."

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I am also joined by the requisite number of my colleagues to remove this Bill from

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Short Debate, Sir."

Speaker Ryder: "The Chair recognizes your request and will acknowledge it, Sir."

Granberg: "Okay. Thank you. Representative, could you please indicate which funds those are, which professions are impacted?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Yes, Representative. It would impact dentists, nurses, physician assistants, architects, landscape architects, land surveyors, CPA's, real estate appraisers, physicians, optometrists, podiatrists, interior designers, professional engineers, structural engineers, real estate salespersons and wholesale drug distributors."

Speaker Ryder: "Representative Granberg."

Granberg: "And you would transfer the balances from those 13 dedicated funds into the Indirect Cost Fund, that is correct?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Not the balances, Representative. Just the particular appropriate fund."

Speaker Ryder: "Representative Granberg."

Granberg: "So, you would transfer the 13 Dedicated Funds in their entirety to the Indirect Fund?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "No."

Speaker Ryder: "Representative Granberg."

Granberg: "Then what amounts would be transferred into the Indirect Cost Fund?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "You will have to repeat that question."

Speaker Ryder: "Representative Granberg."

Granberg: "Then what amounts would be transferred into the

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Indirect Cost Fund?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Just that which would be allocable to the Indirect Funds."

Speaker Ryder: "Representative Granberg."

Granberg: "And how would those specific amounts be ascertained?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "An annual cost study, Representative."

Speaker Ryder: "Representative Granberg."

Granberg: "So, if your legislation becomes law then an annual cost study will be implemented in the beginning of this next fiscal year?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "That is correct."

Speaker Ryder: "Representative Granberg."

Granberg: "And how will the cost study determine the amount of proceeds necessary from each Dedicated Fund to be put into the Indirect Cost Fund?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "It would be based on applications for specific allocations based on cost."

Speaker Ryder: "Representative Granberg."

Granberg: "Can you run that past me again, please?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "It'll support the ordinary and necessary allocable indirect expenses associated with the professions and occupations such as staffing, travel, and other general administrative functions, such as the liaison attorneys, et cetera."

Speaker Ryder: "Representative Granberg."

Granberg: "My question is, Representative, how do they make that assessment? Do you have say, five people in one division

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doing different items? Are they going to keep track of their time on a daily basis for a certain amount...for a month, or how do they determine utilities, personal services, professional services, contractual? How are they going to differentiate for the time spent on each different profession?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "It depends on the type of cost involved."

Speaker Ryder: "Representative Granberg."

Granberg: "And...could you just give me an example of that type of cost involved?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Travel, computer time."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, I could see where those would be easily documented. How about the other areas? How much time does a staff person spend on each profession?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Representative, it would be based on the number of licenses they would have worked on in each profession. Certain staff people are full-time, with a certain profession and others work for two or three professions."

Speaker Ryder: "Representative Granberg."

Granberg: "So, it's based purely on the number of licenses for each profession?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "In some cases it is, yes."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, is there a correlation between the license and the profession and the amount of time an individual staff person would have to spend on that profession?"

Speaker Ryder: "Representative Wojcik."

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Wojcik: "Yes."

Speaker Ryder: "Representative Granberg, 27 seconds, Sir."

Granberg: "So, a staff person at Professional Regulations spends an inordinate amount more time for dentists than they do on realtors?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "It depends on how many licenses."

Speaker Ryder: "Representative Granberg, Sir. The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you. Well, Representative...what I'm trying to ascertain, Ma'am, is if you have a different profession and you have staff that takes care all of these different professions, how can they reasonably determine how much of their time is spent? I think you indicated that it is based on computer time. I understand that. On the number of licenses would it be then determined on the quality of the license or the...the facts involved with each license? I mean one division or one profession can have a limited number of licenses, but the time involved working on those licenses or on that profession can bear no direct relationship to the amount of...to the amount of licenses."

Speaker Ryder: "Representative Wojcik."

Wojcik: "And that's what we're trying to do. We're trying to come up with a budget. We're trying to study so we can rectify some of the problems that we have."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, that's what I'm trying to get to, Representative. I'm sorry if I misrepresented it. I'm

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trying to determine how the department will actually do that if they base it on licenses, if they base it on the technicalities involved with that profession, the technical aspects of that profession. How is the department going to make that determination for each profession outside of travel and computer time?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Representative, it's based purely on effort. Some licenses deserve more time and some licenses deserve less time. So, they are going to rectify those problems and see where the fault lies."

Speaker Ryder: "Representative Granberg."

Granberg: "How are they going to determine which licenses take more time? Are they going to have a time sheet like attorneys, with billable hours? How do they make that determination?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "It's a time study plan. They're going to be logging it, Representative. It's going to be a time study. It's going to be surveyed and watched very closely, and a budget will be at the beginning and you'll know what you are spending and you'll see how it's going to work out and where the problems arise."

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you. And who initiated this legislation, Representative?"

Speaker Ryder: "Representative Wojcik. Excuse me, Representative Granberg, you seem to be somewhat out numbered in the staff here. If you would like to call your staff to come to the floor, I'm sure that...well, actually most of your staff's over with Representative Wojcik...so, are you going to be okay, Sir? You going to be all right to proceed? All

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right. Representative Wojcik, I think that it's your turn to answer a question. Representative Wojcik."

Wojcik: "I have no idea what you stated, Representative. They came over to protect me from you, see. My bodyguards."

Speaker Ryder: "Representative Granberg."

Granberg: "Representative, you don't need any protection from me. What was the genesis for this Bill, Representative? Was there one particular profession that came to you? Was it a combination of professions or was it the department itself?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "There is a number of professions, but I believe that the dentists are very interested in this. You know, the dentists have the lowest fees, also."

Speaker Ryder: "Representative Granberg."

Granberg: "So the dentists want to increase their fees because they believe they're not spending enough money?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Again, we really don't know. We have to look at the budget and we have to analyze it to see where the fault lies."

Speaker Ryder: "Representative Granberg."

Granberg: "I hate to sound cynical, but I can't imagine a profession coming to the department to make the determination that they don't pay enough into the departments. So, that is the position of the Dentists Association, that they're not paying enough into the Department of Professional Regulation?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Actually, we want to use this to justify if they do need a fee increase."

Speaker Ryder: "Representative Granberg."

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Granberg: "Would any fees be lowered by the corresponding amount of a fee increase?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "We don't know. Again, there could be. We have do a budget and we go right back to the same old story, we have to do analysis. This is going to give us the knowledge that we need in this area."

Speaker Ryder: "Representative Granberg, 33 seconds."

Granberg: "Thank you. Representative, are all the professions in agreement with this?"

Speaker Ryder: "Representative Wojcik."

Wojcik: "Representative, we know of no opposition."

Speaker Ryder: "Representative Granberg, 20 seconds."

Granberg: "So, when you know of no opposition, there was no opposition in committee or none of the regulated professions have been...have been contacted by the department or none of the regulations...affected reg...would you please...Representative Lang on her."

Speaker Ryder: "Representative Wojcik, please answer the question, he's out of time. Please draw your remarks..."

Wojcik: "Representative, this is not a department initiative, this is coming from the professions themselves."

Speaker Ryder: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman. Representative Ackerman."

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

Speaker Ryder: "You heard the Gentleman's Motion. He moves the previous question. All in favor of putting the previous question, please say 'aye'; those opposed 'nay'. The 'ayes' have it, the previous question is put. And now Representative Wojcik moves that Senate Bill 859 pass. The question is, 'Shall Senate Bill 859 pass?' All those in

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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 114 voting 'yes', none voting 'no', and none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, introduction of Resolutions."

Clerk McLennand: "House Resolution 50, offered by Representative Noland. Rules Committee."

Speaker Ryder: "Representative Churchill in the Chair."

Speaker Churchill: "Messages from the Senate."

Clerk McLennand: "A message from the Senate by the Secretary of the Senate, Jim Harry. 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 the concurrence of the House in said Amendments; House Bill 3 together with Senate Amendments #1, 2, 3, 4, 5, 6, and 7; House Bill 241 together with Senate Amendment #1; House Bill 270 together with Senate Amendment #2; House Bill 314 together with Senate Amendments #1 and 2; House Bill 375 together with Senate Amendments #1, 2, 3, and 4; House Bill 412 together with Senate Amendment #1; House Bill 686 together with Senate Amendment #1; and House Bill 823 together with Senate Amendments #1 and 2, passed the Senate, as amended, May 19th. Mr. Speaker, message from the Senate by Jim Harry, Secretary of the Senate. 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

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said Amendments; House Bill 939 together with Senate Amendment #1; House Bill 1237 together with Senate Amendment #1; House Bill 1633 together with Senate Amendment #1; House Bill 1869 together with Senate Amendment #1; House Bill 1967 together with Senate Amendments #1 and 2; House Bill 1969 together with Senate Amendments #1; House Bill 2076 together with Senate Amendments #1, 2, 3, 4, and 5; House Bill 2177 together with Senate Amendments #1 and 3; House Bill 2240 together with Senate Amendment #1; House Bill 2346 together with Senate Amendment #1; House Bill 2407 together with Senate Amendments #1 and 2, passed the Senate, as amended, May 19th. Directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title, to wit; Senate Bill 75 with House Amendment #1, action taken by the Senate May 19th; Also, the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title; Senate Bill 1037 together with House Amendment #1, action taken May 19th, 1995."

Speaker Churchill: "For what reason does the Lady from Cook rise, Representative Currie?"

Currie: "Thank you, Speaker. I rise to renew my request that you call an immediate meeting of the Rules Committee so that we can consider House Resolution 49 and send it to the floor for discussion, debate and a vote."

Speaker Churchill: "Representative Currie, let's have a Rules Committee meeting tonight sometime, okay? Representative Currie."

Currie: "Now?"

Speaker Churchill: "Representative Currie. Representative

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Currie, I just got in the Chair and I'll be here for awhile and then when I'm out we'll have a Rules Committee meeting. How's that? Representative Currie."

Currie: "Thank you, Speaker. You were out of the Chair for several hours and I'd hoped that we would have a Rules Committee meeting then. But I certainly hope that you won't be in the Chair for long and that we can have a Rules Committee soon. Thank you."

Speaker Churchill: "Well, perhaps you can convince your colleagues to keep the next section short and then we can go and have a Rules Committee meeting. So...further discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I, too, am concerned that you are in the Chair and so I'll save you the trouble of getting up. I have filed a new written Motion with the Clerk that would discharge the Rules Committee from further consideration of HR 49 and advance to the Order of Second Reading for immediate consideration. I would...and I would ask for a Roll Call vote on my Motion."

Speaker Churchill: "Representative Lang, we've done this twice already today. We're going to have a Rules Committee...we're going to have a Rules Committee. Yes. Representative Lang, perhaps if you'd listen a second before yelling. We're going to have a Rules Committee meeting tonight and then Representative Currie can proceed in the Rules Committee to do that which she has asked for. Representative Lang."

Lang: "Well, thank you very much. I respect my colleague, Representative Currie, but I'm within my rights to make this Motion and I'm trying to save you the trouble, Sir, of walking all the way back to the Speaker's Conference Room for the purpose of this. And indeed, this Resolution is

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important to the people in our state and should...the integrity of the process of the House of Representatives is important to all of us. So I think we can vote on this now and I would ask for a Roll Call vote on my Motion right now, Sir."

Speaker Churchill: "Mr. Clerk, do you have any announcements?"

Clerk McLennand: "Notice. The Rules Committee will meet on Friday, May 19th, at 6:45 p.m. in the Speaker's Conference Room."

Speaker Churchill: "Representative Lang, we're going to have Rules at 6:45. Representative Currie will be able to take care of that question at that time. Representative Lang. Representative Lang."

Lang: "Thank you, Mr. Speaker. I think it's nice the Rules Committee is meeting at 6:45, but I'm not on that committee and I have some things I want to say about this Resolution. And accordingly I ask for a Roll Call vote on my Motion which is made in an appropriate manner, in writing, which I'm entitled to make, and I would demand an immediate Roll Call vote on my Motion, Sir."

Speaker Churchill: "Representative Lang, as I suggested before, this is the third time that you've tried this. It is dilatory. We're going to proceed to do business in 45 minutes or so. There will be a Rules Committee meeting. Representative Lang, the ruling of the Chair is that the Motion is dilatory. It's been tried before, several times today. Representative Lang."

Lang: "I would move to overrule the Chair and ask for a Roll Call vote on that Motion and ask for a verification."

Speaker Churchill: "The question is, 'Shall the Chair be sustained?' All those in favor will vote 'aye'; any opposed will vote 'nay'. The voting is open. Have all

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voted who wish? Have all voted who wish? Representative
Ryder, for what purpose do you rise?"

Ryder: "Inquiry of the Chair, Sir."

Speaker Churchill: "State your point."

Ryder: "What do our rules say is necessary to overrule the
Chair?"

Speaker Churchill: "Seventy-one votes to overrule the Chair.
Representative Ryder. Nothing further."

Speaker Churchill: "Have all voted who wish? Have all voted who
wish? Have all voted who wish? Mr. Clerk, take the
record. On this question, there are 63 voting 'aye', 51
voting 'no'. Representative Lang, you had asked for a
verification. Do you persist in your request for a
verification? He does. Mr. Clerk, please read those voting
in the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative
on the Motion to sustain the Chair; Representatives
Ackerman, Balthis, Biggert, Biggins, Black..."

Speaker Churchill: "Excuse me, Mr. Clerk. Representative Lang,
does Representative Tim Johnson have leave to be verified?
Representative Lang."

Lang: "This...this Tim Johnson right here? This Gentleman? The
one that came all the way from..."

Speaker Churchill: "Representative Tim Johnson."

Lang: "...his office for permission to do this? Yes. Do we all
see Tim Johnson over here? Thank you. Nice tie, Sir."

Speaker Churchill: "You're verified, Representative Johnson."

Clerk McLennand: "Biggins, Black..."

Speaker Churchill: "Excuse me, Mr. Clerk. Representative Brady,
for what reason do you rise?"

Brady: "Inquiry of the Chair. It takes 71 votes to overrule the
Chair. Having only 51 votes to overrule the Chair,

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wouldn't we verify the 'no' votes if they prevailed?"

Speaker Churchill: "That sounds like a fine idea. Representative Lang."

Lang: "Well, the Motion...the Motion, as it reads on the board, is 'Shall the Chair be sustained?', which requires 60 votes. I tried to make a Motion to overrule the Chair, but you wanted the Motion to be, 'Shall the Chair be sustained?' That requires 60 votes and that is what we're verifying, Sir."

Speaker Churchill: "Mr. Clerk, continue."

Clerk McLennand: "Biggins, Black, Bost, Brady, Churchill, Ciarlo, Clayton, Cowlshaw, Cross, Deuchler, Durkin, Hanrahan, Hassert, Hoeft, Hughes, Tim Johnson, Tom Johnson, John Jones, Klingler, Krause, Kubik, Lachner, Lawfer, Leitch, Lindner, Lyons, Meyer, Mitchell, Moffitt, Andrea Moore, Mulligan, Maureen Murphy, Myers, Noland, O'Connor, Pankau, Parke, Pedersen, Persico, Poe, Roskam, Rutherford, Ryder, Salvi, Saviano, Skinner, Spangler, Stephens, Tenhouse, John Turner, Wait, Weaver, Wennlund, Winkel, Winters, Wirsing, Wojcik, Zabrocki, Zickus, and Mr. Speaker."

Speaker Churchill: "Representative Lang, any questions of the affirmative?"

Lang: "Representative Klingler."

Speaker Churchill: "Representative Klingler is in her seat."

Lang: "Representative Bost."

Speaker Churchill: "Representative Bost is about two chairs away from his seat."

Lang: "Representative Lyons."

Speaker Churchill: "Representative Lyons is standing talking to Representative Kubik."

Lang: "Well, I guess I don't have to verify Representative Kubik. He's talking to Representative Lyons. Representative John

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Jones."

Speaker Churchill: "Representative John Jones is standing in the back of the chamber. They're, waving at you."

Lang: "Representative Lindner."

Speaker Churchill: "I'm sorry, Representative Lang, who did you ask for?"

Lang: "Representative Lindner. Lindner."

Speaker Churchill: "Representative Lindner. Representative Lindner. Representative Lindner, the Chair does not see you. Representative Lindner. Please remove her from the Roll. Further names, Representative Lang?"

Lang: "One moment, Sir. Representative Balthis."

Speaker Churchill: "Representative Balthis is standing there waving at you."

Lang: "I couldn't tell, Sir, cause his back was to me and you know how I like to see everybody's tie."

Speaker Churchill: "And he has a nice one on today, too, doesn't he?"

Lang: "Representative Zabrocki. Sitting in Representative Kubik's chair. See I know where you guys are suppose to be."

Speaker Churchill: "Further questions, Representative Lang?"

Lang: "Representative Wennlund."

Speaker Churchill: "Representative Wennlund is standing right there waving at you and complimenting your tie."

Lang: "That's a very nice tie, Sir. Very nice tie."

Speaker Churchill: "Further questions, Representative Lang?"

Lang: "No further. Thank you."

Speaker Churchill: "On this question, there are 62 voting 'aye', 51 voting 'no' and none voting 'present', and the Chair is sustained. We will now go to the Order of Senate Bills, Second Reading. Mr. Clerk, will you please read Senate

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Bill 18."

Clerk McLennand: "Senate Bill 18, a Bill for an Act that amends the School Code. Second Reading of this Senate Bill. A State Mandates Note and a Fiscal Note have been requested on the Bill, and they have been filed."

Speaker Churchill: "Please hold that Bill on Second Reading. Senate Bill 69."

Clerk McLennand: "Senate Bill 69 has been read a second time previously. Committee Amendment #5 was adopted. No Floor Amendments. A State Mandates Note, Correctional Budget Impact Note and a Fiscal Note and Judicial Note have been requested and have been filed."

Speaker Churchill: "Third Reading. For what purpose does the Gentlemen from Cook, Representative Lang, rise?"

Lang: "Thank you, Mr. Speaker. Inquiry as to the notes that have been...both the Correctional Budget Impact Note and the Fiscal Note. Have they been signed, Sir?"

Speaker Churchill: "Mr. Clerk."

Clerk McLennand: "The Fiscal Note has been...the Corrections Fiscal Note has been signed. The Correctional Budget and Impact Note have not been signed."

Speaker Churchill: "Representative Lang."

Lang: "Considering that the Clerk has indicated that one of the notes is not signed and that he has not indicated who signed the other note, I think it would be appropriate to keep this Bill on the Order of Second Reading, don't you, Sir?"

Speaker Churchill: "Representative Lang, do you have a citation that requires a signature on that note?"

Lang: "Sir, the...hold on one moment."

Speaker Churchill: "I'm sorry, I didn't hear you."

Lang: "Stay with me, we'll get it for you."

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Speaker Churchill: "This evening?"

Lang: "Can the Clerk again say which one is signed and which one is not signed?"

Speaker Churchill: "That'll take some time. Mr. Clerk, can you answer that again for Representative Lang?"

Clerk McLennand: "The Corrections...the Corrections Fiscal Note has been signed and the Correctional Budget and Impact Note does not have a signature on it."

Speaker Churchill: "Representative Lang."

Lang: "Has the Judicial Note, the Judicial Impact Note been filed?"

Speaker Churchill: "Mr. Clerk. For what purpose does the Gentleman from DuPage, Representative Johnson, rise?"

Johnson, Tom: "Yes, Mr. Speaker, I would move that the Corrections Budget Note is inapplicable."

Speaker Churchill: "The question is...Representative Lang, I looked down and your light was not on. Representative Lang."

Lang: "Well, how about a certain amount of debate on this, Sir, or are we just gonna just go to the vote? I mean I..."

Speaker Churchill: "Ask away."

Lang: "Sorry, Sir?"

Speaker Churchill: "Ask away."

Lang: "Well, thank you. Excuse me one second. The...as I read the statute, Sir, the note must be filed unless the Sponsor can show that it should not be filed. We're entitled to the Sponsor's reasons why the Note Act is inapplicable and I would ask that we ask the Sponsor to indicate the reasons for his Motion that the Note Act is inapplicable."

Speaker Churchill: "Representative Johnson."

Johnson, Tom: "I believe that a note is required, if in fact, we are going to...it calls for more prisoners to be

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incarcerated. This does not. And I believe there's two other criteria. I don't know if you have the statute in front of you, but it does not meet either of those criteria, and maybe we can get that ruling from the Parliamentarian, the other two issues involved that would require the filing of such a note."

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

Dart: "Inquiry of the Clerk first, as to what Amendments are on the Bill."

Speaker Churchill: "Mr. Clerk, what Amendments are on the Bill?"

Clerk McLennand: "Committee Amendments #1, 2 and 3 were referred to Committee. Committee Amendment #4 failed. Committee Amendment #5 has been adopted...Floor Amendments #5, 6, 7, and 8 have been referred to Rules."

Speaker Churchill: "Representative Dart."

Dart: "Was Floor Amendment 5 adopted or was that adopted in committee, Mr. Clerk?"

Clerk McLennand: "It was adopted in committee."

Dart: "Was there a Floor Amendment 5 that was referred to Rules?"

Clerk McLennand: "The next Amendment number would be Floor Amendment #6."

Speaker Churchill: "Representative Dart, the Clerk, I believe, is preparing a response for you."

Clerk McLennand: "On record is Floor Amendments #6, 7 and 8. Only Amendment #5, a Committee Amendment, has been adopted in the Judiciary Criminal Law Committee."

Speaker Churchill: "Representative Dart."

Dart: "Well, Mr. Speaker, two things. One...I mean, as to...both, as to the Motion that's in front of the floor. One. I mean, this is yet another example of covering up this scandal that we have here today. Suppose that even

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examining whether or not their signatures are not...now we're just going to get rid of them. More importantly, how in the world can we find this not applicable when this Bill deals with prison privatization, which would be a dramatic if not a complete change in how we run our prison system. Complete. Utterly complete change of the system which this would anticipate. This also imposes on the private...would change it so the Unified Code of Corrections to keep with the department powers over release, parole, furlough, commutation, good time credit and stuff. How could all of that...those changes, that deal directly with prisons, the impact on them, in addition to the fact we're creating a whole new type of prison, how in the world could that not be inapplicable? If this is just another way to cover up another one of these bad fraudulent notes, just say that as opposed to saying this is not inapplicable for substantive reasons. Let's try to be straight for once in awhile around here."

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

Lang: "Thank you. I want to make sure what this Motion is...which...there are three notes that are...that's required on this Bill. Which is the Gentleman's Motion to declare inapplicable? Would this be the Correctional Impact Note?"

Speaker Churchill: "This is the Correctional Budget Impact Note. Okay. The Motion...Representative Lang."

Lang: "Thank you. Should this receive the requisite number, we would ask for a verification."

Speaker Churchill: "The question is, 'Is the Correctional Budget Impact Note inapplicable?' All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 62 voting 'aye', 50 voting 'no'. Representative Lang, you had requested a verification. Do you continue to make that request? Representative Lang continues to make a request for the verification. Mr. Clerk, read the names of those voting in the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlishaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. Tom Johnson. John Jones. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lyons. Meyer. Mitchell. Moffitt. Andrea Moore. Mulligan. Maureen Murphy. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus, and Mr. Speaker."

Speaker Churchill: "Questions of the affirmative. Mr. Lang."

Lang: "Representative Bost."

Speaker Churchill: "Mr. Bost is in his chair."

Lang: "Representative John Jones."

Speaker Churchill: "Representative John Jones is in his chair."

Lang: "Representative Spangler."

Speaker Churchill: "Representative Spangler. How could you miss Representative Spangler? He's standing right over by his chair."

Lang: "Representative Roskam."

Speaker Churchill: "Representative Roskam is right by his seat."

Lang: "Representative Tim Johnson."

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Speaker Churchill: "Representative Tim Johnson is standing by his chair."

Lang: "Representative Poe."

Speaker Churchill: "Representative Poe is in his chair."

Lang: "Representative Klingler."

Speaker Churchill: "Representative Klingler is in her chair."

Lang: "Representative Parke."

Speaker Churchill: "Representative Parke is standing in the rear of the chamber. Any further, Representative Lang?"

Lang: "Representative Myers."

Speaker Churchill: "Representative Myers is standing in the rear of the chamber."

Lang: "Representative Stephens."

Speaker Churchill: "Representative Stephens is back by Representative Wait."

Lang: "Representative Winters."

Speaker Churchill: "Representative Winters. He's standing away from the chair."

Lang: "Representative Hoeft."

Speaker Churchill: "Representative Hoeft. Representative Hoeft is up in the balcony waving both hands at you. So..."

Lang: "Be kind of hard for him to vote from the gallery, Mr. Speaker. No, he'll have to come down."

Speaker Churchill: "Representative Hoeft voted at his chair and then you've taken up so much time..."

Lang: "And then sprinted to the gallery. No."

Speaker Churchill: "Representative Hoeft, was an educator and he's in good shape."

Lang: "No, Mr. Hoeft will have to return to the chamber, so I would ask that he be removed from the Roll."

Speaker Churchill: "Representative Hoeft is in the chamber. He's just a little bit higher up than you are."

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Lang: "Everyone's higher up than I am, Mr. Speaker. Would Representative Cross be under his desk?"

Speaker Churchill: "Representative Cross. Where's Representative Cross? Oh, he was hiding over in that corner. He's always hiding on you Representative. He likes to do that. Further questions, Representative Lang?"

Lang: "Representative Clayton."

Speaker Churchill: "Representative Clayton. Representative Clayton. In the back of the chamber."

Lang: "Mr. Speaker, you always seem to have more people in the back of the chamber than in the front of the chamber. Perhaps you should sit in the back of the chamber."

Speaker Churchill: "You think it's something personal?"

Lang: "I have nothing further, Sir."

Speaker Churchill: "And Representative Lang, you always seem to verify and you never seem to win. So maybe that's a message for both of us, huh? Third Reading. Oh, I'm sorry. The question on the board was, 'Is the Correctional Budget Impact Note inapplicable?' Sixty-two voting 'aye', 50 voting 'no', and the Motion carries. Third Reading. Representative Lang. Representative Lang."

Lang: "Thank you, Mr. Speaker. Still awaiting a response to my question previously about the Judicial Impact Note which has not been filed."

Clerk McLennand: "The Judicial Note that has been requested has been filed today, signed by Nathan Maddox, Director...Assistant Director."

Speaker Churchill: "Representative Lang."

Lang: "Inquiry of the Clerk. When was that filed?"

Clerk McLennand: "Today."

Speaker Churchill: "Representative Lang."

Lang: "Inquiry of the Clerk. At what time was that filed?"

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Clerk McLennand: "6:00 p.m."

Speaker Churchill: "Representative Lang."

Lang: "Inquiry of the Clerk. Did anybody see Mr. Maddox sign it?"

Speaker Churchill: "Representative Lang, we're presented with a Fiscal Note that's been signed by a person. You could ask that question about anything, Representative Lang. We have three Motions up here from you and all of them have different signatures, too. So who saw anybody sign those? Representative Lang."

Lang: "Well, it just seems to me, Mr. Speaker, that there's been enough discussion about irregularities. Shall we call them? In the notes that have been filed with the Clerk, that it would seem to me that any responsible and objective person could call all of them into question. I don't know that this has been signed by the person who says he signed it. I don't know when it was prepared. I don't know who filed it. If the Speaker of the House, Mr. Daniels, was being straight with us last night and again this morning on the issue of his concern about keeping the integrity of this system and making sure that the Fiscal Notes are properly filed and properly watched over, then it seems to me that we have to put all of these into question and demand more information to know whether you actually have a valid piece of paper before you. So I would ask the Chair to rule that the note is invalid until we have proof that it is valid."

Speaker Churchill: "For what purpose does the Gentleman from Vermilion, Representative Black rise?"

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. To the issue raised by my colleague on the other side of the aisle, I agree with what he said in the

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first part of his statement. I think enough has been said about whether signatures are valid. I think enough has been said about the unfortunate happenstance that has already been addressed. I would just ask everyone, tune down the rhetoric. You know, it's very unfortunate what happened. Nobody is going to stand and defend it. It's been looked into. You have a list of those notes. I think it was very unfortunate this morning that a young man, who has not been tried, who has not had a hearing, his name was mentioned on this floor and the media contacted his mother and father before he even had a chance to talk to his own mother and father. The television crew has been to their...been to his home and I think we've gone about as far as we can go with this. You...you're kind of like Judge Roy Bean, now. Let's have a fair trial tomorrow and then hang the young man. I think we've subjected the young man to more than he deserves to be subjected to. He has some basic right of due process in the system. You have a list of the Bills that turned up that was stated as to the Fiscal Notes that may not have been properly obtained. Nobody is defending that action, but I think you have made your point and you now begin to use increments of weight that go far beyond making your point. Now you're just simply beginning to question the integrity, not only of the Clerk and the Assistant Clerk, but of Directors, agency liaisons and everyone on this floor connected with the process. Now the mistake was made. The mistake got...evidently a mistake was made, alleged. You have a list of what has been discovered. Now I think it's time we go on. You can debate the Bills on the merits or lack thereof until whatever time, but I think the question of Fiscal Notes and signatures and the integrity of the

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process has been made and you have made it very well. I don't see why we have to subject anyone else to what the young man has already been subjected to, his parents have been subjected to. Now let's just pull back a little bit. If you want to carry this on to the ad infinitum, I suppose you could ask that a lie detector be brought in and everyone of us asked if we signed this or I signed that. You know, I've been added to Bills that I don't remember signing. I've added you to Bills that you've signed my name to. I don't know that that is a violation. We all on occasion, because of the process and the time constraints, have bent the rules. Both sides. We've bruised them and we've bent them. Now it appears last night that perhaps one of the rules was broken. You have made that point. Perhaps a young man's life is in the immediate future ruined because of it and because his name was used which I am a little bit surprised happened, but it's happened. Now his parents have been involved, he's been involved. The point has been made. Now let's back off and let's bring some degree and some measure of respect back to the process."

Speaker Churchill: "Mr. Clerk, is there anything further on that Bill?"

Clerk McLennand: "Nothing further."

Speaker Churchill: "Third Reading. Mr. Clerk, please read Senate Bill 92."

Clerk McLennand: "Senate Bill 92. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A State Mandates, Fiscal Note was requested and have been filed."

Speaker Churchill: "Please hold the Bill. Representative Currie, for what purpose do you rise?"

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Currie: "On a point of personal privilege, Mr. Speaker."

Speaker Churchill: "State your point."

Currie: "My point is, that if this young man was denied due process, if this young man was unfairly charged, I want to make it clear that nobody on this side of the aisle had anything to do with charges or denials of due process against this young man. In fact, the point of the letter, the point of the letter written to Mr. Daniels was to say that this young man should not be the scapegoat for actions that were not legal, not honorable, not proper."

Speaker Churchill: "Ladies and Gentlemen..."

Currie: "Our whole point was to defend that young man against..."

Speaker Churchill: "Ladies and Gentlemen..."

Currie: "...an inadequate process and against charges that may not be able to be sustained."

Speaker Churchill: "Ladies and Gentlemen, let us proceed to do the business of the House. Senate Bill 100."

Clerk McLennand: "Senate Bill 100, a Bill for an Act that amends the Illinois Pension Code and State Mandates Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Pension Impact Note has been requested on the Bill and has been filed."

Speaker Churchill: "Please hold this Bill on Second Reading. For what purpose does the Gentleman from Jersey, Representative Ryder, rise? Representative Ryder."

Ryder: "Mr. Speaker, I also rise on a point of personal privilege, and would suggest to the Lady across the chamber that with one exception that staff person has only been referred to as a young man or a staff person. It was your leader, it was your leader who read on the floor and intentionally mentioned his name knowing that the rules of the state protect words that are used on the House floor."

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His name was used by only one person. Only one and we know who that person was."

Speaker Churchill: "Mr. Clerk, please read Senate Bill 108."

Clerk McLennand: "Senate Bill 108. The Bill has been read a second time prior. Committee Amendment #1 was adopted. No Floor Amendments. A State Mandates Note and a Fiscal Note have been requested on the Bill, as amended, and they have been filed."

Speaker Churchill: "Third Reading. The Gentleman from Clinton, Representative Granberg, for what purpose do you rise?"

Granberg: "Thank you, Mr. Speaker. I, too, rise on a point of personal privilege. I am proud to say I know that young man and I have a great deal of respect for him. And being a former staff person, I am outraged that a staff person would be made the scapegoat of such an operation. That would never happen...this gentleman..."

Speaker Churchill: "Representative Granberg...Representative Granberg, you have made your point. Representative Granberg, you have made your point. There have been points back and forth. Let us proceed. Let us proceed to do the business of the House. Representative Currie made a point, Representative Ryder made a point, now you have made a point. Let us go forward, Representative Granberg. Mr. Clerk, please read Senate Bill 109."

Clerk McLennand: "Senate Bill 109, a Bill for an Act that amends the Probate Act of 1975. Second Reading of this Senate Bill. Committee Amendment #1 was referred to Rules. Floor Amendment #2 has been referred to Rules. Fiscal Note and State Mandates Note and Home Rule Note have been requested on the Bill and have been filed."

Speaker Churchill: "Please hold the Bill on Second. Mr. Clerk, please read Senate Bill 130."

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Clerk McLennand: "Senate Bill 130. The Bill has been read a second time previously. Committee Amendments #1 and 2 have been referred to Rules. Committee Amendment #3 has been referred to committee. Committee Amendments #4, 5, 6 and 7 have been adopted. Floor Amendments #8 and 9 have been referred to Rules. Fiscal Note, State Mandates Note have been requested on the Bill and they have been filed."

Speaker Churchill: "Third Reading. Senate Bill 134."

Clerk McLennand: "Senate Bill 134. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note and State Mandates Note have been requested and have been filed."

Speaker Churchill: "Third Reading. Senate Bill 157."

Clerk McLennand: "Senate Bill 157. The Bill has been read a second time previously. Committee Amendment #1 has been adopted. No Floor Amendments. A Fiscal Note, State Mandates Note, Correctional Budget and Impact Note and Judicial Note have been requested on the Bill and have been filed."

Speaker Churchill: "Hold the Bill on Second Reading. Senate Bill 180."

Clerk McLennand: "Senate Bill 180. The Bill has been read a second time previously. A Fiscal Note and State Mandates Note have been requested on the Bill and they have not been filed."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 181."

Clerk McLennand: "Senate Bill 181, a Bill for an Act that amends the Illinois Public Aid Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note, State Mandates Note requested on the Bill and they have not been filed."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 182."

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Clerk McLennand: "Senate Bill 182. The Bill has been read a second time previously. Committee Amendment #1 has been adopted. Floor Amendment #2 has been referred to Rules. No further Amendments. A State Mandates Note and a Fiscal Note have been requested on the Bill and have been filed."

Speaker Churchill: "Third Reading. Senate Bill 192."

Clerk McLennand: "Senate Bill 192. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 has been referred to Rules. Fiscal Note, State Mandates Note have been requested, have not been filed."

Speaker Churchill: "Representative Lang, for what purpose do you rise?"

Lang: "Inquiry of the Clerk. Can I have the status of Senate Bill 182? I don't know what you did with it."

Clerk McLennand: "Senate Bill 182 was moved to the Order of Third Reading."

Speaker Churchill: "Representative Lang."

Lang: "Mr. Speaker, on Senate Bill 182, as amended by House Amendment 1, I have a copy of a State Mandates Act Fiscal Note, a purported one, that was filed with the Clerk of the House on May 11th, at approximately 3:00 p.m. There's no signature on this document. Does the Clerk have an authenticated one?"

Clerk McLennand: "One signed by Dennis Whetstone."

Speaker Churchill: "Representative Lang."

Lang: "Can I ask the Clerk when this document was signed?"

Clerk McLennand: "Yesterday evening."

Speaker Churchill: "Representative Lang."

Lang: "Well, this document was filed on May 11th. Is that to presume that it was not signed when it was filed, Mr. Clerk?"

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Speaker Churchill: "For what purpose does the Gentleman from Jersey, Representative Ryder, rise?"

Ryder: "Mr. Speaker, I rise to object to the line of questioning. We are on Second Reading. The signed document is with the file. That is what is needed. That is what has happened. It is entirely proper. If Mr. Lang wishes to avail himself, he has on previous occasions and he may now, proceed to the well to examine the document that is filed with the Bill. It was there when we moved from Second to Third. It was there and he's well aware of it. At this point, any other kind of objection is clearly, clearly dilatory."

Speaker Churchill: "Representative Lang, the Bill is on Third Reading. What is your point? State your point."

Lang: "Well, Mr. Ryder is wrong for two reasons, Sir. Firstly, the Speaker of the House, both last night and today, indicated to the Body by his words and his actions that he was going to get to the bottom of this business about irregular Fiscal Notes. Secondly, Sir, a document that's filed on May 11th that is not signed and is not proper according to the statutes of the State of Illinois, cannot retroactively be made proper on the 17th or 18th, whatever day it was signed. In addition, Sir..."

Speaker Churchill: "I'm sorry, Representative Lang. Representative Lang, what...you had asked the question about, was it the Mandates Note or the Fiscal Note. We're not tracking on what you're talking about."

Lang: "In addition, Sir, for this note to be signed 6 or 7 days after it was filed, is to tamper with evidence that's necessary..."

Speaker Churchill: "Representative Lang...Representative Lang, was it the...Representative Lang, was it the Mandates Note

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that you're talking about or the Fiscal Note?"

Lang: "Well, why I'm answering your questions, I don't know, but this is a State Mandates Act Fiscal Note, Sir."

Speaker Churchill: "Well, because the Chair needs to know so we know what you're talking about. Okay, it was the ruling of the Chair at the time that the note was filed and the Bill was moved to Third Reading. It is now on Third Reading, Representative Lang."

Lang: "Speaker, it seems to me we got a commitment from the Speaker of the House, your leader, this morning, who indicated that any Bills where there was an irregular note would have an investigation or at least someone would be finding out if they were still irregular. Now, Mr. Speaker, this note was filed on the 11th, unsigned. I think you'll acknowledge that an unsigned Fiscal Note is not in accordance with the statutes of the State of Illinois. It's therefore a void document. You cannot turn it into an unvoid document by changing it on the 17th of May. What you need is an amended Fiscal Note filed, which comply with all of the laws and statutes of the State of Illinois. Now in addition to the fact that just signing it six days later cannot make it a correct note, in addition to that, doing that is tampering with public records. There are statutes that cover the issue of tampering with public records. Once the document is filed with the Clerk of the House it becomes public domain and a public record, Sir. You cannot change it. What you can do is file an amended document. It would be inappropriate to amend on it's face such a document because once it's filed it's public record and the public of the State of Illinois has a right to rely on the documents that are filed. It would be no different than taking a birth certificate or a death

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certificate and having somebody amend it on it's face. You need to have an amended document."

Speaker Churchill: "Excuse me, Representative Lang. For what purpose does the Gentleman from Jersey, Representative Ryder, rise?"

Ryder: "Thank you for the vote of popularity. I appreciate it. Mr. Lang is edifying the Assembly with his version of what state law would be. We have ruled and overruled that version all day long. Now if it is his intent to simply continue to edify us, we've heard you. You've been overruled. All that you're doing is denying the people of the state the ability to have their work done, Sir. We disagree with your interpretation. Saying it louder, saying it longer, saying it differently is not going to change. We're ready to do the people's business, you obviously are not. We disagree, but we're going to go ahead and do it."

Speaker Churchill: "We're on Senate Bill 192. Is there anything further on that Bill, Mr. Clerk?"

Clerk McLennand: "Senate Bill 192. A Fiscal Note, State Mandates...Senate Bill 192, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1 has been referred to Rules. A Fiscal Note, State Mandates Note has been requested on the Bill, have not been filed."

Speaker Churchill: "The Bill will remain on Second. Senate Bill 203."

Clerk Rossi: "Senate Bill 203 has been read a second time previously. Amendment #2 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."

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Speaker Churchill: "Keep the Bill on Second. Senate Bill 212."

Clerk Rossi: "Senate Bill 212, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments. The Fiscal Note, the State Mandates Note and the Home Rule Note that were requested on the Bill have been filed."

Speaker Churchill: "Leave the Bill on Second Reading. Senate Bill 217."

Clerk Rossi: "Senate Bill 217 has been read a second time previously. Amendment #1 was referred to Rules. No further Amendments. A Fiscal Note has been requested on the Bill and has not been filed."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 231."

Clerk Rossi: "Senate Bill 231 has been read a second time previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments. The Fiscal Note that was requested on the Bill and the State Mandates Note have been filed."

Speaker Churchill: "I hear someone trying to get the attention of the Speaker. I see no lights flashing. Okay, the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Inquiry of the Clerk as to the Fiscal Note. The Fiscal Note that you have up there, does this one have a signature?"

Clerk Rossi: "The Fiscal Note that we have on file was filed May 16th and was signed by Thomas Walters of the Department of Energy...the Environmental Protection Agency."

Speaker Churchill: "Is there anything further on 231, Mr. Clerk?"

Clerk Rossi: "Nothing further."

Speaker Churchill: "The Gentleman from Cook, Representative

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Dart."

Dart: "In regards to the State Mandates Act, has there been a Fiscal Note on that one and if so, has it...This is the Mandates Act. Has it been signed?"

Speaker Churchill: "You're asking about the Mandates Note, Sir?"

Dart: "Yes, I am."

Clerk Rossi: "The State Mandates Note that we have in the Bill file has been signed by Dennis Whetstone."

Speaker Churchill: "Third Reading. Representative Dart, I looked down, there was no light flashing on the board. Sir, put it back on."

Dart: "Thank you, Mr. Speaker. The State Mandates Act Fiscal Note, which we have in our possession here time stamped by House of Representatives, Terrance McLennand, May 17th, 7:00 p.m., is not signed. Can I get an explanation from the Chair or from the Clerk as to why ours is not signed?"

Clerk Rossi: "The signed copy of the Fiscal Note that we have in the Bill file is available up here if you'd like to see it."

Speaker Churchill: "Representative Dart, would you like to come up to the well and take a look at the signed copy of the Fiscal Note? Representative Dart."

Dart: "Inquiry of the Chair, Mr. Speaker. Obviously then, this was also one of those other notes that has been subsequently signed and been doctored up again. And so this would probably come under the heading of the Bills that were agreed to that were not going to be moved because these were all involved with this problem we have here, and to move it along would only help in covering up the problem that we have."

Speaker Churchill: "Representative Dart, I don't think there was any agreement on this Bill. That Bill was not on a list

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and it has been moved to Third. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. There was statements made by the...Speaker Daniels earlier this morning in which he said that there would be not movement on Bills in which there was problems involving Fiscal Notes and the like. This one we have in front of us is one that was doctored last night. Tampered with. Whatever you want to call it. But this is one of the many in which we have been given a different one which gives you the rather clear impression that this was signed last night in an effort to cover up the problem we have here. This would be some type of outrage if we were to continue pushing Bills through where we have documents supporting them, Fiscal Notes supporting them that we know were not filed properly, and we know that because they have been since doctored to try to make them look better. So this is one of those ones if it is moved forward, would be one of those other ones that had been tainted by illegally filed documents."

Speaker Churchill: "The Chair has moved that Bill to Third Reading already. Senate Bill 265. Announcement, Mr. Clerk."

Clerk Rossi: "The House Rules Committee which was scheduled to meet at 6:45 will be delayed until further notice."

Speaker Churchill: "Representative...Representative Currie will...we will have the Rules Committee meeting tonight, Representative Currie. It's just when I get out of the Chair we'll give you a call. Senate Bill 265."

Clerk Rossi: "Senate Bill 265 has been read a second time previously. Amendment #4 was adopted in committee. No Motions have been filed and no Floor Amendments have been approved for consideration. The Fiscal Note and the State

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Mandates Note that were requested on the Bill have been filed."

Speaker Churchill: "Third Reading. Senate Bill 276."

Clerk Rossi: "Senate Bill 276 has been read a second time previously. No Committee Amendments. No Floor Amendments. The Fiscal Note and the State Mandates Note that were requested on the Bill have been filed."

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

Dart: "Inquiry of the Clerk. As to the States Mandates Act, do you have a signature on that, Sir, and if so, whose is it?"

Clerk Rossi: "I have a signed State Mandates Note signed by Dennis Whetstone."

Speaker Churchill: "Representative Dart."

Dart: "Mr. Clerk, could you detail to us at what time that note was signed?"

Clerk Rossi: "Early yesterday evening."

Speaker Churchill: "Representative Dart, we've been through this before. There is a note, it is available, it is in the file. If you wish to see it, please come to the well and take a look at it. Representative Dart. Representative Dart."

Dart: "Thank you so much, Mr. Speaker. You're oh so kind."

Speaker Churchill: "We try to be."

Dart: "Is this one we're going to move to Third with the illegal notes. Are we going to keep this one on Second like we've done to some?"

Speaker Churchill: "There are no illegal notes on this Bill and so we will move it to Third Reading. Third Reading. Read Senate Bill 323."

Clerk Rossi: "Senate Bill 323, a Bill for an Act amending the Illinois Horse Racing Act of 1975. Second Reading of this

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Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments. The States Mandates Note that was requested on the Bill has been filed."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 324."

Clerk Rossi: "Senate Bill 324 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed and no Floor Amendments have been approved for consideration. The Fiscal Note and the Correctional Budget and Impact Note that were requested on the Bill have been filed."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 326."

Clerk Rossi: "Senate Bill 326 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The State Mandates Note that was requested on the Bill and the Fiscal Note that was requested on the Bill have been filed."

Speaker Churchill: "Third Reading. Senate Bill 345."

Clerk Rossi: "Senate Bill 345 has been read a second time previously. No Committee Amendments. No Floor Amendments. The Fiscal Note and the State Mandates Note that were requested on the Bill have been filed."

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

Hoffman: "Yes. Inquiry of the Chair."

Speaker Churchill: "State your point."

Hoffman: "Or the Clerk, excuse me. Would the...has the States Mandates Act and the Fiscal Note been signed?"

Speaker Churchill: "I believe that the Clerk said that they had."

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We'll let the Clerk say it again, then. Mr. Clerk."

Clerk Rossi: "The Fiscal Note, Representative Hoffman, has been signed by Raymond Wagner from the Department of Revenue and the Mandates Note has been signed by Dennis Whetstone and that note was signed sometime early yesterday evening."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, I wonder if Mr. Whetstone can raise his right arm today after signing all those notes. Just..."

Speaker Churchill: "Maybe he's left-handed."

Hoffman: "Just in order...in order to not belabor the point, I think we've made the point, but I think we have the obligation to point that out. This is probably another doctored note."

Speaker Churchill: "Anything further, Mr. Clerk. Third Reading. Senate Bill 354."

Clerk Rossi: "Senate Bill 354 has been read a second time previously. Amendments 1 and 3 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A Fiscal Note has been requested on the Bill, as amended, and has not been filed."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 363. Representative Hoffman, your light finally came on. For what purpose do you rise?"

Hoffman: "Well, inquiry of the Clerk. We have...on 354, we have a Fiscal Note. If it wasn't filed, how would we get it? It's stamped by the Clerk for May 19th, today at 1:30. And this is...it looks like it could possibly be signed."

Speaker Churchill: "Representative Hoffman, bring it on down. Mr. Clerk."

Clerk Rossi: "A note has recently been filed that has not made its way down to the well and I now have that note."

Speaker Churchill: "Mr. Clerk, what's the status of Senate Bill

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354?"

Clerk Rossi: "Senate Bill 354 was held on the Order of Second Reading pending the filing of a Fiscal Note. That note has now been filed."

Speaker Churchill: "Third Reading. Senate Bill 363."

Clerk Rossi: "Senate Bill 363, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. The State Mandates Note and the Fiscal Note that were requested on the Bill have been filed."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 371."

Clerk Rossi: "Senate Bill 371, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The State Mandates Note and the Fiscal Note that were requested on the Bill have been filed. Have been filed."

Speaker Churchill: "Hold it on Second Reading, please. Senate Bill 416."

Clerk Rossi: "Senate Bill 416 has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note and a State Mandates Note have been requested on the Bill. A Fiscal Note has been filed and is signed and I'm checking on the status of the...a State Mandates Note has also been filed on the Bill and has been signed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, I would just like to publicly commend the Illinois State Board of Education for signing their Fiscal Notes and doing it in a proper manner and producing them all themselves."

Speaker Churchill: "God Bless them. Third Reading. Senate Bill

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433."

Clerk Rossi: "Senate Bill 433, a Bill for an Act amending the Business Corporation Act of 1983. Second Reading of this Senate Bill. Amendment #2 was adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The State Mandates Note and the Fiscal Note that were requested on the Bill have been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has the State Mandates Note and the Fiscal Note been signed?"

Clerk Rossi: "Yes."

Speaker Churchill: "Representative Hoffman."

Hoffman: "I, just for the sake of assumption and to move the process along, we'll just assume that they were signed yesterday. This was filed May 17th, another doctored note."

Speaker Churchill: "Third Reading. Senate Bill 435."

Clerk Rossi: "Senate Bill 435 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The Fiscal Note and the Judicial Note that were requested on the Bill have been filed. A State Mandates Note has also been filed on the Bill."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has the Fiscal Note been signed?"

Clerk Rossi: "The Fiscal Note has been signed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, do you know when the Fiscal Note was signed?"

Clerk Rossi: "Yesterday afternoon...evening."

Speaker Churchill: "Representative Hoffman."

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Hoffman: "Something different, another doctored Fiscal Note."

Speaker Churchill: "Anything further, Mr. Clerk?"

Clerk Rossi: "Nothing further."

Speaker Churchill: "Third Reading. Senate Bill 439."

Clerk Rossi: "Senate Bill 439 has been read a second time previously. No Committee Amendments. No Floor Amendments. A Judicial Note has been requested on the Bill and has been filed. A Fiscal Note has been filed on the Bill. A State Mandates Note that was requested on the Bill has not been filed."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 441."

Clerk Rossi: "Senate Bill 441, a Bill for an Act in relation to part-time law enforcement officers. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. The Fiscal Note that was requested on the Bill has been filed and the..."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 443."

Clerk Rossi: "Senate Bill 443 has been read a second time previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The State Mandates Note and the Fiscal Note and the Correctional Budget and Impact Note that were requested on the Bill have been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has the Fiscal Note been signed?"

Clerk Rossi: "The Fiscal Note has been signed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, when was that Fiscal Note signed?"

Clerk Rossi: "Early yesterday evening."

Speaker Churchill: "Representative Hoffman, are you seeking recognition?"

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Hoffman: "Yes. Was that signed...could you please tell me who signed that Fiscal Note?"

Clerk Rossi: "Missy Stutler."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, Missy must have been standing in line with all these other legislative liaisons. So, another phony Fiscal Note."

Speaker Churchill: "We'll tell Missy you said so. Third Reading. Senate Bill 465."

Clerk Rossi: "Senate Bill 465 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration. A Fiscal Note and a State Mandates Note have been requested on the Bill and have not been filed."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 483."

Clerk Rossi: "Senate Bill 483, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 484."

Clerk Rossi: "Senate Bill 484, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 485."

Clerk Rossi: "Senate Bill 485, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for

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consideration."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 486."

Clerk Rossi: "Senate Bill 486, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Churchill: "Senate Bill 490. Oh, hold on a second. Senate Bill 490."

Clerk Rossi: "Senate Bill 490, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments...no Motions have been filed. No Floor Amendments have been approved for consideration."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 503."

Clerk Rossi: "Senate Bill 503, a Bill for an Act in relation to bonds. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. The State Mandates Note and the Fiscal Note and the State Debt Impact Note that were requested on the Bill have been filed."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 528."

Clerk Rossi: "Senate Bill 528, 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 approved for consideration. The Fiscal Note that was requested on the Bill, as amended, has been filed."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 553."

Clerk Rossi: "Senate Bill 553, a Bill for an Act in relation to collection agencies. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note and a Judicial Note have been requested on the Bill."

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The Fiscal Note has been filed and signed. The Judicial Note that was requested on the Bill has not been filed."

Speaker Churchill: "Hold it on Second. Senate Bill 560. I'm sorry, would you please tell me the status of Senate Bill 553."

Clerk Rossi: "Senate Bill 553 was held pending the filing of a Judicial Note. That note has now been filed."

Speaker Churchill: "Third Reading. Senate Bill 560."

Clerk Rossi: "Senate Bill 560, a Bill for an Act amending the Historic Preservation Act. Second Reading of this Senate Bill. Amendment #1 was 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 Churchill: "Hold the Bill on Second. Senate Bill 565."

Clerk Rossi: "Senate Bill 565, a Bill for an Act in relation to assessment officials. Second Reading of this Senate Bill. No Committee Amendments...Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 566."

Clerk Rossi: "Senate Bill 566, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The Fiscal Note that was requested on the Bill has been filed. All other note requests were withdrawn."

Speaker Churchill: "Third Reading. Senate Bill 586."

Clerk Rossi: "Senate Bill 586, a Bill for an Act amending the Local Government and Governmental Employee's Tort Immunity

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Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments approved for consideration. A Fiscal Note has been requested on the Bill and has been filed. The State Mandates Note and the Home Rule Note that were requested on the Bill have not been filed."

Speaker Churchill: "Remain on Second. Senate Bill 618."

Clerk Rossi: "Senate Bill 618, a Bill for an Act concerning emergency medical services. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Judicial Note has been requested on the Bill and has been filed. A Fiscal Note has been requested on the Bill and has also been filed."

Speaker Churchill: "Third Reading. 619."

Clerk Rossi: "Senate Bill 619, a Bill for an Act amending the Religious Corporation Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A Judicial Note and a Fiscal Note that were requested on the Bill have been filed."

Speaker Churchill: "Third Reading. Senate Bill 637."

Clerk Rossi: "Senate Bill 637, a Bill for an Act amending the Illinois Fire Protection Training Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The State Mandates Note that was requested on the Bill has been filed. A Fiscal Note, as amended, has been requested on the Bill and has not been filed."

Speaker Churchill: "Remain on Second. Senate Bill 650."

Clerk Rossi: "Senate Bill 650, a Bill for an Act amending the Salem Civic Center Law. Second Reading of this Senate

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Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 662."

Clerk Rossi: "Senate Bill 662 has been read a second time previously. No Committee Amendments. No Floor Amendments have been approved for consideration. The Fiscal Note that was requested on the Bill has been filed."

Speaker Churchill: "Third Reading. Senate Bill 675."

Clerk Rossi: "Senate Bill 675, a Bill for an Act concerning unnecessary statutes. Second Reading of this Senate Bill. Amendment #1, was adopted in committee, no Motions have been filed, no Floor Amendments. The fiscal note that was requested on the Bill has not been filed."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 689."

Clerk Rossi: "Senate Bill 689, a Bill for an Act amending the Civil Administrative Code of Illinois. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. The state mandates note that was requested on the Bill and the fiscal note that was requested on the Bill have been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has that state mandates note and fiscal note been signed?"

Clerk Rossi: "The state mandates note was signed by Dennis Whetstone yesterday, early yesterday evening, and the fiscal note was signed by Michelle Gentry."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Was the fiscal note filed yesterday evening also?"

Clerk Rossi: "The fiscal note was filed and prepared on May 18th."

Speaker Churchill: "Representative Hoffman."

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Hoffman: "Once again, the state mandates note was signed by Dennis Whetstone yesterday. The Bill shows...the note shows that it was filed May 17th. I'm seeing that some of the signatures are in blue ink, some are in black ink, you guys must have run out of pens last night, another phoney note."

Speaker Churchill: "Third Reading. Senate Bill 690."

Clerk Rossi: "Senate Bill 690, a Bill for an Act amending the Board of Higher Education Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee, no Motions have been filed, no Floor Amendments approved for consideration. A fiscal note has been requested on the Bill as amended, and has not been filed."

Speaker Churchill: "Leave it on Second. Senate Bill 700."

Clerk Rossi: "Senate Bill 700, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. A fiscal note has been requested on the Bill as amended and has not been filed."

Speaker Churchill: "Second Reading. Senate Bill 703."

Clerk Rossi: "Senate Bill 703, a Bill for an Act in relation to the recapture of tax benefits. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments have been approved for consideration."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, was there a fiscal note requested on this Bill?"

Clerk Rossi: "A fiscal note has not been requested on this Bill."

Speaker Churchill: "Representative Hoffman. Do you want to file a note on the Bill anyway?"

Hoffman: "Yes, we would like to request a fiscal note, please. It's on its way."

Speaker Churchill: "The Bill will remain on Second. Senate Bill

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721."

Clerk Rossi: "Senate Bill 721, a Bill for an Act in relation to prisoners reimbursement to the Department of Corrections for their expenses incurred by incarceration. Second Reading of this Senate Bill. Amendments 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 were adopted in committee. No Motions have been filed, no Floor Amendments have been approved for consideration. The Corrections Budget and Impact Note, the fiscal note and the judicial note that were requested on the Bill have been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, have the impact note, the fiscal note, have they been...and the other note, been signed? A judicial impact note?"

Clerk Rossi: "On Senate Bill 721, the corrections impact note has been signed. Corrections fiscal note has been signed and judicial note has also been signed."

Speaker Churchill: "Further questions, Representative Hoffman?"

Hoffman: "Well, instead of going through the whole process, how about if I just say this is another stinky, smelly doctored note."

Speaker Churchill: "Third Reading. Senate Bill 721, I sorry, 729."

Clerk Rossi: "Senate Bill 729, a Bill for an Act Amending the Illinois Income Tax Act. Second Reading of this Senate Bill. Amendments 2, 3, 4, and 5 were 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 and has been signed."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 756."

Clerk Rossi: "Senate Bill 756, a Bill for an Act amending the

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Lieutenant Governor Commission on Community Service 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 Churchill: "Third Reading. Senate Bill 775."

Clerk Rossi: "Senate Bill 775, a Bill for an Act amending the Illinois Vehicle Code. 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."

Speaker Churchill: "Hold the Bill on Second. Representative Hoffman."

Hoffman: "Yes, I had inadvertently said we were going to file a fiscal note request on Senate Bill 703. We've decided that it isn't necessary on that Bill. I was in error. If we could go back and possibly move it, I would appreciate it."

Speaker Churchill: "Mr. Clerk, what is the status of Senate Bill 703?"

Clerk Rossi: "Senate Bill 703, Senate Bill 703 was held on the Order of Second Reading."

Speaker Churchill: "Third Reading. Senate Bill 804."

Clerk Rossi: "Senate Bill 804, a Bill for an Act concerning health care. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. The state mandates note and the fiscal note that were requested on the Bill, have been filed."

Speaker Churchill: "Hold the Bill on Second. Senate Bill 830."

Clerk Rossi: "Senate Bill 830, a Bill for an Act amending the Open Meetings Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. A fiscal note has been requested on the Bill as amended and has not been filed."

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Speaker Churchill: "Keep it on Second. Senate Bill 833."

Clerk Rossi: "Senate Bill 833, has been read a second time previously. No Committee Amendments, no Floor Amendments. The fiscal note that was requested on the Bill has been filed and the judicial note that was requested on the Bill, has been filed. The state mandates that was requested on the Bill has not been filed."

Speaker Churchill: "Leave the Bill on Second. Senate Bill 838."

Clerk Rossi: "Senate Bill 838, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this Senate Bill. Amendments 4, 5, 6, 7, 8, 9, 10, and 11 were adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration. The corrections, budget and impact note, the fiscal note and the judicial note that were requested on the Bill have been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, have the notes been signed?"

Clerk Rossi: "The fiscal note was signed by Missy Stutler, the correctional budget and impact note was signed by Missy Stutler, and the judicial note..."

Speaker Churchill: "Representative Hoffman, they're looking for it. Do you have a copy of it perhaps to continue with your request?"

Hoffman: "Yeah, the judicial note I could see that there doesn't appear to be a problem with it. My...you had already said that the correction, budget and impact note and corrected fiscal note had been signed by Missy Stutler. Maybe we could just go to those. What is the date that are on both of those notes?"

Clerk Rossi: "The notes were filed on May 18th. The notes were signed sometime yesterday evening."

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Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, May 18th I believe, was yesterday. Do you have in your file, notes, correction budget impact note and a corrected fiscal note from May 17th as well?"

Clerk Rossi: "Yes we do."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So here, hey, we did it right here."

Speaker Churchill: "Representative..."

Hoffman: "We did it right here."

Clerk Rossi: "The judicial note that was requested on the Bill has also been filed."

Hoffman: "Just a point. Now this is the way it should be done. You're suppose to file an amended note on the next day. That was done correctly, and I would like to applaud Missy Stutler and the Department of Corrections. Good job, Missy."

Speaker Churchill: "Oh, you're just trying to get back in her good graces after that comment you made about her a few minutes ago. Third Reading. Senate Bill 842."

Clerk McLennand: "Senate Bill 842, a Bill for an Act in relation to Electronic Reproduction. Second Reading of this Senate Bill. Committee Amendments #1 and 2 have been adopted. No Floor Amendments. A fiscal note has been filed on the Bill as amended, requested as Amendments 1 and 2 and a note has been filed."

Speaker Churchill: "Third Reading. Senate Bill 906."

Clerk McLennand: "Senate Bill 906, a Bill for an Act that amends the Department of Mental Health and Developmental Disabilities Act. Third Reading, Second Reading, excuse me, of this Senate Bill. Committee Amendment #1 has been adopted, Committee Amendment has been referred to Rules. No Floor Amendments. A fiscal note has requested on the

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Bill as amended and has been filed."

Speaker Churchill: "Third Reading. Senate Bill 926."

Clerk McLennand: "Senate Bill 926, a Bill for an Act making appropriations for ordinary and contingent expenses of the Office of the Lieutenant Governor. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted, no Floor Amendments, no requests."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 941."

Clerk McLennand: "Senate Bill 941, a Bill for an Act that amends the School Code. Second Reading of this Senate Bill. Committee Amendments 1, 2 and 3 have been referred to Rules. Floor Amendments #4 and 5 have been referred to Rules. A fiscal note has been requested on this Bill, and has been filed."

Speaker Churchill: "Third Reading. Senate Bill 961."

Clerk McLennand: "Senate Bill 961, a Bill for an Act that amends the School Code. Second Reading of this Senate Bill. Committee Amendments 1, 2 and 3 have been referred to Rules. Floor Amendments #4 and 5 have been referred to Rules. A fiscal note and state mandates note have been requested on the Bill, and a state mandates act and a fiscal note have been filed on the Bill."

Speaker Churchill: "Third Reading. Senate Bill 964."

Clerk McLennand: "Senate Bill 964, the Bill has been read a second time previously. Committee Amendment #1 failed. Floor Amendment #2 has been referred to Rules. A fiscal note has been requested on the Bill as amended and has been filed."

Speaker Churchill: "Third Reading. Senate Bill 1007."

Clerk McLennand: "Senate Bill 1007, the Bill has been read a second time previously. Committee Amendment #1 has been adopted. Committee Amendments #2 and 3 have been referred

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to Rules. Floor Amendment #4 and 5 have been referred to Rules. A state mandates note has been requested on the Bill and has been filed. A fiscal note has been requested on the Bill and has been filed. Home Rule Impact Note has been requested on the Bill and has been filed."

Speaker Churchill: "Third Reading. Senate Bill 1026."

Clerk McLennand: "Senate Bill 1026, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. No Floor Amendments. The state mandates note has been requested on the Bill and has been filed, and a fiscal note has been requested on the Bill, and has been filed. Has been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has the state mandates note been signed?"

Clerk McLennand: "Representative Hoffman, yes it has."

Speaker Churchill: "Representative Hoffman."

Hoffman: "How about the fiscal note?"

Clerk McLennand: "And the fiscal note has been signed as well."

Speaker Churchill: "Representative Hoffman."

Hoffman: "When were these signed, Mr. Clerk?"

Clerk McLennand: "The fiscal note was signed on May 17, 1995, and the note was filed with the Clerk on May 18, 1995."

Speaker Churchill: "Representative Hoffman."

Hoffman: "What about the state mandates act fiscal note?"

Clerk McLennand: "The state mandates act fiscal note was filed on May 18 without a signature. After that, in the evening, last evening, Dennis Whetstone came over and authenticated the note."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Just for the record, this is another, we believe, another improperly filed note."

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Speaker Churchill: "Third Reading. Senate Bill 1034."

Clerk McLennand: "Senate Bill 1034, a Bill for an Act that amends the School Code, Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments."

Speaker Churchill: "Keep the Bill on Second. Senate Bill 1050."

Clerk McLennand: "Senate Bill 1050, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Committee Amendment #1 was adopted, no Floor Amendments, no Motions."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 1051."

Clerk McLennand: "Senate Bill 1051, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Committee Amendment #1 was adopted, no Floor Amendments, no Motions."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 1057."

Clerk McLennand: "Senate Bill 1057, a Bill for an Act making appropriations to the Auditor General. Second Reading of this Senate Bill. Committee Amendment #1 was adopted, Committee Amendment #2 was referred to Rules. No Floor Amendments, no Motions."

Speaker Churchill: "Keep the Bill on Second Reading."

Clerk McLennand: "Senate Bill 1094, a Bill for an Act relating to retirement and group insurance benefits for faculty and administrators of state universities. Second Reading of this Senate Bill. Committee Amendment #1, has been adopted. Pension impact note has been requested and filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has the pension impact note been signed?"

Clerk McLennand: "It was not signed."

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Speaker Churchill: "Representative Hoffman."

Hoffman: "Mr. Clerk, I'm afraid that I don't have right in front of me, the statute. I would ask a ruling of the Parliamentarian whether a pension impact notes as do the other notes, I believe it does, I don't know the exact Section, need to be signed?"

Speaker Churchill: "We'll get right back to you, Mr. Hoffman. Representative Hoffman, the Parliamentarian advises me that, that note does not need a signature. Anything further, Mr. Clerk?"

Clerk McLennand: "Nothing further."

Speaker Churchill: "Third Reading. Senate Bill 1122."

McLennand: "Senate Bill 1122, the Bill has been read a second time previously. Committee Amendments #1, 2 and 3 have been referred to Rules, Floor Amendment #4 has been referred to Rules, no other Floor Amendments. A fiscal note has been filed, state mandates note has been filed as requested on the Bill."

Speaker Churchill: "Keep the Bill on Second Reading. Senate Bill 1133."

Clerk McLennand: "Senate Bill 1133, a Bill for an Act concerning nursing home facilities. Second Reading of this Senate Bill. The state mandates note has been requested and filed on the Bill. A fiscal note has been requested and has not been filed."

Speaker Churchill: "Hold it on Second. Senate Bill 1150."

Clerk McLennand: "Senate Bill 1150, a Bill for an Act concerning the responsibilities of the State Treasurer. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. A fiscal note has been requested, a state impact note has been requested, and they have both been filed."

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Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, with regards to the state debt impact note, has that been signed?"

Clerk McLennand: "The state debt impact note has not been signed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, it's my understanding...or I guess I need to ask the Parliamentarian cause I don't have it in front of me, whether the state debt impact note needs to be signed?"

Speaker Churchill: "We'll get right back to you. Representative Hoffman, we can find nothing that requires a signature on a state debt impact note. Representative Hoffman."

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

Speaker Churchill: "We could find nothing that requires a signature on a state debt impact note. Representative Hoffman."

Hoffman: "We accept that."

Speaker Churchill: "Thank you. Anything further on that Bill, Mr. Clerk?"

Clerk McLennand: "Nothing further."

Speaker Churchill: "Third Reading. Senate Bill 1154."

Clerk McLennand: "Senate Bill 1154, a Bill for an Act concerning automated railroad grade crossings enforcement systems, Second Reading of this Senate Bill. Committee Amendment #1 failed. Committee Amendment #2 was referred to Rules. A fiscal note has been requested on the Bill and has been filed. State mandates note has been requested on the Bill, and has not been filed."

Speaker Churchill: "Keep it on Second. Senate Bill 1187."

Clerk McLennand: "Senate Bill 1187, a Bill for an Act concerning the insanity defense, Second Reading of this Senate Bill. Committee Amendments #1 and 3 were referred to Rules."

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Committee Amendment #2 was referred to Subcommittee. Committee Amendment #4 has been adopted. Floor Amendments #5, 6, 7, and 8 have been referred to Rules. A correctional budget impact note has been requested on the Bill. A fiscal note has been requested on the Bill and a judicial note has requested on the Bill, and they have been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Mr. Speaker, I would just request that we take this Bill out of the record until after the Rules Committee, because we recently filed Amendment #7 which if we move it to Third Reading, could not be...could not be talked about.

And what Amendment #7 would do, would say that there would be a Class 4 Felony for filing an improper note. Any person knowingly files a fiscal note, has been prepared and complies with the Act is guilty of a Class 4 Felony. We thought we had the commitment from the Chair that we were going to meet with Rules, and they were going to be given the opportunity to not only discuss our Resolution, but to discuss other things with regard to our position regarding these notes. If you were to move this to Third Reading, you would essentially be cutting off any possibility of addressing the situation and preventing this from happening in the future and ensuring that there is something in the Illinois Statutes to address the situation. With that, I would just ask that you hold this Bill on Second Reading until after the Rules Committee meets."

Speaker Churchill: "Keep the Bill on Second, Mr. Clerk. Senate Bill 1200."

Clerk McLennand: "Senate Bill 1200, a Bill for an Act concerning libraries. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. State

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mandates note that has been requested has been withdrawn.
Fiscal note that has been requested has been filed."

Speaker Churchill: "Third Reading. Senate Bill 1202."

Clerk McLennand: "Senate Bill 1202, a Bill for an Act that amends the Illinois Vehicle Code. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. A fiscal note has been requested on the Bill as amended and has been filed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, has this been signed?"

Clerk McLennand: "The fiscal note has been signed."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, I just noticed that the Sponsor of the Bill is not on the floor, and there are no cosponsors. Who's presenting this Bill on Second Reading?"

Speaker Churchill: "Representative Black. He was just here a minute ago. Representative take this Bill out of the record temporarily. Senate Bill 1206."

Clerk McLennand: "Senate Bill 1206, a Bill for an Act that amends the Unemployment Insurance Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. A fiscal note has been requested on the Bill and has been filed."

Speaker Churchill: "Representative Hoffman. Third Reading. Representative Black is on the floor. Let's return to Senate Bill 1202."

Clerk McLennand: "Senate Bill 1202, had been held on the Order of Second Reading. A Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Committee Amendment #1 was adopted."

Speaker Churchill: "Representative Hoffman, do you have a question for Representative Black?"

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Hoffman: "No, inquiry of the Clerk. Regarding the fiscal note, you had indicated that this was signed. I was just wondering when it was signed?"

Clerk McLennand: "The fiscal note was filed on May 17th and the Secretary of State's liaison came in last night and authenticated the note, signing it last evening."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, just for the record. We would just like to make a point. There appears that this signed once again and it was a doctored fiscal note. Except for the Department of Corrections...the Department of Transportation, Ferd Sugent who signs all of his notes, we would like to commend him publicly also."

Speaker Churchill: "So would the Chair. Third Reading. Representative Currie, we have one more Bill on Second Reading and that is the intention of the Chair to go back and do a Rules Committee meeting, and then we have a couple of other items of business at that time and someone else will be in the Chair, but perhaps you could prepare your Members, and we'll have a Rules Committee meeting after the next Bill? Representative Currie."

Currie, Barbara: "Swell, that will be great. While I have the mike, I have two questions for the Chair, if you don't mind. One is, under the new rules, we have this thing about cleaning up our desks at the end of the week. And my question is, is today Friday, the end of the week, or would that be tomorrow, Saturday, or maybe there is no end of the week because we plan to be here Sunday as well? So, if the Clerk could clarify the cleanup procedures, that would be very helpful. And second, could the Chair give us some advice about what time we expect to finish Session tomorrow afternoon for those of us, you know, who might be able to

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spend the night in our own home beds. It would be helpful if we knew we were getting out at some hour that would permit us to do that or whether we should plan on being in Springfield Saturday night."

Speaker Churchill: "It is my guess Representative Currie, that at this time tomorrow night you and I will still be here looking at each other, and that is not a pleasant thought. Mr. Clerk, please call Senate Bill 1208. Before we call that, Representative Currie wants to make sure that her desk is clean. This is not the end of the week, Representative Currie. We'll be here tomorrow, Sunday, and all next week, so leave your papers there. You'll need them all. Mr. Clerk, please read Senate Bill 1208."

Clerk McLennand: "Senate Bill 1208, the Bill has been read a second time previously. Committee Amendments 1 and 2 have been adopted. Committee Amendment #3 was rule non-germane. Floor Amendment #4 has been referred to Rules. Floor Amendment #5 was approved for consideration."

Speaker Johnson, Tim: "Representative Johnson in the Chair. Representative Ryder on Floor Amendment #5. The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Floor Amendment #5 corrects an inadvertent technical problem in the Bill concerning some references that now indicates fees will be made according to rules. I'd be happy to answer any questions and move for the adoption of Floor Amendment #5."

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

Hoffman: "All right, I have no questions on the Amendment, I would like to inquire with regards to a fiscal note prior being moved to Third."

Speaker Johnson, Tim: "I didn't understand your inquiry."

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Hoffman: "I have no questions on Floor Amendment #5, but I would like to inquire regarding the fiscal notes, the priority of them prior to the time it is moved to Third Reading."

Speaker Johnson, Tim: "Representative Hoffman, we're ready to move the Bill, so if you could state your inquiry the Chair will entertain your inquiry."

Hoffman: "Well, we haven't adopted the Amendment yet, I would hope that you would do that and then it would be in order I believe."

Speaker Johnson, Tim: "All those in favor of the adoption of Floor Amendment #5, signify by saying 'aye', those opposed by saying 'no'. The 'ayes' have it. Floor Amendment #5 is adopted. Representative Hoffman."

Hoffman: "Yes, just a question of the Clerk with regards to the fiscal note. I show...I have in my possession, three fiscal notes, one was filed May 16th, 1995, does the Clerk have that one in his possession?"

Clerk McLennand: "May 16, offered by the Secretary of State."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Is that note signed or unsigned in your file?"

Clerk McLennand: "It is signed by Chip Woodward."

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

Hoffman: "I then have two other fiscal notes. One appears to have been filed on the morning of May 18th, that is unsigned, and one that was filed in the evening of May 18th that was signed. Do you have both of those in your file?"

Clerk McLennand: "There is one that was filed at 7:00 p.m. that was signed on May 18th."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, is there one in your file that would have been filed? I have one that is file marked May 18th at 11:00 a.m. Is that in your file?"

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Clerk McLennand: "Yes, there's one filed at 11:00 a.m., on May 18th, and one filed at 7:00 p.m. on May 18th, signed by the liaison, has precedence."

Speaker Johnson, Tim: "Have your inquiries been satisfied, Representative Hoffman/"

Hoffman: "I would just like to make a point that this I think, indicates our point. This is what should have been done. There should have been amended fiscal notes filed that are properly signed. I would like to commend Sarah Creviston for doing that and doing it properly."

Speaker Johnson, Tim: "Thank you, thank you for your comments. Third Reading. The Chair intends now to proceed to the Order of Senate Bills, Third Reading. Mr. Clerk, please 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 Gentleman from Madison, Representative Stephens on the Bill. Proceed."

Stephens: "Thank you Mr. Chairman, Mr. Speaker. Senate Bill 51 amends the School Code to allow schools boards to exempt students in grades 9-12 who participate in a marching band program for credit from physical education courses. The current law only allows for exemption for those ongoing participation in a interscholastic athletic program when enrollment in class is necessary for college admission or for enrollment in classes necessary for high school graduation. It's a common sense Bill and anybody who knows anything about marching bands and their participation therein understands that the time constraints and the physical endeavor itself more than compensate for the loss of the physical education class and this is permissive. It allows, simply allows school boards to make such a

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decision. I'd be glad to respond to any questions. I move passage of Senate Bill 51."

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

Hannig: "Will the Sponsor yield?"

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

Hannig: "Representative, didn't we pass earlier this year a waiver Bill that would give all school districts the opportunity to petition the state board if they can show good reason to do away with these mandates?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "We did."

Speaker Johnson, Tim: "Representative Hannig."

Stephens: "But that's irrelevant."

Hannig: "So, it would seem to me Representative, even before we got that proposal up and running at full steam, that you're already looking for ways to end run this process. Why don't we just allow those school boards who agree with you, to petition the state board, and get out of this mandate if they so desire?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "This Bill Representative, is not an end ground...run around anything. It's simply a question of whether you think a school board should be able to make a responsible decision or not. If you believe that your school board is not capable of making that decision, you should vote 'no'. If you have faith in your school board to make the right decision, then you should vote 'yes'."

Speaker Johnson, Tim: "Representative Hannig. Further inquiry?"

Hannig: "Well again Representative, it seems like if we put a program in place, a much ballyhooed program that was on the

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fast track, whose process was to take care of all of the unwanted and unneeded mandates, that we really don't need this Bill. We've already got a solution to this problem, and this Bill is really just a waste of time and taxpayers money. So, I would urge Members on both sides of the aisle if you thought that the fast track legislation and the waiver legislation that was so ballyhooed around here is the solution, that we don't need this Bill and we should vote 'no'."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, this is obviously a Deregulation Committee, so how can I vote against it? I mean I was the Chairman of the Privatization, Deregulation, et cetera Committee. This is a lot faster then going through the waiver process. Why not strike a blow for deregulation. Vote 'yes'."

Speaker Johnson, Tim: "The Gentleman from Rock Island, Representative Brunsvold. Give the Gentleman your attention."

Brunsvold: "Thank you Mr. Speaker, will the Gentleman yield?"

Speaker Johnson, Tim: "The Sponsor indicates he will yield. Proceed."

Brunsvold: "Representative Stephens, where did this Bill come from? Who requested this?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, the Sponsor in the Senate was Senator Frank Watson. He, I believe, was originally approached by the Salem Community High School. They pay city...in his district and he asked me to carry this Bill in the House."

Speaker Johnson, Tim: "Representative Brunsvold."

Stephens: "Representative Granberg is a cosponsor."

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Brunsvold: "Do you know if Senator Watson or Representative Granberg ever played an instrument?"

Speaker Johnson, Tim: "Representative Stephens, do you wish to answer that..."

Brunsvold: "There was...."

Speaker Johnson, Tim: "...question? Representative Brunsvold, do you have further inquiry?"

Brunsvold: "Have Representative Granberg or Senator Watson ever marched in a straight line?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "They're both very dependable..."

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

Stephens: "...in their duties."

Speaker Johnson, Tim: "Further questions?"

Brunsvold: "Representative Stephens, do other athletes like football players, basketball players, are they exempt or have an exemption from going to P.E. class during their seasons?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The statues allow for that, yes."

Speaker Johnson, Tim: "Representative Brunsvold."

Brunsvold: "The band, then the band members during their off time would not, would have to go back to P.E. class?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "That is my understanding. The Bill reads, 'the ongoing participation in the band, in a marching band'. So when, if we define that as times when they are practicing or playing as ongoing, then they would not participate in physical education. I would assume that if they stop...stopped practice and stopped playing, then they would...the requirement for physical education would be restored."

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Speaker Johnson, Tim: "Proceed."

Brunsvold: "Do the cheerleaders want to do this also?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Thank you. Not to my knowledge."

Speaker Johnson, Tim: "Representative Brunsvold, do you have further inquiry?"

Brunsvold: "Yes Mr. Speaker. Representative, you, you look like a find specimen of an athlete that has participated in events. Do you feel personally that a band member gets enough exercise participating in the band that they don't have to take P.E.?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "When I was in high school, I played baseball. I ran cross country and I ran track. Representative Granberg, my cosponsor, played golf. Now I don't know compared to carrying a tuba, whether cross country practice, whether golf practice or cross country practice is the most strenuous. But, I've watched band members from the outstanding band in my district, the O'Fallon Marching Panthers, and I can tell you that they're good. They work hard, they sweat a lot and they would make any locker room proud."

Speaker Johnson, Tim: "Representative Brunsvold."

Brunsvold: "You were in error Representative, when you referred to Representative Granberg. He played the flute."

Speaker Johnson, Tim: "Further inquiry? The Chair recognizes the Gentleman from Grundy, Representative Spangler. Representative Spangler, proceed."

Spangler: "Thank you, Mr. Speaker. All joking around aside, I wish that I could remember who was the author or what school had done a study on this. There is a research paper currently out, and it measured all the different parameters

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of the physical agility and cardiovascular system comparing marching band members specifically and the amount of anaerobic and aerobic exercise conducted in P.E. classes. And surprisingly enough, the marching members had more than in the current P.E. classes across the state. Namely because of the number of students and athletes within those programs that have to stand around and wait to take their turn. So, I would strongly..."

Speaker Johnson, Tim: "Proceed with your and bring your comments to a close Representative Spangler."

Spangler: "So, I would strongly recommend, and I say strongly recommend, an 'aye' vote from everyone. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Yes, will the Gentleman yield?"

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

Boland: "I just had one question of the Sponsor, and that is in moderate day physical education classes part of the curriculum used involves not just exercise, but health classes where they're taught about drugs and anti-smoking and the effects of alcohol and all these other sorts of health issues. What provision in this Bill would compensate for that type of academic health issues for the students? Is there any provision to cover that type of class work?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "There are no state requirements that say that any of it, the mandates of certain learning that must take place in the area of health or drug abuse or alcohol abuse that needs to be taught during a physical education class. They may be taught in any particular class that the school board so chooses. So, by exempting them from physical education,

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they are missing none of those programs."

Speaker Johnson, Tim: "Further inquiry? Representative Boland."

Boland: "I agree with you that they have to be, but generally you'll find that more and more schools are doing that. And they're using the physical education time and I'm just kind of concerned that in our modern era here, we're very concerned about alcohol abuse, drug abuse, anti-smoking, sexually transmitted diseases, all these different things, and with so many school districts doing that, I'm just concerned that that would get lost in this possible thing. I would agree with you. I agree with you 100%. Marching band people do get every bit as much exercise as anybody in P.E. class, but this other aspect I think, is something that is worthwhile to have put in your legislation. Do you have any comment on that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I can tell you Sir, that the...currently when you participate in physical education at high school level, you spend approximately a little bit less than five hours a week in the classroom. If you participate in the marching band, you participate at the average of about ten hours. And there is no reason if there is something that is being taught in physical education, maybe they could make up a song about the issues that they want to promote and plenty of opportunity. I would remind you also, that all of the things to which you refer, can be taught in health class or science or whatever that the local school board felt appropriate."

Speaker Johnson, Tim: "Representative Boland."

Boland: "Well, again, just to reiterate...I mean I agree with you that the marching band people probably put in twice as much time on physical exercise, and that's important. But, I do

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think that we're missing a beat here if we're going to neglect those other types of learning that is important in the health areas, so, thank you very much."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, 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'. The 'ayes' have it, and the main question is put. The Gentleman from Madison, Representative Stephens to close."

Stephens: "Urge an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 51 pass?' All those in favor signify by voting 'aye', those opposed by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 voting 'yes', 32 voting 'no', 2 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 84."

Clerk McLennand: "Senate Bill 84, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Lady from Cook, Representative Murphy. Proceed."

Murphy, M.: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen. Senate Bill 84 amends the..."

Speaker Johnson, Tim: "Give the Lady your attention."

Murphy, M.: "...and amends the Environmental Protection Act. This would simply provide the pollution control facilities, and unincorporated Cook County would now be subject to the

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same local approval process as in the rest of the state."

Speaker Johnson, Tim: "Any discussion? Seeing none, Representative Murphy to close. There were not any lights on at the time that I made the statement. Representative Granberg subsequently turned his light on. We'll be more than happy to entertain your question. Representative Granberg, the Gentleman from Clinton."

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

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

Granberg: "Representative, what is the rationale for the Bill? Does this impact your district or an adjacent district?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "It would impact any of the unincorporated areas of suburban Cook County, and yes I do, represent a portion of that. But it's really open as far as that goes to any of the unincorporated areas of Cook County."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And Representative, what is the rationale for the..."

Speaker Johnson, Tim: "Representative Murphy."

Granberg: "...provisions in the Bill?"

Murphy, M.: "Quite simply to add to the uniformity of Senate Bill...of the...Cook County was exempt, and in unincorporated Cook County, from the local siting law. Now it seems that there are some purveyors of various pollution control devices that would like to go through the siting process and there's been some discrepancy as to what the role of the Cook County Board would be in these matters. We simply want to add uniformity to this current system."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So does this impact any existing facility, Representative?"

Speaker Johnson, Tim: "Representative Murphy."

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Murphy: "No it does not provide for any specific."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Are there facilities in existence in this region that might be impacted?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy: "Not...not to my knowledge. This Bill would require proposed facilities in unincorporated Cook County to receive the same local approval process that facilities in all the remaining 101 counties must obtain."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Thank you. Is there any opposition to your Bill, Representative?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy: "There was none. On Senate Third Reading, it passed 56 to nothing in the Senate. There were no witness slips. There was no opposition in any of the committees that I am aware of."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "I just looked, Representative, while I was going through the file just now. Apparently, there's some indication from the Solid Waste Agency of Northern Cook County, that they are in opposition. Are you familiar with that group?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy: "Again, once this has been through the Senate and to the House I would imagine over 90 to 120 days that this Bill was alive, their opposition was not made known to any Member. We've not received any letters. They had ample opportunity both in the Senate and the House to let us know their supposed opposition."

Speaker Johnson, Tim: "Further inquiry. Representative Granberg."

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Granberg: "Thank you. Well, Representative, I'm not familiar with this agency or this company, Solid Waste Agency of Northern Cook County. Do you know who they might represent? Or if they're in fact..."

Speaker Johnson, Tim: "Representative Murphy."

Murphy: "Since you have the paperwork, Representative, I would have no idea."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "The only thing we have, Representative, is in our analysis, it indicates that this...this body or this entity is an opposition to your Bill. So we...for our side of the aisle, we just need to know why they might be in opposition and whom it might impact, so we can either vote...we might vote in favor of your legislation."

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "I thought that was a statement. I am not aware of...if this is a real agency. Is there any letterhead? We have not received any notice about this at all. I really don't have anything of record in the witness slips or otherwise."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Also in our analysis, it's indicated that an association by the acronym of I.A.E.S. is also in opposition. Are you familiar with that association?"

Speaker Johnson, Tim: "Proceed."

Murphy, M.: "Representative, the two...only two witness slips were by proponents and they are from the Illinois Farm Bureau, we all know about them, and the Illinois Environmental Council."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, I also have that there are additional proponents, Representative, so...the Citizens Against the

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Bail Fill? Are you familiar with that group?"

Speaker Johnson, Tim: "Representative Murphy."

Murphy, M.: "Representative, if you'd like to expedite the process and name all the groups, I could answer in probably the same question. I am not familiar with any of the aforementioned groups that you have now named. Do you have a list of them? And perhaps you can have a staff person bring them over and I'll review them."

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

Granberg: "Well, Representative, I'm just saying the groups are in favor of your Legislation. I don't know these groups. The Members on this side of the aisle don't know these groups, except for the Farm Bureau. So, we're trying to determine who might be in support and who might be in opposition and that would help us try to make a better decision."

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

Murphy, M.: "The best would be the file, Representative and the committee notes and the committees have indicated that only proponents of record signed in at both committees in the Senate and the House."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, 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 'nay'. The 'ayes' have it. The main question is put. Representative Murphy to close."

Murphy, M.: "Yes. Again, this is just to make unincorporated

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Cook County uniform with the siting process that is currently available in 101 counties. We had only proponents in the form of the Illinois Farm Bureau, the Illinois Environmental Council and we are not aware of any opposition that came before either the Senate or the House Committees. I urge an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 84 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 question, there are 102 voting 'yes', none voting 'no', 6 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 93."

Clerk McLennand: "Senate Bill 93, a Bill for an Act that amends the University Retail Sales Act. Third Reading of this Senate Bill."

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

Stephens: "Thank you, Mr. Speaker. Senate Bill 93 amends the University Retail Sales Act and prohibits state institutions of higher learning from issuing or using it's own credit card and debit card. In the end, what the affect of the Bill is, is to allow for...if they are going to have debit cards that they do not exclude local retailers. The purpose of this Bill is to not give the universities a monopoly in the bookstore business so that those who venture into free enterprise and run local bookstores can openly compete with the university bookstores. The purpose of the Bill is not to include the food services and I say that for the purpose of legislative

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intent. I move favorable passage of Senate Bill 93 and I would be glad to respond to any questions."

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

Lang: "Thank you, Mr. Speaker. I am joined by the requisite number to remove this from Short Debate."

Speaker Johnson, Tim: "Your request is acknowledged. Proceed."

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

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

Lang: "Representative, I know you explained the Bill, but I've talked to a lot of our colleagues on the House floor and not all of them really understand this Bill. Some of them think this prohibits the use of credit cards at university stores. That isn't what the Bill does, is it?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Your correct, that's not what the Bill does."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well perhaps you could take us through this and tell us what it does and explain what these debit cards are and explain why URMA wants this Bill passed."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I would be glad to. The situation is this, currently students are allowed to purchase goods at the sponsored retail store on a credit card or a debit card. A debit card is a card wherein you have already paid into an account and you debit that account every time it is used. Allowing them to...you repay the balance upon receipt if you are receiving financial aid or any anticipation of receiving financial aid you can have your debit card debited for that amount and the universities do that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, I have no idea what you just said. What change does

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this make in the law? What impact does it have on the universities? What impact does it have on the retail establishments? Why do they want to do this?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The impact is that under current law if, without passage of this Bill, the university would be able...allowed to issue a debit card and be the only institution that honored that debit card, and therefore blocking out local retailers who run bookstores in the village near the university. So, with passage of this Bill, what we will allow is, participation by the local retailers in the debit card program so that the university does not have a monopoly."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And so this would allow local retailers to get involved in this debit card program so that if a student wished to use a retail bookstore or other retail establishment they could do so, is that correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Yes."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well how would that mechanism work? Would the university then be obligated to give a check to that local retail establishment?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The details of the arrangement between the local retail store and the university would be up to the two of them working on an agreement. But yes, eventually, cash would have to exchange hands and I would assume that would be in the form of maybe a piece of candy flying past you, or a check."

Speaker Johnson, Tim: "Representative Lang."

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Lang: "So, any retail establishment that wanted to avail themselves of this would have to go to the university to whatever the appropriate office was and negotiate whatever deal they had between them. Ad what your Bill would do would be to allow them to sit down and negotiate that deal, is that correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "That is my understanding. You are correct, Sir."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Was there any opposition to this Bill in committee either in the House or in the Senate, Sir?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Yes, in the...at least at one point we have listed as opponents, the University of Illinois. Our analysis reads Southern Illinois University, but I have met with their staff...they...as long as there is a clear understanding their opposition was based, I believe, on the fact that possibly we would be limiting or allowing the use of the debit card for the campus food and food stores outside the campus, and that is not the purpose of the debit card. The intent of Senate Bill 93 is not to prohibit universities from issuing debit cards for campus food or vending services."

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

Lang: "Yes, thank you, Mr. Stephens and Mr. Speaker. Since I'm running out of time let me just simply say I support this legislation. Thank you."

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

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

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

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Zickus: "Do the university bookstores include the bookstores that are run by community colleges as well?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If a community college is defined as an institution of higher learning, then yes."

Speaker Johnson, Tim: "Further questions? No further. The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Just three questions for legislative intent. Is it the intent of Senate Bill 93 to permit university students to use debit cards in university bookstores as long as private bookstores are also afforded the opportunity to compete for the same debit card sales?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Yes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Is the intent of Senate Bill 93 to prohibit universities from issuing debit cards for on campus food and vending services?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Will you work with me in the future to draft language that clarifies the intent of Senate Bill 93?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Certainly."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, with those commitments I think this is a good Bill and I would urge an 'aye' vote."

Speaker Johnson, Tim: "There being no further discussion, the

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Chair recognizes the Gentleman from Madison, Representative Stephens to close."

Stephens: "I appreciate your support."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 93 pass?' Those in favor signify by voting 'aye', those opposed by voting '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 107 voting 'yes', 1 voting 'no', 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 141."

Clerk McLennand: "Senate Bill 141, a Bill for an Act that amends the School Code. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black, on the Bill."

Black: "Yes, thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 141, as amended, addresses the Behavioral Intervention Program as adopted two years ago by the Illinois General Assembly. This has been a very difficult process, a very emotional process. I'm pleased to be able to stand and tell you at this point in the process this is an Agreed Amendment. There are no known opponents to me. Everyone has signed off on it and I would just simply would urge you to vote 'yes'. This is...I guess, this is what keeps most of us coming back. Every once in awhile the process works the way it's suppose to work. Everybody sat at the table and negotiated this. I'll be glad to answer any questions that you have."

Speaker Johnson, Tim: "The Gentleman from Williamson, Representative Woolard."

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

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Speaker Johnson, Tim: "He indicates that he'll yield. Proceed."

Woolard: "Representative, I know that when you started this process that there was some genuine concerns that you had from some of your local administrators and schools. Do you believe that all of these concerns have been addressed?"

Speaker Johnson, Tim: "Representative Black."

Black: "Yes I do, and it compromises the art of the process. This is definitely, I'm sure that no one is completely happy but everybody thinks their concerns have been addressed. We now have an orderly process to address the behavioral intervention guidelines and I believe that all of my school administrators would stand in support of this Bill."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "I know that when the original legislation came through this Body, there was some genuine concerns by groups and individuals that there were some children that possibly had been abused, neglected or in some way less than been treated in a civil way. Do you believe that those people are satisfied with this process the way it ended?"

Speaker Johnson, Tim: "Representative Black."

Black: "Yes I do. In fact the, the parent of the student who started the process on the original Bill, in fact, testified in favor of this, and she thinks that not only are the rights of the students and parents protected but also feels that the schools will have sufficient input under this procedure."

Speaker Johnson, Tim: "Representative Woolard."

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

Speaker Johnson, Tim: "To the Bill."

Woolard: "I too, agree with what Representative Black said in commencing this discussion this evening. I think that

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sometimes the system does work, and I know that there were a lot of people that were concerned a few years about the protection of individual children. I know that they came forward with a plan that they thought was right and correct. I know that the State Board of Education in trying to implement those rules and guidelines and the law that we passed a couple years ago, were trying to accomplish something that would be affective and right for the children of this state. It become a little burdensome in the minds of a lot of us and especially some of those administrators in Southern Illinois, where I come from, and I think that there has been a codification of the law in such a way that we can live with it now. We still have the protections built in for the kids of this state, but we have a system that will allow, especially the smaller, rural setting, poorer school districts, to accommodate and to make this thing work for them as well. I commend Representative Black and I believe that everyone in this Body should join him and me in voting 'yes'."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Washington, Representative Deering. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Deering: "Representative, does this take care of the problem of the lock boxes and stuff like that? Is that what this Bill does?"

Speaker Johnson, Tim: "Representative Black."

Black: "Well, it certainly does not allow or formulate anybody to have a lock box or a time out room. That was never in the original legislation either, but, as I understand this legislation, any school silly enough to try that, will sure be a...will run afoul of this guideline and policy."

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Speaker Johnson, Tim: "Representative Deering."

Deering: "Just want to thank the Gentleman for his time."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. The main question is put. Representative Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I just simply want to thank everyone for their advice and consent on this Bill, particularly the Members of the Elementary and Secondary Education Committee, and when we put our minds to it, and we bring people to table, we can come up with good legislation. That's what this is. I urge an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 141 pass?' Those in favor signify by voting 'aye'; those opposed by voting '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 105 voting 'yes', none voting 'no' or 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 150."

Clerk McLennand: "Senate Bill 150, a Bill for an Act that amends the School Code. Third Reading of this Senate Bill."

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

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 150, has been amended

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so that much of the material that was previously in this Bill, is no longer contained in it. All this Bill does now, is to reverse what is commonly known as Dillons Rule, for the purpose of the Illinois School Code. In other words we give by this Bill, school boards the authority to exercise all powers necessary and proper, for the maintenance operation and development of schools, provided those powers are not in conflict with any provisions of the School Code. Previously, the belief and the interpretation of the law is that, unless the General Assembly has specifically permitted it, it is not permitted. This reversal in fundamental philosophy says, 'unless it is prohibited, you may assume that you may do it'. This is exactly identical to the same sort of provision that is contained in the Community College Act. This legislation was suggested by the Illinois Manufacturers Association and the Illinois State Chamber of Commerce. It is supported by the Large Unit District Association, the Illinois Education Association and the Statewide School Management Association. I would be glad to answer any questions."

Speaker Johnson, Tim: "Representative Cowlshaw. Proceed. Any discussion? Representative Dart."

Dart: "Thank you. Thank you. Representative, I just had a couple of quick questions. The...no, this is not a nothing Bill. It's a next to nothing Bill. The numerous provisions in here, as you mentioned, were already dealt with, just without going into detail what the provisions are. What is the provision in here that has not been in other Bills that we've sent out of here?"

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

Cowlshaw: "I don't understand what your question...I explained what is in this Bill. Is it relevant what used to be in

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this Bill, is that what you're asking about?"

Speaker Johnson, Tim: "Representative Dart."

Dart: "No, we've seen some of this material in other Bills already. I didn't want to discuss those things at all. I was just wondering what is in this Bill that is different, that is unique to this Bill, that has not been contained in the other Bills that we've sent out?"

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

Cowlshaw: "Yes, Representative Dart, the...the material in this Bill now is identical except for one addition to a Bill that we had here earlier and that addition was done because there were some concerns about our being very careful that school boards realized they still had to do everything that the School Code requires and so a sentence was added in Amendment #4 to Senate Bill 150 on lines 38 through 40 which says, 'this grant of powers, does not release a school board from any duty imposed upon it by this Act or any other law'. That is the agreement that was reached and when that sentence was added that's when all opposition was removed and the endorsement or support of the groups I mentioned, was won."

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

Dart: "Thank you. Are there any groups in opposition to this Bill at this time?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, if there are any, I certainly don't know who they are. Nobody...when this was heard in committee and this Amendment was adopted and all this was discussed, there were no sign-in slips that were in opposition."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Just a final question, Representative. The changes were,

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this changes the word from 'duties' to 'power', and also the part that deals with employment of non-certified personnel. In addition to the provisions that are being repealed by this Bill, all those we've previously seen and there is no opposition to any of those?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "No, Sir. There is no opposition to any of those. The things that are being repealed, are mostly obsolete sections. For example, the one having to do with the liability provisions for fallen trees, which we really think...didn't think was necessarily, any longer needed."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it, and the main question is put. Representative Cowlshaw to close."

Cowlshaw: "Thank you, Mr. Speaker. I urge an 'aye' vote. This is a very good Bill."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 150 pass?' Those in favor signify by voting 'aye'; those opposed by voting '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 there are 61 voting 'yes', 46 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Ackerman now moves that the House stand adjourned until Saturday, May 20, 1995, at the hour of 10:00 a.m. Those in favor signify by saying 'aye'; those

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opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and allowing Perfunctory time for the Session...for the Clerk, the House now stands adjourned until Saturday, May 20, 1995, at the hour of 10:00 a.m."

Clerk McLennand: "House Perfunctory Session will be in order. Committee Reports. Committee on Rules has met on May 19, 1995, pursuant to Rule 8.4(a). The Committee on Rules has met and placed the following Bills on the Order of Concurrence: House Bills, 5, 8, 122, 160, 175, 185, 211. House Bills 323, 413, 438, 471. House Bills 513, 549, 567, 589, 597. House Bills 632, 653, 729, 731. House Bills 741, 760, 780, 781. House Bills 797, 868, 901, 988. House Bills 991, 1045, 1200, 1322. House Bills 1489, 1653, 1711, 1721, 1791. House Bills 1827, 1854, 1868, 1893, 2123, 2332, 2343 and House Bill 2349 together with their Senate Amendments. Signed Robert Churchill, Chairman, Committee on Rules. Being no further business, House Perfunctory Session stands adjourned, and the House will reconvene, Saturday, May 20th at the hour of 10.00."

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