

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

64th Legislative Day

May 20, 1995

Speaker Churchill: "The House will come to order. We'll now proceed to the Order of Senate Bills Third Reading. Mr. Clerk, please read Senate Bill 301."

Clerk McLennand: "Senate Bill 301, a Bill for an Act that amends the State Employees Group Insurance Act of 1971. Third Reading of this Senate Bill."

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

Wojcik: "Thank you, Mr. Speaker and Members of the House. Senate Bill 301 is a very important Bill to me. What it entails is it entails that children from zero to six would be able to have insurance covering immunization. There's been some argument about the cost and about the problems that would arise with the businesses. But I want to tell you something. Businesses would have less of a cost, less expense, if they had something like this to offer to the families. You'd have better morale. You'd have more people working and you wouldn't have as many sick children as we have on the streets today. What this would do, it would cover insurance and it would be \$5 a month per family, which I look at as preventative medicine. When we're looking at the cost of insurance today and we're looking at the cost of hospitalization, this certainly would save the businesses money and it would save the families a lot of problems with having to be home to take care of their children. I would entertain any questions that you might have."

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

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

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

Lang: "Good morning, Representative. I'd say I like your tie,

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but you're not wearing one. Good morning. Can you tell me why the Illinois Life Insurance Council's opposed to your Bill?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Yes, I can. They claim that the figure that I'm providing is not correct. However, it is. Actually, they're saying that it's going to be far more expensive. I would say that it's going to be less expensive because if you have your employees working, you're not going to be covering all those expenses without them being on the job. And also, if you cover immunization for the children, it's less expensive for the businesses because you're not going to have as many sicknesses and you're not going to have as many children in the hospitals."

Speaker Churchill: "Representative Lang."

Lang: "Well, I know you're not an insurance person. Have you discussed this with your insurance experts on your side of the aisle, Mr. Parke and Mr. Pedersen and people like that who really know the insurance biz? Have you discussed this matter with them? Oh, I'm sorry, Pedersen. It's Pedersen, not Pederson. That must be Senator Pedersen we have in the Senate then. By the way, nice tie, Representative Pederson. Representative, have you discussed this matter with your insurance experts?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, I have not discussed it with the insurance experts."

Speaker Churchill: "Representative Lang."

Lang: "Well, so there really seems to be a dispute here, does there not, between yourself and the Illinois Life Insurance Council, who I would think is somewhat of an expert in the cost of insurance, wouldn't you?"

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Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, you can be an expert in the cost of anything, if you want to win the war. Okay? What I'm telling you, is what they're saying is not correct. What I have here is the cost is going to be \$5 per month per family and that is there's 57% are willing to pay that. This Legislation is now in 12 other states and one of the most interesting states is California and Florida."

Speaker Churchill: "Representative Lang."

Lang: "Well, the Life Insurance Council seems to indicate that this coverage is available if employers want it. Why should it be mandated?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Quite possibly because some of the employers would not give it to their employees."

Speaker Churchill: "Representative Lang."

Lang: "It's also indicated that employers that can't afford this increase may just simply drop their coverage. Do you think that's a likely possibility?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, if you were an employer, I would certainly hope that you could afford \$5 a month for your employee. And if they would drop the coverage, then I would say that I would not want to work for that employer."

Speaker Churchill: "Representative Lang."

Lang: "So this will cost the employers \$5 per employee, is that correct?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Per family, Representative."

Speaker Churchill: "Representative Lang."

Lang: "\$5 per family, does it affect the state run health insurance plans that CMS has most of us on?"

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Speaker Churchill: "Representative Wojcik."

Wojcik: "I'll have to ask my staff on that. I'm not familiar with that."

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, the answer is 'no'."

Speaker Churchill: "Representative Lang."

Lang: "Well, how's the information defined in the Bill as to which policies this would affect and which policies it would not affect?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "The state has a self-insured plan and it does not have an access policy. Excess."

Speaker Churchill: "Representative Lang."

Lang: "Will this apply to policies that are issued out of state as well?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "No, Representative."

Speaker Churchill: "Representative Lang."

Lang: "Well, why would it not? Isn't it true that most of the large employers in Illinois have their policies written out of the state of Illinois?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "We can only regulate policies that are issued to employers in Illinois."

Speaker Churchill: "Representative Lang."

Lang: "Well, can you tell me what percentage of the citizens of our state will be covered if this Bill passes?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "We don't have a figure."

Speaker Churchill: "Representative Lang."

Lang: "I'm looking for a colleague to give me some more time, but this is on short debate, Mr. Speaker. We'll remove it at

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this time."

Speaker Churchill: "I'm sorry your time was up. Further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Churchill: "She indicates she will."

Granberg: "Kay, if I remember correctly, we dealt with, I think a similar issue about four years ago on in vitro fertilization. I seem to remember some of the same arguments in opposition. Is this a similar issue, because I don't serve on the Insurance Committee and I'm not familiar with this issue at all? So, is the nature of your Legislation the same as that issue?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "That's correct, Representative and the same arguments is what we're getting today, same thing."

Speaker Churchill: "Representative Lang."

Granberg: "No, no, don't call me Lang."

Speaker Churchill: "I'm sorry. Representative Granberg."

Granberg: "Mr. Speaker, please refrain from that in the future."

Speaker Churchill: "It's early in the morning and I was interrupted. I'm sorry. Representative Granberg."

Granberg: "Representative, I think you and I both, we both voted for that Legislation a few years ago and I think then, the costs were undetermined or the industry indicated it would raise the premium like a \$1.35 for each individual impacted. And I believe you indicated this would impact the employer by \$5 per month per affected employee. Is my understanding correct?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "That's correct."

Speaker Churchill: "Representative Granberg."

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Granberg: "And so this would just apply to people who currently serve or who will serve in the National Guard? Is that my understanding?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "No, Representative."

Speaker Churchill: "Representative Granberg."

Granberg: "Oh, Representative, I apologize. I was looking at the wrong Bill. That's why I thought it was very similar to the other issue."

Speaker Churchill: "Representative Granberg, were you interrupted, too? You were just interrupted and you're on the wrong Bill? Okay."

Granberg: "Thank you, Representative. I appreciate your indulgence and the council that is in opposition, can you tell me who the members of the council are?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "In what respect, Representative, who the members are?"

Speaker Churchill: "Representative Granberg."

Granberg: "Well, I just want to make sure for our Members, knowledge on the group's positions on these issues. I intend to vote for your Legislation, Kay, but the Members on this side of the aisle like to know who might be in opposition, what groups. Said it helps them make their decision."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Schakowsky. No, I'm sorry, Representative Granberg, I thought you had made a statement that you were in support of the Bill. You still had a question pending. Okay, Representative Wojcik for the answer."

Speaker Churchill: "Representative, it's the Life Underwriter's Council, the IMA, and the Management Association. It's the same people that were against the in vitro fertilization

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Bill."

Speaker Churchill: "Representative Granberg."

Granberg: "And Kay, didn't we pass this Legislation earlier this Session? Wasn't this part of a...the affordability and portability issue?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "It was part of Senate Bill 892."

Speaker Churchill: "Representative Granberg."

Granberg: "And did that Bill contain portability and affordability for employees?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Yes, it did and when the Bill got to the Senate, they removed the immunization from it."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Kay. And why...do you know why the Senate removed those particular provisions from the Bill? Because, in fact, I thought they were the two major provisions of the Legislation."

Speaker Churchill: "Representative Wojcik."

Wojcik: "I agree with you. I felt that they were very major. In fact, that Bill was so well set up for the middle income family that it's a shame that that happened to it. And again, I believe it was the influence of the lobbyists who were against the immunization and the preexisting diseases. You know, I should probably not get into this, but it's kind of an emotional thing when you start talking about children and I have an experience within my own family of a child that was born with cerebral palsy. This is a preexisting. That's not to this Bill, but it's preexisting condition, which means that the man of the house may not be able to ever change his job because he has to make sure that child has insurance. And when you hear the arguments

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from these people, I think they ought to open up their eyes sometimes and realize that the more they do for their employer, the better morale they're going to have and the better work force they're going to have. So, yes, it was a part of the affordability and preexisting."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, thank you, Representative Wojcik. I appreciate your time, but it's my understanding there might be considerable opposition to the Bill. So I appreciate your answering these questions and making your case for its presentation. Thank you."

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I hope everyone in this House Floor listens to this because I understand the Sponsor's good intentions. But let me tell you this does not affect big business, it only affects the single largest employer in Illinois, small business. When you go back and tell your local bakery, that's providing minimal health insurance for its employees and just getting by, that you're going to increase their insurance costs by at least 10 to 13%, you're going to cost jobs back in your district. When you go back to the corner grocery store that employs 10 people and you tell them that you're going to increase the cost of doing business for them by at least 13%, boy, I tell you what, you better back off because you're going to cost jobs. The question is, is the employer going to hire a new employee when he knows of the high insurance costs that come with hiring every new employee? The answer is no. This only affects small businesses. I know that some of you don't really care about the small businessman, but let me tell you it is the

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back bone of the economy in Illinois, the single largest employer. When you go back and tell the corner gas station that look, if you hire another employee, your costs, number one, are going up 13%. He's going to think twice before he hires another employee. This, notwithstanding that's it's a well intentioned and I understand the Sponsor's purpose, but you're eating away at the single largest employer in Illinois, small business. It's a bad way to tackle a good problem. It's a bad solution to the problem 'cause you're going to cost jobs back in your district and I don't care whether it's a corner grocery store or the bakery, but all of small businesses that are trying to provide health insurance for their employees, you're going to make it unaffordable for them to provide health insurance for their employees. So you're going to cost jobs and you're going to cost health insurance coverage for employees of small businesses back in your district. It's a bad way to tackle the problem and you ought to defeat this."

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

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

Speaker Churchill: "Further discussion? For five minutes, Representative Lang."

Lang: "Thank you. Will the Sponsor yield again for me?"

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

Lang: "Thank you. Your Amendment, Representative, deals with child health supervision services and as I read the definition of that phrase, it appears to be what I would call, an annual checkup. Is that what it is?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "It covers the annual checkup, all immunization shots,

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testing for lead poisoning and scoliosis."

Speaker Churchill: "Representative Lang."

Lang: "Well, don't most insurance policies cover for an annual checkup now?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "It depends on the employer and what they want to put into their insurance plan."

Speaker Churchill: "Representative Lang."

Lang: "So, does this \$5 that each family will pay in addition on the current premium they're paying, apply whether or not the family has children?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "The Bill does not address that, Representative."

Speaker Churchill: "Representative Lang."

Lang: "Well, don't you think that's a major issue? So, if, let's say half the people insured in Illinois have children and half do not, do you expect to have the 'do have children' to voluntarily fork over this \$5 a month?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, that's the whole concept of insurance is to spread the risk. I mean, when you write a policy, you have to write for all. You can't single out one entity."

Speaker Churchill: "Representative Lang."

Lang: "But apparently they have policies now where the risk is spread pretty well. Presumably, the major medical coverage would cover both the children and the adults in each of these families that have the coverage. Why do we need to add this additional mandated coverage?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Because it seems to me that if the Academy of Pediatrics stated there's a problem out there, these children are not covered and you're having the parents not getting the shots

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for these children and that's why the sicknesses are arriving. I don't understand it."

Speaker Churchill: "Representative Lang."

Lang: "Well, I, as you know, support health care coverage and I would like to see everyone in Illinois covered. But I'm just not yet convinced and you have two minutes and 32 seconds yet to convince me that there's a crying need in this state for this coverage and why the employers of Illinois should be subjected to this payment. Let me ask you this, for the employers that have union employees, will this be part of union negotiations? Can this be part of a collective bargaining agreement?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "It would not be negotiated. It would be required to be in the plan."

Speaker Churchill: "Representative Lang."

Lang: "Well, how do the unions feel about your Bill? Have they made any comment whatsoever?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "I have not heard from them."

Speaker Churchill: "Representative Lang."

Lang: "There's a whole lot of working men and women in Illinois who are union members who would be covered by this Legislation then. Perhaps the working men and women and their representatives, the leadership in the unions of Illinois, perhaps they would prefer to negotiate under collective bargaining their own insurance programs without you mandating to them what to do. Have you given any thought to discussing this issue with them?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "First of all, why negotiate if you're getting it without negotiation? Secondly, unions are more favorable towards

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the health coverage of their employees. The arguments I'm getting is from the business people. The people who have not even come to talk to me about this Bill, but yet they can go and talk to everybody else about the problems with it. Wouldn't you think that there would be a good understanding between these business people and the Sponsor? Unions are very good to their employees. They have a better coverage for them in many areas."

Speaker Churchill: "Representative Lang."

Lang: "Is there something in this Bill about free immunizations?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "It goes along with the insurance plan. From zero to six in age, after they go...be into school, they have to be immunized anyway because it's a state law."

Speaker Churchill: "Representative Lang."

Lang: "Well, my information indicates that... 93 provided for these immunizations for Illinois residents. Is that not the case?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Yes, Representative, but you have to go to a public health department. Have you ever tried to go to a public health department to get your child immunized? First of all, this Bill is covering the child where the parent is working. Often times, that parent doesn't get home until 6:00 or 6:30. Those clinics are closed."

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

Wojcik: "So what happens when these clinics are closed, the parents do not have the time to get the child immunized. So therefore, you have a problem with maybe side effects of the diseases that they're going to contact."

Speaker Churchill: "Representative Wojcik, you had a pretty high

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priced staffer standing next to you there."

Wojcik: "Oh, he's going to carry the Bill when this gets to the Senate."

Speaker Churchill: "Please bring your remarks to a conclusion."

Wojcik: "Okay, I would just like to point out to you that I lost my train of thought when you interrupted. That's okay."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Certainly, the attempt of this Legislation is a laudable goal. This though, adversely impacts the employers of this state. At a time when employers are struggling to maintain health care for their employees, we should not be placing an additional burden on their backs by mandating that they must cover immunization, physical examination, lab tests, and any other procedures the American Academic on Pediatrics feels is necessary for preventative care. Many employers are buying \$500 and \$1,000 deductible policies in order to provide their employees with the best cure that they can afford. These policies allow employees to receive coverage for the major costs incurred while they are ill, as is hospitalization and physician charges. While all of these employers would like to provide their employees every possible health care benefit, the plain fact are that they cannot afford it. The truth is they certainly cannot afford a 10% increase in their health care costs. As all of you know, the federal government mandates that immunizations be given through the public health care clinics to individuals who cannot afford it or whose insurance policies do not cover it. Let the employer decide what they can and cannot afford. They are on the job. They know what their costs are. They know the

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type of health care coverage they can best afford for their employees. Ladies and Gentlemen, the Sponsor is certainly well intended and certainly has the idea of children at heart. I urge you to vote 'no' on this Legislation."

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

Currie: "Thank you Speaker and Members of the House. The Lady is not only well intentioned, she has a great Bill. The idea of providing well-baby coverage through employer's sponsored health insurance is a very good one and the experience in states that have already taken that step is a promising one. It is not particularly costly to the employer and in fact, in the long run, this kind of measure prevents the kinds of problems in the health care of children that lead to costly hospitalization, much higher expenses for treating disease after disease happens. All this Bill provides is a once a year well-baby checkup at the doctor's office, along with appropriate immunizations and checks for things like lead poisoning. How expensive can that be? The experience of the states that are already doing this is that it is not going to cost the employers substantial monies. The reason that Representative Wennlund suggested that we don't apply this provision to larger employers, but only smaller ones, is the question of federal preemption. There's no question that we would all like to apply this provision to the large employers as well as the smaller ones and in fact, as this Bill is drafted, there is reason to think that we will be able to apply this coverage to the Caterpillars and to the other large employers in the state as well as small employers through the 'stop loss' language in the Bill. I would remind you that you voted on this Bill already. You voted on it when

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it was House Bill 891 and in fact, I think that was an unanimous vote. I think every Member of this House stood up for protecting and preventing health care problems for our children and I would certainly encourage you, all of you, to stick by your principles and vote 'yes' on Senate Bill 301."

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

Scott: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

Speaker Churchill: "Representative Lang."

Lang: "Well, parliamentary inquiry, please."

Speaker Churchill: "Representative Lang, state your point."

Lang: "We have in our possession what purports to be a Fiscal Note which was filed with the Clerk at about 10:00 a.m. on May 18th. Is this, Sir, the original note that was filed or is this different than the original note that was filed?"

Speaker Churchill: "Mr. Clerk?"

Clerk Rossi: "The original note."

Speaker Churchill: "Representative Lang."

Lang: "Is the note in the original condition that it was when it was filed or has it been altered?"

Clerk Rossi: "To the best of my knowledge, it's in the original condition. It has not been altered."

Speaker Churchill: "Further questions? Representative Lang."

Lang: "Can we ask Mr. Rossi if he was there when the note was filed?"

Speaker Churchill: "I don't think he wants to tell you. Representative Lang."

Lang: "I have nothing further."

Speaker Churchill: "Representative Wojcik to close."

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Wojcik: "Mr. Speaker and Members of this august Body, you've heard the argument about the small employer and what it's going to cost the small employer. Let me tell you something. This is going to include the small employer, HMO contracts, and excess policies for self insured plans. Let's talk about the small employer. It costs \$5 a month per family with 30 employees. It comes up to \$150 a month. Annually, it comes up to \$1800 a month (sic-year). Now, can you tell me how that's going to close down a small employer? I can only tell you this. This is a great Bill. It's prevention. We're helping the children of the state and I would ask for your favorable passage."

Speaker Churchill: "The question is, 'Shall Senate Bill 301 pass?' All those in favor vote 'aye'; all 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. Representative Wojcik."

Wojcik: "If I could get one more vote, I'd like to put it on postpone."

Speaker Churchill: "Unfortunately, Representative Wojcik, I took the record when you had enough votes and someone changed their vote and went back. So, there are 46 voting 'aye', 59 voting 'no', 5 voting 'present'. This Bill, having failed. Representative Wojcik?"

Wojcik: "I'd like to poll the absentees."

Speaker Churchill: "Mr. Clerk, poll the absentees."

Clerk McLennand: "Those Members not voting: Representatives Clayton, Morrow, and Novak."

Speaker Churchill: "Representative Wojcik, that did not assist your effort and unfortunately Senator Phillip can't vote in this Chamber, so he can't provide that necessary 47th vote

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for you. Representative Wojcik."

Wojcik: "He was going to carry the Bill in the Senate. He's very distraught."

Speaker Churchill: "I noticed that. I can tell by the smile on his face. This Bill has 46 'ayes', 59 'nays', and 5 people voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read Senate Bill 336."

Clerk McLennand: "Senate Bill 336, a Bill for an Act to create the Department of Natural Resources. Third Reading of this Senate Bill."

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

Ryder: "Thank you, Mr. Speaker. This is the statutory language necessary to place into effect the executive order #3 which deals with the Department of Conservation and others to the Department of Natural Resources. We're actually ahead of the ball game typically when events of this restructuring take place. It usually takes LRB until the fall to provide this kind of language. It is a trailer Bill in that sense, but we're doing it a little bit earlier and I offer my congratulations to LRB. The content of the language is simply to change references that used to say, mines and minerals or conservation and other things to the Department of Natural Resources. So my hat's off to the LRB for the fine work that they do, very quick work that they do, and I'll do my best to answer any questions that might be asked of me."

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

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

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

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Lang: "Thank you. Good morning, Representative, nice tie. Representative, you indicated that this was an executive order that your codifying here. What is the purpose of the executive order and what exactly are you doing?"

Speaker Churchill: "Representative Ryder."

Ryder: "Thank you, Representative and I appreciate your compliment on my tie, but the best compliment I'll get is this afternoon when my wife arrives. If she approves of it, then I know that I did a good job this morning. The codification that you accurately describe will change and wrap into one department, the Department of Conservation and certain powers and duties of the Department of Energy and Natural Resources, the Department of Mines and Minerals, the Abandoned Mine Lands Reclamation Council and the Division of Water Resources of the Department of Transportation."

Speaker Churchill: "Representative Lang."

Lang: "Are any of these reorganized agencies or departments going to EPA? It appears to us that the original executive order transferred some functions to EPA, but that you've put them in DECA."

Speaker Churchill: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Representative, you are very accurate this early in the morning. There was an original indication that recycling was going to EPA and this Bill places it in the Department of Commerce and Community Affairs."

Speaker Churchill: "Representative Lang."

Lang: "So, it would fair to say then that you're not completely codifying the executive order. You've made some changes to it, have you not?"

Speaker Churchill: "Representative Ryder."

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Ryder: "As good as the Governor is, I think that there's always room for legislative improvement in any good idea and since he's the guy that said he wanted to do it this way, we're going to do it this way."

Speaker Churchill: "Representative Lang."

Lang: "Well, Representative, you know we like to support the Governor down here when we can, especially on this side of the aisle. The question is, have you discussed this major change and his Executive Order with him? Has he approved this?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative Lang, I am overwhelmed at your strong statement of support on behalf of the Executive of this state. Were he listening, I'm sure that he would be smiling warmly to himself by your commitment to be supportive of his efforts. I regret to inform you that I've not had the opportunity to talk personally with the Governor of this state, but I have with his folks who are dealing with this and the DECA transfer of solid waste management, energy conservation, alternate energy programs, coal development and marketing program, and EXXON overcharge matters transferred to the Department of Commerce and Community Affairs does meet with their approval and is indeed their recommendation."

Speaker Churchill: "Representative Lang."

Lang: "Well, thank you, but I didn't say I supported the Governor, I said we like to when we can. I'm not sure this is one of those times when we can and I'm surprised that a Representative of your stature and your commitment to your party would take it upon yourself to willy nilly change an Executive Order as you codify it, without even discussing with the Chief Executive of this state, so I'm surprised

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you would do that. But let me ask you this. This new department indicates that perhaps there would be a reduction of 26 full time employees by the end of FY '96. It would seem to me that this Executive Order should lead to a whole lot more reduced head count, many less employees. If this consolidation is going to work and if this consolidation is to make government more smooth and more efficient, you would think that there'd be a much greater decrease than what amounts to about 2%. Do you have any comments on that, Sir?"

Speaker Churchill: "Representative Ryder."

Ryder: "You didn't have the pleasure of being in Committee when questions concerning the reduction of head count took place and there was great concern that some of the vital functions being transferred to the new department would be eliminated. The director of Conservation, soon to be director of Natural Resources, committed that the functions would continue with the less head count and they would probably be taken care of by attrition. We hope to be more efficient."

Speaker Churchill: "Representative Lang, well your time is out. Ladies and Gentlemen, we are joined today by members of the Federation of IL Young Republicans who are guests of Representative Steve Spangler in the Speaker's gallery. Please join me in welcoming them to the House floor. Further discussion? The Gentleman from Washington, Representative Deering."

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

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

Deering: "Yes, Representative, your wife, I just want to commend her. She done a fantastic job today, but to the Bill. Question on the Bill, this consolidation of agencies for

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the intent and for the record, will it result in a loss of any jobs?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative, I believe you were the person that asked the question in Committee, if I recall correctly. Director Manning and...Director Manning indicated that there would be a reduction in head count of 26, obviously not as much as the previous speaker wishes, but I think you and I agree that it is appropriate, given that vital functions the Department will continue. I should also add that my recollection, if I'm wrong I'd hope you'd correct me, but my recollection was that Director Manning indicated that the majority of that head count would be reduction through attrition, rather than a lay off. And if I'm incorrect, please state that. But I believe that he said the 26 head count would be accomplished through attrition and perhaps transfers within the newly created department."

Speaker Churchill: "Representative Deering."

Deering: "And just for legislative intent on the record here in the floor, by consolidating the Department of Mines and Minerals will we be attempting to reduce any of the mine or aggregate inspectors we have that are out there keeping safety in the work place?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative, now I do recall that you were the person that asked the questions in Committee because this one refreshed my memory. I will give you the same answer that the Director gave you in Committee which is to say, specifically and for purpose of legislative intent as Sponsor of this Bill, it is not my intent nor those who promoted the intent to make any reductions in the services that you in the areas you just described. That is not

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contemplated within this Bill."

Speaker Churchill: "Representative Deering."

Deering: "Thank you, Representative, for your indulgence."

Speaker Churchill: "Representative Ryder."

Ryder: "Mr. Speaker, I did have one further comment. My wife's not here. I'm hopeful that she approves of the tie later on this afternoon when she comes, but she didn't pick it out this morning. However, if she knows that you approved of it, that will go a long way for her to approve what I'm wearing. Thank you, Sir."

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

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

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

Woolard: "I've heard the discussion about the combination of various agencies and the intent to reduce employees and cost savings methods that will be implemented. Is this the prime reason for this consolidation?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative Woolard, that's a more complicated question than it appears on the surface. I believe it's to combine and coordinate efforts in a normal area of natural resources. I believe the statement of 26 head count is probably not a kind of huge savings, but significant savings. I would hope that we would be better serving those who are served by this. I would also hope that we are more efficient by this consolidation. Only time will tell as to the actual cost benefits of it. I didn't mean to not answer your question, but I just wanted to be rather specific. I hope it's better. I hope it's more efficient. I hope it does better and more services. I'm not at this point prepared to tell you about the cost."

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Speaker Churchill: "Representative Woolard."

Woolard: "To the Bill."

Speaker Churchill: "To the Bill."

Woolard: "You know, I agree with the speaker as he presents this.

I commend Governor Edgar on this issue. I think that these are the kinds of things that can make a difference for us all. My belief is that positively we have responsibilities to do things the most cost effective way possible. What we have is the Department of Conservation, Mines and Minerals, Abandoned Mines Reclamation, et cetera, have duplicative overlapping areas of responsibility and we have many times saw that one agency has done something that has been contrary to another's intent and direction and belief. I believe that by putting all these natural resource areas together that we can have a single goal for the state of Illinois. I, once again, want to commend the Governor for the leadership that he's provided in this area. I believe that it will make a difference for all of us. I, in southern Illinois and many are across other parts of this state, will be impacted significantly in areas of mines and minerals and conservation, those things that are important to all of us. Let's don't look at it negative. Let's look at it as a positive approach. I believe that we can see that we can continue to provide the safety necessary to ensure that our workers are not hurt. At the same time we can preserve those natural resources in the way that we should. Once again, I encourage everyone to support this issue."

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

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

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

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Moore, A.: "Representative, does this Senate Bill contain any information about the IL Tourism Enhancement Fund?"

Speaker Churchill: "Representative Ryder."

Ryder: "Not to my knowledge."

Speaker Churchill: "Representative Moore."

Moore, A.: "There is a proposal out there to move monies around into a tourism enhancement fund that currently has monies going to open space areas and to your knowledge, this Bill does not have that kind of language?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative, let me be specific now that I've gained wisdom on this. That Amendment was floating around and I think at one time may have even been proposed on this Bill. It was not adopted. That language is not part of this Bill. In fact, you might inquire of the Clerk. I don't show any House Amendments on the Bill."

Speaker Churchill: "Representative Moore."

Moore, A.: "Thank you very much."

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

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

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

Granberg: "Representative Ryder, does the executive order issued by the Governor, does that operate on the same premise the one that impact the general services of the Department of Finance?"

Speaker Churchill: "Representative Ryder."

Ryder: "Mr. Speaker, Mr. Granberg is so soft spoken, such a quiet character that I was unable to hear the exact question that he purported, purported question that he purported and as a result, I'm not able to answer the question that I didn't hear him ask me about 35 seconds ago."

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Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Representative Ryder. In fact, I just enjoy listening to that melodic tone when you speak. So I'm sure all the Members of this Body would just like to hear you talk for five minutes, but was the executive order issued by the Governor similar to the one that was issued for the Department of General Services and the Department of Finance?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative, I'm unaware of the other executive order so I'm not capable of making that comparison. If you'd like to hear me talk some more, I'd be glad to do it, but I'd prefer to hear you speak, Sir."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, Representative Ryder, I can't believe that you would deem yourself incapable of doing anything, but the executive order reorganized the Department and Finance and the Department of General Services to become the Department of Central Management Services. So that was just a basic reorganization that really did not affect head count or the budget, but some minimum loss of positions. I assume that this is similar to that?"

Speaker Churchill: "Representative Ryder."

Ryder: "Representative Granberg, I'm flattered by your compliment, false though it may be. If the executive order concerning the organization of CMS is as you describe it, then I think that this is somewhat similar. I would, however, tell you that despite the antique appearance that I have today, I don't go back that far. Apparently, you do and I refuse, I absolutely refuse to make any comments about how long you've been doing, what you've been doing, and what you did before this and I will never talk about

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how old that makes you. I would never stoop to making comments concerning your age or your appearance, Sir."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, thank you, Representative. I certainly appreciate your comments and not talk about my past and if you don't talk about mine, I certainly wouldn't want to bring up yours. But can you tell me where these positions would be reduced? I think you indicated to Representative Deering there would be a net reduction of 26 positions."

Speaker Churchill: "Representative Ryder."

Ryder: "Representative, I cannot be specific as to job title or even job area. It is simply an overall head count reduction. Perhaps because of your inquiry and your very valid concern, I will give special attention to this as I'm sure that your budget folks will as well in the event that it's possible to be able to determine that through the budget process. I would, however, refer you back to the questions asked by one of the previous speakers, both here and in Committee and to indicate that, it's the intention as much as possible of the new director of the Department of Natural Resources to reduce the head count through attrition. He's a man of his word and I believe that he will attempt to do that as much as he possibly can, but because of your valid concern and because I know that you are sensitive to these issues. Because I know that you believe in the area of natural resources and because of your past, I might add in which you've dealt with the nitty gritty of these kinds of items prior to your life as a Legislator, but perhaps in a previous life, a previous existence, a previous karma that I would expect you would be very sensitive to those items of job concern and as a result, Representative, I'll do my very best as we go

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through the budget to see if we can be sensitive to the kinds of job titles and job concerns that you and your previous speakers have indicated. Oh, and one other thing I'd like to respond. I made an error earlier. This is not the LRB trailer part where they get into the nitty gritty of changing the names and all that sort of stuff. This is simply codifying the Governor's executive order. LRB comes later."

Speaker Churchill: "Further discussion? The Gentleman from Tazewell, Representative Ackerman."

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

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

Ryder: "I would appreciate your 'favorable' vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 336 pass?' All those in favor vote 'aye'; any opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 'ayes', no 'nays', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 349. Is Representative Saviano in the chambers? Representative Skip Saviano, are you in the chambers for Senate Bill 349? Out of the record. Senate Bill 559. Senate Bill 559. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 559, a Bill for an Act in relation to motor vehicles. Third Reading of this Senate Bill."

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Speaker Churchill: "The Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 559 is clean up Legislation. It amends the State Police Act and the Illinois Vehicle Code Act and changes certain cross references so that they refer to the requirements concerning second division vehicles, rather than the federal highway user's tax. It makes requirements concerning rear fender splash guards applicable to second division vehicles on any highway and provides that four axles shall be used to determine gross weight when a table for vehicles of combination having four axles as applied to a vehicle having more than four axles that is not in combination. It removes restrictions on certain tables to special hauling vehicles. This Legislation was brought before the House in the 88th General Assembly by Representative Hartke in House Bill 3201. It's clean up Legislation and I'd be glad to answer any questions."

Speaker Churchill: "Is there any discussion? The Gentleman from Effingham, Representative Hartke."

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

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

Hartke: "I was caught off guard here. Would you explain about the rear fender to me?"

Speaker Churchill: "Representative Bost."

Bost: "Yes, Representative Hartke and that's a good question. I'm glad you asked because I think it's important for people to realize that when this Legislation was written and the intent was that all vehicles of tractors and trailers should have rear fender splash guards and what it said is that all motor vehicles. So what this does is it

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says it makes it to where it's very clear that it's not just the motor vehicle. It also can be the trailer."

Speaker Churchill: "Representative Hartke."

Hartke: "Yes, does this have any fiscal impact on the state of Illinois since we have a lot of trucks and so forth in the Department of Transportation and Conservation?"

Speaker Churchill: "Representative Bost."

Bost: "Representative Hartke, it does not have. Everyone is pretty well in compliance. It's just a clean up and as it's my understanding that there'll be no fiscal impact."

Speaker Churchill: "Representative Hartke."

Hartke: "What is the current fine in case you're caught without these splash guards or mud flaps?"

Speaker Churchill: "Representative Bost."

Bost: "Representative Hartke, at this time it would be a standard fine of \$75 and most times it's warning from a police officer, need to get it in compliance."

Speaker Churchill: "Representative Hartke."

Hartke: "This is a moving violation then, as opposed to a, it's not a moving violation."

Speaker Churchill: "Representative Bost."

Hartke: "What is it then?"

Bost: "It's a petty offense."

Speaker Churchill: "Representative Hartke."

Hartke: "So I guess if I were the employee of a trucking company and didn't have the mud guard, the splash guards on it, and the State Police pulled me over, the company would be fined as opposed to me. Does the State Police have the right to hold that until the mud flaps are put on or escort to the nearest?"

Speaker Churchill: "Representative Bost."

Bost: "If the state police so desire, they can force you to come

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and repair it on the spot. Most times they don't. They want to go ahead and they will. It's up to their discretion, but as far as the fine, the fine is directed to the person driving the vehicle because the driver of the vehicle is required to pull an inspection on his vehicle."

Speaker Churchill: "Representative Hartke."

Hartke: "Many times I go down the highway and I'm sure you do to and we find that the rear trailer has the splash guards on, but the tractor itself does not. Does this apply to the tractor as well?"

Speaker Churchill: "Representative Bost."

Bost: "It does not apply to a truck tractor unless that truck tractor is not pulling the trailer. When that truck tractor is not pulling a trailer, they are required to have the mud flaps."

Speaker Churchill: "Representative Hartke."

Hartke: "What about you're in the trucking industry and you understand that occasionally these trailers have the floating wheels that are put down when it's loaded for the extra axle, extra weight. Are those required to have them on to or is it just the rear of the trailer?"

Speaker Churchill: "Representative Bost."

Bost: "It is only the rear of the trailer."

Speaker Churchill: "Representative Hartke."

Hartke: "Is this totally new Legislation?"

Speaker Churchill: "Representative Bost."

Bost: "No, it is not totally new Legislation. This Legislation was the Legislation that you offered with House Bill 3201 in the 88th General Assembly."

Speaker Churchill: "Representative Hartke to argue his own Legislation."

Hartke: "Excuse me?"

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Speaker Churchill: "You said it was your Legislation. I thought that you were arguing about."

Hartke: "Well, I'm clarifying it for the rest of the Members and I think we ought to take this off of short debate and I would ask that my colleagues join me."

Speaker Churchill: "Well, you got one hand there, Representative Hartke."

Hartke: "Is that enough?"

Speaker Churchill: "This morning it is. Proceed."

Hartke: "Thank you. What other technical changes are in this piece of Legislation?"

Speaker Churchill: "Representative Bost."

Bost: "Representative Hartke, on this Legislation, we take out some special hauling language because, titles because it is dealt with later on into 15-1111f and 15-1111a and b later on in the Legislation."

Speaker Churchill: "Representative Hartke."

Hartke: "In this Legislation, it talks about special hauling vehicles and in those."

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

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

Speaker Churchill: "Representative Hartke, for five more minutes."

Hartke: "Representative Bost, and last year when we passed the special hauling license, are you aware of a problem with those farmers who had the bomber trucks and right now those individuals are being stopped by the State Police because they do not have the special hauling stickers. Are you aware of that?"

Speaker Churchill: "Representative Bost."

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Bost: "Representative, I've heard rumors of it. I do not know all the details of that. No, I don't."

Speaker Churchill: "Representative Hartke."

Hartke: "With the present time, trucking companies, such as yours, were notified in their license plate renewal that if they had these individuals called bombers, that we would, you know, require them to have the \$100 special hauling weight permit. They were given the opportunity to apply for their special hauling permit. However, farmers who had farm plates on those bomber trucks were not notified by the Secretary of State's office and January the 1st when that piece of Legislation came into effect, many of those farmers were unaware that they could purchase the special hauling permits for \$1. Many of them were stopped and then of course being fined for overweight because those special permits would give them that weight that the law allowed. Because of non-notification by the Secretary of State, these fines are running 3, 4, \$500. With a simple \$100 permit, those farmers could have avoided that fine. Would you consider bringing this Legislation back and for those farmers and farm plates who had the special bomber trucks, give them an opportunity to recoup?"

Speaker Churchill: "Representative Bost."

Bost: "Well, Representative Hartke, this Legislation is here and before us and we'd like to work on it and go ahead and put it on through, but I'll be glad to work with you on that in the future and see if we can't get it cleared up."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I think that'll be just a little bit late because just everyone by time we get around here again to be doing this, it'll be a year past and probably everyone of them either by then would have heard about it or have paid a

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heavy and substantial fine. Who is supporting this
Legislation?"

Speaker Churchill: "Representative Bost."

Bost: "It's my understanding that the Illinois State Police,
Illinois Department of Transportation, and the township
officials of Illinois are all in support of this
Legislation and all the independent truckers, Midwest
Truckers, and all the transportation lobbyist groups are
neutral on this Legislation."

Speaker Churchill: "Representative Hartke."

Hartke: "Did you say the Midwest Truckers and the Transportation
Association are neutral?"

Speaker Churchill: "Representative Bost."

Bost: "Yes, it's my understanding that the Transportation
Association, Midwest Truckers, IL Municipal League, DuPage
mayors and managers are neutral on this."

Speaker Churchill: "Representative Hartke."

Hartke: "I can't imagine why the Midwest Truckers would be
neutral on this Legislation? Is anyone opposed to this
Legislation?"

Speaker Churchill: "Representative Bost."

Bost: "It's my understanding that there were no slips filed in
Committee and I'll think you'll find the reason why they
would not be opposed is they're already complying with
these laws. They understood the intent. It's just so that
we get the language straightened out is why we're doing
this Legislation."

Speaker Churchill: "Representative Hartke."

Hartke: "Did you mention whether the IL Farm Bureau was opposed
to this or for is or they didn't register one way or the
other?"

Speaker Churchill: "Representative Bost."

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Bost: "The IL Farm Bureau did not put any slips in on this at all."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I did know that farmers have a lot of trucks in the state of Illinois and I would think that they might have taken an interest in this. How about the IL Farmer's Union?"

Speaker Churchill: "Representative Bost."

Bost: "Representative Hartke, could you repeat your last statement? I'm trying to hear you."

Speaker Churchill: "Representative Hartke."

Hartke: "I know that this year the IL Farmer's Union has been more active and I'm surprised that they hadn't filed one way or the other. Did this Legislation go through the Transportation Committee or the Agriculture Committee?"

Speaker Churchill: "Representative Bost."

Bost: "This Legislation went before the Transportation Committee."

Speaker Churchill: "Representative Hartke."

Hartke: "You know I'm a minority spokesman on that Committee and I don't recall this Legislation. Did we discuss it at length?"

Speaker Churchill: "Representative Bost."

Bost: "It was discussed and it voted out of the Committee, 29 to nothing."

Speaker Churchill: "Representative Hartke."

Hartke: "I must have been there and I stand in support of the Legislation."

Speaker Churchill: "Further discussion? The Gentleman from Tazewell, Representative Ackerman. Representative Ackerman?"

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

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question."

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

Bost: "Thank you, Mr. Speaker. This is clean up language. It allows the State Police to just clean up the laws to make sure it's very clear. I would appreciate a 'yes' vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 559 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', none voting 'nay', and 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 619."

Clerk McLennand: "Senate Bill 619, a Bill for an Act that amends the Religious Corporation Act. Third Reading of this Senate Bill."

Speaker Churchill: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Chamber. Senate Bill 619 amends the Religious Corporation Act. What it does is, it would allow members of religious corporations to not be personally responsible for any debt or obligation of the corporation. It also provides that no director, officer, or trustee of a religious corporation shall be liable for damages resulting from the exercise of judgement or discretion in connection with his or her official responsibilities unless: a) he or she earns in excess of \$5,000 annually from his or her duties and or, b)

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his or her conduct was willful or wanton, 3) no person who provides services to a religious corporation free of charge shall be liable for damages resulting from an act or omission in rendering such services, unless the act or omission involved was willful or wanton conduct. I would stand ready for questions."

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

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

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

Lang: "Representative, when we talk about immunity, are we talking about personal injuries? Are we talking about debts? Are we talking about any liability? What are we talking about?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "It's immunity from all liability."

Speaker Churchill: "Representative Lang."

Lang: "Well, aren't the officers and directors of any corporation today immune from the liability you're talking about? Isn't that why businesses incorporate?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "It's for exercising judgement or discretion and I would say in under not-for-profit, they have a similar immunity. Other corporations I presume would not be exactly the same way. They have certain responsibilities that are different than not-for-profit or under the Religious Corporation Act."

Speaker Churchill: "Representative Lang."

Lang: "Well, with all due respect, Representative, you're not answering the question I'm asking. If I own a small business and I incorporate it and the business has debts, I'm not responsible for those debts, the corporation is."

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If own a small business and somebody slips and falls and breaks their ankle at that small business and it's a corporation and they sue the corporation, I'm not personally responsible. Now shift those two fact situations to the church. Why do we need this liability protection. These officers and directors are already immune from liability."

Speaker Churchill: "Representative Mulligan."

Mulligan: "No, Representative, it's my understanding you're confusing share-holders with officers and directors."

Speaker Churchill: "Representative Lang."

Lang: "Well, unless I forget everything I learned in law school and 20 years of practicing law is incorrect, the law says today that if a corporation is sued for a debt, unless the officers or directors have signed a personal guarantee, they are not responsible. That's why all the lawyers in this Body when they have clients, they tell them to incorporate so they won't be personally responsible. I see Representative Turner nodding his head and so, don't nod your head because I'll tell her. And so the same goes with a corporation and liability for personal injuries. If a client of mine slips and falls at the ABC Corporation and breaks their leg, I cannot have them sue the officers or directors of that corporation. We can only sue the corporation. That's why businesses incorporate. It's the only reason to incorporate 'cause the tax treatment isn't that terrific. So the only reason to incorporate is to shield the owners of that business, the officers and directors of that business from liability and so I again ask you if that is the case, why do church officers and directors need this additional layer of protection?"

Speaker Churchill: "Representative Mulligan."

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Mulligan: "Representative, first before I try to respond to your question is I'm not here on a regular corporation business. That's different and I'm sure as a lawyer, although I don't know why if you're doing all this kind of law, you're here. You would certainly be out practicing, too. You could ask me millions of questions, not being a lawyer, that I could not answer about regular corporate law. All I'm doing is trying to carry a Bill that would update the Religious Corporation Act and under that, quite frankly, people that are serving as volunteers or near volunteers in this capacity, use discretion and do other things that the religious corporation would not necessarily want to be responsible for. So, I mean, we could go on and talk about regular corporate law and I'm sure you could give me many questions that I could not answer, but that's not what the Bill is about."

Speaker Churchill: "Representative Lang."

Lang: "Mr. Speaker, I'm joined by the requisite number to remove this from short debate."

Speaker Churchill: "It's off short debate."

Lang: "Thank you. Well then, let's talk about this issue. So the real issue here is protecting these volunteers, is that correct, Representative?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Yes, it is."

Speaker Churchill: "Representative Lang."

Lang: "Well, you could have saved a lot of trouble if you said that is the first place. So your concern is that if a volunteer does something on behalf of a church or a synagogue or some other religious institution, that unless they're in callous disregard for somebody's safety, that they shouldn't be personally responsible. Is that what

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you're saying here?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Representative, that's what the Bill provides and I'm sure in my opening statement, that's what I said. Also, I would say that every other, all the churches that belong to the IL Conference of Churches are in support of this. The Episcopal Diocese is the one that originally asked to have this updated and if you go American Baptist, Christian Church of Disciples, Church of the Brethren, Episcopal Church, Evangelical Lutheran Church of America, Greek Orthodox Church, Presbyterian Church, Roman Catholic Church, United Church of Christ, United Methodist Church, and the Western Yearly Meeting of Friends all seem to be in favor of this Bill and I'm sure the Jewish Federation is although they have not personally and nobody put any slips in against it. They must not be on the IL Conference of Churches."

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

Kenner: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

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

Lang: "Thank you to Representative Kenner. Representative, we finally got to the the crux of my, the importance of this Bill, my last 30 seconds. Now, let me tell you my concern. I have no problem with protecting these volunteers and you define a volunteer as anyone making \$5,000 or less. I have really no problem protecting them from liability. My concern with the Bill is that it's written in a way that could allow for an interpretation broader than that. I see you have crack staff standing there with you. Is it your opinion that in staff's opinion that this cannot be

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interpreted in a broader way than you have just simply said today?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Quite frankly, we had a lawyer from Mayer, Brown, and Platt that represents the Episcopal Church also go over the Amendment, the Bill 'as amended'. So it's not only our crack staff who picked up several errors to begin with leaving out trustee and perhaps I didn't hear all of your question, but it was our feeling that when we amended it from the original form, that we pretty much covered it in its base, pretty much along the lines of the not-for-profit which has been in effect since 1986. So I hope that we've addressed the problems, except many churches incorporated before 1986 and have been serving with the possibility of liability for people that served them in that not-for-profit capacity. Now, if you would like to restate your question, I perhaps did not hear everything you said to me."

Speaker Churchill: "Representative Lang."

Lang: "Well, let me first say that telling me that the person representing the church has reviewed the Amendment, doesn't really cut it because they're the people getting insulated from liability. So that doesn't help, but let ask you this. I want to help you with your Bill. I'd like to be able to vote for it. For Legislative purposes of Legislative intent so we have it on the record, can you state clearly that your intention for this Bill is simply to insulate those making less than \$5,000 a year from personal liability when they make judgements and do activities on behalf of church or a church related activity?"

Speaker Churchill: "Representative Mulligan."

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Mulligan: "Basically, that's what the Bill says, Representative, and I don't know how you could interpret it otherwise, but that is the legislative intent and to say that an attorney that represents a church would not be interested in the implications, I think this would be very, a misstatement because the object is they would have to represent them if there was a problem with the language. So I think that the fact that they're interested in how the Bill is drafted is of some concern to them. I'm sure as you would be for any client that you represent because you may have to defend it later."

Speaker Churchill: "Representative Lang."

Lang: "Well, I think you misunderstood my statement. I'm sure those lawyers are protecting the church. That's the whole point. If the churches could or if any business or entity in the state of Illinois could, they would completely insulate themselves from liability. So to say they've helped draft this in a way to insulate themselves from liability is exactly the point, but I support your Bill now and the reason I support your Bill, is that finally after 8 and 1/2 minutes we have gotten to the legislative intent. And now that I know that it can't be interpreted in a different way and now that I know that your sole intent is to protect volunteers for churches and synagogues, I'm for your Bill. It's a wonderful Bill."

Speaker Churchill: "Further discussion? The Gentleman from Tazewell, Representative Ackerman."

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

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

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have it and the previous question is moved. Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. I would ask for a favorable vote on this Bill that is supported by most religious groups in the state of Illinois."

Speaker Churchill: "The question is, 'Shall Senate Bill 619 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'aye'; none voting 'nay', and none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 721."

Clerk McLennand: "Senate Bill 721, a Bill for an Act in relation to prisoner's reimbursement to the Department of Corrections for the expenses incurred by their incarceration. Third Reading of this Senate Bill."

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

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Underlying Bill, House Bill 721 would statutorily outline the procedures into which the Department of Corrections would be able to acquire assets of inmates to help pay for their incarceration, it's an initiative of the Attorney General, Jim Ryan. Added to that have been a number of Amendments, Amendment #4, would have the inmate who seeks to visit a physician outside of the institution without having direct order from the in-house physician to repay \$2 co-pay. Amendment #5, would eliminate the provision in the statute which would require the Department of Corrections to provide two...or three postage free

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postage stamps a week for incarcerated individuals. Amendment #6, would prohibit a witness or potential witness in a criminal prosecution from receiving payment or benefit to testify. Amendment #7, would allow the school board to expel a student for the balance of a school year if they were to bring a weapon into the school. Amendment #8, would amend the Cannabis Control Act and increase the penalties there. Amendment #9, would expand the offense of aggravated criminal sexual assault. Amendment #10, amends the Illinois Police Training Act which would empower them to administer the Federal Police Core Act. Amendment #11, would amend the Criminal Code to deal with street gang racketeering. This is an initiative of Mayor Daley. Amendment #15, would create the community Mental Health Center Order of Protection Act. It's being put on here for Representative Hoffman. Amendment #12, would dispose the appellate defenders' effort in regards to privatizing some of their outside contracts... Amendment #13, is the International Terrorism Act and Amendment #14, is the truth in bail bonding. I would answer any questions from the Body."

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

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Yes, Representative. It's my understanding that this...this Bill contains mostly legislation that both sides of aisle have agreed to. Is that correct?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "Yes, Representative, it is. As you know, in the Criminal Judiciary Committee, a number of Bills were amended to this. There are a number of bipartisan efforts

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and some of the lead Sponsors of some of the underlying Bills were led by the Democratic Party."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Is...Representative, I see that House Amendment #8, going to that specifically. Is, it shows here the Sponsor's Winters, is that the same as Representative Mautino's Cannabis Control Act Bill, that I think he may have passed out of the House over to the Senate? Do you know, is that same..."

Speaker Churchill: "Representative Rutherford."

Rutherford: "I'm not sure, Representative, if it's the same one that passed out of the Senate. I do know that Representative Mautino and Representative Winters together were providing this Amendment and my analysis show both of their names on that."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Good. I meant passed out of the House. It passed out of the house over to the Senate. With regards to the provisions regarding the public defender, the State Appellate Defender. Could you briefly explain what that is, and why we need this? It's House Amendment 12."

Speaker Churchill: "Representative Rutherford."

Rutherford: "Thank you. Representative, what that would do, it's an effort to try to decrease the backlog in the Appellate Defender's Office. And what it would allow them to be able to do is to be able to contract out for services for those...services that are provided to the indigent defendants, for those that are on a non-death penalty criminal cases and so forth. I would also yield for further technical questions in that regards to Representative Johnson, if you would like to Representative Hoffman."

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Speaker Churchill: "Representative Hoffman, would you like Representative Johnson to answer that for you? Representative Tom Johnson."

Johnson, Tom: "Yes, Representative Hoffman as this was explained in committee. This comes out of a backlog of about 2,000 cases plus in the Public Defenders Appellate Office. And in discussions with that office, instead and in lieu of hiring a number of new attorneys within the office itself to deal with that backlog, it was decided that it would be advantageous to try to go ahead and package some of these appeals up and bid them out to local law firms and so on, through the Bar Association. The Bar Association itself, Illinois State Bar Association and the Public Defender Appellate Office, all worked on this and I believe that we're all in agreement on this."

Speaker Churchill: "Representative Hoffman."

Hoffman: "If I may just ask, Representative Johnson, regarding the intent. This is in no way intended to not have qualified, competent public defenders do cases simply based on cost. Because as you know, in the service industry when it comes to a lawyer, people don't necessarily always look at cost. They look at quality. And I think that it's vitally important that we provide significant defense to individuals because that's the American way. So, this is not your intent just to have it go to the lowest bidder when it comes to significant criminal cases, you're still going to insure that there is a quality defense given. Is that correct?"

Speaker Churchill: "Representative Johnson."

Johnson, Tom: "Absolutely and, in fact, currently the Appellate Defender's Office has private contracts out on a one by one case bases. This will only expand that but they will be

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reviewing the applicants in making sure that they are qualified."

Speaker Churchill: "Representative Hoffman."

Hoffman: "With regard to that provision, do you anticipate them putting this out for bids for large firms or will it be done on a regional basis? How will we do this?"

Speaker Churchill: "Representative Johnson."

Johnson, Tom: "It is my understanding that it will be done through the Bar Associations in the counties and it will be available all over the state."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, with the time remaining, I'd just like to speak to the Bill. This is truly a compilation of all...of all the criminal justice Bills that are still kind of remaining out there that I think have significant merit. Although maybe some people may have problems with one individual Bill here and there, I think in large this is a good piece of legislation. I worked along with the Chairman of the Judiciary Committee to help foster this legislation and I would urge an 'aye' vote."

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

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

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

Phelps: "Thank you. Representative Rutherford, is there anything in this Bill and package of Amendments that includes the privatization of prisons for the state?"

Speaker Churchill: "Representative Rutherford."

Rutherford: "No, Representative, not whatsoever."

Speaker Churchill: "Representative Phelps."

Phelps: "I know you ran through the Amendments pretty quickly and

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I was trying to keep track and took little notes here. Can you name the individual Bill numbers that correspond with the Amendments for us?"

Speaker Churchill: "Representative Rutherford. Representative Ryder, in the Chair."

Rutherford: "Yes, Representative, I can. Let me just go through these sort of slowly, we haven't got the Amendment numbers beside them."

Speaker Ryder: "Representative Rutherford, were you concluded with your response?"

Rutherford: "No, I was not. Amendment #3..."

Speaker Ryder: "Please, proceed."

Rutherford: "Amendment #4, was House Bill 2321. Amendment #5, was House Bill 2094. Amendment 6, was Senate Bill 344. Amendment 7, was Senate Bill 403. Amendment 8, was Senate Bill 599. Amendment 9, was Senate Bill 600. Amendment 10, was Senate Bill 602. Amendment 11, was Senate Bill 1091. Just one moment. The Appellate Defender was not a previously drafted, underlying Bill, the International Terrorism Amendment which was Amendment #13, was House Bill 667, but there have been some slight changes to it, Representative. Which we can address if you would like to...in a moment. The truth...the truth in bail bonding, Amendment #14, did not have an underlying Bill previous to this and then the Amendment #15, was Senate Bill 704 and Amendment 16, was just an effective date Amendment."

Speaker Ryder: "Representative Rutherford, I apologize for interrupting you. Back to Representative Phelps."

Phelps: "So, if I followed you correctly, we have about 10, maybe 11 Bills incorporated in this particular legislation now and that's with the exception of the underlying Bill which is what?"

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Speaker Ryder: "Representative Rutherford."

Rutherford: "The underlying Bill, Senate Bill 721 would set down statutorily the procedures unto which the State of Illinois would be able to acquire assets from an individual to help pay for their incarceration."

Speaker Ryder: "Representative Phelps."

Phelps: "Could you elaborate on that portion of the underlying Bill? The assets and how, what that process is. I vaguely remember it but I can't..."

Speaker Ryder: "Representative Rutherford."

Rutherford: "Yes, Mr. Speaker and to the Representative. There's a...today the statute provides for the State of Illinois to be able to acquire assets from an incarcerated individual. What this will do is cleanup that language to make sure that we understand that process. What it does is that it enables the Department of Corrections to put together a policy for this and to which the Attorney's General would then be able to acquire those assets. It would go through and determine what the approximate daily cost for an incarcerated individual is, their room, their board, their food, so forth and so on. At that point then they would, the state would identify if there are certain savings accounts, certain assets available out there. Also though, I want want to highlight that today in the statute there is provision unto which certain assets cannot be seized and that would be such as the residence, life insurance, those types of things."

Speaker Ryder: "Representative Phelps, under one minute."

Phelps: "So, would the...can you give me an examples of the asset, I know you said the residence can not be but, if an inmate is incarcerated and has no family whatsoever, and leave...leaves back at his residence, you know, an

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automobile, all the other things that would be inside a home, furniture and so forth. Can you tell me, does the process outline what articles are included? I guess I don't understand completely what all the assets include."

Speaker Ryder: "Representative Rutherford."

Rutherford: "Right. I mean it...this could, whatever assets may be out there, whether they had a winning lottery ticket, whether they have a saving account, whether they had book royalties, whether they had paintings they sold, anything...I mean, any of those types of things, any cause of action but to clarify, if I may Representative. In our statutes..."

Speaker Ryder: "Representative Rutherford, please bring your response to a close."

Rutherford: "Thank you, Mr. Speaker. Under the statute on the Code of Civil Procedures, there is a specific portion that states specifically what cannot be seized from an individual. Beyond that there are certain guidelines as outlined by the Department of Corrections."

Speaker Ryder: "The Chair recognizes the Lady from St. Clair, Representative Younge. Representative Younge."

Younge: "Thank you very much, Mr. Speaker. Is there...would the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates he'll yield for your questions. Just one moment, Representative."

Younge: "Is there a fiscal note. Is there a fiscal note..."

Speaker Ryder: "Representative. I waited until after eleven, Lou. Please give the Lady your attention. Thank you. Representative Younge."

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

Speaker Ryder: "The Sponsor indicates he'll yield for your questions, Representative."

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Younge: "What is the fiscal impact of this omnibus Bill?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Thank you, Representative and Mr. Speaker. The signed fiscal note from the department has that the fiscal impact is unknown."

Speaker Ryder: "Representative Younge."

Younge: "What does that mean? Does that mean that it won't cost anything? What does that mean?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "It means that there is not enough data for the department to be able to determine a fiscal impact at the present time."

Speaker Ryder: "Representative Younge."

Younge: "I'd like to suggest that a fiscal note that it says that it's impossible to tell what the cost is, is a useless waste of time and what we've been experiencing here is one fiscal note like this after another. And it doesn't give any direction or guidance and it sort of usurps the validity of the whole process of asking how much does it cost and therefore, giving a person needed information in which to vote. Is there an Amendment on this Bill that would suspend a person for a year, a student for a year if they were alleged to have a gun in school?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative, Amendment #7, allows a school board, this is not mandatory, it would allow a school board to expel a student for the balance of a school year and for the following school year for bringing a weapon into school property. So, it is permissive not mandatory."

Speaker Ryder: "Representative Younge."

Younge: "Are there due process or provisions in reference to that, in other words, would the student be entitled to a

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hearing? Would he be able to answer the charge?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Thank you, Mr. speaker. Yes, Representative, it has to be in accordance with procedures that the school board would already have. So, this is not something the state is mandating at all, it is allowing the school board to do that."

Speaker Ryder: "Representative Younge."

Younge: "If the school board didn't have any procedures, then would he be entitled to a hearing?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Yes, Representative you absolutely would have due process."

Speaker Ryder: "Representative Younge."

Younge: "Lastly is there a provision or Amendment having to do with prisoners not having food stamps or public aid benefits?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "No, Representative there is not and if I could be clarify there is an Amendment that was adopted that would eliminate the portion of the statute that would require the Illinois Department of Corrections from providing three first class postage stamps per week to an incarcerated individual. So, that is perhaps where the question comes in. And from a fiscal impact on that, if every incarcerated individual was to take advantage of that, it would cost the state taxpayers approximately \$1.8 million."

Speaker Ryder: "Representative Younge."

Younge: "Did you say the Amendment would eliminate a prisoner having three postage stamps a week?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative, in the statute today the Department

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of Corrections is required to provide each incarcerated individual with three free first class postage stamps per week. This would... remove this provision of the statute. If I could, though, further highlight, Representative, if there are legal notices or matters with regards to legal activity on behalf of the incarcerated individuals, that postage would still be provided."

Speaker Ryder: "Representative Younge, you have 20 seconds."

Younge: "Is there...what has been the cost to the state? What was the cost last year to the state, providing, how many free First Class postage stamps were used? What was the cost of that?"

Speaker Ryder: "Representative Rutherford, the time has expired. Please bring your response to a close, Sir. Representative Rutherford."

Rutherford: "Representative, Amendment #7, allows a school board, this is not mandatory, it would allow a school board to expel a student for the balance of a school year and for the following school year for bringing a weapon into school property. So, it is permissive not mandatory."

Speaker Ryder: "Representative Younge."

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Rutherford: "Thank you, Mr. speaker. Yes, Representative, it has to be in accordance with procedures of the school board would already have. So, this is not something the state is mandating at all, it is allowing the school board to do that."

Speaker Ryder: "Representative Younge."

Younge: "If the school board didn't have any procedures, would he

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be entitled to a hearing?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Yes, Representative you absolutely would have due process."

Speaker Ryder: "Representative Younge."

Younge: "Lastly is there a prevision on Amendment having to do with prisoners not having food stamps or public aid benefits?"

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Rutherford: "No, Representative there is not and if I could be clarified there is an Amendment that was adopted that would eliminate the portion of the statute that would require the Illinois Department of Corrections from providing three first class postage stamps per week to a incarcerated individual. So, that is perhaps where the question comes in, and from a Fiscal impact on that. If every incarcerated individual was to take advantage of that, it would cost the state taxpayers approximately \$1.8 million."

Speaker Ryder: "Representative Younge."

Younge: "Did you say the Amendment would eliminate a prisoner having three postage stamps a week?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative, in the statute today the Department of Corrections is required to provide each incarcerated individual with three free first class postage stamps per week. This would... remove this prevision of the statute. If I could though further highlight Representative, if there legal notices or matters with regards to legal activity on behalf of the incarcerated individuals. That postage would still be provided."

Speaker Ryder: "Representative Younge, you have 20 seconds."

Younge: "Is there...what has been the cost to the state? What

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was the cost last year to the state, providing, how many free First Class postage stamps were used? What was the cost of that?"

Speaker Ryder: "Representative Rutherford, the time has expired. Please bring your response to a close, Sir."

Rutherford: "Representative, last year that cost was approximately \$615,000 out of the state treasury. I want to highlight, though, that if everyone took advantage of that, that is \$615,000 could escalate to \$1.8 million."

Speaker Ryder: "The chair recognizes the Lady from Cook, Representative Davis, Monique."

Davis, Monique: "I would like to yield my time to Wyvetter Younge."

Speaker Ryder: "Representative Younge."

Younge: "Thank you, Representative Davis, M. It just seems to me that this is a very, very harsh, mean-spirited type of Amendment that would eliminate three free First Class postage stamps to a person who is incarcerated. I would just imagine that a postage stamp is the one contact that, that human being has with the outside world, which is family, with someone who cares for them. And I don't know, it just seems to me that it is a little much to say that we want to do, is cut off this opportunity to contact people and to be in correspondence with people. I believe there is an Amendment on this Bill that once again would take away the ability of a prisoner to have food stamps and public assistance and I wanted to say once again, that I think that it really is a horrible thought to think that someone would be getting out of prison and they would be out without any kind of substance or subsistence to live. What we are doing in effect would be to turn out in society people who are hungry, people who have no homes, people who

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have no jobs, people who are desperate and it just seems to me to be a very unwanted, ill advised type of public policy that would end up with more recidivism, more repeat incarceration and it just doesn't seem to be a fair and justice policy. We have a prison system in Illinois, which is highly questionable to begin with. Questionable from the stand point of its ability to rehabilitate people, we have a situation in which we have out of sight, out of mind. We put people in prison and we forget about them and we do not intend to rehabilitate them. I think that is morally wrong and I think it... those factors taken as a whole should end up in a 'no' vote on this Bill."

Speaker Ryder: "The chair recognizes the Gentleman from Cook, Representative Stroger."

Stroger: "Bad time to be recognized, I would like to be yield my time to representative Dart."

Speaker Ryder: "The chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. Thank you, Representative Stroger. Will the Sponsor yield for some questions?"

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

Dart: "Thanks, Representative for starters, I have some... for starters I have some great concerns with how we went about this Bill. This is really insane, when you think about it. Rolling 14 Amendments into the one Bill, because at least 2 Amendments in here that I see one as that has a technical problem. There are two others that have other minor problems with, but regardless, everybody's going to have to vote for this because it is tough on crime stuff. This is really a irresponsible way to legislate. It is not a good way to go about doing business and I don't care if we did it to, it's wrong. It's just not how it should be done. In regards to the privatization for the Appellate Defenders

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Office, how are we going to insure that this is a quality person who is handling these cases, opposed to someone who has little or no experience?"

Speaker Ryder: "Representative Rutherford. Representative Rutherford."

Rutherford: "I would refer that question to Representative Johnson, Tom."

Speaker Ryder: "With the consent of the Body, Representative Johnson, Tom. to respond to the question of Representative Dart. Representative Tom Johnson."

Johnson, Tom: "Representative Dart, the State Appellate Defenders Office as well as the prosecutors office, currently has guidelines and currently, in fact in panels, we now have a 100 individual attorneys are already doing precisely what the Bill calls for to do only in on a larger scale. This Bill provides that the attorney or the law firm will have to have prior Appellate experience, but in the contract bid specs, that in fact I can get you a copy of that later because the Appellate defender office has already run a draft by, which is very similar to the process that they currently use only on an expanded bases. They will monitor and have to except bids based on qualification. It is not just based on the cheapest bidder or that sort of thing. They will be watching this very carefully and it is controlled within the bid (doc sic.) themselves. This gives them the general parameters to go out and do this."

Speaker Ryder: "Are you finished Representative Johnson, Tom? Then back to Representative Dart."

Dart: "Thank you, well it just... to that portion just as a response and to Representative Johnson, you don't have to respond to this. The Bill is rather clear though, it says the individual who could get this is an individual who has

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prior Appellate experience, which sounds good or an attorney who is a member or employee of a law firm which has at least one member who has prior Appellate experience. That easily can mean a lawyer who works in a huge firm, who has one individual who tried in an Appellate traffic court case and now they qualify to represent double murderers. So, this is a little bit problematic because it is for non death penalty cases. But a double murderer can easily get non-death. So, it very easily... its very troubling the way that is written, very troubling. Now Representative in regards to the provisions here dealing with the bond issues and shall put down 100% of the bail. How much is...what's going to be the impact on the county jails, in regards to this Bill?"

Speaker Ryder: "Representative Rutherford to answer the question. Representative Dart. Representative Rutherford."

Rutherford: "The only impact in the county jails, I can think through is for some reason the individual could not come up with 100% of the cash. But I'd highlight to you that the reason were doing that is heinous crimes that these individuals have committed and were trying to ensure the fact they are going to fulfill the obligation of the bond."

Speaker Ryder: "Representative Dart."

Dart: "Thank you, Representative. What did the State Mandates Act say in regards to this provision, as far as how much it was going to cost?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative, it is my understanding and we can obviously check with the Clerk, but I don't believe there was one requested."

Speaker Ryder: "Representative Dart."

Dart: "Well, regardless of whether there was or wasn't one, these

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people are not, and I don't want them on the street either but, we are here trying to deal with Fiscal responsibility here even though we seem to have a problem with that lately. But, the reality of it is there is no way people are going to be able to put up 100% of their bond. I mean that's not going to happen. I know that, its not going to happen. So, there is going to be a great deal of overcrowding in these county facilities, which as I said once again, we are all going to vote for this. But, its a good idea, but were not paying for it. So its another unfunded Mandate that the counties going to be stuck with this. In addition to this, our provisions here deal with co-payments for prisoners. We don't extend that to the counties, its only for the state facilities as well. We should be giving the counties at least some benefit, they are not getting it here. In addition to it, I believe there is a technical flaw in the one Amendment, that deals with the mental health center order of protections. In the Bill... In the definitions and how it's defined. The Bill defines community mental health facility, but the provisions of the Bill uses community mental health center, so there is a technical flaw in this that I don't know if they can handle it, without having to send this back. There is a lot more as I say with this Bill, but as I said, we're all going to vote for it anyways."

Speaker Ryder: "The chair recognizes the Gentleman from Cook, Representative Pugh. Representative Pugh."

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

Speaker Daniels: "The Sponsor indicates he will yield to your question, Representative."

Pugh: "Representative Rutherford, this seems to be a very

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comprehensive and complex...Bill that has over 14 or 15 Amendments. I think you kind of overlooked one important piece of legislation that could probably help the Bill and maybe if we add the filing of phoney fraudulent fiscal notes to this legislation enhancing the penalty for that, that it would a complete piece of legislation. First question, the contracting of court cases, is this merely for..."

Speaker Ryder: "Please, with all appreciation aside, please give Representative Pugh your attention. he is a Representative of this House and he demands your attention. Representative Pugh, I apologize for..."

Pugh: "Can we start the clock over, Sir?"

Speaker Ryder: "I will be happy to give additional time if required, Sir."

Pugh: "Representative Rutherford, the contracting for the court cases, is that a sort of privatization and is that merely for the Appellate Court cases?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative, it's for the Appellate for the non-death situations and what its attempting to do is try to help address the backlog of cases that are there."

Speaker Ryder: "Representative Pugh."

Pugh: "This doesn't apply to the death penalty cases?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative, it is only for non death penalty situations."

Speaker Ryder: "Representative Pugh."

Pugh: "Representative, could you tell me what would happen to an individual under this medical co-payment plan, who did not have substantive dollars to provide his portion of the payment and he was in dire need of medical attention?"

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Speaker Ryder: "Representative Rutherford."

Rutherford: "Representative Pugh, no one will be denied medical attention. And let me clarify for you what this is. The in-house position at the correctional center is available to the incarcerated individual, period. The only time that the co-pay will be implemented is if the incarcerated individual does not have an emergency need outside of the facility, is not subscribed or prescribed by the in house physician. It is when they voluntarily choose to go outside of the institution to have this medical attention. When they do that there will be a two dollar co-pay. If the individual chooses to go outside of the institution for this medical intention and they do not have funds within their account with the Department of Corrections, that account will be debited two dollars, that they would be required to pay. I would also like to highlight to the Body, that on a average an incarcerated individual will receive approximately \$10.00 a month in their account in their discretionary account to be able to pay for items such as cigarettes and candy and even for this two dollar co-pay for the physician. In addition to that an individual can make additional money while incarcerated by working with prison industry and other resources within that facility. But, Representative to answer your question directly, absolutely no incarcerated individual will be denied appropriate medical attention."

Speaker Ryder: "Representative Pugh."

Pugh: "Thank you, does the asset seizure portion of this legislation apply to... all crimes or are there specific crimes that are identified?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Thank you, for the question Representative. It does

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apply to all crimes. The cost will be determined, the cost incarceration will be determined by the facility that the individual is located in. So, if it is a minimum security penitentiary and it costs less than for example, a maximum security penitentiary. I also want to highlight Representative, because I think this is important to know that the Department of Corrections own internal guidelines state that the Department shall not, shall not seize income from an inmates state pay, they shall not seize the value of the principal residence and the principal residence of any of the inmates legal dependents or interest that, that inmate may have in those principal residences or monies that are paid by the Veterans Administration or the Social Security Act."

Speaker Ryder: "The chair would recognize the Gentleman from Cook, Representative Harold Murphy."

Murphy, H.: "Yes, Mr. Speaker. I would like to yield my time to Representative Pugh."

Speaker Ryder: "Your request will be honored, Sir. Representative Pugh, please continue."

Pugh: "Thank you, Representative Murphy, H. and Mr. Speaker. How do you determine, Representative Rutherford, how do you determine if an individual has the assets and what happens if an individual has no assets to pay for his residence? So, would he become a perpetual inmate?"

Speaker Ryder: "Representative Pugh, have you concluded with your question?"

Pugh: "Yes, Sir."

Speaker Ryder: "Okay. Thank you, Sir. Representative Rutherford to answer the question of the Gentleman."

Rutherford: "Representative Pugh, If the individual has no assets, obviously the state has nothing to go after. I

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think the important thing to highlight, if I may, Representative though, is that what were attempting to do here is if an individual who is incarcerated is receiving their support such as their room and their board, paid for by taxpayers and they have assets out standing that could help offset the expense of the state to keep them. That is what the state will be looking to try to attain. There are very clear guidelines that are apart of the statue in regards to the Code of Civil Procedures as well as the Department of Corrections, very specific guidelines that say what they can and can not acquire."

Speaker Ryder: "Representative Pugh."

Pugh: "When were talking about taking away ninety cents worth of postage stamps from an individual inmate, three postage stamps from an individual inmate, the records, the numbers that you quoted reflects that not even half of the allotted portion of dollars for that program is used on a yearly basis. You said that there was only \$600,000 used last year. So, why do feel the need to deprive an inmate of this bare necessity to contact with the outside world?"

Speaker Ryder: "Representative Rutherford."

Rutherford: "Well, Representative Pugh, if I could please help clarify the fact that there is...thank you, Mr. Speaker. Representative Pugh, no one is depriving an inmate from the ability to purchase their own postage stamps, just like you do and just like I do. What we are saying is that the taxpayers of the State of Illinois will not provide as last year we saw \$615,000 taxpayers dollars for free stamps, potentially could reach almost two million dollars in free stamps. We are saying that they still have the ability to purchase those stamps as I told you early on the average an incarcerated individual in our correctional system in the

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State of Illinois can receive, will receive up to approximately \$10.00 per month. If they choose to use that money to buy postage stamps, they have that prerogative, if they choose to use that money to buy cigarettes, they have that prerogative, if they choose to use that money to buy candy bars, they have that prerogative. Representative, I also want to highlight that the Department has a policy that there is no unlimited number of outbound collect telephone calls, that an incarcerated individual can have. So, by no means is anyone tried to be abusive to someone's personnel communication with their loved ones. What were trying to do is say use it, the taxpayers money in an efficient manner and not give away stamps when one has the ability to buy, is what were trying to address here."

Speaker Ryder: "Representative Pugh."

Pugh: "To the Bill, Mr. Speaker. I can remember a time in the history of the legislature that we as Legislators used innovative thoughts to create economic development activities that would generate resources to stimulate growth in our communities. Now that prisons are a growth industry we're developing a series of irresponsible legislation that will not only negatively impact the correctional system its going to negatively impact lives of our children because we can not continuously lock up inmates. The kind of inmate that we are incarcerating and the kind of rehabilitation programing that we all..."

Speaker Ryder: "I apologize, Representative Pugh. Representative Rutherford."

Rutherford: "Were you concluded with your question, Sir."

Speaker Ryder: "I apologize, please bring your question to a conclusion."

Pugh: "Representative, We must realize that once we take an

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individual and put them into a situation that's going to equip them with only the tools that will allow them to become more aggressive, that will allow them to become more antisocial these same individuals are going to become part of the greater society at some point. And if we don't pay for the mistakes that were making with this rush to judgment, in forms of bad Bills, bad legislation then our children will."

Speaker Ryder: "Representative Davis, Monique Davis. For what purpose do you seek recognition?"

Davis, M.: "Mr. Speaker, is there a Fiscal Note filed on this legislation?"

Speaker Ryder: "Mr. Clerk."

Clerk McLennand: "On Senate Bill 21. A Fiscal Note was filed as amended by House Amendments 4 through 16."

Speaker Ryder: "Anything further, Representative Davis?"

Davis, M.: "Were those Fiscal Notes legitimate ones that had actually been to the agency and returned with a signature?"

Speaker Ryder: "Mr. Clerk. Representative, I believe that the scrutiny of Representative Hoffman was such that if this one is signed by the Department of Corrections, those are one of the few he complimented. We'll double check ma'am. Representative Davis."

Davis, M.: "What did they say the cost would be for this legislation?"

Speaker Ryder: "Let me answer the first question and then I will answer the second question. Representative, or excuse me. Mr. Clerk."

Clerk McLennand: "Yes, the Department of Corrections filed on May 18 at 5.00 p.m. signed by the liaison a Fiscal Note."

Speaker Ryder: "Thank you, Representative Davis. Anything further?"

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Davis, M.: "Well, I would just like to know what was the cost?

What did they say the cost would be for implementing this legislation?"

Speaker Ryder: "Sponsor then...the Sponsor of this legislation was referring to the note indicated that it was determined. That they did not determine the cost. Representative Davis, M., Please your on honor inquire and I recognized you for that, but, you have yielded your time previously."

Davis, M.: "Thank you very much."

Speaker Ryder: "Your welcome. The chair recognizes the Gentleman from Cook, Representative Turner. Representative Turner, A."

Turner, A.: "Thank you, Mr. Speaker. I would like to yield my time to Representative Pugh."

Speaker Ryder: "The chair recognizes Representative Pugh. Representative Wojcik in the chair."

Pugh: "Thank you, Representative Turner. Representative, I see that there was another Amendment #19 was filed, can you explain that Amendment for me please."

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Representative Pugh, I'm sorry. I'm not aware of any committee Amendment #19, if we could perhaps ask the clerk for the disposition of that, I don't know."

Speaker Wojcik: "Representative Pugh."

Pugh: "The notes that I have says that a House Amendment #19, which was filed by Representative Madigan, provided for phony Fiscal Note filing to be promoted to a Class IV Felony. Are you aware of that Amendment?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "No, I'm not Representative."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, are you the original author of this legislation, Sir?"

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Speaker Wojcik: "Representative Rutherford."

Rutherford: "I am the House Sponsor of the underlined Bill, Senate Bill 721. While in the Judiciary Criminal Committee, there were a number of other Representatives who had underlined Bills that they asked be attached to this and at the will of the Criminal Judiciary Committee are the various Amendments which you're familiar with here."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, your not aware of Amendment #19? Do you serve on that committee? Isn't it...isn't it appropriate for all Amendments for you as a Sponsor of the legislation, to be made aware of all the Amendments and you decide whether or not those Amendments are germane or appropriate to become part of your legislation? Didn't that have to take place on the previous 15 Amendments?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Well answering the couple of questions Representative Pugh, I do not serve on the Criminal Committee again this year, as you recall I did last year. In fact, I think it was with you that I served in the Judiciary too. I do not serve on it this year. In regards to the reference to a Amendment 19. While in committee, I believe there was not an Amendment 19 brought to the Criminal Judiciary Committee for review and consideration. If your suggesting that Amendment 19 is a Floor Amendment, the Sponsor of Amendment 19 has not approached me at all to be aware of it. And the time to have done that was when the Bill was on Second Reading, because as you know, Representative, our House Rules require that Amendments can only be added to Bills while they're on Second Reading. Prior to moving this Bill to Third Reading, no one approached me on an Amendment 19."

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Speaker Wojcik: "Representative Pugh."

Pugh: "So, the inception... So, you're only taking responsibility for the inception of the...first 15 Amendments. You know nothing about the other previous...the other Amendments?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "I guess, Representative, I'm not sure exactly where were going with this. But I'm the Sponsor of Senate Bill 721, of which, at the will of the Criminal Judiciary Committee, various Amendments were disposed of. Some of those Amendments, as I've highlighted my opening statements, four through sixteen were added to my legislation, Senate Bill 721. The disposition of those prior to #4 and those after #16 sixteen is of course another point of discussion if you would like to pursue that."

Speaker Wojcik: "Representative Pugh."

Pugh: "Yes, I would like to pursue that. I think that if you're going to show your consistency that you are a responsible Representative, that you should be aware of each and every Amendment that is tacked on to your original piece of Legislation. And if you are... and the intent of this legislation is designed to place people who are in the process or are breaking the law to enhance the penalties or penalize individuals for breaking the law. That House Amendment #19 should very well have been part of this legislation. And it is my understanding that on Second Reading all of these Amendments were presented and if you are the responsible Legislator that you are supposed to be in representing your community that you should have read each..."

Speaker Wojcik: "Bring your remarks to a close, please."

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Pugh: "That not just House Amendment four through sixteen should have been read personally and approved by you the Sponsor of this legislation, but House Amendment four through House Amendment...House Amendment 1, through House Amendment 19, should have been read and approved by you as the Sponsor of this Legislation."

Speaker Wojcik: "The Gentleman from Macoupin, Representative Hannig is recognized."

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

Speaker Wojcik: "He indicates he will."

Hannig: "Representative, in my district, the word I hear is that people are concerned about the color tvs and the weight rooms that we have in these prisons and feel that that's perhaps not a good use of the taxpayers' money. Does this Bill do anything to take those privileges away from inmates?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Well, Representative, I also represent two correctional centers, the Dwight female penitentiary and the Pontiac male maximum penitentiary. Yes, maximum security penitentiary. And the question that you asked is something that is, of course, is talked about in my constituency as well. This piece of legislation does not include that, though I would be willing to entertain some discussion on that and if you would like to bring some legislation forward to work with you on that regard."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, Representative your the Sponsor of the Bill and I assume that if you would have wanted it in, we put so many other things in that you could have put it in. So, I guess is it my assumption correct that you think it is okay to keep those items in the prison? Is that your feeling on

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that? Is that why it's not in this Bill?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "No."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, I'm not sure what other conclusion I can reach, but since I have limited time, let me ask about the item of collecting money from prisoners. How much money did we collect this year, our FY95, or FY94 or whatever recent amounts are last available?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Representative, it is my understanding that we have not pursued that because there was some concern the statute was written and the process to go through that, though let me do respond to you on another study that had been done in the state of Michigan, which has a law that is now...if ours becomes law similar to what ours would be. In the state of Michigan, it was approximately \$400, 000 to \$500,000 annually over the past two to three years. So, we can see that there could be an appreciable gain or contribution to the State Treasury and trying to obtain resources from individuals to help pay, to actually help pay for their costs while their being incarcerated in our penitentiaries."

Speaker Wojcik: "Representative Hannig."

Hannig: "I thought you represented to us, that this part of the language was just kind of a cleanup. But, it sounds like your really telling me now that it is a major rewrite. Is that correct or not?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "No, Representative, if you... you could look at the underlined Bill 721, you can see the dotted lines and that's what's being taken the language out and the

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underlined ones are what's putting the language in. There is language in here that provides for the state to go through this asset seizure. The concern that we had in the language as it was prior to what we're attempting to do here was the fact that it may not meet constitutional scrutiny. So, before the Department of Corrections pursued the asset seizure under guidelines that they have...would be adopted, we wanted to make sure the statutorily we were going through this in the proper process and means."

Speaker Wojcik: "Representative Hannig."

Hannig: "How much do you anticipate we can collect under this process and where would that money go?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Well, Representative I would dare say we would hope to do at least as well if not better than the state of Michigan, which again highlighting to you is that \$400 to \$500,000 annually."

Speaker Wojcik: "Representative Hannig."

Hannig: "Did you indicate where that goes? Does that go to GRF?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Representative, I believe that it would... Representative we do believe it goes into GRF, but I don't want to quote. I will get a clarification for you on that."

Speaker Wojcik: "Representative Hannig."

Hannig: "Yes, Representative, if we're really trying to collect from these prisoners, why don't we charge them some type of co-payment for electricity for example. I think someone on our side of the aisle had suggested that before these cable color tvs that they have, are for the use of these weight rooms if you're insisting they keep them. Why not some of those proposals in your Bill, which seems to be so

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inclusive?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Representative, the idea of the asset seizure and the amount to be seized is calculated on a formula for the institution, where the individual is incarcerated. So, for example, if one is incarcerated in the Dwight female penitentiary, the cost including electricity, the cost of the meals, the cost of the security, the cost of the grounds keeping, the cost of the sewage, the cost of the water, the cost of the attendants all of these costs are calculated and then they are divided out on a cost per day."

Speaker Wojcik: "Representative Hannig. Bring your remarks to a close, when you're done."

Hannig: "Well, Representative, I support your Bill. I think you could have done more in some of these areas. I do applaud you for please taking a step forward and I would urge a 'yes' vote."

Speaker Wojcik: "The chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Madam Speaker. I rise in support of this legislation. We have debated it and talked about it on the Floor here for several minutes, not quite an hour. It is an agreed Bill. Several people involved. It is good legislation. It gets tough on crime in some areas. It also allows an opportunity for those incarcerated to pay part of the Bill which they have created by committing these crimes and being incarcerated. This is good legislation. The people in your district, or at least in my district, have been talking a long time about the cost of incarcerating prisoners and the cost of housing them. All this is doing is asking them to be responsible for many

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of the bills that they create. We are not taking privileges away from them. We are only asking them to take their account in which they have and pay for some of the privileges they receive. I ask all my colleagues on both sides of the aisle to vote 'yes' and support this legislation."

Speaker Wojcik: "The Gentleman from Cook, Representative Morrow is recognized."

Morrow: "Yes, Madam Speaker and Ladies and Gentlemen of the House. I would like to yield my time to Representative Pugh."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you, Representative Morrow. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Pugh: "Representative Rutherford, this piece of... Amendment #13, this piece of legislation adds the new crime solicitation of material support in resources and support of international terrorism. Who defines what group is a terrorist group and what group is not a terrorist group? Would Sinn Fein be categorized as a terrorist group?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Representative, I understand the legislation, I sponsor, but in order to some technical sides to this which I would hope you would go into because its important for our debate on the floor. I'm going to refer this question to Representative Cross, who is the Sponsor of the underlined Bill that became this Amendment. So, to Representative Cross if we could."

Speaker Wojcik: "Representative Pugh."

Pugh: "Representative Cross, can you tell me who defines what constitutes a terrorist organization and would Sinn Fein

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constituted Gerry Adams be constituted as a terrorist organization?"

Speaker Wojcik: "Representative Rutherford. Representative Cross."

Cross: "Well, Representative Pugh, you and I have had this debate a couple of weeks ago and my answer is going to be similar to the last three weeks ago or a month ago. The statute has a definition of what international terrorism means and the court would interpret whether or not someone would fall underneath it. But I would refer you to paragraph seven of the Amendment. I'm sorry page seven of Amendment 13, starting on line 11 to show you what the definition of International terrorism is. And of course, Representative, we can't forget it is also a matter of where and how the money is going to be used once it's raised."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, under this legislation we... we would say that President Clinton would be culpable in supporting a terrorist organization or that Mayor Daley might be culpable in supporting a terrorist organization? I think Gerry Adams just recently made a visit to Chicago and previously made a visit to Washington D.C. and raised money under his 501C3 Charter. Would these individuals... would these two individuals be culpable legislation?"

Speaker Wojcik: "Representative Cross."

Cross: "Representative, I think we have to make a distinction here. I want to remind you of the distinction in this Bill. This Bill deals with the fund-raising or charitable organizations, political organizations that you have mentioned, or some of the organizations that you have mentioned, to the best of my knowledge, are political organizations. They would not fall under the definition..."

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included in this statute or anything in this statute. And there is a big distinction between those two types of entities."

Speaker Wojcik: "Representative Pugh."

Pugh: "My next question is back to the Sponsor of the legislation, Representative, and I don't see you and I want you to know that I don't see you as irresponsible. I see you as a responsible, thoughtful and productive Representative here. But, I'm a bit disturbed that sections of this Bill, you're not familiar with. But...I don't see Representative Cross's name as one of the Co-Sponsors. I see your name. I didn't see Representative Johnson's name as one of the Co-Sponsors. I see your name. If your bearing the responsibility or taking the credit for this legislation, then you should be aware of what your legislation involves. The other...the other question that I had, had to do with the cost...the cost for the indigent...the indigent pay...the contractors that would be paid to support the indigent inmates. What would be the costs to these contractors? What would be the cost to the state to these contractors support these cases?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Representative, I'm not sure I follow the question, but if the question is under the provisions of one of the Amendments, it would provide that those services would go out for contract bid."

Speaker Wojcik: "Representative Pugh, you're out of time. For what purpose does the Gentleman from Tazewell, Representative Ackerman, rise?"

Ackerman: "Thank you, Madam Speaker. I move the previous question."

Speaker Wojcik: "The previous question has been put. All in

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favor signify be saying 'aye'; opposed 'nay'. The motion carried. Representative Rutherford to close."

Rutherford: "Thank you, Madam Speaker. We have debated this quite extensively. As we all know, there are a number of provisions to this. This is an agreed upon Bill through the Judiciary Criminal Committee. There are a number of Sponsors in here, Representative McGuire, Lang, Salvi, Zickus, Cross, Bost, Hoffman, Lyons, Flowers, Stevens, Dart, Giles, Winters, Mautino, Johnson, Moffitt, who have all had pieces into this and I would ask for a favorable roll call."

Speaker Wojcik: "The question is, 'Shall Senate Bill 721 pass?' All those in favor signify by voting 'aye'; all those opposed by 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 101 'ayes', 5 'nays' 6 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 857."

Clerk McLennand: "Senate Bill 857, a Bill for the Act in relation to hockey. Third Reading of this Senate Bill."

Speaker Wojcik: "The chair recognizes Representative Churchill."

Churchill: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Senate Bill 857, says that, the operator/owner of an ice facility, ice hockey facility, will not be liable to any injury for a person who might be hit by a hockey stick or a puck. There are a couple of exceptions such as a person who might be sitting behind a screen or protective glass, which is defective or if there is willful and wanton conduct by those people who own the hockey facility. It is a pretty simple Bill. I'd ask for its favorable passage."

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Speaker Wojcik: "Is there any discussion? The Gentleman from Macoupin, Representative Hannig, is recognized."

Hannig: "Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hannig: "Representative, could you give us your definition of hockey facility for purposes of this Bill."

Speaker Wojcik: "Representative Churchill."

Churchill: "Representative Hannig, I think it is clearly defined in the Bill, hockey facility means any rink, stadium, or other facility that is used for the play of ice hockey, regardless of whether it is also used for other purposes, and that it is owned or operated by an individual, partnership, corporation, unincorporated association of the state, or any of its agencies, officers, instrumentalities, elementary or secondary schools, colleges, or universities, unit of local governments, school district, park district, or other body politic incorporated. That is the definition in the Bill."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, it's not limited to just the facility where professional hockey team would play, it would include a place where maybe the Boy Scouts hockey team might play, and then there would be pleasure skating at other times. Would that be correct?"

Speaker Wojcik: "Representative Churchill."

Churchill: "That is correct."

Speaker Wojcik: "Representative Hannig."

Hannig: "Does the liability only protect the owner of the facility during a hockey game?"

Speaker Wojcik: "Representative Churchill."

Churchill: "It covers both games and practice."

Speaker Wojcik: "Representative Hannig."

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Hannig: "Does it have any application to a situation where you might have people on a open skating rink, where some of them are figure skating and some of them might have their hockey sticks out there, some young kids and their passing around the puck and for some reason they shoot the puck into the stands and they hit a lady who is watching her young daughter figure skating? Would this Bill apply to that kind of situation, Representative?"

Speaker Wojcik: "Representative Churchill."

Churchill: "Unless it's within the exceptions, it's only during the hockey game or hockey practice, would be authorized practice."

Speaker Wojcik: "Representative Hannig."

Hannig: "So, I guess hockey practice. Are you talking about a professional or some type of organized practice? I guess in my scenario, I'm not sure if the answer would have been 'yes' or 'no'. If this was hockey team or just a couple young boys, who were out there practicing on their own, the way young boys like to do without any supervision, technically though practicing, would this be covered?"

Speaker Wojcik: "Representative Churchill."

Churchill: "Representative Hannig, this would be an authorized practice league of some sort. This would not just pertain to a couple of kids out there playing hockey on a ice rink."

Speaker Wojcik: "Representative Hannig."

Hannig: "So, it is drawn in a way that it only protects the owner of the rink, in those conditions where people in the stands should have reason to understand that a hockey game is going on or at least a hockey practice is going on that there would be a reasonably change that a stick or puck might actually end up in the stands and they ought to be

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aware. Is that what your telling us, Representative?"

Speaker Wojcik: "Representative Churchill."

Churchill: "That is correct."

Speaker Wojcik: "Representative Hannig."

Hannig: "Representative, I think that you have limited the scope of your Bill in a very good way. You've tried to address a problem that obviously, that exists with professional and even amateur hockey. And done so in a way that is not hurt the rights of people who are skating for pleasure or for other purposes. And I rise in support of your proposal."

Speaker Wojcik: "Representative Churchill to close."

Churchill: "This is a good Bill, so Please vote 'aye'."

Speaker Wojcik: "The question is, 'Shall Senate Bill 857 pass?'

All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 92 'ayes', and 6 'nays', and 13 voting 'present'. And this Bill having received the Constitutional Majority, is hereby declared passed. For what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Madam Speaker, I don't know how it is that we started voting on Senate Bill 857, it's not on Short Debate. No one called the previous question. At least five lights were on, on this side of the aisle. I know mine was."

Speaker Wojcik: "Representative, The Chair has announced, I heard Representative Hannig ask if he should take it off of Short Debate, therefore, I did not have the Calender in front of me to see that it was not on Short Debate. That's why I asked Representative Churchill to close."

Lang: "Madam Speaker, why don't we void out that Roll Call, and

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debate this Bill?"

Speaker Wojcik: "Representative Lang, there was 90 some votes on the Bill, I don't think we need to debate it any more."

Lang: "Madam Speaker, it is not up to you to decide for the members of this Body, who will debate a Bill and who will not debate a Bill."

Speaker Wojcik: "Representative Lang, you will address the Chair in a nice tone of voice."

Lang: "Madam Speaker, it is not up to the Chair to decide who will debate a Bill and who will not debate a Bill. Accordingly, Madam Speaker, by the way very nice tie, accordingly, Madam Speaker, we believe that that Roll Call should be dumped. That this Bill should be taken back to Third Reading and should be reopened for debate."

Speaker Wojcik: "We will take that under consideration."

Lang: "What is to take under consideration? You either do or you don't."

Speaker Wojcik: "I don't have the authority to do that. We will take it under consideration."

Lang: "You are in the Chair, Madam Speaker. I'm trying to remain calm. You want me address you nicely. And you are my friend, Madam Speaker. Just the other night, we were singing together."

Speaker Wojcik: "You are correct."

Lang: "And not well, I might add."

Speaker Wojcik: "Would you like to sing now."

Lang: "But, Madam Speaker, this is your call. You're in the chair. You don't have to look over there on that side of the room for a hand wave. You're in the chair."

Speaker Wojcik: "The Sponsor of the Bill is not visible. He is not here. Representative Lang."

Lang: "But, Madam Speaker, this isn't up to the Sponsor of the

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Bill. The Chair quote said that 'the Chair was in error'. You said it very cheerfully. You have a cheery voice, as I'm speaking now. But, Madam Speaker, you do not have the right to cut off debate inappropriately."

Speaker Wojcik: "If we don't have the Sponsor here to present the Bill, how can we get back this...Representative Lang."

Lang: "Madam Speaker, according to my Calendar we are not adjourning for the year until May 26. The Sponsor, I'm sure, we'll return by then, and I'm sure we'll return by then. And we can vote on this Bill anytime, Madam Speaker pleases. You have some reinforcements up there. Maybe we can accomplish this now."

Speaker Wojcik: "The Chair has made a decision. If you would like to make a Motion to overrule the Chair, you're free to do that. Representative Lang."

Lang: "Madam Speaker, you have already indicated, and I'm saying this with a smile on my face, Madam Speaker, you'll all see the smile on my face. Madam Speaker, you've already indicated, Madam Speaker, that you were in error. And since you were an error by your own admission, I'm sure, which was not purposeful, we understand that. You've explained how it happened. But there is nothing to overrule, there is no ruling of the Chair to ask to be overruled. So, Madam Speaker, since you have admitted you were in error and since we should not pass Bills in an inappropriate manner and since you, yourself, Madam Speaker, voted for that Bill that passed inappropriately, we would ask that this go back to Third Reading for a proper debate. We are entitled to that."

Speaker Wojcik: "Representative, the Chair has admitted that they acted in haste. Now, if your side would like to file a motion to have it reconsidered, you're free to do that. We

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are going to go on to the next Bill. Mr. Clerk, please read Senate Bill 55."

Clerk Rossi: "Senate Bill 55, a Bill for an Act concerning State finance and funds. Third Reading of this Senate Bill."

Speaker Wojcik: "The Chair recognizes Representative Winkel."

Winkel: "Thank you, Madam Speaker. I think...Senate Bill 55 amends the State Finance Act. It creates the State Universities Athletic Capitol Improvement Fund to be administered by the Board of Higher Education. Money in the fund may be used only for the improvement and renovation of athletic facilities at public universities. I would be glad to take questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from Clinton, Representative Granberg is recognized."

Granberg: "Thank you, Madam Speaker. I have filed a written Motion with the Clerk. We're talking with the Sponsor of the previous Bill."

Speaker Wojcik: "To the Bill Representative."

Granberg: "Madam Speaker, I'm... We are talking to the Sponsor of the previous Bill. You were debating since the chair was in error on the previous Bill, what we should do because the Sponsor was off the Floor. Representative Churchill is now back on the Floor. We are discussing that legislation, and what would be the appropriate course of action for this body? You admitted the Chair was in error. Members wanted to ask questions, you ignored them, unintentionally, I assume. Now we are trying to arrive at an agreeable conclusion to that matter. Now I think that is in the best interest of all the Members of this House, that we do that amicably."

Speaker Wojcik: "In the mean time, Representative, to the Bill please."

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Granberg: "Madam Speaker, I believe Representative Churchill will now seek recognition."

Speaker Wojcik: "Representative Winkel."

Winkel: "Madam Speaker, I would like to take Senate Bill 55, out of the record, temporarily."

Speaker Wojcik: "Out of the record. Representative Granberg moves to reconsider Senate Bill 857. Is there leave of the Body? Leave is granted. Representative Churchill."

Churchill: "Thank you, Madam Speaker. We are back to the debate on Senate Bill 857. I would be happy to answer any questions that any of the... any of the people on the other side might have."

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

Dart: "Thank you, Madam Speaker. I believe after a recorded vote to reconsider, we also need a recorded vote, if I'm not mistaken and we don't want to have this messed up here, so I would would ask the Parliamentarian to look at that. But I do believe we need a recorded vote on this."

Speaker Wojcik: "Representative, we had leave of the Body. It was unanimous, Representative. Is there any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Madam Speaker, would you just indicate on the record that there is leave for the Attendance Roll Call on the Motion to Reconsider? And that will clear up the problem."

Speaker Wojcik: "Representative Churchill."

Churchill: "Madam Speaker, just to clear up all confusion and get us back in a position where we can debate this Bill. And I'm not sure whether it was or wasn't appropriately done, but if it helps the Chair, I would now move having voting on the prevailing side, that we reconsider the vote by which Senate Bill 857 passed, and I would ask for a Roll

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Call Vote."

Speaker Wojcik: "It has been moved that we reconsider Senate Bill 857. All in favor signify by voting 'aye'; all opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question there 85 'ayes' and 19 'nays' and none voting 'present'. And the motion to reconsider has passed. Representative Churchill."

Churchill: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. I think now we are appropriately back on Senate Bill 857. It is my understanding there are some people who wanted to ask a couple questions about it. And I stand available to answer their questions."

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

Schoenberg: "Thank you, Madam Speaker. I wish to ask a couple questions to the Sponsor. Will the Gentleman yield?"

Speaker Wojcik: "He indicates he will."

Schoenberg: "Mr. Churchill, my wife, notwithstanding politics, is my love, but hockey is my passion. And that's why I was interested in asking you a couple of questions."

Speaker Wojcik: "Representative Schoenberg."

Schoenberg: "Mr. Churchill, in the case of, since this is applicable to arenas where professional hockey is conducted, I'm sure you're aware that there have been situations where criminal charges have been pressed in the context of a professional hockey match. More specifically there is legal precedent of criminal charges having been pressed, assault charges having been pressed, when... a violence on the ice, unfortunately, spreads out into the stands. My question for you, Sir is, is the liability provision within this Bill, is this inclusive of any such

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action?"

Speaker Wojcik: "Representative Churchill."

Churchill: "Yes, this is not a Bill that deals with Criminal conduct, but there is a section that says that if you are guilty of willful and wanton conduct, which is defined a coarse of action which shows an actual or deliberate intention to cause harm, or which if not intentional, shows an utter difference to or conscious disregard for the safety of others or their property, that would be the exception and you would still be liable."

Speaker Wojcik: "Representative Schoenberg."

Schoenberg: "So the liability would indeed apply. Another situation which has unfortunately occurred in professional hockey matches has been where assault charges have actually been filed in Criminal courts in the United States between participants of two teams when the violence within a hockey match does get out of hand and when there is... there have been assault charges pressed. My question is would the liability extend for example if one player were to hit another over the head and cause injury with a hockey stick and there would be charges filed as a result of that in the courts, would the liability exemption apply to the ownership as well?"

Speaker Wojcik: "Representative Churchill."

Churchill: "This Bill does not apply to the factual situation you just mentioned."

Speaker Wojcik: "Representative Schoenberg."

Schoenberg: "It does not apply to this situation. But, if for example, there were a situation where if people were watching a hockey match, say at the United States Center, where the Chicago Blackhawks will be playing the second round of the Stanley Cup Playoffs, or at the Rosemont

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Horizon, where the Chicago Wolves play, or in Peoria, where the Peoria Riverman play, if the puck were to leave the ice surface and to go into the crowd and someone would be injured, that indeed would constitute a situation where this liability would apply. Is that correct?"

Speaker Wojcik: "Representative Churchill."

Churchill: "That is correct. Representative Schoenberg."

Speaker Wojcik: "Representative Schoenberg."

Schoenberg: "Thank you, Madam Speaker. Thank you, very much for your indulgence Mr. Churchill."

Speaker Wojcik: "Is there further discussion? The Gentleman from Cook, Representative, Lang is recognized."

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

Speaker Wojcik: "He indicates he will."

Lang: "Thank you. Am I speaking nicely enough now?"

Speaker Wojcik: "Very nice. Thank you."

Lang: "Mr. Churchill, I don't love hockey as much as Representative Schoenberg, but I sure like it a whole lot. What is the public policy behind reducing liability in this manner?"

Speaker Wojcik: "Representative Churchill."

Churchill: "In 1992, we passed the Baseball Facilities Liability Act. This would be to bring hockey within the same purview as that Act. Basically, the concept is something that you and I learned early in law school called 'assumption of risk'. There are some things that you do where you just assume a risk. And going to a game, such as a hockey game, you realize that there are speeding pucks and sometimes sticks fly and you assume that risk when you go to the game."

Speaker Wojcik: "Representative Lang."

Lang: "Well, thank you for that. You do know that the Illinois

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State Bar Association is opposed to your Bill. Is that correct, you do know that?"

Speaker Wojcik: "Representative Churchill."

Churchill: "They have never talked to me."

Speaker Wojcik: "Representative Lang."

Lang: "So, your Bill says that if someone sitting behind the protective barrier, what we call the glass, if they would get injured by the glass breaking and all, they would be covered. There would be an exemption for that in your Bill. Is that correct?"

Speaker Wojcik: "Representative Churchill."

Churchill: "If the glass is defective, then they're covered."

Speaker Wojcik: "Representative Lang."

Lang: "What about this situation? What about if the glass is not defective, but is negligently installed? We have all see hockey games where someone hits the glass and a piece of glass falls and then they put another piece of glass in to replace that glass. What if that piece glass is negligently installed as opposed to be defective?"

Speaker Wojcik: "Representative churchill."

Churchill: "Whether it be the actual glass or the installation of the glass or the fixtures that hold the glass, if that glass breaks, through then that glass is defective and that would provide a exemption under this Bill."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. And what about a situation where the glass isn't... there isn't enough glass? There is no record that I know of anywhere, perhaps you can point it to me, that says exactly how much glass you need around it. How high it has to be, how wide it has to be. There are areas in the first row of the United Center and other places with no glass at all. And so the question is, how do we determine

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where the glass is placed, what if the designers of the United Center or any other arena where there is ice hockey just didn't put enough glass up? What if it's not designed properly? I don't think there is any exemption for that in your Bill."

Speaker Wojcik: "Representative Churchill."

Churchill: "The... there is a specific point in the Bill that says that if your dealing with height or width that could not be a question that would be asked in terms of it being defective. Height and width of glass, just like height and width of a screen in a baseball stadium are controlled by the leagues. They set standards on how much glass there should be for protection or in a baseball situation how much screen there should be for protection and I would assume that if you have a piece of glass or a screen of baseball that is less than the standard set by the association, then that's not with keeping with those standards and perhaps there would be some liability for that."

Speaker Wojcik: "Representative Lang."

Lang: "And you say when a person sitting behind the glass, they can still pursue if there is something defective about the glass. But, you don't define the word 'behind'. So, is behind the first two rows, is behind the first twenty rows? What does behind the glass mean?"

Speaker Wojcik: "Representative Churchill."

Churchill: "I think, Representative Lang, you could perhaps get into a debate on the use of the word 'behind', if that is your choice to talk about behind, today. But, because theoretically everybody sits behind the glass. They are on one side of the glass and the hockey players on the other side of the glass. I believe that this Bill is only meant

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to cover those people, where if you look at trajectory of the puck coming through that, they should be protected by the trajectory with a barrier. If you sit 10 rows, 20 rows, 30 rows up and your above that trajectory line, then you could anticipate that you could get hit with a flying puck."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I'm really not being nitpicking, nor am I trying to make a issue over this word, except that it's not defined properly. And so, you've seen hockey games and I've seen hockey games and the puck does crazy things. No one can anticipate where that puck is going to go. There may be general angles you would expect and that's why they build the glass the way they do. But the truth is that that puck knuckles, it dips it up and down when it flies thought he air. Sometimes it hits two or three sticks and goes in a crazy direction. How are we to determine who is covered and who isn't? The word behind the glass is vague. And, in fact, if you or I were arguing either side of a case, if this Bill were to pass, one of us who is, who might represent the plaintiff, might say, well behind means any place in the United Center. And one of us who defending the case might say no, it just the first two or three rows, because that's what the common man would think. How do we figure this problem out?"

Speaker Wojcik: "Representative Churchill."

Churchill: "Well, Representative Lang, that is things that keeps us lawyers busy. I would imagine it would be up to a court to make that decision and the court would have to decide whether the people were situated behind in such a fashion that they could expect some reasonable protection from the barrier or if they were seated high enough up, that they

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would have to assume the risk of the puck coming at them. It happens in rarely few occasions in a professional game. And it's not something that happens a lot but, when it does happen those people have to assume the risk."

Speaker Wojcik: "Representative Lang, I've given you an extra minute. So, bring your remarks to a close."

Lang: "Bless your heart, it must be because I've spoken to you so nicely, Madam Speaker."

Speaker Wojcik: "Sweet and very gentle."

Lang: "Thank you, Representative. So, what you really doing here in lawyers' terms is saying, if you go to a hockey game, unless you sit right behind the glass and pay for those very expensive seats, your really assuming the risk of injury and assumption of the risk then becomes a defense at a hockey game. Isn't that what your telling us?"

Speaker Wojcik: "Representative Churchill."

Churchill: "We are trying to determine how many rows up would be a 'behind'... situated behind the glass and I'm not sure we have an exact standard depending on what stadiums there in and how high the seats rise and quickly the rise and all those kinds of questions. So, at some point if a... I suppose it's the old visual test. If your sitting there and you can see the puck on the ice above the top of the glass, then you're in harms way and if you're sitting down and you can look through the glass and see the puck then you have some right to believe that you should be protected."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Winnebago, Representative Scott is recognized."

Scott: "Thank you, Madam Speaker. I just have a couple of questions if the Sponsor will yield."

Speaker Wojcik: "He indicates he will."

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Scott: "Representative Churchill, I noticed your Bill exempts out or doesn't cover any other form of hockey, including field hockey or roller hockey. And I also know that indoors these days, they are playing roller hockey, even on a professional level. Why would this Bill not take that into account too? I would think the conditions would be roughly the same."

Speaker Wojcik: "Representative Churchill."

Churchill: "In a... like my daughter plays iceless hockey. And they have a hollow puck, and you could get whacked with that thing and it might sting for a while, but it certainly wouldn't cause any injury. When your dealing with one of those hard core pucks that professional or semi-professional or collegiate ice hockey game, you're dealing with people that can hit those things very hard. You've got a harder puck hit at a higher rate of speed and it could cause more injury. So, we're looking at those situations, which would be most applicable to some form of injury being caused by being hit."

Speaker Wojcik: "Representative Scott."

Scott: "But, I don't want to belabor that because your Bill doesn't really talk to it. But, I guess I think the professional roller hockey, I know some former of Blackhawks played in that league. And I think that is a little bit harder puck that they used as well. And I just wondered why it was left out this Bill. I realize for the younger kids, they use the softer and the more hollow pucks. Also, don't we already have assumption of risk? As a theory of law in Illinois and wouldn't that already be argued? I mean it seems like what we're doing is just automatically exempting out all these law suits over and above the theory of assumption of risk."

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Speaker Wojcik: "Representative Churchill."

Churchill: "The legal doctrine 'assumption of risk' is still applicable even if we pass this Bill."

Speaker Wojcik: "Representative Scott."

Scott: "Thank you, Madam Chair. Well I guess my question is if I'm sitting... if I'm going to a professional hockey game and I'm sitting high enough, so that the glass doesn't protect me, aren't I assuming the risk already and wouldn't that be a valid legal theory here without the necessity of passing a whole separate Bill to cover it?"

Speaker Wojcik: "Representative Churchill."

Churchill: "Two points: number one, that is a factual question. If it's an assumption of risk argument where this Bill, we feel that this would cut out that actual debate. Two, you got to get to court to make that decision and we feel that if we can pass this Bill, that there won't be as many law suits and we won't have to worry about getting to that assumption of risk argument."

Speaker Wojcik: "Representative Scott."

Scott: "Thank you, Mr. Churchill, for answering the questions and for agreeing to open up the debate again. I appreciate that. Thank you."

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

Churchill: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I passed this Bill once, I would sure like to pass it twice in the same day."

Thanks. Speaker Wojcik: "The question is shall Senate Bill 857 pass? All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this

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question there are 90 'ayes' and 15 'nays' and 7 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 55."

Clerk Rossi: "Senate Bill 55 has been read a Third time previously."

Speaker Wojcik: "the Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Madam Speaker. Senate Bill 55 amends the State Finance Act. It still creates the State Universities Athletic Capital Improvement Fund. It would be administered by the Board of Higher Education. Money in the fund may only be used for improvement and renovation of athletic facilities at public universities. It passed out of the Senate 55 to 0 and I would be glad to answer any questions."

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

Lang: "How...how... Nice tie, chief. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Lang: "Happy Saturday to you, chief. Well, Representative, you want to create the Athletic Capital Improvement Fund, but your Bill creates no revenue source to put the money in that fund. Are we going to get money from the sale of the chief's old clothing or where is the money going to come from to put in this fund?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Representative, that is perceptive. We are establishing a fund that has no fiscal impact. There are no appropriations made or requested for the funded Fiscal Year '96. We have yet to identify a stream of revenue for that fund."

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Speaker Wojcik: "Representative Lang."

Lang: "So, Representative Cowlshaw yesterday, talked about a Bill that did absolutely nothing. Because there is no funding mechanism here, does this Bill do absolutely nothing?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Senate Bill 55 creates a line item that doesn't exist in the budget. And it creates a line item that we need if we're going to eventually, someday, appropriate funds to renovate or improve athletic facilities for public universities. So, certainly it does something it creates a line item that would be administered by the Illinois Board of Higher Education."

Speaker Wojcik: "Representative Lang."

Lang: "A few days ago, Senator Weaver proposed a Riverboat Gambling Bill and as part of that he had a section, which I'm told, the plans were to be used to put a dome over the football stadium at the University of the Illinois. Is that what this would be for?"

Speaker Wojcik: "Representative Winkel."

Winkel: "I didn't know that, Representative. I will certainly look into that, but this would create a line item as I said in the Board of Higher Education, to renovate or improve athletic facilities for public universities."

Speaker Wojcik: "Representative Lang."

Lang: "What is your future plan for funding this line item?"

Speaker Wojcik: "Representative Winkel."

Winkel: "I have no future plan for this. Senator Stan Weaver introduced this legislation and I'm honored to be able to carry it for him over here in the House. It passed 55 to 0."

Speaker Wojcik: "Representative Lang."

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Lang: "So, this would be one of those 'palms up' things. I ask you what your plan is and the answer is palms up. Right? So, you don't know how this is going to be funded, in fact there could be a zero in the line item forever. Because you have no plan to fund this program."

Speaker Wojcik: "This would, as I said, create the line item for establishing a fund for the renovation and improvement of athletic facilities. Right now there is no line item available for a future appropriations if we were to so appropriate. So, it creates a line item that we need. Right now we have various sports facilities, athletics facilities, throughout the state universities that are in need of renovation, repair and improvement. And this taking the long vision, looking ahead to the day when we do need to renovate and improve this facility. And that's precisely why we need this line item in there."

Speaker Wojcik: "Representative Lang."

Lang: "The Legislation purposes that the Board of Higher Education established priorities for distribution and use of the money that's in the fund. Since there is no money in the fund, will they be establishing the guidelines now or does the legislation only require them to establish the guidelines after the money is in the fund?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Representative, as you just paraphrased the statute, it does authorize the Board of Higher Education to do that. It doesn't tell them when. It certainly makes little sense to do it until there is an appropriation. This legislation is subject to appropriation."

Speaker Wojcik: "Representative Lang."

Lang: "So, let me ask you a question. Do you plan to fund this line item by a proposal to increase the state income tax?"

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Speaker Wojcik: "Representative Winkel."

Winkel: "I'm sorry could you repeat that."

Speaker Wojcik: "Representative Lang."

Lang: "Do you plan to propose a increase in the state income tax,
to fund this line item."

Speaker Wojcik: "Representative Winkel."

Winkel: "Absolutely not."

Speaker Wojcik: "Representative Lang."

Lang: "How about the gas tax or the cigarette tax?"

Speaker Wojcik: "Representative Winkel."

Winkel: "The answer to that, Representative, I've already given
you that answer. There is no identified revenue stream,
yet. That's to be identified in the future. This
legislation is subject to appropriation and we're going to
have to deliberate that in the future."

Speaker Wojcik: "Representative Lang."

Lang: "Have you made a proposal to the appropriations committees
of the House or the Senate to fund this program?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Well, Representative, it seems to me that you're
proposing a new line item. You don't have any proposal to
fill up the number in the line item, that should be zero.
Sounds to me like you either have a do nothing program here
or you don't have a plan to fund it. Now if were going to
propose something that is going to help the state
universities athletic capital and improvement projects.
Why don't we fund it? Appropriations committees have
finished their work, but we haven't passed the budget. Why
don't you put an amendment on our desk to put some money in
this? I'm an alumni of the University of Illinois. I
would support it. Why don't you propose it?"

Speaker Wojcik: "Representative Winkel."

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Winkel: "Representative, this is a tight fiscal budget. It's not appropriate at this time to make that type of request. We're looking ahead to a time when there may be funds available. We're looking ahead to creating this line item for future use, subject to appropriation."

Speaker Wojcik: "Any further discussion? The chair recognizes the Gentleman from Macoupin, Representative Hannig."

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

Speaker Wojcik: "He indicates he will."

Hannig: "Yes, Representative, isn't it possible now, isn't it just probable now that we could put a line item in the budget if there were money available to fund these programs without this Bill? We don't really need this Bill to do this, do we?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Representative, this actually establishes a separate fund that doesn't exist in the state treasury at this time. It's taking the long view and looking ahead to the day when we do have the appropriations available."

Speaker Wojcik: "Representative Hannig."

Hannig: "I think you said earlier, and correct me if I'm wrong, there is no new revenue source to put money into this fund that you're creating. Is that correct?"

Speaker Wojcik: "Representative Winkel."

Winkel: "What I said before and I'll say again, no appropriations have been made or requested for the funded Fiscal Year '96 and no funding source has been established."

Speaker Wojcik: "Representative Hannig."

Hannig: "So, there is no funding source. And you're saying that there is really no money. But we're going to require that we put a line item in the budget that says for... that says nothing, that says we appropriate no dollars. It seems to

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me that if the budgeteers, that Representative Ryder, your point man on the budget, you as member of the appropriations committee, any as of us as members of the House can offer Amendments to the Governor's Budget or the Governor could include new line items in his budget. We're not required by law to have a substantive piece of legislation authorizing us to do that. We can do that on our own. And so, I just don't really see the need to have a Bill to say that we should appropriate this money when you have no revenue source, and you have no money. It seems like we are just going to type a line item in there that says zero. And if at some future date, monies are available, we can do it without this Bill. So, Representative, I still don't see the need or purpose for this Bill."

Speaker Wojcik: "Representative Winkel."

Winkel: "Well, Representative, this actually creates a fund. It's not simply a line item. This line item, it is a fund that we are establishing for future use. It creates the State Universities Athletic Capital Improvement Fund."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, Representative, if you can tell us where you can find the funding source, if you can tell us how your going to generate money to go into this fund, then I think you might have a project that we could at least discuss or debate. But, I'm not sure why we want to create... it would be like me going down to the bank and saying I want to open up a checking account for my lottery winnings when I haven't won any lottery. The bankers would say, why do you need this account if you're not going to put anything in it? And that is my question to you, why do we need this account if there is no way we're going to put money into

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it?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Well, I guess focusing on your analogy, I mean we all open checking accounts with the idea of the future income or earnings that we could deposit in those. We may not have the... we not realize where its going to come from or how much, but we still have that checking account open for future deposits. I mean if you want to use that analogy. I think it's a flawed analogy."

speaker Wojcik: "Representative Hannig."

Hannig: "Well, I know I wouldn't open a bank account and not put any money in it. I don't know why the state should open a bank account and not put any money it or open up a new account and have the comptroller have to keep the records and have to keep all the bookkeeping that goes with it. I guess that's why she needs a new computer. But it seems to me, just to the Bill, Ladies and Gentlemen of the House. The appropriation process is one in which we, as elected Members, have the ability to insert new line items into the budget to delete existing line items out of the budget. That is the nature of what we do in this process. And we don't need substantive legislation saying that we should have a special line item that says something especially when it doesn't say where the money will come from or even create any money, where there is no money in it. So, in short, we have a proposal here that has no revenue source and will appropriate no money and will basically do nothing. And it seems to me that unless and until the Sponsor can find a revenue source that will generate money that he wants to earmark for this proposal that it makes no sense having a special fund to do that. The reason we have special funds like the gas tax which goes into the road

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fund, is because we have a dedicated revenue source and we want to dedicate what we spend that money on. This proposal misses the whole point of that kind of process and I see that it serves no purpose and ought to be voted down."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Coles, Representative Weaver is recognized."

Weaver: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, the previous Speakers have been a little bit disingenuous with us because they know what the appropriations process is. Our side of the aisle in the appropriations committee have discussed projects like this time and time again. The Gentleman... the Sponsor of this measure is following the exact process that we discussed over time. He is establishing not only the need, he is establishing the mechanism for the program and he is establishing authorization. Whether or not there is money there to spend in this program, I think is something the body needs to address at a different time. But, our friends on the other side of the aisle apparently want to spend money before there is even a program or any authorization to deal with that money. I think the Sponsor of this Bill is taking the responsible way and the correct way to handle this kind of project and that is to establish the program and establish the authorization and then go find the money to fund the program. I think an 'aye' vote is essential to this Bill."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Clinton, Representative Granberg is recognized."

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative, listen to the discussion. I just want

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to make sure that I understand this correctly. We are going to create a fund and then not put any money in the fund. Is that accurate?"

Speaker Wojcik: "Representative Winkel."

Winkel: "This Bill creates a fund and creates the authorization. It says who is to administer the fund. It lays down the perimeters for the use of the funds, and sets out the guidelines and it's more than just simply a line item. It does create a fund. It creates the mechanism. It just simply doesn't appropriate at this time. This is not a appropriations Bill."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, I thought I heard you use the analogy that it's like opening up a bank account. The banks I deal with, when I open up a checking account, they make you deposit money so you can utilize the account. So, you have no money to deposit in the funds to utilize the account. Isn't that correct?"

Speaker Wojcik: "Representative Winkel."

Winkel: "That was somebody else's analogy that I was just trying to respond to. It's not my choice and I don't care to elaborate on the flawed analogy."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, Representative, I appreciate what your trying to do. But, I don't know why we wouldn't wait until the future. If and when revenues would become available or if there was a form to finance these types of improvements. So, why don't wait until the funds might become available, instead of passing a essentially shell bill, because it has no function."

Speaker Wojcik: "Representative Winkel."

Winkel: "This Bill passed the Senate 55 to 0. And it has not

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been amended. As we pass it out today, it goes to the Governor. It's certainly not a shell bill."

Speaker Wojcik: "Representative Granberg."

Granberg: "I'm not sure what else you would call it, Representative. Do you know how much it costs the State of Illinois to pass a piece of legislation?"

Speaker Wojcik: "Representative Winkel."

Winkel: "Not precisely, but I think as this debate drags on and on, I am sure it's costing more and more."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, I believe, not only is your Bill not providing any money, it is actually taking money away from the taxpayers because it costs approximately \$7,000 to introduce a Bill, print the Bill, distribute the Bill, have it heard by both Houses, handle the Bill, and on to the Governor. So, instead of a Bill that actually funds something, which it does not do, that is costing the taxpayers of this state \$7,000. Madam Speaker, Mr. Winkel, I have pharmacies in my district that are owed \$7,000 by the State of Illinois because we're not paying our Bills. I have hospitals that are owed over a half a million dollars. I have a pharmacy in Centralia that's owed \$10,000. And we're spending this money for your Bill."

Speaker Wojcik: "Representative, Representative, to the Bill, please."

Granberg: "It is to the Bill, Madam Speaker."

Speaker Wojcik: "To the Bill, Representative. Address the Bill."

Granberg: "With due respect to the Speaker, with due respect to the Sponsor, I'm not going to vote to take money they can't be used to pay my pharmacies, for a 'do nothing Bill', that costs taxpayers money. Enough is enough, if you want a \$7,000 press release, vote for the Bill."

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Speaker Wojcik: "There being no further discussion, Representative Winkel to close."

Winkel: "Senate Bill 55 takes a long view to this. It is a need that the state has. We have athletic facilities at our public universities that are deteriorating. We need to take the long view of this, realize that in the future were going to have to address this serious problem. This creates a fund for future use, subject to appropriation, the amount and the timing of that appropriation is for future debate and future Bills. I urge a 'yes' vote on this Bill. Thank you."

Speaker Wojcik: "The question is, 'Shall Senate Bill 55 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 'ayes', 45 'nays', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Now, for what purpose do you rise, Representative Granberg?"

Granberg: "Madam, Madam Speaker, you know what purpose we arose for. Just like the end of session yesterday, we are requesting a verification. You knew that Madam Speaker. With all due respect, this is not what we're about."

Speaker Wojcik: "Mr. Clerk, dump the Roll Call: Representative Lang, we are going to take the question. The question is, 'Shall Senate Bill 55... Representative Lang, for what purpose do you rise?'"

Lang: "Thank you, Madam Speaker. I'm just trying now to help you out of a sticky situation. If you take another Roll Call now on this Bill, you will have two official Roll Calls on the same Bill. You cannot... Excuse me, you cannot just

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simply dump a Roll Call that is already of record. Someone will have to make a Motion to reconsider and it will have to be done by unanimous consent and then we can do this again. You have already declared the Bill passed, Madam Speaker."

Speaker Wojcik: "Mr. Lang, will you make that Motion to Reconsider?"

Lang: "I didn't vote for the Bill. I cannot do that."

Speaker Wojcik: "Representative Parke, for what purpose do you rise?"

Parke: "Yes, as voting on the prevailing side, I would ask the Chair to Reconsider the motion which was taken."

Speaker Wojcik: "The Motion is to reconsider. Is there leave of the Body? Leave is granted. We will now reconsider the vote on Senate Bill 55. The question is, 'Shall Senate Bill 55 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Lang, for what purpose do you rise?"

Lang: "Thank you, Madam Speaker. Notice how pleasantly, I'm speaking to you. Should this receive the request number, we would request a verification."

Speaker Wojcik: "Your request will be granted. On this question, there are 62 'ayes' and 49 'nays' and 2 voting 'present'. And a verification has been requested. Mr. Lang, do you persist? Representative Lang."

Lang: "Yes, I do, but thank you for asking me so nicely."

Speaker Wojcik: "We are a very nice group of people in this office Body."

Lang: "Thank you, Thank you so much."

Speaker Wojcik: "Mr. Clerk, please read the affirmative votes."

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Mr. Clerk: "Those Representatives voting in the affirmative on Senate Bill 55: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlishaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lyons. McAuliffe. 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. Zickus. Mr. Speaker."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you, Madam Speaker. How nice you look today. Representative Klingler in her chair. Hi, Representative, how are you? Nice to see you. Representative Tom Johnson, oh, in his chair. I see. Representative Kubik, oh, but not in his chair. Mr...Madam Speaker, I see that Representative McAuliffe has voted but, he was excused today. How did that work out today?"

Speaker Wojcik: "He has returned to the House."

Lang: "And he is, where?"

Speaker Wojcik: "He was just in the back of the room. There he is. Representative, I could not divulge where he was."

Lang: "You know, Madam Speaker, when the state has a little more money, I think we really should install some microphones in the restrooms. It would be very helpful during verifications. No, they didn't like that idea. Representative Zabrocki, please."

Speaker Wojcik: "Representative is not voting."

Lang: "I I just wanted to see if he was here, just making sure

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you were awake."

Speaker Wojcik: "Any further questions, Representative?"

Lang: "Representative Rutherford, Representative Wirsing,..."

Speaker Wojcik: "Any further questions?"

Lang: "Oh, I suppose not. But, thank you for asking, and in such a nice and gracious manner, Madam Speaker."

Speaker Wojcik: "On this question, there are 62 'ayes' and 49 'nays' and 2 voting 'present'. And this Bill having received the Constitutional Majority, is hereby declared passed. Representative Johnson, Tom in the chair. Representative Wojcik in the chair. Mr. Clerk, please read Senate Bill 69. Out of the record. Mr. Clerk, please read Senate Bill 108."

Clerk McLennand: "Senate Bill number 108. A Bill for an Act in relation to the use and occupation taxes. Third Reading of this Senate Bill."

Speaker Wojcik: "The chair recognizes Representative Murphy, M."

Murphy, M.: "Thank you, Madam Speaker, Ladies and Gentlemen. Senate Bill 108 was amended with Amendment #1. It was approved in the House Revenue Committee. The amendment became the Bill and would amend the Retailers Occupation Taxes Act, to exempt from taxation, tangible personal property sold to a common carrier by motor that receives physical possession of the property in Illinois and transports it to their facilities out of Illinois, interstate. This would be effective immediately. This a tax exemption that we give to rail carriers and have for some time and we are asking for your approval on this. I stand for questions."

Speaker Wojcik: "Representative McAuliffe in the chair."

Speaker McAuliffe: "Is there any discussion? The lady from Cook, Representative Currie."

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Currie: "Thank you, Speaker. Will the Sponsor yield for a couple of questions?"

Speaker McAuliffe: "He indicates he will."

Currie: "Representative, can you give us any idea, how much passage of this Bill will cost the Illinois State Treasury?"

Speaker McAuliffe: "Representative Murphy, M."

Murphy M.: "The fiscal impact to the state would not be able to be determined. However, whenever we get these figures, which I don't have, it simply says is that we cannot determine the amount. We believe that we could stem the tide of business and money that is leaving this state."

Speaker McAuliffe: "Representative Currie."

Currie: "To the Bill, Speaker. The Department of Revenue tells us that while they cannot determine the actual cost of this major tax break for businesses, they believe that the cost will not be insubstantial. A significant loss to the Illinois State Treasury. Let me tell you the facts about this break for the United Parcel Service. Some thirty six other states charge sales taxes as we do, for the materials that are in question in Representative Murphy's Bill. If we pass this Bill, the sales taxes that we would collect, instead will go to those other thirty six states. So, this is not even a major break for UPS, in terms of its bottom line, because today they are able to get credits in those other states for the sales taxes if they pay us. So, while there are some states that don't charge the tax and obviously that is a net gain to the company, it is a major loss for Illinois, a loss when some other state, like Louisiana or Pennsylvania or what have you, collects money that today is coming to us. There are perhaps some tax breaks we ought to be giving. Some tax relief to some

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people, right here, here in the State of Illinois. Well, I would urge Speaker and Members of the House that those breaks ought to go to working families, ought to go to people, ought to go ordinary taxpayers, not corporate welfare. Senate Bill 108, is about corporate welfare. It is about giving tax breaks to businesses that the expense of ordinary everyday Illinois taxpayers. We had a tax relief program aimed at working Illinois families. It seems to me, typical of this chamber, that what we're dealing with on the Floor, is not tax relief for middle income and working class families. What were dealing with is corporate welfare for the big guys. I urge a 'no' vote."

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

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

Speaker McAuliffe: "She indicates she will."

Dart: "I just have a quick question. Did... The board shows the Bill was dealing with medical appliances? Does this Bill have any provisions dealing with that anymore in there? Because, there was a provision dealing with dental... an exemption for dental equipment? Does this have anything to do with... is this purely the UPS Bill?"

Speaker McAuliffe: "Representative Murphy M."

Murphy, M.: "Representative, House Bill...with that same language on the dental appliances is somewhere in the Senate. This was a dueling piece of legislation that we used. And by the way, its for motor carriers, so, it shouldn't be referred to simply, UPS. And being in the Revenue Committee, you are aware it passed 11 to 0 and 1 voting 'present'?"

Speaker McAuliffe: "Representative Dart."

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Dart: "I, unfortunately, was not in the Revenue Committee that day for this vote. But the... I appreciate your answer, Representative, but to clarify then... that the medical exemption is somewhere in the Senate on a House Bill, but there is no provisions dealing with dental or medical. Great, thank you. Just to the Bill, Mr. Speaker. I too, rise in opposition to this Bill. This Bill is yet another exemption and these exemptions believe it or not, add up. The expression.' What is a million amongst friends?' That's exactly what these are doing. They are taking hit after hit out of our Revenue Fund here, that can go to numerous other areas of the state. There was just a book that was put out, I believe, by the Comptroller, we were shown what all these exemptions were doing to the State Treasury. It's killing us. And yet another one...this will add up and it is very problematic. This is corporate welfare. This is something should not be doing. This is something that, as Representative Currie mentioned, we should be directing toward middle class people, people who are working and for that reason, I rise in opposition to this Bill."

Speaker McAuliffe: "Representative Murphy, M. to close."

Murphy, M.: "Thank you, this is not about corporate welfare. It is about loss of jobs and money from Illinois. Wallace Industries used to sell \$12,000,000 worth of forms to UPS. They now manufacturer less than a million now to UPS. It's because of double taxation that this Bill is brought before you. It came before you and House Bill 1764. There is much approval on the House Revenue Committee. I know that the Department of Revenue has offered ardent opposition, but the proponents may interest you. The State Chamber of Commerce, the Illinois Transportation Association, the

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Illinois Retail Merchants and the Taxpayers Federation are all in favor of leveling the playing field and giving the same courtesy and lack of double taxation that rail carriers now have. I'm joined by colleagues Representative Kubik, Art Turner, and Representative Kenner, a member of my Revenue Committee and sponsoring this legislation. And, I urge your 'aye' vote."

Speaker McAuliffe: "The question is, 'Shall Senate Bill 108 pass?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted wish? Mr. Clerk, please take the record. On this question, there 62 voting 'aye' and 49 voting 'no' and 1 voting 'present'. Representative Lang."

Lang: "Thank you, we would ask to verify this Roll Call, Sir."

Speaker McAuliffe: "Mr. Clerk, please read the affirmative."

Clerk Rossi: "The Poll of those voting in the Affirmative:
Balthis. Biggins. Brady. Brunsvold. Burke. Churchill.
Ciarlo. Clayton. Currie. Davis, Monique. Davis, Steve.
Deuchler. Durkin. Giles. Hannig. Hanrahan. Hassert.
Howard. Hughes. Johnson, Tim. Johnson, Tom. Kenner.
Klingler. Kubik. Lachner. Leitch. Lyons. Madigan.
Mautino. McAuliffe. Meyer. Mitchell. Moffitt. Moore,
Eugene. Morrow. Mulligan. Murphy, Harold. Murphy,
Maureen. Myers. O'Connor. Pankau. Parke. Pedersen.
Phelps. Pugh. Roskam. Rutherford. Ryder. Salvi.
Saviano. Schoenberg. Scott. Skinner. Stroger. Turner,
John. Wait. Weaver. Winkel. Winters. Zickus. Mr.
Speaker.

Speaker McAuliffe: "Questions of the Affirmative Roll Call?
Representative Lang."

Lang: "Thank you,..."

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Speaker McAuliffe: "Could you hold on one second? Representative Phelps, we can't change the vote after you vote. He wishes to change his vote but, we can't. Representative Phelps, did you have something you wish to say?"

Phelps: "No."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you, Minority Leader Madigan."

Speaker McAuliffe: "Is Minority Leader Madigan here? Not here. Please remove him from the Roll Call."

Lang: "Representative Julie Curry."

Speaker McAuliffe: "Representative Julie Curry? She is not here, please remove her from the Roll Call."

Lang: "Representative Dan Burke."

Speaker McAuliffe: "Representative Dan Burke. Is Representative Dan Burke here? Remove him from the Roll Call. Any further questions? Representative Lang."

Lang: "Representative Hannig."

Speaker McAuliffe: "Representative Hannig? Remove him from the Roll Call."

Lang: "Representative Monique Davis."

Speaker McAuliffe: "Representative Monique Davis. Is Representative Davis in the chamber? Clerk, please remove her from the Roll Call."

Lang: "Representative Steve Davis."

McAuliffe: "I'm sorry I didn't hear you Representative Lang."

Lang: "Representative Steve Davis."

Speaker McAuliffe: "Representative Steve Davis. Representative Davis in the room? Representative Davis? Please, remove him from the Roll Call."

Lang: "Representative Schoenberg."

Speaker McAuliffe: "Representative Schoenberg. Representative Schoenberg. Representative Schoenberg is in the back."

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Pedersen: "Report me as absent."

Speaker McAuliffe: "Representative Pedersen has leave to be verified."

Lang: "Is that Peterson or Pedersen?"

Pedersen: "Pedersen."

Lang: "Nice tie. Representative Eugene Moore."

Speaker McAuliffe: "Can he have leave to be verified?"

Lang: "Yes. Representative Eugene Moore, please."

Speaker McAuliffe: "Representative Eugene Moore, is he in the Chamber? Representative Moore. Please remove him from the Roll Call."

Lang: "Representative Pugh."

Speaker McAuliffe: "Representative Pugh. Representative Pugh in the chambers? Please remove him from the Roll Call. Representative Pugh is right here. Restore him to the Roll Call. Representative Murphy, M."

Murphy, M.: "I would like to place this on Postponed Consideration."

Speaker McAuliffe: "Bill is on Postponed Consideration. I will finish the verification. Go ahead, Representative Lang."

Lang: "We are proceeding with the verification? Thank you, sir. How genous of you."

Speaker McAuliffe: "You're more than welcome. Representative Phelps."

Speaker McAuliffe: "Representative Phelps? Representative Phelps? He is not in the Chambers. Please remove him from the Roll Call."

Lang: "Representative Brunsvold."

Speaker McAuliffe: "Representative Brunsvold in the chambers? Representative Brunsvold is not in the Chambers. Please, remove him from the Roll Call. Any further questions, Lang."

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Lang: "Probably, hold on, Sir. Representative Parke."

Speaker McAuliffe: "Representative Parke, is Representative Parke in the chamber? Please, remove him from the Roll Call. Representative Parke just returned. Restore him to the Roll Call."

Lang: "It's a pleasure to have him here. Representative Skinner."

Speaker McAuliffe: "Representative Skinner, Representative Skinner, is Representative Skinner in the chambers?"

Speaker McAuliffe: "Yes, this is Representative Skinner right here, Sir."

Lang: "Yes, I saw him before you did and my back is to him. How is that possible?"

Speaker McAuliffe: "You must have eyes in the back of your head."

Lang: "By the way, nice tie, Mr. Speaker. Nothing Further."

Speaker McAuliffe: "Representative Murphy, M."

Murphy, M.: "Thank you, Mr. Speaker and Ladies and Gentlemen. I appreciated the Short Debate, but obviously we need to Reconsider this vote. So, I ask that this be placed on Postponed Consideration."

Speaker McAuliffe: "Postponed Consideration. On this question, there are 53 voting 'aye' and 49 voting 'nay' and 1 voting 'present'. And Representative Murphy, M. asked for the Bill to be put on Postponed Consideration. Representative Lang."

Lang: "Thank you, Mr. Speaker. One of the problems with Senate Bill 108 may have been, it had one of those phony Fiscal Notes. Accordingly, our side of the aisle feels that we need to start addressing this problem. Therefore, upon written motion that I've already given to the Clerk this morning, I hereby, move to discharge the Rules Committee from further consideration fo House Resolution 49 and

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advance immediately to the Order of Second Reading for immediate Consideration. We would ask for a Roll Call vote on that motion."

Speaker McAuliffe: "Representative Lang, I'm advised that the Motion is out of order. You cannot discharge the Rules Committee, but if you would like to move to override the Chair. Representative Currie."

Currie: "Yeah, Speaker, I would Draw your attention to... Yes, I would recall your attention, House Rule 3-89(D) which says that Bills may be discharged from the Rules Committee only by Unanimous Consent of the House and House Rule 3-8(E) says except for those Rules that require unanimous consent this rule may be suspended by a vote of 71 of the members elected. So, I would argue that because this Rule is silent with respect to Resolutions that, that resolutions would fall under House Rule 3-8(E) in addition Roberts Rules of Order tell us on page 305 that a Motion to Discharge a committee can be applied to any main Motion or any other matter, which has been referred to a committee... to a committee and when the committee has not finally reported to the Assembly. So, under Roberts Rules, we can discharge... we can discharge this Resolution from the Rules Committee and I would urge that under our own House Rules, we can do so with 71 votes. So, I would like hear from you, why the parliamentarian thinks that this Motion is not in order. There is a clear procedure for discharging Rules from Consideration of Bills and the procedure for discharging Rules from Consideration of other items, including resolutions is clearly governed by House Rule 3-8(E)."

Speaker McAuliffe: "The answer is that is a Rule...this is a Resolution, not a Bill and if you would like to appeal the

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Ruling of the Chair, your welcome to do so. Representative Lang."

Lang: "That's the whole point, Sir. The Rule doesn't say anything about Resolutions. It says Bills. Because, Resolutions are not mentioned under that Rule, it clearly falls under the other Rule. There is no question that your own House Rules say that any issue that is not governed by the House Rules are governed by Roberts Rules of Order; not Nimo's Rules of Order, not McAuliffe's Rules of Order, not even Daniels' Rules of Order, but Roberts' Rules of Order. Your own House Rules and Roberts' Rules of Order read together indicate a very clear decision that needs to be made here. And that clear decision frankly is to protect the taxpayers of the State of Illinois from the phony Fiscal Notes that have been filed and buried and protected in the Rules committee of this House. Now the members on this side of the aisle and I presume most of the members on your side of the aisle even though they won't say it, want something brought to light on this Resolution. Because, this is an important matter involving the integrity of the Illinois House of Representatives. And Mr. Speaker, your ruling is disingenuous. The parliamentarian's ruling is disingenuous and its time that we move this process along in an orderly and fair fashion. And so I will move to Overrule the Chair, but I'm willing to give you one more chance to make the proper ruling."

Speaker McAuliffe: "Representative Kubik."

Kubik: "Mr. Speaker, I recognize the Gentleman seems to have to yell to get everybody's attention, but let me just point out to the Gentleman that if you look at House Rule 3-6(A), it reads as follows: 3-6 referral of Resolution and Reorganization Orders. (A) All Resolutions after being

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initially read by the Clerk, shall be automatically referred to the Rules Committee, which thereafter, refer any such Resolution before to the House or to a standing committee. Next line, no Resolution maybe considered by the House unless Approved for Consideration by the Rules committee. I think Representative...the Speaker correctly read the Rule and I think his ruling is absolutely in order and it takes a good cop to make the right kind of a rule."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you, Speaker. I heard Mr. Kubik right and I would sight that same rule to tell you that you're wrong. The rule said that Mr. Kubik read that Resolutions upon filing go through the Rules Committee. Well, that's great, that's where it went. Then Mr. Kubik said that the Rules Committee must send the Rule... the Resolution to the House or to a standing Committee. We are simply asking that it be sent to the House. If you want to send it to a standing Committee, we could put the House in recess for long enough for a standing committee to have a vote on this Resolution. We are prepared to do that. We are also prepared to go to committee of the whole. That would an interesting approach that we haven't taken here in a long time. So, Mr. Speaker, by the same Rule that Mr. Kubik just read to you, it is clear that the Rules Committee should send this to this body or to a standing committee. We have simply chosen to have a Rules Committee to send it to this body. And Mr. Speaker, you have not yet taken that last opportunity we have given you to rule again."

Speaker McAuliffe: "Representative Lang, your Motion is out of order. If you would like to go ahead..."

Lang: "I would move to overrule the Chair. I ask for a Roll Call vote on that Motion and tell you now that we will verify."

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Speaker McAuliffe: "The Motion is, 'Shall the Chair be sustained?' It would require 71 negative votes. And Representative Lang has requested verification, which we will grant him. On the question, all those in favor signify by voting 'aye'; all those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 62 voting 'aye' and 51 voting 'no' and 0 voting 'present'. And the Motion fails. Representative... Oh, I'm sorry, Representative. Representative Lang asks for a verify of the Roll Call. Clerk, please verify the 'aye' votes."

Clerk Rossi: "The Poll of those voting in the affirmative: Representatives 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. Lyons. McAuliffe. 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. Zickus. Mr. Speaker."

Speaker McAuliffe: "Representative Lang, this requires 71 negative votes to pass. Do you persist in the verification? Representative Lang."

Lang: "If the board said, 'Shall the Chair be overruled,' it would require 71 positive votes. The board says, 'Shall the Chair be sustained'. That requires 60 green votes."

Speaker McAuliffe: "Mr. Lang, would you please finish your

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verification."

Lang: "Do you acknowledge that what I just said, is correct."

Speaker McAuliffe: "It's not correct. It's not correct. That's not correct.

Lang: "Is the Parliamentarian telling you that is not correct? Please ask him to cite the Rule for us."

Speaker McAuliffe: "Rule 7-7a. Now proceed with the verification, Representative Lang."

Lang: "Were going...I'm going to proceed with the verification, but I would ask your indulgence in allowing us to read the Rule book, please. So, bear with me."

Speaker McAuliffe: "Representative Lang, please proceed with the verification."

Lang: "Well, I have to know how many votes this needs, Sir and I have to check the Rule."

Speaker McAuliffe: "71 negative votes."

Lang: "Well, I will tell you what. We'll read it while I proceed with the verification. Can you give us that citation again, please, Sir."

Speaker McAuliffe: "Rule 7-7."

Lang: "We'll check that out, Sir. Representative Klingler."

Speaker McAuliffe: "Representative Klingler, Representative Klingler. She is sitting right here in her chair."

Lang: "Representative Tom Johnson."

Speaker McAuliffe: "Representative Tom Johnson. He is standing back there."

Lang: "Representative Biggert."

Speaker McAuliffe: "Representative Biggert, Representative Biggert in the chamber? Right there, in the back."

Lang: "Representative Maureen Murphy."

Speaker McAuliffe: "Representative Maureen Murphy, Representative Maureen Murphy is down here."

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Lang: "Talking to the press. Representative John Jones."

Speaker McAuliffe: "Representative John Jones. Representative John Jones, he is in the back. Sitting in his chair."

Lang: "Representative Skinner."

Speaker McAuliffe: "Is Representative Skinner in the chamber?"

Lang: "It's not my obligation to search the entire Republican side of the aisle to find people. Tell them to keep their tushes in their chairs and this verification will be quicker."

Speaker McAuliffe: "Do you have any further questions?"

Lang: "Representative Bost."

Speaker McAuliffe: "Representative Bost. Is Representative Bost in the chamber? In his chair."

Lang: "Representative Hoeft."

Speaker McAuliffe: "Representative Hoeft, Representative Hoeft is in his chair."

Lang: "Representative Hoeft is not dilatory, Mr. Parke. You said he was dilatory. I can't believe you would say that about your fine colleague. Representative Hanrahan."

Speaker McAuliffe: "Representative Hanrahan. Standing by his chair. Further questions Representative Lang?"

Lang: "Well, I don't think so, I guess you guys just want to keep brushing over this phony Fiscal Note problem, so I guess we are done on this."

Speaker McAuliffe: "On this question, there are 62 voting 'aye' and 51 voting 'nay' and the Chair is sustained. Mr. Clerk, please read Senate Bill 130."

Clerk Rossi: "Senate Bill 130. A Bill for an Act to amend the school code. Third reading of this Senate Bill."

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Thank...Thank you very much Mr. Speaker and Ladies and Gentlemen of the House. There are four amendments to

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this Bill, which become the Bill and I will try to explain them briefly. The first amendment which was number four, which was adopted to this Bill, began as House Bill 668, sponsored by Representative Santiago. This is the Bill that expands the preschool educational grant program for children ages three to five, to specifically include children in that age bracket from homes where a non-English language is spoken. Amendment #5 began as House Bill 2341, sponsored by Representative Winters. It changes the name of the rehabilitation services advisory council to the state rehabilitation advisory council. That is the request of the council. Amendment #6 which was adopted also, began as House Bill 2273, sponsored by Representative Mautino. It provides that persons convicted of a felony, may be admitted by school districts or by other entities to alternative education programs that are operated by the district or the entity. Representative Mautino asked for that in particular and it was important to him. So, we have put it in this Bill, because it got lost over in the Senate. And finally Amendment #7, is a Bill, which is...a suggestion from Representative Lou Lang. It allows three families in Skokie to send their children to district schools in Skokie. The schools where they were told they could go when they purchased their homes and moved in, the district has now said they have to go elsewhere. This would permit them to go to the schools where they now go and where they are doing very well. That's all this Bill does and I would be glad to answer any questions."

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

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

Speaker McAuliffe: "She indicates she will."

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Dart: "Representative, as to...I was going to try to proceed...like you did along with the Amendments. Is the underlined Bill still on?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker McAuliffe: "Representative Dart."

Dart: "In regards to the first amendment that was put on, I believe you said was House Bill 668, that dealt with bilingual education, in an expansion of that. Can you explain to me, what the expansion is here in particular?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I would respectfully request that Representative Santiago be called upon to respond to that question, because this was the Bill, originally."

Speaker McAuliffe: "I don't think Representative San...Is he here? Representative Lopez, indicates he can answer the question."

Lopez: "Thank you, Mr. Speaker. Representative Dart, what this Bill does is require teachers that are teaching bilingual to be certified, the early childhood. Currently their not certified, also it will grandfather teachers already in there to satisfy the Governor's staff on that Bill. This is a Bill that has passed for the last three to four years and has been held up in the Senate. So, we are attempting one more time."

Speaker McAuliffe: "Representative Cowlshaw. Well, Representative Dart does that answer your questions? Representative Dart."

Dart: "Just one more quick follow-up on there. Is there going to be some type of...I heard something about possibly expanding to children who live in the homes...would there be expansion on the number of children, that would be able

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to obtain this type of service under this?"

Speaker McAuliffe: "Representative Lopez."

Lopez: "Representative Dart, all this does is certify. It makes sure the teachers are certified to provide adequate teaching to bilingual kids in the preschool."

Speaker McAuliffe: "Representative Dart, do you have further questions?"

Dart: "Just if...Representative Lopez, could just acknowledge this. This is also expanding it to preschool children in the Chicago areas as well, is that correct?"

Speaker McAuliffe: "Representative Lopez."

Lopez: "Yes, only in Chicago."

Speaker McAuliffe: "Any further questions, Representative Dart?"

Dart: "Yes, just a couple of quick ones on the different portions of the Bill. Representative, in regards to, I believe it was Amendment #5, it dealt with the independent living council, will there be any cost involved as far as, in regards to, they're going to be reimbursed for the reasonable and necessary expenses, which they should be reimbursed for? Is that cost going to be a minimal cost though, to the state?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Representative, I don't believe there is any...I don't believe that the...the state wide independent living council, which asked for these changes, including the fact if you look just before that, it permits any person on the council to be appointed to the rehab council. They don't have to use their chairperson for that. They found the chairperson is really pretty busy and it's sometimes better if just a regular member can serve. And also they believe that even if we change this language to 'reasonable and necessary' rather than 'actual' that in fact, there will be

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no monetary difference."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you, and I just had a couple quick questions on Amendment #6, which was, I believe you said it was 2270, was Representative Mautino's Bill. This is in regards to felons...convicted felons, who have completed their sentence or are on parole, being allowed to before...an alternative education program. Are there such programs in existence now, for these individuals? And if so, are those going to sufficient for these individuals?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I would respectfully yield to Representative Mautino, because this is his legislation."

Speaker McAuliffe: "Is Representative Mautino here? Representative Mautino could you answer that question?"

Mautino: "Sure, okay. Representative, the provisions in this Amendment are identical to a Bill which passed out of here. What it deals with is basically, how we deal with adjudicated felons inside the school system. It arises out of a case where an 11 year old and a seven year old were raped...excuse me, committed rape on a five year old. After they were adjudicated, the school board had no choice, but to put them back into the same classroom. So, what this will allow the school board to do is decide how to educate these children. They will have the option after this Bill to either send them to an alternative school at their own choice and by doing this, protect the safety of the other children in the classroom and in the school."

Speaker McAuliffe: "Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. Representative Lopez, is exactly correct when he indicates that the bilingual portion of this Bill has been passed on several occasions."

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And I would like to...remind some of the members on our side. Last year, this provision was in a conference committee report which ran into trouble in and there was an agreement at that time that we would...because they were kind enough, because there was such friction with some of these Senators, they were kind enough to withdraw it. Many of us made a strong commitment this year to help pass that legislation and I would like to encourage members on side to vote for this, because in my opinion, I made a deal and I hope that others of you will support this for either those reasons or because of the merits of the Bill, which are very, very sound. Thank you."

Speaker McAuliffe: "The Lady from Cook, Representative Davis, M."

Davis, M.: "Representative, can you give me information on the three students that Representative Lang is attempting to help? It's Amendment #6."

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I would respectfully prefer this question to Representative Lang. He is the one who asked for this language."

Speaker McAuliffe: "Representative Lang, would you care to address this question, Representative Davis, M. has some questions for you?"

Lang: "Thank you, I appreciate the opportunity to respond to this. I have a certain situation in my district, where certain families live on the border between one school district and another. And in the cases of these families, they have a very unique situation. They didn't just make a mistake, these families actually, purposely bought a house, thinking it was in one school district and went to the school board of that school district and said 'this is where I want to move. 'Is the house in your district?' And

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all three cases the school board said 'yes'. This house is in our district and accordingly, these people spent, whatever they spent for these houses, \$150,000, \$200,000. In one case, the children had been going to this school district three years and now they have discovered this problem and they wanted them not only...they wanted them to leave or to pay nonresident tuition and pay back nonresident tuition and my response to that was, well, folks you made the mistake. School district, you made the mistake. You told these people to buy that house, it's in our district. Given that situation, it seems to me that the school district that made the mistake, ought to pay the price. And that small price is, that they should have those kids in that district, without the dollars that go with it, because, after all the school district that was getting the money shouldn't be penalized because of the negligence of the first school district. And so, it is a little confusing. But the bottom line is, because the parents...believe the school district and then bought a house in this school district, thinking it was in the school district. The kids shouldn't be punished, the parents shouldn't be punished, and the school district that the houses are actually in shouldn't be punished either. So, that school district should keep the money and the district that has the kids going there ought to keep the kids. Both school districts will be satisfied if you pass this Bill. The both have a different view of where the money should go, but the only fair place for the money to go is to it's rightful owner, which is the school district where the houses actually reside. So, it is a little confusing, but you have an opportunity here to do the right thing and I would ask you to do it."

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Speaker McAuliffe: "The lady from Cook, Representative Davis."

Davis, M.: "Thank you very much, Representative Lang. Representative Cowlshaw, I believe the section on behavioral intervention is that still in here or is that out?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "I'm sorry, Mr. Speaker, I couldn't hear the question."

Speaker McAuliffe: "Representative Davis, Representative Cowlshaw could not hear your question. Would you repeat it."

Davis, M.: "I was asking for confirmation that the Amendment that had dealt with behavioral intervention had not been...it's not in this Bill. Had that been taken out?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "That is not in this Bill."

Speaker McAuliffe: "Representative Davis, M."

Davis, M.: "Thank you, Mr. Speaker. I believe that with most the Amendments that have been accepted and put in this Bill, it makes the Bill palatable. Of the objections that we had to several of the Amendments have be removed. And we believe that even though are fund education first Amendment was not accepted and even though our pension for down state teachers Amendment was not accepted, we do believe the Bill still is of merit and we urge those of you who are voting to vote in support of this legislation. It has taken big, hard fight, I think for Representative Santiago to finally to get this drafted so that is acceptable and we certainly urge an 'aye' vote on this legislation. Thank you, Mr. Speaker."

Speaker McAuliffe: "Representative Cowlshaw, to close."

Cowlshaw: "There are four sections to this Bill, Mr. Speaker."

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Three of them came from Democrats and only one came from Republicans. I think it would be awfully nice if we all voted for this only palatable Bill."

Speaker McAuliffe: "Question is, 'Shall Senate Bill 130 pass?'

All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'aye' and 0 voting 'nay' and 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 134."

Clerk Rossi: "Senate Bill 134. A Bill for an Act amending the property tax code. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 134 amends the property tax code. It allows real property that was tax exempt for any portion of the immediately preceding taxable year that has since become taxable property to be considered new property on the tax rolls. I will be happy to answer any questions."

Speaker McAuliffe: "The lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. The proposal here can well be described as a loophole in the property tax cap law, that was adopted this year with respect to Cook county and a few years ago with respect to collar counties. I would advise the Members to watch their votes and watch them carefully, because the point of this measure is to give the opportunity to local taxing districts, to schools, libraries, parks and et cetera. The chance to raise taxes higher than they could if the cap were left in tact. Each and every one of you knows how you

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voted on the issue of property tax caps. I, myself, am opposed to the idea that state government tells local government what they may and may not do with respect to local resources. Each and everyone of you knows you voted and if you meant it when you told voters back home that you meant it, you were protecting their...their opportunity to see a limit, to see a lid on tax Bills they pay. If you really meant it, than you probably should not be supporting Senate Bill 134."

Speaker McAuliffe: "Representative Lyons to close."

Lyons: "Thank you, Mr. Speaker. I would encourage my colleagues to vote for this legislation, Thank you."

Speaker McAuliffe: "The Lady has moved for passage of Senate Bill 134. All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. Representative Granberg has requested a verification. Mr. Clerk, please read the affirmative."

Clerk Rossi: "The Poll of those voting in the affirmative, Representatives: 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. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zickus. Mr. Speaker.

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Speaker McAuliffe: "Representative Granberg, questions of the Affirmative Roll Call?"

Granberg: "Thank you, Mr. Speaker. On the exceptions to property tax caps, is Representative Klingler here? She is in her chair."

Granberg: "Sorry. I'm sorry I couldn't see, she had her back to me. Representative Skinner."

Speaker McAuliffe: "Representative Skinner in the Chambers? He is in the back, over by the window."

Granberg: "Representative Skinner is...ok. Representative Kubik."

Speaker McAuliffe: "Representative Kubik in the Chamber? Representative Kubik, right here. Down in the front."

Granberg: "Is Representative Noland here?"

Speaker McAuliffe: "Sorry, I didn't hear the name."

Granberg: "Representative Noland, Mr. Speaker."

Speaker McAuliffe: "Representative Noland, he is in the back."

Granberg: "Representative Leitch."

Speaker McAuliffe: "Representative Leitch. Is Representative Leitch in the chambers? Representative Leitch, Representative Leitch in the chambers?"

Granberg: "He is here, he is here."

Speaker McAuliffe: "Please remove Representative Leitch from the Roll Call."

Granberg: "We need one more vote. Nothing further."

Speaker McAuliffe: "Representative Leitch in the back here. He just returned. Please restore him to the Roll Call. No further questions. On this question there are 61 voting 'aye' and 51 voting 'nay' and none voting 'present'. And this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 169."

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Clerk Rossi: "Senate Bill 169. A Bill for an Act concerning counties. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Winters."

Winters: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 169, creates a special county retailers occupation tax for public safety. It would allow by referendum an additional sales tax in .25% increments. Must be approved by referendum, does not apply to food and drugs. It completely complies with present state sales tax. I would appreciate a positive vote."

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

Hoffman: "Yes. Will the sponsor yield? Will the sponsor yield?"

Speaker McAuliffe: "He indicates he will. Representative Winters."

Hoffman: "Yes, Representative, is this limited to certain counties?"

Speaker McAuliffe: "Representative Winters."

Winters: "Yes, this is limited to counties above 180,000 in population. Those counties include: Cook, Dupage, Kane, Lake, Madison, McHenry, Peoria, St. Clair, Will, Winnebago."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Just so everybody knows, on the both sides of the aisle, what we are talking about here is a quarter cents sales tax increase for public safety that can be voted on, in each of those counties, you just mentioned. Is that right?"

Speaker McAuliffe: "Representative Winters."

Winters: "That is correct. In quarter percent increments. If the county board desired and was able to pass a referendum, they could have a half percent tax."

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Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, what would have to happen in order for this to be implemented is number one, the county board would have to pass it. Is that correct and put it on the ballot?"

Speaker McAuliffe: "Representative Winters."

Winters: "That is correct. It would be initiated at county board action."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "And then number two, the people of that county would have to vote in favor of it for the tax to put on them. Is that right?"

Speaker McAuliffe: "Representative Winters."

Winters: "That is also correct."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, it would be totally up to the individual taxpayers as to whether they would like to have this quarter cents sales tax increase in their county. They can vote on it. They get to decide and they get to make the decision as to whether they would like to do this and have it go to public safety purposes."

Speaker McAuliffe: "Representative Winters."

Winters: "That is an excellent summary."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Who decides how this money is going to be spent?"

Speaker McAuliffe: "Representative Winters."

Winters: "That would be determined by the county board as the money would flow into the county funds for public safety. They can not divert it to additional uses, but only for construction of a jail, for hiring sheriffs police, that type of public safety work."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Is there a definition contained in the Bill, as to what

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public safety is? I mean we don't mean that you could use this for animal control. We mean that you're going to use it either put bad guys in jail, to prosecute them, to investigate them, to ensure that the jails are not overcrowded, to add additional jails, or whatever the county board decides. The question is, is there anything in this Bill, that limits or defines what public safety means?"

Speaker McAuliffe: "Representative Winters."

Winters: "The intent of the legislation is that this be used that proceeds would be dedicated to crime prevention, detention and other public safety purposes."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, is there a definition or just for legislative intent, what do you mean by other public safety? I mean, the question is, some people would think that a pothole in the road is not safe. You don't intend this to be used to fix roads and bridges or anything like that. Is that right?"

Speaker McAuliffe: "Representative Winters."

Winters: "For legislative intent, we are talking about criminal behavior. Anything that can reduce criminal behavior is the definition that I would like to use for public safety."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "With regard to Amendment #1, that was adopted to the Bill, could you explain what exactly that does? It makes a technical change, but I believe it also exempts certain things from this sales tax. Is that right?"

Speaker McAuliffe: "Representative Winters."

Winters: "Yes, Amendment #1 does two things: Number one is the...it allows one quarter percent increments to keep it in line with the present state sales tax. So, they asked,

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Department of Revenue asked that we only use quarter percent increments. It is not limited to one quarter percent, and so it could be in half or three quarter percent, depending on what the referendum reads. The second provision adds language that prohibits the sales of Service Occupation Tax from being imposed on food, drugs, prescription medicine, medical appliances. This was missing the original bill. This brings it directly into line to the current service occupation tax. So, there is no question that this quarter percent might be on some things and not others. It is exactly like the present sales tax."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, this vote today does nothing to increase the sales tax on food and drugs or any of the exemptions that are currently in place under current law. Is that correct?"

Speaker McAuliffe: "Representative Winters."

Winters: "Not only does it not increase the sales tax on those specific items, but it does not increase anything. It simply allows the county board to take it to a referendum or the citizens of a particular county could say yes, we this was to fund our public safety rather than additional property taxes."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "To the Bill, Mr. Speaker. Just so everybody knows on this side of the aisle, this... This Bill is for public service...public safety, can be used for public safety, with regards to criminal behavior. You may want to look at it and you may want to make your own decision as to whether you want to vote for it, because it could conceivably result in certain counties in the state, including Madison and St. Clair County, a sales tax increase. The thing is,

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is the reason that I am a sponsor of the Bill, because it would allow the individuals in those counties to vote and make a determination on their own whether they want to have this quarter cent sales tax, depending on if the need expansion of the jails, depending on whether they would like to hire more police, whether they would like to hire more guards for the jails, whether they would like to ensure that their are adequate persecutors and your own county board can make that decision. But, in addition to that, our own people can make the decision as to whether they would want to put this money into public safety. Some people might argue that if the state were doing its job, if we would pass the cops' proposal, that we would have sufficient number of police on the street. I agree with that, I agree with that. If we were to call the proposals that we have put forward regarding putting reasonable police on the street, the reasonable number of police on the street, to ensure prevention, we wouldn't need this. The bottom line is, we can't get the other side of the aisle to call that Bill. It is sitting in Rules, So, our only alternative is to allow people in my district to make their own decision regarding public safety. I urge a 'aye' vote."

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

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

Speaker McAuliffe: "He indicates he will."

Black: "Representative, is the proceeds of this tax can only be used for what? The construction of a...correctional facility or could it be used to hire personnel?"

Speaker McAuliffe: "Representative Winters."

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Winters: "It may be used for any public safety purpose. It could be construction of a jail, it could be hiring of additional patrol officers and the sheriffs police. It could be used for a juvenile detention center, anything that is working to prevent additional criminal behavior."

Speaker McAuliffe: "Representative Black."

Black: "Let me ask you this. Could it be used to hire guard dogs? Big vicious guard dogs?"

Speaker McAuliffe: "Representative Winters."

Winters: "If the county board would so desire, I believe it could be used for that purpose."

Speaker McAuliffe: "Representative Black."

Black: "Thank you very much, Mr. Speaker. To the Bill. Now, it is clear to me why we passed that guard dog Bill just the other day. Now, here comes a trailer Bill, where they are going to get the money, so they can buy these guard dogs and put them out on the street. I don't know if the previous Gentleman thinks that is a good idea. You are going to have these guard dogs running all over in these affected counties. Now, my county, the good people that live there, they have a enough good common sense, we don't want in on this. We don't want these guard dogs running all over our county, biting people. I don't know what all carrying on. I'm sure one of these guard dogs is going to worry ratite and then there is going to be something to pay for that, I will tell you. I see this Bill just generating how many thousands of cages and jails and correctional centers to lock up these guard dogs. Unless you put a guard dog in a hockey rink and then I think he ain't liable. I can't remember I think he ain't liable, just a while ago. It gets so confusing around here on a Saturday. Mr. Speaker, I am not sure what the Bill does, but it has a

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fine Sponsor. But I may, Mr. Speaker, I may reserve the right to seek a verification on this Bill, should this Bill get enough votes to do whatever it is suppose to do. And so I thank you for that."

Speaker McAuliffe: "The Gentleman from Winnebago, Representative Scott."

Scott: "I'm not sure how...thank you, Mr. Speaker. I'm not sure how to follow that, so I'm not even going to try. I rise in strong support of the Bill. I come from a county where we have a jail population right now that is more than doubled on a daily basis, more than double what the jail was built for. We have seen a rapid increase in the amount of drug and gang violence in our community that has been responded to with a greater police presence that resulted in more arrests, which resulted in a jail that is overcrowding. The county where I come from tried to have a property tax referendum a few years ago and that failed miserably. Unfortunately, I think in large respect due to the fact there was a property tax and this Bill does a lot to go around that by offering a sales tax instead instead of the property tax, which most of us can agree is a fairly regressive tax. I also think it is important that to point out that a couple of the questions that Representative Hoffman asked is going to be imperative on the county board to be able to sell this referendum. I think they are going to have be specific with what this money is going to be spent for or the referendum is not going to pass. And so perhaps the guard dogs and ratites and hockey rinks in Zambonia that would be included in the sales tax referendum, would make it such that it wouldn't be able to pass. I think the county boards are going to have to be very specific in how they sell this. That is why the idea

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of a front door referendum is good. I think that the Sponsor has taken care of that and also exempted out things that need to be exempted out, so, we don't negatively impact on those in our society that can at least afford to pay for this. I think it is a good Bill and I appreciate the Sponsor bringing it forward. And I stand in strong support and urge my colleagues to vote 'aye'."

Speaker McAuliffe: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Would the Sponsor yield to a question or two?"

Speaker McAuliffe: "He indicates he will."

Skinner: "Representative, you weren't here when the local option gas tax was passed for Dupage and Kane and McHenry County. Are you aware of how it was initiated?"

Speaker McAuliffe: "Representative Winters."

Winters: "No, I'm not, but I'm sure you will enlighten me."

Speaker McAuliffe: "Representative Skinner."

Skinner: "Well, the power was given to the county board, but no front door...no front door referendum was required. And I think it is extremely important to emphasize the difference between that locally imposed tax authorization from the General Assembly in this one. Your proposal is completely in conformity with the spirit of the tax cap in the collar counties and Cook County. That is, taxes will not be raised before voters affirmatively say in a referendum, we want our taxes raised, and I commend you for that."

Speaker McAuliffe: "The Gentleman from Boone, Representative Wait."

Wait: "Thank you...Thank you, Mr. Speaker. I want to stand in strong support for this Bill. As we know, that people want more law enforcement, especially in our area, like your area. But, as was said before, they tried the property tax

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referendum and we know people are tired of putting additional burden on the property tax. Now we have a way by front door referendum to let the people find an alternative sources and I strong...I stand in strong support. This will allow the local people and the local county board to make this local decision. Thank you."

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

Granberg: "Thank you, Mr. Speaker. One quick question. I thought I heard Representative Skinner indicate that this is a front door referendum and I would like to ask the Sponsor if that is in fact the case?"

Speaker McAuliffe: "Representative Winters."

Winters: "Yes, Representative Granberg, it is by a front door referendum. The voters would have to approve the tax before it would take effect."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, Representative, and thank you, Mr. Speaker. To the Bill. I certainly rise in support of the Bill. I believe any time we can give the local people control over their own taxes, that is a good policy. It is unfortunate that we have come to rely on that policy in this state, because the state is not meeting it's financial obligations, not giving the locals wherewithal. But, to force a reliance on local property tax increases, local revenue raising is not the most appropriate situation, but in this case when the state breaches its contract with its people, it is the only recourse. So, I urge a 'aye' vote."

Speaker McAuliffe: "Representative Winters to close."

Winters: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 169 is a very positive way for local communities to take control over their own criminal justice

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and public safety funding. It is by front door referendum that several of the members have mentioned. I would urge a positive vote."

Speaker McAuliffe: "The question is, 'Shall Senate Bill 169 pass?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 104 voting 'aye'...104 voting 'aye' and 8 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lang."

Lang: "Thank you, thank you very much. I stand with my friend and colleague, Bill Black. And if he wants...Excuse me. It's my turn. If my friend and colleague Bill Black demanded a verification and I think I can speak for all of us on this side, when we say we heard him. We heard him, Mr. Speaker. If Mr. Black wants a verification, I think you should put that vote up on the board and let them have at it, Sir."

Speaker McAuliffe: "Mr. Clerk, please read Senate Bill 231."

Clerk Rossi: "Senate Bill 231. A Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Hassert, Representative Hassert."

Hassert: "Thank you, Mr. Speaker. On Senate Bill 231..."

Speaker McAuliffe: "Representative Hassert, Representative Hassert."

Hassert: "Thank you, Mr. Speaker. We will try this again."

Speaker McAuliffe: "Mr. Black, has requested a conference for all of his supporters in the phone booth on the first floor."

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Representative Hassert."

Hassert: "One more time. Senate Bill 231 is a...five different Bills that came out of the Environmental Committee with no opposition. The first Bill amends and clarifies that a residential set back provision and the environmental protection Act does not apply to waste transportation. All or part of which is existed on January 1, 1988 and which as January 1, 1990, process and transfer municipal wastes. This is basically for the Crestwood facility. The second part of this Bill amends the Geographical Information Council Act, increases the membership to a 28 voting members from the current 12. The third part of the Bill amends the Northshore Sanitary District Act and Sanitary District Act of 1917 to prohibit employment as a sewage works operator of a individual with a spend or revoked certification of technical competency. The next part of the Bill allows the Department of Public Health to license companies involved in asbestos removal on private properties, and the last part of the Bill amends the Radiation Protection Act, to authorize the Department of Nuclear Safety and in response to the immediate threat to health, to take possession of radiation sources, enter abatement orders, directing certain responses, direct the Attorney General to enjoin in certain persons requested assistance in state and federal units of the Government and assume reasonable and agreed to assistance costs of other units of government. I would be happy to try to answer any questions."

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

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

Speaker McAuliffe: "He indicates he will."

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Novak: "Representative Hassert, could you explain the...I know there is a number of Bills that were consolidated into this one Senate Bill. The Northshore Sanitary District, I know the local...I believe the local labor union had some concern about some of the language in the Bill. And I believe they spoke to the individuals that were representing the Northshore Sanitary District, had something to do with about terminating an employee who had his sewer license revoked. Can you explain that please?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Representative Novak, my understanding that this affects the upcoming policies. This does have nothing to do with past experiences with this. It just sets policy for the future."

Speaker McAuliffe: "Representative Novak."

Novak: "Okay, so as I understand it, it doesn't have anything to do with any punitive actions towards a current employee, an employee of the Northshore Sanitary District?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Not to my knowledge. No."

Speaker McAuliffe: "Representative Novak."

Novak: "Yes, getting to the provisions about toxic...toxic packaging reduction provisions. What kind of spirits does that apply to?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Representative Novak, that's no longer in this Bill."

Speaker McAuliffe: "Representative Novak."

Novak: "I thought this was the Absolute Vodka Toxic Reduction Bill. This isn't?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "That was removed. This Bill was gutted and this Amendment was put on. That was in another Bill that we

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talked about, you and I debated last week."

Speaker McAuliffe: "Representative Novak."

Novak: "You mean to tell me that now we are leaving toxic containments in Absolute Vodka and other distilled spirits.

We are not protecting Absolute Vodka anymore?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "I guess that depends on how much you drink of that. But we are not leaving the toxics in there and it is not in this Bill. That was in another Bill."

Speaker McAuliffe: "Representative Novak."

Novak: "Well, can...so can I say that the other Bill is gone to the Governor? It went to the Senate, or where is that other Bill, Sir?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "It has passed out of this House and it is over in the Senate for concurrence."

Speaker McAuliffe: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Hassert, the asbestos removal provisions in this Bill, could you explain to the Body exactly what that does? I know you mentioned briefly in your opening statements. Could you elaborate a little bit better please?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Representative, this is dealing with right now, we license any company that removes asbestos or inspects asbestos with the Department of Public Health. That deals with public buildings. We are just expanding the same licensing part to companies where removing asbestos or dealing with asbestos removal or inspections in private companies to insure that this health hazard or health risk when they are doing that we have competent contractors that are licensed to this type of removal."

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Speaker McAuliffe: "Representative Novak."

Novak: "Does this Bill have anything to do with an authority that we established years ago, called the 'Asbestos Abatement Authority'? I believe it was within the Attorney General's Office. Does this have impact on that? Does that Authority still exist?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "My understanding, no it does not."

Speaker McAuliffe: "Representative Novak."

Novak: "Are there any fees or taxes or anything type of assessments dealing with this 'Asbestos Abatement' and the provisions of this Bill, that we assess on businesses?"

Speaker McAuliffe: "There is a possibility that there will be some training and licensing type fees that will be probably minimal to administrate this licensing provision. That will be taken care of through the rule making process."

Speaker McAuliffe: "Representative Novak."

Novak: "...Excuse me, you indicated to the rule making process. So, I assume the joint committee on Administrative Rules will be following up on these provisions, as far as promulgating rules are concerned."

Speaker McAuliffe: "Representative Hassert."

Hassert: "Yeah, I would assume that is correct, yes."

Speaker McAuliffe: "Representative Novak."

Novak: "Well, Representative is it not a fact that there is leaf burning provisions in this Bill? Didn't you fail to mention that there is mandatory leaf burning provisions in this Bill? Am I not correct?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Unless Representative Moore was quicker than I thought in committee, no, there is not."

Speaker McAuliffe: "Representative Novak."

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Novak: "So, we can state for the record, there is no ban on burning leaves either in Lake County, or Sangamon County, or Washington County, or even your back yard, Representative, that ban leaves in the State of Illinois from being burned, you can say that for the record, and for legislative intent? That is not in your Bill?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "I can clearly say that. Representative Moore, did her...give her your respects. She tried very hard, but she did not accomplish that in this Bill."

Speaker McAuliffe: "Representative Novak."

Novak: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Hassert, I'm very, very glad there is been a tremendous burden lifted off a lot of our shoulders concerning this last question. I certainly rise in strong support of this Bill. I'm one of the chief hyphenated Sponsors. Representative Hassert, you have done a fine job and I don't have any more questions. I would ask my colleagues to support this measure."

Speaker McAuliffe: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and members of the House. Will the sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Persico: "Representative, is there any provisions in this Senate Bill 231, that has not appeared before the House before and in the form of a House Bill?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "No, Representative."

Speaker McAuliffe: "Representative Persico."

Persico: "Many of... It's my understanding that many of the provisions in Senate Bill 231 were previously incorporated

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in House Bill 1089. Is that correct, Representative?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Yes, Representative, 1089 was inclusive of all these provisions, which passed out of this House unanimously."

Speaker McAuliffe: "Representative Persico."

Persico: "Representative, are there any provisions in Senate Bill 231, where there is any opposition to any aspects of this Bill?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Not to my knowledge, Representative."

Speaker McAuliffe: "Representative Persico."

Persico: "Excuse me, one last question, Representative. The exemption you're talking about in one of the provisions of this Bill, does that deal just specifically with the Crestwood Exemption?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "That is correct, Representative. Just with the Crestwood Facility."

Speaker McAuliffe: "Representative Persico."

Persico: "Thank you, Mr. Speaker. To the Bill, Senate Bill 231 is a good Bill. Representative Hassert has worked very hard on putting back many of the provisions that we passed out of here earlier in the session on House Bill 1089, which as has run into a snag in the Senate. So, I would ask your favorable support to Senate Bill 231."

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

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

Speaker McAuliffe: "He indicates he will."

Granberg: "Representative Hassert, is there any provision in your Bill concerning leaf burning in Kankakee County?"

Speaker McAuliffe: "Representative Hassert."

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Hassert: "No, there is not."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I want to make sure for the other Sponsor, because he might not have asked about himself, that is the kind of person he is. And I know he is worried about other Members and their districts. So, for the record, there is nothing in this Bill that would impact part of Iroquois County or Will County, or Kankakee County, in respect of leaf burning?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "That is correct, Representative Granberg."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, Representative. On the underlying Bill there was discussion and I thought I remembered coming before us in the House in regard to distilled spirits. What was the rationale for that Bill initially?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "The rationale under the underlying Bill...I don't remember the underlying Bill, but the rationale was to take some toxic packaging material that was from distilled liquors, wines and whatnot and grandfather in wines that were made prior to 1994."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And why would we do that, Representative?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "It was just an oversight when the Act was first drafted and these are, you know, distilled liquors and wine have a shelf life and these were prior to the Act."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Is that why Representative Novak was so interested in this Bill, when it came before the House previously?"

Speaker McAuliffe: "Representative Hassert."

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Hassert: "He seems to understand a lot about vodka."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I understand that, Representative. Now with respect to Amendment #1, our file indicates that this increases the members on various boards or one council. Could you please explain what the reason for that is, Sir?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "It's to increase the board capabilities to allow more grass root involvement in the process."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And that would just be one board, Representative. Is that correct?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "That's correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And our file indicates that is the geographic information council and that would increase the number of the members on that board to 18. But our file also indicates the Governor may appoint ten more members. That doesn't seem to make sense with the previous provision. I believe now they have 12 and this would increase it to 18. Would the Governor then be able to appoint those additional members?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Representative, they're 28...moved from 28 from the current 12. Yes, the Governor will be able to appoint the additional members."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So there would be 16 additional members. Who appoints the members now, Representative?"

Speaker McAuliffe: "Representative Hassert."

Hassert: "Representative, I'm not sure who appoints the members

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now."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I just...if your, your expert staff is giving you that information I'll just wait, if they don't know that's fine. Go ahead if you know."

Speaker McAuliffe: "Representative Hassert."

Hassert: "Representative, we could find out, I don't know."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, Representative. I was just curious, it seems indicative of this Session, and we had two Bills before us yesterday where we've given the Governor more appointive powers. And it seems to be one of the more...more greater themes of this Spring Session where the Governor has increased his appointive powers to univeristies, various boards were becoming...he's becoming a second...the second coming of Huey Long. But, I appreciate that information. Thank you."

Speaker McAuliffe: "Representative Hassert to close."

Hassert: "Thank you, Mr. Speaker. I just ask for a favorable vote."

Speaker McAuliffe: "Representative Hassert has moved for the favorable consideration of Senate Bill 231. All those in favor signify by voting 'aye'; opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question, there are 111 voting 'aye', none voting 'no', none voting 'present'. And this Bill, having received the Consitutional Majority, is hereby declared passed."

Speaker McAuliffe: "Mr. Clerk, please read Senate Bill 265."

Clerk Rossi: "Senate Bill 265, a Bill for an Act amending the Public Building Commission Act. Third Reading of this

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Senate Bill."

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 265 was introduced in the Senate by Senator Garcia and I am presenting it here in his behalf. This legislation is very important to Senator Garcia, he I know, would greatly appreciate your support. This Bill has only to do with the Chicago Public Building Commission. The original language of the Bill, it appears that there was some concern on the part of Mayor Daley's Office, that there were too many entities to which reports were being asked to be given. And so, we worked with his office and we had an Amendment accepted in committee which satisfies the concerns of the Mayor of Chicago who is now neutral on this Bill. What this Bill does as amended, is that it requires the Chicago Public Building Commission to report on October 1, 1996 and every October 1, thereafter to the Chicago Board of Education on pending contracts for the construction, renovation, or rehabilitation of school buildings or school facilities that the Public Building Commission has awarded at the boards request. That's all the Bill does. Hopefully, it would enable the Board of Education to more closely coordinate its efforts with those of the Public Building Commission and in behalf of Senator Garcia, I would ask your support for this Bill and would gladly try to answer any questions."

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

Dart: "Will the Sponsor yield, please?"

Speaker McAuliffe: "He indicates he will."

Dart: "Representative, were you made aware of by Senator Garcia of any of the particular problems that necessitated this

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Bill?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Representative, he didn't give me any specific examples of...problems or whatever. I think that as much as anything else, this is a matter of simply securing information so that the Public Building Commission and the Board of Education can be more cooperatively working with one another on basis of shared information."

Speaker McAuliffe: "Representative Dart."

Dart: "Are you aware if the Public Building Commission and the Chicago Board of Ed, are they both in agreement of this Bill?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Representative, I cannot speak for either the Public Building Commission or the Chicago Board of Education because neither of them filled out a witness slip when this Bill was heard in committee. The only thing that...the people that I heard from were Senator Garcia and the Mayor's Office."

Speaker McAuliffe: "Representative Dart."

Dart: "And just to clarify then, that since the Amendment was put on the Mayor's Office in particular, is neutral on this and don't care one way or the other?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker McAuliffe: "Representative Dart."

Dart: "Are there similar provisions such as this, I know that the setup is unique in Chicago in certain regards, but in school districts outside of Chicago in the area of building construction, do they have systems setup so that their communication levels are adequate in districts outside of Chicago?"

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Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, that practice varies greatly throughout this state. For example, in the county that I live, to the best of my knowledge at least, there are no Public Building Commissions. In the County of Kane, there is a Public Building Commission. The scope of which kinds of buildings that fall under what kinds of local government a Public Building Commission may serve, also varies greatly throughout the state. This Bill, however, applies only to Chicago, where the Public Building Commission has the responsibility for approximately, and this is a very general figure, Representative Dart. But the Public Building Commission in Chicago has a responsibility for approximately 50% of all of the school buildings, public school buildings in Chicago."

Speaker McAuliffe: "Representative Dart."

Dart: "And just to follow up on that last piece of information. Do you have an estimate on how many projects that would be...come under this report? You're saying that 50% of the projects are done by them, but as far as the number, figure how many would be contained in the report such as this."

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "No, Representative Dart, you didn't understand what I said. I didn't say, projects. I said 50% of the public school buildings in Chicago are within the jurisdiction of Public Building Commission rather than the Chicago Board of Education and the other 50% are under the jurisdiction of the Board of Education. I have no idea the...the number of contracts or projects involved in either the former or the latter."

Speaker McAuliffe: "Representative Dart."

Dart: "Then Representative, the thrust of my question is, is if

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we're going to be requiring a report, I was interested in how much the cost of the report was going to be, if we had an estimate on that and I figured the best way to get to at that would be to see how many projects that we're talking about that they are going to have to keep track of, and if you an idea on that or a ballpark figure I would appreciate it."

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "The only thing...pardon me, I'm sorry. The only thing that we know for sure is, that this has no fiscal impact on the state. That is a certainty. However, since no one appeared in the committee when this was heard, either in the Senate or over here in the House, to say that they objected to this or it was going to cost too much or whatever, and since it is simply, I think a very reasonable kind of thing to expect that this kind of report be shared with the Board of Education which is responsible for teaching the children in those schools. I simply...I...I don't think that that cost factor at this point is particularly relevant."

Speaker McAuliffe: "Representative Dart."

Dart: "Representative, my only concern was whether or not that in annual reports or the such, that the Public Building Commission was already detailing their projects that are underway in where they stood or not and there was not being anything that was being duplicated here and that they could, in fact, this was not going to be a great expense."

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, I don't think that Senator Santiago would have introduced this Bill if he believed that whatever reporting procedures are now in place are adequate. Apparently, I'm sorry. Senator Garcia, did not

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believe that whatever reporting is done now was adequate. Clearly that would have been the basis for him to have introduced this Bill."

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

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

Speaker McAuliffe: "She indicates she will."

Davis, M.: "Representative, I understand that there's an Amendment on the changes, the report dates. Is Senator Garcia in support of the change of those report dates?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "I have not spoken directly to the Senator about that. I do know, however, that it is highly likely that an Amendment that was suggested by the Office of the Mayor of Chicago and which did very little other than simply to change the dates on which these reports must be submitted and the numbers of entities to which they must be sent would be objected to by the Senate Sponsor."

Speaker McAuliffe: "Representative Davis."

Davis, M.: "Well, I believe that the original report dates were in December of 1995 and May and December of each subsequent year. Can you tell us, Representative of what Amendment 4, what kind or what date does it require reporting?"

Speaker McAuliffe: "Representative Cowlshaw."

Cowlshaw: "As I said, previously, the Amendment states that the Public Building Commission is to report on October 1, 1996 and every October 1, thereafter."

Speaker McAuliffe: "Representative Davis."

Davis, M.: "In other words, we're not going to get a report as Senator really desired, once per year and a report will not come to the General Assembly as the Senator desired. But the report will go directly to the Chicago Board of Education. Now, I'm not certain if that changes totally

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the content or the intent of the Senators. I guess we'll have to leave that up to each individual, however, the Senators' objective was to have a report twice per year with one of those reports coming to the General Assembly. Amendment #4, obviously has changed that until the first report will not be due for another year and then only the Chicago Board will get a copy of that report. I believe that we're going to have to truly make a consideration in reference to this drastic change because it does change the effect of the Bill. I'm not sure that the Senator would be at all pleased with this change because it is information that he was seeking. Information that he was seeking on very timely basis. I'm not sure what Amendment 4, chose to do except to delay the intent of the legislation. It certainly does water down what the Senator had intended. I'm also a bit concerned that several Amendments to this legislation, I think Amendment #2 and Amendment #1, Amendment #2 was the Fund Education First and that Amendment did get 8 votes in committee and I'm sorry that Amendment was not accepted. Was that Amendment 3? Amendment #2 and Amendment #3, was the health insurance and that also did not get the required number of votes. I think it also received 8 votes. Well, we're just not sure, Mr. Speaker, that we can support this legislation. However, if someone else is going to discuss or perhaps give information on this, maybe we can make a different determination. Well, I guess we can support it since it doesn't do very much, however the intent is certainly not what the Senator had intended. Thank you, Mr. Speaker."

Speaker McAuliffe: "The Lady from DuPage, Representative Cowlshaw to close."

Cowlshaw: "The changes that were made to this Bill were very

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minor. They were requested by the Mayor of Chicago. I urge a 'yes' vote."

Speaker McAuliffe: "Representative Cowlshaw, has moved for the passage of Senate Bill 265. On that question, all those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question, there are 111 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, introductions."

Clerk Rossi: "Senate Joint Resolution #44, offered by Representative Mulligan; Senate Joint Resolution #45, offered by Representative Churchill; Senate Joint Resolution #47, offered by Representative Churchill. Rules Committee."

Speaker McAuliffe: "Mr. Clerk, please read Senate Bill 273."

Clerk Rossi: "Senate Bill 273, a Bill for an Act amending the State Employees Group Insurance Act of 1971. Third Reading of this Senate Bill."

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

Ronen: "Thank you, Speaker, Ladies and Gentlemen of the House. I am here to present Senate Bill 273, which amends the Employee Group Insurance Act of '71. Makes minor changes increases from the current \$2,000 to \$5,000, the amount of coverage an employee may purchase for a dependent who is other than the spouse. It also removes a provision limiting dependent coverage to 50% of the members' coverage. This has minimal impact on the state. It was passed unanimously out the Elections and State Government, passed the Senate unanimously also. I would urge 'do pass'."

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

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

Speaker McAuliffe: "Indicates she will."

Black: "Representative, you may have said this in your opening remarks and if so, I apologize. I need to know how much life insurance, give me the dollar amount of increase that this will permit."

Speaker McAuliffe: "Representative Ronen."

Ronen: "Yes, Representative Black, it would increase the \$3,000 from the current \$2,000 to allow the employees to buy up to \$5,000."

Speaker McAuliffe: "Representative Black."

Black: "And would that increase in the life insurance be paid for by the taxpayers of the State of Illinois?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "No, Representative. Thank you, for that question. This would not be paid for by the taxpayers. This allows the employee to purchase just a higher amount of life insurance than before. There is no cost at all to the taxpayers."

Speaker McAuliffe: "Representative Black."

Black: "Does it really take legislation to accomplish this?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "Yes, Representative, it does."

Speaker McAuliffe: "Representative Black."

Black: "What...would this...this legislation will not be seen as circumventing the bargaining the process, would it? Are all of the various parties to the bargaining process in agreement with this legislation?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "No, Representative. I'm told that it would not deal at

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all with collective bargaining. It's doesn't relate to the amount of money that employees pay into...as their share of insurance."

Speaker McAuliffe: "Representative Black."

Black: "Well, in other words then, AFSCME would have no problem with this. It would not abrogate any other benefit or impact their bargaining agreement in anyway. Is that correct?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "Yes, Representative. That is my understanding, that it would not impact their agreement at all."

Speaker McAuliffe: "Representative Black."

Black: "There isn't any...we're not creating any problem here, and I apologize, I really haven't read through this Bill. But, it's...you know, there's so many various doctrines of fairness and equity anymore, I can't keep them all straight, and since this only effects people, as I read it, who have dependents...might we face some kind of...I would hope not, but wouldn't we be in a little bit of a problem if somebody who doesn't have a dependent say, we're not being fair to them?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "Representative, I'm told that this would also cover spouses as well. So, that...I think we would be being fair in that regard. And I should point out that this applies to employees who are making less than \$10,000 annually. It's very narrowly defined."

Speaker McAuliffe: "Representative Black."

Black: "Okay, this...as you said, this passed out of the committee on the unanimous vote, correct?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "Yes, that is correct. Unanimously in the Elections and

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State Government Committee and unanimously out of the Senate, I might add."

Speaker McAuliffe: "Representative Black."

Black: "Yes. Thank you, Representative, you've been very helpful. Let me just if I can, summarize to make sure that we understand this. This simple eliminates a ceiling on dependent life insurance that no one seems to know how it ever got there. It's paid for by the employee, not the state, so there's no impact on state government or General Revenue Funds and it appears that everyone involved in the process from labor to management to anyone in state government is in favor of the Bill. Is that a fair assumption?"

Speaker McAuliffe: "Representative Ronen."

Ronen: "Well put, Representative. That's exactly correct."

Speaker McAuliffe: "Representative Black."

Black: "Well, thank you very much, Representative. To the Bill, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill is on Short Debate, that's what Short Debate was designed for. The Sponsor of the Bill has answered every question in a forthright manner. I appreciate her indulgence and it appears that she is sponsoring common sense legislation and that she has involved all...all parties to the negotiations, no one stands in opposition. And I think that's the whole purpose of Short Debate. I intend to vote 'aye'."

Speaker McAuliffe: "Representative Ronen to close."

Ronen: "Thank you, Speaker, Members of the House. I think Representative Black said it well. This is a very limited Bill. It does make sense. It has no impact or implication to taxpayers in the state. We're raising the level that a state employees can purchase life insurance to unreasonable

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amount of \$2,000 to \$5,000...there is no opposition to this Bill. I move 'do pass'."

Speaker McAuliffe: "Representative Ronen, has moved for the passage of Senate Bill 273. On that question, all those in favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. This final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question, there are 111 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 245. I'm sorry Senate Bill 345."

Clerk McLennand: "Senate Bill 345, a Bill for an Act that amends the Motor Fuel Tax Law. Third Reading of this Senate Bill."

Speaker Black: "Representative Black in the Chair. And on Senate Bill 345, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 345, applies only to DuPage County. It is a proposal that has been developed over a two year period by all of the township highway commissioners in the county. They are asking for a very small change in the formula by which motor fuel tax proceeds are distributed within the county. The amount of motor fuel tax proceeds that would go to DuPage County is not changed in anyway, does not become greater, it does not become less. It is just that the way that it is distributed within the county to nine townships, is changed very slightly. All nine of the highway commissioners in DuPage County are in favor of this legislation. They have all signed a letter to that effect. It is a matter of the people at home recognizing something that needs to be done,

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working on it together in a very cooperative fashion and actually coming up with an agreement on how they can solve their problems. I would point out to you in particular, Mr. Speaker, in a letter from John Rivold, the highway commissioner of Wayne Township, stating how strongly he supports this legislation. He says, the provisions of Senate Bill 345 benefit the majority of taxpayers in DuPage County without hurting other Illinois taxpayers. Therefore, he says, Senate Bill 345 deserves your backing. I am strongly in favor of Senate Bill 345, it is a matter of the local control of the local individuals confronting a problem, solving it for themselves and simply asking us to enable them to put that solution into effect. I would be glad to answer any questions."

Speaker Black: "And on that, the Gentleman from Effingham, Representative Hartke."

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

Speaker Black: "She indicates that she will."

Hartke: "Representative Cowlshaw, I think I heard you say that this will have no impact on any other area in this state other than DuPage County. Is that correct?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Black: "Representative Hartke."

Hartke: "Is that your opinion, or whose opinion?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That is a fact."

Speaker Black: "Representative Hartke."

Hartke: "Is anyone standing in opposition to this piece of legislation?"

Speaker Black: "Representative Cowlshaw."

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Cowlshaw: "The statewide township officials organization has evidenced an indication that they are not completely satisfied with the language of this Bill. They are however, not strongly opposed, just slightly opposed. Only because they have...I guess, they have an indication that they need to be consulted before anybody back home can do anything or something to that effect."

Speaker Black: "Representative Hartke."

Hartke: "Well, could you explain to me and the Body the difference between slightly opposed and, what did you say, mildly opposed?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I think mildly is a good synonym for slightly. Maybe it is even preferable, Representative Hartke. Thank you, for that suggestion."

Speaker Black: "Representative Hartke."

Hartke: "I don't think the township officials would be opposed if they were not concerned about the precedent that this is going to set throughout the State of Illinois. Representative Cowlshaw, can you explain to me where the Motor Fuel Tax comes from that is reimbursed to DuPage County?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes, indeed. Representative Hartke, under current law 15.89% of motor fuel tax receipts are distributed by the state to counties for allocation to road districts. Each counties share is based on its percentage of total road district miles in the state. Once the county has received its share, it then allocates the funds to the road districts within that county on a similar proportionate basis. However, there is a formula that is followed that the County of DuPage would like to alter slightly in order

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that the distribution of that money would be changed slightly for the nine township road districts in the county."

Speaker Black: "Representative Hartke."

Hartke: "Are there any units of local government other than townships that share in this motor fuel tax dollars?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No, not in that 15.89%. That 15.89% goes entirely to road districts such as those who are making this request."

Speaker Black: "Representative Hartke."

Hartke: "Park districts part of road districts, considered in the mileage the park roads?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative Hartke, I think you know enough about local governments to know that park districts are not the same thing as townships. Forest preserves are not the same thing as park districts. Municipalities are not the same things as townships. Those are all separate units. This applies only to township road districts."

Speaker Black: "Representative Hartke."

Hartke: "But why are we trying to change this formula. If it's worked before what are we trying change. If we're only going to be changing the formula for the distribution of the dollars in DuPage County does that mean that they are not going to share on a equal basis as before, on a per mileage basis?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Under the current provision of the formula, Representative Hartke, there is one of the townships in DuPage County that does not get any of this money. The other eight townships thought that it was only fair that that township should share in this...in fact, it has roads,

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it needs to maintain the roads. So, that is what this Bill does. It addresses that problem just for the one county in order that there can be some real fairness and equity in the distribution of these funds."

Speaker Black: "Representative Hartke, your time has expired. Bring your questioning to a conclusion, please."

Hartke: "Well, maybe you could share with the Body why that one township does not share in the Motor Fuel Tax as well as the other eight in DuPage County."

Speaker Black: "Further discussion on the Bill? The Lady from Cook, Representative Currie. I'm sorry, excuse me. Mr. Clerk, do you have an announcement?"

Clerk McLennand: "Rules will meet at 3:30 in the Speaker's Conference Room. Rules - 3:30, Speaker's Conference Room."

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

Currie: "Thank you, Speaker. It's awfully good to see you in the Chair. What if I were to make a Motion to, you know, offer you permanent residency. What do you think? I'd like to yield my time to Representative Hartke."

Speaker Black: "Representative Hartke appreciates your kind jester. Representative Hartke, do you wish to proceed with your questioning?"

Hartke: "Yes, I wanted to compliment you on your tie. It's a wonderful balloon you have on your tie, does that have anything to do with the Danville Balloon Festival?"

Speaker Black: "How nice of you to notice. Yes, Balloon Classic Illinois, the second weekend in June at the Vermilion County Airport in Danville. Thank you, you're very observant, Representative."

Hartke: "Now, I would like for Representative Cowlshaw to answer the question that you so kindly allowed me to ask, but not her to answer."

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Speaker Black: "Representative Cowlishaw."

Cowlishaw: "Representative Hartke, first of all I want to correct something that I told you a moment ago which was incorrect. I mistakenly remembered something that I guess I didn't remember it correctly. Lisle Township is the township that originally asked that this idea be considered and then of course worked with the other eight townships. But, in fact, it is not the only township that was getting no monies whatsoever from this Motor Fuel Tax. Along with Lisle Township there was Downers Grove, Naperville, and York Townships. So, that four of the nine townships were getting none of these Motor Fuel Tax monies in accordance with the formula that is now in effect. So, all they want to do is alter the formula sufficiently so that they can share in these proceeds from the Motor Fuel Tax in accord with the numbers of road miles that they have to maintain in all of the nine township in the county in which I live."

Speaker Black: "Representative Hartke."

Hartke: "Seems strange to me that only four of the nine townships in DuPage County would qualify for the distribution of the Motor Fuel Tax Fund. What disqualifies those four townships?"

Speaker Black: "Representative Cowlishaw."

Cowlishaw: "Representative Hartke, I'm not certain that I can explain this property because I am certainly no expert on the formula by which these Motor Fuel Tax money are distributed to road districts. But, it is my understanding that in order to qualify to receive any of these monies at all, a road district must have a certain qualifying rate and must also have a...there's a factor for \$12,000 per mile of road. There's a minimum tax rate for road and bridge purposes that has to be levied and there is an

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amount equal to or greater than \$12,000 per mile of road that has to be under the jurisdiction of that road district, which ever is less. Frankly, Representative Hartke, this is such a complicated formula, I think it sort of compares very well with the distributive aid formula for the schools."

Speaker Black: "Representative Hartke."

Hartke: "Let me put it in plain words for you. If a township is so rotten wealthy that they have so many dollars that they can collect so many under a minimum rate they do not qualify for the distribution of the funds in the Motor Fuel Tax Fund. So, what you're doing now is sharing those dollars with those wealthy township and you're proposing a change in the formula so that all of the wealthy townships can share with the very rich townships in DuPage County. The township officials in Illinois do not want to see it change in any of the method of distribution of the dollars in the Motor Fuel Tax provided it should start a wave of things to happen. I don't think that those road districts are in a whole lot of trouble, but if I were one of those other five, I would object unless they're just a wealthy and really don't need those dollars. DuPage County may agree, but that's only one of 102 counties. The township officials represent 1400 townships in the State of Illinois and the township officials are mildly...mildly, out of respect for you, opposed to this legislation. But behind the door they would rather say, 'no', we don't want to see any start and change in the school aid formula...the motor fuel distribution formula. I urge all my colleagues downstate to vote 'no'."

Speaker Black: "And further discussion on the Bill, the Gentleman from Madison, Representative Davis."

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

Speaker Black: "She indicates she will."

Davis, S.: "Representative Cowlshaw, you mentioned in your opening statements that every township highway commissioner in DuPage was in favor of this proposal, but is Wayne Township, is that in DuPage County?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "What is the date on the letter? And incidentally Wayne Township, of course, is in DuPage County, Sir. You know the answer to that question."

Speaker Black: "Representative Davis."

Davis, S.: "Well, Representative Cowlshaw, I have a letter in my hand here from the highway commissioner from Wayne County, John Rivold who states that he is in opposition to this piece of legislation. And in his letter he states that Senate Bill 345 could set a precedent that may take money away from other township road district in counties other than DuPage and that the township officials of Illinois have pledge to work to address other issues in a way that will not set any precedent which effects other townships. Now, I don't understand Representative Cowlshaw, why you insist on calling this piece of legislation that could ultimately effect every township in the State of Illinois. The motor fuel tax formula in the State of Illinois is sacred. It's sacred, and we certainly don't need meek DuPage County taking money away from downstate townships. My question to you is, if highway commissioner 'Rival' is against this then isn't it true that not every highway commissioner in DuPage County is for this legislation?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I asked you the date on your letter because there is a letter from the same gentleman, dated the subsequent day,

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May 19, 1995. I have a copy of it in my hand, it's from John Rivold, highway commissioner of Wayne Township and in which he says, 'Yesterday, Speaker Daniels, I sent you a letter stating I was opposed to Senate Bill 345. Subsequently I have had sufficient time to study the provisions of that Bill. I now realize it is indeed a fair and equitable Bill. I now wish to confirm that I fully support the passage of Senate Bill 345. The provisions of Senate Bill 345 benefit the majority of taxpayers in DuPage County without hurting other Illinois taxpayers. Therefore, Senate Bill 345 desires your backing.' And, Sir, for you to imply that this legislation means that DuPage County gets even one penny more of motor fuel tax than it would anyway is clearly a mistake on your part. I already stated, all this does is change the distribution within the county. Does not bring anymore money to DuPage County. Too bad it doesn't."

Speaker Black: "And further questions? The Gentleman from St. Clair, Representative Hoffman. Is Representative Hoffman seeking recognition? What? Oh, I'm sorry, I get the wrong...I'm sorry, Representative. I get confused, all these lights up here. I'm sorry, Representative Davis. I'll add more time, Sir."

Davis, S.: "Thank you, Mr. Speaker. Representative Cowlshaw, last year was there some legislation introduced that allowed Motor Fuel Tax monies to be used for bus shelters and bicycle trails?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I wouldn't know and it has nothing to do with this Bill anyway."

Speaker Black: "Representative Davis."

Davis, S.: "But the fact of the matter ma'am is, that it does

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effect this legislation. Because the problem with this type of legislation is, that whenever you get your foot in the door, when you start changing the Motor Fuel Tax formula for one area of the state or whenever you start changing the methods of usage for Motor Fuel Tax monies then they come back next year and their going to change the formula again and they are going to come back the year after that and they're want to spend Motor Fuel Taxes for something else. That's the entire problem with this piece of legislation. The Motor Fuel Tax formulas, Motor Fuel Tax monies are to be used for one purpose and one purpose only. And that purpose is for the roads in the State of Illinois. The township officials in the State of Illinois, the township officials, TOI, adamantly opposes this legislation and I would encourage each and everyone of my colleagues on this House floor to support your local highway commissioners and vote 'no' against this piece of legislation. Thank you, Mr. Speaker."

Speaker Black: "Ladies and Gentlemen of the House, if I can have your attention, the Clerk needs to read an announcement."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room."

Speaker Black: "Further discussion? Further discussion on the Bill. The Gentlemen from Fulton, Representatives Smith. Were you seeking recognition? All right, the Gentleman from Cook, Representative Lang."

Lang: "You will be happy to know, Mr. Speaker, I have no questions but I am requesting a verification should this receive the requisite number."

Speaker Black: "I'm sorry, verification of what?"

Lang: "Verification, Mr. Speaker."

Speaker Black: "Oh, all right. I thought you said, 'vacation'."

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Lang: "No, and Mr. Black, those of us on this side of the aisle are so happy to see you in the Chair. You were aggrieved by the previous Speaker, who would not recognize your right to ask for a verification and I know you're going to recognize my right to do that."

Speaker Black: "Oh, without question. I thought you said, 'vacation'. I'm sorry. The Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker. I rise in strong support of this Bill. This effects my district directly. I represent one of the townships that will benefit and one of the townships that will lose. This only effects DuPage County, it does not effect downstate and all the DuPage County highway commissioners are unanimous in their support. I urge and 'aye' vote, please accommodate this county and give the Lady your vote. Thank you."

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

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

Speaker Black: "She indicates she will."

Hughes: "For clarification, Representative Cowlshaw, is there any relationship to what's being attempted here and the tax cap?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Hughes."

Hughes: "This has nothing to do with an inability to meet that...due to the tax cap, to meet the .08?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, I believe that Lisle Township has a tax rate that is lower than the qualifying tax rate, but it

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has had that same rate for years and years and years. So, that has nothing to do with. It was the same before the tax cap as it is now."

Speaker Black: "Representative Hughes."

Hughes: "Thank you."

Speaker Black: "With no one seeking recognition. The question is...I'm sorry, Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, I urge...I urge support for this Bill. First of all, I want to make sure that everyone understands this legislation does not mean these Motor Fuel Tax monies can be used for anything different than they are now used for. They have to be used for roads and bridges. It is simply the way the money that comes to DuPage County and would come there anyway, is distributed among the nine townships. Mr. Speaker, this Bill is a perfect example, I think, of the two basic philosophies that underlie everything we do here. Either we believe that we have all wisdom in Springfield and should impose our will upon the people back home, or believe that we are here to enable the people back home to solve their problems. My nine highway commissioners have asked us to help them solve a problem. We should help the folks back home. They sent us here."

Speaker Black: "The question is, 'Shall Senate Bill 345 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question there are 37 voting 'aye', 75 voting 'no', none voting 'present'. This Bill, having received...failed to receive a Constitutional Majority, is hereby declared...and Mr...Representative Lang, do you persist in your verification? Representative Lang."

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Lang: "Well, Sir, I don't think so, although I know you would uphold my right to do so if I chose. As we would do for you, Sir. Thank you."

Speaker Black: "This measure is hereby declared lost. Mr. Clerk, what is status of Senate Bill 1187?"

Clerk Rossi: "Senate Bill 1187, has been read a second time previously. Amendment #4 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration. The notes that have been requested on the Bill have been filed."

Speaker Black: "Yes, the Gentleman from Cook, Representative Lang. For what purpose are you seeking recognition?"

Lang: "Thank you, Sir, and...first of all I have not had an opportunity to congratulate you on your beautiful tie today, so, nice tie. Secondly, Mr. Speaker, before we move this Bill I would invite the Sponsor to take it out of the record. The Rules Committee is meeting right now, there are Amendments to this Bill that have been filed that are in the Rules Committee. If we move this to Third now and the Rules Committee comes out with their report in five minutes and Amendments have been approved for floor consideration on this Bill, the Bill will already be on Third Reading. So, might I ask the Sponsor to take this Bill out of the record at least until the Rules Committee meeting has completed its business?"

Speaker Black: "The Gentleman from Logan, Representative Turner, what is your desire?"

Turner: "Thank you, Mr. Speaker. I would ask the Bill be moved to Third Reading."

Speaker Black: "Mr. Clerk, Third Reading. Returning to the Order of Third Reading on page 4 of the Calendar appears Senate Bill 354. Mr. Clerk, please read the Bill."

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Clerk Rossi: "Senate Bill 354, a Bill for an Act in relation to grievance procedures and employment. Third Reading of this Senate Bill."

Speaker Black: "Mr. Clerk, take the Bill out of the record. Mr. Clerk, on the Order of Senate Bills, Third Reading appears Senate Bill 433. Please read the Bill."

Clerk Rossi: "Senate Bill 433, a Bill for an Act amending the Business Corporation Act of 1983. Third Reading of this Senate Bill."

Speaker Black: "And on the Bill, the Lady from DuPage, Representative Biggert."

Biggert: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the Assembly. Senate Bill 433 amends Sections of the Business Corporation Act with the respect to involuntary dissolution proceedings and creates separate remedies for shareholders and non-shareholders in addition to suits for involuntary dissolution of corporations. It also amends the State Library Act and provides that the state library and each agency of the state will jointly specify what public records of the executive branch state agency shall be made available to the public through the largest nonproprietary, nonprofit cooperative public computer network. And I would be happy to answer any questions."

Speaker Black: "On discussion on the Bill the Lady from Cook, Representative Kaszak."

Kaszak: "Thank you, Mr. Speaker. I would like to rise in support of this Bill, this Bill contains Amendment #2, which is the Internet Bill that we passed...that we passed about...several weeks ago and unfortunately, didn't make it out on that Friday, when we didn't get to a number of Bills. So, I would urge your support. Thank you."

Speaker Black: "Further discussion on the Bill? The Gentleman

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from Cook, Representative Lang."

Lang: "First an inquiry of the Clerk, Sir."

Speaker Black: "State your inquiry."

Lang: "I have several proposed Fiscal Notes in this file. One is a State Mandates Act Fiscal Note...purportedly filed with the Clerk on May 17, at about 8:30 in the morning. I see no signature on that note and then I see a couple that were filed by the Secretary of State's Office, one filed May 18, at about 5:00 p.m. that is signed by a member of the Secretary of State's staff. That says 'as amended'. Then there is another one filed May 18, earlier in the day at about 11:00 a.m. that has a different...a different answer on the fiscal note response that is not signed. So, I see two different responses to the fiscal note by the Secretary of State's Office. One is signed that says, they cannot determine the impact as to Senate Bill 433 as amended. The other one filed earlier in the day is not signed, it refers specifically to Committee Amendment #2, but it goes on a little longer than the one filed later in the day, so we're confused. So, we have at least two fiscal notes here that seem to be at least irregular and I would ask the Clerk to tell us what the deal is."

Speaker Black: "Mr. Clerk."

Clerk McLennand: "The opinion of the Clerk is that fiscal note signed by Chip Woodward and fiscal note by Sara Creviston both are their notes and they're being doubly efficient."

Speaker Black: "Representative Lang."

Lang: "Well, let me first address the States Mandates Act fiscal note purportedly filed by DCCA, filed at about 8:30 a.m., on May 17. Has this been signed and by who?"

Clerk McLennand: "It was filed on May 17, at approximately 8:30 p.m., and was signed by Dennis Whetstone on the 18th when

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DCCA was called in to verify that this was one of their notes and he signed it to verify that it was one of their notes."

Speaker Black: "Representative Lang."

Lang: "Would this have been signed in the presence of the Clerk?"

Clerk McLennand: "It was signed in the presence of the Clerk."

Speaker Black: "Something further, Mr. Lang?"

Lang: "Yes. And now for the Secretary of State's Fiscal Notes, I believe I recognizes Sara Creviston's handwriting on the fiscal note that says SB 433, as amended, that was filed on May 18, at about 5:00 p.m., but the one that was filed in the morning on May 18, has no signature to my knowledge, unless it had been in the Clerk's words, 'authenticated after that period of time' and then I would just simply ask why the Secretary of State filed two different fiscal notes, saying two different things."

Speaker Black: "Representative Lang, if you would like the liaison for the Secretary of State is standing by Representative Biggert, I'm sure she would be more than happy to talk with you about the matter at hand. I think we all know her to be a very hard working, honorable person. Would you like to talk to her?"

Lang: "Well, I'll accept an acknowledgment from...oh, they're both ours, I can read lips now. They're both ours. Okay, thank you very much. I do have some questions of the Sponsor."

Speaker Black: "The Sponsor indicates that she will yield."

Lang: "Thank you. Representative, Amendment 2, on this Bill is the Internet...Legislation you've been working on so hard with Representative Kaszak, is it not?"

Speaker Black: "Representative Biggert."

Biggert: "That's correct."

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Speaker Black: "Representative Lang."

Lang: "And as I understand it, there's no opponents to this and there haven't been as many times as you've run it through the House and as many times its been run through the Senate, there's not problems with this at all. Is that correct?"

Speaker Black: "Representative Biggert."

Biggert: "That's correct, Representative Lang. We spent time with the Governor's Office, the Lieutenant Governor's Office, the Secretary of State, CMS and both sides of the House with Representative Kaszak and myself and after much talk, this is the agreement that was reached."

Speaker Black: "Representative Lang."

Lang: "Well, let me ask you this question. My understanding is that originally the General Assembly was included and someone representing the General Assembly insisted that they be removed from the Bill and they're no longer in the Bill. Is that correct?"

Speaker Black: "Representative Biggert."

Biggert: "Originally, we had three Bills, 656, 657, and 658 and that involved the executive branch, the judicial branch, and the legislative branch and I think that in the discussions that...what happened was that, I think we were being a little bit too specific and that the legislative branch is working on...on this right now and we thought that we would start with the agencies and with the library to make the determination and how this is going to work. We would have liked to gotten everything under way at once but because of funding and security issues, decided that we would start with just...what was in 656. We would have preferred to be able to do the whole thing but didn't have time."

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Speaker Black: "Representative Lang."

Lang: "Well, isn't the removal of the General Assembly from this legislation a burden on the public. If the public wants to get on to the LIS system now, they have to pay about \$500, isn't that right?"

Speaker Black: "Representative Biggert."

Biggert: "That's correct. Let me finish with the other two. We're talking about, what we're talking about in this Amendment, the Bill that we were talking about has always excluded what was in 657 and 658. I don't want to leave the impression that we took that out of this Bill."

Speaker Black: "Representative Lang."

Lang: "But nevertheless, the original plan you had would have included the General Assembly and people who now need to get information from the LIS have to pay a fee of about \$500 a year and if the General Assembly had been included in this, they'd pay maybe \$5 a year. Isn't that right?"

Speaker Black: "Representative Biggert."

Biggert: "It's \$500 for 500 minutes of time."

Speaker Black: "Representative Lang."

Lang: "And what would they pay for that 500 minutes of time if they were included in this legislation?"

Speaker Black: "Representative Biggert."

Biggert: "Well, this does not provide what the cost would be nor does it provide what they would pay because it's not in the Bill."

Speaker Black: "Representative Lang."

Biggert: "And we'll probably be back next year with that. We're working on it. I think first of all, sometimes what we want to include in legislation, we're a little bit ahead of the time and I think with the demonstration of the Internet that we had over in the Stratton Building a few weeks ago

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and what has transpired through this legislation, we've really raised the consciousness of what can be done. And I think that we will continue to pursue this. But it just wasn't ready at this time."

Speaker Black: "Now, we'll go to Representative Lang."

Lang: "Mr. Speaker, I'm joined by a sea of hands to remove this from Short Debate. Everyone of us with a nice tie."

Speaker Black: "Well, I see certainly an inlet, I don't know about a sea, but we'll grant that."

Lang: "Thank you. Representative, wasn't there some sort of turf battle going on during this between the Governor's Office and the Secretary of States Office relative to who should control the committee that is now also out of the Bill?"

Speaker Black: "Representative Biggert."

Biggert: "I think you're talking about 657, which is not part of this Bill. I wouldn't say...what this Bill is, was an agreement between the Governor, the Lieutenant Governor, the Secretary of State, CMS, and both Parties of the House. I think that we had discussions with all of them because this involves many agencies..."

Speaker Black: "Proceed, Representative Biggert. Representative Lang's time is...run out, I'll get back to him."

Biggert: "This...this language involves all of these parties so there were discussions to be made. But this does not involved the task force that was included in 657."

Speaker Black: "Representative Lang, bring your questioning to a conclusion."

Lang: "Thank you, Sir. Why was the task force removed from future versions of the Bill? I thought you might have had a better Bill earlier but you removed that task force. Why did we do that?"

Speaker Black: "Representative Biggert."

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Biggert: "Because we didn't have the agreement."

Speaker Black: "Representative Lang, your time has expired. I have a feeling we'll get back to you. Further discussion? The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. I rise on a point of personal privilege. On the last vote on the Senate Bill 345, my light was on red and it did not record as 'no'. Would you please have the record show that, please."

Speaker Black: "Yes, the Journal will so reflect. Thank you, Representative."

Holbrook: "Thank you."

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

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

Speaker Black: "See, I'm almost clairvoyant. I knew we would get back to you. Representative...the Gentleman from Cook, Representative Lang."

Lang: "Thank you. This is why you, Mr. Speaker, have the support always, of this side aisle, as you may have seen in the last couple of days. We support you on this side because you are clairvoyant and because you do know what the heck is going on here."

Speaker Black: "Where were you when I had a Bill in Ag?"

Lang: "Hey, a bigger sign all the time."

Speaker Black: "Yeah, where were you when I had a Bill in Ag that only got one 'aye' vote, Representative?"

Lang: "Will the Sponsor continue to yield?"

Speaker Black: "Oh, she indicates she would be thrilled."

Lang: "Thank you. Representative, you indicated that you removed this task force from your original version of this Bill because you couldn't get agreement. Was that between the

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Governor's Office and the Secretary of States Office?"

Speaker Black: "Representative Biggert."

Biggert: "And all the other parties involved. I think with CMS, they just wanted more discussion of it, which we did and continued, I believe that there had been...an original Amendment which we had drafted but we did not put on the Bill which would have included the task force. And we...that's when we began the discussions between the parties with the Governor, the Lieutenant Governor and the Secretary of State, CMS."

Speaker Black: "Representative Lang."

Lang: "Well, thank you. So, do I gather from the people standing around you that the Secretary of State's Office, cause he's the state librarian, will...is the person who will make all this information available on Internet?"

Speaker Black: "Representative Biggert."

Biggert: "That's not quiet correct. What it means is, that they will make joint decisions with the state agencies as to what information will be put on the Internet."

Speaker Black: "Representative Lang."

Lang: "But this will be done by the Secretary of State, is that correct?"

Speaker Black: "Representative Biggert."

Biggert: "That's correct. As the public librarian."

Speaker Black: "Representative Lang."

Lang: "Well, we're certainly pleased that the Secretary of State would be the one doing it, after all, he's the one who's interested in paying back the medicaid debt in this state and interested in providing economic development through expanded gaming opportunities. So, we think he's the person who's responsible enough to handle this important program. Let me ask you about the other part of the Bill,

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Representative. About the Business Corporation Act. What are you doing in the area of shareholders and their rights?"

Speaker Black: "Representative Biggert."

Biggert: "This is providing that...when a shareholder petitions a court to dissolve corporations, there will be...provide remedies for shareholders of public corporations and then for...there will be different remedies for shareholders of nonpublic corporations."

Speaker Black: "Representative Lang."

Lang: "Well, Representative, you're a lawyer, I'm a lawyer, you read that to me, I don't know what you read. Can you explain it without the paper, in English, so that the pharmacist on the floor and the farmers on the floor and the teachers on the floor and the full-time Legislators on the floor can understand what you're doing with shareholder rights."

Speaker Black: "Representative Biggert."

Biggert: "Shareholders of privately held corporations which means those could be something like a family owned corporation where they don't have shares of stock that are on a stock exchange and there's a problem or dispute between the family and the only remedy has been perhaps to dissolve the corporation. This specifies what remedy the shareholder who has a problem with the other shareholders or the corporation, how they can go about...solving their problems rather than to just dissolve the corporation."

Speaker Black: "Representative Lang."

Lang: "Were there a lot of shareholders of closely held corporations and family corporations that came to the committee meeting to testify about the important need for this legislation?"

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Speaker Black: "Representative Biggert."

Biggert: "No."

Speaker Black: "Representative Lang."

Lang: "Well then, how do we know that we need this legislation?"

Speaker Black: "Representative Biggert."

Biggert: "This Amendment came to me from the Senate, or this Bill came to me from the Senate of Senator Barkhausen, who is very active within the...dealing with the Business Corporation Act. So that it's something, I think that...that came from the Secretary of State also."

Speaker Black: "Representative Lang."

Biggert: "I'm sorry, I shouldn't say that. It came from..."

Speaker Black: "Excuse me, Representative Biggert."

Biggert: "It was an recommendation from the Secretary of States Corporate Acts Advisory Committee."

Speaker Black: "Representative Lang."

Lang: "So, the Secretary of State's Corporate Revisory (sic - Advisory) Act Committee and Senator Barkhausen are the sources for this and we should believe this important because Senator Barkhausen deals in this area of the law?"

Speaker Black: "Representative Biggert."

Biggert: "The Secretary of States Corporate Act Advisory Committee is the one that contacted Senator Barkhausen because he has the knowledge in this area of the law. He's not someone that drafted this legislation."

Speaker Black: "Representative Lang."

Lang: "Thank you, and so this is an initiative of the Secretary of State's Office. Is that correct?"

Speaker Black: "Representative Biggert."

Biggert: "Initiative of the Secretary of State's Corporate Acts Advisory Committee, they are not part of the Secretary of State's Office as such, but are an Advisory Committee."

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Speaker Black: "Representative Lang, your on your last 30 seconds. Even gave you extra time. Proceed."

Lang: "Thank you, Sir. Was there any testimony in opposition to the section on shareholders rights in committee?"

Speaker Black: "Representative Biggert."

Biggert: "No, there was no testimony in opposition. There was no testimony...period."

Speaker Black: "Representative Lang."

Lang: "Always glad when there's no testimony and then we're voting on the Bill. Thank you very much."

Speaker Black: "Further discussion on the Bill? The Gentleman from Madison, Representative Davis. Seeking recognition? No one out seeking recognition, Representative Biggert to close."

Biggert: "Thank you, Mr. Speaker. We've had quiet a bit of discussion on this Bill, I would ask for a favorable vote."

Speaker Black: "The question is, 'Shall Senate Bill 433 pass?' All those in favor 'aye'; all those opposed vote 'no'. 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 112 voting 'yes', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Senate Bills - Third Reading, page 4 of the Calendar appears Senate Bill 349. Please read the Bill."

Clerk McLennand: "Senate Bill 349, a Bill for an Act in relation to real estate. This is the Third Reading of this Senate Bill."

Speaker Black: "And on the Bill, the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate

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Bill 349 is a Bill that was initiated by the Department of Professional Regulations, the Commissioner...the Office...the Commissioner of Savings and Residential Finance, the Governor's Office, and the Legislative Leaders. The reason for the Bill was to remove the department from the Department of Professional Regulation, the real estate division and put it into the Commissioner, Office of the Commissioner of Savings and Residential Finance. This has been worked on. Everybody is in agreement and I would ask for your favorable vote. Thank you."

Speaker Black: "And for discussion on the Bill, the Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "He indicates that he will."

Granberg: "Representative, what is the need for this Bill?"

Speaker Black: "Representative Saviano."

Saviano: "Well, Representative as you know, the Department of Professional Regulation is going through some reorganization as we currently speak. I think Representative Wojcik's Bill 859 was evidence to that. This is a situation where, I believe, the Office of the Governor believed that the Office of Savings and Residential Finance would be the best place for the real estate industry to be regulated. The realtors, the Illinois Realtors Association requested this to streamline their process and modernize it, get out renewals in an orderly fashion. Generally, it's just...it's cleaning up the industry and the commissioner of Savings and Residential Finance was gracious enough to accept this task and I think for the good of the industry and the good of the people in this state, I think this is a wise move and I

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would recommend it."

Speaker Black: "Ah, yes. Representative Granberg."

Granberg: "And why did we seek to transfer these functions to this department? In particular."

Speaker Black: "Representative Saviano."

Saviano: "Because all parties involved felt this was the best thing for the real estate industry."

Speaker Black: "Representative Granberg."

Granberg: "Is just the real estate industry impacted by this legislation?"

Speaker Black: "Representative Saviano."

Saviano: "There's no change in the Act to the regulation, it's simply a transfer of authority, of licensing from one agency to another."

Speaker Black: "Representative Granberg."

Granberg: "And why does this need legislative approval as opposed to an executive order."

Speaker Black: "Representative Saviano."

Saviano: "That's a very good question. I think it's just the fact that the Governor wanted the legislative...the Legislature to have an opportunity to participate in the process and that's why I was given this task."

Speaker Black: "Representative Granberg."

Granberg: "So, the Governor gave you this responsibility, Representative Saviano?"

Speaker Black: "Representative Saviano."

Saviano: "Give it to me here, in the House, and Senator Bob Madigan in the Senate."

Speaker Black: "Representative Granberg."

Granberg: "Was this part of the Governor's originally executive order?"

Speaker Black: "Representative Saviano."

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Saviano: "No, Representative."

Speaker Black: "Representative Granberg."

Granberg: "So, this is that...I thought that you had indicated this was part of the executive order merger and reorganization. You referenced, Representative Wojcik Legislation."

Speaker Black: "Representative Saviano."

Saviano: "No, I think maybe I should clarify that. That...that Bill, I just said, this is probably a general plan to reorganize the department and this has nothing to do with Representative Wojcik's Legislation. But, combining of all these different activities, this is the attempt to make the department streamline and operate more efficiently."

Speaker Black: "Representative Granberg."

Granberg: "So, is this the Governor's initiative or is this the realtors initiative?"

Speaker Black: "Representative Saviano."

Saviano: "As I said, it's a conglomeration of everybody's initiative. The Governor's, the realtors, everybody involved in this process regarding this issue pretty much felt, this is the best thing for the industry."

Speaker Black: "Representative Granberg."

Granberg: "Will there be any reduction in head count with the transference or responsibilities in funds or any other impact on existing programs with statutes?"

Speaker Black: "Representative Saviano."

Saviano: "Representative, I can assure you there are no GRF fund implications in this matter. There's allegedly a transfer of nine people that will be going on from DPR to Office of Savings and Residential Finance. That's pretty much all that is involved here except of some exchanging of some equipment and some technical things like that."

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Speaker Black: "Representative Granberg."

Granberg: "So, there is an alleged transfer or impact with the existing head count or would this actually take place according to the department?"

Speaker Black: "Representative Saviano."

Saviano: "It shows that there is going to be a transfer of nine individuals. Those people are not chosen yet, they're not...they haven't been specifically identified but there are nine heads going from one department to the other."

Speaker Black: "Representative Granberg."

Granberg: "Will this change any existing fee structure that is in place legislatively?"

Speaker Black: "Representative Saviano."

Saviano: "I'm sorry, Mr. Speaker, I couldn't hear the question."

Speaker Black: "Yes, repeat your question, Representative Granberg."

Granberg: "Representative, will this change any existing fee structure that is currently in place by statute?"

Speaker Black: "Representative Saviano."

Saviano: "No."

Speaker Black: "Representative Granberg."

Granberg: "Will it change who will have the responsibility setting fees which regulate this industry?"

Speaker Black: "Representative Saviano."

Saviano: "They can do it by rule."

Speaker Black: "Representative Granberg."

Granberg: "Will that change existing law?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, it would. They'll do it by rule as they see fit, once they really figure out what this is going to totally cost. To make sure that they're no General Revenue Funds used in this process."

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Speaker Black: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, I am joined by a requisite number of my colleagues to remove this Bill from Short Debate, please."

Speaker Black: "It was right on target. All right, go proceed."

Granberg: "Thank you. Now, Representative, how does this change the current fee structure? Is there a current limit on what could be charged realtors?"

Speaker Black: "Representative Saviano. Representative Granberg, your time has expired. Can you answer the question, Representative Saviano?"

Saviano: "Currently the fee structure is set by statute. This will allow it to be set by rule and be in JCAR."

Speaker Black: "Representative Granberg, your time has expired. I have a hunch I'll be back to you just in a moment or two. The Gentleman from Cook, Representative Dart. Are you seeking recognition?"

Dart: "Yes, Mr. Speaker. Your hunch was correct. I would yield my time to Representative Granberg."

Speaker Black: "I tell you it just like Carnak, it is amazing. Yes, the Gentleman from Clinton, Representative Granberg. Proceed."

Granberg: "That's why there is this great outpouring of support for you as Speaker. Now, how do you read the future on that issue? Do you have any idea of what might happen with that issue?"

Speaker Black: "No, none whatsoever, but proceed with your questioning."

Granberg: "Do you know the answer?"

Speaker Black: "I don't even know the question."

Granberg: "Representative Saviano, I think you indicated that this would change the existing fee structure method, that

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currently the fee are set by statute and that your legislation will change that. This would allow the fees to be set by rule. Is that correct?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct. In JCAR."

Speaker Black: "Representative Granberg."

Granberg: "Why do we want to take the Legislature away from the authority to limit the fees for this type of responsibility?"

Speaker Black: "Representative Saviano."

Saviano: "Well, number one, obviously, to meet the cost of...of to fund, you know, the Act itself, but also this...you have to realize these are self-imposed fees. You are not imposing fees on the general public. This is a professional fee and probably any fee increase or decrease or whatever may occur, will be in agreement with the profession."

Speaker Black: "Representative Granberg."

Granberg: "Is this currently being done for any other professional organization?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, it is. Most of the new professions that have been coming on has the provision to allow the fees be set by rule through JCAR."

Speaker Black: "Representative Granberg."

Granberg: "Would there be any limitation on any fee change to any realtor in this state if this was done by rule?"

Speaker Black: "Representative Saviano."

Saviano: "Well, whatever is approved, like I said, they're going to be in agreement and I'll tell you the reasoning for this practice is that, as you know, there's a lot of professions that the DPR is in charge of overseeing that the cost of

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monitoring those legislations. Of those licensures, doesn't necessarily...it usually exceeds the cost, the fee structure. And for them to keep coming to us to self-impose fees on themselves to make sure their profession is monitored correctly, that's why we're in the situation where we're in. Where they're underfunded and as a result, we have less consumer protection because we don't have investigators and the staff to monitor these different professions. So, this practice makes a lot of sense. You're not going to have, you know, fees going sky high because they are monitored by each and every profession and it's going to be a work...an agreement, they'll be in agreement. So, I think this is a good practice that way they don't have to keep coming back to us and by the time we address it, the Department of Professional Regulation is in the red in monitoring that specific licensures."

Speaker Black: "Representative Granberg."

Granberg: "Does this take any authority away from the state's obligation to use General Revenue Funds to regulate various professions in this state?"

Speaker Black: "Representative Saviano."

Saviano: "No."

Speaker Black: "Representative Granberg."

Granberg: "Well, wouldn't the fees generated to...would they take up the...all the funding necessary to regulate the profession?"

Speaker Black: "Representative Saviano. I'm sorry, Representative Granberg did you have a question? Representative Saviano."

Saviano: "Initially, no. Because we don't believe under their current schedule they could properly fund the Act. But once they get in there and the dust settles and they get

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settled, we feel that they will be able to come up with a fee schedule that will sufficiently fund the Licensure Act."

Speaker Black: "Representative Granberg."

Granberg: "Thank you. One last question, Representative. Can you please address the policy issue of whether this is in the best interest of the state, that we should have an agency or group provide all the funding for its own regulation. Does that not cause a problem with conflict of interest in the future? And thank you for your time."

Speaker Black: "Representative Saviano."

Saviano: "No, I don't believe so. I think this is a practice where everybody's concerns are addressed and everybody has input into the process."

Speaker Black: "Anything further, Representative Granberg? No one else seeking recognition, Representative Saviano to close."

Saviano: "I would ask for a favorable vote. Thank you very much."

Speaker Black: "The question is, 'Shall Senate Bill 349 pass?' All those in favor vote 'aye'; opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Churchill, Chairman from the Committee on Rules to which the following Resolutions and Amendments were referred, action taken on May 20, 1995, reported the same back with the following recommendations: 'Do adopt' Senate Joint Resolution 45 and Senate Joint

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Resolution 47. Do approve for consideration Concurrence Senate Amendment 1, to House Bill 8; Senate Amendment 1, to House Bill 438; Senate Amendment 1, to House Bill 589; Senate Amendment #1, to House 597; Senate Amendment #1, to House Bill 781; Senate Amendment #1, to House Bill 988; Senate Amendment #1, to House Bill 991; Senate Amendment #1, to House Bill 1045; Senate Amendment #1, to House Bill 1653; Senate Amendment #1, House Bill 1711; Senate Amendment #1, to House Bill 1721; Senate Amendment #1, to House 1827; Do approve for consideration non-concurrence, Senate Amendment #1, to House Bill 632; Senate Amendment #1 and 2, to House Bill 653; and pursuant to Rule...House Rule 84(a), the Committee on Rules has met and places the following Bills on the Order of Concurrence. Senate Bill 3, 241, 270, 314, 375, 412, 686, 823, 859, 939, 1023, 1093, 1237, 1363, 1459, 1498, 1633, 1696, 1816, 1825, 1869, 1891, 1910, 1967, 1969, 2177, 2240, 2317, 2346, and 2407, signed by Representative Churchill."

Speaker Black: "Thank you, Mr. Clerk. On the Order of Senate Bill, Third Reading, page 4 of the Calendar appears House...excuse me, Senate Bill 435. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 435, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Black: "Before I recognize the Gentleman from Kendall, may I just compliment you on your shirt, however the pizza parlor just called and you to please bring their awning back. Be that as it may the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. By the way do you like my tie?"

Speaker Black: "That is very nice."

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Cross: "Thank you. Senate Bill 435, Mr. Speaker and Members of the General Assembly, as an agreed Bill that has worked out between the Restaurant Association and some copyright organizations like ASCAP and BMI got out of the Senate unanimously. It got out of Committee in the Judiciary Committee unanimously and because of that agreement, I don't know of any opposition. It attempts to set standard rates in the area of copyright royalties and also outline what contracts should cover in that area. I will be glad to answer any questions."

Speaker Black: "Yes, and on this agreed Bill, there are several people seeking recognition. The Gentleman from Williamson, Representative Woolard."

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

Speaker McAuliffe: "He indicates he will."

Woolard: "The story has it, that there was someone trying to climb out of a pit out on the north side of the grounds here this morning and I know that there has been a lot of concern by a lot of individuals as to who that person was. I wonder if the Gentleman would have any idea as to who that might have been."

Speaker Black: "Representative Cross."

Cross: "What...can you...I have no idea...no earthly idea what he is talking about."

Speaker Black: "Representative Woolard, keep in mind that Representative Cross is from Kendall County. You may have to rephrase your question a little more succinctly. Representative Woolard."

Woolard: "I understand that it is difficult to understand some of us from the South, but once again there was a story floating around here that there had been a pit spotted over on the north side of the grounds and that there was a young

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man stranded there and someone had said he had been dressed in a coat of many colors. And I was wondering if the Sponsor had any idea as to whom that might have been?"

Speaker Black: "Representative Cross."

Cross: "Was it perhaps Joseph Kotlarz?"

Speaker Black: "Representative Woolard."

Woolard: "Your getting warm, but that is not exactly who we thought it was."

Speaker Black: "Representative Cross."

Cross: "Well, perhaps it was Lou Lang."

Speaker Black: "Representative Woolard."

Woolard: "I'm reasonably sure your headed in the right direction now, but that still is not who we thought it was and maybe...maybe Mr. Sponsor you would have a better idea also who that might have been."

Speaker Black: "Representative Cross."

Cross: "I'm trying to follow this Representative, but I'm having a little trouble. I've given you my two best guesses. Maybe you can give me another clue."

Speaker Black: "Representative Woolard."

Woolard: "You know that I know there is a lot of us around here that have a lot of things that we have to be about. Tomorrow being Sunday, I would encourage you to give serious consideration to going to bed early this evening and getting up in the morning and polishing you teeth and proceeding down to the first Methodist Church, which is located in this vicinity. Maybe there will be a story told that you might be enlightened about the pit and the young man that was stranded in the hole, who wore the coat of many colors. To the Bill, Mr. Speaker."

Speaker Black: "Yes, to the Bill."

Woolard: "I'm reasonably sure that this fine young man on the

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other side of the aisle, in spite of his poor intellect, I think someone said he was an attorney and I guess we should excuse him for that. This is really something more than just a technical Bill, I'm sure. You know, I kind of feel sorry for him and I really wish that Representative Noland was over there because I'm sure that Representative Noland could straightened him out in a short period of time. I would encourage anyone in this body to be very cautious supporting a piece of legislation that was sponsored by an attorney who knew nothing about the pit, on the north side of the Capitol.

Speaker Black: "Yes, further discussion on the Bill? The Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Will the Sponsor yield for a few questions?"

Speaker Black: "Yes...yes he will yield. Yes, Representative Cross."

Cross: "Representative, I thought I had answered all the questions and the previous Representative's time. I can't believe there would be any other questions other than those, but I will try."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Could you explain to me what Representative Woolard was referring to, because I haven't a clue?"

Speaker Black: "Representative Cross."

Cross: "Representative, that was so obvious. I don't want to bore you and the others with that explanation. If you can't figure it out...if you don't know what he is talking about, I'm not going to waste the others time, because obviously everyone else knows what he is talking about."

Speaker Black: "Yes, Representative Blagojevich."

Blagojevich: "In any event, I evidently wasn't listening to Representative Woolard close enough. I will accept your

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explanation. Let me ask you a couple of preliminary questions. Does your Bill impact clowns at all, in negative way?"

Speaker Black: "Representative Cross."

Cross: "Representative...Representative Blagojevich are we talking about clowns from a regional standpoint or statewide?"

Speaker Black: "Representative Blagojevich."

Blagojevich: "I will get very specific with you. It is regional, metro east and the clown's name is Puckie."

Speaker Black: "Representative Cross."

Cross: "Representative, does this clown moonlight in any other profession?"

Speaker Black: "Representative Blagojevich."

Blagojevich: "He does, it's the entertainment field and that's how I think there is some relevance with regards to his activities and your piece of legislation."

Speaker Black: "Representative Cross."

Cross: "Well, if it's a clown, that in his performance is a clown is one that also sings and I don't know about metro clowns. Then I think that this Bill applies to the clown your talking about."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Well, so my understanding of your Bill Representative Cross, I would appreciate your confirmation on this. That your Bill is essentially deals with composers and publishers of music. Is that correct? Whether it is by a clown or non-clown, correct?"

Speaker Black: "Representative Cross."

Cross: "Yes."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Could you just briefly explain what that Bill does

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and then I have just a few questions about that?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative you're asking some very valid questions. What this Bill does is attempt to set some standard...some rates in the area of copyright or payment of copyright fees. And it also is an attempt to set out some standards in the contract world between restaurant owners and the bar owners and the like who play music in their stereos. And this sets out contractual obligations between companies like ASCAP and BMI and the restaurant owners."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Very good. Just so I can understand this and perhaps we could help the rest of the Body understand this, let's try to illustrate your Bill in a...hypothetically. So, let's say that Saputo's here in Springfield has a jukebox and it plays the music of Elvis, for example. The playing of that music would require a royalty fee to your...some of these agencies. Is that correct?"

Speaker Black: "Representative Cross."

Cross: "Representative, if any restaurant that has something like jukebox or sound system has an obligation to pay royalty on that music that is paid. There are companies throughout the state like ASCAP and BMI that collect those royalties. So, in your situation, Saputo's would pay either ASCAP or BMI for the right to play the music."

Speaker Black: "Representative Blagojevich."

Blagojevich: "So, hypothetically again if Colonel Tom Parker, Elvis' agent, was part of ASCAP and he came down to Saputo's and said, 'hey, you're playing Elvis on the jukebox'. The law right now says that there has to be a royalty paid, correct? The second question is, if

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however...if however Saputo's has a television and then there is a commercial and it is Elvis singing 'All Shook Up'. Colonel Tom Parker comes to Saputo's and tries to shake down Saputo's for a royalty on that. What is the current law?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative that is the reason for the law. There is a lot of confusion. We are trying to stop that shark attack by Colonel Tom Parker and I'm not sure, does the clown fit into this clown scenario now?"

Speaker Black: "Representative Blagojevich."

Blagojevich: "Yes, he does."

Speaker Black: "Representative Cross."

Cross: "Let me guess, you're going to bring that clown in in just a second. Is that right?"

Speaker Black: "Representative Blagojevich."

Blagojevich: "Actually, I just want to clarify your Bill and I will probably try to weave him in here."

Speaker Black: "Yes, Representative your time is expired. Bring your questions to a conclusion, please. Go ahead, Representative Blagojevich."

Blagojevich: "Thank you, Representative Black. Representative Ronen would like to pass her time over to me. Would that be okay?"

Speaker Black: "In due time. Let me try to get down in some order. I'm sure we'll get right back to you, okay. The gentleman from McHenry, Representative Skinner."

Skinner: "I would just like to observe that if I...anyone wants to go to the Methodist Church tomorrow and thinks they are going to be meeting downtown, they will find an empty sanctuary, because all the Methodist Churches are apparently meeting at the State Fairgrounds. So, I

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wouldn't want you going to the wrong place, Representative, just because the Democrat doesn't know where they meet."

Speaker Black: "Thank you, Reverend. So, further questions on the Bill? The Gentleman from Saline, Representative Phelps."

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

Speaker Black: "He indicates he will."

Phelps: "Representative Cross, I don't have a copy of the legislation in hand, but assuming you know the difference or the categorical payments of royalties, professional writers. Do you know if your Bill addresses the performance and the mechanical royalties, as they stand in this state?"

Speaker Black: "Representative Cross."

Cross: "Representative, this is just a attempt. The Restaurant Association is not disputing or contesting the fact that there should be royalties paid to performers, whether they're publishers or songwriters, et cetera, and they pay those through the copyrights...through the companies like ASCAP or BMI. They are not trying to avoid that at all. All their wanting to know is, who these companies represent, which publishers and songwriters they have, trying to establish guidelines as to how much is paid and when it is paid and how often it is paid."

Speaker Black: "Representative Phelps."

Phelps: "But it is my understanding by federal law that they are to register with the clearing licensing organization ASCAP, BMI and CSAC."

Speaker Black: "Representative Cross."

Cross: "This legislation doesn't affect that registration process at all, Representative."

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Speaker Black: "Representative Phelps."

Phelps: "But then does it identify new entities to be able to tap in for the performance royalties then, or is it just trying to get at something that is not presently tapped for that source of income?"

Speaker Black: "Representative Cross."

Cross: "This is an attempt to develop, to outline or establish some parameters between the BMI's and the ASCAP's and the restaurants or dentists' office or whoever else plays music. There is no relationship between the restaurants and the performer, his or herself. It is just trying to establish, as I said, some guidelines between BMI, ASCAP, CSAC and the other societies."

Speaker Black: "Representative Phelps."

Phelps: "Does it have anything specified that makes a difference in the length of the copyrights that is presently required by law?"

Speaker Black: "Representative Cross."

Cross: "Dave, none whatsoever."

Speaker Black: "Representative Phelps."

Phelps: "Further discussion on the Bill? The Lady from Cook, Representative Ronen."

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

Speaker Black: "Very kind of you. Yes, proceed, Representative Blagojevich."

Blagojevich: "Thank you. Representative Cross, do you recall where I left off?"

Speaker Black: "Representative Cross."

Cross: "Oh, sure."

Speaker Black: "Representative Blagojevich."

Blagojevich: "Spectro-hypothetical. So when Colonel Tom Parker

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goes to Saputo's and says I want a royalty because you have Elvis music on the television. right now the law doesn't cover that or clarify that particular circumstance. Is that correct? Some of these people come in, like the Colonel could conceivably do and shake down Saputo's for a royalty even though they have no agreement with that agency. Is that right?"

Speaker Black: "Representative Cross."

Cross: "That is exactly right, Representative."

Speaker Black: "Representative Blagojevich."

Blagojevich: "And so, to get to the bottom of your Bill, what you are trying to do is to clarify that situation, so that an innocent small business person in most cases can go about his business and do so in fear of Colonel Tom Parker or some of these other music agencies, shaking down the business owner for a royalty when the business owner, and incidentally, isn't it true too that the business owner will agree to be shaken down in a circumstance like that because they are afraid they are going to be sued by these agencies. Is that right? And thereby incur legal expenses to defend themselves?"

Speaker Black: "Representative Cross."

Cross: "Representative, you are exactly right."

Speaker Black: "Representative Blagojevich."

Blagojevich: "I'm going to close very shortly. I'm just going to finish this up by just saying that, the other day I was in a book store, I was leafing through some books, I came across a book. The Elvis Cookbook. It had Elvis's favorite recipes in there. And it told a great story, it was either Blue Hawaii or Viva Las Vegas. They were doing the filming of that in the early sixties and Elvis was having dinner with Memphis Mafia and someone offered some

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escargot and Elvis was the kind of guy that was from Terry Deering's district, you know, they don't eat...they probably don't eat escargot too often. And he looked at those snails...Elvis looked at those snails and his leg started shaking and his lip kind of curled up and he got all shook up and he said, 'Man, I ain't eating anything that crawls'. It seems to me, Representative Cross...it seems to me that what your trying to do in this Bill is to stop those crawling agents come to small businesses, shake them down with threats of lawsuits...shake them down with threats of lawsuits and make it so they can conduct their businesses without the fear that they are going to be sued. Is that a fair and accurate assessment of your Bill?"

Speaker Black: "Representative Cross."

Cross: "Yes,"

Speaker Black: "Representative Blagojevich."

Blagojevich: "In that case, to the Bill."

Speaker Black: "Yes, to the Bill."

Blagojevich: "This is the kind of Bill that I think most people would probably on most sides of the aisle support, because it is pro small business, it clarifies, it cleanses it doesn't clown around and so for those of us who moonlight as clowns and for those of who don't. We all ought to support this Bill. Thank you."

Speaker Black: "I'm very glad you spend some time in a book store, Representative. The Gentleman from Macoupin, Representative Hannig. Are you seeking recognition?"

Hannig: "Yes, will the Sponsor yield, please?"

Speaker Black: "Unfortunately, he says he will."

Hannig: "Representative, in my district, where we have a lot of small restaurants and clubs, they are probably not now paying anything, as far as I know. How will this Bill

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impact them?"

Speaker Black: "Representative Cross."

Cross: "Representative, most likely they are paying some form of a royalty, maybe some two or three hundred dollars a year. But Representative Blagojevich did a good job explaining it in his closing. They may not be having the problem of people coming in and trying to shake them down as what has been going on in the city. But what it does, it says, restaurant owner and BMI and ASCAP, the company that collects these royalties fees, you have to set up...when you do your contract, you have to tell us what performers you represent. So, if anything, it protects your restaurant owner or bar owner here in Springfield."

Speaker Black: "Representative Hannig."

Hannig: "How much...how much will the fees be that will be imposed on these restaurant and clubs? Does the Bill spell that out?"

Speaker Black: "Representative Cross."

Cross: "It will be the same as it is now. They will just set it out in the contract. Right now there is some confusion about what the fees are and the concern is, that they are coming in and asking for additional fees and fines halfway through the year. So, the fees will not...will not be any different, in fact they might be lower."

Speaker Black: "Representative Hannig."

Hannig: "Representative, what happens now in case where someone comes in and tries to collect a fee and a restaurant simply refuses. What is the procedure under those circumstances?"

Speaker Black: "Representative Cross."

Cross: "In the cases where we have had problems...where there have been problems, Representative, the companies like

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ASCAP and BMI have said, 'all right if you don't pay us, we are going to sue you'. And because it is a copyright violation, they are ending up in New York, in Federal Court and the restaurant owners in the city have...some of them have incurred legal fees anywhere from five to ten thousand dollars."

Speaker Black: "Representative Hannig."

Hannig: "Representative, I think that, what your trying to do is probably a good thing, but I'm not certain that in all the parts of the state that I represent, at least, that people are paying these fees to begin with. And I'm afraid that it maybe perceived after we pass this that we in the Legislature imposed these fees on these small clubs and restaurants throughout the state. It looks like...you want to respond to that? I would like to hear your response to that, Representative."

Speaker Black: "Representative Cross."

Cross: "Representative, that...is with all due respect...is far from the truth as could be. I don't know if you have seen the Bill, it's when there is a relationship between ASCAP or BMI all we are saying in this Bill is that it has to be in writing and we have to outline what the rate is going to be and the groups that are covered. So, there...this will not impose in anyway additional fees or rates."

Speaker Black: "Representative Hannig."

Hannig: "I guess the problem is that maybe in some of the rural areas that I represent, I'm not sure if the big shot lawyers from New York, even now that they exist, let alone know that they owe a fee and perhaps they...do under the current legislation and laws. But I'm afraid that by making this simpler, its going to be a simpler way to impose these fees on these small clubs and restaurants."

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Many of whom are barely getting...getting by the way it is, and I have reluctance to vote for this. I know you're very well intended. You're trying to make the law better, but I have a fear that in final analysis that those of us who vote for this proposal will end up being blamed for having imposed a fee on these restaurants and clubs. In spite of the fact that clearly that is not the case."

Speaker Black: "Representative Cross, would you like to respond?"

Cross: "Representative, this is a Bill sponsored by and proposed by the Restaurant Association. This is a Bill designed to protect the restaurants and the bars and anyone that plays music in their establishment. It is something they have suggested and that they have actually almost insisted upon. So...I don't see...with all due respect, I don't agree with your interpretation."

Speaker Black: "And on this agreed Bill, the last person seeking recognition. The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Thank you, didn't hear me, did he? Didn't hear me. Representative, we have some folks on this side of the aisle, who have involved themselves in the entertainment business. For instance, over here we have Fester the dancer, who last night won a dance contest, dancing by himself. Now, I have no problem with him dancing by himself and apparently he didn't either, but the issue is whether ASCAP or BMI or the Restaurant Association would have any problem with him continuing to that if this Bill passes."

Speaker Black: "Representative Cross."

Cross: "They would encourage him to continue that,

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Representative."

Speaker Black: "Representative Lang."

Lang: "In addition we have 'Big Cat' Deering, who yesterday wrote two very lovely songs, parodies that he had sang publicly, in a restaurant or a bar. And I was wondering if that violate any laws and if he would be required to pay some sort of royalty to anyone, you perhaps."

Speaker Black: "Representative Cross."

Cross: "Not at all, Representative, but I would enjoy and appreciate and I'm sure others would if he would sing both of those songs, right now. I would be willing to yield my time to Representative Deering."

Speaker Black: "Representative Lang."

Lang: "Well, I would be happy to curtail my questioning and if the Speaker would allow him to do that, I would be happy to yield at this time."

Speaker Black: "Representative Deering looks just a bit reluctant, Representative."

Lang: "Apparently not, but I'm sure he would be happy to pass out the words and lead us in the song at a later time. Representative, on the Bill, many of us have heard the words ask ASCAP and BMI for many years and I don't think any of us knows what they are. Subversive organization or some kind of restaurant or...we don't know what they are. Perhaps you can tell us what they are and why they are...and why their opinion on this Bill is so critical to the Restaurant Association."

Speaker Black: "Representative Cross."

Cross: "They are the agents for the performing artists, Representatives. They collect the fees...the royalties...for the performing artists, for example they collect fees that...when restaurants play music in their

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restaurants, they in turn collect the fee for the royalties and then disburse them to the performing artists."

Speaker Black: "Representative Lang."

Lang: "And perhaps...with all this bantering on this Bill, I don't think we yet hear the mechanism that is in your Bill that resolves the problem that the restaurant Association needs to resolve. Can you tell us what you do and how you do it?"

Speaker Black: "Representative Cross."

Cross: "Representative, it merely, it is a fairly simple Bill, it says Restaurant Association, if and when you enter a contract with one of these agents like BMI, the contract...the BMI or the ASCAP agency has to say these are the performing artists that we represent. There is a list if you want them and then it also sets out the rate that is going to be charged by the agent. And that is pretty much the basic or the...basics or the meat of this Bill."

Speaker Black: "Representative Lang."

Lang: "So, I think I understand now. One other issue. When legislators get together at Baur's and stand around the piano, both sides of the aisle do this periodically and they sing songs that are registered either with ASCAP or BMI, do they owe the artists who wrote those songs or who originally sang those songs any money? Do the restaurants owe those folks any money? Do you owe those folks any money?"

Speaker Black: "Representative Cross."

Cross: "I really don't know, Representative."

Speaker Black: "Representative Lang."

Lang: "Well, since the Representative doesn't know and since he is honest about it and since he is not under his desk, I am going to vote for his Bill, despite the fact that I

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don't like his tie."

Speaker Black: "And with no one seeking recognition, the Gentleman from Kendall, Representative Cross to close."

Cross: "Thank you, Mr. Speaker. This is the Bill that got out of the Senate, 56 to nothing. There is no opposition that I know of. It is a Bill that protects small business, including restaurants. And I would appreciate a 'yes' vote."

Speaker Black: "The question is, 'Shall Senate Bill 435 pass?' All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'aye' and none voting 'nay' and none voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, I have an announcement. Excuse me just one moment...the wardrobe manager for the Beach Boys would like their shirt back, they're in the back of the chamber. Thank you. Mr. Clerk, on the order of Third...Senate Bills Third Reading, it appears Senate Bill 947. Please read the Bill."

Clerk Rossi: "Senate Bill 947. A Bill for an Act concerning the election of the Mayor of Chicago. Third Reading of this Senate Bill."

Speaker Black: "On this Bill, the Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 947 would change the way the Mayor, City Clerk, and City Treasurer are elected in Chicago, by creating a non-partisan election as is done in the rest of the State of Illinois. I would be happy to try to answer any questions, if there are any."

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Speaker Black: "And on this question, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, what did the city of Chicago have to say about this legislation?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "I believe the city of...the Mayor of Chicago is in favor it. He said he was in favor of it in the past, but I had no communication from him, so I really can't say."

Speaker Black: "Representative Lang."

Lang: "Let me make it real clear, the City of Chicago is against this legislation. Representative, I have in front of me, I don't know if you have seen it, a letter from the...the committeeman of the Palatine Township Republican Organization. Have you seen this letter?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "No I have not been privilege to see that letter. I don't...in fact, I don't know who the Committeeman of the Palentine Township is."

Speaker Black: "Representative Lang."

Lang: "Well, I can't read the signature...oh, Bob Bergman, committeeman Palentine Township. Mr. Bergman took the time to send me a letter to tell me that he and many of his other Republican colleague committeemen feel that Mr. Dudich's legislation and your legislation should not be passed. Would that surprise you?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "No, it wouldn't surprise me. I'm not surprised by anything that some of the suburban mayors would say or committeemen."

Speaker Black: "Representative Lang."

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Lang: "He indicates in his letter here that this dangerous legislation, he indicates it is in violation of several sections of the constitution and the Federal Civil Rights Act. And it would lead to the further debilitation and destruction of our precious American political institutions, political parties. I guess you don't agree with them on that?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Representative Lang, no I don't agree with them on that. I think that this would be a cost saving measure for the City of Chicago and many times they wouldn't have to hold...a second Mayoral election, because the candidate...one of the candidates would win the majority the first time around. So, I...don't think the Palentine Township Committeeman is well advised in telling us how to run elections in Chicago. Certainly we are not telling him how to run his elections."

Speaker Black: "Representative Lang."

Lang: "Mr. Bergman in his letter says, extension of so-called partisan elections also increases the influence of bureaucracy, non-traditional political groups, political consultants, organized special interest groups, wealthy candidates, and personal organizations and the media. All benefit by the dismemberment of the party functions and influence. The rapid rise of women in last several years within the current party structures would also be stunted. Do you agree with any of that?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "No."

Speaker Black: "Representative Lang."

Lang: "What is the compelling interest, Sir, in us telling the City of Chicago from Springfield how to do their business?"

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Speaker Black: "Representative McAuliffe."

McAuliffe: "Well, I think we have a duty to tell not only the rest of the state of Illinois, but also Chicago. It has been suggested to me that the mayor of Chicago was in favor of this. And I'm simply trying to advance an idea that he at one time advocated and I think he still advocates. He was quoted in the Tribune, before this past election, when he was re-elected that he favored a non-partisan election for mayor. So, I don't think the City of Chicago or the mayor are opposed to this Bill."

Speaker Black: "Representative Lang."

Lang: "I'm not sure how you've made the case for this, other than to say that you just think that we should not run by party affiliation in the City of Chicago for Mayor. Were you not satisfied with Spanky the Clown as a candidate for the Republican Party?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "He was not my first choice. We have a wonderful system in Chicago that non-partisan election for aldermen. We have 50 very highly qualified, qualified aldermen. There aren't too many of them that are Republican. I think there is one. But, they all run non-partisan and they do a good job of running the City. Most of them belong to your party, I believe. In fact, I would say that 49 of them belong to your party. They do a good job, and I think that the Mayor's election...the results would...continue, whoever would be elected Mayor, would continue to do a good job."

Speaker Black: "Representative Lang."

Lang: "Well, I don't know that 49 of them are of my party because you just said the run non-partisan. How are we to know what party they're in, Sir? I don't know that that's true."

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Representative, is there some good reason you want to give us why we ought to do this?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Well, I think it would save some money and I think that the Mayor of Chicago indicated he was for it, originally. Unless he has changed his mind, and if he has, he hasn't told me. Nobody came down and asked me to withdraw this Bill."

Speaker Black: "Representative Lang, your time has expired. Let me go on to some others. There are several people seeking recognition. The Gentleman for McCoupin, Representative Hannig."

Hannig: "Yes Mr. Speaker, I would like to yield my time to Mr. Lang."

Speaker Black: "Thank you so much. The Gentleman from Cook, Representative Lang, proceed."

Lang: "Thank you, and thank you, Representative Hannig. Representative, does this Bill only cover the City of Chicago?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "It does cover the City of Chicago because I think I'm correct in stating that the other cities already have this. I know the suburbs in my district currently run non-partisan elections for Mayor."

Speaker Black: "Representative Lang."

Lang: "Well, when you say the other cities, sir, there a whole lot of cities in the State of Illinois. I live in the Village of Skokie, we have partisan elections. If the members of the House who live in cities that have partisan elections will raise their hands, I would appreciate it. Obviously none on that side of the aisle, but there are certainly over here? Why do you pick out the City of

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Chicago for this treatment sir?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Because it's the biggest City in Illinois and it's the City that I live in. And, I think it would help improve the election process in Chicago, instead of having to work two elections, all the precinct captains, next election would only have to work one."

Speaker Black: "Representative Lang."

Lang: "Well what the heck's wrong with the election process in the City of Chicago? What wrong are you trying to address with this legislation?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "We're trying to save the taxpayers some money and save some hard-work for the precinct captains and the ward committeemen who have to work two elections every year, every time there is a Mayor's election."

Speaker Black: "Representative Lang."

Lang: "Aren't you still going to have a runoff if someone doesn't receive 50% of the vote?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Yes, there would be a runoff if nobody received 50% of the vote."

Speaker Black: "Representative Lang."

Lang: "So how are you going to save anybody a second election?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Because the way the elections are conducted in Chicago, many times there wouldn't be a necessity to have a second election. From 1955 on, the Mayor of Chicago was elected with way over 50% of the vote, probably approaching 75% of the vote. So, in that case, there wouldn't have to have been a runoff election and we would have saved a lot of money."

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Speaker Black: "Representative Lang."

Lang: "Well, if you're a State Representative, Sir, that's the title of your office: State Representative. If you're so sure that this is a good cost-saving device, why don't you make this statewide? Why do you set aside the City of Chicago for special treatment?"

Speaker Black "Representative McAuliffe."

McAuliffe: "I said before, I live in the City of Chicago. It affects me directly."

Speaker Black: "Representative Lang."

Lang: "Well, sir, you represent more than just your district. It would be a very simple matter, if you really believe in this as a cost saving device for all the citizens of our state, to make this statewide. I also believe you represent certain suburbs, some of whom do not have non-partisan elections, and if that's the case, why don't you at least cover them?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "The other cities in my district have non-partisan elections."

Speaker Black: "Representative Lang."

Lang: "Doesn't Chicago have the authority to do this on their own, Sir?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Representative Lang, I'm not a lawyer, I don't know if they have the right to do it on their own."

Speaker Black: "Representative Lang."

Lang: "Well, it's your Bill, Sir. It's your Bill. Where's one of those experts that stand by you? Maybe this gentleman can give you the information, maybe someone over there. Doesn't the City of Chicago have the power to do this by themselves?"

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Speaker Black: "Representative McAuliffe."

McAuliffe: "He said that they do."

Speaker Black: "Representative Lang."

Lang: "Then, why don't we give them that right? Why don't we allow this home rule unit to handle their own destiny, Sir?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "We are giving them some guidance. Representative Lang, the City of Chicago never told me they were against this Bill. Nobody came to me and said, we don't like this Bill. You know, I'm an employee of the City of Chicago. If they wanted to come to me and tell me they didn't like the Bill, I would certainly have second thoughts about it. Nobody expressed any displeasure with this Bill whatsoever."

Speaker Black: "Representative Lang."

Lang: "Well, I'm telling you they're against the Bill and if you'll look over my head in the gallery, you probably see somebody waiving their thumb down like this. They're against the Bill, Sir."

Speaker Black: "Representative McAuliffe."

McAuliffe: "Nobody expressed one statement against this Bill to me. Nobody from the City of Chicago approached me, yes or no. There's a fella up from the City of Chicago, he's got his hands up and down. Look right now."

Speaker Black: "Representative Lang."

Lang: "Well, Mr. Speaker, parliamentary inquiry."

Speaker Black: "State your inquiry."

Lang: "It seems to me that since the City of Chicago has the power to do this themselves, or not do it themselves, we are taking away a power they have and accordingly, I think it preempts home rule and I would ask the Parliamentarian to rule that, or I would ask the Chair to rule, after

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consultation with the Parliamentarian, that this requires 71 votes."

Speaker Black: "Representative Lang, we'll look into that matter and get back to you. In the meantime, let's proceed with some of the people that are seeking recognition. The Lady from Cook, Representative Howard."

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

Speaker Black: "Could we put that to a vote? No. Representative Lang, do you wish to proceed or you want to see if any of these other people want to speak on this while he is looking into your inquiry?"

Lang: "Oh, I'll find something to ask, Sir."

Speaker Black: "Sure, proceed."

Lang: "Representative, what is the difference between the original Bill that just came over from the Senate and Amendment No. 2 that was added by Representative Moore?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "I don't know Lou, I haven't seen the Amendment."

Speaker Black: "Representative Lang."

Lang: "Well, is Amendment 2 on the Bill, Sir?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Representative Lang, we'll check the file and see."

Speaker Black: "Mr. Clerk, are any Amendments attached to Senate Bill 947?"

Clerk Rossi: "No Amendments have been adopted to Senate Bill 947. Floor Amendment numbers 1 and 2 have been referred to Rules."

Speaker Black: "Oh, any further questions, Representative Lang?"

Lang: "Thank you. Why did House Amendment No. 2 go to Rules, sir? Did you not support it?"

Speaker Black: "Representative McAuliffe."

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McAuliffe: "I did not support it, no."

Speaker Black: "Representative Lang."

Lang: "Well, you just said you didn't know there was an Amendment No. 2, how do you know you whether you supported it or not?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "I didn't see Amendment No. 2 and I didn't support it. Okay?"

Speaker Black: "Representative Lang."

Lang: "You've included, Sir, not only the Mayor, but the Clerk and Treasurer of the City of Chicago. Why did you feel it necessary to do this?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Well, Lou, there would be no savings if we had to have a non-partisan election for Mayor, then we had a partisan election for City Clerk and City Treasurer. So, I included all three together so that we had a non-partisan election, then we had to have a run-off election for City Clerk and City Treasurer that wouldn't make any sense."

Speaker Black: "Representative Lang."

Lang: "Isn't it true there is only a potential savings if one candidate gets 50% of the vote or more?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "That's correct, but that often time happens in Chicago."

Speaker Black: "Representative Lang."

Lang: "But that would have to be the case in all three of those elections, would it not? So that if in two of those elections, one candidate got more than 50% of the vote, but in the third, no candidate did, you'd need a second election. Isn't that correct?"

Speaker Black: "Representative McAuliffe."

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McAuliffe: "Correct."

Speaker Black: "Representative Lang."

Lang: "Now, I understand that if Spanky the Clown ran again, he probably would not get 50% of the vote. But isn't it quite likely that when you are talking about three different elections at one time, that at least in one of those elections there will be some? No candidate that gets 50% of the vote, especially if it's non-partisan, because what you'll have is many people running. After all, there would not have been a primary. So, you could get 20 people running for City Clerk in the City of Chicago. Is someone going to get 50% then?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "I believe that somebody could get 50% of the vote, certainly."

Speaker Black: "Representative Lang."

Lang: "So, Representative, this is a 'maybe' Bill. It is not a 'merely' Bill, but a 'maybe' Bill. Maybe you can save some money, maybe every election will have a candidate that receives more than 50% of the vote, but there is no indication that will happen. So your statement that your doing this to save money is a maybe, isn't it?"

Speaker Black: "Representative McAuliffe."

McAuliffe: "Maybe we'll save some money and maybe we won't."

Speaker Black: "Representative Lang."

Lang: "Well, I don't think 'maybe' is good enough to pass legislation here, Sir. I don't think our job is to do maybe, I think our job is to address policy issues in the State of Illinois that we need to address. So I don't think your Bill does what it intends to do and I also think we should keep our nose out of the business of the City of Chicago."

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Speaker Black: "Representative Lang, your time has expired and on behalf of the Speaker as to your inquiry, this measure will require 60 votes and the cite is the Illinois Constitution, Article VII, Section 6(f), if you would perhaps like to consult that while we continue? Further discussion on the Bill? The Gentleman from Champaign, Representative Johnson."

Johnson: "Mr. Speaker, I move to the previous question."

Speaker Black: "The Gentleman has moved to the previous question. On that question, all those in favor of putting the main question, signify by saying 'aye', opposed 'nay'. In the opinion of the chair, the 'ayes' have it. The main question shall be put. Representative McAuliffe to close."

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

Speaker Black: "The question is, 'Shall Senate Bill 947 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open, this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk...Mr. Clerk....take the record. Yes, the Gentleman from Cook, Representative Lang, for what purpose are you seeking recognition?"

Lang: "We would seek a verification, Mr. Speaker."

Speaker Black: "That's fine, the verification will be granted. The Gentleman from Cook has requested a verification and on the Senate Bill 947, there are 61 voting 'aye', 47 voting 'no', 4 voting 'present'."

Clerk Rossi: "Poll of those voting in the affirmative. Representatives Ackerman, Balthis, Biggert, Biggins, Black, Bost, Brady, Churchill, Ciarlo, Clayton, Cowlshaw, Cross, Deuchler, Durkin, Gash, Hanrahan, Hassert, Hoeft, Hughes, Tim Johnson, Tom Johnson, John Jones, Klingler, Krause, Kubik, Lachner, Lawfer, Leitch, Lyons, McAuliffe, Meyer,

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Mitchell, Moffitt, Andrea Moore, Mulligan, Maureen Murphy, Myers, Noland, O'Connor, Pankau, Parke, Persico, Poe, Roskam, Rutherford, Ryder, Salvi, Saviano, Spangler, Stephens, Tenhouse, John Turner, Wait, Weaver, Wennlund, Winkel, Winters, Wirsing, Wojcik, Zickus and Mr. Speaker."

Speaker Black: "Thank you Mr. Clerk. Mr. Lang do you have questions of the affirmative? Representative Lang."

Lang: "Representative Cross?"

Speaker Black: "Representative Cross? Is the Gentleman in the Chamber? Yes, he is very hard to miss."

Lang: "Representative Wennlund?"

Speaker Black "Representative Wennlund, the Gentleman from Will? Yes, Representative Wennlund is in his area. Proceed, Mr. Lang."

Lang: "One moment. Representative Klingler? Oh, standing here. Representative Saviano?"

Speaker Black: "The Gentleman from Cook, Representative Saviano, is he in the chamber? He is in his chair."

Lang: "Representative Wojcik?"

Speaker Black: "Representative Wojcik is in the center aisle. Proceed. Does Representative Johnson, Tim Johnson, have leave to be verified?"

Lang: "Representative Balthis?"

Speaker Black: "Representative Balthis? Is Representative Balthis in the chamber? Representative Balthis is in the back in the center aisle. Proceed, Representative."

Lang: "Representative Spangler?"

Speaker Black: "Representative Spangler? In the rear of the Chamber."

Lang: "Representative Andrea Moore?"

Speaker Black: "Representative Andrea Moore? Representative Andrea Moore? Is the Lady in the chamber? She appears not

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to be in the chamber. Remove her from the Roll, Mr. Clerk.
Anything further, Representative Lang?"

Lang: "Representative Noland?"

Speaker Black: "Representative Duane Noland is down here in
front."

Lang: "Representative Lawfer?"

Speaker Black: "Representative Lawfer? Is the Gentleman in the
chamber? Yes, he is in his chair. Excuse me,
Representative Lang? Representative Andrea Moore I
believe, was in the nurse's station, is now back on the
Floor. Add her back to the Roll, Mr. Clerk. Does she have
leave to be verified, Mr. Lang? Thank you."

Lang: "Representative Hanrahan?"

Speaker Black: "Representative 'Hanlihan' or Hanrahan?
Representative Hanrahan. Is Representative Hanrahan in the
chamber? The Gentleman from Cook, Representative Hanrahan,
is he in the chamber? Mr. Clerk, how is he recorded?"

Clerk Rossi: "Representative Hanrahan is recorded as voting in
the affirmative."

Speaker Black: "Alright, remove him from the Roll. Anything
further, Representative?"

Lang: "Representative Biggins?"

Speaker Black: "Representative Biggins is down here in front.
Anything further Mr. Lang?"

Lang: "Yes, one moment. One moment. Representative Ciarlo?"

Speaker Black: "Representative Ciarlo is in her chair."

Lang: "Representative Lyons?"

Speaker Black: "Representative Eileen Lyons... is in her chair."

Lang: "Representative Deuchler?"

Speaker Black: "Down in front of the Well."

Lang: "Representative O'Connor?"

Speaker Black: "Representative O'Connor is in his chair,

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Representative. Anything further?"

Lang: "Representative Wirsing? Oh, sorry, you were behind all of these people, Representative."

Speaker Black: "I know it's not in your nature to be dilatory Representative, let's conclude."

Lang: "These are in fact, Sir, all people I..."

Speaker Black: "I understand."

Lang: "...that were in their seat that I could see. Representative Poe?"

Speaker Black: "Representative Poe is in his chair."

Lang: "I can't see if Representative Bost is in his chair? Yes, he is."

Speaker Black: "Yes, he is."

Lang: "No further questions."

Speaker Black: "On this question, there are 60 voting 'yes', 47 voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the order of Senate Bills - Third Reading, appears Senate Bill 842. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 842, a Bill for an Act in relation to electronic reproduction. Third Reading of this Senate Bill."

Speaker Black: "An on this Bill, the Lady from Cook, Representative Krause."

Krause: "Thank you, Mr. Speaker. I would like to present at this time Senate Bill 842. The underlining part of the Bill amends the Insurance Code and provides that in regards to the books and records of insurers, documents that are saved through optical imaging of an original shall not be considered the same as the original and that any certified copy of an optical imaging shall also be deemed to be a certified copy of the original. In addition, the Bill does

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incorporate which was previously in House Bill 892 and it brings in the Health Insurance Purchasing Group Act commonly known as the pooling provision, and in addition, it also brings in the Health Insurance Portability language, both previously found in House Bill 892. Very briefly, the pooling provision authorizes two or more Illinois Employers, and with an Amendment, now provides that is up to 2500 employees, but can also include self-employed individuals, to join together to form health insurance purchasing groups. The goal is to make health insurance more accessible to small employees. In addition, Senate Bill 842 also incorporates the health insurance portability language that would extend pre-existing condition coverage requirements to excess or stop/loss policies for self-insured health benefit plans when those plans do not provide for such coverage. I would be pleased to answer any questions concerning Senate Bill 842."

Speaker Black: "And on that measure, the Representative from Will, Representative Wennlund."

Wennlund: "Thank you very much Mr. Speaker. I rise on a point of personal privilege because it is a personal friend of mine and a personal friend of everyone in these chambers. I ask all of you to join in wishing Representative Jack Kubik happy birthday on this 40th birthday party and you are certainly welcome to share in Representative Kubik's cake. Congratulations Representative Kubik."

Speaker Black: "Happy Birthday, Representative. What did he say? Forty? The big one? Representative Kubik. Let's see if he can still speak on this observance."

Kubik: "It was tough. It was tough. First of all, I want to invite everyone to have some cake. We have some cake in the Speaker's conference room and we would be delighted to

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have you join us for some cake and I want you all to know that I've already made my birthday wish, which is that we will not be here on next Saturday and will be out of Springfield by that point in time. Hopefully, birthday wishes will happen. But, thank you all very much."

Speaker Black: "For those of you that want cake, you better hurry, Representative Spangler has already left the chamber. The Gentleman from...excuse me, Representative Biggins, are you seeking recognition?"

Biggins: "Yes, I am, Mr. Speaker, and adding to the birthday frivolity and merriment and mirth, we have a plethora of birthday boys today that we can honor because my esteemed colleague with whom I share the 39th Senate District with, Representative Skip Saviano, is having a birthday today and I would like to acknowledge that."

Speaker Black: "Happy Birthday, Representative Saviano. Representative Saviano says it's been a rough year. You'll have to go get some of Kubik's cake. On Senate Bill 842, discussion on the Bill, the Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker, Members of the House. I rise in support of this fine piece of legislation. There is an area of concern that is very dear to my heart and that is pre-existing conditions. Many of you have family members who cannot go from job to job because they have a pre-existing condition. If this Bill is passed, it will alleviate that problem. It will also allow, maybe, the young lady or the young gentleman, who might be a single parent, to change jobs without having a thought that they might be losing their insurance. It is a very, very good bill. It's a Bill that its time has come and I really urge your support."

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Speaker Black: "Further discussion on the Bill, the Lady from Cook, Representative Currie."

Currie: "I would like to take this Bill off Short Debate."

Speaker Black: "That's fine, you're joined by the requisite number."

Currie: "Thank you. Will the Sponsor yield for a few questions?"

Speaker Black: "She indicates she will."

Currie: "Can you explain to us the stop/loss provision in the Bill, how that operates and what its effect you hope will be?"

Speaker Black: "Representative Krause."

Krause: "The stop/loss provision will provide, as it relates to pre-existing condition, that if the self-insured has a stop/loss or umbrella policy, that policy then must also include the language as it relates to pre-existing conditions as found in the legislation."

Speaker Black: "Representative Currie."

Currie: "So the effect of that provision is intended to enable us to cover large employers who are self-insured, as well as the smaller employers that are covered under other aspects of our Insurance Code mandates?"

Speaker Black: "Representative Krause."

Krause: "That is correct, to cover all."

Speaker Black: "Excuse me, Representative. Ladies and Gentlemen of the House, for those of you who are engaged in the birthday celebration, perhaps you can take your celebratory remarks in the back halls ...very important bill. We'll appreciate it if you come to order, those of you in the back of the chamber. Proceed, Representative Currie."

Currie: "Thank you. And do we have any experience with other States efforts to adopt this kind of provision? Do we have any experience in case law as to whether the Courts will

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permit us to contravene the Federal ERISA provisions?"

Speaker Black: "Representative Krause."

Krause: "Yes, I believe that has been addressed and staff, in working with them, there was a case in the Court of Appeals in Michigan, which applied substance abuse provisions to stop/loss policies and it was upheld and the ERISA law did not bar it and in fact, that this can be done by states."

Speaker Black: "Those of you engaged in the extraneous activity in the Chamber, take it outside! Some of us would like to adjourn before midnight. This is a very important Bill. You can't even hear yourself think. Now, take the conversations outside. The next time I have to use this gavel I'm going to call you by name. Proceed Representative Currie."

Currie: "I think we may have a point of personal..."

Speaker Black: "Yes, Minority Leader Madigan."

Madigan: "Mr. Speaker, as one of your are ardent supporters and your current campaign manager, would you please remain calm in terms of the progress of our campaign?"

Speaker Black: "It is past time for my five o'clock aspirin fix. Proceed, Representative Currie."

Currie: "Thank you Speaker. To the Bill. I think the stop/loss provision in the Bill is, makes this a very major step forward in terms of protecting Illinois workers opportunities to move from job to job without risk of losing health care coverage for a pre-existing condition. There remain, however, two flaws in this Bill, flaws that I had hoped that the Sponsor might have corrected between the time she presented us with House Bill 892 and today's version, Senate Bill 842. Those two flaws are these: First, the provision of the pre-existing condition, opportunities only applies when the health insurance policy

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is written in the State of Illinois. There are many employed individuals in Illinois whose companies deal, national companies deal with policies that are written in Pennsylvania or California or Delaware, or wherever. Those employees will not be protected by passage of Senate Bill 842. As well, there is no, no anti-discrimination clause in the measure, the effect of the anti-discrimination clause would mean that no employer could refuse altogether to pick up the health care costs of a particular individual. We are concerned with the lack of the anti-discrimination provision because some employers might decide that their best way around the pre-existing limitation in this Bill, is to deny health care coverage altogether to a worker who comes with a pre-existing condition or has a dependent who suffers from some serious and chronic illness. But for those flaws, this is an excellent Bill and think we would be well advised to support the Sponsor in her Motion to adopt Senate Bill 842."

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

Lang: "Thank you, Mr. Speaker. To the Bill. I have spoken for some years on the Floor of this House about health care and I am very concerned about the issues of pooling and portability. And, frankly, I hope there is some more debate on this Bill because I don't know how to vote on it. And, the reason is that even though there is some issues in this Bill that would make one want to, whose favor is doing something about the portability problem and pooling, to in a knee-jerk way vote for the Bill, I frankly have some problems with it. The problems are these, and I throw them out for you to analyze, I'm not going to tell you how to

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vote because I don't know how I'm going to vote. The problems with the bill are these: First, the provisions apply only to group policies that are issued in the State of Illinois. So, that any employer that wishes to avoid the issues presented here on portability, so that we can deal with the issue of pre-existing conditions, need only find an insurer who is out of the State of Illinois. Once they do that and once they find a policy issued out of the state, it gives them the opportunity to get out from under this portability provision, if they wish. So that's the first loophole. The second loophole is that there is no guaranteed date of coverage. Because of that, we don't know when the date of coverage begins. The employer could delay the effective date of coverage for a given employee, thereby circumventing the pre-existing conditions just by manipulating the effective date. These to me are serious loopholes. Now, some might argue that even though these are loopholes, this is a step forward in the area of dealing with the issue of portability; these are a step forward in dealing with the issues of pre-existing conditions, and arguably they are correct, which is why I may vote for this Bill. But I'm concerned about these loopholes and one of the reasons I'm concerned, other than the reasons I have given which are obvious, is the history of the Illinois House of Representatives, in dealing with these kinds of issues and our history is that once we pass these kinds of things, we tend not to want to re-visit them. And so for those who say let's pass this now and correct it next year, I say, well how do you know we'll be able to correct it next year? How do you know we'll be able to re-visit these issues and close up these loopholes? Who is going to close up those loopholes for us? Who is

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going to stand up and say we can close these loopholes and make this issue, regarding pre-existing conditions, portability, job-lock and all the rest, go away. This Bill, although taking a step, does not make those issues go away. And my concern, Ladies and Gentlemen, is just simply that if we pass this today, the loopholes will never be closed up and we'll continue to allow employers to get out from under what we're trying to do here regarding the problems of pre-existing condition and the problem of lack of portability and job lock. And so I'm not sure what I'm going to do, I may eventually, before, when we vote on this and the bell rings, I may vote to take a step forward but I felt it important to get on the record my concerns about these loopholes and I leave to you to decide what you want to do with those loopholes, but it is important that the Illinois General Assembly begin to deal with the issues of health care. The federal government has failed to do so. They started to, but because of various political considerations in Washington, have not been able to complete the job. If the federal government would only complete their job, our job would be less complicated. Perhaps what we ought to do today is pass a resolution calling on the federal government to deal with these problems so that 50 states won't have 50 different proposals with 50 different sets of loopholes. Thank you."

Speaker Black: "No one else seeking recognition on this question. Excuse me, the gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and gentlemen of the House, this is an issue that I feel very strongly on. We all, when we come to the legislature, we all bring our personal experiences to this Body. We all relate, in the legislation that we deal with, to those personal

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experiences. And, I guess the previous speaker had indicated that they were somewhat in limbo as to whether they were going to support this legislation or not. And as a part of arriving at my decision, I would like to frame the legislation as it impacts on people. Earlier in my life, I happen to have a daughter that was born with cystic fibrosis. It's a disease that kills. It's a disease that's a pre-existing condition. It's a disease that if you leave one insurance company, it is not covered by the insurance company that you might go to. At the time that I had the misfortune of having my daughter diagnosed with this disease, I worked for a company that was going through cutbacks. In the process of cutting back was to put us all on a draft list and everyday we went into the company and we found out if we had a job for the remainder of that day. I went through two years of that, knowing that I had a daughter, that if I was out of a job, could not obtain insurance, could not obtain the type of treatment that she needed to stay alive. That is a tremendous pressure to place on a parent. That's a tremendous pressure to place on anybody. And I stand in strong support, even if this is just a step ahead, even if we do need to have federal legislation that deals with this, I think we should send a message to the people that we represent in this State, the people we can impact here and we need to say to them, we want this legislation to move forward, we can through that send a message to those that represent us at the federal level in Congress and we can say to them, we want this legislation to move forward at the federal level. I would stand in complete support of a Resolution by this Body to the federal Congress to ask them to take immediate action on the pre-existing condition and the portability of

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insurance. I want that. I wanted it for me when I had those things that I faced. I want it for other people in this state today and I stand in strong support. And I would just ask that the Representative that still had a question in his mind, to consider those things. I would be more than happy to support your Resolution and I hope that you can see fit to support this Bill."

Speaker Black: "With no one else seeking recognition on the question, the Lady from Cook, Representative Krause, to close."

Krause: "Thank you, Mr. Speaker. I ask for the support of the House on Senate Bill 842, a significant step in the area of health care reform and when we had the opportunity to vote on this as part of House Bill 892 the vote was 115 'yes' and 0 'noes'. I ask for your support once again."

Speaker Black: "The question is, 'Shall House Bill...Senate Bill 842 pass?' All those in favor vote 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen of the House, we will ask the Clerk to announce the schedule for this evening. Those of you on Committees would be advised to take note. Mr. Clerk, announcements."

Clerk Rossi: "The House Committee on Privatization, Deregulation, Economic and Urban Development will meet at 6:00 p.m. in 118 of the Capitol. The House Committee on Elections and State Government will meet at 6:00 p.m. in 114 of the Capitol. The Counties and Townships Committee will meet at 6:00 p.m. in D-1 of the Stratton Building. The Health Care

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and Human Services Committee will meet in 118 of the Capitol building at 6:30 p.m. The Elementary Secondary Education Committee will meet at 6:30 p.m. in 114 of the Capitol. The Registration and Regulation Committee will meet at 6:30 p.m. in D-1 of the Stratton Building."

Speaker Black: "Ladies and Gentlemen of the House, if I could have your attention. Representative Saviano felt that he should not be outdone by Representative Kubik's cake, so Representative Saviano's cake has now arrived at the front of the chamber, here by the Well. Representative Spangler has taken his piece, there are two or three left, however. Mr. Clerk, Senate Bills - Third Reading, appears Senate Bill 925. Read the Bill."

Clerk Rossi: "Senate Bill 925. A Bill for an Act making..."

Speaker Black: "Mr. Clerk, take the Bill out of the Record. On page four of the calendar, Senate Bills - Third Reading, there appears Senate Bill 443. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 443. A Bill for an Act amending the Nursing Home Care Act. Third Reading of this Senate Bill."

Speaker Black: "And on this Bill, the Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 443 was introduced in the Senate by Senator Fawell. It provided that a public employee responsible for inspecting, surveying or evaluating a facility under the Nursing Home Care Act, who intentionally profits from violating provisions for confidentiality of the process shall be guilty of a Class IV Felony and shall lose his or her license. That section was supported by AARP and Illinois Citizens for better care and passed the Senate 57 to nothing. In the House, two amendments were

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added. First of all, Amendment number 1 which includes the provisions of a bill originally introduced by Representative Krause, House Bill 1838, and that is also a non-controversial provision. It extends for two years a pilot project allowing annual accreditation review to be used in lieu of inspections by the Department of Public Health. Amendment number 2 was introduced by Representative Brady and that gives the Department of Public Health authority to waive compliance with licensing requirements for specific facilities when a set of facilities has the same board of directors, same medical staff and same executive officer. And that is an amended version of Senate Bill 616 which has no opposition, passed the Senate unanimously, 58 to nothing. Mr. Speaker, Ladies and Gentlemen of the House, I'd ask for favorable consideration of Senate Bill 443."

Speaker Black: "And on this question, the lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you Mr. Speaker. First of all, I have an inquiry of the Clerk. I see that there is a Correctional Budget and Impact Note in the file and I don't see any signature on that. I'm not sure why we have a Department of Corrections note, but to do you have one in the file and is it signed?"

Speaker Black: "Mr. Clerk, would you respond please?"

Clerk Rossi: "Representative Schakowsky, the notes that we have on file in the Clerk's Office are signed."

Speaker Black: "Representative Schakowsky, do you have further questions or inquiries?"

Schakowsky: "Well, could...if I heard the Clerk correctly, the notes are not signed. They are signed. They are signed. I'd like to ask another inquiry of the Clerk. When were

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those notes signed?"

Speaker Black: "Was your inquiry to the Clerk, Representative?"

Clerk Rossi: "Those notes were signed Thursday evening."

Speaker Black: "Representative Schakowsky, further questions?"

Schakowsky: "I would just like to make the point, Mr. Speaker, that the Fiscal Note was filed on the 18th and the notes, it appears, were signed after the notes were filed. Another example of fraudulent notes, but I do have a question for the Sponsor. Will he yield?"

Speaker Black: "He indicates he will."

Schakowsky: "Representative, I seem...I indicated my confusion about the Corrections Note, can you tell us what this does that would relate to the Department of Corrections in terms of the Criminal Code?"

Speaker Black: "Representative Tenhouse."

Tenhouse: "The only thing that I could..the only reason I would assume that the Democratic side of the aisle filed that note request would be because under, there is a change because the public employees that are responsible for inspection. We're talking about a penalty that would be of a higher class than what it was before. It is a Class IV felony, where currently it is a Class A Misdemeanor."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Thank you. Mr. Speaker, I can barely hear the Sponsor. Can we have some order in the chamber so I can ask a couple of questions?"

Speaker Black: "That's what happens Representative Schakowsky, when you feed these people a lot of sugar and cake, see, they go on one of these sugar highs. We're going to have to do the best we can, but I'll try to maintain some modicum of order. Proceed Representative."

Schakowsky: "Representative, to the best of your knowledge, does

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Illinois Citizens For Better Care, which advocates on behalf of Nursing Home Residents, support this Bill in its entirety now?"

Speaker Black: "Representative Tenhouse."

Tenhouse: "Yes, I spoke with the individuals from Illinois Citizens for Better Care in my office and I think they were comfortable with the Amendments that we were adding."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. To the Bill. I rise in support of this legislation which is an attempt to curb problems with public health nursing home inspectors alerting nursing home staff of the date and time of the inspection so as to temporarily fix any violations of the home in order to pass inspections. I know there are some other provisions of this legislation, but it seems to me that all of it does serve to further protect nursing home residents and I would urge support of this legislation."

Speaker Black: "With no one else seeking recognition... This Bill is on Short Debate. Representative Tenhouse to close."

Tenhouse: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is a good government Bill, really, because we are talking about protecting the nursing home residents and the original Bill, the underlying Bill is Senate Bill 443. And the two Amendments that are added, first of all, help as far as a pilot project extending that date as far as annual accreditation reviews in lieu of inspections by the Department of Public Health, that's certainly supported by everyone involved. And the second amendment involves only those facilities, hospital facilities, that are looking for single licensure, instead of having to have multiple licensures when they have the same board of directors, same

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medical staff and same executive officer. I would ask for adoption by this Body."

Speaker Black: "The question is shall Senate Bill 443 pass? All those in favor vote 'aye', opposed vote 'nay'. Voting is open. This final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'aye', one voting 'no', one voting 'present'. This bill having received a constitutional majority is hereby declared passed. Mr. Clerk, on the order of Third Reading, appears Senate Bill 925, please read the Bill."

Clerk Rossi: "Senate Bill 925, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Office of the Governor. Third Reading of this Senate Bill."

Speaker Black: "Yes, the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill appropriates the necessary funds for the budgets of the Constitutional Officers, General Assembly, General Assembly retirement, Legislative support agencies, the Supreme Court Appellate Defender, Appellate Prosecutor, Judicial Inquiry Board, Judges' Retirement and Auditor General. I'd be happy to answer questions concerning these items."

Speaker Black: "And on this measure, the Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes. Will the Sponsor yield?"

Speaker Black: "Yes, Representative Hannig, proceed."

Hannig: "Yes. Representative, I'm told that the...this budget contains salaries for the Department of Conservation, that is for the Director of the Department of Conservation, the Department of Mines and Minerals and Abandoned Mines Land

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Reclamation Council, all of which are to be rolled into a single agency under a Bill, I think we passed, just today and under an administrative order of the Governor. Could you help explain that, Representative?"

Speaker Black: "Representative Ryder."

Ryder: "I'd be glad to do my best to explain the answer to the question. All of the agency heads, all the department heads are in the Comptroller's budget. As you know, that's the one place from which these agencies are paid. It's the one place, excuse me I said agencies I meant to say directors, are paid. And if your question is, why are all of those in there instead of the director of Natural Resources? I would suggest to you it's simply a matter of timing. Until we passed the Bill today, we were not in a position to know whether the House would codify the executive order of the Governor. And it is my belief that the Governor will then treat or the Comptroller will then treat these so that the Director of Natural Resources will be paid what it was for the Director of Conservation. And then we will proceed on the other items. Thank you for bringing that to my attention."

Speaker Black: "Representative Hannig."

Hannig: "I appreciate the fact, Representative, that you said you'll try to correct this. But this Bill just came out of committee, I believe, last week or the week before. Why was it not addressed then or why could it not be addressed now, Representative Ryder?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, you raise a valid concern, one that I share. Our process, however, is to move the appropriation process along. This is not meant to be the final budget but rather another step in the process of moving the budget

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along, including those budgets that are outside of the direct aegis of the Governor. For example, the Supreme Court and others, this is what we normally refer to as the constitutionals and we wish to move them along. I believe that until the Governor signs some of the Bills that you've made reference to, we're not going to be able to have a final closure on those issues. And I would hope if the Bill that we pass today is one that will be signed, then the Governor will be able to deal with this and very quickly and I want to emphasize that, very quickly, will be able to come to closure on the budget so that we can finish our business here. This is simply another step. You participated in many of those steps, I've seen you in many long hours in the Appropriation Committees working very hard along with your appropriations spokespeople and the Appropriation Committee members. You've done a very good job in trying to spot these and I appreciate that, Representative Hannig."

Speaker Black: "Representative Hannig."

Hannig: "Yes, Representative Ryder, in another area recently we passed a, I think, a pension laws review, I'm not sure exactly the name but a new pension commission. Is there funding in this proposal for that, Representative?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Hannig, again, this is not meant to be the complete budget. You'll tell me when that happens. I know you will because you're an astute observer of the appropriation process. The pension commission or Pension Laws Commission, I believe is the name, has not successfully been made into law and as of this moment, it is not contained within this piece of legislation. As are many other items that are not contained within this piece

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of legislation. This is not meant to be the entire budget. I don't want to mislead anyone in that regard and I know that you're aware of that. This is simply meant to be another step. This is the constitutionals, the Supreme Court, the Comptroller, the Governor, Lieutenant Governor, Secretary of State. This is simply meant to be a process showing our intention to move the budget along and to make a final process so that we can finish our business, do our job, finalize the appropriation process and finish."

Speaker Black: "Yes, Representative Hannig, your time is expired. I'm sure we'll get back to you in just a second. The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I'd like to yield my time to my seatmate."

Speaker Black: "Would that be your seatmate on your left or the seatmate on your right?"

Brunsvold: "Mr. Hannig, on my left."

Speaker Black: "Okay. Yes. Representative Hannig, proceed."

Hannig: "Yes, thank you, Mr. Speaker. Representative, the Secretary of State's budget in here. Is it within the statutory cap that was enacted a few years back or are we over the cap in this proposal?"

Speaker Black: "Representative Ryder."

Ryder: "Actually I prefer that Representative Woolard has a chance at questions instead of Representative Hannig. He would have been kinder to me and I prefer kinder and gentler treatment at this moment. It is over the cap, Representative."

Speaker Black: "Representative Hannig."

Hannig: "It's my understanding, Representative, that we're 1.5 million over the cap in this proposal. I didn't hear your answer. Did you acknowledge that or is there another

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answer?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, that's because I was pleading for my case to have Representative Woolard asking these questions instead of someone as knowledgeable about the process as you. Representative Woolard is the kindlier and gentler person that I was speaking of, who I find to have always treated me very, very well. And the answer is, that it is 1.5 million over the cap."

Speaker Black: "Representative Hannig."

Hannig: "Well, I don't think that this Representative has answered the question, but...I do think that there is a problem, at least at this point, in the budget on this agency and that I'm not aware of and I'm not certain of the status of Secretary of State's Ryan's efforts to raise the cap. I know he had a Bill over here in the House at one point, but you know, unless and until something of that nature arises again, Representative, I think we're in a situation where this...this proposal would be in violation of the law. Would you like to respond?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Hannig, I'd be delighted to respond to the fiscal integrity of the Secretary of State's Office. George Ryan has done an extraordinary job to live within the means allowed to him. His office has made some of the very tough decisions. He has, as you know, tremendous responsibilities in the area of drivers license and vehicle registration. He has a tremendous responsibility in the areas of securities and other kinds of laws. And he has accomplished his responsibilities over the past 4 1/2 years with a degree of fiscal integrity and economy that I have come to admire. Just this week he has, in an attempt to

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live within the budget that he has set for himself, indicated that he is willing to make the very tough decisions to reduce head count. You and I may have read in the newspaper that which he announced when he indicated that he's going to live within the amount of money that appropriate for him and the amount of money that he has asked. And to do that he has faced that tough decision by indicating that head count will be reduced. Now, it's a measure of the compassion of this man, that he's going to try to do it through attrition and other means. But I would suggest to you that, that kind of tough managerial decision making on behalf of George Ryan as Secretary of State, deserves our support and I invite you to support George Ryan's effort to balance the budget. George Ryan's effort to live within the budget, to live within the revenues that he has and still do an extraordinary job. George Ryan has introduced landmark opportunities. You can now renew your license on your vehicle simply by a touch tone telephone. He offers one stop opportunities in the area of video. And as a result, George Ryan is doing the job for the people of the State of Illinois and I invite your support for his budget and for the other substantive legislation that's necessary so that George Ryan can do what needs to be done in this budget."

Speaker Black: "Representative Hannig."

Hannig: "Yes. Just for a clarification, could you answer perhaps yes or no? Is this proposal over the cap, Representative?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, it's probably virtually impossible for me to answer any appropriation question 'yes' or 'no'. But in this question, the answer is 'yes'."

Speaker Black: "Representative Hannig."

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Hannig: "Well, it seems to me that on the one hand we have, and maybe you can help me reconcile this, Representative, a proposal here for the Secretary of State which is clearly over the cap established by law. And you say we should live by the law that exists now when you talk about those other two proposals. So, Representative, how is it on the one hand that we have in here salaries for a director of Conservation and Energy and Natural Resources, Mines and Minerals as well as Abandoned Mines Reclamation Council? And your response was, that well we don't have that law yet on the books and we have to deal with what we have. And I respect that, that as things change you might be able to amend that. But then on the other hand you've told us, apparently, that we're going to try to pass a budget here today over and above an existing law for the Secretary of State's budget with the road cap. And I just haven't been able to reconcile those two points. And I'd ask that maybe in a very short period of time you could do that for me, Representative."

Speaker Black: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker and Representative Hannig. I took a quick count, you have two more staffers on your side than I do here and I have half of Secretary of State, oh I'm sorry, I counted Representative Mautino as a staff person and I apologize for that. The Secretary of State's Office has just brought to my attention, that although the budget is introduced, it does require over the cap as you..."

Speaker Black: "I'm sorry, Representative Ryder. The timer went off. Proceed."

Ryder: "...as you so correctly indicated. They have indicated their desire and their ability to reallocate their funds within that budget so that the cap is not necessary and

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they've also indicated their not seeking this substitutive language, so I stand corrected on my previous remarks. Thank you."

Speaker Black: "Yes. Representative Hannig, your second five minutes has expired. I would imagine we'll get back to you in just a second, however. The Gentleman from Fulton, Representative Smith, are you seeking recognition?"

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

Speaker Black: "Yes. Thank you very much. Representative Hannig, proceed."

Hannig: "Yes. Representative, in the Governor's budget I've been told that there's a \$131,000 in that for dues to the National Governor's Association, is that correct and do we need to be spending that kind of money in a tight fiscal year?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Hannig, I'm surprised. With the number of staff people that you have surrounding you, I had truly felt that the questions that you might ask would be a little more insightful than that. Of course there's association dues in here, just as there are in every previous budget that you and I have Sponsored and voted for. You know that. You supported them before. This is the first time that it has ever been questioned. And absolutely, this Governor should be part of the National Governor's Association, because I want the State of Illinois to participate. I want the State of Illinois, through it's Governor and it's Legislators, to participate in a national organization so that we can tell that federal government, that mandates, that throws our budget out of whack every time we try to balance it and we try very hard

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to balance it. I want that Governor to be able to speak with a force of 50 states and be able to tell that Congress, don't give us those unfunded mandates. Don't tell us that we got to jump through your hoops on Medicaid. Don't tell us that we have to pass your laws in order to have your money for transportation. Don't hold us and blackmail us. I want our Governor to be able to speak with the united force through the National Governor's Association. Just like I want us to be able to deal through the National Conference of State Legislators and the conference of State Governments, so that we can speak loudly and effectively to tell Congress that we don't want to be pushed around anymore."

Speaker Black: "Representative Hannig."

Hannig: "Well, I only have about 52 more Members to yield to me Representative, so I'll try to get this wrapped up, not in too distant future. I just thought Representative that maybe some of the new Members who were voting on a budget, the Governor's budget for the first time, ought to know that we're spending about \$131,000 for this, so the Governor can travel to various states and sit on the Medicaid Subcommittee. And I really wonder if that has helped us run up this \$1.3 billion debt. But in any case, Representative, let me go on to some of the other questions. And just to make sure that we know what we're voting on, does this also include the \$6.8 million for the Comptroller's new computer system?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Hannig, my guess is that you probably not only edified the new Members, but the majority of the old Members with the items that you're bringing to our attention. My guess is you probably educated yourself with

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some of the numbers that you're doing today by your examination of the budget. No, I take that back Representative Hannig. I realize that you know each and every dollar that's spent in the appropriation process now and in the years that have been passed because you've labored long and hard in the vineyard of the appropriation process. I know that you've worked hard in that. I know that you worked hard with the staff, that seems to be deserting you in droves I might add. They keep leaving your approximate area to go other places because I'm not sure they have other questions to ask. The answer to your question concerning the Comptroller is 'yes'."

Speaker Black: "Representative Hannig."

Hannig: "Representative, I also understand that there's like \$85,000 to the Comptroller to test out the software in this new system. Couldn't the University of Illinois, for example, a area of the state where we have the super computer center, couldn't they just do that for her and save this 85,000?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, you're correct about the figure, but I would like to expand my remarks by saying, absolutely we want to spend the money necessary to be able to guarantee the efficiency and the economy of the computer system sources and software that we'll be using in this matter because the financial integrity of the Comptroller's Office is at issue. It's something that is extremely important to you because you understand how important it is. It's important to the previous occupants of that office because they understood how important it was. And as a result, I believe that, that source of money is absolutely, positively appropriate if we're going to, with any

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confidence, expect the Comptroller to authorize and make payments as required under the law."

Speaker Black: "Yes. Representative Hannig, your third five minutes is expired. The Gentleman seeking recognition, the Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "Well, thank you so much. Yes. Representative Hannig, proceed."

Hannig: "Yes. Representative, on this \$6.8 million contract, can you tell us if that will be a bid contract or a no bid contract?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Hannig, first I want to thank Representative Mautino. I apologize to you, Sir, I had confused you with a staff person and I didn't mean to elevate you in the status of the chamber. So, I apologize to you, Sir. Representative Hannig, it is a bid contract and it's for that reason that we've...we are putting in the necessary safeguards including the testing, that you had mentioned earlier, to make for sure that the bids meet speck and the folks that we are going to be obtaining the services are capable, competent and able to produce it at the best opportunity for the people of the State of Illinois. I know that you believe in that because you supported the bidding process in the past. I know that you believe in that because you have been very consistent in your desire to make certain that the State of Illinois gets the very best value for the funds that they appropriate. It's been a hallmark, I might say Sir, of your distinguished service in the appropriation process and I thank you for bringing this matter to my attention."

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Speaker Black: "Representative Hannig."

Hannig: "Representative, I couldn't always hear your answer.

Could you just...could you clarify no bid or bid, that's all I really needed you to answer on this question. Just one word please, no bid or bid."

Speaker Black: "Representative Ryder."

Ryder: "Representative Hannig is an eternal optimist if he thinks I can answer his question in one word. What I suggested to you, Representative, was that it will be a bid contract, and it's for that reason that we've placed the appropriate amount of...of dollars in the budget, to guarantee the competency and the quality of the bid. We want to test these bids, we want to test this software to make sure that it comes to the specifications necessary to guarantee the fiscal operation of the Comptroller's Office so that we know that we can move out of the dark ages, which are almost 1800's in the manner in which the Comptroller's Office has existed over the past two decades. There are...the current computer system and the current operations within that office, if you've ever had an opportunity to observe, literally are pen and pencil and we need to bring that out of...of the late 1800's and early 1900's. And I would take a moment here to compliment the employees of that office because they have labored exceedingly long and hard and very well I might add, under the adverse conditions because we've strangled their opportunity for modern technology. We spend \$33 billion a year and we use pencil and paper. The Comptroller's Office indicates that it costs us \$50 a check to process funds and make payments in the State of Illinois. Modern corporations only spent \$10 a check to do the kinds of...not just writing the check, but the auditing and the

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other processes necessary to guarantee that we spend the dollars the way that we should. And that's why the...these funds and this bidding contract proposal are within this budget, Representative."

Speaker Black: "Representative Hannig."

Hannig: "Yes. Moving along, Representative. I'm told that the...that the...I'm told that the budget for the Lieutenant Governor, our Lieutenant Governor here is Illinois, is one of the largest budgets of all the Lieutenant Governor's in the United States. Representative, would you like to briefly explain to us why he needs to have such a large budget?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, I'd be delighted to talk about the immense responsibilities that the Lieutenant Governor in the State of Illinois has and it's because of those responsibilities that his office has the dollars necessary to accomplish the job. We've asked the Lieutenant Governor to be in charge of many projects that other Lieutenant Governor's don't do. In fact in some states, the Lieutenant Governor's Office isn't even a full time spot. In some states they just kind of wait and check on the approximate health of the Governor on a regular basis and then go about whatever else it is to do. The Lieutenant Governor of the State of Illinois works, is in charge of many councils, most recently has been placed in a position to be in charge of economic development. The single most important function of the Lieutenant Governor is in that area. Not to mention what the Lieutenant Governor has done in areas...other areas concerning education, in other areas concerning abandoned mines and many other items, the rural bond area as well. So I believe that the funds are

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appropriate for the..."

Speaker Black: "Excuse me, the timer has expired. Bring your remarks to a close, Representative Ryder."

Ryder: "Thank you."

Speaker Black: "Yes, the...Representative Ryder do you want to complete that thought? Yes. The Gentleman from Saline, Representative Phelps."

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

Speaker Black: "He indicates he will."

Phelps: "Representative Ryder, does this Amendment include funding for the citizens assembly?"

Speaker Black: "Representative Ryder."

Ryder: "No."

Speaker Black: "Representative Phelps."

Phelps: "Do you know who is opposed to Senate Bill 643, which I understand abolishes the citizens' assembly? Do you know who's in opposition?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Phelps, if your question is, who is opposed to that Bill which would eliminate the existence of the citizen's assemblies? In truth, Sir, I'm not Sponsor of that Bill, I have not had anyone come to me and lobby me on that Bill. As a result, with the exception of the employees and I do have knowledge of at least some of those employees, who I assume would be against elimination of their jobs. I have no one else that has lobbied me one way or other and I'm unable to answer your question, Sir."

Speaker Black: "Representative Phelps."

Phelps: "Illinois NOW, Community Health Board of Chicago, Illinois Coal Association and Women Employed Institute, are all opposed to that Senate Bill which abolishes the citizens' assembly and now at the appropriation, does not

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appear in this legislation. What will happen to the various councils of the assembly, citizens' assembly?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Phelps, you're asking a two part question and I'll try to give you a succinct answer. First, the existence of the citizens' assembly depends upon action of this General Assembly. Should this General Assembly decide to continue them, I will support legislation in the form of appropriation for the ordinary and contingent expenses of the citizens' assembly. That will be part of other appropriation Bills which I hope to be presenting rather quickly to this General Assembly. In the event that this General Assembly chooses, however, to support the legislation that you just described, then I believe that there will not be any appropriation necessary for the citizens' assemblies which then would have been abolished should of course...the law, the Bill be signed into law. So, it's a contingent question, if we eliminate the citizens' assembly, there's no need for an appropriation. If we do not eliminate the citizen's assembly, I feel confident that the funds will be in the budget Bills, the appropriation Bills, yet to come to our attention."

Speaker Black: "Representative Phelps."

Phelps: "Well, it is true that over 120 bipartisan legislative initiatives have been approved by the General Assembly that was created through the citizens' assembly including the Operation Inspector General of the Department of Mental Health and the Developmentally Disabled. So I was just wondering if... I'm concerned that the Pension Laws Commission will be getting the funds if we don't see them showing up in this legislation. And I'm very much opposed to that, that's why I'm asking these questions. But

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assuming that the Pension Commission will get to transfer this money, what will the cost be to the State of Illinois? Do you know?"

Speaker Black: "Representative Ryder."

Ryder: "Representative Phelps, that's a very good question. In the event that this General Assembly decides and the Governor signs the law creating that, whether it will have cost or not depends how it is created. And in the event that it is made up of volunteers and there's no desire for salaries, the minimum...if may very well be minimal. It may very well be that we'll use it out of the ordinary contingent expenses of the Illinois General Assembly. In the event that the desire is to have a more extensive requirement for the commission, it may be necessary to appropriate some funds. As of this point, to give you the very best answer Sir, I do not know."

Speaker Black: "Representative Phelps."

Phelps: "Thank you. Mr. Speaker, I thank the Gentleman for his answers. I know I went to a different item but I really would like...would like the folks to think about the lack of funds that's in this Bill for a very good assembly that's worked hard. And I would ask for a verification if this would get the number of votes."

Speaker Black: "Yes. You made your request in timely fashion. The Gentleman from Tazewell, Representative Ackerman."

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

Speaker Black: "Yes. The Gentleman has moved the previous question. Shall the main question be put? All in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Ryder to close."

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Ryder: "I ask for your favorable vote."

Speaker Black: "The question is, 'Shall Senate Bill 925 pass?' All in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 voting 'yes', 51 voting 'no' and none voting 'present'. There has been a request for a verification, made in a timely fashion, by Representative Phelps. Representative Phelps do you wish to pursue that?"

Phelps: "Yes, please, Mr. Speaker."

Speaker Black: "All right. Yes. Representative Phelps, before the Clerk reads the affirmative, Representative Ackerman would like to be verified of leave. Yes. Representative Ackerman has leave to be verified. Mr. Clerk."

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. McAuliffe. Meyer. Mitchell. Moffitt. Andrea Moore. Mulligan. Maureen Murphy. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zickus. and Mr. Speaker."

Speaker Black: "Questions of the affirmative. Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Since this Bill was left as the last I guess before committee breaks and the end of the

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day. I do want to be a Gentleman and give leave to those who want to go to other duties but to go home maybe I would question their duties there. Okay?"

Speaker Black: "Proceed with questions of the affirmative."

Phelps: "Thank you. Representative Klingler."

Speaker Black: "In her seat. Any further questions?"

Phelps: "Representative Saviano."

Speaker Black: "Representative Saviano. The Gentleman is down in the front of the chamber. Proceed, Representative."

Phelps: "Representative Noland."

Speaker Black: "Representative Noland. Representative Noland. Over here in the corner. Proceed. Any further questions, Representative?"

Phelps: "Yes, just a minute. Representative Hanrahan."

Speaker Black: "Representative Hanrahan. Representative Kevin Hanrahan. Is the Gentleman in the chamber? He is not. Mr. Clerk, remove him from roll."

Phelps: "Representative Krause."

Speaker Black: "Representative Krause is in her seat. Proceed Representative."

Phelps: "Representative Kubik."

Speaker Black: "Representative Jack Kubik. Representative Kubik. Representative Kubik is in the rear of the chamber and he also said, he wants you to give his birthday cake back for that little reaction."

Phelps: "It was very good anyway. Thank you. Representative Persico."

Speaker Black: "Representative Vince Persico. Over here. Proceed, Representative."

Phelps: "How about Representative Wennlund is he...?"

Speaker Black: "Representative Wennlund."

Phelps: "Oh, I see him back here."

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Speaker Black: "Yes, he's in the rear of the chamber."

Phelps: "I see you. Representative Mulligan."

Speaker Black: "Representative Mulligan. Representative Rosemary Mulligan. There she is, waving at you."

Phelps: "Nothing further, Mr. Speaker. Thank you."

Speaker Black: "Thank you very much, Representative. On this question, there are 61 voting 'aye', 51 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 711?"

Clerk McLennand: "Senate Bill 711, is on the order of Second Reading. A Bill for an act to amend the Downstate Forest Preserve District Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted, Floor Amendment #2 was referred to Rules. A Fiscal Note has been requested and Filed as Amended."

Speaker Black: "Hold this Bill on Second Reading, Mr. Clerk. On the Order of Senate Bills Second Reading appears Senate Bill 788. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 788, a Bill for an Act to Amend Downstate Forest Preserves District Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted, Floor Amendment #2 was referred to Rules. A Fiscal Note was requested and filed as Amended."

Speaker Black: "Yes, Mr. Clerk, hold the Bill on Second Reading. Mr. Clerk, are there any announcements?"

Clerk McLennand: "Committees scheduled for 6:00 p.m. will meet in five minutes. Committees set for 6:00 p.m. Privatization and Deregulation, Elections and State Government, Counties and Townships will meet at 6:25 p.m. And those Committees set for 6:30 p.m. will meet 35 minutes from now. Health Care and Human Services, Elections, Elementary and

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Secondary Education, Registration and Regulation will meet
at 6:55 p.m."

Speaker Black: "I believe that the clerk has passed out committee sheets. They are all on your desk. Any further announcements, Mr. Clerk? Representative Ryder now moves that the House stand adjourned until Sunday May 21, 1995 at the hour of 2:00p.m. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Now allowing perfunctory for the Clerk, the House now stands adjourned until Sunday May 21, 1995 at the hour of 2:00 p.m."

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