

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

68th Legislative Day

May 24, 1995

Speaker Wojcik: "The House will come to order. The Members will be in their chairs. Representative Wojcik in the Chair. The Chaplain for today is Pastor Howard Westlund of the West Chicago Bible Church in West Chicago. Pastor Westlund is the guest of Representative Tom Johnson. Guests in the gallery may wish to rise for the invocation."

Pastor Westlund: "Great God in heaven, giver of every good and perfect gift, we wait before You in faith in the midst of the demanding schedule of this Session. To these assembled honorable leaders is charged the work of directing the affairs of this state. They need wisdom and courage, insight and strategy, to achieve the goals that will best serve our citizenry as well as the well-being of the state. Today we recognize Your kindness to us and the message You have spoken through Jesus Christ. In His pristine clarity, He explains, I am the way, the truth and the life. We pursue our own ways with dispatch and creativity, only to find discouragement and the returns disappointing. Then, we wisely seek Your holy and righteous ways - ways of rightness, justice and contentment. Surrounded by the flood of data and our being connected to the information highway, we find confusion and misinformation until coming to You, we receive truth that makes us free. With life devalued by violence and the quality of life attached to the things we possess, we hear Your word, Lord Jesus, that life is found in You. Today I pray that on every level of government; federal, state, local, and the smallest level, the home, that You will be found and welcomed as the way, the truth and the life. Amen."

Speaker Wojcik: "We will be led in the Pledge of Allegiance today by Representative Flo Ciarlo."

Ciarlo, et al: "I pledge allegiance to the flag of the United

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States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. As you can see, here we are, 53 wide-eyed, bright-eyed Democrats ready to do the peoples work, and I hope you will let the record show that Representative Martinez is excused today."

Speaker Wojcik: "With leave of the House the Journal will so indicate. Representative Cross. Is...Representative Hoefft is recognized to report any excused absences on the Republican side of the aisle."

Cross: "On this gorgeous, bright, beautiful, sunshiny day, we're all here."

Speaker Wojcik: "Mr. Clerk, take the record. There are 117 Members answering the roll call and a quorum is present. The House will come to order. Messages from the Senate."

Clerk Rossi: "A message from the Senate by Mr. Jim Harry, Secretary of the Senate. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a Bill of the following title; House Bill 838, a Bill for an Act to amend the Worker's Compensation Act, together with the attached Amendments; Senate Amendment #1.'"

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

Brunsvold: "Inquiry of the Chair, Madam Speaker."

Speaker Wojcik: "State your inquiry."

Brunsvold: "Last night I filed a Motion to extend the deadline on Senate Bill 323 until tonight at midnight. I just want to

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know the disposition of that Motion."

Speaker Wojcik: "Representative Brunsvold, we're not on that order or business right now, but we will get back to you. Mr. Clerk, on the Order of Resolutions, please read HR...House Resolution 52."

Clerk Rossi: "House Resolution 52, offered by Representative Bost."

Speaker Wojcik: "Representative Bost."

Bost: "Thank you, Madam Speaker, Members of the House. House Resolution 52.

'WHEREAS, Township government is the closest branch of government and most responsive to the people, serving over 8 million Illinois citizens; and

WHEREAS, 53% of all road miles and 46% of all bridges in the State of Illinois are maintained by township road districts; and

WHEREAS, the issues affecting township government in recent years and lowered equalized assessed valuations downstate have severely restricted the financial resources under which townships operate; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Task Force shall be created to study the issues affecting downstate Illinois township government; and be it further

RESOLVED, that the Task Force shall consist of 10 members, 5 appointed by the Speaker of the House of Representatives, and 5 appointed by the Minority Leader, with a Chairman to be appointed by the Speaker; and be it further

RESOLVED, that the Task Force shall hold 5 hearings around the State, and shall submit a full report to the

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Illinois General Assembly by December 1, providing solutions to address problems raised in these hearings.'
Madam Speaker, I ask for the passage of House Resolution 52."

Speaker Wojcik: "Mr. Clerk, are there any announcements?"

Clerk Rossi: "The House Rules Committee will meet this morning at 9:30 in the Speaker's conference room. Repeating. The Rules Committee will meet this morning at 9:30 in the Speaker's conference room."

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

Hartke: "Thank you very much, Madam Speaker. If the Body will recall, the other night we had a piece of legislation that was defeated once and brought back on Postponed Consideration. The township officials in Illinois were adamantly opposed to that piece of legislation in the original form. And after an agreement with the township officials in Illinois, with the submission of this Resolution creating the task force to study the needs and wishes and desires and...for the townships, it was agreed that, by Speaker Daniels, that this task force would be created to do that study. I'm happy to see the Speaker live up to that commitment. I support this Resolution and hope to be of help to that task force."

Speaker Wojcik: "Is there any further discussion. The Gentleman from Bureau, Representative Mautino, is recognized."

Mautino: "Thank you, Madam Speaker. Could...Because of the...a little bit of the noise level, could you just go over the basic points on the Resolution? This is being put forward for the township officials."

Speaker Wojcik: "Representative Bost."

Bost: "Yes, Representative. This is being put forward for the

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township officials so that we can look into the problems that exist in Township Government. And the task force will consist of 10 members, five from the Majority, five from Minority and then a Chairman appointed by the Speaker of the House."

Speaker Wojcik: "Representative Mautino."

Mautino: "Are there any specific areas to be addressed within the mission of the task force?"

Speaker Wojcik: "Representative Bost."

Bost: "There are several problems that exist, and one of the main problems that exist is the lower equalization assets valuations downstate and this was one of the main concerns that we want to bring out and talk about."

Speaker Wojcik: "Representative Mautino."

Mautino: "Thank you. I have no further questions."

Speaker Wojcik: "Is there any further discussion? 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, do you have any idea on what costs might be incurred to have these five meetings around the State of Illinois and where this money will come from?"

Speaker Wojcik: "Representative Bost."

Bost: "There is a very minimal cost from what we can tell at this time."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, you're going to have 10 members from around the state meet at least, I think you said, what? Five times? Was it five?"

Speaker Wojcik: "Representative Bost."

Bost: "That's correct."

Speaker Wojcik: "Representative Hannig."

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Hannig: "So, effectively, you'll have to pay expenses to 50...50 times to five people...or...Five times, times 10 people, is 50. So I don't know what the expenses are going to be, but at least I know there will be travel involved. I don't know if there will be any other costs involved. Generally speaking, when we have committee meetings you may very well see some staff from both sides of the aisle travel down to these respective areas and who knows where they could be. How would we determine where they would be?"

Speaker Wojcik: "Representative Bost."

Bost: "It would be determined by the Speaker along with the chairman of the task force."

Speaker Wojcik: "Representative Hannig."

Hannig: "So you don't really know what they will cost. Where will the money come from?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Hannig, I would believe that the funds would probably come from the General Revenue Fund. I...It will be a minimal amount in comparison to the problems that we're going to be discussing. This is very important to everyone, every county that has Township Government and I think it's well worth the minimal cost that it will be."

Speaker Wojcik: "Representative Hannig."

Hannig: "What would be the range of subjects, do you think? What would be...In other words, I hope that you have at least some solutions you'd like to put on the table, I suppose. Could you give us some ideas on what you think would be a way to solve this problem?"

Speaker Wojcik: "Representative Bost."

Bost: "There are several problems that Township Governments are facing. One I mentioned is the assessed values and their revenue streams, and there's...but there are a lot

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of...That's why we're discussing the problems is to try to come up with some solutions."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, I think we all understand the problems, and for some of us who have been down here for a number of years, we've seen any range of solutions from giving them the power to levy their own taxes to abolishing townships and everything in between. What's your thoughts on what we ought to be doing to address the problem?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Hannig, that's why I'm in total support of having these meetings. There are many ideas from around the state on how to handle these problems. I am new here. I know you've been here for many years, but I'm glad I'll have the opportunity to listen to these. Maybe if you need to know about those problems, you can talk to the Minority Leader and see if you can get appointed to this task force cause that way you can discover all these problems also."

Speaker Wojcik: "Representative Hannig."

Hannig: "Representative, we have a Counties and Townships Committee with a chairman and a spokesman and members. Why could not that committee have meetings throughout the summer in your district and mine and wherever else we feel it's appropriate?"

Speaker Wojcik: "Representative Bost."

Bost: "I have no problems with them having meetings. This is my suggestion. This is the Resolution that was proposed by the townships and I have no problem supporting this, but if you think that would be a good idea, then you can present that. That's fine."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, I mean, we've got Members who apparently feel that

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that's an important issue. They've asked to serve on that committee on both sides of the aisle. Certainly, I think that the Chairman of the committee, working with the Minority Spokesman, could set up any number of hearings throughout the summer for us to discuss this problem. I'm not sure that we really need to create another task force of members when we have a way in place to deal with the problem the way it is, and that's the standing committees."

Speaker Wojcik: "Representative Bost."

Bost: "This task force is at the request of the townships. I have no problem supporting it. If any time we can have the opportunity for people involved with these local governments to give their input, I think we should encourage it. I believe in this Resolution. Maybe we have different ideas or different views on how to handle this and that's why I'm presenting it here today. If there's a problem with it and you don't feel you can support it..."

Speaker Wojcik: "Representative, bring your questions to a close, please. Thank you. Any further discussion? The Gentleman from Clinton, Representative Granberg, is recognized."

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Bost, if this is so important, why wasn't this Resolution scheduled to be called before this Body?"

Speaker Wojcik: "Representative Bost."

Bost: "As soon as it was suggested to me from the townships, it was scheduled. And after having a discussion with some members of the townships, that's why we came up with this Resolution."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, it was my understanding this Resolution was

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determined to be called after we voted on the DuPage Motor Fuel Tax Reassessment. Isn't that correct?"

Speaker Wojcik: "Representative Bost."

Bost: "That is my understanding."

Speaker Wojcik: "Representative Granberg."

Granberg: "So this was not scheduled to be called and put before this Body. Isn't that right?"

Speaker Wojcik: "Representative Bost."

Bost: "As soon as the township officials came to me, that's when we put it up...to schedule before this Body."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative Bost, when was this scheduled to be heard before the Members of this House?"

Speaker Wojcik: "Representative Bost."

Bost: "As soon as it possibly could."

Speaker Wojcik: "Representative Granberg."

Granberg: "Was this Resolution on the Calendar yesterday, Representative?"

Speaker Wojcik: "Representative Bost."

Bost: "I...We can request of the Clerk."

Clerk Rossi: "This Resolution was not on the Calendar yesterday."

Speaker Wojcik: "Representative Granberg."

Granberg: "So I assume that this Resolution was drafted, Representative, last week? Two weeks ago? Was this Resolution drafted by you like two weeks ago? Last week?"

Speaker Wojcik: "Representative Bost."

Bost: "It was drafted earlier this week."

Speaker Wojcik: "Representative Granberg."

Granberg: "And, let's see. Was it drafted after Representative Cowlshaw's Bill failed on Third Reading in this House?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Granberg, I can't...I don't know on the

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exact time on the Calendar and everything like that. Things have been kind of hectic around here the last couple of days, but I don't think, with this Resolution, how it meant..."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, when did the township officials come to you and ask you to have this Resolution debated, Sir?"

Speaker Wojcik: "Representative Bost."

Bost: "Approximately three days ago."

Speaker Wojcik: "Representative Granberg."

Granberg: "Approximately three days ago. Now, if you're...Maybe we should ask Mr. Clark. Did they come before him or did they come to you?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Granberg, they came to me."

Speaker Wojcik: "Representative Granberg."

Granberg: "Did they come to you in conjunction with Representative Cowlshaw's Bill?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative, that was discussed, but that has nothing...This Resolution is a good Resolution which I can support very openly."

Speaker Wojcik: "Representative Granberg."

Granberg: "...Representative. This is based on Representative Cowlshaw's Bill failing. The precedent was set against Township Governments. You know it and I know it. Your vote in favor of reformulating how motor fuelship moneys are spent is the basis for this Resolution. We came before this Body - that Bill failed. You ended up voting for it so you can sponsor a Resolution, a Resolution that has no effect, no weight of law, and you know it and everyone else in this Body knows it. There was a deal so that

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Representative Cowlshaw could get her Bill out effecting DuPage County, DuPage County only. But a major policy..."

Speaker Wojcik: "Representative Granberg, would you speak to the Resolution, please."

Granberg: "I am speaking to the Resolution, Madam Speaker. We set a policy...we set a precedent on that policy by voting for that Bill. You changed your vote, Representative. You changed your vote to set that precedent on that policy for Township Government, a policy that is bad for all townships, and now you get to sponsor a Resolution, a Resolution that means nothing. It means absolutely nothing. But I guess that's the way this Session is going because what we're doing here means absolutely nothing. These Resolutions, press releases, Bills, can't be heard. It's an unprecedented failure of the leadership of the Republican Majority in this House."

Speaker Wojcik: "Any further discussion? The Gentleman from McHenry, Representative Skinner, is recognized."

Skinner: "I move the previous question on this absurd debate."

Speaker Wojcik: "The previous question has been moved. All in favor signify by saying 'aye'. All those opposed 'nay'. The previous question has been put. Rep...All those...all those...all those in favor of the Resolution signify by saying 'aye'. Those opposed 'nay'. Resolution carried. For what purpose does the Gentleman from McHenry, Representative Skinner, rise?"

Skinner: "I rise to a point of parliamentary procedure. In past sessions we have not been able to pass by voice vote any Resolution that would require or allow the expenditure of state funds. This does that. I think we ought to have a roll call."

Speaker Wojcik: "Representative, your point is well taken. We

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shall have a roll call vote. All those in favor signify by voting 'aye'; all those opposed vote 'nay'. Voting is open. All voted who wish? All voted who wish? All voted who wish? Mr. Clerk, take the record. On this Resolution there are 110 'ayes', 2 'nays', 4 voting 'present', and the Resolution carries. Mr. Clerk, any announcements?"

Clerk Rossi: "Rudy King, from the General Assembly Retirement System, will be in the Speaker's conference room throughout the day to answer any questions Members may have about the General Assembly Retirement System."

Speaker Wojcik: "Mr. Clerk, please read House Joint Resolution...Mr. Clerk, announcements."

Clerk Rossi: "The Rules Committee that is meeting at 9:30 which was previously meeting in the Speaker's conference room, has been moved to the Minority Leader's...the Majority Leader's office. The Rules Committee is meeting in the Majority Leader's office."

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

Lang: "Thank you. Madam Speaker, earlier this morning Representative Brunsvold asked you a question relative to a Motion he filed yesterday to extend the deadline on a particular Bill. Madam Speaker, he did not get much of an answer. I know you're probably awaiting the answer from someone behind you, but nevertheless this is a very important Bill that Representative Brunsvold, the district he lives in and some other Representatives who really need this piece of legislation, and to let it sit back there and not have an answer is kind of embarrassing to this process. If Mr. Brunsvold is not going to have the opportunity to have a vote on this Bill, if the deadline is not going to be extended, then he should know that so he can try to find

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another Bill to put his legislation on, Conference Committee Report or some other matter. If it is going to be acted on, simply tell us that and we'll sit down patiently and await that opportunity so that we can help our colleague who really needs to pass this legislation. But having no answer simply delays the process and simply keeps one of our colleagues, who has a very important piece of legislation, from moving it along. So, do we have an answer, Madam Speaker?"

Speaker Wojcik: "Representative, that was a few minutes ago and we will get back to you. Mr. Clerk, please read House Joint Resolution 38."

Clerk Rossi: "House Joint Resolution 38, offered by Representative Weaver."

Speaker Wojcik: "Representative Weaver."

Weaver: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, House Joint 38...House Joint Resolution 38 establishes a task force to study higher education funding. The task force will be made up of the Chairman and spokesman of the appropriations for education and the Chairman and spokesman for higher education in both the House and the Senate, with also the Lieutenant Governor serving on the task force. We also welcome participation of any and all interested Members from both chambers, and the intent of this task force is to analyze funding and methodology for higher education and make recommendations to the General Assembly by January of 1996. I'll be happy to answer any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from Clinton, Representative Granberg, is recognized. Representative Clinton (sic-Granberg) does not wish to be recognized. Is there any discussion? The Gentleman from

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Cook, Representative Lang, is recognized."

Lang: "Thank you. Madam Speaker, inquiry. Has this Resolution been printed and distributed?"

Speaker Wojcik: "Mr. Clerk. We lost our Clerk. Any Clerk will do."

Clerk Rossi: "The Resolution has not been printed and distributed."

Speaker Wojcik: "Out of the record. For what purpose does the Gentleman from Rock Island, Representative Brunsvold, rise?"

Brunsvold: "Thank you, Madam Speaker. A few minutes ago Representative Lang made a request and I made a request earlier. Yesterday, Speaker Daniels lied to me about calling a Bill that is very very important to my district. Five hundred jobs, \$4 million in economic development, \$12 million to the State of Illinois in taxes, and a total revitalization of a river town in this state. And I guess I'm asking, is Lee Daniels Speaker of DuPage County or is he Speaker of the whole state?"

Speaker Wojcik: "Representative Brunsvold, we're not on that order of business. If you would like to move to be on that order of business, you will be recognized for that. Representative Brunsvold."

Brunsvold: "I can't relate to this Body, and I've tried to relate this to Mr. Daniels since February and to everyone else involved, of how important this is to some people in this state. And I have not, evidently, made a very good impression on Mr. Daniels because he does not want to take care of the people in Rock Island County or the 72nd district. Now I don't know...He's been there. He's been there and talked to people there and I don't know what the problem is with doing this little piece of business for the

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state. We do things for Sears, we do things for Dia...the car plant in Bloomington. All I want is two little paragraphs in the law that would allow a gaming board to make adjustments to level the playing field and I can't get Mr. Daniels to do that. Now, is he against the people in Rock Island County? Does he support the 96,000 people in my district, or is he going to abandon us? I want to know where the Speaker stands on this issue. I want to know where Daniels is and why he lied to me yesterday in not calling this Bill. I want the real Speaker out here. Tell me why he's not supporting the people of my district."

Speaker Wojcik: "Representative, I can't speak for the Speaker and I will tell you we are looking into your request and in a timely manner you'll be hearing from us. On the Order of Concurrence, Mr. Clerk, read House Bill 8. Representative Black, for what purpose do you rise?"

Black: "Point of personal privilege, Madam Speaker."

Speaker Wojcik: "State your privilege."

Black: "You know, it's 9:30 in the morning, it's been a very contentious and long week. The Bill that the Gentleman referred to is...was very important to me as well and I made certain agreements to him and to other people that that Bill meant something to me - that I would take the Amendment out that meant something to me at some embarrassment and disappointment to me, and I will work with the Gentleman to try and get the Bill called. But I think it behooves all of us and no one can get more passionate than I, and no one can get more upset than I, but I think, and I mean this sincerely, I think all of us had better tone down the rhetoric. You don't get anywhere in this business by questioning the Speaker of the House, whether it be Illinois, California, New York, or whatever, by

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questioning his integrity and using a pejorative that I don't think should be used publicly. Now, I will work with you, Sir, but I would suggest strongly that we just tone down the rhetoric, use our good offices and good will, go back into various offices and see if we can advance the concept. But I'm telling you, the heated rhetoric here serves none of us well and will simply preclude you and I from trying to move an agenda that is just as important to you as it is to me. So if we can go about the business of the House and those of us that have a concern with the Bill in question, meet in the back of the chamber and discuss it rationally and see if we can salvage something from this. I'm ready to join with you, but you're about to preclude some of us from working with you when you use various pejorative terms to describe our elected Speaker. Now, let's just tone down the rhetoric and I think we can perhaps solve a good many of the problems that we're concerned about."

Speaker Wojcik: "The Gentleman from Madison, Representative Stephens, is recognized."

Stephens: "Thank you, Madam Speaker. I would concur with the Gentleman from Vermilion. I was the Sponsor of that Bill and we wanted it called. There are circumstances that we must recall from last night that didn't allow everything we wanted to do to get done and to question the good name of the Speaker, I think, is inappropriate. We've got four days left to go...three days left to go. There's much work to be done and there are many ways that we can accomplish the goals that we had with Senate Bill 323 and I hope that on both sides of the aisle we will work together. There's no need for name calling. It's late, I know we're all tired, but we've got to get the work done and

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Representative Brunsvold, I want to work with you. We worked with you in good faith last night. I think you know that, and as the Sponsor of the Bill, I was told that we would get to it if we could. And things don't always work out here in a timely manner, but if we work together in the spirit of cooperation, things do work out."

Speaker Wojcik: "The Gentleman from Rock Island, Representative Brunsvold, is recognized."

Brunsvold: "Thank you, Madam Speaker. Let me just say that Representative Black and Representative Stephens have worked very diligently to try to get this thing done and I appreciate their efforts. When you have a situation that exists in my district it becomes very emotional and I am hoping that Speaker Daniels can at least get the Bill called. Last night when we were calling Postpone Considerations and Bills on Second, second times, in running that process I didn't think there was an effort made to call a Bill that would have probably taken three or four minutes to do. And I'm just asking if Representative Stephens and Representative Black will continue to help work on this and maybe if they can help me we can get this thing done."

Speaker Wojcik: "Representative, I think that in a timely manner something will be arranged. The Gentleman from Clinton, Representative Granberg, for what purpose do you rise?"

Granberg: "Thank you, Madam Speaker. Inquiry."

Speaker Wojcik: "State your inquiry."

Granberg: "Thank you. The Lady from East St. Louis just gave me a piece of paper and asked me to discuss this. I want to ask the Clerk and the Chair, I have a copy of the vote last night, well, I shouldn't say last night - Senate Bill 718, and it indicates that the Bill was passed today past the

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deadline. It indicates it was passed on the 24th of May. That is after the deadline for Senate Bills, Third Reading. Now, this is the Clerk's record. The Lady's entitled. This is the official record of the House. I don't think we want to tamper with the official records of the House anymore, and I would ask that the Speaker rule that this Bill did not pass because it passed...it came before this Body and was passed, technically, after the deadline, violating your rules."

Speaker Wojcik: "Representative Granberg, we will review this and get back to you. Mr. Clerk, has HJR 38 been distributed?"

Clerk Rossi: "Yes, it has."

Speaker Wojcik: "The Chair recognizes Representative Weaver on HJR 38."

Weaver: "Thank you once again, Madam Speaker and Ladies and Gentlemen of the House. This creates a task force to study the funding of higher education. One of the problems that we have at least experienced over the past several years is the differential between higher ed funding and elementary and secondary, and whenever we question the amount, we were told that two-thirds of the education budget goes to elementary and secondary and one-third goes to higher education. And the only reason given was, that's the way it's always been done. And so, we felt in conjunction not only with the Members of the Appropriations for Education Committee and Higher Education Committee in the House, but also those same Members in the Senate, that we ought to take some time this summer, hold hearings across the state and discover, in fact, what is a reasonable funding methodology for higher education. I'll be more than happy to answer any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from

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Cook, Representative Lang, is recognized."

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

Speaker Wojcik: "He indicates he will."

Lang: "Mr. Weaver, I see that this task force is going to be...meet at the call of the Lieutenant Governor. Isn't he the guy we've had several Bills to take functions away from this year? Does...Can he...Does he have the time to do this?"

Speaker Wojcik: "Representative Weaver."

Weaver: "His primary function in this task force will be to organize the task force, get us underway, and then allow us to do our business."

Speaker Wojcik: "Representative Lang."

Lang: "Well, he sure is available. I mean he's running for another office. He's...He may take a talk show on the radio. We can't keep track of this guy over on this side of the aisle. You probably can't either. Are you sure he'll have time for this?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, I'm sure he appreciates your support in whatever campaign efforts he wants to undertake. That really doesn't concern me at the moment. My concern is the task force and the recommendations that that task force makes to this Body by January of 1996."

Speaker Wojcik: "Representative Lang."

Lang: "Well, the purpose of this task force is to do what? Study the cost of higher education?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, that's just a small part of it. Not only just the cost, but the funding methodology. For example, why does higher education, in total, get the amount of money that it gets from the state budget? Why does any single university

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or community college board get the money that it gets from the state budget? We want to open it wide open so that the task force has the ability to study any and all financial matters that deal with higher education."

Speaker Wojcik: "Representative Lang."

Lang: "Well, Mr. Weaver, since you want to do this, I guess I missed the little tidbit in here, or maybe you didn't put it in, that would have disbanded the State Board of Education whose function it is to do this and would disband the House Committee on Higher Education whose job it is to do this. You sit on that committee and do you Chair that committee? Doesn't this...doesn't the House Higher Ed Committee have the wherewithal to do this?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, Sir, as you know in this process, both chambers, including the Governor's Office, also have to be involved in any major undertaking of higher education or elementary or secondary education. Our intent was to not only involve those committees in the House, but also those committees in the Senate that may ultimately have to make some changes in the system."

Speaker Wojcik: "Representative Lang."

Lang: "You said something in your comments about the Governor's office being involved. Don't you agree with me that that's an oxymoron?"

Speaker Wojcik: "Representative Weaver."

Weaver: "No, I don't agree, and I wish you'd kind of refrain and keep your remarks to the Resolution in front of us."

Speaker Wojcik: "Representative Lang."

Lang: "Well, Mr. Weaver, I don't understand the purpose of this. We have a Higher Education Committee in the House, we have a similar committee in the Senate, we have a State Board of

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Education. You Chair the Higher Ed Committee. You could call a subcommittee - or someone on your side of the aisle Chairs the Higher Ed Committee. You folks can call a subcommittee meeting anytime you want, run all over the state with General Assembly dollars to have any kind of hearings you want. What's the purpose of this task force, Sir."

Speaker Wojcik: "Representative Weaver."

Weaver: "I'll tell you what, I'll speak real slow so you can understand what I'm saying. The purpose is to involve the House and the Senate, not just the House Committees on Higher Education."

Speaker Wojcik: "Representative Lang."

Lang: "So whatever happened to the notion of a joint House/Senate subcommittee on this issue? Why do we need a task force, Sir?"

Speaker Wojcik: "Representative Weaver."

Lang: "I'll speak real slow and maybe you'll get it."

Speaker Wojcik: "Representative Weaver."

Weaver: "That's why we have a joint task force, to combine the services of both the House and the Senate on this issue addressing higher education finance."

Speaker Wojcik: "Representative Lang."

Lang: "I don't know. It looks to me, Sir, like you're creating a new task force. You know, they handed me a grow award for you, but it's just...this task force is not even worth walking across the room to hand this to you, slow or fast. Sir, I don't understand what this committee is going to do that we don't do right now. What involvement will the State Board of Education have in this Committee?"

Speaker Wojcik: "Representative Weaver."

Weaver: "The State Board of Education deals with elementary and

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secondary education items primarily. We will involve the Board of Higher Education in this...in these hearings; however, we wanted to separate ourselves because we felt that they may have some vested interest in maintaining the status quo and that is not necessarily the influence that we want to encourage."

Speaker Wojcik: "Representative Lang, you have to bring your questions to a close."

Lang: "Sure. Well, you talk about vested interest, I think your from a city that has a university. Don't you have a vested interest in discussing this issue?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I think all of us have a vested interest in higher education."

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

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Weaver, you said in your remarks to Representative Lang that you referred to the Governor...or the Lieutenant Governor's campaign. Now, I know you didn't mean that. I think it was a Freudian slip, if anything. If you want him to come before the committee and go across the state, why don't we just do the joint...joint committee hearings and have Lieutenant Governor Kustra be the first witness every...every meeting so he can get his publicity. I think I have an idea what this is about. He can get his publicity and we can save money for the taxpayers. Wouldn't that be easier?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I'm sorry. I was not able to discern what his question was, if there was a question in all of that."

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Speaker Wojcik: "Representative Granberg."

Granberg: "If you want to give the Lieutenant Governor a forum, Representative, why don't we save the taxpayers some money. Why don't we just work through the joint subcommittee process and just have Bob Kustra go to each meeting and have him be the first one called?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, the purpose is to study higher education in conjunction with both the House and the Senate, and I don't know that we'd save any money by doing it with a subcommittee or a joint committee process as opposed to a task force. The task force allows us to bring in a wide variety of people throughout the state that have interests in higher education, both those directly involved and indirectly involved with higher education, and it allows Members from both chambers to participate without actually having to be a member of the task force."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, is this going to be the same as the task forces that have been convening to study elementary and secondary, where they meet over the course of a year, make a recommendation and nothing happens? Are the task forces the Governor had on funding the health insurance for the retired teachers, where it met, and then the day after the election it disbanded, saying we couldn't reach an agreement? I mean, why do we keep studying things. We don't resolve anything. Why don't we just have the normal functions of the committees work together and make a recommendation, Representative. I know you tried to explain this, but if we want to give Bob Kustra a forum for his campaign, give him a forum, let him talk in front of the committees. You can have anybody you want to testify

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throughout the state. They can come before the committee and testify and Lieutenant Governor Kustra can be the first one. That's fine. We don't have any objection to that. He can go across the state, before every region and get some publicity and that's okay with us. Yeah, we can use tax dollars to give the Lieutenant Governor a forum. That's fine. But why don't we just do it through the committee process instead of task forces because we won't come to any agreement anyway. Nobody will want to say we need more money or how to provide it. They will say we need to reformulate or we need to provide more money and they'll say, well, let's...And to...I'm sorry. To the Resolution, Madam Speaker. I don't want to belabor this."

Speaker Wojcik: "I would hope so, Representative."

Granberg: "We can just say, well, the task force will meet - we'll have all these hearings. The Gentleman running for U.S. Senate will say we need to reformulate the funding formula for higher education, improve the quality, and that needs more money. Well, we can say that today. We know what's going to happen. Will they come up with a plan to raise more money? Of course not. Will a candidate for U.S. Senate say the state needs to raise more money and do a tax increase? Of course not. Will they actually be responsible and look for a long-term funding plan? Of course not. This is all P.R. This is all a game. It's all a facade, just like everything else in this Session. So, I am certainly going to vote 'no'. We've had task forces. We've now reestablished the Pension Laws Study Commission which was abolished in 1983, but we felt a great need to have that come back up so we can appoint Members for more public input. Well, we can do that now. Ladies and Gentlemen of the House, we were elected, we were

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elected by the people and we should be responsible to the people. We should not be giving our authority away to other...to other individual members. Let us be accountable for once. Let us be responsible for our own actions. That's why the people elected us, that's why we're here. We should not be shirking that responsibility. Let's do it on our own for a change. Let's assume the responsibility for the people who put us here. We are elected officials, and I know some of us don't want to assume responsibility, but I think that's why we're here. We don't need anymore politics as usual, we don't need anymore task forces, we don't need anymore studies. Let's do it. Let's be held accountable and let's do what's right for the people of this state. Madam Speaker, I ask for a roll call vote."

Speaker Wojcik: "We welcome today, in the Speaker's gallery, the 8th grade class of Shirland Grade School of Shirland. They are the guests of Representative Dave Winters. Any further discussion? The Gentleman from Cook, Representative Pugh, is recognized."

Pugh: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Good Morning."

Speaker Wojcik: "Good morning."

Pugh: "Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Pugh: "Representative, is this Resolution the result of a commitment made by Lieutenant Governor Kustra that took place in the Higher Education Committee?"

Speaker Wojcik: "Representative Weaver."

Weaver: "No, Sir. This is a result of a commitment that I made during various meetings of the Appropriations Committee for Education and also a commitment that I made to many of the university presidents who asked me, very enthusiastically,

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to put together some kind of forum where they could explain why they're having financial problems at their various universities, and I discussed this with you, Sir."

Speaker Wojcik: "Representative Pugh."

Pugh: "Is...So, when we discussed this, I was under the impression that the focus of the...the focus of the task force would be to assist in the transition , and I was incorrect in my assumption?"

Speaker Wojcik: "Representative Weaver."

Weaver: "The focus of this is post-transitional. It is to determine, after the breakup of the system of systems, that we as a Body take a hard look at how each university is going to fare under their own independent boards and how well they can manage with the current financial situation as opposed to some other possibilities that we might recommend."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, the second part...So I did understand the second part correctly. So we are giving some attention to the problems that might result...that might occur as a result of the restructuring?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, I guess you could put...I'm not sure I'd label them problems. What we're doing is taking a look at the status quo as what is currently being done or not being done, the way it's been done for the last 30 years. What I'd like us to do in this task force, is to take a hard look at why things are the way they are in funding and expenditures of higher education."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, over the course of...How long will the task force be in place and at what point will the recommendations be made

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and will they be made by...to the Governor or to the Lieutenant Governor?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, I served for almost three years on the Educational Finance Task Force that studied the school aid formula for elementary and secondary. That thing when on for three years and now the report that that task force issued sits somewhere gathering dust. I really didn't want that to happen to this task force. That's why we tried to establish an earlier enough date, January, 1996, for that task force to report and recommendations to be made to both chambers of the General Assembly. Not to the Governor, not to the Lieutenant Governor, but to the General Assembly."

Speaker Wojcik: "Representative Pugh."

Pugh: "To the Bill, Madam Speaker. I rise in support of House Joint Resolution 38. I think it's an admirable attempt to address some of the inevitable problems that are going to be associated with the transition and I look forward to working with Representative Weaver on the task force. Thank you."

Speaker Wojcik: "Any further discussion? The Lady from Lake, Representative Moore, is recognized."

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

Speaker Wojcik: "The previous question has been put. All those in favor signify by saying 'aye'. All those opposed by saying 'nay'. And the previous question has been put. Representative Weaver, to close."

Weaver: "Thank you, Madam Speaker. Ladies and Gentlemen, this a sincere and honest effort to take a hard look at higher education, why it gets the money it does and how it spends it. In terms of our previous speaker's comment that we've

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abrogating authority, we're not, absolutely not because each of the members of this task force is one of the elected Members of the General Assembly with the exception of the Lieutenant Governor, whose function will be to start the task force off on it's way and then probably help us when he can, but not...probably not actively participate as much as we would like to see him. What we're trying to do is to make some sense of the higher education funding mechanism in this state and try and bring some realism by university. The universities have supported this, they look forward to making their case for better and more articulated funding for their individual universities. And I appreciate the support on both sides of the aisle for this Resolution."

Speaker Wojcik: "The question is, 'Shall House Joint Resolution 38 pass?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay' and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 85 'ayes', 31 'nays', 0 voting 'present', and this Resolution having...is declared passed. Mr. Clerk, read House Joint Resolution 37. Representative Mautino."

Clerk McLennand: "House Joint Resolution 37, names a portion of the Illinois-Michigan Canal the Volunteer Trail in honor of work performed on the canal by 1973 to 1976 volunteers. Rules recommends 'be adopted'."

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

Mautino: "Thank you, Madam Speaker, Members of the House. House Joint Resolution 37 will rename a section of the Illinois-Michigan Canal the Volunteer Trail. Back in

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19...between the years of 1973 and 1976, a group of volunteers took an interest and pride in the Illinois-Michigan Canal which had overgrown, and they went in and they developed and completely restored that section using their own time, their own labor. They went out and sought donations, and when they ran into a problem where the levies had washed away, they made their own...they constructed their own devices to ensure that this would be there for the people of the Illinois Valley to use. Since then, we have probably close to 200,000 people a year that come down and use this section of the trail. Families bike on the trail, they go fishing, and it is in great part due to the work of some volunteers who gave of themselves and did this, what has been guessed at by the Department of Conservation at about a million dollars worth of work to make this available to all of the people of the State of Illinois. This Resolution asks that we rename the section between LaSalle and Utica for those people who gave of their time and of themselves for all the people of the State of Illinois."

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

Black: "Yes. Thank you very much, Madam Speaker. Could I have a little order in the chamber? Yes, Madam Speaker, could I have a little order in the chamber, please?"

Speaker Wojcik: "Representative Black."

Black: "Yes, I...For the third time, could I have a little order in the chamber?"

Speaker Wojcik: "Would you please..."

Black: "Thank you very much."

Speaker Wojcik: "...Take your conversation to the back of the room so we can hear Representative Black."

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Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. We have a situation here that I suppose I could rise and make something very partisan out of it. This Resolution has not been printed and distributed and is not on your desks. Now, the Gentleman from Bureau had the courtesy to come over and let me read it. The Resolution is quite simply what he purports it to be. I have no objection. I will ask our side of the aisle to vote for it and I'm not even getting up to ask you for any quid pro quo. I'm just simply trying to show you and tell you that we don't need to make every issue in this Body so highly partisan, so technical to the rules, that we can't get anything done and that relationships begin to sour that many of us have developed over the years. The Resolution is straightforward, it is as the speaker...as the Sponsor has indicated it to be. I would ask that my Members on this side of the aisle not raise the objection about printing and distributing. We can go ahead and vote on this and perhaps, for whatever it's worth, call it an olive branch, I don't care what you call it, but on some issues we do not have to get up and pontificate, polarize and politicize every single issue that comes to this floor. I intend to vote for the Gentleman's Motion. I intend to speak...I just have spoken in favor of it. Let's advance the Gentleman's Resolution."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Jo Daviess, Representative Lawfer, is recognized."

Lawfer: "Thank you, Madam Chairman (sic-Speaker), Ladies and Gentlemen of the House. Representative Mautino, would you yield for a question?"

Speaker Wojcik: "He indicates he will."

Lawfer: "I think some of my questions have been answered by

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the...Representative Black's discussion on this, but having been involved in legislation where a question was asked, does this do more than change the name?"

Speaker Wojcik: "Representative Mautino."

Mautino: "This will change the name of the...of this stretch between LaSalle and Utica to the Volunteer Trail and the sign which is set up on that trail will show the name change and have some language just thanking the volunteers who went in and put their time and efforts to restore this section of the canal which had been closed and grown over."

Speaker Wojcik: "Representative Lawfer."

Lawfer: "Thank you very much. Having been involved in legislation where my credibility was questioned in regards to a name change, I do accept that and I will stand in support of your Resolution."

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

Hartke: "Thank you very much, Madam Speaker. You know, I sit here and listen to Representative Black and I kind of agree, we ought to save the paper on this Resolution. I think it's important that we not make a partisan issue out of it. I think later on here in the week we're going to want all the paper we could possibly have and I would like a copy of the budget so that I could have time to read it. So, let's save the paper and let's support this so that we can save all the trees that we would have printing this Resolution. But I do want a copy of the budget as soon as possible."

Speaker Wojcik: "Representative Mautino, to close."

Mautino: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I simply ask for an 'aye' vote."

Speaker Wojcik: "All those in favor of the Gentleman's Motion

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signify by saying 'aye'. All those opposed say 'nay'.
Motion is carried."

Speaker Daniels: "Speaker Daniels in the Chair. Committee
Reports."

Clerk McLennand: "Committee Reports. Committee Report from
Representative Churchill, Chairman of the Committee on
Rules to which the following Joint Action Motions were
referred, action taken on May 24th, 1995, reporting the
same back 'do approve' for consideration. On the Order of
Nonconcurrency; House Bill 974, together with Senate
Amendments #2, 3 and 6, House Bill 1212, together with
Senate Amendments #4, 7 and 8. Committee Report from
Representative Churchill, Chairman of the Committee on
Rules. Pursuant to Rule...House Rule 8-4(a), the Committee
on Rules has met and places the following House Bills on
the Order of Concurrence; House Bills 32, 41, 90, 301, 385,
544, 652, 838, 1108, 1246, 1248, 1268, 1279, 1437, 1462,
1465, 1470, 1523, 1587, 1654, 1787, 1792, 1850, 2108, 2226,
2330, 2403, and 2429. These Bills are placed on the Order
of Concurrence, action taken May 24th, 1995. Signed,
Robert Churchill, Chairman, Committee on Rules."

Speaker Daniels: "House Bills Order of Concurrence. House Bill
206. Read the Bill, Mr. Clerk. House Bills, Order of
Conference Committee Report. House Bill 206. Read the
Bill, Mr. Clerk."

Clerk McLennand: "House Bill...Conference Committee Report #1 to
House Bill 206."

Speaker Daniels: "Representative Cowlshaw. Ladies and Gentlemen
of the House...Ladies and Gentlemen of the House this is
the Conference Committee Report #1 on House Bill 206 -
Chicago schools. May we please have your attention.
Representative Cowlshaw."

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Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I want to begin by thanking Speaker Daniels for giving me the opportunity to hold more than 30 meetings with Chicagoans in order to arrive at this day and this Conference Committee Report. I have met a lot of very wonderful people, caring people who truly want to improve the Chicago schools. I think everyone of us in this chamber is joined in that desire. I will briefly outline what is contained in this Conference Committee Report and then of course I will gladly entertain any questions. It is wise, however, I think, to point out that this is a continuation of a reform effort that has already begun in Chicago. There are many people on local school councils in Chicago who have made real progress since the 1988 legislation to control schools at the local level and to raise the public awareness of the importance of public education. The Conference Committee Report on House Bill 206 changes the government structure. It creates a five member Chicago school reform board of trustees appointed by the mayor of Chicago to assume complete control of that school system for four years. It creates a full time compensated chief executive officer appointed by the mayor of Chicago and that chief executive officer is responsible for the management of the entire system. It authorizes that officer to create a group, a management team; first of all an operating officer responsible for privatizing services and finding other efficiencies in the system, a chief fiscal officer, a chief educational officer, and a purchasing officer. All of those people are appointed by the chief executive officer. It also eliminates the subdistricts and subdistrict superintendents. Next, as to the financial structure. This Conference Committee Report

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creates two block grants to increase the financial flexibility and reduce administrative burdens for the school district in Chicago for four years. The general education block grant removes all spending restrictions on the funds included within that grant. The educational services block grant permits the board to meet the obligations of the included programs, but without so many administrative burdens. It is important to recognize that the educational services block grant does not forgive the district from meeting the obligations of the programs included in that grant. It collapses seven of the district's operating levies into one operating levy to provide additional financial flexibility for four years. It suspends the school finance Authority's regulatory functions for four years to give the trustees complete control and flexibility. It makes the district's fiscal year consistent with the state's fiscal year. The provisions in regard to collective bargaining. This Conference Committee Report prohibits certain subjects from collective bargaining in order to allow the trustees to make crucial management decisions to bring stability to the system. It increases the permitted length of collective bargaining agreements from three to four years. It establishes a moratorium on strikes for an 18 month period to allow the new government structure to establish financial and educational stability within the system. It prohibits managerial personnel from being members of the teachers union. It guarantees local school councils will receive a minimum, that is at least \$261,000,000 annually, in state Chapter 1 funds. It is the exact amount that \$261,000,000 of the 1995 appropriation for state Chapter 1 funds which were also directed to the local school

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councils. It directs the trustees to establish a local School Council Advisory Board so that there is a means by which local school councils can communicate with the Reform Board of Trustees. It provides local school councils with the authority to approve internal accounts and audits and to grant the use of school property. It staggers the terms of local school council members and increases their term from two to four years in order to create stability at the local school council level. It requires all local school council members to complete a three day training period provided through the Chicago area universities at the direction of the Dean of the College of Education at the University of Illinois at Chicago. The school improvement plan requires the trustees to establish an academic accountability council to monitor the academic progress of schools and report that information to the trustees. It give principals more control of their schools, particularly in relation to school personnel. Gives the chief educational officer the authority to remediate and to even reconstitute failing schools. It establishes an intervention process for four years for those schools that are failing. It streamlines the teacher evaluation and dismissal process. It gives the trustees the authority to implement the learning zone legislation in Chicago, which was very recently passed here, and it addresses the subject of ethical conduct. It requires the trustees to establish an anti-nepotism policy. It requires the trustees to take record votes for contracts over \$10,000. It prohibits the expenditure of Chapter 1 funds for political purposes. It enacts protections for whistle blowers and it transfers the office of inspector general to the trustees from the current assignment to the School Finance Authority. In

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particular Mr. Speaker, I would like to thank the following groups all of which took part in a long series of meetings that have finally culminated in what you see on the board there today: The Latino Institute, the Illinois Business Round Table, the Chicago Board of Education, the Union League Club, the Office of Superintendent Argie Johnson, the Office of the Mayor of Chicago, the University of Illinois at Chicago, the Civic Committee of the Commercial Club, Chicago United, the Mexican/American Legal Defense and Education Fund, the Illinois Manufacturers Association, the Illinois State Chamber of Commerce, the Chicago Teachers Union, the School Coalition of Other Unions in Chicago, Leadership for Quality Education, the City-wide Coalition for School Reform, the Parent Community Councils, the Statewide Alliance for School Management, the District Four Facilitator, the School Engineers represented in the meetings by Don McCue, the Urban League and the School Finance Authority. I want to thank also all of the principals, school board Members, teachers, and parents who have met with me, with Senator Cronin, with representatives from the the Governors Office in order that we could attempt to do what we truly believe will make a difference for the children in Chicago. I would be glad to entertain any questions."

Speaker Daniels: "Thank you. The Gentleman from Cook, Representative Pugh."

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

Speaker Daniels: "She indicates she will."

Pugh: "Representative Cowlshaw, can you tell me the...why you felt initially that the schools needed to be restructured, reorganized?"

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Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Is the question, why did I feel that there needed to be a change in the governance structure? Is that the question? Well, Representative, I think it is quite apparent that the current structure is not working. There are far too many young people in Chicago who either drop out before they get a high school diploma or who after they have a high school diploma still do not have the basic skills to either get a job or hold it. I think in all fairness we must recognize that reform has been almost all centered in the local school councils in Chicago. It has been a bottom up not a top down kind of thing. Maybe that reform needs to boil up to the top and the reform needs to go forward there too."

Speaker Daniels: "Representative Pugh."

Pugh: "Is the problem that you just articulated only in Chicago or are there other schools throughout the state...other school districts throughout the state that are experiencing similar problems?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, there a good many school districts throughout Illinois that are experiencing problems of one kind or another. However, none of them has a student population of more than 400,000 students. Because of the immense number of students involved in the Chicago public schools we have, of course, concentrated on trying to do something to improve things for those more than 400,000 children."

Speaker Daniels: "Representative Pugh."

Pugh: "The School Finance Authority, Representative. Can you tell me what would happen to the School Finance Authority during the four year period and what would happen to their

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budget? Will they still be...have an operating budget?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, we cannot abolish the School Finance Authority because of the bonds that still remain that have to be retired. However, we have removed the authority of the School Finance Authority to review the budget. We have removed the requirement for a balanced budget and therefore the School Finance Authority is simply on hold for a four year period when all of the decision making is with that five member board of trustees."

Speaker Daniels: "Representative Pugh."

Pugh: "So they...we will be incurring a cost during that four year period for that School Finance Authority to be continued in place. And if there's a...if we're transferring the powers, why don't we just transfer the bonding authority powers to that board also and not incur the extra added expense?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, I am not an attorney, which I've always thought was one of my advantages; however, there were a good many very competent attorneys who sat in on these meetings and they told me that under current law we cannot abolish the School Finance Authority nor can we shift the responsibility for those bonds to anything other than the responsibility when the bonds were originally sold. That is the reason why the School Finance Authority is retained."

Speaker Daniels: "Representative Pugh."

Pugh: "So...Another...To another point in the Bill. When we're talking about reducing the allocations for teachers salaries, would that mean that we are going to cut the teachers salaries themselves or are we going to cut the

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amount of teachers that are..."

Speaker Daniels: "Representative Pugh, your time is up, Sir. Is Representative Morrow going to yield his time to you? Is that why his light is on? Alright. Representative Morrow yields his time to Representative Pugh."

Pugh: "So the...will that mean that we are going to have less teachers or less...or the teachers are going to make less...less money?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, there is nothing anywhere in this Conference Committee Report that establishes teachers salaries. That is something that the board of trustees will be responsible for doing."

Speaker Daniels: "Representative Pugh."

Pugh: "Yes, Ma'am, I understand that. But I submit to you that if we are talking about reducing the amount of moneys that is going to go into the fund...that's funding the salaries for teachers, then inevitably we are going to have to make cuts somewhere. And if it's not going to be in the salaries for the individual teachers, will it be in the number of teachers that we have to teach these children?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, what fund are you talking about? There is nothing in this Bill that reduces anything. The City of Chicago schools will get their fair share of the increase in the total appropriation for elementary and secondary schools for this year, just like all the other school districts in Illinois. They are...the local school councils are guaranteed at least the same amount in state Chapter 1 funds as they are now receiving. There is nothing in here that is a reduction. There is nothing in here that does anything in relation to what that board of

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trustees through...if the collective bargaining process may choose to do. There is nothing in here that reduces the number of teachers. There is nothing in here that reduces the salary of anybody. Now, the board of trustees may choose to do some of those things either through collective bargaining or other processes, but this Bill does not do anything like that."

Speaker Daniels: "Representative Pugh."

Pugh: "Anything in the legislation that insures that the teachers salaries won't be cut? That insures that the amount of moneys going to teachers salaries would not be reduced?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, the reason this Bill does not address that subject is because that is not up to us to decide. That is decided through the collective bargaining process. We do not establish the teachers salaries in Chicago now. We do not establish the salaries for teachers in the school districts throughout this state. That is why we have a collective bargaining law, to enable the local school districts and their teacher organizations to collectively bargain and arrive at the details of their contracts."

Speaker Daniels: "Representative Pugh."

Pugh: "Then can you explain to me why you felt it necessary to, in the legislation, to discontinue allowing substitute teachers who have worked on a substitute basis for two years to eventually become certified or permanent teachers?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, it doesn't say that in this Conference Committee Report. Could you make a reference to...I assume you have a copy of the Conference Committee Report right there. Could you make a reference to a page

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and line number, please?"

Speaker Daniels: "Representative Pugh."

Pugh: "It's under the employees and collective bargaining portion of the legislation."

Speaker Daniels: "Representative Cowlshaw. Representative Pugh."

Pugh: "To the Bill, Representative. I understand...at least I think I understand that your motives and your intentions are honorable and that you've seen a problem and as a Legislator you want to try to fix it. But I submit to you Ma'am that we are creating an environment for children to make choices that going to effect the rest of their lives..."

Speaker Daniels: "Representative Pugh, can you bring your remarks to a close? I will give you another minute, Sir."

Pugh: "Yes, Sir. Thank you, Mr. Speaker. These minority children who are not going to be, as a result of the reform effort, is going to discontinue the opportunity for a lot of children to be educated. Because it's going to be more difficult and less appealing for teachers to teach in the public school system so, therefore, minority children are going to not have the opportunity to be educated in a manner in which they could to make the necessary skill...life skill choices that they need, that will not eventually lead them into the penal system. I think that we as individuals need to think about the rights of individuals. As Legislators, it's the Constitution that states that it's the primary responsibility for the State of Illinois to educate our children. We have treaded upon the rights of the Native American recently..."

Speaker Daniels: "Representative Pugh, you must bring your remarks to a close, Sir."

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Pugh: "We have recently treaded upon the rights of the Native American and taken their image and we are marketing it as a trademark for the use of the University of Illinois. Today we are abdicating our responsibility to educate our children. Tomorrow, whose rights will be trampled upon? Will it be our rights? And if it's going to be our rights, then who will be around to help us. We need to take these things into consideration as we are preparing these children that are not going to be educated, are going to be left with very few alternatives to survive. They are going to survive no matter what, so we need to be thinking about who is going to pay the price for these uneducated children."

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

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

Speaker Daniels: "She indicates she will."

Davis, M: "Representative, you listed a long list of people. I don't know if you said if you met with them in this legislation or if they supported this legislation. If you said they support this legislation, it's just not true. The Mayor of the City of Chicago does not support this legislation, nor do the citizens in the City of Chicago because it does absolutely nothing for the \$150,000,000 deficit that exists. It has been stated on this floor that the per pupil expenditure for Chicago is very high, but of the 15 unit districts, large unit districts in the State of Illinois, Chicago per pupil expenditure is perhaps in the middle. It's a little over \$6,000 per pupil. Someone else asked what will be the effect of this legislation on Pershing Road? The effect will be perhaps we will have to move because there will be so many bureaucrats because of

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this legislation, there won't be room for them on Pershing Road. This Bill sets up an accountability council, an accountability council with the same budget that the School Finance Authority had which was \$1.7 million. Now is this council set up to remediate, to diagnose, to improve the education of these children? No. The council is set up to evaluate and report on a daily basis. I say there is enough evaluating going on with our Department of Research and Evaluation. We need some remediation. We need some dollars to buy books and to buy software and computers to educate African American children in Chicago. I find it offensive, it stinks, it's smelly and it's foul when people from Naperville, Dupage County, want to set up an education system for the children who are African American or Latino. What gods do they think they are? What chariots do they ride? They're Representatives just like me earning the same damn salary. I would also urge you to look at setting up a four year local school council member. Very often children leave a school. Children move to another location or parent's childrens graduate. Does that LSC member sit there even though he or she has no more interest in that school because the children have gone on? A two year term was sufficient. I don't know who decided that Representative Cowlshaw and her cronies wanted us to have four year terms in Chicago. We are also very much concerned about the caps. The cap on the Chapter 1 dollars. Currently, \$261,000,000 are sent to the local schools for use by 411,000 children. Over the years that dollar increases. It is expected to be 16,000,000 more next year. Perhaps 20,000,000 the following year, but according to the Naperville cronies, according to those who ride this higher chariot than the rest of us, they say that

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those 20,000,000 or that 16,000,000 goes to fund the bureaucrats that they're creating. Next year they will be yelling about the bureaucrats on Pershing Road that they have set up. I voted 'no' last year or eight years ago on that so called school reform that was supposed to be a panacea for education of children in Chicago. It was nothing more than more bungling, more bureaucratic bungling, that did not create an educational system for children to learn. We are also very concerned that there is going to be a chief operating officer, a chief education officer, a chief purchasing officer, a chief...there are all kinds of chiefs and I guess there is a superintendent. Is there Susan? There will also be a superintendent. Now in most school districts a superintendent will hire those who they need to support there efforts and their team..."

Speaker Daniels: "Representative, you are almost out of time."

Davis, M: "Yes, this Bill simply sets up a large group of bureaucrats that Cowlishaw can yell and scream about next year. I urge you to vote 'no'..."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, I would like to yield my time to the honorable Monique D. Davis."

Speaker Daniels: "Representative Davis."

Davis, M: "We are very grateful to Representative Mary Flowers, who was not in the room, also, even though she has a little girl who will be going to Chicago public schools. But Mary Flowers was not good enough. It reminds me of what happened in America when those in England decided what we should do and we were paying...you were paying taxes, just as those people in Chicago are paying taxes. Our property tax fund our system. The state gives us 32 cents on every

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dollar. The state violates the Constitution of 1970 by not being the primary funder for the City of...any city is this state, for education. We need to look very carefully, very carefully at this 14 day notice for employees who are laid off due to third party contracts. Now what does that mean? If you were working for the Board of Education and we privatize, they don't want to use the term, but we privatize, what your people do and the reason we want to privatize is that so people from Naperville can come to Chicago and work. The reason we want to privatize is so people from Winter's district can come to Chicago and work. The reason we want to give the workers in Chicago 14 day notice and say your job is being privatized is so that these people who don't pay taxes in Chicago can reap the benefits of those of us who work and pay taxes and get the dollars from our system to educate our children. We also need to look at this unconstitutional mandate and this chariot riding fiasco, those who ride with the gods. If you are a school teacher in Chicago and you don't like some of the collective bargaining that has taken place - around the rest of the state you can strike, just as any other official or person who doesn't work for the safety of the community. Teachers are not fireman, teachers are not policeman, but this legislation said oh no, you teach for that other system. You teach where those black kids go to school. You teach where those Latinos go to school. You can't strike. Who do you think you are. For 18 months you are going to be treated like a slave. You have to work under the conditions that we set, rather than the conditions of collective bargaining. And we say no. When I look across the aisle and I don't see one dark face and yet that's the group who is perpetrating this kind of

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disturbed system on my people, I am truly disturbed. They did not even have the decency, the decency to invite a Legislator from Chicago who wasn't even black. There's Barbara Flynn Currie, there's Dan Burke, there's Nancy Kaszak, there's Carol Ronen. But no, you come from the city where those dark people live and those dark people don't ride the chariots with the gods. I urge you to realize the insult, the insult that you are providing for all the people in the State of Illinois. There are those in the State of Illinois, in fact there is some in my office right now. There is someone there from Bloom Township. There is someone there from Evergreen Park. There is someone there from Crete, Illinois, who says to me, 'Representative Davis, we need money for our school system. We've got tax caps, so we can't increase the taxes. We put a referendum on the table and those same Representatives fight the referendum.' So what they are saying is, 'the hell with all the children in the state.' We will suffer, we will suffer because we didn't care enough to fairly, to firmly, and to give a foundation of a good education to the kids in this state. And we will suffer as senior citizens because children don't become superior nurses, because they don't become superior doctors, because they don't become research analysts."

Speaker Daniels: "The Lady from Cook, Representative Maureen Murphy. Excuse me, Representative Murphy. The C.S.O. Grand Boulevard Parents Network is in the gallery and they are guests of Representative Lou Jones. Welcome to Springfield. Representative Maureen Murphy."

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

Speaker Daniels: "She indicates she will."

Murphy, M.: "Representative Cowlshaw, could you possibly

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estimate how many thousands of hours you have spent working on this?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Murphy, just say a considerable amount of time has gone into the preparation of this Conference Committee Report, but is not just I. This has been a team effort all along. It has involved the Senate which held all of those public hearings, it has involved the staff from the Governors Office as well as all of those groups that I read during my opening statement about which I did not say that anyone of them was either in support or in opposition, simply that they were participants and had their opportunity to have input into the process."

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Once again, this is a four year program and I would like to know what happens if this four year program is successful or if it isn't."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Murphy, this legislation provides that after the four year period during which the five member Chicago School Reform Board of Trustees is responsible for all of the management and all of the activities of the Chicago public schools. Then that board is dissolved and a new regular board of education with seven members is established for the City of Chicago schools. Once again, however, all of those people are appointed by the mayor of Chicago. The School Finance Authority goes back into effect, the balanced budget requirement goes back into effect. All of those things will happen no matter how successful or unsuccessful the board of trustees may be during this four year period."

Speaker Daniels: "Representative Murphy."

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Murphy, M.: "Yes, to the Bill, Speaker, Ladies and Gentlemen.

This is about leadership and 410,000 children of Chicago. It is not about race. It is about getting...addressing the need when we have 50% of the children of Chicago dropping out, the remainder in the bottom 1% in national scores. We've been in Chicago schools. We worked with Chicago learning zones Designes for Change, the mayors office and we have seen people that care about doing something. We don't need gradual change. We need cataclysmic change. The time has come. We can not let this obscenity continue. What are we going to do? Former Chairman of the Education Committee, Joel Brunsvold, suggested in '93 perhaps we should just let them destroy themselves. Secretary Bennett talked about the state of the schools in Chicago. We cannot go with a special interest that want to keep the status quo. We have to be responsible for the general interest of the children of Chicago. The time has come, the people have signed on for this and it's only those that are entrenched in this bureaucracy that are fighting to the bitter end. We need your 'aye' vote on this. We need to do something for the children of Chicago. This is not a regional issue. It's a broken system, it is broke. We need to bust the bureaucracy. There are wonderful teachers, children, and principals in Chicago waiting at the gate for this wonderful opportunity. It's Pershing Road, the Chicago board that is being attacked. It is a new form of management. It's a bankrupt system. Let's get the trustees in there, let's move forward and apply good solid business principals in this system that's run amuck. I urge everyone in this chamber to vote for this. The children of Chicago are losing hope. Let's not be back here in the Fall for the gradual change that will end in a

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bail out. That will sincerely take more money from the rest of our children. Representative Cowlshaw has done a wonderful job. Let's do the right thing, vote 'yes'."

Speaker Daniels: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker, and Members of the House. I enjoyed hearing the list of people who'd apparently participated in some degree in the crafting of this Conference Committee Report, but I'm prepared to say that those who were defined as participants were not themselves feeling much sense of participation. Parents in the City of Chicago were not invited to those meetings behind close doors, nor were school reform groups, nor were the employees of the Chicago public school system, nor was the mayor of the City of Chicago. And in fact this Bill is opposed by many of the organizations whose names were listed by the Sponsor of House Bill 206. As a general proposition we know that when we try to change structures, management structures, we know that it works best if there is support and enthusiasm for the changes from the ground up. This proposed structural change is change from the top down. It does not enjoy the support, the enthusiastic participation of those groups who are going to be asked to implement these changes. For that reason and for no other it is doomed to fail. Behind those closed doors, this Bill was crafted I would say not slowly and deliberately, but hastily. And in fact one of it's provisions, the provision that would move the Chicago school fiscal year into the same fiscal year as the state according to one august organization in the City of Chicago, the Civic Federation, will indeed cost the system, cost the Chicago public schools \$60 million in the first year of operation. I am sure the Sponsors of this Bill did not have that intent, but one of the problems with doing

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your work behind close doors and doing your work without inviting participation from those who are in the know is that you risk exactly that kind of outcome. One central problem with this Bill is that it's an end to accountability. Right now the Chicago public schools require a balanced budget if they are to open on time. This Bill says, 'Forget it. We don't care whether the budget is balanced or not.' I can't imagine how we can call it reform to say we will have no accountability, no financial accountability in the Chicago public school system. Second, this Bill does not provide resources for educating the young children of Chicago. We know that if the schools open in September, they'll do so with a deficit of \$150,000,000 and we know for the following school year that that deficit will be added to the \$150,000,000 another \$300,000,000. With that kind of deficit we are not offering the schools the resources they need to educate our youngsters. Now I know that the Sponsors of the Bill will argue that they are providing money. Yes, sure they are providing Chapter 1 money that is supposed to track poor youngsters. They are providing some of that money to the central bureaucracy to run it's operations. This Bill permits the stealing of \$65 million dollars in each of the next four years from the Chicago Teachers Pension Fund. Robbing Peter to pay Paul, stealing from poor children and retired teachers. This is not the way to run a fiscally responsible ship of state a fiscally responsible Chicago public school program. Third, this is a Bill that punishes employees for no particular reason. It's been seven years since there was a strike by the Chicago public school teachers. Yet, this Bill says there won't be one in the next 18 months. How about applying that provision to all

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the school districts in the state? If it's good public policy let's apply it statewide. This Bill is punitive. This Bill is not about children. This Bill is about getting Springfield off the hook. The schools will open in Chicago in September without resources and without a strike and without a balanced budget, but we won't have to come back to Springfield to face up to our responsibilities to finance public education across the State of Illinois. We provide 33% of what it costs to educate our youngsters. Illinois today is 47th or maybe 48th among the state in financing public education. This is a Bill that will get the politicians off the hook, it will not help the school children of the City of Chicago. I urge a 'no' vote."

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

Zabrocki: "Thank you, Mr. Chairman. I rise in support of this Bill. All of us are extremely interested in the young people of our communities and especially in Chicago. For the last several years the discussion of the Chicago school system has been on the minds of this Assembly. If I could I would like to read one short sentence that appeared in the Chicago Tribune on Monday May 22nd. 'The seventy-one year old building is an emblem of the mismanagement, blown opportunity and blight that dominate the Chicago school real estate program, a prime illustration of the chronic ineptitude that has pushed this system through it's latest yearly crisis.' This Bill, Mr. Speaker, and Ladies and Gentlemen of the Assembly, will empower the local decision makers. The word 'empower' is something we have used a great deal in this Assembly. It gives the individuals at the local level the opportunity to do something that needed to be done. Some people would refer to this as draconian,

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yes it is. It is draconian because we are in a draconian situation. We need at this point in time to do something very, very drastic. Government has been notorious over the years, for solving problems by throwing money at it. This Assembly has thrown money at it for many, many years. Nothing has happened. The opportunity is here, the opportunity is right. Now is the time to do something about it. We can not wait. It is time for reform for the Chicago school system. It is time for the young people of that community to enjoy the benefits of a good education. Many of us have been accused of Chicago bashing. We are not Chicago bashing. We are looking to the young people of that community to ensure that Chicago continues to be the economic engine that it must be, not only for the State of Illinois, but for the entire Midwest. I ask Members on both sides of the aisle to join with us to support the Chicago school system, to support the reforms that are necessary to succeed. Thank you, Mr. Speaker."

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

Santiago: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Daniels: "She indicates she will."

Santiago: "Thank You. Representative Cowlshaw, you made reference that a considerable amount of time and effort was put into this piece of legislation. You also said that there were numbers of meetings that were held. Could you tell me where were all these meetings held and who was on that team?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, in my opening remarks I listed the names of the various groups centered in Chicago who took

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part in the series of meetings that were held: some here in Springfield, some in Chicago. In addition to those meetings and not all of those groups were represented at every meeting. Some of them came to most of the meetings, but not all of them. Some came to every single meeting. In addition to those meetings there were meetings that were arranged through the Chairman of the School Finance Authority for Senator Cronin and for me as well as people from the Governors Office to meet with groups of principals in Chicago in Chicago schools, to meet with groups of teachers in Chicago in Chicago schools, and to meet with groups of parents in Chicago in Chicago schools."

Speaker Daniels: "Representative Santiago."

Santiago: "You mentioned that you met with parents in Chicago that... Were these meetings advertised to the public? Were they published in the newspapers? Were they published in the news media? Cause I have never...up to today the first time that I learned of these meetings was yesterday in committee. Now where did you advertise or put these notices so that the public could participate in these meetings? Were these public meetings?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "No, Sir, they were not public meetings."

Speaker Daniels: "Representative Santiago."

Santiago: "You are telling me that these were not public meetings? Why weren't they public meetings? If you are affecting the lives of 460,000 kids why are you hiding behind in a room? Why? Is this a back room deal that you, the Speaker, and the Governor, and the President of the Senate came up with without public notice?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, many of the meetings that I attended

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were put together by the Chairman of the School Finance Authority in an effort that we might, both the Senate, the Governor's Office, and those of us who in the House who were working on this, might have a better understanding of what it is that is good about the way the Chicago public school system works. And there are some very good schools in Chicago and also what concerns the people there on what needs to be improved. Now I would point out to you, Sir, that the Senate Education Committee held public hearings in Chicago with all the due notices and all that kind of thing. So if there was anyone who had not been and had an opportunity to participate in the long series of meetings that I conducted, they certainly would have been free to go to the public hearings held by the Senate Education Committee and those were held in Chicago so as to be...make it as convenient as possible for the public."

Speaker Daniels: "Representative Santiago."

Santiago: "You stated that the Finance Authority were the ones that participated in the meetings. Why weren't the parents of the kids in the City of Chicago given the opportunity to participate in restructuring their own schools? Can you answer that question for me?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, nearly every individual who attended the series of meetings who was a representative, from one of those extensive list of groups that I read into the opening statement here. Nearly everyone of those people is a parent of a public school student in Chicago. Now there may be a few of those people who do not have children in the public schools in Chicago any longer, but..."

Speaker Daniels: "Representative Santiago, your time has expired, Sir. Further discussion? The Gentleman from Whiteside,

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Representative Mitchell."

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

Speaker Daniels: "She indicates she will."

Mitchell: "Representative Cowlshaw, does House Bill 206 effect any other school district in the State of Illinois, other than Chicago?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Mitchell, without any question whatsoever, House Bill 206 applies only to the City of Chicago. It does not apply to any other school district or area or community in all of Illinois."

Speaker Daniels: "Representative Mitchell."

Mitchell: "So the primary intent of this legislation is our effort to improve the Chicago public school situation?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Yes, Sir, that is precisely the intent of House Bill 206: to improve things for the students."

Speaker Daniels: "Representative Mitchell."

Mitchell: "Thank you, Representative Cowlshaw. Mr. Speaker, to the Bill. I am extremely proud to be one of the Co-Sponsors of House Bill 206, but with the pride comes with it a responsibility for our grave, grave situation. Chicago public schools are bankrupt, there is no question about that. Representative from the other side of the aisle just mentioned the deficit already is \$150,000,000. Year after year, as a superintendent of schools downstate, I read in the paper and heard the reports of the financial crisis in the City of Chicago. But at the same time I had to read in the paper and hear on the radio that former Secretary of Education, William Bennett, said that the Chicago public schools are the worst of the systems of the large cities in the nation. The superintendent of schools

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in Chicago, fired back a salvo, and said, 'you say that and you haven't even been here and visted our schools.' And so Secretary Bennett went to Chicago and visted the schools and came back and said, 'you know, I went to Chicago and I visited the schools and guess what? I was right.' Now we have got a problem and this is the State of Illinois. This is not the State of Chicago. You keep asking what right do you have to determine the educational fate of the children of Chicago. They are just that, they are children and they have the right to live anywhere in the State of Illinois. And I say that we have a right and a responsibility and an obligation to help those children and that is the intent of this legislation. Business has joined with education to finally try to do something. And you know what they have done? They have allowed the people of Chicago to do it themselves. They said 'mayor you wanted the opportunity you've got it.' Now let's do something with it and make the situation better. That's not saying we've turned our back that's saying we have got to face the people of Chicago to solve the problem. But it is our responsibility, everyone that sits here has to accept the responsibility for the problem of the City of Chicago schools. We don't know what the deficit's going to be. You sit here and you throw out figures and you have no idea of what the deficits going to be because of changes that will take place. The savings that will take place. You have to vote for this legislation. This is a no-brainer. Folks, this is going to help the kids. This is going help Chicago solve their own problem. Give them the opportunity to solve the problems that are there and have been there for years. It's time to vote 'yes' for this legislation. It's time to applaud those people who have worked so hard

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for so long to bring some sense to the chaos that is Chicago public schools. I urge an 'aye' vote. Thank you."

Speaker Daniels: "Representative Lopez, are you yielding to Representative Santiago? Representative Santiago."

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

Speaker Daniels: "She indicates she will."

Santiago: "Representative Cowlshaw, you are an educator. I am an educator. Can you please show me where in the Bill does it...in this Bill, in this reform package, where in the Bill can you tell me that this Bill will improve the education of our children?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I believe, Representative, that this Conference Committee Report is 141 pages long. It includes a wide variety of reform initiatives. All of them fit together to be what I believe is real promise for reform, improvement, and progress for children. There is no one part that you can point to that's more important than another. They all have to fit together."

Speaker Daniels: "Representative Santiago."

Santiago: "And that's why you gave us...you said this is a very extensive Bill and yet we were given this Bill 45 minutes before we went into the Executive Committee yesterday and that's how you expect us to analyze, but what I did I analyzed this Bill...I analyzed this Bill last night and there's nothing, absolutely nothing in this Bill that improves the education of the children of the City of Chicago. You know that as an educator, I know that, the Governor knows that, the Speaker knows that, and the President of the Senate knows that. Now, is there...Speaker...question. Is there anything in this Bill that improves the reading skills of the children in the

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City of Chicago?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I think the accountability council as well as the other factors that contribute to accountability will help with that, Sir. But I would point out to you the City of Chicago schools under it's present system has had years, and years, and years to improve the reading skills of it's students and has not done so. It is time for a change."

Speaker Daniels: "Representative Santiago."

Santiago: "I agree with you. It is time for a change and that change should be directed to the classroom. What we have here is a financial structure of the school system, not an educational structure of the system. We are not reforming education, we are not improving education. What we are doing here is putting the school system into a receivership. This is what you are doing, you are putting the school system into the hands of individuals that are going to be corporate executive that do not have any idea of the educational system. Now, it is your objective and I'm sure you are very sincere in trying to help children, but if you read this package you don't see anything here that improves the educational system. There is nothing in here that improves the math skill. There's nothing in here that improves the reading scores. There's nothing in here that improves language arts. There's nothing in here that improves the educational system. Now, let me ask you another question. What is the Academic Accountability Council? Why was this set up and can you tell me what are its functions and its duties?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The purpose of the Chicago School Academic Accountability Council is to develop and implement a

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comprehensive system of review evaluation and analysis of school performance within the Chicago public school system. This legislation requires the trustees, the five members of the Reform Board of Trustees in consultation with the State Board of Education, to determine the size and makeup of the council, the terms of office of it's members, and the process for appointment removal and replacement of council members. It provides that evaluations done by the Council shall be provided to the Trustees, the chief educational officers, the respective principals and local school councils and the state superintendent of education. The Councils evaluations may make recommendations to support future school improvement including recognition for exemplary achievement and initiation of remediation, probation, intervention, or closure for an attendance center not meeting academic standards. It limits the state boards consultation..."

Speaker Daniels: "Representative Cowlshaw, can you bring your answer to a close?"

Cowlshaw: "It limits the state boards consultation to insure the consistency of evaluations and preventing duplicative evaluation efforts. It gives the trustees and the chief educational officer the authority to request the council to conduct or arrange for evaluations of educational programs, policies and procedures. Deemed necessary to insure the academic progress of the schools in the system."

Speaker Daniels: "Further discussion? The Gentleman from...we are joined in the gallery by students from the Suiter School, the Henry Horner Home, and they are guests of Representative Art Turner. Welcome to Springfield. The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentleman of the

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House, anytime that you have a school system where the dropout rates are higher than the graduation rates, there is a problem. There is an emergency. Mayor Daley has cried out for years for the children of the City of Chicago for reform of the system, a system that has refused to reform itself, a system that's controlled by patronage and special interest, a system at 1119 West Pershing Road that is a bureaucracy that cares less about the children of Chicago and more about special interest. That bureaucracy is a sewer. This Bill is a rod. Take the rod, mayor Daley, and clean out that sewer. Here are the keys to the bureaucracy of Pershing road. Here are the keys to the schools of Chicago. Mayor, take those keys. Take this rod and clean the sewer out and do something for the children of Chicago. Let's pass this Bill and get on with it."

Speaker Daniels: "The Gentleman from Cook, Representative Art Turner."

Turner: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the Assembly. I have a couple of questions and I would like to know if the lady would yield?"

Speaker Daniels: "She indicates she will. Representative Wojcik in the Chair."

Turner: "Representative, one happens to deal with the question of governance. Well first of all, I should preference my question by saying that eight years ago when we passed the school reform Bill that I, like one of my other colleagues, voted 'no' as I didn't see any money being put into the system, but I know that some of the problems that we mentioned today were problems that were in existence prior to this reform and it was always my feeling that if we were going to change the structure or going to reform the system that the system would need additional money in order for it

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to work. And because we weren't putting any additional money in, I and some of my other colleagues thought that that we not a proper vote in terms of voting for that particular change, and yet the Assembly decided that creating LSC was the way to go and it was going to bring about some change. I have worked with those LSC's over the last couple of years because the law is the law and I wanted to make certain that the interpretation was clear. One of the questions that come to mind, because there are some schools who are currently under remediation and I would like to know that if in fact this legislation passes, what happens to those schools that are currently being assisted by the sub-districts that we have determined that they needed some help or in terms of need of remediation. What will happen to those schools as a result if this legislation passes?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Thank you...Oh we have a different Speaker. Representative Turner, the new board of trustees is given a great deal of power and latitude; however, there is a provision in this legislation that a school on probation or in any kind of situation similar to that is given a maximum of one year to improve it's deficiencies. If it fails to make adequate progress the chief educational officer may, with the approval of the Board and after the opportunity for a hearing, reconstitute the school and replace and reassign all employees of that school."

Speaker Wojcik: "Representative Turner."

Turner: "The other question I had, and I remember in some such in dealing with the employees in the collective bargaining, there's a clause in there that say's that the school are not required to employ engineers and food service managers,

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but those employees are still under the principal's supervision. My question to you is, is this a step toward privatization of the food service and janitorial services in the school system? Or does this allow that ability to happen?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative Turner, in several places in this legislation there is encouragement and there is empowerment so that should that five member board choose to outsource, which I guess in a new word, in other words to privatize, those services such as the food service, the maintenance, the repairs, and those kinds of things. That is entirely up to this board of trustees, but because of the provisions of this legislation there are no impediments in the way of that Board of Trustees making those decisions."

Speaker Wojcik: "Representative Turner."

Turner: "The next question that I have, Representative, deals with the question of the teacher retirement system. Currently the Chicago Retirement System, as we all know, is probably one of the best funded teacher retirement systems in the state, probably one of the best funded retirement systems period in the state. Currently at about 82%. The downstate teachers retirement system is on the verge of bankruptcy and it's my understanding that according to this legislation, you are allowing the new board the pull some \$60,000,000 a year from the Chicago Teachers Retirement System to help fund the system itself. What do you anticipate the percentage level to be at the end of four years if in fact this does happen?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative Turner, I am really glad that you asked that question because it is important for us to get

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something into the record as far as the legislative intent in relation to the Chicago Teacher's Pension System. First, let me explain that presently employer contributions, employer contributions to the Chicago Teacher's Pension Fund are made by the board from it's own taxes and from amounts appropriated for that purpose by the state. With regard to the requirement in this Bill that beginning in fiscal year 1999, the Board of Education is required to move toward contributions so that by the year 2046, the assets of the teachers pension fund in Chicago will be 90% of the actuarial liabilities of the fund. This requirement may take into account board contributions, both from state appropriation and from it's own taxes. Representative Turner, in an effort to provide the maximum of decision making for this board of trustees, the state regularly each year appropriates money for the Chicago Teachers Pension System. The amount that was originally in the Governor's budget this year is still there. However, instead of appropriated it directly to the Chicago Teachers Pension System, it is being appropriated to the reform board. They may put it into the teacher's pension system."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Blagojevich, is recognized."

Blagojevich: "Thank you, Madam Speaker. Will the Sponsor yield for a few questions?"

Speaker Wojcik: "She indicates she will."

Blagojevich: "Representative Cowlshaw, this legislation doesn't provide any new money or any new dollars for the schools in Chicago, does it?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "It does not provide any more funding than the City of Chicago schools and all other schools throughout the state

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will receive because of the increase and the total amount of appropriation for the forth coming fiscal year."

Speaker Wojcik: "Representative Blagojevich."

Blagojevich: "Does your legislation do anything about removing some of the restrictions on the state dollars that go to Chicago schools? For example, the \$300 plus million dollars in categorical funding. Are you removing the restrictions that presently apply to those dollars to Chicago schools?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "I'm glad you asked that question. As I explained in my opening remarks, there are two types of block grants that are provided for in this legislation. I might add that these block grants were requested by Mayor Richard Daley. First of all, there is the general education block grant which of course includes the items that were determined that we should give the maximum amount of flexibility to the board in dealing with. The other is an educational services block grant, but it does not excuse the reform board from fulfilling the requirements of the programs included within the block grant. It is important for the record that we note the educational services block grant which does not dismiss the necessity for fulfilling the mandates. Includes bilingual, state free lunch and breakfast, special education, educational service centers, regular and vocational transportation, preschool at risk, summer school, and the administrator's academy."

Speaker Wojcik: "Representative Blagojevich."

Blagojevich: "Thank you, Madam Speaker. Thank you for the question. It was somewhat non-responsive. The answer to my question is, that they are not unrestricting the dollars that already come from the state for Chicago schools. So

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what this legislation does is it changes some of the structure with regard to the schools and reforms that, but doesn't do anything about providing for more flexibility for the dollars that are already there. It does nothing about providing new money and frankly the motivations behind this legislation raise some questions. For those of us from Chicago, for those of us from Chicago who have been arguing all along that we don't receive enough of our fair share of state dollars for our schools, it seems a little bit disingenuous for Pate Phillip and for Lee Daniel and for Mary Lou Cowlshaw and the remainder for the Dupage County crew to come to our schools and do something about reforming it. It seems to me, very frankly, that what you are saying is. 'Here take your schools as troubled as they are. You are the largest city in the State of Illinois, your schools are impossible to deal with. We don't want to have responsibility for them. We certainly don't want to fund them adequately. Keep the schools and in four years we will put the blame on the mayor, we will put the blame on the board of education and we have abdicated complete responsibility.' Now some of the previous speakers have talked about responsibility. Representative Mitchell mentioned that we have to empower people he said, but you are not empowering the City of Chicago or the mayor or the board of education, you are dis-empowering it. You are not providing the necessary tools. You are not giving new money or you are not unrestricting money. Two-thirds, 2/3 of the block grant money that is going to come to the City of Chicago will be restricted. There will be no flexibility for those who have to administer the schools, to be able to use those moneys to administer the schools. So there is no flexibility with regard to that, there is no

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new money. You are not empowering anybody. There are rights. Everybody has a right to a proper education. We have a right to expect that the Chicago schools reform itself. There is much in this legislation with regard to structure that many of us can agree with, but when you don't provide the necessary tools to carry it out and to execute the program it's an impossible task and the motivations again are very much in question. You are washing your hands of the problem. You are going to dump it on the City of Chicago. The state has a constitutional responsibility to educate all the students in the State of Illinois, not excluding the City of Chicago. These block grants are very interesting because the block grants don't apply to any other school district in the state. They only apply to the school district in the City of Chicago. Yet, another questionable motivation and it's very interesting. It's very interesting that when the mayor of Chicago decides that he intends to keep the Chicago airport in the control of the City of Chicago, suddenly your saying, 'Hey, we have no more responsibility for your schools.' Well these Chicago schools are also schools that belong to the State of Illinois. They belong to all the citizens, the responsibility of those schools, all the citizens of the State of Illinois. The Dupage County clique is coming into our schools and doing something that is frankly not well motivated. I urge a 'no' vote. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Dupage, Representative Biggins, is recognized."

Biggins: "Thank you, Madam Speaker, Ladies and Gentleman of the House. The previous speaker and others have said, 'give us more money'. This Bill gives you as much money as you want

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to have in your district unless you want to go to a referendum which the suburbs do. My district will get us 2% from state aide this year while Chicago gets it's 40 of the spending. The Sponsor will get her 3% of state aide this year from the school district that she represents, but we are giving this terrible Bill, we are giving total control, not to the suburban Republicans or Democrats, not to any political party. We are giving it to the City of Chicago. You can run your entire school system. You can do anything you want. You can hire truant officers which were collective bargained out three or four years ago which hurts the children economically and physically because you collective bargained it out. But we heard from the lead speaker from that union last night in the Executive Committee and I want to tell you because some of you weren't there. What he was concerned about and I'm a former member of that teachers union and I walked that pickett line a couple of times. We used to do it in the Winter back then, it was a little tougher. First thing he says, pensions. Second thing he says, four years from now. He mentioned the word 'children' once in ten minutes. Most of the comments made on the other side of the aisle against this Bill do not mention the word 'children'. The Sponsor has said the word 'children' at least a dozen times in her comments and in her answers. Let's focus on what the system is supposed to be about. It's supposed to be about children. One of the things this system is about is real estate. We have headlines in the paper and I don't want to hold up another headline because last time I did it I got about 20 votes. Textbook case of mismanagement in the real estate the city owns. You know, suburban school districts in my district don't own commercial office buildings. It's

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as simple as one, two, three, four. They don't own them. They are in the business of educating children, not running a real estate operation that the paper (Tribune) says is a textbook case of mismanagement. They own \$60,000,000 in real estate, it could be \$90,000,000 but they don't know how to manage it. It's as simple as one, two, three, four. They shouldn't be in the real estate business. Sixty-eight properties, nine parking lots, 26 vacant lots and I know sheltered school and things are difficult to dispose of. They should get out of the real estate business, concentrate on educating the children. This Bill allows them to do whatever they want. If they want to take all the money in that school system and go buy more real estate, they can do it. We are all going to know it, but they can do it. Nobody in the suburbs are going to tell them what to do with it. Nobody that is a member of the Republican Party is going to tell them what the do with it in Dupage County or any other County. The City can do what they want. We are giving them total control, total freedom. It's what these children need. It may not be what the adults need. It may not be what certain worker's groups needs, but it's best for the children. I have 16 friends that teach in that system and three principals. I have talked with all of them, well I talked to those 19, that in the last two days none of them objects to this Bill. Some of the teachers a little concerned, about principals...but the principals like the control they are going to be able to have. They are excited about it, they don't have to worry about it because they are mandated to not worry about it. Isn't that nice? The managers of the largest school district in this state don't have to worry about another group approving of what they do because

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if they don't do it right they are out of here. I know that's difficult for the other side of the aisle to except. Responsibility, accomplishment, take care of those children. This Bill does that. I support this Bill."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Shirley Jones is recognized."

Jones, S: "Yes, Madam Speaker, I would like to yield my time to the Minority Leader, Art Turner."

Speaker Wojcik: "Representative Turner."

Turner: "Thank you, Madam Speaker. Will the Lady yield for additional questions?"

Speaker Wojcik: "She indicates she will."

Turner: "Representative, one more question about the retirement system and that is, we mentioned earlier about pulling the \$60,000 a year for the next four years. That's some 250...I mean \$60,000,000 that's \$240,000,000 over the next four years and I was curious as to how much...what was the level of a drop at in the system at the end of this four year period? I wasn't clear when you spoke earlier on it."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The amount of money that the state appropriates to the Chicago Teacher's Pension System is an annual decision made by the General Assembly in cooperation with the Governor. What that level will be beyond this year I can not say. I don't believe that you can. That is entirely depended upon decisions of future General Assemblies."

Speaker Wojcik: "Representative Turner."

Turner: "Representative, how would you surmise this legislation? Is it your intent to further empower the LSC's and the parent's ability to run the schools or just what is the overall intent here?"

Speaker Wojcik: "Representative Cowlshaw."

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Cowlshaw: "The intent is to raise the accountability so that everyone who cares, and there are a great many Chicagoian's who truly care about there school's and the students who are in them can see what is happening and know whether it contributes to improvements for the children. The other intention is to try to give as much authority and as much help to those local school councils as possible. That's why this training requirement is placed in this Bill. I have met a good many of those local school council members and they are among the best intentioned people in the world, but unfortunately many of them have never had any training in what their role should be and how they can best go about fulfilling it. So yes, the local school councils are essential."

Speaker Wojcik: "Representative Turner."

Turner: "Who will pay for this training for the local school council members?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative, I met with representatives from all of the Chicago area Universities and there were long series of discussions about on how we could go about providing really quality training for the local school council members. I am proud to tell you that the University of Illinois at Chicago represented in these meetings by the dean of the college of education said, 'We are the public institution here. It is our obligation to help the Chicago public schools. We will devise the three day training program and with the cooperation of the council of deans of education from all of the Universities. With the help of the other Universities, but with UIC as the lead, we will put that program together we will do it well and we will not ask for one additional penny with which to do it.'"

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Speaker Wojcik: "Representative Turner."

Turner: "It's a little tough getting clear answers, but I understand what the Lady's intent is and I appreciate what she is saying. Let me just say, to the Bill. As I mentioned earlier in the past when we have had negotiations on Bills here in the Assembly and you've heard it from some of my other Members. There was what we called an agreed Bill process. It allowed not only members from the public but it allowed Legislators to sit in and we used to sit in rooms and sometimes I remember it when the legislation was first passed 8 years ago, the room was relatively crowded. There was not a seat to be found because there were so many people that had input and thought that they wanted to bring something to the table. It is my understanding that although there were a number of groups invited and I know that the Sponsor of the legislation has thanked them earlier that they said that they were invited to participate, I should say they were invited to attend those meetings but they did not necessarily participate in those meetings and I think there is a big distinction between attending a meeting and participating in a meeting and it's that fear that scares me with this legislation. I still have a concern and I think it's a true one that you cannot train LSC members in three meetings or in three days, how to teach, how to run the schools in three days and I really have a legitimate concern and the ability to do in three days what people have went to school for 18 years in terms of being able to educate our children. I say that sincerely..."

Speaker Wojcik: "Representative, bring your remarks to a close."

Turner: "I say this sincerely because I have two kids in the public school system. I took them out of parochial schools

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and put them in the Chicago public schools and they are doing relatively well. It's a partnership. There's a marriage between myself and the Chicago public schools in order for it to work. But I've also attended a number of LSC meetings and I have real, real reservations about this being the legislation that's going to make it happen. True, this is change, this is change, change, change and you know why don't we just give the change to the children? Why don't we provide the money to make the system a better system? We made change eight years ago and it's still not any better. The mayor of the City of Chicago is opposed to this legislation and one of the things that he's asked in addition to the opposition, and he loves having the ability to appoint those board members, is that there's no more change. Let's give the kids what they really need in terms of improving this system..."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Representative Ronen, is recognized."

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

Speaker Wojcik: "She indicates she will."

Ronen: "You know for a long time, Representative Cowlshaw we have been debating Chicago school reform and now as I read through your legislation I see that there's a section here that doesn't deal with Chicago schools, but deals with the Chicago City colleges. Is there any rational for...have you been studying city colleges too and we just didn't know about it?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "There is only one section in here that might be interpreted to fall within the provisions of any school that is located in the City of Chicago."

Speaker Wojcik: "Representative Ronen."

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Ronen: "Representative Cowlshaw, is it your intent that this Bill, that section, relate to Chicago City colleges?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Yes it is."

Speaker Wojcik: "Representative Ronen."

Ronen: "I just think that's very interesting and all the Members should hear that very clearly. We've had a lot of discussion about Chicago schools, but what we really...when it comes right down to it, all of these discussions about how bad Chicago schools are seem more to be a ruse to address unions and try to talk about members of unions. Because to put AFSCME in here and to address their collective bargaining issues of that union under the ruse of Chicago school reform and the process that supposedly has been dealing with just with Chicago schools, I think is disingenuous at best and I just want to make clear to Members that in addition to Illinois Federation and Chicago Teachers Union the AFSCME is also opposed to this. Let me just ask another question, if I may, Representative Cowlshaw, in relation to the block grants, the specified block grants, in which as I understand that there are two. One of the block grants will include pre-k, bilingual education and special education. Could you, very briefly, explain how that will work?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Thank you for that question. It is important to get that into the record. The general education block grant has no restrictions. This board of trustees can choose to use that money for any legal purpose for the school system. Included in this block grant are k-6 comprehensive arts, school improvement support, urban education, scientific literacy, substance abuse prevention, second language

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planning, staff development, outcomes and assessment, k-6 reading improvement, truants optional education, hispanic programs, agricultural education, gifted education, parental education, prevention initiative, report cards and criminal background investigations. Then there is another block grant but that is called the educational services block grant. The difference is the requirements of those mandates still have to be met even though the amounts are not distributed to the board of trustees as separate amounts but rather as a lump sum. The requirements that must be continued to be fulfilled are bilingual, state free lunch and breakfast, special education, educational service centers, regular and vocational transportation, pre-school at risk, summer school and the administrator's academy."

Speaker Wojcik: "Representative Ronen."

Ronen: "I think it's clear from this description what we are talking about then, because we are not giving any more funds, we are talking about programs and issues that are already underfunded which now will have to compete with one another for the still limited funds. This...what we are doing here is not only continuing to underfund education, but we have the potential of underfunding pre-kindergarten, bilingual education, a whole other host of important needed services for Chicago schools. You spoke very often today about the process used and let's everybody be clear. That process did not include major players in Chicago. Nobody in my district, nobody in any of my schools participated in this. None of the major groups designed for change that you mentioned is opposed to this Bill. Every recommendation they made for improvement was not excepted. So the fact of the matter is that this is not an inclusive process and it's just people in Dupage County trying to

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tell Chicago and trying to be punitive to Chicago schools. And what's interesting here is all we are talking about really are making some cosmetic changes, totally cosmetic changes. This is...and my nephew is just celebrating his 17th birthday and I think what he probably would want more than anything would be a shiny new car. This Bill would be, if I gave him some shiny new car but then you open up the hood and there's no engine inside. There's no way to get this car rolling. That's what this Bill is. But what I resent most is that this Bill..."

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

Ronen: "Thank you, Speaker. What I resent most is, this Bill will do nothing to improve schools. The quality of education, repairing falling roofs, decreasing class sizes, relieving overcrowding. Yet, despite these problems, the schools in my district are doing well despite all the odds, against all these odds and they do this because of the hard work of the teachers. And what I resent is the attack that this Bill is on the teachers because ultimately if we attack the teachers in this system, what we are attacking are the children. You can't provide quality education with out having quality teachers. This Bill is an attack on that. The biggest problem Chicago schools have is a lack of funding and the decreasing commitment from the state to the Chicago schools. This not only deprives children of education, but it causes property taxes to keep on increasing. I urge all Members to vote 'no' on this Bill."

Speaker Wojcik: "Any further discussion? The Gentleman for Dupage, Speaker Daniels is recognized."

Daniels: "Madam Speaker, Ladies and Gentleman of the House. Like

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you, I have listened very carefully to this debate. I have worked with Representative Cowlshaw, the Chairman of our Education Committee, for several months now to address the most critical and important issue that I think is facing this General Assembly. I could tell you every Member of this House has a right to be proud of the work that she has put in and the countless hours that she has put in. I can also tell you and represent to you that there have been hundreds of groups that have contacted my office and Representative Cowlshaw to have input on this legislation. There is absolutely no excuse for any person or persons to stand up and to use as an excuse that they were not invited to a meeting or they didn't know how to participate. For any legislator of this House to suggest that they have shirked...their public responsibility by not participating in this process is pure hogwash, and frankly ones that just do not cut. Now I am not surprised that there's screaming on the other side of the aisle because for 12 years you have had control of this chamber. For 12 years you have had the opportunity to improve this system and have refused to do what has to be done. Twelve years. Now let's talk about this legislation. The mayor of Chicago said he didn't have any control or ability to influence the schools. This legislation gives him absolute control and absolute ability to impact the schools for the benefit of the children. The mayor of Chicago always complained about appointment authority. We responded to his request and he has absolute ability to appoint a five member interim board to work on this issue. He has authority to appoint the chief executive officer and determine the financial structure of this system. We have given him block grants to increase financial flexibility something that no other

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school district in this state has; an opportunity to deal with the internal problems that the school system have. We have provided him additional financial flexibility on a four year trial basis to see how that works and Ladies and Gentlemen, we also moved the fiscal year so they would have greater ability to plan for the opening of their school system. Yes, we addressed the issue of collective bargaining because the mayor himself said on may occasions that his hands were tied by collective bargaining agreements that he didn't find useful. When you looked at the local school councils one of the things that we heard time and time again was that the reform mechanism that this Assembly passed years ago was working. And we empowered the local school councils where they now are guaranteed receiving a minimum of \$261,000,000 along with provisions of training. The school improvements itself allow for the monitoring of academic progress of schools and report such information to the trustees that are now empowered to run the schools. We also gave principals more control of their schools. We created the ability to remediate and reconstitute failing schools and we allowed for intervention in those schools that weren't working, and streamlined the teacher evaluation and dismissal process while at the same time setting up a new mechanism of learning zones in Chicago. Every feature of this very comprehensive piece of legislation was done with the intention of what is best for the children of Chicago. I submit to you that the Bill that you have before you accomplishes the reform that the people of Chicago have been asking for, for years. I submit to you that due to the input of many people from MALDEF to the Latino Institute, to teachers, to people that are concerned about

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this organization, to people that want to improve the school system of Chicago that we now have a mechanism that allows for the structure of Chicago to operate and improve it's schools. This is the most sweeping piece of legislation that we have seen in the United States today dealing with any large urban school system. Ladies and Gentlemen of the House you all, you all even though you may stand up and criticize portions of this should stand up and say let's give this an opportunity to work. Should say that yes, we have finally given the mayor of Chicago the person that's most directly responsible for the school system in Chicago the tools and the ability to make those improvements. On my part, I once again want to thank Representative Cowlshaw for the thousands of hours that she put into this and on my part as a Member of this House I am going to proudly cast a vote in favor of this very important Conference Committee Report."

Speaker Wojcik: "Any further discussion? The Gentlemen from Cook, Representative Giles is recognized."

Giles: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

Giles: "Representative Cowlshaw, this piece of legislation suspends the School Finance Authority powers...exactly what is the School Finance Authority powers?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The Chicago School Finance Authority has the responsibility for reviewing the budget that is proposed by the City of Chicago school system each year and to make a determination as to whether that budget is balanced. The School Finance Authority does not have any other powers, however, it is the entity that does handle the bonds that

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have been sold for various purposes of the Chicago school system. It did not have the power to move things around within the budget but only to review it and say whether in it's best judgement it was a balanced budget."

Speaker Wojcik: "Representative Giles."

Giles: "Well, Representative, don't you believe by eliminating these powers this repeals the law that the Chicago school must have a balanced budget?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Wojcik: "Representative Giles."

Giles: "Representative, if they are not allowed the opportunity to have a balanced budget, that means that there's deficit of funds somewhere and if that's the case, will the Chicago School Authority be able to borrow any money?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The Chicago School Finance Authority is suspended for four years. It only continues to exist because of the outstanding bonds. The School Finance Authority does not have the right on it's own to borrow money anyway. The money is borrowed by the City of Chicago school system by the Board of Education. If there is any borrowed and at this point I am told that the financial rating of the Chicago schools is so low that absolutely nobody will loan them any money."

Speaker Wojcik: "Representative Giles."

Giles: "Representative Cowlshaw that is exactly my point. Right now they do not have the opprotunity to borrow any moneys, and I'm going to talk about money, because from my perspective this is what this legislation is really about, no money. To the Bill, Madam Speaker, to the Bill. The problem that I have once again is that it's been said over

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and over and time again, the legislators that...who represent people from the City of Chicago were not involved in this piece of legislation and putting it together. The parents was not involved in this legislation and more over the children were not involved. When General Motors or Chrysler have a problem with their cars and want to do a survey on their cars who do they ask? They send out surveys and they call up various customers that have a problem with their cars or may give them some tips to improve their cars. So they go to the final product. They go to the final individual who buy their cars. In this instance, children go to Chicago schools they are the final product. This is what the system is for, its for the children that go to Chicago school. They have been left out of the process. Number two, the main problem that I have once again it comes back to money. There is no new moneys put in this system. The Leadership of the State of Illinois have once again neglect and ducked without fulfilling this responsibility. Now there's been proposals to float \$155,000,000 to improve prisons, to build more prisons, to complete the rehab of a supermax, but however, we can find moneys to do those type of things but we can not find money to educate a child. We can not do that; and lastly for the downstaters and for individuals who may have some doubts about how to press their buttons on this legislation just remember there's a lot of schools that are on the watch list. There's a lot of systems that are in financial trouble. Big brother is going to make a decision for you, one day, and you will be excluded from the process..."

Speaker Wojcik: "Representative bring your remarks to a close."

Giles: "...your parents will be excluded from the process and

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moreover your children will be excluded from the process. We all represent over a 96,000 constituency and those constituencies will definitely be excluded from the process and I would urge you to vote 'no'."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Lou Jones is recognized."

Jones, Lou: "Thank you, Madam Speaker, Members of the General Assembly. I have two questions to ask the Sponsor, one of the Sponsors of this legislation, but she doesn't have to answer because she hasn't really answered any of the other questions that was asked her to their satisfaction; but the two I have is, one, I would like to know does she have any relatives or children and I don't call that to Chicago schools I'm talking about District 299, and the answer to that is no. No one up there on that board that are Sponsors of this legislation have any relatives or children in District 299. I have children, grand-children, in District 299. I have nieces, nephews, and thousands of friends in District 299. I don't think this is about, one of the previous speakers said something about race and then another previous speaker said that we were not excluded, I beg to differ with them. You can not attend a meeting that you don't know anything about or that you was not invited to. As a legislator and have children in the system, I was not invited to participate in those meetings and if you look up on that board no one on this side of the aisle is even co-sponsor of this legislation. If Representative Cowlishaw can remember eight years ago in the back room the previous Speaker, Madigan, there was 17 of us back there and we stayed back there about 16 or 17 days, and they were not all Democrats. The Republicans had input into that reform, school reform as all of a lot of groups out of

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Chicago. I would like to know what would happen, one...(sic) two, District 299 is not the only school in the State of Illinois that is having problems or that is in need of funding. I would like to know how would they feel, those co-sponsors up there, how would they feel if the Illinois Legislative Black Caucus and our Hispanic Latino colleagues was to draft some legislation for the schools in Naperville, Elgin, Elmhurst, Rockford, and Rock Falls Illinois that they hadn't absolutely any input into at all. I appreciate the hours and the time that Mary Lou Cowlshaw has spent on helping with District 299, but I would have liked to been included since they are my constituents and I have to go back home and they are going to ask me, Lou why did this happen, Lou why did this happen, who did this?. I will not be able to answer any of those questions because it was total exclusion. I would hope from, and you do have the votes to pass this legislation just like you had the votes to pass it last night, but I would hope from now on when we do legislation in this General Assembly that effects all children or effects anybody in the State of Illinois that we would have regard for the other persuasion or the other people that it affects, and the people that it does not affect reach out and ask someone else for their input into a system that they have to live with. I feel very violated and insulted that I'm asked to vote 'yes' on a piece of legislation that I had no input or nothing to do with. You can easily vote 'yes' on it because you were a part of it. We were not a part of it. I was not a part of it and I feel very insulted and I urge a 'no' vote."

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

Hoeft: "Thank you, Madam Chairman. I would ask you to look up on

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the board and you will see that the third name up there is mine, and I think that a lot of us have taken...the motivation of a lot of us has been taken incorrectly here today. Why are we doing this? What action have we taken before? I care about children, and I care about children not just simply in a word but by deed. For a year now I have been going into Chicago on a monthly basis to meet with the superintendent and the re-engineering committee that has been set up. I have taken in groups of Republicans to visit the superintendent and the staff at Pershing Road, 18 of us went and visited schools. When the local school councils asked me to be one of the key note speakers this last summer I went in and spent a Sunday with the local school councils. We care, I am an example of a person that cares, and all the Republicans and Democrats in this chamber care about the children. We care enough about the children that when we are faced with problems we are going to address them. The buildings in Chicago are a major problem that preclude learning. I have gone to my old school in Chicago where I taught your children and I went through that school and I cried because the condition of that school was so bad it stops children from learning. It's not safe. It's not proper for us to have children there. The learning environment in Chicago is harmed so badly that we have dropout rates that are not acceptable. We must address the problems of the learning environment. The fiscal problems of that school district are so great that the superintendent starts out and says two years ago it's at \$700,000,000, at the beginning of this year says that it's a \$290,000,000 deficit, and now it's \$150,000,000. The problems exist and the problems exist big time. We care about those problems and that's why

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we've addressed the problems in this legislation. We want to empower your elected leaders, your elected mayor to have the tools to address the problems. We have given him the opportunity to solve the problems of the buildings, the learning environment and the fiscal problems. We have empowered that mayor for a four year period to solve the problems of the school district. We are going to review that in four years. I hope you will join me in that review. This all has been generated because we care about the quality of the schools in Chicago. I would like to place into the record my legislative intent from the discussions I've had and the people that I've listened to over the last two years. I would like to put in the record that the Chapter 1 money should flow to the local school council so they have funds to address the individual building needs and it is my intention through this legislation that the Chapter 1 moneys will continue to flow in the same amounts and greater amounts so that they can continue this very important reform. I would like to put in legislative intent that if a school saves money in an account one year they are allowed to roll that money over the next year and it is not sent back to the central bureaucracy for their work. I would like to put into the record that privatization should be used and that the local school council should be given the opportunity to benefit from the fiscal benefit of those privatization moves, but most importantly I would like to read into the record the core of the reform which is local schools are the central unit of governance in the Chicago public schools should remain that way. We care, Mary Lou Cowlshaw cares, that's the reason for this very good Bill. We are wanting the children of Chicago to succeed. With this they will and I

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think we ought to get on with the business of voting and move on to the needed reforms. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Eugene Moore is recognized."

Moore, Eugene: "Thank you, Madam Speaker. I would like to yield my time to Representative Coy Pugh please."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you, Representative Moore, Madam Speaker, Ladies and Gentlemen of the House. To the Bill. We have heard a lot of talk about the intent of this legislation. We have heard a lot of talk about who cares about Chicago children. Well if you use history as a barometer you will see that not a lot of people care about educating black children. If you use history as a barometer you will see that during the days of slavery it was illegal to educate black children. During the days of slavery you would be punished if you educated black children, but now today in the 21st century you want us to believe that you went into a room and that you developed a piece of legislation that has the concerns and the best interest of our children at heart. You want us to believe that you want our children to be educated so that they can compete on a equal playing field. You want us to believe that you care. Well Representative Hoeft let me tell you, we cry, like you said you cried when you went there that one time, we cry daily. We cry daily at the conditions of our community. We cry daily at the fact that our children are not being allowed to be educated. We cry daily at the fact that our children are not equipped with the kinds of skills that they need to get a job in this society. We cry daily at the fact that our children are constantly picked up by police and charged with a felony so that they can not qualify for a job on a

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regular basis. We cry daily at the fact that our children because three of them stand on a corner is considered a gang. We cry daily at the fact that our children are being neglected. We cry daily as the people. We cry daily at the fact that nobody cares about our children and if you cared about our children then we would have been in the room with you when you were deciding the fate of the Chicago public schools. Now we are making it more difficult so some of the teachers who care to make a living. The teachers who worked the long hard hours. The teachers who deal with the crack babies, the teachers who deal with these delinquent children. You are making it more difficult, less appealing, for a teacher to want to go into the public school system. When you speak to the intent of the legislation I ask, why? I ask, why? We are talking about a reform. We are talking about reforming a system that wasn't working. If it's not working how can you reform it? How can you reform it when your not putting the dollars in it to make the necessary changes? Chicago is being singled out, why? When there's over 142 schools on the watch list why is Chicago being singled out? Why does this legislation not address education? Why did this legislation only address money? Why is there not any programs to improve the level of education? Why is this legislation not including any programmatic changes that is going to equip our children with the kind of skills that they need to learn the values that's desired in order to compete in this society, why? Because the intent of the legislation is not to educate our children and history reflects that the intent of anybody outside of our community has never been to educate our children."

Speaker Wojcik: "Any further discussion? The Gentleman from

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Cook, Representative Kenner is recognized."

Kenner: "Thank you, Madam Speaker, will the Lady yield?"

Speaker Wojcik: "She indicates she will."

Kenner: "Is it my understanding that Chapter 1 funds will be frozen at the '94, '95 levels?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Thank you for asking that question. I have a statement I need to read into the record and you have given me an opportunity to do that. There is a provision of this Bill that guarantees that the board shall allocate to the local school councils at least \$261,000,000 in Chapter 1 funds each year. At least, in other words that is the minimum. There is nothing to preclude the board from giving more than \$261,000,000, to the local school councils. This amount is the same amount that local school councils received in fiscal year 1995. The board is authorized...the question about whether the board is authorized to access Chapter 1 dollars that are unspent by the local school councils at the end of each year needs to be answered. It should be clarified that these unspent dollars are not available to the board. These funds will remain with the local school councils. Many local school councils have set aside some of this money for long term needs and projects and we do not want to make those funds vulnerable. Nothing in this legislation is intended to give the board additional authority to access Chapter 1 dollars."

Speaker Wojcik: "Representative Kenner."

Kenner: "Thank you, Representative, I kind of feel like Lou Lang now where I asked for the time and I found out how the clock was built there. How long will these funds be frozen?"

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Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Well while you're building the clock, you should have listened to the answer. They aren't frozen."

Speaker Wojcik: "Representative Kenner."

Kenner: "Okay. Representative, what will happen to the natural growth in state Chapter 1 funds in the future? Natural increases."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The increases will, of course, go to those areas where there are students who qualify for that additional help."

Speaker Wojcik: "Representative Kenner."

Kenner: "Yes, but won't that be capped at the '94 level?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative, the minimum amount that the board is legally obligated to provide to local school councils is \$261,000,000. That is the minimum. There is nothing in here to preclude the board from providing additional Chapter 1 dollars when they come available or additional funds from any other source."

Speaker Wojcik: "Representative Kenner."

Kenner: "Representative, what will happen to any rollover moneys? Moneys that are not spent in a particular year."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative that was included in the statement that I made, put it into the record. I stated those funds will remain with the local school councils."

Speaker Wojcik: "Representative Kenner."

Kenner: "Representative, what about change in enrollment? For example when a child goes to a new school, will those funds follow that child?"

Speaker Wojcik: "Representative Cowlshaw."

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Cowlishaw: "That is the intent."

Speaker Wojcik: "Representative Kenner."

Kenner: "To the Bill. To the Bill, Madam Speaker."

Speaker Wojcik: "Representative Cowlishaw."

Cowlishaw: "No, no, no. He wants to talk."

Speaker Wojcik: "Representative, Kenner."

Kenner: "To the Bill, Madam Speaker. This business of freezing Chapter 1 funds is a bad idea. We need to be increasing moneys for our children. A few years ago our auto industry was in dire straits. We were making bad cars and the industry was in a downward spiral. What we did was we pumped money into the industry for research and development, new technologies, and training and right now our auto industry is producing some of the finest cars in the world. I think our children's futures are as important as cars are and we should all vote 'no' on this Bill. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Dart is recognized."

Dart: "Thank you, Madam Speaker, to the Bill. Let's set some of the record straight here just for a second. There's been a lot of talk about this great collaboration and all this work that was done. That is one of the hollowest, lamest definitions of collaboration I have ever heard in my life. This is what was...should be called was foisted on people. There was not one, absolutely one, not one elected official from the City of Chicago invited to one of these closed door meetings. Not one. Our children are at stake here, not yours, and Representative I do want to commend you for that. Your districts are doing so darn well you've devoted all your attention to the City of Chicago you guys don't need it, that's great. I'm sure the people in your

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district with their schools on the watch list will be happy to see that you've devoted all your time to our schools and yours are doing such a bang up job, but this was not a collaboration, you know it, I know it. The Mayor gave some suggestions and guess what, the major ones, the vital suggestions that he needed were rejected, they are not in here. The things that he needed to do this right are not in here and you know it. As matter of fact, I hate to burst you bubble here, but the City of Chicago did not see the Bill until yesterday afternoon. What type of collaboration is that? Come on, give me a break. Let's be honest for one second here and your trying to say that you've given them the flexibility? Flexibility, come on give me a break. Seventy five percent of the money the Chicago public schools will have there is no flexibility. Sure they are in a block grant but they have to go to categorical. The mayor insisted on getting the words in there that they could be used for any legal expense that they want. That was specifically rejected. You said no. So for 75% of the money he has, the real money to run the system he has no control over it. So there is no flexibility. Now is there not only no flexibility, there's no money, you put no money in here. We have a projected budget deficit in '96 of \$150,000,000, '97 of \$300,000,000 and '98 of \$200,000,000. This is with no pay increases for these teachers and yet we are not addressing that and one Representative had the unmitigated gall to say there's savings in this. Look hard you aren't going to find them. Not only is there not savings, but there's a net loss here, read the Bill. A net loss, because of the fiscal year change there's a \$60,000,000 loss the City of Chicago is going to experience. In addition to that, guess who is

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going to be picking up the tab for all the lawsuits the union is going to bring, the City of Chicago is. So none of this is here. There is no flexibility, there's no money. You've set up a system that's going to fail and you know it. You've given the mayor the responsibility with absolutely no tools to do this. He is being asked to overhaul a broken car without even a screwdriver. I am so terribly touched by all of your concerns. This is outrageous. You know it, I know it. You are forcing this on the people of the City of Chicago so you know, what do we have here? We have a plan, a very flawed one, that was drafted by you, not us. Drafted by the Republicans. There was not one Chicago elected official invited or present during any of these meetings. This was drafted behind closed doors. The major, major concerns and recommendations that the mayor needed to make this work were all rejected, all of them. This was a Bill that was, as I said, unveiled yesterday for the first time. So let's end it with this collaboration and this warm touchy, feely stuff. You know it's wrong you know it's a lie. It's not true. Well I'll tell you what though. The one good thing about this. I tell you what I personally am going to enjoy. I have been so sick and tired of hearing you and your garbage over there about the Chicago public schools. Well guess what, the years of that are over. The years of hearing about the dropout rate and the reading scores, they aren't our problem anymore. The years of hearing people making such irresponsible statements about this being a sewer are over cause guess what Representative, it's your sewer now. You the one that drafted this plan. This is your plan, not ours and so the problems are sitting at your doorstep not ours so get used to it. We are giving you

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time, you'll have your four years, but don't come to us and complain about our schools now because this is your plan and your sewer as you like to call it. So enjoy living in it."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Harold Murphy is recognized."

Murphy, Harold: "Thank you, Madam Speaker, I would like to yield my time to Representative Pugh."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you, Representative Murphy. Will the Sponsor yield for a question?"

Speaker Wojcik: "She indicates she will."

Pugh: "Representative Cowlshaw is this, is this an attempt to..."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Madam Speaker, he hadn't finished his question."

Speaker Wojcik: "I'm sorry, Representative Pugh."

Pugh: "Representative Cowlshaw, is this in effect to destroy the unions and the collective bargaining unit of the Chicago public schools?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "No, of course not."

Speaker Wojcik: "Representative Pugh."

Pugh: "Well can you tell me of the individuals that you mentioned in your list of supporters in the beginning of this legislation, which of them were actually in the room, at the table? Was the Chicago...the people that this is going to...was anybody that this legislation is going to impact in the room at the table? Was there a representative from the Chicago public schools? Was there representatives from the Parent Community Council? Was there representatives from Designs for Change? People who represent the children

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who this legislation is going to effect, were they in the room?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The groups who took part in this, I will read the list again. The Latino Institute, the Illinois Business Round Table, The Chicago Board of Education, The Union League Club, The Office of the Superintendent of Schools of Chicago, Argie Johnson who personally attended the first meeting. Representatives from the Office of the Mayor of Chicago, representatives from the University of Illinois at Chicago, from the Civic Committee of the Commercial Club, Chicago United, The Mexican/American Legal Defense and Education Fund, The Illinois Manufactures Association, The Illinois State Chamber of Commerce, representatives from the Chicago Teachers Union, from the School Coalition, from Leadership for Quality Education, from the City Wide Coalition for School Reform, from the Parent Community Council, from the Statewide Alliance on School Management, the District our Facilitator, the School Engineers represented by Don McCue and the Urban League."

Speaker Daniels: "Representative Pugh. Speaker Daniels in the Chair."

Pugh: "And how many representatives in school District 299 were made aware of, invited to or given any of the information that was a result of these meetings?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "All of the participants."

Speaker Daniels: "Representative Pugh."

Pugh: "I was specifically speaking to the Representatives, the people who were elected by the individuals who are going to be affected by this legislation, by this unfunded mandate. How many of these Representatives were made aware of, was

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made privy to any of the information of the dialog that took place in the development of this legislation."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I think that perhaps the most prominent elected official who was represented in all of these meetings and very well represented I might add, is of course the Mayor of Chicago."

Speaker Daniels: "Representative Pugh."

Pugh: "It's my understanding that the Mayor of Chicago is in total disagreement with this legislation. He too suggests that this unfunded mandate is not doable because there is no engine in the car."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Whatever the position of the Mayor of Chicago, I still believe that this is good legislation and what I would like to point out to you, Sir, this does what he has asked for years. It gives him power."

Speaker Daniels: "Representative Pugh."

Pugh: "And I think that the problem Representative, is not so much the intent..."

Speaker Daniels: "Representative Pugh you have got to bring your line of questioning to a close. You are out of time. Go ahead I'll give you another minute."

Pugh: "I think your intentions are honorable, but I think your assumptions are misdirected. It's my understanding that Senator Berman has been asked to participate in the meetings that Representative Madigan has asked to participate in the meetings and that they had not been able to participate. I think that when you look at... from the perspective of the people that this legislation is going to affect, on one end we have Members from your side of the aisle that is developing ideas or programs or legislation

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that's going to make it easier to incarcerate these same individuals that we refuse to educate and it looks like a one, two punch coming from the Republican side of the aisle. We don't educate them so we don't give them the kind of skills that they need to avoid the punitive measures that the extended sentences that are being..."

Speaker Daniels: "Okay. Representative Cowlshaw do you want to answer that?"

Cowlshaw: "Representative, I'm sorry if you have misunderstood the intent of this legislation."

Speaker Daniels: "Is there any further discussion on this issue? The Gentleman from Cook, Representative Burke. Representative Howard, the Lady from Cook."

Howard: "Thank you, Mr. Speaker. I would like to yield my time to someone who is very ably addressing my concerns as well, Representative Coy Pugh. Thank you."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, again with all due respect, Representative Cowlshaw, you stated that I have misunderstood the intent of the legislation. A lot of times the intent gets mired with the various nuances that take place in making sure that the legislation gets from committee to the floor, and I'm saying that that seems to be what has happened what has taken place and what you've created here is something that in the eyes of the community that it's going to affect is going to be detrimental to that community. It's not going to help these 400,000 children and it seems to me that these 400,000 children are being used as a commodity, as fodder, as fuel to generate the growth industry in this state and the growth industry in this state happens to be prisons. So, if we do not educate these youth then they have no choice but to go out and get involved in

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extracurricular negative activity, drug activity for the most part, and that's because they have the same kind of survival skills or the same kind of survival...inmate survival desire and they want to survive. So if they are not educated, if they don't have the level of education that they need to become employed in this society they are going to go out and create all kind of criminal behavior. But one thing we must keep in mind is that this criminal behavior is not going to just be centrally located in the community from which the discrimination is being placed, it's going to filter out into other communities because we cannot contain a cancer and that's, Representative, I submit to you, is what we are creating. A cancer when we refuse to educate a population of individuals who history has reflected is not just going to die out. They are just not going to fall to the wayside, because for every wall that is built these people grow stronger. For every wall that is built they grow taller. So there are not just going to die out, so we need to be creating the kind of equal playing field so that we can all get along in harmony. Representative, let me ask you in regard to the Chapter 1 dollars...the previous Chapter, Chapter 1 dollars, that were rolled over in previous years, is that included in a \$216,000,000 cost?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The \$261,000,000 is the total amount of appropriation provided during this current fiscal year and it will be the same for the next fiscal year. At least that amount of it that is guaranteed for local school council use and cannot therefore be used by the board."

Speaker Daniels: "Representative Pugh."

Pugh: "In regards to the re-mediation process for...can we get

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some order in the Chamber, Sir?"

Speaker Daniels: "Ladies and Gentlemen of the House. Ladies and Gentlemen of the House. Representative Pugh."

Pugh: "In regards to the evaluation of the re-mediation process, is this re-mediation process the result of the quality schools initiative or the other school improvement initiative?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The views of the state school superintendent in his quality schools initiative were of course taken into account by everyone who participated in these discussions. Incidentally, one of the participants that I neglected to mention before was of course the State Board of Education. So, his views have been taken into account, however we also took into account the views of everybody who has ever had a good sound idea about how we can improve schools for the students who go there."

Speaker Daniels: "Representative Pugh you are almost out of time."

Pugh: "So, if we are going to eliminate the supernumerary positions and the supernumeraries were basically reserved teachers..."

Speaker Daniels: "Representative Pugh you are out of time, Sir. Finish your question."

Pugh: "What shall we do on the front end to fill the void if we are going to cut out the supernumerary positions we are going to make it impossible for the substitute teachers to want to substitute for the two years so that they can become certificated. What are we going to do to fill that void?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, the whole subject of

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supernumeraries, which technically I believe in the Article 34 referred to as reserved teachers, has been a very sensitive topic here for a very long time. In most school districts in Illinois, because of changes of enrollment or because of changes in the curriculum, if a teacher no longer has a classroom that teacher is generally then in a position where that teacher has to find a job somewhere else. It is only in Chicago that we have teachers who do not teach. They do not even have a classroom. They are called supernumeraries. I think we should take that money and give it as a salary increase for the teachers who do have classrooms."

Speaker Daniels: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Speaker, I would like to yield my time to Representative Santiago."

Speaker Daniels: "Representative Santiago."

Santiago: "Thank you, Representative Burke, thank you Mr. Speaker. Would the Lady yield?"

Speaker Daniels: "She indicates she will."

Santiago: "Representative Cowlshaw, you know that one of the biggest problems that we have in the City of Chicago and particularly in my district where I have about 25,000 public school children that attend public schools, one of the problems of overcrowding which is the biggest problem that we have right now, is there anything in the Bill that addresses that problem?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative you are absolutely accurate when you say that that is a serious problem in Chicago. This Bill gives this five member Board of School Reform Trustees the opportunity to deal with that question as with all others in the ultimate of local control. I would point out to you

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Sir, this situation didn't happen overnight. It's been terrible for a very long time. That's why this kind of strong medicine is needed. There is a serious sickness in the buildings in which these children are trying to learn."

Speaker Daniels: "Representative Santiago."

Santiago: "I agree with you that there is a serious problem, but there's nothing in the Bill that addresses that problem. Another question, what was the logic of eliminating the sub-districts."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, you can just nod if you would please, did you ask about the sub-districts? Did you ask about the sub-districts? We did not believe this new board should be required to follow practices of prior boards without an opportunity to make some decisions on it's own, and therefore we have simply abolished that, but we have also provided that should they wish to do so the members of this board could recreate some kind of intermediate service delivery system similar to the sub-districts."

Speaker Daniels: "Representative Santiago."

Santiago: "Is there in this Bill a provision which eliminates career service for personnel?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative I'm sorry, it took me a while to find this in the Conference Committee Report. This material appears on page 91 which might be helpful to you as a reference. It does eliminate some of the language having to do with civil servants and instead provides that the board may appoint or provide for the appointment of such other officers and employees as it deems necessary. This was simply one more step in our attempt to give this board the total amount of flexibility that we possibly could so

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that the decision making could actually make a difference in the schools."

Speaker Daniels: "Representative Santiago."

Santiago: "Does that mean that you could eliminate career service personnel without due process?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, the only appropriate answer to your question is, since all of the contracts in Chicago are shortly going to be up we did not want the new board to be bound by a lot of details in the civil service code that would prevent them from being able to negotiate through the collective bargaining process with whatever kinds of provisions for employees and for their organizations that they may wish to do."

Speaker Daniels: "Representative Santiago, your time has expired but I'm going to add a minute to your time."

Santiago: "Thank you, Mr. Speaker. Does that mean that there's no due process for these individuals? Is that the bottom line?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "It means that this board of trustees must determine which personnel it wishes to continue to employ and which it does not."

Speaker Daniels: "Representative Santiago."

Santiago: "Thank you, Mr. Speaker, just to wind it up. There was a lot of mention about the Latino Institute, MALDEF, and other community organizations. In fact, I spoke to the Latino Institute this morning and I spoke to MALDEF this morning and they have informed me, and it is a fact that they attended a couple of meetings, but their recommendations were not put into this Bill, so, to use their name in vain, I think it is wrong. We are creating a

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four headed monster with this Bill and it is something that..."

Speaker Daniels: "Representative Santiago can you bring your remarks to a close."

Santiago: "What we are doing, we are destroying the Chicago school system. The personnel, the teachers, and all the other employees they are not going to suffer. You know who is going to suffer here. The bottom line is that children are going to suffer. Four years from now we are going to come back here and God willing we are all down here, we are going to come back here and we are going to realize the problem and the monster that we are going to create. You think we have financial problems now, wait until four years. It will be a mess, a mess, and the reading scores will be worse than today. The math skills and the math scores and all the dropout will be higher and everything that has to be...that addresses education will be worse. So I plead with you that we need some Amendments to straighten out this mess. Thank you, Mr. Speaker, for your indulgence."

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

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

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

Cowlshaw: "Thank you, Mr. Speaker. There has been a good deal of mention about money during all of these discussions. In fact I think that probably that topic has been raised a lot more frequently than the subject of whether these children are being adequately served. So let me mention something about money. Perhaps the best way that we can address a

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subject like that is what is the average per pupil expenditure annually in major school districts throughout this state. All of these are unit school districts so they are comparable in the regard to the annual per pupil expenditure. In the City of Chicago and this is for the ninth...this is for the 1993 operating expenditure per pupil; Chicago/\$6,500, Naperville District 203/\$5,500, Springfield/\$5,200, Princeville in Peoria/\$4,400, South Central 401 in Representative Granberg's district/\$3,900, Cumberland in Decatur/\$3,800. For \$6,500 a year per pupil we should be getting better performance than we are getting. The City of Chicago schools exist for one purpose and one purpose only, to educate the children. They are in crisis. There is no question, Mr. Speaker, the City of Chicago public schools and the city colleges are in financial and educational crisis. This is an attempt to address that crisis. I urge a 'yes' vote."

Speaker Daniels: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 206?' All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 67 'ayes', 49 'noes', one voting 'present', and this Bill, having received a Constitutional Majority, the House does adopt Conference Committee Report #1 to House Bill 206 and this Bill, having received the Constitutional Majority, is hereby declared passed. Order of Concurrences, excuse me announcement from the Clerk."

Clerk Rossi: "Announcements. The House Rules Committee will meet at 1:15 in the Speaker's Conference Committee...the House Rules Committee will meet at 1:15 in the Speaker's

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Conference Room."

Speaker Daniels: "Mr. Clerk, on the Order of Concurrences, read House Bill 8."

Clerk Rossi: "House Bill 8, a Motion has been filed to concur with Senate Amendment #1 and has been approved for consideration."

Speaker Daniels: "Representative Burke, for what purpose do you rise, Sir?"

Burke: "Thank you, Speaker. On a point of personal privilege. I'd like to extend a very happy birthday to our colleague, Miguel Santiago on his 42nd birthday and invite all our colleagues to enjoy some birthday cake with us."

Speaker Daniels: "Happy birthday. Representative Noland."

Noland: "Mr. Speaker, Ladies and Gentlemen. House Bill #8, Senate Amendment #1, it merely changes the location of this Amendment in the statute. The effective Amendment is identical to the intent of the Bill. All this Bill does is essentially double the fine to \$150 for speeding in a construction zone or maintenance area, and I move to concurrence."

Speaker Daniels: "Any discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Daniels: "Representative Noland."

Hartke: "Representative Noland, several times we've debated this issue and I have addressed an issue of the upper and lower limits of this speeding violation. Has that been addressed in any way, shape or form?"

Speaker Daniels: "Representative Noland."

Noland: "Representative Hartke, whoever has the authority, whether the municipality or toll authority or state

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department, they will have the ability to set those upper and lower limits, based on a speed study in that area."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, I think you're missing the point. I think I earlier in our discussion in debate and I don't know if I got a clear answer, federal law right now on our interstate system requires that there is a minimum speed limit of 45 miles an hour on the interstate. This piece of legislation indicates that if you're traveling over 45 miles an hour in a construction zone, you're subject to a doubling of the fine which would raise that fine to \$150. Now, I understand what you're trying to do, but if an individual is traveling under 45 miles an hour he is subject a violation. If he's traveling over 45 miles an hour, it's double that violation, so, you're either caught between a rock and a hard spot here, because if you are traveling under 45 miles an hour, you'll be paying a \$75 fine. If you're traveling over 45 miles an hour, you're subject to a \$150 fine. Now, I understand that what we want to do in this piece of legislation, is to protect construction workers as they're working through the zone, and this only applies to those construction workers that are present. I asked the question, is there some answer to this dilemma?"

Speaker Kubik: "Representative Kubik in the Chair, Representative Noland to respond to the question."

Noland: "Mr. Hartke, you're...all your discussion is not on the Amendment. The Amendment, all it does is change the location in the statute. You raised this point earlier and I imagined you voted for this Bill earlier, 109 people did as well as 58 in the Senate. When you in like a school zone, which is 20 miles per hour or here, it doesn't apply. They can lower the speed limit in a school zone or

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construction zone and that limit does not apply then."

Speaker Kubik: "Representative Hartke."

Hartke: "I understand that. Do we, the State of Illinois have the right to lower that, lower than 45 miles an hour on the interstate?"

Speaker Kubik: "Representative Noland."

Noland: "Mr. Hartke, we have that ability. We already do it in school zones and you're aware of that. You see them posted at 20 miles per hour in a school zone. All this Amendment does it put this provision in the same Section where we have school zones. That's all this Amendment does. No change other than the location in the statute."

Hartke: "Is there for the construction companies, is there a requirement for signs now that we warn individuals, could you explain that, at what distance? I know that occasionally I travel down the interstate and I see these warnings, is that required a mile ahead, two miles ahead? What kind of provisions are in this legislation for that?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, on page 3 of the Amendment, line 77, it says that, 'Highway construction or maintenance zones, special speed limit signs shall be designed and approved by the department'. It will give proper warning. The signs shall also state the amount of the fine for violation when workers are present."

Speaker Kubik: "Representative Hartke."

Hartke: "Do you know of anyone other...anyone that stands in opposition of this legislation?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, I know of no opposition, however, I know of proponents. The State Police, DOT, Laborers International, Midwest Truckers, Teamsters Local, Traffic

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Services, Illinois Trucking Assn., Illinois Road Builders Assn., Illinois Association of County Engineers, the AFL-CIO and the Chicago Teachers Union. There's no known opposition."

Speaker Kubik: "Representative Hartke."

Hartke: "I...Representative Noland..."

Speaker Kubik: "Representative Hartke, could you bring your remarks to a close, please."

Hartke: "I know this is a very good piece of legislation, but I think you just threw me for a loop when you said the Illinois Federation of Teachers are for this. What about the Illinois Education Association?"

Speaker Kubik: "Representative Hartke, we would like to allow Representative Noland to respond to the question, but your time has expired. Representative Noland."

Noland: "Mr. Hartke, the Chicago Teachers Union is a proud proponnet of this Bill."

Speaker Kubik: "Okay, before we move on to further discussion, Mr. Clerk."

Clerk McLennand: "Introduction of Resolutions. House Resolution #53, offered by Representative Churchill, Rules Committee. Notice Members are encouraged to file their Motions for Bills on the Order of Nonconcurrence, and on the Order of Concurrence. Members are encouraged to file their Motions for Bills on the Order of Nonconcurrence and Concurrence."

Speaker Kubik: "Thank you, Mr. Clerk. All right, further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Chairman, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Deering: "Representative, listening to the previous speaker interrogate you, you said something to the effect about

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speed limits around school zones and we all know that they're 20 miles an hour when school is in session and when children are present, also I thought I heard you say that subject to speed control or traffic counts, you know the terminology I'm trying to get here, each individual municipality can set the speed limit in these construction zones, is that the way that I take that?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Deering, each authority will have control of their construction site or maintenance zone. The Tollway Authority will control those. The county, municipal or the State of Illinois will have control over each construction zone or maintenance area for putting up proper signage and enforcing this."

Speaker Kubik: "Representative Deering."

Deering: "Will there be a statewide standard that these local authorities will have to abide by, meaning, if I had traveled on a highway and the Toll Authority and it's in a construction zone, it might be 45 miles an hour, but if I come down here to Springfield on 55, Springfield may want to set it at 15 mile an hour, so are we going to have a lot of disparity between municipalities or are we setting a standard that in a construction zone, the speed has to be no faster than this limit?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Deering, each authority will have control. The main thing is that they will have to have proper signage and give due warning in advance so you will know what that speed, is and indicate what that fine or penalty will be. So, each one will have based on speed studies, geography and and a different authority in control."

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Speaker Kubik: "Representative Deering."

Deering: "Representative, with this Amendment did I hear Representative Hartke say that the fine for exceeding a speed construction limit, a construction speed zone limit, would be double the current fine and that would make that \$150, is that correct?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, the current penalty is a Class A Misdemeanor punishable by a \$75 fine. This would double that to \$150."

Speaker Kubik: "Representative Deering."

Deering: "Okay, Representative, would that still be if I was an operator of a vehicle, could I still put up a cash bond or a drivers license or are we changing the rules and regulations in how we can deal with our fines and move on down the road?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, there is no change in that Section, however for you, you could put up both of your drivers license for bond."

Speaker Kubik: "Representative Deering."

Deering: "Well, Representative, I beg to differ with you there, because in an earlier question, you answered that this was going to be a Class C Misdemeanor which requires 30 days in jail, now, is it a Class C Misdemeanor or is it a petty offense?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, it'd be now a petty offense."

Speaker Kubik: "Representative Deering."

Deering: "And this Bill would pertain to state highways, federal highways and local roads, is that correct, local roads also?"

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Speaker Kubik: "Representative Noland."

Noland: "That is correct, and it also affects Toll Authorities as well."

Speaker Kubik: "Representative Deering."

Deering: "Since we're going to increase the fine by doubling it, how much of a break does the circuit clerk of the county get or does the local municipality get out of this fine?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, I'm not aware that we changed that at all. It's the same formula under current standards."

Speaker Kubik: "Representative Deering."

Deering: "So the division of monies would be under the same formula as it is currently in place? Would that also be the same for the Toll Highway Authority?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Deering, this Bill is to address safety. I'm not as concerned about that Section. I don't think its changed."

Speaker Kubik: "Representative Deering."

Deering: "Thank you Representative for your time and indulgence."

Speaker Kubik: "Before we move on, Mr. Clerk, any announcements?"

Clerk McLennand: "Supplemental Calendar #1 is being distributed."

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

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

Speaker Kubik: "The Sponsor indicates that he will yield."

Dart: "Representative, I just had a few questions here, I just had some clarifications. For starters, you've already made the statement that the substance of the Bill is identical with this Amendment. Is it purely just language changes? Are there any substantive changes whatsoever? Is it just language technical changes, and if that is the case, can

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you just give me a brief explanation to why, what was it the...I agreed with the Bill you sent over to them, I'm trying to figure out what was the technical problem they saw that we didn't see?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Dart, technical advisors in the Senate changed the place in the statutes, they now put it in with the statute dealing with school zone speeding, so they thought it was more applicable to that, so they moved it in there. There is no change to the underlying Bill whatsoever."

Speaker Kubik: "Representative Dart."

Dart: "Just three questions as to the actual Bill that everyone voted on here, I just want a clarification. The Section B in here where the requirements basically where it prohibits the individual from driving in the construction area, it requires that, and I just wanted this for clarification, but two things are gone, that they operate the vehicle in the maintenance zone or the construction zone in excess of the posted speed limit when workers are present, so, that's the one thing; and it also requires that they're so close to the moving traffic that the potential hazards exists in the motorized traffic? My point being, does it require both of those elements to shown, so even if someone speeds through the zone and there are workers present, they still have to show that there is some type of danger that they're speeding through the work zone with workers present has cause, but, is that a correct reason we need this second element?"

Speaker Kubik: "Representative Noland."

Noland: "You are correct. It must be posted and in that posting it will describe that the fine will be doubled and

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secondly, there must be workers present with a risk of injury. So both must be an occurrence."

Speaker Kubik: "Representative DArt."

Dart: "Is it...I don't have the full file in front of me, a cost estimate from DOT, I'm not aware of any signs in the state right now that presently list the fine schedule. Is there an estimate and if not, do you have an idea how much it is going to cost to redo all the signs?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, the estimate from DOT has an initial cost of \$70,000 for new signs and an subsequent annual cost of replacement of \$17,000."

Speaker Kubik: "Representative Dart."

Dart: "And is this money, money that would come out of the road fund, or where would be the source of this money from DOT?"

Speaker Kubik: "Representative Noland."

Noland: "It would come from the same fund that will replace signs currently."

Speaker Kubik: "Representative Dart, further questions?"

Noland: "Representative Dart..."

Speaker Kubik: "I'm sorry, Representative Noland."

Noland: "Also, often times in the contract, the contractor is required to post these signs, so it might be covered also in the cost of the contract which we may bear ultimately as the taxpayer."

Speaker Kubik: "Further questions, Representative Dart?"

Dart: "One final area I just wanted to ask a question about, was in the definition Section, Section B, why is it in a lot of the other statutes I've looked at, usually we would describe it as an area where the actual...where a construction or maintenance zone and its posted lower speed limit, why do we have all the language in there that talks

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about...there is this affirmative duty on the department to check that this is an area that they've determined from a preexisting established speed limit, is not reasonably safe. Why do we need that language? Why don't we just have it down that this Section is violated when they exceed the posted speed limit? Why...is there a reason we have that extra language put there?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, all I can remember is that the agency wanted that there so we...so if the municipality engineer, traffic engineers or engineers wanted this to apply to that local project, it could apply. Give them more local control."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Hoffman: "Yes, Representative, it's my understanding and you had indicated in previous debate, that the reason you want this Bill is for road workers safety, isn't that right?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Hoffman, that's correct."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Yes, and it's also my understanding that the reason we're doubling the fine is so we can reduce the speeds in the construction zone area to insure that people who drive through construction zones do not put workers in danger."

Speaker Kubik: "Representative Noland."

Noland: "Representative Hoffman, I don't know who the three no votes were when first concerned but this Bill is identical to one we passed earlier. All this Bill does is change the location in the statute. I don't where you're heading, but

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the Amendment, Senate Amendment is about about where it is in the statues, not about road workers safety per se."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Representative, if we pass this Bill it's going to go to the Governor and the Governor's going to sign the whole Bill and not just the Amendment, so I think that it's certainly within our rights to discuss the entire Amendment as well as the entire Bill. Now Representative, where I'm headed is to just point out the dichotomy of your side of the aisle because I agree with you. I'm for this Bill, and I think what it could do, it could potentially save workers lives. It could potentially work as a deterrent effect so that individuals who now speed through these work zones will think twice when they know it could cost them a substantial amount of money. So, Representative, let's assume a individual is speeding through a work zone, and we're going to double the fine as a result of this act, what are we going to do with regards to the ability of the injured worker if indeed that person who was speeding through a work zone, hurts somebody, runs over a worker, maims or even potentially kills that worker, what are we going to do with respect to them? They no longer have an action under the Road Workers Safety Act because we threw it out the window. They no longer can have their families sue and bring a action against those individuals because we threw it out the window. So, what we're saying here, is sure we're going to crack down on these speeders but if you hurt somebody and you maim somebody then we're going take the action away from those individuals who are hurt or maimed. So, don't tell me that we're just talking about an Amendment, we're talking about the entire safety of people who work on our highways. So, what we have done, is

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enlarged this section, is maybe we've done something positive in this Bill, which you're right, I'm going to vote for it, people on this side of the aisle are going to vote for it, but we should not leave this chamber in glee, we should not leave this chamber and go send out mail releases to the workers who are on this...working on our roads, and putting their lives in danger every day. We should not say to the teamsters who represent the individuals that work on our highways and say, hey, we really helped you out here, because we haven't, because what we've done is, we've robbed Peter to pay Paul. What we've done is, we've said, hey, you know what we've done, we going to say on the one hand we're going to deter individuals from speeding in workers work zones, and on the other hand, if you get hurt, if you get maimed, if you get killed, we're going to take away the right for you to bring an action and recover. Well, that's real good, that's real good. We should be very, very proud of ourselves here. We should be very proud of the fact that we can look at the widows of individuals who are killed on our roadways and working on our roadways, we can look at people who've been killed because somebody has sped through a work zone and we can see now that they're going to be spending the rest of their lives in a wheelchair or we can say that, hey, great job, we've doubled the fine on these guys. We know that he sped through the work zone and caused you to spend the rest of your life in a wheelchair, but we doubled the fine on him. They're going to pay twice the speeding ticket now, that's real good, that's real good. We'll vote for this, but what do we tell the widows, what do we tell the individuals who rob the Road Workers Safety Act and pull that out from under them, what do we tell them? We tell

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them nothing, and that's what this whole legislation is about. It's really telling the people nothing."

Speaker Kubik: "Further discussion? Seeing none, Representative Noland to close."

Noland: "I move for concurrence."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 8?' All those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', none voting 'no', and none voting 'present', and this Bill having received the required Constitutional Majority is hereby declared passed. If we could also take a moment to recognize the fifth grade class from the Atlanta Grade School who are in the gallery. They are represented by Representative John Turner. Welcome, welcome to Springfield. Mr. Clerk, please read House Bill 412."

Clerk McLennand: "House Bill #412, a Motion to concur has been filed by Representative Ackerman and it has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman, on Senate Amendment #1."

Ackerman: "Thank you, Mr. Speaker. House Bill 412 is on the Order of Concurrence. House Bill 412 passed out of the House 103 to nothing. Passed out of the Senate 57 to nothing. Senate Amendment #1 simply adds an immediate effective date to the Bill. I'd be happy to answer any questions."

Speaker Kubik: "The Gentleman moves for the...moves to concur with Senate Amendment #1 to House Bill 412, and on that, is

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

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

Speaker Kubik: "The Sponsor indicates he will yield."

Lang: "Thank you. Representative, you seem to indicate because the Bill got a 113 votes that the Amendment has no purpose or meaning, you don't want to tell us that do you?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Absolutely not. It makes an immediate effective date. This reason for this is to allow some elevators that have grown and may not be exempted to keep from starting to build some very expensive additions if we wait on the effective date."

Speaker Kubik: "Representative Lang."

Lang: "Why didn't your original Bill have this effective date? Why did you have to have this added in the Senate?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "It was probably just an oversight, however we decided it would save some money by adding the immediate effective date in the Senate."

Speaker Kubik: "Representative Lang."

Lang: "Acutally, by adding the immediate date in the Senate, you cost the taxpayers money, didn't you, because they had to print it, they had to have committee time, now we're handling this on concurrence. This Bill could have went straight to the Governor had this been handled the right way when it was here, couldn't it?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I believe the cost of handling it this way is very minimal and we're saving farmers, consumers, elevators, thousand and thousands of dollars."

Speaker Kubik: "Representative Lang."

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Lang: "Is there anything in this Bill about controlling limo drivers or limos around these dump pit sites?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Not that I'm aware of."

Speaker Kubik: "Representative Lang."

Lang: "So, Representative Mulligan does not have an Amendment to this that she wants to propose in a conference committee to control the use of limousines around these sites?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "No. The only Amendment is simply good for farmers."

Speaker Kubik: "Representative Lang."

Lang: "Well, you're suggesting to me, now I'm from north of I 80, I may not know the answer to this, but are you suggesting to me that farmers never use limousines?"

Speaker Kubik: "Representative Ackerman, I'm sorry."

Ackerman: "I don't believe that a country grain elevator has any particular use for a limousine. The trunk is not big enough to haul corn in."

Speaker Kubik: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Well, you've seemed to indicate, Mr. Ackerman, that we're merely changing the effective date. Would it surprise you to learn that many people on my side of the aisle may not be for this Bill with an immediate effect date? They wanted a longer effective date. What do you have to say to these people regarding the drastic need to do this? Why do we have to take this up on concurrence and why we couldn't just let the Bill go to the Governor the way it was?"

Speaker Biggert: "Representative Biggert in the Chair. Representative Ackerman."

Ackerman: "By saving farmers and elevators money, this will save consumers money and I think your people would be in strong

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support of us saving money."

Speaker Biggert: "Representative Lang."

Lang: "Well, are your farmers going to take a small percentage of what their going to save because of the immediate effective date and pay back the state for the effort of taking this Amendment through the Senate Committee and the concurrence through the House Committee and hearing the concurrence on the House floor? Are they going to do any of that, printing it on the calendar? Are they going to do any of that for us?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "I think the market forces will dictate how the saved money is dispensed."

Speaker Biggert: "Representative Lang."

Lang: "Well, thank you. Sir, before I'm prepared to vote for this, and I did vote for your original Bill, I think I was one of those 113 people, but I'm not sure as to really what the need of the major dump pit site is that requires us to give them an immediate effective date. Perhaps some of us would believe that these major dump pits could be taken care of next July, rather than this July."

Speaker Biggert: "Representative Ackerman."

Ackerman: "Some would be currently exempt and some would have to begin construction that they otherwise would be exempt when it did take effect, so, it would be a wasteful thing to do to put it off until next year."

Speaker Biggert: "Representative Lang."

Lang: "So, some of these folks are exempted now so they don't need this immediate effective date?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "They would be exempt, but they would have to wait until January without this...."

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Clerk McLennand: "Rules Committee meeting immediately in the Speakers Conference Room. Rules, immediately, Speakers Conference Room."

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

Hartke: "Well, thank you very much, Madam Speaker and Members of the House. Would the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hartke: "Representative Ackerman, you and I are both farmers, and I think that we understand what we're trying to do here, but what concerns me just a little bit is that many of our colleagues here really don't have a clue on what we're talking about so, let's start from the basics here. Now, could you explain to the Body a little bit about this legislation and why the EPA has required some of these dust collections in the pits?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "Glad to. Back in 1975, there were rules that exempted elevators that had a through foot less than 300,000 bushels, since then, many elevators have grown over the 300,000 bushels and their faced with putting in a large investment into ventilation and filtering equipment that draws the air and dust down through the pit and keeps it from exiting into the atmosphere. Now, these elevators still have to meet the EPA's clean air qualifications, but if they are in a rural area rather than an urban area which is spelled out in this Bill, we are proposing that they should be exempt unless there is objections from residences within a thousand feet, and we feel this will not harm anybody and make the processing of corn and feed somewhat cheaper."

Speaker Biggert: "Representative Hartke."

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Hartke: "Yes, would you explain to the Body exactly where are this dust and filth comes from? I'm sure many of my colleagues don't understand."

Speaker Biggert: "Representative Ackerman."

Ackerman: "It comes from the corn itself and what's being hauled in with the corn. You get dust out of the fields and you get...and it's the same dust. Some of it is from the corncobs, some of this dust is the same type of thing that face powder is made of and it is not a toxic pollutant, it is just dust."

Speaker Biggert: "Representative Hartke."

Hartke: "You mentioned corn, does this also come from soybeans?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "Yes it could, and many other types of grains that may be produced."

Speaker Biggert: "Representative Hartke."

Hartke: "Many times we hear about grain elevator explosions and I would think with the dust collectors and so forth in the pits, this would cut down on the dust in the elevator which would be a safety reason that we take this dust out. My little concern here is that we're exempting some these elevators pits from putting this dust collection apparatus in which would possibly lead to more dust in the elevator which may cause explosions. Could you respond to that?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "The EPA states that the dust is not a concern with this Bill, however, I heard some testimony to the fact that trapping this dust in filters may be more dangerous, have a more dangerous atmosphere for explosions than emitting it on out in the atmosphere."

Speaker Biggert: "Representative Hartke."

Hartke: "Well, I really don't know that. I've never seen an

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explosion out in my bean field and it's quite dusty once in awhile or in my cornfield, but listen Representative, I appreciate your answering these questions because Representative Lang and I are very good friends, and he and I sit up nights talking about when we go back to our districts, we're making presentations to groups, you know about what we do down here in Springfield. I'm just confident today after this lengthy explanation of this piece of legislation, the next time Representative Lang is in his district in Skokie, Illinois, and someone pops up a question, and says, now why in the world would you want to support House Bill 412, introduced by Representative Ackerman, dealing with dust collection and grain pits, he will be able to pop right to and be able to answer that question fully. I'm sure it will help him and many of my other colleagues for your explanation."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hoffman: "Yes, Representative, why should such areas be exempt from the Federal Clean Air Act Standards?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "They're not exempt from the Federal Clean Air Standards."

Speaker Biggert: "Representative Hoffman."

Hoffman: "It is my understanding that what's this had a lot to do with, exempting them from the Federal Clean Air Act Standards, that's not correct?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "No, that is not correct."

Speaker Biggert: "Representative Hoffman."

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Hoffman: "So, does this Bill affect in anyway the Federal Clean Air Act as it applies to this situation?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "Let me read this, 'It does not cause or allow the discharge or emission of any contaminate into the environment that pollutes the air or violates regulations under the EPA Act'."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Is that the state EPA Act or the federal EPA Act that it makes reference to?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "We're referring to state legislation there, but I'm pretty sure that comes under the Federal Clean Air Act."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, is there a set back requirement for such grain elevators from residential areas?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "There's a 1000 feet setback from residential areas."

Speaker Biggert: "Representative Hoffman."

Hoffman: "So, is there any provisions regarding the zoning that would insure that this is enforce with regard to the setback requirements?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "The zoning does not enter into this."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Now, with regard to the underlying Bill, it's my understanding that this was...or I thought that this initiative was Representative Persico's Bill. Have you now taken the Bill over, is that correct?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "This Representative...this legislation was originally introduced Representative Leitch. I took it over from

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Representative Leitch because I had numerous meetings with the Feed and Grain Association and took a tour of some elevators and listened to some experts talk on this subject and we decided that I probably had the most knowledge of this particular Bill."

Speaker Biggert: "Representative Kubik in the Chair."

Speaker Kubik: "Further discussion? I'm sorry, Representative Hoffman."

Hoffman: "Yes, thank you, Mr. Speaker. I know about the 1000 feet setback in residential and populated areas, but it's my understanding that this Bill also has a provision that exempts it only if they are constructed outside of a major population area. What do we consider a major population area?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "They are listed in the legislation...I'm sorry, in the Illinois Administrative Code. Would you like me to elaborate on that?"

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, the only thing is, is it individual cities that are listed, or is it by population, like anything over a certain size or under a certain size?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "It's not only cities, it some counties and some areas."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So certain counties would...I apologize...I believe Representative Lang has a point of personal privilege."

Speaker Kubik: "Why don't we get to Representative Lang on a point of personal privilege after you finish your time Representative Hoffman."

Hoffman: "Okay, that's fine with me. So, the county provisions

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that are in there, you could actually say that these wouldn't be exempt or entire counties, for instance, Madison and St. Clair County may not be exempt because it's a major population area, but the county that you're from it could be exempt, is that right?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "It's fully spelled out in the major...in the Illinois Administrative Code. Some of the counties that are included in this are Champaign, Cook, McHenry, Kendall, Macon, Peoria, Winnebago, Rock Island, Sangamon, St. Clair and McLean, but it is not all of the county, it is portions of this county."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, St. Clair and Madison County would be affected by this thing, in a positive way, this is good for them?"

Speaker Kubik: "Representative Ackerman, brief your response to the question."

Ackerman: "There's portions of this county that are designated as major metropolitan areas and would be affected by this."

Speaker Kubik: "Representative Lang, for what reason do you seek recognition?"

Lang: "Thank you. I did hear my name mentioned in debate by my roommate and friend, Representative Hartke, and I rise on a point of personal privilege, Sir."

Speaker Kubik: "Well, state your point."

Lang: "Thanks. I indicated to Mr. Ackerman earlier that he might want to consider whether limo drivers and limos around the dump pit areas ought to be regulated. I would just like to tell you that I just found out that the Senate refused to concur in the Limo Driver Amendment on Senate Bill 1039, so perhaps Representative Mulligan will now want to put that on this Bill."

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Speaker Kubik: "Thank you for those informative comments, Representative Lang. Further discussion? Seeing none, Representative Ackerman to close."

Ackerman: "Thank you, Mr. Speaker. I would be happy to invite Representative Lang to come down to my field about soybean combining time where he is able to observe what kind of dust is there, but in the meantime I think it would be very prudent to pass this Bill and add this immediate effective date."

Speaker Kubik: "Okay, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 412?' All those in favor will vote 'aye', those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'aye', none voting 'no', and none voting 'present', and this Bill having received the required Constitutional Majority is hereby declared passed. Representative Hartke, we will get to you, I would just like to recognize the Clerk for a moment, and then I will get to you. I promise you. Mr. Clerk."

Clerk McLennand: "Messages from the Senate. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their Amendments to the following Bills: Senate Bill #130, House Amendments #5 and House Amendment #6; Senate Bill #721, together with House Amendments #6, 7, 8, 9, 10 and 15. Further directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of the following Amendments; To Senate Bill 721, House Amendments #4, 5, 11, 12, 13, 14, 15 and 16; Refused to concur with the House in the adoption

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of the following Amendments to Senate Bill 130, House Amendments #4 and 7; The Senate has refused to concur with the House in the adoption of their Amendments to Senate Bill 465, House Amendment #1; The Senate has refused to concur with the House in the adoption of House Amendment #1 to Senate Bill 907; The Senate has refused to concur with the adoption of House Amendment #1 to Senate Bill 925; And the Senate has refused to concur with the adoption of House Amendment #1 to Senate Bill 1039; And the Senate has refused to concur with the House in the adoption of House Amendment #1 to Senate Bill 368. These messages are from Jim Harry, Secretary of the Senate. Committee Reports, reported the Rules Committee has met and places the following Senate Bills on The Order of Nonconcurrency; Senate Bills 19, 50, 75, 164, 265, 293, 365, 368, 388, 428, 509, 587, 721, 741, 1037 and 1140, offered by Representative Churchill, Chairman of Committee on Rules. Committee Report from Rules, Representative Churchill, Chairman of Committee on Rules has met to which the following Resolutions were referred, action taken on May 24, 1995, reported sent back the following recommendations: 'due adopt' Senate Resolution #21 and House Resolution #53. Rules has also met to which the following joint action motion were referred, action taken on May 24, 1995 reported sent back due approved for consideration: On the Order of Concurrence, House Bill 90, together with Senate Amendment #1; House Bill 385, together with Senate Amendment #1; House Bill 544, together with Senate Amendment #1; House Bill 780, together with Senate Amendment #1; House Bill 1246, together with Senate Amendments 1 and 2; and House Bill 1654, together with Senate Amendment #1. On the Order of Nonconcurrency, due approved for consideration, House

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Bill 32, together with Senate Amendment #3; House Bill 314, together with Senate Amendments #1 and 2; House Bill 1248, together with Senate Amendment #1; House Bill 1279, together with Senate Amendment #2; House Bill 1462, together with Senate Amendment #2; House Bill 1470, together with Senate Amendment #1; House Bill 1523, together with Senate Amendment #1, correction, House Bill 1523, together with Senate Amendment #3; House Bill 1787, together with Senate Amendment #1; and House Bill 2403, approved together with Senate Amendment #1. Introduction of First Reading of House Bills: House Bill 2509, offered by Representative Blagojevich, a Bill for an Act in relation to the operation of motor vehicles. Introduction and First Reading of these House Bills."

Speaker Kubik: "And now, Representative Hartke, for what reason do you rise?"

Hartke: "On a point of personal privilege."

Speaker Kubik: "State your point, Representative."

Hartke: "Well, Representative Lang used my name in debate and I was overjoyed to hear that the Senate has rejected 1039 and so for the 10th time, we will have an opportunity to kill that limo Bill, let's hope. So, I'm happy to see that we'll have an opportunity to debate that issue again out here on the floor, again and aga...reminds of that little rabbit that keeps, maybe we can put the battery in it backwards this sometime."

Clerk McLennand: "Rules Committee has reported out Members...attention Members of the House. The Rules Committee has reported out Bills both on the Order of Concurrence and Nonconcurrence. Members are encouraged to file their Motions to Concur or Nonconcur or to Recede or Refuse to Recede. Members are encouraged to file their

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Motions for Joint Action in the well."

Speaker Kubik: "Mr. Clerk, on the Order of Concurrence, please call House Bill 686."

Clerk McLennand: "House Bill 686, a Motion to Concur with Senate Amendment #1 has been filed by Representative Andrea Moore and has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Lady from Lake, Representative Moore, on Senate Amendment #1."

Moore, Andrea: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 changes slightly what you know as to be House Bill 686. It removes the unlawful use of weapons violation and adds battery and assault and aggravated assault where a firearm was used or possessed. Make the misdemeanor conviction for those offenses and requires that a person be convicted within the last five years. When a court orders the surrender of firearms as a condition of order of protection against a person who is a peace officer, the officer must surrender firearms used in the performance in his or her official duties to the chief officer of their agency. I would urge an 'aye' vote on this Concurrence Motion and be happy to answer any questions."

Speaker Kubik: "The Lady has moved to concur with Senate Amendment #1 to House Bill 686, and on that question, the Chair recognizes the Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you, Representative Kubik. Representative Moore, would you yield for a few questions?"

Speaker Kubik: "The Lady indicates she will yield."

Blagojevich: "Representative, can you just briefly outline some of the changes that the legislation experienced in the Senate?"

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Speaker Kubik: "Representative Moore."

Moore, Andrea: "Thank you. This limits the FOID cards denial and revocation authority to firearm related domestic battery, battery, assault, aggravated assault and violation of the order of protection committed within the last five years. So, what it does, is remove the unlawful use of weapons violation and adds battery and assault and aggravated assault where a firearm was used. And it also requires that the person be convicted within the last five years. So, it would be a misdemeanor conviction for those offenses and prevents firearm possession for five years from the last conviction rather than for life as required by the the original Bill. In addition, where the court orders the surrender of firearms as a condition of a order of protection against a person who is a peace officer, the officer must surrender firearms used in the performance of his or her official duty to the chief officer of their agency. The chief officer shall retain the firearms for during the period of the court order, and the firearms may be used by many officers in their official duties and is owned in many cases by the agency, so it should be turned over to that agency."

Speaker Kubik: "Representative Blagojevich."

Blagojevich: "Thank you, Representative Moore. With regard to the peace officer provision. How would that work if for example, a police officer were convicted of an act of domestic battery, through the...with the use of a gun or a firearm, that would be the nexus of the case, and he would turn his firearm into a supervisor, would that police officer be suspended from his police duties or would he allowed to carry the gun on the job and then have to return the weapon after the work day is over? How does that

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work?"

Speaker Kubik: "Representative Moore."

Moore: "That poses an interesting question. It is my understanding that the officer would be allowed to use the weapon during the course of his official duties, but not during the off hours as is often time is the case for police officers. They carry their firearms 24 hours a day. As you know, Representative, in cases of domes...where there are domestic problems, unemployment only exacerbate the situation, and so it's just also a combination would...would be a way to work some of the problems before police officers."

Speaker Kubik: "Representative Blagojevich."

Blagojevich: "Thank you, Representative. To the Bill. This Bill is not quite as good as it was when it left the House, its been changed, it's still certainly better than what the existing law is, and so I obviously add my support to the legislation and commend the Sponsor. It's a difficult philosophical question for those of us who like to see change in its pure form, but we have to recognize that this is a imperfect world that we live in. Not everything is black and white, we live in a world of grey and this one is not quite as black or as white that we would like. Let me say that, again that the five year position has been changed. The original Bill called for the loss of a firearm for as long as a convicted felon would lose a firearm, which would be in perpetuity, forever. Now we're putting a five year cap on that and again its better than it was, not quite what the Bill originally invisioned, but this is a first step and it is a step in the right direction. In 1993, 71% of domestic homicides occurred where a firearm was used, and so this Bill works to address

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that particular circumstance. I commend the Sponsor. I urge every one to vote 'yes'. I urge everyone to support the Sponsor when she attempts to have the Governor sign this into law and again, please vote 'yes'. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Kubik: "The Lady indicates she will yield."

Brunsvold: "Representative, this is I believe the third or fourth time you and I have debated this Bill. Do you think this is less restrictive than you started with and would be more towards my position than originally...then what you originally started with?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "Regretfully, I must agree."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Representative Blagojevich brought up an issue...an interesting point, if we had a woman police officer that was convicted of violet...domestic violence with a gun and she was on duty, she could carry a gun, what is she going to do with that gun, because most officers take their gun home with them and then put it on when they leave for work, what is this woman going to do if she's in this situation?"

Speaker Kubik: "Representative Moore."

Moore: "Following her official duty on her shift, she would turn it into her shift commander, or whoever is responsible within the agency."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "So, if she ran across a situation on her way home, she would be unarmed and unable to stop a situation that she is hired and is in charge of doing, protecting the public, she can then becomes an ineffective police officer,

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is that correct?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "While she was on duty as an official police officer on duty, she would still be allowed to carry her weapon. When she is off duty, she would not be carrying a weapon, but would still have other means to defend herself."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Women state troopers are on duty until they get home. She will lock this gun in the car, or how would she proceed with this situation?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "It is my understanding that the agency would receive the weapon following the official shift. I think those kind of details can be worked out within the agency themselves and this is done after a full hearing with the court."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Well Representative, you know, I think this is a lot better than what we started with and I intend to vote 'yes' on this version, but I just have some questions about that. One more about confiscating the weapons. If this person was a gun collector, would the judge take all the antique guns if they were an antique collection? Would the judge remove all these weapons if there was a man involved in a domestic violence with a gun?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "This hearing that we have referenced that you have read about in the original Bill process, is a fact finding hearing where there would be some discretion on the part of the judge, and I think that determination would be made at the time as to how serious the threat was."

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Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Thank you, Representative."

Speaker Kubik: "For what purpose does the Gentleman from Cook, Representative Blagojevich rise?"

Blagojevich: "Representative Kubik, my name was mentioned in debate. Point of personal privilege. I would just like to address Representative Brunsvold."

Speaker Kubik: "State your point."

Blagojevich: "First of all, let me tell him the name is pronounced Blagojevich, not LaDonovich or whatever that was that I heard."

Speaker Kubik: "I thought it was Blagojevich."

Blagojevich: "Ah."

Speaker Kubik: "I thought Black was the one who mangled your name, but I thought I pronounced it properly. Is it Blagojevich?"

Blagojevich: "It's Blagojevich. Black doesn't mispronounce it, he just yells it out."

Speaker Kubik: "Yeah, well. His name starts with a B too, but I don't think...your's has more syllables than his does."

Blagojevich: "Right."

Speaker Kubik: "So, state your point."

Blagojevich: "Thank you. Oh, I know that. I just wanted to clarify that for Representative Brunsvold and just reaffirm what the whole purpose of this Bill is. These aren't convicted criminals we're talking about, so that police officer and Representative Brunsvold's hypothetical, that woman police officer is a convicted criminal. She is a husband beater in your scenario, and so the fact that she's got to relinquish her firearm during the course of her non work day, I think is a small price to pay, and I simply wanted to point that out after I reminded Representative

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Brunsvold how to say my name."

Speaker Kubik: "Okay. Thank you."

Blagojevich: "I'm excited about this Bill. Great Sponsor, great Bill. Maybe next year we can go a little further."

Speaker Kubik: "Well, thank you. Okay. Further discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Following up on what Representative Blagojevich had to say, I just wondered if the Sponsor would yield for a couple of questions."

Speaker Kubik: "Representative who? Yes, I think she will yield for some questions. Representative Dart."

Dart: "Representative, under your Bill, the removal of the gun...the language is it...is the State Police authorized to do that or required to do that?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Are you referring to the Amendment portion of the Bill that we are talking about or are you talking about the full body of the Bill itself?"

Speaker Kubik: "Representative Dart."

Dart: "With the Senate Amendment that we are moving to concur on, is it an authorization or is it a requirement that they remove the gun?"

Speaker Kubik: "Representative Moore."

Moore, A.: "It is mandatory."

Speaker Kubik: "Representative Dart."

Dart: "The provisions with...and you've touched on this already, I realize, but the provisions dealing with the officers who will be allowed to keep their guns, have the local police authorities been consulted in regard to this to make sure that they can and will be able to do this?"

Speaker Kubik: "Representative Moore."

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Moore, A.: "As you know, this Amendment was placed on in the Senate and the State Police Association was there as were members of the State Police Department and those negotiations took place there."

Speaker Kubik: "Representative Dart."

Dart: "In regards to the instances where we have an individual who is a responded to an order of protection so there has not been a conviction of any type yet, the Bill requires that the State Police then have the authorization to take the gun. How is it that the State Police is going to be notified that there is an order of protection in which there is a specification that the gun is to be removed?"

Speaker Kubik: "Representative Moore."

Moore, A.: "The court order shall serve as notification."

Speaker Kubik: "Representative Dart."

Dart: "But how does that physically... How does the State Police become aware of that because the order of protection would not be otherwise sent to them. The copies are given to the court, respondent, to the petitioner in this case. How is it the State Police will find out about this?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Through the court order, certainly there can be notification required through the actual court order where the FOID card is either removed and/or if the weapons are removed. That can be accomplished through the court order, but it is a very good point and one that we noticed also, and we might need to follow up, perhaps next year, for some further clarification of that."

Speaker Kubik: "Representative Dart."

Dart: "Yes, Representative, to be quite frank with you, your original Bill was real good in this area and had the notice provisions that I think were quite adequate to handle the

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situations; however, with the Senate Amendment, it removed that, and my experience with order of protections where it is a very limited circle of people who get copies of those. And unless there is some mechanism set up for there to be a transmittal of that to the State Police, the State Police will never know about this. So I agree with you, there needs to be some work on there, but in the interim, is there any purpose of legislative intent or whatever? Is there anything that you see in this Bill now that would be able to accommodate the State Police receiving this information?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Certainly during the process of the hearing, the court can order that the circuit clerk goes forward and does this notification and you would hope that the judges would be willing to do that during their hearing process."

Speaker Kubik: "Representative Dart."

Dart: "In regards to respondents of order of protections again, in the event of an emergency order of protection where there is an ex parte proceeding, how is it that the offender is notified that their gun will be removed when they are not in court?"

Speaker Kubik: "Representative Moore."

Moore, A.: "First of all, there has to be a hearing, that's clearly stated in the full body of the Bill, that there has to be a hearing before there can be an order that the weapon is removed. And so, that process is there. What was your question? I'm sorry."

Speaker Kubik: "Representative Dart, I think you may want to restate your question. Representative Dart."

Dart: "Yes, Representative, if you could just clarify. In the instances where you have an emergency order of protection,

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where the offender is not in front of the court or the...usually the woman who has been the subject of the domestic battery is in front of the court, seeking an order of protection. She needs an emergency one right away because of the incident, the respondent, usually the husband or boyfriend in this case, is not in front of the court. They usually give them for fourteen days in which time the defendant has time to come into the court. In those instances where the respondent is not there, what is the mechanism that you have here so that A: you can get the gun from them, and B: that that individual is notified of this?"

Speaker Kubik: "Representative Moore to respond."

Moore, A.: "They have to receive actual notice, but if it's an emergency proceeding, there is an established...there are established rules for governing ex parte procedures."

Speaker Kubik: "Further discussion? The Lady from Cook, Representative Jones."

Jones, S.: "Mr. Speaker, I would like the record to show on Senate Bill 907, that I was wished to vote 'no' on Senate Bill 907..."

Speaker Kubik: "All right."

Jones, S.: "Would the record show that please?"

Speaker Kubik: "The Journal shall so reflect, Representative Jones. Further discussion? Before we continue, Mr. Clerk."

Clerk McLennand: "Members. Attention: Members, the Representative from the General Assembly Retirement System is in the corner office in the Speaker's hallway in the Parliamentarian's Office, is available to meet with you. Members are encouraged to see him. He'll be here for about another two hours. Thank you."

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Speaker Kubik: "Further discussion? The Lady from Cook, Representative Wojcik."

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

Speaker Kubik: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Moore to close."

Moore, A.: "Thank you, Mr. Speaker. This has been a process that has occurred over a period of over two years and trying to get this Bill passed has been a very bipartisan process. It has good support from both sides of the aisle, on both sides of this General Assembly, and I would urge everyone to concur with Senate Amendment #1 to House Bill 686. I thank my Cosponsor, Rod Blagojevich, for his help and cooperation."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 686?' Those in favor will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'aye', 0 voting 'no', 6 voting 'present', and this Bill, having received the Required Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, if we could welcome the Calvary Christian School from Lake Villa, Illinois. They are from the districts of Representative Al Salvi and Representative Bob Churchill. Welcome to Springfield. They are in the Speaker's Gallery. Mr. Clerk, please read House Bill 731."

Clerk McLennand: "House Bill #731 is on the Order of Concurrence. A Motion to concur has been filed by Representative

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Bugielski with Senate Amendment #1 and has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Cook, Representative Bugielski."

Bugielski: "Thank you... Thank you, Mr. Speaker. Members of the House, I move to concur with Senate Amendment #1 to House Bill 731. Senate Amendment #1 adds each person nominated... This was the Bill concerning the local school councils in Chicago before we had...if they were convicted of sexual crimes that were defined. We had a long list of them that they were not able to run now. What Senate Amendment #1 points out is that each person nominated, who runs as a candidate, shall also disclose in a manner determined by the Board if she...if he or she has ever been convicted of any of the offenses specified in subsection (C) of Section 34 (18.5). And if the person should lie on his application, then all it would be is that the council would be able to remove that person from the Board if he failed to disclose this at the time of nomination, and I ask for a favorable Roll Call in the concurrence of Senate Amendment #1."

Speaker Kubik: "The Gentleman has moved to concur with Senate Amendment #1 to House Bill 731. On that, is there any discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Chairman...Mr. Speaker. I rise in support of this legislation. I think the new Senate Amendment helps to delineate those offenses that would be perhaps harmful to school children, and it also asks that the people who run for local school council positions state what their past has been if it has a possibility of having had criminal behavior. So, I compliment Representative

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Bugielski for bringing this legislation before us and I believe that it deserves a favorable vote."

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

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

Speaker Kubik: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Bugielski to close."

Bugielski: "Thank you, Mr. Speaker. We've heard the debate on this issue. It's a fine clean up language that we have to this Bill and I would just ask that we vote 'yes' and concur with Senate Amendment #1 to House Bill 731. Thank you."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 731?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 823."

Clerk Rossi: "House Bill 823, a Motion to nonconcur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermillion, Representative Black on a nonconcurrency Motion on Senate Amendment #1. Representative Black, could you just hold for one moment? Representative Dart, for what

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reason do you seek recognition?"

Dart: "Thank you, Mr. Speaker. I move, and I'm joined by Representative Lang here, in asking that this concurrence be divided to vote on each Amendment."

Speaker Kubik: "Representative Dart...Representative Dart, the question has been divided. As I understand the Motion, the Motion is to nonconcur on Senate Amendment #1. Okay? Okay. So, Representative...the Gentleman from Vermillion, Representative Black, on Senate Amendment #1."

Black: "I could have saved him all that trouble if he had just listened to the Motion. We want to nonconcur in Senate Amendment #1. The Amendment is improperly drafted."

Speaker Kubik: "The Gentleman has moved to nonconcur with Senate Amendment #1 to House Bill 823. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It is the opinion of the Chair that the 'ayes' have it. The House nonconcur with Senate Amendment #1 to House Bill 823. Mr. Clerk."

Clerk Rossi: "A further Motion has been filed to concur with Senate Amendment #2 and approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermillion, Representative Black, on a concurrence Motion on Senate Amendment #2."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Amendment #2 becomes the Bill and it has nothing to do with the title of my underlying Bill. Senate Amendment #2 provides that the Department of Conservation shall convey by 'quit claim deed' a piece of property in Douglas County to Illini FS Incorporated. In turn, Illini FS Incorporated shall deliver a piece of property in Douglas County to the Department of Conservation. Each party shall be responsible for any and

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all title costs. The Illinois Attorney General shall certify to the Director of Conservation that the State of Illinois will receive marketable title to the property before the close on this transaction. Furthermore, it provides that the Department of Transportation shall release an easement of land in Fayette County to the City of Vandalia upon the payment of \$1. That is the Amendment. That now is the Bill. I would move concurrence in Senate Amendment #2."

Speaker Kubik: "The Gentleman has moved to concur with Senate Amendment #2 to House Bill 823. On that, is there any discussion? Well, what I'll do is I will recognize Representative Dart first. Representative Dart. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker, an inquiry of the Sponsor, just one question. Representative, was it your intent to attempt to get this Bill to the Governor's Desk? Because if so, my understanding of the Amendments are that the second Amendment, which we have now, guts the Bill so that if we were to put Amendment #1 on the Bill, we could also get Amendment #2, which we are talking about also on the Bill. It would remove Amendment 1 and this would go right to the Governor then. Instead of having to go back to the Senate, we could send this right to the Governor."

Speaker Kubik: "Representative Black."

Black: "Well, what I would really like to do is to send the Bill back in hard cover form and bounce it off the heads of a couple Senators. I'm open to your suggestion."

Speaker Kubik: "Representative Dart."

Dart: "That being the case, I believe I'm moving to reconsider the vote on Senate Amendment #1, the Motion which was to nonconcur in."

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Speaker Kubik: "Before we do that, Representative Black, what reason do you rise?"

Black: "Yeah, let me just make an inquiry. I think we can settle this in about thirty seconds. Representative Dart, if we do what I think you are doing, and I have no objection, adopt Senate 1 which is drafted incorrectly, then also adopt Amendment #2. Are we sure we are gutting Amendment #1 or would the Governor have to Amendatorily strike Amendment #1?"

Speaker Kubik: "Representative Dart."

Dart: "Representative, I am looking at the Amendment right now. In line six of Amendment 2 says, 'by replacing everything after the enacting clause with the following:'. So it makes it \$1 instead of \$25,000. So I believe that that would become the entire Bill then and that we could then send this straight to the Governor."

Speaker Kubik: "Representative Black."

Black: "Yeah, I see the Gentleman's point."

Speaker Kubik: "Representative Dart, will you just hold on just a moment?"

Black: "Mr. Speaker, with leave of the Body, can we reconsider the action in which we nonconcurrented in Senate Amendment #1?"

Speaker Kubik: "Why don't I recognize Representative Dart's Motion which is to reconsider the vote by which Amendment...reconsider the vote of the concurrence Motion on Senate...the nonconcurrent Motion on Senate Amendment #1. All those in favor of the Motion to reconsider will vote 'aye'; those opposed will vote 'no'. This is a Motion to reconsider the vote. We did it on a voice vote? Can we do it on a voice vote. With leave of the Body, we will reconsider the...do the reconsideration Motion on a voice

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vote. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair that the 'ayes' have it. So, we are now on Amendment...Senate Amendment #2. Representative Black has explained the Amendment. Is there any further discussion? Representative Dart, do you wish to... The Gentleman from Cook, Representative Dart."

Dart: "I rise in opposition of this Amendment. Just joking, Representative. No, I understand we're dealing with Senate Amendment #2 as it is and it makes the one change in here, Representative. Can you just explain to me the one change that is now the entire Bill which is Amendment #2."

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

Black: "I'd be glad to. Senate Amendment #2, which becomes the Bill, provides that the Department of Conservation shall convey by 'quit claim' a piece of property in Douglas County to Illini Farmer Service Inc. In turn, Illini FS Inc. shall deliver a piece of property in Douglas County to the Department of Conservation. Each party responsible for any and all title costs associated with it's respective properties. Illinois Attorney General shall certify to the Director of Conservation that the State of Illinois will receive marketable title to the property before the transaction is closed. Furthermore, it provides the Department of Transportation shall release an easement of land in Fayette County to the City of Vandalia upon the payment of \$1. I also need to add, there is a reverter clause in the easement to the City of Vandalia. There is a reverter clause that specifically states that if that property in question, in Vandalia, is not to be used for public purposes, that parcel must then revert back to the

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State of Illinois Department of Transportation."

Speaker Kubik: "Representative Dart."

Dart: "Thank you. Representative, this is definitely not my area of specialty here, but why is it that we are transferring these properties?"

Speaker Kubik: "Representative Black."

Black: "Let me just tell you, the Department of Conservation wants to convey a fifty foot wide strip of railroad right-of-way approximately twelve hundred feet in length. That would be about 1.3 acres to the Illini Farm Service Company. This conveyance is an exchange for a fifty foot wide strip of land along the edge of the Illini Farm Service property for a distance of approximately 1400 feet or 1.79 acres. The purpose of the exchange will allow the company to expand a plant cite and a facility at the existing location so that we have a two-fold expansion here. One, being increased customer demand by Illini FS, the other being environmental by the Department of Conservation. So it's...the Department feels that it is a very reasonable trade and would ask us to concur in it."

Speaker Kubik: "Representative Dart. Representative Dart. No further questions. Representative Hartke, before we get to you, I'd like to recognize the Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, pursuant to House Rule 38(B), I would like leave of the Body to suspend the rules of all Floor Amendments, Joint Action Motions for final action be referred to the Rules Committee. I think that will make it very clear and plain that because we had nonconcurrred in Senate Amendment #1, it means we can go back and reconsider both of these Motions and I think that is what the intent

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is, is to concur in both of these and that sends it to the Governor. So, with leave of the Body, I would like to suspend House Rule 38(B) so that this Joint Action Motion does not have to go back to Rules and immediately can be considered."

Speaker Kubik: "The Gentleman has requested leave and on that Motion, the Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. As to this Bill only, we'd be more than happy. We're always happy to help the Majority Party out."

Speaker Kubik: "The... Your former candidate in other words. With leave of the Body, we will suspend the appropriate rule and we are now in discussion on a Joint Concurrence Motion on Senate Amendment #1 and 2. And on that question, the Gentleman from Effingham, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. Now I am confused. Never mind. Let me ask Representative Black a question. Does the Department of Conservation..."

Speaker Kubik: "The Gentleman indicates he will yield."

Hartke: "...at the present, does their land now abut Illini FS Services?"

Speaker Kubik: "Representative Black."

Black: "Representative, based on a very brief explanation that I have from the Department, that is true, and what this is is if this transfer cannot be made, then the Farmer Service Plant cannot expand because they will not be able to comply with environmental requirements and then be forced to close. And of course in the rural Douglas County, that is going to create a problem for local farmers. So it is just a trade-off of land that abuts the current Farmer Service Plant, allowing them to expand their business and meet the environmental requirements and also then gives more land

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actually to the Department of Conservation. So, since this is a DOC memo, I would assume that they stand in support of this transfer."

Speaker Kubik: "Representative Hartke."

Hartke: "I would assume that the Department of Conservation, since this sounds like a railroad right-a-way, acquired this land at some point from the railroad that maybe had been abandoned for a bike pass. Would that be true?"

Speaker Kubik: "Representative Black."

Black: "It would strictly be an assumption on my part. I see that the Amendment...or excuse me, the memo is entitled 'Prairie Wind Trail', camp Illinois property, Douglas County. My guess is is that it is railroad right-a-way that had one time been acquired by the Department of Conservation for a nature trail or something, but I don't know that. The memo is silent. It just doesn't say."

Speaker Kubik: "Representative Hartke."

Hartke: "I would imagine because the Department of Conservation is in agreement with this, that it would not be missing link in a planned bike pather sometime because the Department of Conservation seems to be in favor of this land transfer. Is that correct?"

Speaker Kubik: "Representative Black."

Black: "As far as I know and assuming that because of the memorandum of understanding here titled 'Brief Description of Pending Legislative Proposal'. I'm making an assumption that the Department of Conservation not only is in favor of this, but since they get more land in the conveyance than they are giving up, that would be my assumption, that they would be in favor of this."

Speaker Kubik: "Representative Hartke."

Hartke: "I'm not familiar with the area either, but it seems to

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me as though...with the description you read, they may be giving some property on an adjacent side of the property to the Department of Conservation from where Illini FS is at the present time. I know that if I were a company, I would not want to have bikers and hikers and other people running through my fertilizer plant or whatever I'm trying to put up on the place to get from one point to another. I would imagine that the Conservation Department has a continuous adjacent property that if they want to continue the 'Prairie Trails', whatever you called it, would be a continuing program."

Speaker Kubik: "Representative Black. I'm sorry, Representative Hartke. Was that a question?"

Black: "Yeah, that would be my guess. In fact, I just found a copy of a letter from an attorney, evidently representing Illini FS. If Illini FS cannot secure this additional land, they cannot comply with environmental requirements, thus being forced to close. My client's contacted the Department of Conservation. Here it is, which owns a bike trail near the site. It did not take long for the Department and my client to work out a land trade, which enabled my client to remain on their current site, and yet, expand its plant. I believe this is an example of cooperation between government and private individuals. I am informed that various land exchange Bills will be et cetera, et cetera. So, I think that puts it into the perspective you are talking about."

Speaker Kubik: "Representative Hartke."

Hartke: "I don't want to stop this project because the last thing I want to do is see that an attorney lose his job. We might have to appoint him as a judge in your area or something, you know, to keep all the attorneys employed

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there. That is one point I want to make. I want to talk about Vandalia now. They were transferring a little land, too. Is that a transfer back and forth between the Department of Conservation and the Department of Transportation?"

Speaker Kubik: "Representative Black."

Black: "No, it isn't, Representative. That is a conveyance from the Department of Transportation. They are giving an easement for highway purposes that is located in Fayette County for \$1 to the City of Vandalia and there is a reverter clause in that that states that the City of Vandalia does not use it for public use, then the parcel must revert back to State of Illinois ownership."

Speaker Kubik: "Representative Hartke."

Hartke: "Is there a time requirement in that reverter clause?"

Speaker Kubik: "Representative Black."

Black: "If there is a sunset on the reverter clause, I don't see it. Generally, I think we use...we require those to be in perpetuity."

Speaker Kubik: "Representative Hartke, your time has expired. What I would like to do is, I know you've got friends waving out there, could I give you another minute? Do you think you can wrap up in another minute?"

Hartke: "Well, I hope so. I know that... I have personal experience sometimes, when we're talking about reverter clauses and old railroad properties, sometimes reverter clauses are there, but if they are not exercised or accepted after the reverter clause or the property is abandoned or not used, it becomes an opportunity for the individual to give a 'quit claim' deed to another individual and that is why I asked if whether there was a sunset on this piece of legislation."

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Speaker Kubik: "Representative Black."

Black: "I see no sunset or time limit on the reverter clause, and the 'quit claim' deed is in fact what the Department of Conservation is going to do in Douglas County. I guess my disadvantage, Representative, is neither one of these are in my district, so I'm not that familiar with it either quite frankly. You know, I seldom get to towns as big as Vandalia, so I don't know much about Vandalia at all."

Speaker Kubik: "Representative Hartke, could you bring your questions to a close? Representative Hartke."

Hartke: "Well, I'm sorry, Mr. Speaker, but I think this is important. Because of a personal problem, not that I have with this. But many times when land is transferred back and forth, if this reverter clause is not there properly, it may lead to properties that come into question later on down the road, and that is why I would suggest that there ought to be a sunset on this upon the transfer so that this reverter clause does come to a conclusion in some point in time. I can see down the road where the City of Vandalia or whatever, if they do not use this, they may determine that they do or do not own that property anymore, which causes other problems. Mr. Speaker, I want to thank you for your patience and Representative Black. I think we support this legislation for those individuals that are involved: Illini FS and Vandalia."

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

Wojcik: "Yes, Mr. Speaker, it's a point of personal privilege."

Speaker Kubik: "State your point."

Wojcik: "I have the most wonderful opportunity to have standing next to me my seatmate of ten years, the ex State Representative, Don Henzel."

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Speaker Kubik: "Welcome back, Representative Henzel. Good to see you. We also, for the benefit for the Membership, we also had former Representative Dolly Holstrom who is in the rear of the chamber. Welcome, Representative Holstrom, it's good to see you again as well. Further discussion. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I would like to move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' Those in favor will vote...say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Black to close."

Black: "Yes, thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I just wish to congratulate the Senate for stripping out my Bill on how we could perhaps finance State Police cars and then putting a land conveyance Bill in it. I am not real sure if that is germane, but that is the case. I would ask your concurrence in Senate Amendments #1 and 2 to House Bill 823. These are conveyances not in my district. I'm just carrying the water for some good Democrats, I think, but that is all part of the process. So, I'd ask for an 'aye' vote."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 and 2 to House Bill 823?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'aye', 0 voting 'no', 0

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voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1023."

Clerk McLennand: "House Bill #1023, a Motion to nonconcur with Senate Amendment #1 has been filed by Representative Cross and has been approved for consideration."

Speaker Kubik: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I would appreciate a favorable vote on my Motion to nonconcur on Senate Amendment #1 to House Bill 1023. Thank you."

Speaker Kubik: "The Gentleman has moved to nonconcur with Senate Amendment #1 to House Bill 1023. Those in favor of the Motion will signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. This Motion is adopted. The Chair... The House nonconcur with Senate Amendment #1 to House Bill 1023. The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you. Two points, Sir, and if you would respond to them one at a time, I'd appreciate it. The first point is that the rules do not provide that we can't debate a nonconcurrency Motion. There may have been Members in this Body that wanted to debate Representative Cross' Motion to nonconcur. So, we would appreciate it in the future if we would have that opportunity and we would also appreciate it if you would ask the Sponsors of such Motions to tell us what he wants us to nonconcur with. Can you respond to this?"

Speaker Kubik: "Representative Lang, the Motion was to nonconcur. All of the previous Motions that we have had to nonconcur have been voice votes. There have been no explanations.

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So this is the first time you ever risen to make that point. Representative Lang."

Lang: "Well, you recall on Mr. Black's Bill that was sort of messed up and the reason was because nobody explained what they were doing, and so I'm simply suggesting to the Chair that in the process of having an open and deliberative Body, that we know what we're talking about. The second inquiry, Sir, relates to the list that we are going with on the order of concurrence. You skipped over House Bill 859, which is Mr. Scott's Bill. He's ready on that concurrence matter. I don't...I would not presume that you skipped over it because it had a Democratic Sponsor, so I'm going to assume there was another reason, but I would like to know what that reason is because I don't want anyone to think that you, Sir, would skip over a Bill simply because it had a Democratic Sponsor."

Speaker Kubik: "Representative Lang, we will get to that Motion. I am just going through the Calendar and I apologize. I slipped over that Bill, but we will get to that Bill in due time. Representative Lang."

Lang: "Well, Sir, that was next in order and so you skipped right over that and went to this Bill. I don't know why you would skip the Bill. You've done all the other Bills in order as far as I can tell and it seems to me to be appropriate to do that Bill now. How about it? Huh?"

Speaker Kubik: "Representative Lang, we will get to that Bill in good time."

Speaker Black: "Representative Black in the Chair. Yes, Representative Lang, your light is flashing. Are you seeking recognition?"

Lang: "Yes, I renew my request to do these Bills on concurrence in order, Sir."

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You may have heard the argument that I had with Mr. Kubik or the discussion I had with Mr. Kubik relative to skipping over one Bill on this order and that is House Bill 859, sponsored by Representative Scott. Apparently, Mr. Kubik didn't care about having us think that he is partisan in this matter, but I know you, Sir, are a fair, impartial, and bipartisan sort of chap and you certainly would want to go right back to this Bill so that Mr. Scott, a good Freshman on our side of the who is not a target and does not pose a threat to you, Sir, would not feel aggrieved by the process. Surely, we would not want Mr. Scott to go home at the end of his first Session in Springfield feeling like the process has abused him. So, how about it? Huh?"

Speaker Black: "All those in favor of 'huh'... No, I... Let me take your Motion under advisement. I probably would have gone right back to that, but then you abused my previous Bill, saying we had made a mistake and here I was just trying to accomodate the Gentleman from Clinton. See, I didn't know what I was supposed to do on that. That is what happens when I carry those dog gone Amendments for Democrats. That is the problem, but I think we'll get right back to that. I have one item of business before that and let me get back to you on that issue. Mr. Clerk, on page ten of the Calendar, Motions of Concurrence, appears House Bill 1237. Please read the Bill."

Clerk McLennand: "House Bill #1237, a Motion to concur with Senate Amendment #1, has been filed by Representative Cross and has been approved for consideration."

Speaker Black: "And on that question, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I have a Motion here, as you heard, to concur with Senate Amendment 1 to House Bill

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1237. Senate Amendment 1 cleans up the language of the definition about jackrocks. This is in response to one of the objections that Representative Hoffman had and I think over in the Senate, they spent a good deal of time in an attempt to clean up any concerns you had. I think this does it. I think it's an even better Bill than we had before and I concur with their Motion and I would appreciate a 'yes' vote."

Speaker Black: "On the Gentleman's Motion of concurrence, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, can you explain to me what necessitated these changes in the Senate?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, one of the concerns that I believe Representative Hoffman had in debate the last time on the Bill, was centered around the definition of jackrock or caltrop, and he indicated concern about maybe a parking garage area where you would have one of the devices that had maybe ten, twenty pointed spikes as part of one, a contraption that would go up so you couldn't go into the parking garage. This attempts to take away that concern. I think it does by...with the language, it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction. I think it is a good Amendment, maybe one we should have thought about in...when it was over in the House, but we didn't. But we tried to be responsive to Representative Hoffman. I think we have."

Speaker Black: "Representative Dart."

Dart: "Well, Representative, I think that was your first mistake,

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trying to be responsive to Representative Hoffman. The second mistake, I think, was allowing the Senate lawyers to get to this because, Representative, the way I look at this is that we have in fact gutted this Bill because... I really...I truly have looked at this from every angle and I don't think there's any other way to read it. The bottom Section says, and this is probably right out of...and actually I am looking at the LRB number. This was the Senate Republican Staff wrote this one. It wasn't LRB. It says, 'it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction'. This is the definition of what a jackrock is. So by using that sentence there, it says it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction. So that is what we have been referring to as jackrocks. If a conspicuous and clearly visible warning is posted at the devices location alerting people or persons to its presence. So the strict reading of this, and there is no other way to read this, that if in fact you have one of these...if you have one of these out there, Representative, 'Danger, jackrocks present', if you've got this sign out there, according to the Bill that the Senate put together, their definition...that is not an offense then. And I would defy anybody over there to explain to me how I'm misreading this because this is the exact words. It says, 'it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction', that is our jackrock. If a conspicuous and clearly visible warning is posted, here it is right here, at the device's location, so that means that...where the jackrocks are. If you have this sign

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hanging there alerting the people that it is present. So have we not in fact, by going along with this Senate Amendment, you now have a Bill that does nothing?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I can see...well I don't agree with your logic. I do understand. I can see why you would head that way. What we're trying to attempt to address is what we all may know of, is a treadle, the device in a parking garage, and we're talking about when a vehicle has driven over it in particular direction: in or out of a garage. As we all know, these jackrocks can be used when they are thrown on a road and they can be driven over in any direction or from any direction. So it negates that argument that you just put up a sign. I think it...I think that is a weak argument and I do appreciate your suggestion that maybe I shouldn't have tried to respond to the Representative that I mentioned earlier, but the bottom line is this is not a situation that we can take lightly. It's not one for the clowns and I think it's...with this improvement, with this Amendment, it really does take away the concerns of the earlier Representative. I think it is a good Amendment."

Speaker Black: "Representative Dart."

Dart: "Well, Representative, I agree with that one statement about not taking the suggestion that one Representative, I couldn't agree with you more. However, this Senate Amendment has really messed this up. This no longer works. We can put all the legislative intent in the world we want on the record here and it won't make a bit of difference because the strict construction of statutes is how the courts interpret statutes, and they will construct... They will interpret this using the plain meaning of the

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words, so legislative intent will mean nothing. I understand the problem you were getting at, the kind of devices they have in rental car lots and the like and parking lots where they have the spikes that stick up, but when you read this, it is completely clear. There is no room for a court to interpret anything in here, but that if somebody makes and puts out a warning sign that, 'if you drive in this direction, there are jackrocks on the ground.' You cannot, and I emphasize, cannot be convicted of this offense. It was just poorly written, inartfully drafted, and so what we will have on the books will be a statute which will be ineffective, will give people the illusion that something is getting done and in reality, absolutely nothing will be getting done. And for that reason, I oppose this Amendment."

Speaker Black: "Ladies and Gentlemen, if we could keep the noise down, this is a very emotional issue for many people, very controversial. The future of the state may hinge on this debate. With that, further questions about caltrop and jackrocks? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "Yes."

Hoffman: "Now, it's my understanding that you are making it a crime, not only to utilize these devices, but also to sell them, manufacture them, or to possess them. Is that correct, Representative?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, that part of the original language of the Bill does not change. All we've done is amend paragraph B by replacing the original language of paragraph B with this language on the Amendment on which we are

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asking you to concur."

Speaker Black: "Representative Hoffman."

Hoffman: "So, it is still... If one of these devices, if you knowingly sell, give away, manufacture, purchase or possess a jackrock, then you would be guilty of a class A misdemeanor. Is that correct?"

Speaker Black: "Representative Cross to respond."

Cross: "Could you repeat that please, Representative?"

Speaker Black: "Representative Hoffman."

Hoffman: "What I'm saying is, so the initial legislation that says that if you knowingly sell, give away, manufacture, or purchase or possess a jackrock, you are guilty of a class A misdemeanor. That still is in tact, correct?"

Speaker Black: "Representative Cross."

Cross: "That is accurate, Jay."

Speaker Black: "Representative Hoffman."

Hoffman: "Now, I got in my hand and somebody gave this to me the other day, it's called Summer Tech Law Enforcement and Military Equipment, 1995 catalog. And in there, they have what they call portable road blocks and they look just like your jackrocks and they sell these portable road blocks. Now they sell these in Illinois. This is a company out of Bellingham, Washington. And it's my understanding that under your piece of legislation...in your piece of legislation, these individuals would be guilty of a class A misdemeanor for selling these jackrocks. Now, they are selling these portable road blocks to individuals that may be are telling them, could possibly be telling them that they are going to be used for police purposes, but there is no guarantee that they are going to be used for police purposes. So they call this company here in Bellingham, Washington and order them and then utilize them and come

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under your Act. This would make them guilty of a class A misdemeanor for just being in the business of making these available because they are not saying that they are going to be used for a particular purpose. Is that correct?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I'd remind you...refer you to paragraph C of this Amendment and I believe you have a law enforcement magazine, this Section does not apply to the possession or transfer of use of jackrocks by any law enforcement officer in the course of his or her official duties. Now, with respect to the catalog, there are numerous catalogs out on the marketplace that sell all kinds of products, whether it's in the area of pornography or if it's in the area of some types of weapons that are illegal. They may be legal in some states, but they are illegal in others. And if the jackrock becomes illegal in this state, then the answer to your question is, yes. You would be guilty under this Section if you possessed one."

Speaker Black: "Representative Hoffman."

Hoffman: "But, Representative, that isn't what your Bill says. Your Bill says that if you sell these things and you don't know what the uses are, and somebody uses it for the wrongful purpose, you are still guilty. Sure, sure it could be used as a police officer in his official duties, but it doesn't prohibit...it doesn't say it's still not class A misdemeanor. Now, I'm running out of time. I believe somebody else wants to give me some time. I would hope that we wouldn't move the previous question because I have some other questions. But, Representative, isn't that exactly true that your Bill says that if you use it in a police...if you use it in possession, transfer or use of jackrocks by any law enforcement officer in the course of

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his duties, then you are not committing an offense; however, if you sell it and somebody tells you, 'I'm going to use it as a law enforcement officer, but doesn't...but doesn't use it as a law enforcement officer, then it comes back on them and you make this poor company in Bellingham, Washington who sells these portable road blocks, you make them guilty of a class A misdemeanor. Now, that may not be your intent, but that is the way it is drafted. That is what you are doing and I don't think you want to do that, or is it your intent to do that, Representative?"

Speaker Black: "Representative Cross."

Cross: "Representative, if you have the same Amendment that I do, the language you have been reading is prefaced with the word 'knowingly' and we seem to want to forget that word. It requires a person who knowingly sells, gives away, manufactures, purchases or possesses a jackrock or who knowingly places, tosses or throws a jackrock on public or private property commits a class A. There is a requirement of knowing, and to take that logic from the manufacturer to the retailer to the police officer to the person on the street, is extreme. And under this Bill, by the very nature of the fact that we've included 'knowingly', we've provided protection and I simply... I guess, with all due respect, I disagree with your position on this. The 'knowingly' is the protection."

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

Moore, A.: "Thank you, Mr. Speaker. I would move the previous question."

Speaker Black: "The Representative has moved the previous question. The question is, 'Shall the main question be put?' All those in favor of putting the main question

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shall vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. We're voting to move the previous question. On this question, there are 64 voting 'aye', 53 voting 'no', 0 voting 'present'. The previous question is put. Representative Cross to close."

Cross: "Thank you, Mr. Speaker. We've had this debate before. We're talking about an instrument that has absolutely no redeeming value. We have attempted in this Amendment, to clean up the concerns of the opponents. I think we have done a good job. We have a good Bill now and I would appreciate a 'yes' vote."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1237?' All those in favor will signify by voting 'aye'; opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 70 voting 'aye'; 28 voting 'no', 14 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1237 and this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Calendar, page 8. A Motion of Concurrence, appears House Bill 549. Please read the Bill."

Clerk Rossi: "House Bill 549, a Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker Black: "And on the Motion, the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Amendment #1 and Senate Amendment #2 to House Bill 549 were pretty much technical Amendments to

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address some of the concerns by number one, the private security industry which Senate Amendment #1 removes the exemption of access control devices from the regulation under the Private Detective Private Alarm and Private Security Act. Senate Amendment #2 was a concern that building management companies had, and what Senate Amendment #2 accomplishes is that it permits any maintenance employee of a property management company at a multi-family residential building to service, install, repair, or open locks for tenants as long as the employee does not represent him or herself to the public as a locksmith. Both of these Amendments are agreed. This is...the whole Bill is agreed now and I would ask for your concurrence on these Amendments. Thank you."

Speaker Black: "The Gentleman from Clinton, Representative Granberg. I assume you want to divide the questions on the Amendments, is that correct?"

Granberg: "That is correct, Mr. Speaker."

Speaker Black: "Representative Saviano, we'll divide the questions on your Amendments. We'll take each one separately. I assume you are ready to discuss Senate Amendment #1. Is anyone seeking recognition to question on that Amendment? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Saviano, when you were explaining both Amendments, we were engaged in a discussion on dividing the question. Could you briefly go back to Senate Amendment #1, please, Sir?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, Representative, Senate Amendment #1 was an initiative by the private alarm people to make sure that the locksmith licensing did not encroach on their practice

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of installing electronic entry devices. It was very simple to make sure that they were exempt and they would not fall under Licensing of the Locksmith Act."

Speaker Black: "Representative Granberg."

Granberg: "So is that what the access control device refers to in Senate Amendment #1?"

Speaker Black: "Representative Saviano."

Saviano: "I need you to repeat that. I couldn't hear."

Speaker Black: "Representative Granberg."

Granberg: "Thank you. Is that what the term 'access control device' is in reference to in Senate Amendment #1?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct."

Speaker Black: "Representative Granberg."

Granberg: "And that was at the request of the security alarm business community?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, that is the clarification that they requested."

Speaker Black: "Representative Granberg."

Granberg: "Excuse me, Representative, I'm trying to get the actual Amendment. Representative, thank you for your patience. So this would make sure that people who install home alarm devices security systems for companies, corporations, whatever would not be regulated by the underlying Bill that you had negotiated previously?"

Speaker Black: "Representative Saviano."

Saviano: "You are exactly correct."

Speaker Black: "Representative Granberg."

Granberg: "I assume, Representative, that the locksmiths are in complete agreement with the exception to the regulatory legislation?"

Speaker Black: "Representative Saviano."

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Saviano: "That is also correct."

Speaker Black: "Representative Granberg."

Granberg: "And, Representative, there is certainly no intent to have these people come under your legislation. Is there a public policy reason why that should be the case, that they should not come under control, that in fact they need this exception?"

Speaker Black: "Representative Saviano."

Saviano: "They are already regulated for that purpose under the current Act."

Speaker Black: "Representative Granberg."

Granberg: "They already are under control. What Act is that, Sir?"

Speaker Black: "Representative Saviano."

Saviano: "The Private Alarm, Private Security, Private Detective Act."

Speaker Black: "Representative Granberg."

Granberg: "Did you do that one as well, Representative Saviano?"

Speaker Black: "Representative Saviano."

Saviano: "That was a proud piece of work that myself and Representative Steczko worked on together."

Speaker Black: "Representative Steczko's name was used in debate. Proceed, Representative Granberg."

Granberg: "Is there any other area of the security industry that isn't regulated yet that you are going to attempt to regulate in this Session or the next?"

Speaker Black: "Representative Saviano."

Saviano: "At this point, I don't think so because I'm having trouble getting my concurrences called now."

Speaker Black: "Representative Granberg."

Granberg: "Maybe if you'd call Representative Steczko, he could be of some assistance to you. Is Representative Steczko here?"

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Maybe we'll have him come on the Floor and talk with you, Representative. So, as we indicated earlier, just so the Ladies and Gentlemen on this side of the aisle understand, because this will go to the Governor. I know we're supposed to be limited to Senate Amendment #1. If you could basically, though, just agree or disagree. This contains the fees with the security people, the locksmiths."

Speaker Black: "Representative. Representative..."

Granberg: "...so the Act can be regulated."

Speaker Black: "Are you done, Representative Granberg? All right. Representative Saviano."

Saviano: "If you are referring to the underlying Bill which we previously debated, all that was included, yes."

Speaker Black: "Representative Granberg."

Granberg: "Well, Representative, I appreciate that. I certainly find nothing... There would be no objection to this, would there, Representative? You've contacted all the groups or the groups have contacted you. They are aware at the Senate Amendment so there should not be any problem or any discussion against this Amendment."

Speaker Black: "Representative Saviano."

Saviano: "I can tell you confidently that there is no opposition to this Amendment."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you. To the Amendment, Mr. Speaker. Representative Saviano, I thank you for your time, but we rise in support of the concurrence Motion. I see no objection to this. Representative Saviano has been diligent in working with all the impacted groups. This was merely, I think, an oversight going over to the Senate. It impacted a group that was already regulated by the

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Department of Professional Regulation. They see no need for this duplicative effort that would in fact encourage and raise their fees as well. So, by concurring in Senate Amendment #1, this will limit the fees the home security people pay currently. This will avoid the duplicative effort that would take place with additional licensure. They are already regulated by the Department of Professional Regulation. The Department does not really particularly care for additional regulations over and above what Representative Saviano has worked on. So, I think the Gentleman and the groups have worked together on this. They have done a very good job of bringing these items together. Representative Bugielski has been instrumental, as usual, in working with the other side of the aisle. So I certainly stand in favor of the concurrence Motion to Senate Amendment #1 on House Bill 549 and I ask the Ladies and Gentlemen on this side of the aisle to concur with the Senate on Amendment #1."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 549?' All those in favor signify by voting 'aye'; all those opposed by voting 'nay'. The voting is open. This is final action on Senate Amendment 1 to House Bill 549. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', 1 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 549. The Gentleman from Cook, Representative Saviano, on Senate Amendment #2 to House Bill 549."

Saviano: "Thank you, Mr. Speaker, members of the General Assembly. Amendment #2 to House Bill 549 was initiative of the building management people who had some concerns that

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they have people in their employment that do some work on their locks in apartment buildings, office buildings, et cetera, and this language which was inserted into the Amendment would take care of exempting those employees under the Act and I would ask for favorable approval and concurrence on Amendment #2 to House Bill 549."

Speaker Black: "On the Gentleman's Motion, the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. I wanted to talk on the last Amendment and I didn't think our lights were jiving between each other, but will the Gentleman yield?"

Speaker Black: "There are a lot of electrical storms in the area, Representative, I'm sorry. Yes, he indicates he will."

Deering: "Representative, is there anything in this Bill now dealing with job...long time job protection for geologists?"

Speaker Black: "Representative Saviano."

Saviano: "Representative, I thought we were talking to the Amendment, not to the Bill."

Speaker Black: "Representative Deering."

Deering: "Is anything in this Amendment pertaining to long time job protection for geologists?"

Speaker Black: "Representative Saviano."

Saviano: "I'm going to have to yield to my colleague, Representative Pankau, who is the Sponsor on the geologist side of the Bill."

Speaker Black: "Representative Deering."

Deering: "Oh, I'm sorry. Representative, thanks for your indulgence. Anything in this Amendment that gives job protection to geologists and if there is, why do we need it?"

Speaker Black: "Representative Saviano. Yes. The Lady from

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DuPage, Representative Pankau, are you seeking recognition?"

Pankau: "Yes, Mr. Speaker, I believe I can answer Representative Deering's question."

Speaker Black: "Representative Deering, would you allow the Lady from Dupage to answer? Representative Pankau, proceed."

Pankau: "Long term job security, no. Will they now be licensed? Yes, and particularly we need it because of so many underground storage tanks that are being removed now by all different...I mean people in government, people in the private sector, that... A lot of times you don't know what the soil conditions are around those tanks. They're so old. You know, no one has maps and all that sort of stuff, so you need a geologist to help with the removing of these so that you do it geologically. So the reason for licensing them is for the safety and why now? Because of so much of the removal of underground storage tanks."

Speaker Black: "Well, Representative Deering, that was to the Bill. Now, do you have any questions to the Amendment?"

Deering: "Well, Mr. Speaker, I was informed that we could direct questions to the Bill also, because if it passes, it goes to the Governor. That is what my information was, but I would like..."

Speaker Black: "Proceed."

Deering: "So, Representative Pankau, never mind. This...forget that I even brought up the subject."

Speaker Black: "Is that a play on words when you are talking about geologists? Any further questions on the Gentleman's Motion? The Gentleman from Effingham, Representative Hartke."

Hartke: "I really don't have any questions, but I'd like to refer my time to Representative Granberg."

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Speaker Black: "Representative Saviano. What did you do, Representative Hartke? Did you yield some time?"

Hartke: "Yes, I did."

Speaker Black: "Sit down. Representative...the Representative from Clinton, Representative Granberg. You don't... Are you accepting Representative Hartke's time?"

Granberg: "Mr. Speaker, I think you referenced me as Representative Saviano. I would hope that you would distinguish the...distinguish us. Although at times, I would prefer to be called Representative Saviano because of his reputation, but not right now. So if you would, I would be more than happy and gracious to accept Representative Hartke's offer for his time."

Speaker Black: "Proceed."

Granberg: "Representative Saviano, on Senate Amendment #2, your Amendment describes any maintenance employee of a property management company. Now, would that be...it would have to be an incorporated or a corporation that is...that is legally registered in the State of Illinois to be impacted?"

Speaker Black: "Representative Saviano."

Saviano: "I would assume that could be a corporation or strictly a sole proprietorship, whatever the case may be, as long as they are an employee of a property management company, whether it's corporations; fine, companies; fine, but somebody that manages an apartment building just in case one of the tenants' locks break in the middle of the night, they have a full-time maintenance man there. He could come and fix the lock and be exempted under the Act."

Speaker Black: "Representative Granberg."

Granberg: "When you use the term 'property management company' in Senate Amendment #2, that doesn't necessarily mean a

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company. That can reference other types of ownership, is that correct?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, anybody that is an employee of a corporation or a company that manages a multi-unit building, residential building, it would concern."

Speaker Black: "Representative Granberg."

Granberg: "So this would not be applicable to a sole proprietorship or a partnership for the purposes of owning real estate?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, it would."

Speaker Black: "Representative Saviano to reply. Oh, he did. All right. Back to you, Representative Granberg. Your voices sound so much alike. I'm sorry."

Granberg: "No, there is a big difference."

Speaker Black: "Could you speak a little lower, Representative Granberg?"

Granberg: "I wish I could get mine lower."

Speaker Black: "Okay. Thank you."

Granberg: "So, Representative Saviano, when you reference that, you mean any type of ownership interest in a property management system. That can be a proprietorship, multi-owner property, but any type not limited to any legal corporation, legal entity?"

Speaker Black: "Representative Saviano."

Saviano: "Any type of ownership of a multi-family residential building."

Speaker Black: "Representative Granberg."

Granberg: "Now, you also state multi-family residential building. Would this apply to dormitories, the med school here in Springfield, any other type of multi-residential building?"

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Speaker Black: "Representative Saviano."

Saviano: "I appreciate you helping me with the legislative intent here. That is absolutely correct."

Speaker Black: "Representative Granberg."

Granberg: "Did you say that this would apply or would not apply in that circumstance...that set of circumstances?"

Speaker Black: "Representative Saviano."

Saviano: "The Amendment would apply."

Speaker Black: "Representative Granberg."

Granberg: "So the maintenance person who works for SIU, for the School of Medicine located here in Springfield, would have to be...no, he would be exempt from the licensing procedure?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct."

Speaker Black: "Representative Granberg."

Granberg: "And so the maintenance person is well at say, the Hancock building in Chicago. Now that person would be...that would be...this standard would be applicable to him or her. I'm trying to distinguish the differences, Sir."

Speaker Black: "Representative Saviano."

Saviano: "Representative, when we first discussed the underlying Bill, if you remember, we addressed with the trades and with the retail merchants and with everybody that employed a maintenance person who does locksmith work, that they would be exempt under the Act. So this Amendment just primarily applies to residential buildings. We addressed the other concerns in the underlying Bill."

Speaker Black: "Representative Granberg."

Granberg: "Are there any other circumstances, Representative, that where you think you might need to draw an exception

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from the coverage of your Act?"

Speaker Black: "Representative Saviano."

Saviano: "Well, Representative, we've worked four long, hard months on this Bill and made sure that everybody is aware of the issue. It has not come to our attention that anybody else has anymore concerns regarding this issue on the Bill. I believe we've addressed it fully and I'm comfortable with the way it sits with this Amendment."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, one last...two last questions. Who came to you with this language, Representative?"

Speaker Black: "Representative Saviano."

Saviano: "We all had...myself and Senator Madigan. We had some phone calls from constituents that had problems with the Bill and we addressed them accordingly."

Speaker Black: "Representative Granberg."

Granberg: "Oh, thank you, Mr. Saviano, but these were constituent problems and they came to you and Senator Madigan and said that they needed this exception?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, they came to me and then subsequently, we voiced the concerns of Senator Madigan and he understood that he probably would have some problems with his constituents. So we addressed the problem with this Amendment."

Speaker Black: "Representative Granberg, your time has expired. Do you have another question? Proceed."

Granberg: "So, Representative Saviano, the constituents that came to you about this problem, how they would be deleteriously impacted. This seventy-five year old woman in one of these multi-residential buildings and she called you and said, 'Representative Saviano, I'm concerned about this problem and could you please help me address it in the Senate so we

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can draw an exception?"

Speaker Black: "Representative Saviano."

Saviano: "Yeah, I think she had a special affection for the superintendent in the building and didn't feel that he should be a licensed locksmith. So she wanted to make sure she protected his interests."

Speaker Black: "Representative Granberg."

Granberg: "Obviously, you must be Italian. Thank you, Representative Saviano, Mr. Speaker. I rise in support of the concurrence Motion."

Speaker Black: "The Lady from St. Clair, Representative Younger, are you seeking recognition, Representative Younger, on this issue? Yes, Representative Wyvetter Younger. I'm sorry, Representative, your light was on. Are you seeking recognition?"

Younger: "Yes, thank you very much, Mr. Speaker. I yield my time to Representative Granberg."

Speaker Black: "He has concluded his remarks. With no one else seeking recognition, Representative Saviano to close on Senate Amendment #2."

Saviano: "I would ask that we concur to Senate Amendment #2 to House Bill 549. I'd appreciate a favorable vote."

Speaker Black: "The Chair would just like to remind the Members...we had a division of the question. So, we've already adopted Senate Amendment #1 to House Bill 549. We're now about to adopt Senate Bill...or reject, whatever the case may be, Senate Amendment #2 to House Bill 549. I want to make sure we are all in sinc. It would be my intention that if this Amendment is adopted, the Bill is adopted. Does that meet with your approval, Representative Granberg? All right. The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 549?' All

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those in favor signify by voting 'aye'; opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 549, and this Bill having received the required Constitutional Majority, is hereby declared passed. Yes, the Gentleman from Clinton, Representative Granberg, are you seeking recognition?"

Granberg: "Thank you, Mr. Speaker. Earlier today I raised the question for the Speaker regarding the Senate Bill that was passed last night in this chamber. The recorded data indicated that a vote was taken...or the Bill was passed at midnight and suggested that on May 24, the legislation was passed in violation of the Senate deadline for Third Reading or the House deadline on Senate Bills. So that was raised on behalf of Representative Younge. Representative Younge was in opposition to that legislation and I believe the Chair was going to confer with the Parliamentarian and your legal staff on whether that...whether the Bill passed legally or illegally."

Speaker Black: "Yes, Representative Granberg, your question was timely and the Parliamentarian has researched the issue. In response to your inquiry regarding 718, the record has been reviewed with the Clerk of the House and the following has been determined: the record was taken at 11:50 p.m. The vote was declared at 11:59 p.m. The Clerk's first printing of a copy of the vote occurred at 12:00 a.m. It is therefore, the ruling of the Chair, that Senate Bill 718 was passed before the Third Reading deadline. Yes, and on that, the Lady from St. Clair, Representative Younge."

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Younger: "Mr. Speaker, the ruling is contrary to the written data showing that the time that the Bill was passed was 12:00 a.m. on the 24 of May. I think that the written evidence is clearly against the ruling that you have just talked about. In addition to that, the facts are that the debate was cut off in this matter. Representative Fantin had given five minutes of her time for me to debate this matter and I never had an opportunity to use that time. The Speaker went to my presentation, but I wasn't given the time that she had given up so that I might talk about these matters. I think this is such an important matter. This matter is about the Illinois Community College Board being given the power to raise taxes, to take in 'overside' community colleges, and to dissolve them. It is such a fundamental matter. I think that there should be an appropriate ruling and we'd like to go to a Motion to reconsider the vote."

Speaker Black: "Representative Younger, the Chair has ruled on the procedure on how the vote was taken. The Chair fully understands the feelings that you have regarding that Bill, Senate Bill 718. I believe you are looking probably at a print out showing the time that the vote was printed out, but the Chair, in consultation with the Office of the Clerk, has little latitude in this matter except to tell you that we have ruled on the sequence of events on Senate Bill 718 and it is the opinion of the Chair...the ruling of the Chair that it was done in a timely fashion prior to the Third Reading deadline. Further discussion, Representative Younger?"

Younger: "Yes, I move to overrule the Chair, and then Representative Murphy has a Motion."

Speaker Black: "Well, the first Motion before us is..."

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Representative Younge has asked that the ruling of the Chair be overturned. We will phrase the Motion, 'Shall the ruling of the Chair be sustained?' All those in favor will vote 'aye'; those opposed will vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 voting 'yes', 52 voting 'no', and 0 voting 'present', 4 not voting. The ruling of the Chair is sustained. The Gentleman from Cook, Representative Murphy, for what purpose are you seeking recognition?"

Murphy, H.: "Yes, Mr. Speaker, last night on Senate Bill 912, I voted on the prevailing side. I would like to make a Motion to reconsider Senate Bill 912. I'm sorry, Speaker, 718."

Speaker Black: "Representative Murphy, regarding your Motion on Senate Bill 718, in all due respect to you, Sir, that Bill is now in the possession of the Senate and your Motion is out of order. Yes, the Gentleman from Madison, Representative Stephens, are you seeking recognition?"

Stephens: "Well just to say that the ruling of the Chair, in my opinion, correct and has ample precedent by the previous Speaker and on the last Motion, that Bill is no longer in the possession of the House and the Chair again has ruled correctly, and for a guy from Vermillion County, that is not too bad."

Speaker Black: "Yes, the Gentleman from Cook, Representative Murphy."

Murphy, H.: "Yes, Mr. Speaker. The question is, 'Have the read the Bill in the Senate, yet?' Senate Bill 719."

Speaker Black: "The Clerk informs me that the message has been read into the record in the Senate. The Bill is therefore, no longer under our pervade whatsoever. Your Motion is out

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of order. Mr. Clerk, on page nine of the Calendar, Order of Concurrence, appears House Bill 859. Please read the Bill."

Clerk Rossi: "House Bill 859, a Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker Black: "And on the Motion, Representative Scott."

Scott: "Thank you, Mr. Speaker. House Bill 859 was a Bill that passed out of here virtually unanimously. It allowed for municipalities to remove graffiti within their corporate boundaries and also license demolition contractors. Senate Amendment #1 place for the provisions of House Bill 1125, which did pass out of here unanimously on... That was the Bill that allowed municipalities to have zoning ordinances prosecuted by administrative hearing under the same provisions as the building code enforcement ordinance that Maureen Murphy passed a couple of years ago. Senate Amendment #2 then took the graffiti provisions out of the Bill. There were some problems with that in the Senate and we really didn't have time to address those in the Senate, but I'd like to move concurrence of that. It was approved by the Counties and Townships Committee and I ask for concurrence on these two Amendments."

Speaker Black: "Further discussion on the Gentleman's Motion? Representative from Kendall, Representative Cross."

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

Speaker Black: "He indicates he will."

Cross: "Representative, does this in any way preempt home rule?"

Speaker Black: "Representative Scott."

Scott: "No, not at all. In fact, it is permissive... First of all, it's permissive language and secondly, home rule municipalities can already do both of these things. This

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was just really bringing non-home rule municipalities up to speed with home rule."

Speaker Black: "Representative Cross."

Cross: "I just wanted to check that portion, Representative. This looks like a great Bill, a good Amendment and I hope everyone on this side of the aisle will support your Motion to concur. Thank you."

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

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

Speaker Black: "He indicates he would be delighted."

Lang: "Thank you. Nice tie, Representative, very nice, very nice. Representative, if I'm reading these Amendments correctly, you needed Amendment 2 to straighten out something with Amendment 1 in the Senate version of this?"

Speaker Black: "Representative Scott."

Scott: "There were two provisions in the original House Bill 859 and Senate Amendment #2 struck out one of the provisions. Senate Amendment #1 added all the provisions of a separate House Bill onto 859."

Speaker Black: "Representative Lang."

Lang: "So there is no conflict between Senate Amendment 1 and Senate Amendment 2?"

Speaker Black: "Representative Scott."

Scott: "No, not at all. They're perfectly consistent."

Speaker Black: "Representative Lang."

Lang: "Representative, do you think we ought to split these up and vote on them separately?"

Speaker Black: "Representative Scott."

Scott: "Well, I'm in favor of both of them, but that is up to the Body, whatever the Body chooses to do."

Speaker Black: "Representative Lang."

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Lang: "Well, this Body would ask that they be voted on separately, Mr. Speaker. Roll Call votes, please."

Speaker Black: "Are you joined... Nobody joined you. Oh, I see. Representative Scott, if you look at your row, you have lots of friends in your row dividing your question. The question will be divided. Proceed, Representative Lang."

Lang: "Well, do you have a big problem with graffiti in Rockford, Sir?"

Speaker Black: "Representative Lang. I'm sorry. Representative Scott."

Scott: "Well, yes we do, actually, Representative and unfortunately... Although, we have...in Rockford, have a program which is designed to allow owners to take advantage of a free program where the city will come and 'eradicate' the graffiti. Unfortunately, a lot of owners don't take advantage of that. That is what House...part of House Bill 859 was designed to do. Unfortunately, that is the portion that was removed by Senate Amendment #2."

Speaker Black: "Representative Lang."

Lang: "So there are several Representatives and Senators that represent different areas of Rockford. Is that right, Sir?"

Speaker Black: "Representative Scott."

Scott: "There are three different Representatives that represent part of Rockford and two Senators."

Speaker Black: "Representative Lang."

Lang: "Have there been any surveys done to determine which Representative district has the worst amount of graffiti?"

Speaker Black: "Representative Scott."

Scott: "Not that I am aware of, but having been a city attorney in Rockford, I would guess it would be mine."

Speaker Black: "Representative Lang."

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Lang: "Well I know in the City of Chicago, we have some. In some areas we have some pretty nasty graffiti, but in some areas it's pretty colorful of pictures and all drawn. Does your Bill deal with the nice graffiti or just the pretty ugly and rotten and vile graffiti?"

Speaker Black: "Representative Scott."

Scott: "The Bill actually, now that it is amended, it doesn't deal with either kind, Representative, but in it's original intent it didn't differentiate between the pretty graffiti and the ugly nasty graffiti."

Speaker Black: "Representative Lang."

Lang: "Well Senator Syverson, who I believe put these Amendments on, he's from your area I believe, generally in Rockford. Did he discuss this with you? Apparently he doesn't have the same interests in this graffiti that you do."

Speaker Black: "Representative Scott."

Scott: "Yes, he does. He actually did discuss those Amendments with me and I appeared in Committee with him and with due respect to the Senator, he attempted, but we had some problems in the Senate with the graffiti. So, in the interest of getting the other portions of these two Bills through, we put the Second Amendment on."

Speaker Black: "Representative Lang."

Lang: "Oh, so the Representatives and Senators from Rockford understand the problems of the graffiti, but nobody else in the Senate understands those problems?"

Speaker Black: "Representative Scott."

Scott: "Well, we just had a little bit of difficulty explaining it to them."

Speaker Black: "Representative Lang."

Lang: "Well, in the interest of time, I'll give up my last minute and ten seconds. Thank you very much."

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Speaker Black: "Further discussion on the Motion? The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I'd like to yield my time to Tom Dart. Thank you."

Speaker Black: "He doesn't want it. He's very busy. Are you seeking recognition, Representative Dart? Yes, Representative Dart, proceed."

Dart: "Representative, just a quick question on Amendment #1. Why is this been a problem now? Why is this cannot be done already under the existing provisions?"

Speaker Black: "Representative Scott."

Scott: "The Bill that was passed out of here a couple years ago is Representative Maureen Murphy's Bill that allowed municipalities to establish a code hearing department and prosecute building code violations through an administrative process instead of going through circuit court, but that was specific to building code violations. This would extend it to zoning violations. Just talking with the city attorney office in Rockford, just in Rockford alone, there is at least seventy-five of these cases right now that are clogging up the circuit court, and since we weren't able to get a judge in the Bill last night that came through here, to add judges to the circuit court. It's even more important because we need to prosecute these administratively to move them along."

Speaker Black: "Representative Dart."

Dart: "Fine. Could these local municipalities... Would they have the ability to do any of these by virtue of their home rule authority without this?"

Speaker Black: "Representative Scott."

Scott: "Yeah, I believe home rule municipalities can already do this administratively without this, but this will bring the

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non home rule municipalities up to speed with the home rule municipalities."

Speaker Black: "Representative Dart."

Dart: "Okay, and will this allow them to access any money, whether it's federal or state, in regards to graffiti removal or would that have any impact at all?"

Speaker Black: "Representative Scott."

Scott: "No. Actually, the only impact is that it will save state funds because if we're taking things out of the circuit court, we won't be putting that burden on the circuit court system."

Speaker Black: "With no one seeking recognition, the Gentleman from Winnebago, Representative Scott, to close."

Scott: "Thank you, Mr. Speaker. I really appreciate you taking this Bill and hearing it today. These were two Bills that passed out of here, between them, I believe 129...229 to 1, and the two provisions that are remaining of the three that existed in the two Bills are very good for non home rule municipalities. Amendment 1 adds...that we are doing first... We're voting on Amendment 1 first. That adds in the provisions of House Bill 1125 which passed out of here unanimously and I would ask for favorable concurrence with Amendment #1."

Speaker Black: "The Chair would remind you that the question has been divided. We will act on Senate Amendment #1 to House Bill 859 at this time. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 859?' All those in favor signify by voting 'aye'; opposed note vote 'nay'. The voting is open. This is final action. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', 0

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voting 'nay', and 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 859. Representative Scott, do you wish to close on Senate Amendment #2 to House Bill 859?"

Scott: "Thank you, Mr. Speaker, I would just ask for favorable concurrence on that as well."

Speaker Black: "The question is, and this will be final action on the Bill. 'Shall the House concur with Senate Amendment #2 to House Bill 859?' 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, take the record. On this question, there are 115 voting 'yes', 1 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 859, and this Bill having received the required Constitutional Majority, is hereby declared passed. On the Order of Concurrence, page 10 of the Calendar, appears House Bill 1696. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill #1696, Motion to concur with Senate Amendment #2 has been filed by Representative Winkel, and has been approved for consideration."

Speaker Black: "And on the Motion, the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1696, Amends the State Finance Act, The Higher Education and Student Assistance Act, and the Illinois Vehicle Code. It creates collegiate license plates. Senate Amendment #2, changes the distribution of funds. It includes, private colleges and universities within the state. They too, will receive money raised from the sale of collegiate plates. In the underlying Bill, there was simply the public schools that

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receive money, so this is the change, the central change in Senate Amendment #2. I'd be glad to take questions?"

Speaker Black: "And on further discussion, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Representative, with regard to this Bill, this is the license plates Bill, but is in a different form than what it was originally introduced?"

Speaker Black: "Representative Winkel."

Winkel: "Well, except for that essential difference, I just described in Senate Amendment #2. Yes, pretty much the same form. It still creates the collegial license plates. Logos can be obtained and plates designed for the public and private universities and colleges within the State of Illinois. And as those plates are sold, money is raised for the respective colleges and universities participating. In the underlined Bill, the money was distributed only to the public universities and colleges. And with Senate Amendment #2, that distribution would also include the private colleges and universities in Illinois."

Speaker Black: "Ladies and Gentlemen, if I could have your attention, please. I would like to welcome a former member and current senator who has joined us in the chamber, former Representative and now Senator Dick Klemm. Welcome back, Dick. Representative Klemm, used to sit in front of me and for two years, I couldn't see anything over him. Proceed, Representative Hoffman."

Hoffman: "With regard to the fees, are the fees still the same? In other words, in the original Bill, it would be 25 dollars, would be deposited in a State University Grant Fund. 15 dollars would be deposited into the Road Fund and

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then it would set a renewal fee at 25 dollars, plus the regular renewal fee. Is that still the same? Or what are the exact fees?"

Speaker Black: "Excuse me, in an effort to be bi-partisan in these contentious days, also would want welcome the esteemed Senator Howie Carroll. The rumor has it that he wrote the original budget, when we became a state. Welcome, Senator Carroll. Yes, Representative Winkel, to respond."

Winkel: "That's almost right, Representative. The difference is Road Funds been replaced with the state university, excuse me, the Secretary of State's Special License Plate Fund."

Speaker Black: "Representative Hoffman?"

Hoffman: "And will that be used to aid the Secretary of State's office or what will that money be used for?"

Speaker Black: "Representative Winkel?"

Winkel: "That's correct. That money is used to defray the cost, the administrative cost in producing these plates. In the first time, when a person first buys these plates, there is a 40 dollar fee. And you're right, 25 dollars goes into the fund, to be distributed to the college or university. 15 dollars goes toward the cost of administrative cost of producing the plates. On renewal, the fee is 27 dollars, 25 dollars still goes to the university or college and 2 dollars goes to the administrative cost."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, the only concern would be, if we were going to buy regular plates, non-university type plates. I thought that some of the money went into the Road Fund. If it doesn't, please tell me and then I can stop my line of question on that... on that area. In other words, what I'm saying is, if you would not... if you would currently would

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just buy regular plates, wouldn't some of the money go into the Road Fund?"

Speaker Black: "Representative Winkel."

Winkel: "I see what you're getting at. This is an additional fee. This is a fee over and above what you would normally pay for your plates. So this is an additional 40 dollars fee, initially, and 27 dollars there after to renew each year."

Speaker Black: "Representative Hoffman."

Hoffman: "So then, no money would be lost from the Road Fund because of this. I just didn't want to see it transferred into a different fund by buying state university plates. No money would be lost to the road fund."

Speaker Black: "Representative Winkel."

Winkel: "Representative, that's absolutely correct. No money whatsoever will be lost to the Road Fund."

Speaker Black: "Representative Hoffman."

Hoffman: "How will this... I guess you've seen the recent articles regarding making new plates for the State of Illinois. And replating the state, many newspapers have editorialized about it. How do you think this would... would this have anything to do with that? Or how would it play in the potential of replating the state and getting all new plates? Would you have to then, buy... if you buy these, would you be able to keep these for a significant period of time? Is there a limit on how long you can keep these? Or is it one year?"

Speaker Black: "Representative Winkel."

Winkel: "To my understanding, that these plates will be designed to last a significant amount of time."

Speaker Black: "Representative Hoffman."

Hoffman: "And the plates will essentially reflect all the

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colleges and universities in Illinois, including the private universities?"

Speaker Black: "Representative Winkel."

Winkel: "That's within the discretion of the Secretary of State's office. The Secretary has discretion as to who will participate. The... all state and private universities and colleges are eligible to participate in the state."

Speaker Black: "Representative Hoffman."

Hoffman: "Last question, will Illinois State University, the Redbirds of Illinois State, have their own plate?"

Speaker Black: "Representative Winkel."

Winkel: "I'm afraid that's a distinct possibility."

Speaker Black: "Further discussion, the Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "He indicates he will."

Mautino: "Representative, just to clarify, in your... or in the Senate Amendment, the funds which are collected from the public university plates will not or will go directly into the Public University Scholarship Funds?"

Speaker Black: "Representative Winkel."

Winkel: "That's exactly right."

Speaker Black: "Representative Mautino."

Mautino: "And with the private universities, the only monies, this is going to go to ISAC for distribution?"

Speaker Black: "Representative Winkel."

Winkel: "That's correct, Representative, and I want to emphasize that it goes to the schools that actually sell the plates. It doesn't enter into the general ISAC Fund for distribution to all private schools. It only goes to the schools, who are participating in the plate program and for whom the plates are sold."

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Speaker Black: "Representative Mautino."

Mautino: "Thank you, Representative, I just wanted to make clear that the only monies which would be going to the private institutions are those that are raised from the sale of their individual plates."

Speaker Black: "Representative Winkel."

Winkel: "You're absolutely right. That's the intention. That's the clear legislative intent of this Bill."

Speaker Black: "On further discussion, the Gentleman from Rock Island, Representative Boland."

Boland: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Boland: "Representative Winkel, could you answer just a couple of questions? Number one, regarding the private colleges, if let's say, Monmouth College, which is a private college here in Illinois. If they qualify they would be able to put out a plate and would that money that's from that, would that go to a scholarship fund for their college or would it go into a public college scholarship fund? Can you clarify that?"

Speaker Black: "Representative Winkel."

Winkel: "If Monmouth has plates, and they sell enough plates to raise 100,000 dollars, that money will go to ISAC and that money will then be given to Monmouth College, 100,000 dollars."

Speaker Black: "Representative Boland."

Boland: "It has to reach the 100,000 dollar mark before they can qualify or what? Would you clarify that."

Speaker Black: "Representative Winkel."

Winkel: "I was merely throwing out a figure. It could be 25 dollars. They could maybe sell one plate. But I would assume if the Secretary of State is going to actually

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prepare these plates, we're going to see a lot of sales and a lot of money raised. I picked that figure just for example."

Speaker Black: "Representative Boland."

Boland: "Now, what is the level that the Secretary of State would have to... how many requests would he have to get before he would do this?"

Speaker Black: "Representative Winkel."

Winkel: "The preparation and decision on who the plates would be prepared for, is solely within the discretion of the Secretary of State. The Secretary of State has that authority and discretion under this Bill."

Speaker Black: "Representative Boland."

Boland: "So it's totally within his discretion. In other words, if let's say, 1000 people want a Monmouth license plate and the Secretary of State just decides, well, you know I'm only going to do them for Illinois State and U of I and these... that would be within his discretion, he could just ignore their requests?"

Speaker Black: "Representative Winkel."

Winkel: "Well, clearly Representative, the intent of this legislation is to trust the good judgement and discretion of the Secretary of State's office in making this decision. Please bear in mind, that to produce one of these plates, the up... the up start or the up cost of starting up a plate, is about 45,000 dollars. So we have to be careful in who we choose to prepare plates for."

Speaker Black: "Representative Boland."

Boland: "One last question, are community colleges included in this or is this just strictly four year colleges?"

Speaker Black: "Representative Winkel."

Winkel: "Community colleges are not included in this Bill."

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Speaker Black: "Representative Boland. The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, Ladies and Gentlemen of the House. I am proud to move the previous question."

Speaker Black: 'Representative Tenhouse has moved the previous question. Question is, 'Shall the main question be put?' All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Winkel to close."

Winkel: "I urge a 'yes' vote on Senate Amendment #2 to House Bill 1696."

Speaker Black: "The question is, 'Shall the House concur with the Senate Amendment....' The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 1696?' All those in favor signify by voting 'aye'; oppose signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', none voting 'present'. The House does concur with Senate Amendment #2 to House Bill 1696 and this Bill having received the required Constitutional Majority, is hereby declared passed. On page 11, of the calendar, Order of Concurrence, there appears House Bill 2076, Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2076, Motions to concur with Senate Amendment 1, 2, 3, 4, and 5 have been filed and approved for consideration."

Speaker Black: "Well, on the question, the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present House Bill 2076 with 5 Senate Amendments."

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I'll be willing to answer questions on they as they come up."

Speaker Black: "Yes, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, we would request that I'm joined by at least one other as required by the rules, to divide the question and ask for separate debate and roll call votes on each of the 5 concurrence Motions, Sir?"

Speaker Black: "You've divided the question. The Gentleman from Winnebago, Representative Winters, on Senate Amendment #1."

Winters: "Thank you, Mr. Speaker. Senate Amendment #1 allows counties to indemnify regional superintendents and assistant regional superintendents. Currently they are considered by state law neither state employees nor county employees, they are uncovered basically for legal purposes. This would allow the counties to indemnify them."

Speaker Black: "Further discussion? Nobody seeking recognition? The Lady from Cook, Representative Davis."

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

Speaker Black: "Yes, indicates he will."

Davis, M.: "Okay, I'm seeking information on Amendment #1. And Amendment #1 seems to provide that a county can indemnify and protect the regional superintendent of schools and assist the regional sups against civil rights damage claims and suits."

Speaker Black: "Representative Winters."

Winters: "I don't believe there's any distinction between the superintendents and the assistant superintendents."

Speaker Black: "Representative Davis."

Davis, M.: "Why would we want to indemnify people who are violating the rights... civil rights of anybody?"

Speaker Black: "Representative Winters."

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Winters: "The question is, dealing with employees that are paid by the state, but they are not considered state employees. They would be indemnified for their actions, not... I don't believe in civil right cases that that would apply. Simply in..."

Speaker Black: "Representative Davis."

Davis, M.: "Well, it specifically states that, when damages are sought for neglect or wrongful acts, that this Bill, or this Amendment would indemnify them. It's line 10 of the Amendment."

Speaker Black: "Representative Winters."

Winters: "Okay, this is not a mandatory action. It allows counties to do it. It does not require them to. And what that basically says is that the county is taking the responsibility rather than putting them on that specific person. There is still going to be coverage, in other words, the person that would be suing, would still... there's no lack of a right to sue, under the Civil Rights Laws. It would just determine who would be... who would be the ultimately responsible person or organization."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, let me just share with you, what this Amendment does state. Indemnify... I'm sorry... Indemnity of regional superintendent of schools and their assistants, a county may indemnify and protect the regional superintendent of schools and the assistant regional superintendent of schools against civil rights damage claims and suits. Constitutional rights damage claims and suits. Death and bodily harm, property damage claims, including the defense of those suits when damages are sought for negligent or wrongful acts. Now, my question to you, Representative is why would we want the county or

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anyone else to be responsible financially for people who commit wrongful acts. Specifically civil rights violations or acts that are unconstitutional."

Speaker Black: "Representative Winters."

Winters: "This is no different than any other state employee. If the state employee is doing something, and this has not been proven. They simply are... would be charged with this. The question is, who is going to handle their defense? Are we going leave this employee out to hang to dry by themselves or is the state going to step in and say, 'We will defend you for your actions.'. It's no different than any other state employee, which the state would cover for their legal defense. If they're found guilty, the state would cover the damages and then take what ever action against that employee would be appropriate. But the point is, we don't want these employees... or these people are not actually employees, even though they are paid by the state, we're trying to clean up a 'loop hole' that leaves them out in thin air. And that's the whole point of it."

Speaker Black: "Representative Davis."

Davis, M.: "But, specifically stated in your Amendment is wrongful acts. Now, I can understand us attempting to indemnify people against charges or civil damages when something perhaps occurred accidentally. But this Bill, specifically states 'a wrongful act'."

Speaker Black: "Representative Winters."

Winters: "Again, that would be an alleged wrongful act that has to be proven. They need some kind of legal defense for themselves during the trial. So the point is, the state will defend them, if they are found guilty, then the punishment would be carried out by the state. It's no

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different than any other state employee throughout our entire bureaucracy. We're just... this is one particular class of employees because of the way they're hired, even though the state pays them, they're not covered. So, this is cleaning up that small 'loop hole' It's no different than any other state employee."

Speaker Black: "Yes, Representative Davis, your time is about to expire. Please bring your questioning to a conclusion."

Davis, M.: "I'd like to know which county are we referring to here? Are we talking about all counties or is there a specific county where a superintendent is under charges and I'd like to also leave you with the remark, that Chicago has no regional superintendent."

Speaker Black: "Representative Winters."

Winters: "This will deal with any county superintendent. There is no pending case. And it would apply when we assign a superintendent to Cook County, it would also apply to them. It's the same as any of the Cook County School Board. They are also covered for indemnity. The same way that this would apply to the regional superintendents."

Speaker Black: "Yes, Representative, your time has expired. Let me go to the Gentleman from Rock Island, Representative Boland."

Boland: "Yes, thank you, Mr. Speaker, would the Gentlemen yield?"

Speaker Black: "He indicates he will."

Boland: "As far as the cost of this, Representative Winters, what would be the cost of this for all of the regional superintendents of... across the state?"

Speaker Black: "Representative Winters."

Winters: "There is no estimate on this, as it is permissive language. It would be a county expense and we don't have any numbers of how many would choose to do that. But it's

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not any expense to the state."

Speaker Black: "Representative Boland."

Boland: "So the county would have to pick up the entire cost of that?"

Speaker Black: "Representative Winters."

Winters: "Yes, if it so chose. Similar to the way they pick up all the other expenses of the Regional Office of Education, other than the superintendents' salary. It would simply be part of that overhead that they would cover."

Speaker Black: "Representative Boland."

Boland: "If they are found guilty of doing wrongful acts, are they... do they have to reimburse the county?"

Speaker Black: "Representative Winters."

Winters: "No, it would be exactly as any other state employee. The insurance that the state has would pick it up. There's no need to reimburse. There may be administrative penalties, there might be some other consequence, but the financial penalty that's the idea that we're covering them, with an insurance agreement."

Speaker Black: "Representative Boland."

Boland: "Now, what happens in a situation, you said, this is permissive for the... for the county to do this. What happens in those areas of our state where there are multi-county regional superintendents? How is this decided? Do all the county boards have to get together or what?"

Speaker Black: "Representative Winters."

Winters: "I would assume that they already have an operating agreement through the Regional Board of School Trustees, under which percentage each county picks up. And I would assume that it would fall in under that agreement. It wouldn't change the percentage split or anything. There

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are already are multicounty districts and they already know how to split up their overhead cost. So it wouldn't be any different, they would pick it up."

Speaker Black: "Representative Boland."

Boland: "What if the case arrives where one of the counties in this multicounty regional district says, 'Well, we don't want pay for this.'. And say two of the counties do, what happens then?"

Speaker Black: "Representative Winters."

Winters: "I assume that there would be a lot of 'hot' telephone lines between the different county board chairmen, trying to figure out what they were going to do. It's not anything the state will impose, it's up to them to arrive at some mutually agreeable situation."

Speaker Black: "Representative Boland."

Boland: "Now, again to clarify this. Who decides whether this is going to go into effect, is it the county board or is it the Regional Board of Trustees?"

Speaker Black: "Representative Winters."

Winters: "I assume that the Regional Board would make a recommendation to the county boards, that they work with. But it would be ultimately up to the county boards to approve the budget of the Regional Office of Education. And that is where the decision would be made, is in that budget process."

Speaker Black: "Representative Boland."

Boland: "Is there anything in this Bill, totally that involves a regional superintendent for Chicago?"

Speaker Black: "Representative Winters."

Winters: "No, there's nothing in this Bill, that deals with that at all."

Speaker Black: "Representative Boland."

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Boland: "Final question. Is there anything in this Bill that involves the 15,000 dollars a year pay raise for the regional superintendents?"

Speaker Black: "Representative Winters."

Winters: "Nothing what so ever that deals with that pay raise."

Speaker Black: "Representative Boland."

Boland: "One final comment, Mr. Speaker and to the Bill. I'm very glad that..."

Speaker Black: "To the Amendment, Representative."

Boland: "...unfortunately the last time, when that Bill came through, those of us who were opposed to that, pay raise for politicians, did not get a chance to speak on it, and I think that we should get our chance. And it's unfortunate that, that passed through at a time when we have over a 100 school districts, most of them downstate, that are on the financial watch list. And I wished that we'd a had as much attention and as much chance talk on that as we have on this. Thank you."

Speaker Black: "With no one seeking recognition, the question is, Representative Winters, you wish to close on Senate Amendment #1? The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2076? 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, take the record. On this question, there are 110 voting 'yes', 2 voting 'no', none voting 'present'. The House does concur with Senate Amendment #1 to House Bill 2076. And now, on Senate Amendment #2 to the same Bill, the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker. Senate Amendment 2, deletes language in Section 7-4 of the School Code. That in

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conjunction with a recent court case, is serving to block all school boundary change proposals in small unit districts. What it allows is that in school districts that would, because of a deannexation or boundary change, fall below below a population of 4,000. Right now, court cases have come in to say that that is absolutely not permissible. It would allow by local referendum, a change in those district boundaries. Be happy to answer questions."

Speaker Black: "And on the Amendment, the Gentleman from Macoupin, Representative Hannig."

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

Speaker Black: "He indicates he will."

Hannig: "Representative, I'm just a little confused as to what this Senate Amendment does, could you maybe explain it again? I didn't quite understand why we need it."

Speaker Black: "Representative Winters."

Winters: "Let me give you a hypothetical, that I believe is probably fairly close to the actual. A school district has two communities, each with it's own grade school, one of those communities has the high school and they're... it's a unit district. One of the community, the school board has decided to ship say, K-3, to one community, grades 4-6, to the other community and run two separate grade schools. One community would like to keep its K-8, grade school intact, would therefore like to deannex the grade school portion of the unit district. But still feed into the larger high school. Because the population of the overall unit district would fall below 4,000, they have not been allowed to make any kind of change in boundaries or deannexation. And this Bill would clean up that situation. It would have to be done by referendum of the entire unit

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district. They may not be able to get that referendum passed. This allows them the option to at least try that."

Speaker Black: "Representative Hannig."

Hannig: "So, did I... let me see if I followed what you said. This would allow them to actually form the unit, even though it would fall under the minimum statutory requirements? Is that what you're saying or is it the opposite?"

Speaker Black: "Representative Winters."

Winters: "If I understood your question, it would allow them to form a smaller grade school district. It would be able to drive the overall population of the unit district below 4,000, because there's now a separate grade school district. Even though they would still be under the high school of the larger and original school district."

Speaker Black: "Representative Hannig."

Hannig: "If we've got statutory language that establishes these minimums, and apparently there's some reason for that. And I can't quite tell you that I'm an expert as to why. But I do know that they're there apparently. Why is it that we want to have a proposal that allows this district to be in effect, created or at least in existence, when it falls beneath the statutory requirements? It seems that maybe we should change the statutory requirements? But I'm not sure why we need to make exceptions."

Speaker Black: "Representative Winters."

Winters: "This is a way to change those statutory requirements and that's what we're trying to do. Is to respond to a specific local situation by changing the requirements and really give the control back to the people in that community that are more rigid requirements are taking away from them at this point."

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Speaker Black: "Representative Hannig."

Hannig: "Why don't we just repeal the statutory requirements as far as size and let each school district and each school board decide for themselves as to whether or not they feel that a school district size of that nature is appropriate."

Speaker Black: "Representative Winters."

Winters: "That is an alternative approach that this community decided not to pursue. They sought a more limited change in the requirements rather than just simply repealing them."

Speaker Black: "Representative Hannig."

Hannig: "Who actually would make these determinations in the process of change? Now would the two that introduced the petition, actually begin the wheels spinning?"

Speaker Black: "Representative Winters."

Winters: "I'm sorry, could you repeat the question?"

Speaker Black: "Representative Hannig."

Hannig: "The Amendment is about requirements for petitions to change boundaries. And I guess I'm asking you how does that whole process begin? Does... who even begins the process and how does it work? Maybe it would help me understand what we're trying to do?"

Speaker Black: "Representative Winters."

Winters: "I would assume that a petition by the citizens could initiate it. I'm not actually sure. It could be by school... school board action to allow the referendum."

Speaker Black: "Representative Hannig."

Hannig: "Would it have to be approved by just a school board or would the citizens in that area have an opportunity to vote or who would make a determination representing the local people?"

Speaker Black: "Representative Winters."

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Winters: "I believe it would require a referendum. It could not be done solely by the school board."

Speaker Black: "Representative Hannig."

Hannig: "I'm not sure I saw that in your Amendment, maybe it's somewhere in the statute. Could you clarify that for me?"

Speaker Black: "Representative Winters."

Winters: "It's in the statute, that's the way that you'd deal with a deannexation. I understand it's in the statutes, not in this specific Amendment, but in the underlying statutes."

Speaker Black: "Representative Hannig."

Hannig: "Is this just for one school district in your district or could you tell us? Why we're doing this?"

Speaker Black: "Representative Winters."

Winters: "This originated in the Senate. It is not part of my district."

Speaker Black: "Representative Hannig."

Hannig: "Maybe you could share with us which Senator Sponsored it and if you know which area of the state it's from?"

Speaker Black: "Representative Winters."

Winters: "It was sponsored by Senator Sieben. But I believe it was the Elkhart district, north of Springfield, here. Not in his district either, but I believe he is the chairman of the committee."

Speaker Black: "Representative Hannig."

Hannig: "It says here, in one part of the language, that 'The district will not interfere with ultimate reorganization of the territory of such proposed district.' That's on the second page, of the Amendment and it's on like lines six and seven. What does that mean? Could you explain that to me?"

Speaker Black: "Representative Winters."

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Winters: "I couldn't hear the start of your question. I heard in lines six and seven on the second page, of that Amendment. Could you repeat the early part?"

Speaker Black: "Representative Hannig."

Hannig: "Yes, on page seven, on the second page, it says 'The district will not interfere with the ultimate reorganization of the territory of such proposed district.' Could you just explain that for me, Representative?"

Speaker Black: "Representative Winters."

Winters: "It's going to take us a minute to work out the language here. This is the existing language of the law that implies or says that the overlying, the larger district is not going to be damaged and that has to be certified by whoever it is in the... the Board of Trustees of the Regional School Trustees. So, it's just saying that it's not going, if you allow this deannexation, it's not going to destroy the originating district."

Speaker Black: "Yes, Representative Hannig, your time has expired. Do you want to bring your question to conclusion?"

Hannig: "Thank you for your patience, Mr. Speaker. One last short question. Will this cost the state anything?"

Speaker Black: "Representative Winters."

Winters: "There will be no cost to the State of Illinois."

Speaker Black: "Further discussion, the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. Will the Gentleman yield for a couple questions?"

Speaker Black: "He indicates he will."

Boland: "Now, Representative Winters, this deals with just deannexation, nothing dealing with annexation?"

Speaker Black: "Representative Winters"

Winters" "It could be an annexation in an additional district,

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but it's drafted specifically for that one district where they're just dealing with splitting off a portion as a separate grade school district."

Speaker Black: "Yes, Representative Boland."

Boland: "Now, this is bound to cost somebody some money, I mean, this is going to be a some sort of a legal battle, involved in this most likely. Especially, if it is an annexation. There's going to be cost to the state. There's going to be some legal cost. In the deannexation, wouldn't there be... who would bear this cost? The Regional Board of Trustees, the individual school district involved, the state, who?"

Speaker Black: "Representative Winters."

Winters: "The cost would be at the Regional Board of School Trustees level. They would be dealing with any change in boundaries. It can not be handled by the school district itself, so it would be the Regional Board of School Trustees, who would pick up any cost of hearings or referendum."

Speaker Black: "Representative Boland."

Boland: "So, is there a fiscal note filed on this?"

Speaker Black: "Representative Winters."

Winters: "There was none requested, so we have not filed one. We assume that there's no impact on the state. We don't have to, as a Senate Amendment, we don't have to file a fiscal Amendment."

Speaker Black: "Representative Boland."

Boland: "There has been one filed, apparently. Approximate expenses of about 13,500 dollars, it says in total. Let me ask you another question here. Representative Winters, yeah, go ahead."

Speaker Black: "Representative Winters."

Winters: "The, I believe the fiscal note that you're looking at

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is deals with a council, advisory council, under the original Bill. The Occupational Skills and Standard Act. That doesn't have anything to do with this Senate Amendment."

Speaker Black: "Yes, Representative Boland."

Boland: "Yes, right, okay, I understand that, that's very good. Let me ask you this now, is not the general trend and the general recommendation, and I know you have somebody from the state board there. Over the years, we had a school commission, years ago. I know under Representative Hoffman, that did a lot of research about what was the optimal size of school districts and so forth. Isn't the general trend to move to unit districts and if that's true, why would we want to encourage a situation where one particular grade school district would want to drop out of a unit school district?"

Speaker Black: "Representative Winters."

Winters: "This is simply an attempt to address a conflict between two communities on how they run their schools. It's simply a chance to give the local people a little larger say in how they run their own schools. And maybe the drive for consolidation, that we've seen over the past years has not, in this particular case, at least a part of that community is saying, it has not been effective in their eyes. This gives them the chance to make their case to the larger community and if they ca... if they can make that case effectively it offers them that options..."

Speaker Black: "Yes, I'm sorry, conclude your remarks."

Winters: "It doesn't force anything down either communities throat. It simply allows them to discuss this. They're not even allowed to discuss it at this point. It opens up that arena of discussion."

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Speaker Black: "Yes, Representative Boland, your time has expired. You have any additional questions?"

Boland: "Just one final question here. Again, now, would the... would the grade school area that was part of the unit district, would they... they would have to drop out, form their own grade school district, rather than go into a neighboring unit district? Or would they be required go to another unit district?"

Speaker Black: "Representative Winters."

Winters: "I believe they'd be allowed to do their own grade school district. They would not have to annex into another unite district. That was your last question, too, was it not?"

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

Hartke: "Thank you very much. Would Representative Winters yield for a question?"

Speaker Black: "Yes, Representative, I'm sure he will. Can we wait just a second? Let me, Ladies and Gentlemen of the House, if I could have your attention. In the Speaker's Gallery, We're joined today by the Wheaton Christian Grammar School. Who are here, guests of Representative Roskam and Representative Tom Johnson. So welcome the Wheaton Christian Grammar School with us today. Yes and Representative Hartke, the Wheaton School children have asked you to keep your remarks to the point and brief. Thank you, proceed."

Hartke: "Specifically to the point. Representative Winters, when you talk about school consolidation and reorganization of unit districts and so forth, that really raises some questions in my mind. When and if this should be put on the ballot, what would have to be the outcome of... of the

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referendums? Would that have to be on all three, units? I think you gave an example, where two grade school units and a high school unit. Now, would not the disposition of one of these referendums or one school district affect all of them?"

Speaker Black: "Representative Winters."

Winters: "They would not be separate referendums at this point, because they're one unit district. There would be one over all referendum. The citizens from the smaller community would have to convince a majority of the entire school district to approve the referendum."

Speaker Black: "Representative Hartke."

Hartke: "Yes, but would not the question of the separation of that unit effect all three units and therefore the description of the properties and boundaries that would be the outcome of that referendum. Would it not then be creating some separate districts?"

Speaker Black: "Representative Winters."

Winters: "The referendum, as I would foresee it, would be a single question that would go to the Regional Board of School Trustees, recommending a specific split. It would not take effect, the referendum would simply direct the regional board to go ahead and with the proper actions, after the referendum. But it would not... it could not be broken out into three separates, as you originally stated, because there are not three units at this point. There's only one unit."

Speaker Black: "Representative Hartke."

Hartke: "So I understand, there's just one unit now, but when you ask the school board, the regional school board, their outcome then, would be a question of whether this would be approved or not, correct? Are you not... you asking that

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board for this approval and you go to referendum for that, would not those three separate units have some idea on how they would wish the regional board to divide it?"

Speaker Black: "Representative Winters."

Winters: "Yes, they would obviously have a plan ahead of time and would sell that plan to their overall citizenry. If that passed, then it would be, the legalities would be taken care of by the school distr... or the school board trustees."

Speaker Black: "Representative Hartke."

Hartke: "Yes, at the present time, when you talk about that consolidation or moving around of boundaries, would then not, this referendum have to carry by a majority in all of the affected areas or the proposition would not carry."

Speaker Black: "Representative Winters."

Winters: "I don't believe so. I believe it would have to... because it basically de... breaking up an existing unit district, it would have to pass in that unit district overall. If 100% of the smaller community voted in favor and 49% of the larger community, I assume that it would still have the majority of the citizens of the original district. And that's who's holding the referendum, is that original district."

Speaker Black: "Representative Hartke."

Hartke: "'Who' would be doing then would be consolidating or splitting. Now, exactly what are you talking about?"

Speaker Black: "Representative Winters."

Winters: "We're dealing in this situation with the splitting up, pulling out one grade school district, from an existing unit district."

Speaker Black: "Representative Hartke."

Hartke: "Yes, and then, that's just my point. When you split it

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out and take it away, then there would have to be a temporary governing board, until the election. And this has to be laid out, so that the voters would be able to make a informed decision, whether they want to continue paying bonds, for example, maybe paying off some bonds that were in an old unit. As well as, how would the new interim board, until the next election, run and set up the new district? I think these are all questions that would have to be put forth in the resolution or the referendum. Not only a large educational effort, on the matter of the public, but I do believe all of the units, including that which is losing part of the assessed evaluation and the kids and the parents, would have to agree to that, as well as that unit that's leaving. And I think there are provisions in the law that says that, all of those units would have to agree, and it would have to carry in all three, or the referendum would fail. Is that not true?"

Speaker Black: "Representative Winters, the time has expired. Please answer Representative Hartke's question."

Winters: "Again, I believe there are not three separate units at this point. So, you could only have one unified referendum. I don't know if I'm answering your question, but I can't see how you could have three referendums when you only have one school district. They may need a separate referendum later to form the smaller one. I'm sorry if I'm not answering your question."

Speaker Black: "Yes, you want one more question? Your time has expired, Representative Hartke, do you wish to ask another question?"

Hartke: "Well, I guess we're not understanding one another. If you are dividing a district off, slicing it off, from the district as a whole, not only would the two remaining have

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to agree to that division, but also that portion which is divided off, also has to agree to go on its own by separate boundary. Now, I can see where a poor area, in a district, which would not want to be left alone, could be sliced off in a district. Say, we don't want this portion of the school district anymore. And the larger more affluent area, could divide them off. Now, I would think that that would be inherently unfair unless on the ballot and proposition were the fact of exactly where this boundaries were going to go and who was going to be sliced off. And it would require a majority in all three of the units that this could take place."

Speaker Black: "Yes, Representative Winters, you wish to respond?"

Winters: "Well, you raise an interesting situation of a district trying to rid itself of an unwanted area. In this case, however, it is an area that wants to be left alone. Or it wants to be apart."

Speaker Black: "Further discussion, the Gentleman from Will, Representative Meyer."

Meyer: "Representative, I have a couple of questions and quite seriously they probably follow along the line of the previous speakers here. I personally believe what we should be doing is in those areas of our state where we have a large number of small districts, we ought to be looking for ways to encourage the districts to combine together. Again, I say encourage them to do that as to oppose to force them to do it. I don't know if that I agree with forcing but, hearing what you're suggesting is that we're trying to allow them to split apart and I'm very concerned... It seems like I hear part of our state saying that they have school districts that can't support

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themselves, and therefore the children in our school districts may have a problem with not having all the resources available to them that more influential districts have. And my concern would be one of this unit district now, splitting apart and really making a poorer section. And Mr. Speaker, I noticed, I only have 39 seconds, so I don't think I've spoken for my full time, I'd appreciate additional time."

Speaker Black: "There are a lot of electrical storms in the area, proceed."

Meyer: "Well, the question, Representative, if he'd yield for the question, is that, what is it about this district, that's not going to allow for a smaller district to be there as a result of them pulling away. And now we end up with two or three poorer districts that can't adequately educate their children?"

Speaker Black: "Representative Winters."

Winters: "Again, this is a question of local control of that school. Where they don't want their kindergarteners being bussed 15 miles away to another school. The overall population, that entire district, has to approve it. The majority of that overall population. And the other thing is, that you've got kids going from this one community, when they're very small, going in one school bus and the older brothers and sisters going to a different school. The idea is trying to keep that local school viable and keeping that community viable. I think the issue, that you raise of deconsolidation if you will, is again a question of local control. That community feels that it can support its own school district. And if they're willing to take that risk, I'm willing to give them a chance to prove their case."

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Speaker Black: "Representative Meyer."

Meyer: "The portion of the district that wants to pull away. Are they the more... are they the part that has the assets to sustain the school? Is it an equal balance of those assets? So that neither district is harmed? Do they have the majority of the population, so they control what they want to do and they're going to leave another smaller part of the school district out in the cold?"

Speaker Black: "Representative Winters."

Winters: "My understanding it is the smaller community that is trying to pull away. I understand that they're relative well balanced as far as assessments. They feel they can support their local school. They simply want control over where their kids go."

Speaker Black: "Representative Meyer."

Meyer: "Thank you, Representative, I just still have serious questions on this. And from the stand point, that I've asked the questions, I'm concerned that we're not decentralizing as opposed to making the districts more viable and that would be my concern."

Speaker Black: "Further discussion, the Gentleman from Cook, Representative Durkin."

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

Speaker Black: "The Gentleman has moved the previous question. And all that... and on that, shall the main question be put? All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Winters to close on Senate Amendment #2."

Winters: "I believe this Amendment offers more local control of that specific school district. I don't believe we're opening a large 'can of worms'. I think, this is something that district needs and I would appreciate a vote."

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Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 2076. All those in favor, signify by voting 'aye'; opposed '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 65 voting 'yes', 44 voting 'no', 1 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 2076. Representative Winters on Senate Amendment #3 to House Bill 2076."

Winters: "Thank you. Senate Amendment #3 makes some changes to the original language in the Bill, suggested by ED-RED. It provides that dealing with the Guaranteed Energy Savings Bonds, the original language forced those payments to go into that bond fund. This allows them to also be used in the Fire Prevention and Safety Fund or the Bond and Entry Fund. It would be by the decision of the school board, action by the school... by resolution of the school board."

Speaker Black: "And on that, is there any discussion? The Gentleman from Macoupin, Representative Hannig."

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

Speaker Black: "He indicates he'd be delighted."

Hannig: "Yes, Representative, was this a House Bill in a previous life? In other words, was this something we dealt with and how did it end up in a Senate Amendment? What was... what is the status of that House Bill?"

Speaker Black: "Representative Winters."

Winters: "This is part of the original House Bill. It's simply is a clean up in the Senate."

Speaker Black: "Representative Hannig."

Hannig: "So the main provisions were always in this Bill? Is that what you're saying, it's not the provisions of a Bill

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that was defeated or in some other way, held up in the House. It actually passed the House and was simply Amended in the Senate. Is that correct?"

Speaker Black: "Representative Winters."

Winters: "That is correct."

Speaker Black: "Representative Hannig."

Hannig: "So, I guess I didn't quite follow your explanation where the funds come from and they're transferred to. Could you help clarify that for me, please."

Speaker Black: "Representative Winters."

Winters: "Under the original Bill, the Guaranteed Energy Savings Bonds, any savings that were guaranteed in that, had to go to pay off that bond. The Amendment would allow the savings to go either for payment of that Bill or into the Fire Prevention and Safety Fund. It allows the savings to go in a slightly different direction."

Speaker Black: "Representative Hannig."

Hannig: "So, Representative, the if the purpose of selling the bonds, is to generate some savings and the thought is, that in the long run, we actually save money by doing this and it's for the good of the school. It seemed like the underlying idea to me that the money that was saved should go to pay off those bonds, would actually be a preferable place to put the money. Why do you think it is that the Senate is asking us now to put it somewhere else?"

Speaker Black: "Representative Winters."

Winter: "I can't argue with your statement. The other point that I would bring out is that under the underlying Bill, they did not require a board resolution and this adds that language."

Speaker Black: "Representative Hannig."

Hannig: "So you're saying one of the changes that's made by this

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Senate Amendment is that it actually requires that the money be going to one of two funds? Where as in the previous language, in the House, it only suggested? Did I misunderstand your... okay, maybe you could explain that again, please."

Speaker Black: "Representative Winters."

Winters: "The original transfer did not require a board resolution to transfer those energy savings funds. And this... that's the Amendment that now requires board resolution to do anything with it."

Speaker Black: "Representative Hannig."

Hannig: "Where would the money go, if for some reason the board would not make that transfer? If they just simply didn't vote to put it in bonds, then what?"

Speaker Black: "Representative Winters."

Winters: "The or... under present law, they can spend it anyway they wanted. The savings could go operations maintenance, it could go to salaries, it could go to buying school buses, anything what so ever. And the idea, was to try to tie it back into either paying off those bonds or the specific... or the Fire Prevention Safety Fund."

Speaker Black: "Representative Hannig."

Hannig: "So, you're saying, I guess I still didn't quite understand. You're saying under the current law, the money could go anywhere. Under the House Bill, as we passed it, you're saying that the money could only go and pay off the bonds that actually generated this savings, but in the Senate Amendment, you're saying, by resolution, the money can go to either to pay off the bonds or at least one other account. Is that a correct understanding, Representative?"

Speaker Black: "Representative Winters."

Winters: "Yes, the... you're correct. It could go either to the

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bond and interest fund or to the Fire Prevention Safety Fund."

Speaker Black: "Representative Hannig."

Hannig: "Now, I understand that the language says, 'shall'. Does it mean that the money, that at least some of the money has to automatically go into the Fire Prevention Fund or is that up to the board to decide, a division between those two funds?"

Speaker Black: "Representative Winters."

Winters: "That is up to the board by resolution. It could go into which ever fund they determine that it should. But it can not go anyplace else than into those two funds."

Speaker Black: "Representative Hannig."

Hannig: "Back to an earlier point. Again, if these bonds are being sold and they indeed save some money, why shouldn't the savings entirely be devoted to paying off the bonds? Why should we open it up to any additional funds? Wouldn't we be better served to simply say that we should pay these bonds off?"

Speaker Black: "Representative Winters."

Winters: "This does offer an option for that board, if they see an immediate need for protection of children, for the fire, you know... under fire... some particular issue they may need it for."

Speaker Black: "Representative Hannig."

Hannig: "Yeah, but it also gives them an option to put the money somewhere else. I would personally feel more comfortable with this provision, if we simply used all the money that is generated from the savings and dedicated it to paying off these bonds. Which were sold for the purposes of generating some savings. And it would seem to me, the physically sound thing to do, would be to write the

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language in that manner."

Speaker Black: "Yes, the Gentleman from Clinton, Representative Granberg. Are you seeking recognition? To this Amendment?"

Granberg: "Well, Mr. Speaker, I rise in a Point of Personal Privilege."

Speaker Black: "Yes, state your point."

Granberg: "Take this opportunity to thank Jerry Clark, of the House Republican staff, for his great gesture. I just read in the extra of 'Capitol Facts', about the party he's offered to throw for the end of Session. And I want to thank Mr. Clark, for that. Because that's going to be at 1929 South Second, at the end of Session. And Mr. Clark has graciously agreed to pay for the entire party. So, I'm sure... there goes the Democrats... well, I want to thank him for that. Great gesture."

Speaker Black: "Yes, Mr. Clark, Mr. Clark, the Democrats were thanking you for your magnanimous gesture of the after Session party. So, they thank you very much. Further discussion, the Gentleman from Grundy, Representative Spangler."

Spangler: "I move the previous question."

Speaker Black: "The Gentleman has moved the previous question. And on that the question is, 'Shall the main question be put?'. All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Main question is put. Representative Winters, please close on Senate Amendment #3 to House Bill 2076."

Winters: "Senate Amendment 3 is simply allows the local school board to choose between two different funds with their energy savings and it requires board resolution which the original underlying House Bill did not."

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Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #3 to House Bill 2076?'. All in favor, signify by voting 'aye'; opposed signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 2 voting 'no', none voting 'present'. The House does concur with Senate Amendment #3 to House Bill 2076. And on Senate Amendment #4, to House Bill 2076, the Gentleman from Winnebago, Representative Winters."

Winters: "On Senate Amendment 4, I would defer to Representative Mitchell."

Speaker Black: "The Gentleman has deferred the explanation of Senate Amendment #4 to the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Senate Amendment 4, basically combines three Senate Bills into Mr. Winters' package. They were all non-controversial and passed through this Senate unanimously. The first of those, Senate Bill 164, is a Amendment that contains provisions to allow, supervisory expenses for the regional superintendent to be paid with one check, rather than being spread out over the entire year. And cutting twelve checks, which cause more paperwork and more expense for the State Board of Education. All of the requirements for accounting, are still in the provision for the regional superintendents. The second of these Bills, is Senate Bill 165, which deletes the language in the State's Billing Code for schools health, life, safety requirements to extend to a point of 12 feet beyond the exterior of each building. Senate Bill 292, is a change in the wording in the School Code and changes references to handicap children and

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handicap child, in the code and the council on Vocational Education Act, the Higher Education Student Assistant Act, and the Personnel Code, to the terms, children with disabilities or child with disabilities. Be happy to answer any questions on this Amendment."

Speaker Black: "Discussion on the Gentleman's Amendment, the Gentleman from Winnebago, Representative Scott."

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

Speaker Black: "He indicates he will."

Scott: "Representative Mitchell, start with the... first of all, were these all parts of other House Bills or how did they all come into this particular Amendment?"

Speaker Black: "Yes, Representative Mitchell."

Mitchell: "Representative Scott, these three Senate Bills, 164, 165, and 292, were all Amended originally on to Senator's Sieban's 17 year old, GED Bill, we call it, Senate Bill 365, at one time and were taken through committee. For some reason, unbeknownst to me, they were not concurred with, put on Representative Winters' Bill, and have come back to the House for concurrence. They basically were three simple Bills that came through the Senate unanimously and were attached at one time to a Bill that I was carrying in the House."

Speaker Black: "Representative Scott."

Scott: "Well, I realize in this entire huge Amendment of 137 pages, that most of it is technical. Wording changes to change the words handicap to people with disabilities. And I understand that. But let me direct you to page 7, of the Amendment, if you have it in front of you. And you've deleted lines 5 through 16 on that particular page. Could you tell me why that language was deleted? What's the purpose for that?"

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Speaker Black: "Representative Mitchell."

Mitchell: "Basically, Representative Scott, when the regional superintendents office, and usually it's the assistant regional superintendents office, goes to the various buildings to inspect. There was a problem at one point, they were afraid of some entrance ADA problems, with the entrances of buildings. So the inspections would be carried out to 12 feet beyond the building itself. They found that that is not necessary, those changes that are needed are covered through both ADA and OSHA, and there is no need for that inspection to be covered out 12 feet beyond the building itself. That's the on... the reason that language is taken out."

Speaker Black: "Representative Scott."

Scott: "I guess that leads me to two questions. The first one is, that portion that you just referred to, is roughly half of the language that you have deleted and the other half of it, you've... First of all, are you deleting more than just that provision that you said and the other portion that you have deleted, looks to me to be language that's directly there to protect kids by providing minimum requirements for buildings to be used for public school students. Why would we want to delete language like that?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative Scott, that's certainly not the intent of this language. The intent of the language is to get rid of the 12 foot restriction. This already passed out of the Senate. We're not... this is 'no end run'... we're not trying to change the minimum requirements for all buildings. It's only deleted in that portion of the entire Amendment, because that pertains to the 12 foot sector."

Speaker Black: "Representative Scott."

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Scott: "Well, all right, so we're deleting a sentence, and just for the edification of the body, let me read it. It says, 'The Health, Life, Safety Code for public schools, shall establish the minimum requirements for all buildings used for housing public schools students, including but not limited to temporary school facilities, leased or rented school facilities, existing school facilities and new school facilities that are to be constructed.' We're deleting that in addition to the 12 foot requirements that you talked about earlier. So with that sentence that I read, explain to me, where, elsewhere in the code, that particular sentence is covered, or are we just deleting it altogether?"

Speaker Black: "Representative Mitchell."

Mitchell: "Hang on a minute, Representative, we're going to get the other sections. It is, there's two other places that relates to this same area. This is not the only place in the code. This simply is in there as redundant language. It is covered. This simply talks about that 12 foot section. As soon as we find one more file from either, Representative Winters or Representative Spangler or where ever it wound up, we'll get you that answer."

Speaker Black: "Representative Scott."

Scott: "Well, I guess, since we're on final action, that's something that's important for us to know ahead of time. I'm wondering, Mr. Speaker and Representative Mitchell, if we can't take that out of the record for a minute while we're trying to find that language. Cause, I don't think any of us want to be in a position of exempting language that's going to... that's there for the protection of school kids. While we're waiting."

Speaker Black: "Representative Mitchell."

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Mitchell: "No, that's okay, we can find it here, right quick.

Just hang on, just a second, Doug. In the mean time, if you have other questions, Representative Scott, I'd be happy to answer those or if you prefer, we'll just wait for this answer."

Speaker Black: "Do you have an additional question, Representative Scott?"

Scott: "Let me ask now, with the check procedures that we talked about at first, is there any cost differential between writing it in one check as opposed to writing the separate checks?"

Speaker Black: "Representative Mitchell."

Mitchell: "Well, certainly in the the time and the bookkeeping involved, it's probably negligible but it would be a reduction in the cost to the Illinois State Board of Education to go through the bookkeeping procedures, writing the checks, mailing the checks out themselves. So, basically, I don't think there's a whole lot of savings but certainly it does move towards a savings."

Speaker Black: "Excuse me, Representative. Yes, for what reason does the Gentleman from DuPage, Speaker Daniels, seek recognition?"

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, on occasion, every once in a while, you have to give a special thanks to somebody who has really done a service to all Members of the General Assembly, and to their staff. Today is such an occasion. And I'd be remiss if I didn't point out to all Members on both sides of the aisle, the great service that Rich Miller has done for us, in reporting the fact that Jerry Clark will have an after Session party. So to Mr. Miller, thank you very much."

Speaker Black: "Yes, the Gentleman from Clinton, Representative

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Granberg. Are you seeking recognition?"

Granberg: "Yes, will the Gentleman DuPage, answer a question?"

Will you entertain a question, please?"

Speaker Black: "Mr. Speaker, is it your desire to entertain a question from the Gentleman from Clinton? Yes, proceed, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Representative Daniels, now I just want to make sure all of us understand where this is going to be. Do you have an address, where this party is after the end of Session?"

Speaker Black: "Speaker Daniels."

Daniels: "Yes, I do, I am trying to gather that address. Somebody must have it with them right now. By the way, I did give it to you. Could you tell me what that address is?"

Speaker Black: "Representative Granberg."

Granberg: "Yeah, I'm sorry, I forgot. I just happened to find this and for anybody who wants to right this down and to invite all their friends, it's 1929 South Second. And I think Mr. Clark is going to supply everything and that's awfully gracious of him. So we appreciate the bi-partisan effort at 1929 South Second, at the end of Session. Just south of South Grand, that's right, 1929 South Second. Thank you."

Speaker Black: "Yes, Speaker Daniels."

Daniels: "Representative Granberg, do you know if people can bring somethings to help, like chips and dips and things like that?"

Speaker Black: "Representative Granberg."

Granberg: "Well, there's certainly no shortage of dips, we can use."

Speaker Black: "Speaker Daniels."

Daniels: "What time would this be from? You know, approximate,

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is this Friday night?"

Speaker Black: "Representative Granberg."

Granberg: "Well, I assume it would be, Speaker. Jerry Clark is your employee and I'm sure he would do what ever you would indicate, so I'd assume it would at the end of Session, Friday night, at 1929 South Second. And I'm sure everyone is invited."

Speaker Black: "Speaker Daniels."

Granberg: "Anytime, I would assume. Four in the morning, three in the morning, whatever the time might be. I'm sure Mr. Clark, does not mind what so ever, and they can stay as long as they desire."

Speaker Black: "Speaker Daniels."

Daniels: "Parking can be on the lawn too, in case you're..."

Speaker Black: "As I recall, that's only in my district. Yes, I would like to point out that the Speaker and Representative Granberg, forgot to mention a very important thing. Evidentially, there will be door prizes for the first 500 people. Mr. Clerk, announcements, Supplemental Calendar announcements."

Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Black: "Yes, now Ladies and Gentlemen of the House. After the serious business, if we could get back to Senate Amendment #4, to House Bill 2076. We were waiting with baited breath for an answer from Representative Mitchell to a question posed by Representative Scott. Representative Scott, I don't remember the question and I don't know whether it's been answered. So, proceed, Representative Scott."

Scott: "The question, thank you, Speaker. The question had to do with whether or not the language that was being deleted on page 7 of the Amendment, actually was redundant or not."

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Staff has graciously come over and shown us in the School Code, where that language was contained elsewhere. I appreciate that. That does answer my question, and I know there are some other Representatives who have questions, thank you."

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

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, relative to these advance checks, who writes these checks now?"

Speaker Black: "Representative, are we answering... Representative Mitchell are you still answering the question, Sir? Yes, Representative Mitchell."

Mitchell: "Representative Lang, those checks are written through the State Board of Education."

Speaker Black: "Representative Lang."

Lang: "I'm sorry, they're written by the State Board of Education?"

Speaker Black: "Representative Mitchell."

Mitchell: "Pursuant to vouchers by the State Board of Education that are written by the treasurer."

Speaker Black: "Representative Lang."

Lang: "So the treasurer actually writes the checks. The State Treasurer for the State Board, based on their vouchers?"

Speaker Black: "Representative Mitchell."

Mitchell: "That's correct."

Speaker Black: "Representative Lang."

Lang: "And how much are we saving the State Treasurer by doing this?"

Speaker Black: "Representative Mitchell."

Mitchell: "Well, we're estimating at this point. It is a

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savings, processing charges, they've estimated to be about, 80 dollars a check. Times the number of regional superintendents equals whatever that would be."

Speaker Black: "Representative Lang."

Lang: "Well, I didn't hear. I'm sorry it's noisy in here. Could you give me a round figure as to what you think the total savings for the State Treasurer will be, if we do this?"

Speaker Black: "Representative Mitchell."

Mitchell: "My sources of information have stated simply, that it's not going to save a lot of money, will save some time."

Speaker Black: "Representative Lang."

Lang: "Well, give me a round figure! Is it a 100 dollars, is it 500 dollars? We're interested in saving money, however small the number. But we would like to have some idea how much you're saving here."

Speaker Black: "Representative Mitchell."

Mitchell: "Well, Representative, without going on record as an exact figure but a round figure, we would like to estimate that, that possible savings could be as much as... hold on a minute. First of all, just as an asterisk, okay, the cost savings really isn't as important as the need to cut down the paper work, save a little time, expedite entire situation for both the regional superintendents and personnel in the State Board of Education. Now, I think we're still calculating over here."

Speaker Black: "Representative Lang."

Lang: "Thank you. Well, would it be fair to say that this won't save the State Treasurer, 30 million dollars?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative, I think that's about as fair a question that you've asked me in a long time."

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Speaker Black: "Representative Lang."

Lang: "So, this Amendment #4, which is 137 pages, has a little bit of cost savings for the State Treasurer, but is not going to make up for the 30 million dollars of tax payers money that was given away, is it?"

Speaker Black: "Representative Mitchell."

Mitchell: "Well, Representative, when we look at all the various things that the State Board of Education has to do and the minute amount that this will save. I think the effort of the people that are in the State Board of Education Regional Superintendents, I think, I think, the expeditious movement that we will have concerning this particular area, which is not as you say, a great savings, but it is an area that can help out both sides somewhat. And by the time we're all done with this situation, everybody's going to be a little bit happier and probably can do a little bit better with the job that they have to do. I really think that this is more of an issue..."

Speaker Black: "Oh gosh! Time has expired. The Gentleman from DeKalb, Representative Wirsing."

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

Speaker Black: "The Gentleman from DeKalb, has moved the previous question. The question is, 'Shall the main question be put?' All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The main question shall be put. Representative Mitchell do you wish to close on Senate Amendment #4? The question is, 'Shall the House concur with Senate Amendment #4 to House Bill 2076?'. All those in favor, signify by voting 'aye'; opposed '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

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this question, there 115 voting 'aye'; none voting 'nay', none voting 'present'. The House does concur with Senate Amendment #4 to House Bill 2076. I'm sorry, Representative Morrow."

Morrow: "Yes, Mr. Speaker, I would have liked to been voted as 'aye' on House Bill 2076 on Amendment."

Speaker Black: "The Journal will so reflect and I will personally vouch for that at the appropriate time. Representative Winters, on Senate Amendment #5 to House Bill 2076."

Winters: "Thank you, Mr. Speaker. Senate Amendment 5, includes two Senate Bills, 657 and 658. 657, Amends the School Code and allows petitioners seeking a detachment of certain petition, certain territory from one school district and its annexation to another school district. To Amend the petition to require the previously detaching to pay the tuition for every student within the territory, who attend the schools of the previously annexing district. And if that is not perfectly clean and clear, then let me give you the Senate Bill 658, which also Amends the School Code, and requires the State Board of Education to assume the powers and duties, previously exercised for the Regional Board of School Trustees, with respect to detachment and annexation petitions. I'd be happy to answer questions."

Speaker Black: "And further discussion, the Gentleman from Effingham, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. Could Judge Winters give us an explanation of exactly, say an example, of what you're trying to do here?"

Speaker Black: "You want an example of what? I'm sorry."

Hartke: "The example of what he just said, I mean, about detaching and school board authorization."

Speaker Black: "Yes, I'm sure he will, and by the way,

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Representative Hartke, Representative Hartke? Yes, your tie. It that... your tie smells like bacon. I don't know if it looks very nice, but it smells like bacon."

Hartke: "No, Sir, this is not a pig tie."

Speaker Black: "Oh, I see."

Hartke: "It's a hog tie."

Speaker Black: "Okay. Representative Winters."

Winters: "Thank you, Mr. Speaker. This... the provision on the deannexation involves only situations where the high school and the elementary school districts, you don't have a unit district to start with. Your high school and elementary school districts, are not identical, the boundaries are not identical. You may have a situation where one elementary school, part of the district goes to one high school, part goes to the other. They would like all their students to go to one district. Instead of changing the boundaries, which might affect the assessed values of the different school district, it simply allows the... it allows those students that have been previously going to one high school, while the rest of their compatriots go to another one. They could all go to the second high school, instead of deannexing, they would simply pay the tuition. To send those kids to a high school."

Speaker Black: "Representative Hartke."

Hartke: "Wouldn't it be almost easier to dissolve that district and form one unit and make the two compatible? And make a unit district out of it?"

Speaker Black: "Representative Winters."

Winters: "That would still be allowed. This is another option. Instead of trying to go through the deannexation, annexation process, it would simply allow the petitioners to ask that the tuition be paid. In getting their ultimate

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purpose done, without going through the battles of a deannexation."

Speaker Black: "Representative Hartke."

Hartke: "How is the tuition determined, by that? Would one... I mean would the others... There were two tuitions, then, right? And parents would have a choice of going to high school 'A' or high school 'B'. How would you work the bus routes and the tuition and so forth, in this situation? Wouldn't it be double running of the transportation cost? Or is there a clear cut dividing line?"

Speaker Black: "Representative Winters."

Winters: "What was the initial part of your question, I'm sorry, I missed that."

Speaker Black: "Representative Hartke."

Hartke: "Well, let's divide the question, okay. Who determines the tuition?"

Speaker Black: "Representative Winters."

Winters: "The tuition would be determined by the school district that is accepting the students. There's standard, each school district has to set a tuition level. The whole point of this is, it allows the district, instead of giving up its property tax base, to choose to pay tuition."

Speaker Black: "Representative Hartke."

Hartke: "And so, both high schools then would, set tuition. Is that not right?"

Speaker Black: "Representative Winters."

Winters: "They're already set. Every school district already sets tuition. And it would, it would be the same that they set for any other student coming into their district."

Speaker Black: "Representative Hartke."

Hartke: "How would the school district determine, a bus route for example, if you had two of these districts or three of

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these districts? Would it not be a real... that's almost like a voucher system, or such, isn't it? Is that not correct?"

Speaker Black: "Representative Winters."

Winters: "The students that would be paying tuition in coming into a new district, would be treated as out of district students and they would not need to be picked up by the normal school bus routes. Their parents or themselves would be responsible for at least getting them to an adjoining school bus route."

Speaker Black: "Representative Hartke."

Hartke: "But those students that wish to stay in their present district, would they not be afforded the bus route?"

Speaker Black: "Representative Winters."

Winters: "The district that is losing the students, that choose to go, in return for not giving up its tax base, would still need to run a school bus route for any students that chose not to go."

Speaker Black: "Representative Hartke."

Hartke: "Would that not bankrupt that school district?"

Speaker Black: "Representative Winters."

Winters: "That would be a determination that they would have to make. How much impact it would have on them. Whether they would choose to deannex and lose the property tax base, or whether they simply would choose to send tuition and have slightly higher cost of transportation. That a decision for them to make."

Speaker Black: "Representative Hartke."

Hartke: "It's my understanding, there's a committee established. How many members would be on that committee, to make that determination?"

Speaker Black: "Representative Winters."

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Winters: "Could you fill me in a little more on that committee... committee of 10, I'm sorry, committee of 10 members."

Speaker Black: "Representative Hartke."

Hartke: "Who would appoint that committee? Would that be done by the school board, who is losing the students or the school board that is gaining the students?"

Speaker Black: "Representative Winters."

Winters: "The committee is 10 is self-appointed. They are petitioners seeking to change where their kids are going. So, they are... they are bringing a petition to the school boards and they themselves would be that committee of 10."

Speaker Black: "Representative Hartke, your time has expired. Conclude your questions, please."

Hartke: "Would this committee be some what contiguous? I mean, I can imagine in my school district, that covers three counties, if they tried to do this. We have some in Shelby County, some in Cumberland, some in Effingham, if we had scattered petitioners, it would seem to me that somewhere in here it ought to be that they ought to be somewhat close to what we want to do. Is the thought of recruiting basketball players ever been brought into this?"

Speaker Black: "Representative Winters."

Winters: "I believe you're the first one to bring up that whole idea."

Speaker Black: "The Gentleman from Teutopolis, Representative Hartke."

Hartke: "Well, thank you very much. We had a similar situation in our school district, where it was questionable, whether we could bring a student in, who was in our area, but yet, not in our area, because they had built a new home across the road. Same family..."

Speaker Black: "Bring your remarks to a conclusion, please."

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Hartke: "Was in another school district. And it's not what you'd call recruitment, it was a real question, because those students, those parents, wanted their children to come to the unit that they had always been brought up in. But because of the new house, they were denied and sent to another school. We beat them anyway, but you know, would you not be setting up a precedent in doing this? A recruitment?"

Speaker Black: "Representative Winters, you wish to answer the question?"

Winters: "I don't believe it would setting up a precedent, because again we have to realize that this is only for districts where the high school and grade school districts are not parallel in their district boundaries, which is a very limited set of cases."

Speaker Black: "Further discussion, the Gentleman from Adams, Representative Tenhouse. Representative Tenhouse, are you seeking recognition?"

Tenhouse: "Sure am. I move the previous question."

Speaker Black: "The Gentleman has moved the previous question. And on that, shall the main question be put? All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Winters to close on Senate Amendment #5 to House Bill 2076."

Winters: "I ask for your favorable Roll Call vote."

Speaker Black: "Now Ladies and Gentlemen of the House, this is final action on the Bill as well as on the Amendment. The question is, 'Shall the House concur with Senate Amendments #5 to House Bill...' Excuse me. That's not the way we've done it, Representative. We asked your side the last time. The question is, 'Shall the House concur with Senate

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Amendment #5?' And you will be voting on the entire Bill, as amended, to House Bill 2076. All those in favor signify by voting '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 105 voting 'aye', 6 voting 'no', 3 voting 'present'. The House does concur with Senate Amendment #5 to House Bill 2076, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Johnson in the Chair."

Speaker Johnson, Tim: "Proceeding under Supplemental Calendar #1 on the Order of Concurrence, Mr. Clerk, read House Bill 544."

Clerk McLennand: "House Bill 544. Representative Persico has filed a Motion to concur in Senate Amendment #1 which has been approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from DuPage, Representative Persico, proceed."

Persico: "Thank you, Mr. Speaker, Members of the House. I move to concur on Senate Amendment #1 to House Bill 544. Basically Senate Amendment #1 contains two provisions: amends the Environmental Protection Act to include licensed industrial hygienists as environmental professionals who can conduct one or more aspects of an environmental audit. The second provision of House Bill 544, Amendment #1, is what is commonly referred to as the brown field legislation. This is a Bill that we have debated quite extensively last week. It's a Bill that will bring certainty in a risk base approach to cleanup. It's also a Bill that will encourage more voluntary remediation of property and I ask for your favorable support of House Bill

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544 on Senate Amendment #1."

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

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Yes, Representative, isn't this the same as...the brown
field legislation anyway, isn't this the same as Senate
Bill 46, Amendment #1?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Your absolutely correct, Representative, Senate
Amendment #1 to House Bill 544 is exactly the same
legislation concerning the brown field aspect as Senate
Bill 46."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well I guess the question is, why do we have to do this
again? It's my understanding that Senate Bill 46 just went
to the Governor."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, this is a Bill that many of us have
worked on quite extensively for the past two months and
House Bill 544 is a...the final Bill that I would like to
pass over to the Governor."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I understand that, Representative, but why do we need
to concur in the Senate Amendments when the brown field
legislation just minutes ago passed out of the Senate and
went to the Governor? I guess I should congratulate you on
a job well done on Senate Bill 46 because that Bill is
already at the Governor. So why don't we just nonconcur in
this Amendment and move on from there?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Well, Representative, I appreciate your congratulations

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to that effect, but being in the House and being over here and listening to all these Bills for the past few days I really have no idea what the Senate is doing at any particular moment."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, Mark O'Brien is listening and they just passed the Bill. So the brown field stuff is already on the Governor's desk or at least Senate Bill 46. They just passed it because I understand that it failed once and then they reconsidered the vote and they just recently passed it. So why don't we just nonconcur on this Bill and then we can vote on the original part of the Bill which deals with industrial hygienist."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Well, Representative I appreciate your thoughtfulness and if I knew that probably a little bit ago I probably would not have called it, but sense it's on the board I think it's in our best interest to go ahead and move this Bill to the Governor's desk as well."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well I guess the concern is that some people didn't vote for the brown field legislation who would want to vote for the industrial hygienists legislation and maybe we don't want to put those people in that type of a situation whereby they may be against one portion of this Bill and not...and for the other, so since it's already passed maybe we should just take it out of the record. We could nonconcur and then they can send it back over, they could recede and go to the Governor's desk."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Well, Representative, as your well aware there are many times in this process where they combine several Bills

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together. Some of the aspects we might be in favor of some we are not and then it's our duty as elected Representative, you know representing 96,000 people that we make what we feel is the best vote on the overall Bill."

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

Hoffman: "Yes, well the concern is, is obviously we keep rolling all these Bills together although this one could possibly could be okay. I think it probably violates the single subject matter provisions of the constitution. And I think your taking a chance when you roll something together unnecessarily. Since the brown field legislation is already passed, I think we should not take that chance of violating the single subject matter. Take this out of the record and let's move to nonconcur and let's move on from there. What do you say?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "I think we should proceed on concurring on Senate Amendment #1 to this Bill."

Speaker Johnson, Tim: "Further comments? Representative Hoffman, proceed."

Hoffman: "Well, since now we are going to be dealing with the brown field legislation I guess, I know that we debated it but that was a couple of days ago, many Bills ago. Could you please tell me what that is again?"

Speaker Johnson, Tim: "Go ahead, Representative Persico, proceed."

Persico: "Basically, Representative, and if you would like me to take your remaining time I can do that, but basically...excuse me?"

Speaker Johnson, Tim: "You have 40 seconds, Representative Persico."

Persico: "Basically it's a Bill to establish a cleanup and

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liability release program for all properties in Illinois which have been contaminated by prior use. As I mentioned in my opening remarks, this Bill brings certainty and risk base approach to cleanup. It encourages more voluntary clean up of properties. I feel it's a good Bill. It's a Bill that's been negotiated by industry and the Illinois Environmental Protection Agency. It's a Bill that offers substantial agreement on most provisions of this Bill and I would like to see it pass on to the Governor."

Speaker Johnson, Tim: "The Gentleman from Effingham, Representative Hartke. Representative Hartke, proceed."

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

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

Hartke: "Recently President Clinton has suggested that rather than fining industry for clean up for environmental problems that rather than impose a \$1, 2, 3, 5 million fine or whatever, but rather that the industry should keep these dollars in use of the cleanup. Are you in support of President Clinton and his move for the environmental cleanup."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I feel that House Bill 544 as amended by the Senate. It's an excellent piece of legislation that deals with these contaminated properties and this is a Bill that is of the concern of mine at this particular moment."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "The Bill talks about limiting liability. Could you explain that?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Yes, Representative. One of the problems that industry has had is it's perception of liability in terms of cleanup and not only industry, but bankers, in terms of lending

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money to cleanup these properties. I believe that we dealt with this issue in House Bill 20, the Tort Reform Act, which we enacted and passed into law earlier in this Session, but again this lingering or perception of liability is still out there. What this does is it puts into the Environmental Protection Agency the proportionate share aspect that is needed in order to make this a very good Bill."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I noticed that in the support area as well as those that are opposed, can you tell me where the City of Chicago stands in this piece of Legislation?"

Speaker Johnson, Tim: "Representative Persico, do you have a response?"

Persico: "The City of Chicago is very much in favor of this particular legislation."

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

Hartke: "I have reason to believe that that's not what was stated in the Senate as this Bill passed over there. I do know that the Illinois Manufacturers Association and the Chemical Industries Council as well as the Illinois State Chamber of Commerce is in support of this. And if it is environmentally sound in cleanup, can you tell me why the Environmental Council and the Illinois Protection Agency is opposed to this legislation?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, as I mentioned in my opening remarks this Bill has been negotiated for many, many months during this particular legislative Session. There has been substantial agreement reached on most provisions of this Bill. The disagreement area comes in this proportionate share area. This is where the Environmental Protection

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Agency as well as the Illinois Environmental Council have some concerns about the proportionate share aspect."

Speaker Johnson, Tim: "Representative Hartke, further inquiry?"

Hartke: "Yes, what is required before they can qualify under this Act?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Basically, Representative, when an industry wants to cleanup a particular piece of contaminated property, they can hire a licensed professional engineer to do a program to see what needs to be cleaned up. They would take this program if they decide to go that route to the Environmental Protection Agency, submit that plan to them for final approval, or they can use the Environmental Protection Agency themselves to submit...to have a plan to cleanup this property. In all cases, the ultimate authority always rest with the Environmental Protection Agency."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Is it true that they have to be on the national priority superfund list to qualify under this program?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "No, Representative, superfund cleanup sites are excluded from House Bill 544."

Speaker Johnson, Tim: "Further questions? Proceed, Representative Hartke."

Hartke: "Well, is there any set requirement on disposal of the contaminated ground or area?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, depending on what they would like to have this property used for will determine the environmental cleanup that is needed. If they are going to use for industrial purposes there are...it's a risk base

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approach. There are certain parameters that they need to stay within in order to clean it up to that particular concern. If they want to use it for residential areas then additional cleanup activities would be needed."

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

Hartke: "Sure."

Speaker Johnson, Tim: "Representative, proceed."

Hartke: "Yes, is there any indication or any authorization in here for the spreading of the contaminant on agricultural land?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I believe that this has been dealt with in this particular piece of legislation. I think Representative Woolard asked that question when it was debated before and I was assured that, that part of the...that's included in this language in this particular Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kankakee, Representative Novak. Representative Novak, proceed."

Novak: "Mr. Speaker, will the Gentleman yield?"

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

Novak: "Representative Persico, it's my understanding... I just got word that Senate Bill, I think 46, was concurred with and I think it's been sent out to the Governor and I know the reason that your adding this on because we has some type of a fear that we might not get some type of brown field legislation to the Governor's Office for further consideration. I just want to simply speak to the Amendment and the concurrence on Senate Amendment #1 to House Bill 544. I rise in strong support of this. This

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subject has been thoroughly debated. I believe last week or...how we all get a little bit disoriented around here. A few days ago it was debated at a very long period of time. There's a lot of legal questions involved and I know there's some reservations by some people, but it passed overwhelmingly out of the House. It's a very serious problem, that we, that the General Assembly is trying to address concerning contaminated and polluted sites, to get contaminated and polluted sites to be remediated, to get them cleaned up, to get them back on the tax roles, to get responsible parties to construct a job creating facilities in those neighborhoods, in the inner city neighborhoods in those City of Chicago and other urban areas around the state and even in some non-urban areas around the state. We have well over 100 contaminated sites, so I think we should move forward with this new approach and try to ameliorate all these contaminated sites. This is not a perfect Bill. We know that, but it's a great start and we need to move forward with a much innovative, new approach to remediating contaminated sites. I simply would ask my colleagues to join me in concurring with Senate Amendment #1 on House Bill 544."

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

Kaszak: "Thank you, Speaker. I just also want to rise in strong support of this Bill. I believe the people who have been working on this have worked long and hard. It's not a perfect Bill, but I do want to clarify one thing on the record. The City of Chicago has informed me that they are in strong support of this Bill. They have concerns regarding the orphan share, but that they are in strong

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support of this Bill and urge your support also. Thank you."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The main question is put. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 544?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', 4 voting 'no', and 7 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 544. And this Bill having, received the required Constitutional Majority, is hereby declared passed. Proceeding further on Supplemental Calendar #1 on the Order of Concurrence. Mr. Clerk, read House Bill 1279."

Clerk Rossi: "House Bill 1279. A Motion to nonconcur with Senate Amendment #2 has been approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Peoria, Representative Leitch. Proceed. Representative Leitch, proceed."

Leitch: "I'm trying to. Thank you. This... I'm moving for nonconcurrency because this will have some medicaid language in it and I need to put this House Bill 1279 into conference."

Speaker Johnson, Tim: "The question is, 'Shall the House nonconcur with the appropriate... Representative Currie.'"

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Currie: "Thank you, Speaker. Will the Sponsor yield for a question or two?"

Speaker Johnson, Tim: "The Sponsor indicates he will yield."

Currie: "Thank you. Representative Leitch, I think it would be helpful to the Members of the chamber to know what plans you have for House Bill 1279. Generally, when there is a nonconcurrency Motion, it means that either you are interested in a conference committee or that you have a substantive problem with the Senate Amendments. Could you tell us which direction you intend to take if the nonconcurrency Motion succeeds?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Sure. As I mentioned, the Amendment is only an effective date, and so my concern is not the Amendment. What I had hoped would happen was that the Senate would have put on an Amendment in the Senate that we could have concurred in, which it would have done. A couple of the substantive points that I think from last year we wanted to address. One of them was to make sure that the will of the General Assembly is complied with as it relates to implementing the electronic benefits technology in the smart card and the other technical changes that we had wanted. Another one takes another look at the guarantees which the state found itself absorbing last year with respect to the managed care program, which many of us want to get rid of."

Speaker Johnson, Tim: "Representative Currie."

Currie: "Thank you, and is the problem that the language to accomplish both of those goals isn't ready? Possibly, the Senate could have adopted those items as Amendments which we would be then in a position to see today. Do you have draft language?"

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Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, I have some language. I don't have it at my desk here right now, but I'd be happy to show it to you."

Speaker Johnson, Tim: "Representative Currie, are you ready to entertain the Gentleman's Motion?"

Currie: "I'd be happy to look at the language, and I guess my question was whether the reason for not putting the language on the Bill when it was in the Senate was because the language wasn't ready or because there still are wrinkles to be ironed out. Maybe you could enlighten us on that score."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with the Senate Amendments to House Bill 1279. Those in favor signify by saying 'aye'; those opposed by saying 'no', and the Motion carries. The House nonconcur with the Senate Amendments to House Bill 1279. On the Order of Concurrence... Representative Leitch."

Leitch: "Yes, I'm not through answering the lady's questions. It's just been a matter of paperwork and the fact that this is more my Amendment than it is Senator Rauschenberger or Senator Maitland's. It's more of a House Amendment than a Senate Amendment and I think they preferred to have it come from me as opposed to from them."

Speaker Johnson, Tim: "Go ahead, Representative Currie."

Currie: "Thank you, Speaker. I much appreciate the Sponsor's courtesy in answering the question and I will support his Motion to nonconcur in the Senate Amendment."

Speaker Johnson, Tim: "The Gentleman moves... Restating the Motion, Representative Leitch, your Motion is to nonconcur with the Senate Amendments to House Bill 1274. Those in favor...1279. Those in favor signify by saying 'aye'; those opposed by saying 'nay' and the Motion carries. The

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House nonconcur with the Senate Amendments to House Bill 1279. Now, on the Order of Concurrence, on the main calendar, not the Supplemental Calendar, appears House Bill 122. And on that, the Chair recognizes the Gentleman from Vermillion, Representative Black. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I had talked with some people on the other side of the aisle a little earlier. What I need to do is to nonconcur in Senate Amendment #1, request a conference committee. The reason for that is it has been brought to my attention that we have a situation that evidently can't be solved except by legislation. There was a State Trooper who was killed in the line of duty on Interstate 57 in Champaign County some years ago. Our law, our tuition waiver law, says that the surviving children of that trooper, correctional officer, or fire official can get a tuition waiver to go to the...any public college in the State of Illinois. Well, because of some harassment of the trial, his widow moved to Indiana. That... His child is now ready to go to school and applied and of course is being denied the tuition waiver because of the fact his mother moved to Indiana. So if we can put this in a conference committee, ISAC has said they will work with us and take care of the situation and clarify it for any and all subsequent dependents of police, fire, or correctional officers killed in the line of duty. So I'd ask to nonconcur in Senate Amendment #1."

Speaker Johnson, Tim: "The Gentleman moves that the House nonconcur with Senate Amendment #1 to House Bill 122. Those in favor signify by saying 'aye'; those opposed by saying 'no', and the Motion carries. The House nonconcur with Senate Amendment #1 to House Bill 122. Again, on the

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main calendar, appears House Bill 270. Mr. Clerk, read House Bill 270."

Clerk Rossi: "House Bill 270. A Motion to concur with Senate Amendment #2 has been filed and approved for consideration."

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

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The underlying Bill was passed the House comfortably, permits certain sanitary districts to appoint a chief administrative officer for a maximum four year renewable contract. The Senate Amendment that I'm asking you to concur in changes the population threshold from 100,000 to 90,000 for certain sanitary districts to have a five member board. Currently, they have a three member board. It deletes the provision that no more than three members of a five member board may be of the same political party. This is requested by the Aurora Sanitary District, but it may effect sanitary districts that serve Rockford, Springfield, and Peoria. I'd ask your concurrence in the Senate Amendment #1...no, excuse me, #2 to House Bill 270."

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

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Representative, I think the underlying Bill passed comfortably through the House and then this was put on in the Senate by, I believe, Senator Petka, and I know that you named the areas that this would affect. What is the practical effect of it and why is it good for those areas?"

Speaker Johnson, Tim: "Representative Black."

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Black: "Yes, I'm sorry, I didn't hear the question."

Speaker Johnson, Tim: "Give the Gentleman from St. Clair your attention. Representative Hoffman, do you want to restate your inquiry?"

Hoffman: "Yes. You indicated that this would amend...that this Amendment would amend the Sanitary District Act to bring the minimum population level down to 90,000 and you named some areas that this would affect. Do these people not have a sanitary district now and now they would form one or would be required to form one?"

Speaker Johnson, Tim: "Representative Black."

Black: "It is my understanding that they do have a sanitary district, and what the Senator's Amendment does is, it provides that a board of trustees may be created with three members in any sanitary district that includes one or more municipalities with a population over 90,000, but less than 500,000. He's lowering the population threshold from 100,000 down to 90,000, but less than 500,000, and saying that you can have a board of trustees of a sanitary district with three members."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I can't recall the... Was Belleville on that list that you read?"

Speaker Johnson, Tim: "Representative Black, did you understand the question?"

Black: "In all honesty, I didn't even hear it."

Speaker Johnson, Tim: "I didn't either, Representative Hoffman. Can you restate the question?"

Hoffman: "Yes. You went through a list and my question was, was Belleville on that list?"

Speaker Johnson, Tim: "Representative Black, if you understood the question, can you respond?"

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Black: "Yes. Here is the only list I have Representative. This Amendment was requested by the Aurora Sanitary District, but it may also affect sanitary districts currently serving Rockford, Springfield, and Peoria."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes. I know my colleague from Rockford may have a bit of a concern. How does it... I believe that they already have a sanitary district. Now, if you already have a sanitary district, I guess I can't quite understand how that is going to affect a current sanitary district. Representative Black."

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

Hoffman: "Over here."

Black: "Yeah, I think it could. Let me make sure now. That is the way I interpreted it because it deletes the provision that a five member board of trustees be selected with no more than three from one political party. All other sanitary districts, except those I've mentioned, consists of five members. So, it looks like...I'm sorry. It looks like it is limited to the towns and the cities that I have mentioned, but it would allow them to go from a five member board back to a three member board."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "It doesn't require them to do that. It's just a permissive act."

Speaker Johnson, Tim: "Representative Black."

Black: "Yes, that is my understanding."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So, if the Rockford Sanitary District didn't wish to comply with the provisions of this Act, they could still maintain the same make up of the board as they currently have."

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Speaker Johnson, Tim: "Representative Black."

Black: "Yeah, you know, I don't like to answer something if I'm not sure. It's my understanding that it would be permissive. I don't think it is mandatory that they roll back to three, but yeah, I have to be honest with you. I don't really know that. I just... I am not that familiar with this Amendment. Quite frankly, Representative Cross is much more familiar with this Amendment than I am, but he is...here he comes. So maybe he could answer your questions. I don't want to tell you something that is not in the action."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, Mr. Speaker..."

Speaker Johnson, Tim: "With leave, we'd let Representative Cross respond to your inquiry. Is that okay?"

Hoffman: "Yeah, that would be fine if he heard it. He just came into the chambers."

Speaker Johnson, Tim: "He was here..."

Hoffman: "Okay."

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

Cross: "Jay, your questions with respect to the sanitary district, it would go from three to five when the population level goes above ninety. So, it is required."

Speaker Johnson, Tim: "Representative Hoffman, your time has come to a close. The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Will the Sponsor or his collaborator there yield?"

Speaker Johnson, Tim: "The Sponsor indicates he will yield and with the consent of the Body, Representative Cross can respond where appropriate. Is there leave? Leave. Proceed with your question."

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Scott: "Thank you. Obviously because Rockford's name was brought up here, I've got a concern about it. Rockford already has a sanitary district: Rockford Water Reclamation District. Its members are appointed. It's a five member board. Tell me if you can, exactly how this would apply to them. Do they have to go to three? What is the provision?"

Speaker Johnson, Tim: "Representative Black or let Representative Cross to respond. Representative Cross."

Cross: "What this does is increase the board from three to five and it also takes away the requirement that...of a certain political party. It takes that out of the picture. So, if this passed in our area, for the Aurora Sanitary district, for example, we would go from three to five members and it wouldn't matter what party affiliation they had. I totally want to take away the party affiliation and the Aurora Sanitary District, which has been renamed, covers the Aurora area and goes throughout the Fox Valley over into DuPage, down into Kendall County and covers a big area outside of Aurora, even to the North and West. And we were trying to make sure we had enough representation instead of just in the City of Aurora. So we are trying to broaden the representation and take away the political party."

Speaker Johnson, Tim: "Representative Scott, do you have any further questions? Go ahead."

Scott: "Yeah. Well, I understand that increasing the number from three to five, I understand that. What is the necessity of eliminating the political party affiliation. It would seem that you would want to keep that in if you are going to increase the membership so that it wouldn't be loaded one way or another."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, we thought that would be a fair way to do

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it so we wouldn't have partisanship issue. We wanted to just take that totally out of the picture and it wouldn't matter... I mean, for example, the City of Aurora is about half and half. It's a city of almost 100,000, half Republican, half Democrat, and we just want to take that out. It doesn't matter what party you are in. We just want people that are well qualified to be on the board."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Now, if the district is totally located within one county, all those appointments are made by the county board for the county, isn't it? Isn't that the case?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "This particular sanitary district actually goes as...Kane County, DuPage County, and Kendall County."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But speaking for the 'Rock' Riverwaters Reclamation District, they are all appointed by one county board, in essence, Winnebago, because they are only in Winnebago County."

Speaker Johnson, Tim: "Have you concluded your remarks, Representative Scott?"

Scott: "No, I'm asking a question."

Speaker Johnson, Tim: "Is that a question? Representative Cross, do you wish to respond?"

Cross: "Representative, this particular board is appointed...or appointed and approved by Members of the General Assembly. Anyone, any Legislator that has any part of the sanitary district in their legislative district or senate district has a vote on these particular spots."

Speaker Johnson, Tim: "Representative Scott."

Scott: "What if you've already got a reclamation district who has five members? What affect does this legislation have?"

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Any?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "It would... My understanding of it and reading of it, Representative, is they would stay at five."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But the elimination of the political party would still apply to them?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "That is correct. If you look at page 3 of the Amendment on lines 19 and 20, the party...political party aspect is just deleted."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Does this Amendment replace the underlying Bill or is it an addition to the underlying Bill?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, the latter. It's an additional language to the underlying Bill."

Speaker Johnson, Tim: "Representative Scott."

Scott: "So, the provision regarding the four year renewal book contract for the director would still be part of the Bill?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, I don't have...I'm not aware of that portion of the Bill, but maybe Representative Black can address it. But my understanding is that is accurate from...getting some help here."

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

Scott: "Thank you, Mr. Speaker, and I appreciate the answers to the questions. Unfortunately, eliminating the requirement that no more than three be of any one political party, seems to me and other folks on this side of the aisle as potentially a power grab on behalf of the Majority Party."

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For that reason, I think I'm going to oppose it and would ask my colleagues to do the same."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Peoria, Representative Leitch. Representative Leitch."

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

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

Leitch: "Has anyone from Peoria expressed an opinion about this since it changes our sanitary district?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, I'm not aware of any opposition from anyone from Aurora or any other sanitary district."

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Of course there wouldn't have been any opposition because nobody knew about that until it just showed up here in this Amendment. I, too, share the opinions of the Representative Scott. I'm very concerned about this. I don't think it is appropriate in any way in either Rockford, nor in Peoria County, to have the make up...the political make up of that board adjusted by virtue of something we do here in the General Assembly and I would urge the Gentleman to withdraw this Amendment, and ask you if you were willing to do so."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Obviously, this Amendment from the Senate has caught some of my colleagues by surprise. I think it would be the... It would behoove me to move to nonconcur in this Senate Amendment until we can get everything worked out. I move to nonconcur in Senate Amendment 2 to House Bill 270."

Speaker Johnson, Tim: "The Gentleman moves the House nonconcur with Senate Amendment #2 to House Bill 270. Those in favor

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signify by saying 'aye'; those opposed by saying 'no'. The Motion carries and the House does nonconcur with Senate Amendment #2 to House Bill 270. Proceeding on the regular calendar, on the Order of Concurrence. Mr. Clerk, read House Bill 340."

Clerk Rossi: "House Bill 340. A Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Sponsor, the Gentleman from DuPage, Representative Tom Johnson. Proceed."

Johnson, Tom: "Mr. Speaker and Members of the House, Senate Amendment #1, in which I'm going to ask for concurrence on, really provides that under the Public Fund State and Publication Act, that townships in lieu of publishing every employee's individual salaries per that Act dollar for dollar, would give the townships the option to either publish an individual's given salary down to the actual penny..."

Speaker Johnson, Tim: "Excuse me, excuse me. If we could give the Gentleman your attention, it is an important Bill. Give the Gentleman your attention. Proceed, Representative Johnson."

Johnson, Tom: "Or at their option, they could publish the names of the employees in four categories in the amounts of pay under fifteen thousand, fifteen to twenty-four thousand, twenty-five to thirty-nine, forty and over. The rationale as I understand it of the Senate Amendment is that employees often look in the newspaper and they see what the person in the desk across from them is making and it might be fifty dollars more or less, and quite honestly, this just gives the townships the flexibility. They would still

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have to publish. They would have to publish the individual's names and the amounts and I would ask that we concur in this Amendment."

Speaker Johnson, Tim: "Questions of the Sponsor? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, would the Sponsor yield?"

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

Hoffman: "Yes, Representative, this says that individuals who are on the payroll of a township, you don't...you no longer would have to publish their salaries and what they make?"

Speaker Johnson, Tim: "Representative Tom Johnson."

Johnson, Tom: "No, Jay. It says that you have to continue to publish as they normally do. The difference is that you can publish employees' salaries based in terms of these categories. In other words, they're making between fifteen and twenty-five thousand as opposed to making twenty-one thousand two hundred and fifty, for example."

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

Johnson, Tom: "That is optional with each township."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, why do we want to make this change? Does it save money in any way?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "No. As I understand it, the reason for this change has to do with esteem within an office. We all work in offices. Many of us do. I might have two secretaries in my office, two fellow attorneys or whatever. As you know, we are all very interested in what the next guy is making. Now, if I've worked there for a year and you've worked there for a year, but I'm getting fifty dollars more than you, it creates this sort of problem internally within

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the office. As I understand it, this is an attempt to try to get away from that micro knowledge of everybody's individual pocketbooks in the offices."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Is this pushed by any given group?"

Speaker Johnson, Tim: "Representative..."

Hoffman: "Or is it just something that Senator Dillard thought would be appropriate?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "I'm not aware of any group that pushed it. You know, Senator Dillard put this on and I think it makes sense. I don't have a problem with it."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I don't necessarily disagree. My question is regarding specifically the township officials organization. Many people on this side of the aisle and your side of the aisle respect what they think about given legislation. You don't know that they are against or for or have any position on this Bill?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "Yes, I have just been told that in fact they support this legislation, yes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes. So the township officials do indeed support this legislation. The only real other avenue that I think we need to delve into with regards to this... Does this only apply to townships or could it also apply to county offices? Because what...the language says 'public officer is required to report all money that is paid out as compensation.' Could this potentially apply to counties, municipalities, and other public entities?"

Speaker Johnson, Tim: "Representative Johnson."

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Johnson, Tom: "As I understand it, it applies principally to the townships. Could it possibly apply to another public officer in terms of publication? I don't believe so, Jay. As I read it, if you begin in Section 1, it deals with these different municipalities and clerks and so on that are required to report in a different fashion, and I believe that it is principally just the township that...the townships that are involved here."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "In looking through the charts on this Senate Bill, one of the charts... It indicates under 15,000, which I guess is fine. Then...it goes in really different increments: 15,000 to 24,999, 25,000 to 39,999, and then the last category is 40,000 and over. Well that is a pretty broad range, and I mean somebody may be making 150,000 and then we are showing that they are only making 40,000 and over. Don't you think maybe we would want to have another subcategory above that?"

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

Johnson, Tom: "Yes, Representative, I don't know about your townships where you are, but I got to tell you, in my townships, I'm not aware that that would apply to anyone. Maybe we should move downstate, huh?"

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Blagojevich. Representative Blagojevich, are you in your Chair."

Blagojevich: "Thank you, Representative Johnson. Representative Johnson, can you yield for a question or two?"

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

Blagojevich: "So, what township does this apply to?"

Speaker Johnson, Tim: "Representative Johnson."

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Johnson, Tom: "All townships that come under this Act that have to publish and I presume that is all the townships in the State of Illinois. Do you have townships in Chicago? I'm not real familiar with that."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "Representative Johnson, why have you found it necessary to apply this only to townships, but you have failed to include county government?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "We're not failing to exclude anybody who would fall under this because any public officer, other than the exclusions that are within this Act that have reporting requirements different than this publication, are required to do this. So, we are not."

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

Blagojevich: "Yes, does this legislation do anything with respect to municipal employees and their pension or life insurance policies? And if so, to what extent would it change present law?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "It doesn't apply. It doesn't do anything."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "And this is not... Incidentally this is not, by any means, confined to only DuPage County or the townships in that area? Right? Fair to say?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "No, we wouldn't want anything to apply only to Dupage."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "What about the fiscal impact on changing implementing this change? Could you tell us what the cost

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might be, the projected costs? And to what degree of certainty are those numbers accurate?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "There would be no additional cost because you are required to publish these names and numbers now and you are going to be required to publish them after. If anything, it might be cheaper because you might only have to print a few numbers instead of the cents and the decimal point."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "I have one more question and I'll speak briefly to the Bill. Representative Johnson, this prohibits the township from paying premiums for what people? What people are prohibited from paying premiums, or what townships are prohibited from paying premiums and how would that apply?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tim: "That has nothing to do with the Senate Amendment. That is the underlying Bill which already has passed out of here, Representative. This is just a publication."

Speaker Johnson, Tim: "To the Bill, Representative Blagojevich."

Blagojevich: "Thank you, Representative Tim Johnson. One brief question for Representative Tom Johnson. The retired public officials, the retired officials that you are talking about, can you tell us who they are again? And then I will speak to the Bill."

Speaker Johnson, Tim: "Representative Tom Johnson."

Johnson, Tom: "Again, that applies to the underlying Bill, Representative. It does not apply to what we are talking about here."

Speaker Johnson, Tim: "Representative Blagojevich, to the Bill."

Blagojevich: "Thank you, Representative Tim Johnson and thank you, Representative Tom Johnson and to Mr. Johnson, let me say that this Bill seems to be appropriate. The answers

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were well addressed by Representative Tom Johnson. Tom Johnson has elucidated the specifics of the Bill in a manner that convinced me that this is something that I should support and vote for and so accordingly, I intend to do so. And I intend to not only vote for it, but I'm here to encourage as many of our colleagues to support Tom Johnson. This may or may not have a sufficient number of votes. I hope it has the sufficient number of votes. I hope it reaches more than sixty votes. In fact, I'd like to see 115 votes for this or even 118 votes. And so anyone who is on the fence, please get off the fence. Vote in the affirmative. Tom Johnson's Bill seems appropriate. It seems realistic. It seems responsible and it seems like something that makes government better today and tomorrow than what it was yesterday and the day before. So I hope all of the Members of the General Assembly, all 118 Members of this illustrious body, the People's House, the People's chamber. I hope each and every one of you support Tom Johnson on this Bill. This is a Bill that needs to be passed. It needs to be passed, frankly, now. Justice delayed is justice denied. Why wait? Let's vote and pass Tom Johnson's Bill today before this Session of the General Assembly adjourns. I urge all of you to join me, to join Representative Hoffman, join Representative Dart, and of course last but not least, join Representative Tom Johnson to vote 'yes' on this Bill and of course, let's not forget Representative Al Salvi. Thank you."

Speaker Johnson, Tim: "I assume you don't want Representative Martinez to vote for this since he is excused today, so 117. The Chair recognizes the Gentleman from McDonough, Representative Myers. For what purpose do you rise?"

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

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Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 340?' Those in favor, signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 1 voting 'no', 0 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 340. This Bill having received a Constitution Majority, is hereby declared passed."

Clerk Rossi: "Attention Members: there are a number of Bills that appear on the Order of Concurrence and Nonconcurrence that need Motions to be filed. Members are encouraged to file those Motions."

Speaker Johnson, Tim: "Regular Calendar, on the Order of Concurrence, appears House Bill 438. Mr. Clerk, read House Bill 438."

Clerk Rossi: "House Bill 438, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Senate Amendment #1 to House Bill 438 is in response to a commitment I made to this chamber when we voted on the underlying Bill. The underlying Bill relates to the conditions where by referendum to abolish township government would be passed. The Bill passed this House on a vote of 100 'ayes' and 0

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'nays'. With my word that I would clarify language to require that not only would it take a majority and three quarters of the townships, but those three quarters of the townships must contain a majority of the population of the county. That is the summoned substance of this Amendment and I move to concur in Senate Amendment #1 to House Bill 438."

Speaker Johnson, Tim: "On the Lady's Motion, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Representative Hoffman, proceed."

Hoffman: "Yes, Representative, would the Sponsor yield?"

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

Hoffman: "Thank you, Speaker. Now, Ann, I think this now is the final version and I think it takes care of some of the questions that I, as well as Representative Woolard had. Could you just explain to the Body what the difference between Amendment #2 was and Senate Amendment #1?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, House Amendment #2 states that in order to pass this referendum county wide, it must pass with a vote of a majority in each of three quarters of the townships in a county. Senate Amendment #1 adds to that the provision that those three quarters of the townships represent at least a majority of the population of the county; thereby, precluding a minority of voters determining the outcome of a referendum."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So here is what would happen is that we would have a county, and let us say that there were 21 townships...28 townships in a county. In a county with 28 townships, we would have to have three quarters or 21 of those townships would have to have the majority vote to abolish township

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government in that district. So 21 of those townships must vote to say, 'we want to get rid of township government' in that county. And in addition, that must represent the entire majority of voters in that district. Is that correct? In that county, I'm sorry. In that county."

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Is it the majority of those voting in that county or the majority of the population in that county?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "They must represent a majority of the population of the county."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So a majority of the population doesn't have to vote to abolish township government, you would just have to have the three quarters that make up the... In other words, the 21 one townships that would have voted in order to say they want to get rid of township government. The population of all those together would have to be a majority of the county."

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So indeed this does address the concern that many had that we could have three quarters of the twenty-one townships that voted to get rid of township government in that county. Could it, Representative, a very small population base... For instance, not the biggest area or the biggest city in the county and therefore, the minority would be opposing the will on the majority of the population?"

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Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Now, do you know of any opposition to the Bill?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "There are no organizations opposing this Bill. It is supported by township officials. The only opposition that I am aware of is from a small number of constituents in my county where we had such a referendum and they were the proponents of abolishing township government. I've had a letter from two individuals opposing it."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So the township officials are in favor of this legislation strongly?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes."

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

Hoffman: "Yes, just to the Bill. I think I would like to commend the Sponsor of this legislation. She came to this Body with a piece of legislation that I think needed to address a situation that was crying to be addressed in this state. What was being allowed in this state is that a small minority of individuals could essentially deprive an entire county of township government. Now what we are doing with this Bill is that we are saying it has to be a majority of the individuals in a given county to abolish township government. With this, I think is something that needed to be addressed. I'd like to commend the Sponsor. She really worked hard on this Bill and has a very good, fine piece of legislation. I urge an 'aye' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from

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Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Give Representative Woolard your attention, please. Representative Woolard, proceed."

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

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

Woolard: "I think that Representative Hoffman covered the basis pretty well and I, too, would like to commend you for...I think what is a great piece of legislation that you have addressed, all of those concerns. And I believe, to the best of our ability and especially your ability, that we now have something that can work effectively and reasonable. Of those people that have contacted you in opposition, is there anything that you could have done in trying to come up with some kind of solution that would have satisfied them in your opinion?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "The only thing that would have satisfied them would be outside the scope of existing law, and that is to allow a repeat referendum without recirculating petitions."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "So, in other words, they have tried, in your county, to abandon or abolish the township form of government and failed. And now you believe that they would like to proceed along those same lines that they did before if they could and if this law does not come into effect before that happens?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "We had a referendum in November of 1994 which failed at roughly three, three and a half to one. I think this is something that will be coming up again, perhaps in our county and in other counties, and I think the purpose here

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is not to institutionalize townships, it's not to preclude referendum where there is a debate on the continuing townships, but to eliminate the possibility here which I don't know occurs anywhere else, regarding local government, where the voters of one township can effectively take away from the voters of another township, township government. The voters of one municipality don't have the power to remove municipal government from the residence of another municipality. And, yet, as the law stands today, that is possible for township government. That is what this particular Bill is all about."

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

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

Speaker Johnson, Tim: "To the Bill."

Woolard: "I stand in strong support of the Lady's legislation. I think that she has accomplished something that can be very effective and real. I think that each and every one of us should stand together in supporting this because she just stated that this disallows someone making a decision on our behalf that is not representative of a majority of those people wanting to make that decision. It also disallows someone else making a decision for us where we might live in a township that someone else decided in that county that they wanted to eliminate without our acceptance or beliefs that that is the right approach. Once again, I think that everyone should be proud of the fact the way the system does works sometimes, and I think this is something that we can be proud of. I urge an 'aye' vote."

Speaker Johnson, Tim: "There being no further discussion, the Chair recognizes the Lady from McHenry, Representative Hughes, to close."

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Hughes: "Thank you, Mr. Speaker. This Bill in concept has passed both Houses unanimously and I'd appreciate a 'yes' vote. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 438?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', 3 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 438. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Proceeding on the Order of Concurrence on the Regular Calendar, Mr. Clerk, read House Bill 471."

Clerk McLennand: "House Bill 471. A Motion to concur has been filed by Representative Cowlshaw and has been approved for consideration."

Speaker Johnson, Tim: "Is Representative Cowlshaw present? Proceed with your Bill, Representative Cowlshaw. The Chair recognizes the Lady from DuPage, Representative Mary Lou Cowlshaw. Representative Cowlshaw, proceed."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentleman of the House. This is the Legislation which when it passed out of here, it was the initiative of the Illinois Student Assistance Commission to create for itself a special fund in which to place the map monies..."

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

Cowlshaw: "Monetary Award Program monies that had not yet been awarded so that all of those monies could be awarded and not carried over or lost from one fiscal year to another. Because of the language in that legislation, the Bureau of

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the Budget was concerned about how it could be interpreted. So the Bureau of the Budget worked with ISAC to develop this Amendment. The Bill essentially does the same thing that it did when it left here by an overwhelming vote. It's just that the language has been changed slightly to satisfy the questions of the Bureau of the Budget. Therefore, Mr. Speaker, I move that we concur in Senate Amendment #1 to House Bill 471."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. He has yielded his time to the Lady from Cook, Representative Erwin. Rather than do that, I'll recognize you on your own time."

Erwin: "Thank you."

Speaker Johnson, Tim: "So, I'll recognize the Lady from Cook, Representative Erwin. Proceed."

Erwin: "Thank you, Speaker. In Committee the other day, there were a number of us that raised some questions and I want to let the Sponsor know that after taking a look at this, we do feel fairly comfortable that the integrity of the monetary award program will be preserved. We understand that this was a compromise. We think the Representative's original Bill was a lot stronger, but I would rise to support the Senate Amendment #1 to House Bill 471 and urge my side of the aisle to support this concurrence."

Speaker Johnson, Tim: "There being no further discussion, the Chair recognizes the Lady from DuPage, Representative Cowlshaw, to close."

Cowlshaw: "Please, vote 'yes'. Thank you, Mr. Speaker."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 471?' All those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 1 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 471. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Still on the Order of Concurrence, Mr. Clerk, read House Bill 505."

Clerk McLennand: "House Bill #505. A Motion to concur for Senate Amendment #2 has been approved for consideration. A Motion to concur for Senate Amendment #1 has been approved for consideration."

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

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Amendment #1 did not change the intent of the Bill. It simply clarified some portions of the Bill to keep the intent so that Sheriffs, in addition to any other person authorized by law, may administer the oath of office required of a deputy sheriff, and I ask this Body to concur with Senate Amendment #1."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Is there a problem?"

Hoffman: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Johnson, Tim: "Yes, state your inquiry."

Hoffman: "It's my understanding there are two Amendments to this Bill and we are only dealing with Senate Amendment #1. Is that correct?"

Speaker Johnson, Tim: "The Motion on the board is to concur with Senate Amendment #1. That is correct."

Hoffman: "That is my understanding, but the problem is that there...the problem is that there is also a Senate

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Amendment #2. So we concur here with Senate Amendment #1 and don't deal with Senate Amendment #2, what happens to the Bill?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I have filed an alternative Motion to nonconcur with Senate Amendment #2 today."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So, when are we going to do this nonconcur... If they could converse real quickly, I would appreciate it, to figure out what is going on."

Speaker Johnson, Tim: "I'm sorry, Representative Hoffman. I didn't understand your inquiry."

Hoffman: "If they could converse real quickly, we may be able to figure this out."

Speaker Johnson, Tim: "I'd be more than happy. If the House could be...be...be...be at ease for just a moment. Representative Hoffman."

Hoffman: "Parliamentary inquiry."

Speaker Johnson, Tim: "Proceed."

Hoffman: "It is my understanding that Senate Amendment #2 is still in Rules, or somewhere. Is that incorrect?"

Speaker Johnson, Tim: "Mr. Clerk."

Clerk McLennand: "There was a Motion filed to concur in Senate Amendments #1 and 2. That Motion was divided in Committee with the Motion to concur in Senate Amendment #1 approved and the Motion to concur in Senate Amendment #2 was not approved. Subsequently, a Motion to nonconcur in #2 has been filed."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, but the problem is...inquiry of the Chair."

Speaker Johnson, Tim: "Yes."

Hoffman: "It is my understanding that the alternative Motion to

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Senate Amendment #2 has to go to Rules prior to time we do the nonconcurrency on the Floor. I believe that that has been the practice that these nonconcurrences have gone through Rules."

Speaker Johnson, Tim: "This issue, as you are aware, Representative Hoffman, has been raised previously. The Parliamentarian ruled that only final action Motions had to go to Rules. A Motion to nonconcur in Amendment...Senate Amendment #2 was not as to final action, and therefore, your point in that respect, if you are making a point of order, is not well taken. Representative Hoffman."

Hoffman: "It is my understanding that that is not what was done yesterday, Mr. Speaker."

Speaker Johnson, Tim: "That is...you are correct in so stating that I have stated what the rules of the House are and the ruling of the Parliamentarian, and that is what we intend to proceed with today. Representative Hoffman."

Hoffman: "So, would we say then that the Parliamentarian was in error yesterday and he is right today? Or is he in error today and was right yesterday?"

Speaker Johnson, Tim: "You can say, Representative Hoffman, whatever you choose to say. I'm not making a judgement."

Hoffman: "Well the question is, do Motions to nonconcur have to go through Rules? And you are saying they don't."

Speaker Johnson, Tim: "The answer is 'no'."

Hoffman: "Then I have a questions to the Amendment #1."

Speaker Johnson, Tim: "Proceed."

Hoffman: "Yes, Representative, in all the commotion, I guess I lost exactly what Amendment #1...Senate Amendment #1 does to the Bill."

Speaker Johnson, Tim: "Representative Brady."

Brady: "Senate Amendment #1 does not change the initial intent."

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It becomes the Bill and it adds a clause that states, 'a sheriff, in addition to any other person authorized by law, may administer the oath of office required of a deputy sheriff.'

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So the provisions which would raise the property taxes in Dupage and Lake Counties are not on this Bill?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, would the adoption of Senate Amendment #1... All that is on this Bill is what I read."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well I understand what you are saying, but that ain't my question. My question is, is the property tax increase that passed out of the Senate, is that on this Bill, on this concurrence?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, there is language in Senate Amendment #2 which you may be referring to that I have made a Motion to nonconcur with."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes. So all this would do then, it would expand the authorization regarding the 'old to deputy' sheriff, so that a sheriff could give that oath to the deputy sheriff. Is that correct?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Correct, and I believe that measure passed unanimously out of this chamber."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, but...I know that it did, but we are expanding it now from what the original Bill did. The original Bill said that the sheriff or the designated notary republic, or a court clerk judge, clerk of the court or county clerk

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could do this. How does this change existing in law?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, all the items you mentioned, regardless...excuse me. Aside from Sheriff or in existing law is my understanding... Does that back rub feel good, Representative...under existing law, and we are simply clarifying that a sheriff has the authority to swear in their own deputy sheriffs, a practice that has long happened in this State and we are making it statutory."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well it was my understanding that 'Gail Fransend', the Dupage County Board Chairman, was a big proponent of Amendment #2. So, we are not going to be dealing with what the Dupage County Board Chairman wishes to do with respect to Amendment #2, and increase the property taxes in DuPage County?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, as I've stated for the third time now, we have filed a Motion to nonconcur with Amendment #2."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Does Amendment #1 gut the entire Bill and then become the Bill?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Yes, Representative."

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

Hoffman: "So, now what would happen here is that the individuals listed, other than the sheriff...other than the sheriff, the only individuals that can administer this oath are other persons authorized by law. Is that right?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, all we're doing is adding the sheriff."

Speaker Johnson, Tim: "Representative Hoffman."

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Hoffman: "Well I thought that is kind of what the original Bill did and I don't know why we are changing it. There has got to be some reason we're changing the original Bill because it says... Well, your Bill now reads...it says, 'a sheriff, in addition to any other person authorized by law'. The question is, who are other persons authorized by law?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I can't defend the Senate's action, nor why they did what they want to do. I do believe that what they have done is exactly what we have tried to do: coroners, treasurers, judges, clerks of the court, and so on, all have the designation of the authority."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, if you don't want it, then let's nonconcur. Let's nonconcur with something just because we want to do it. Let's move to nonconcur. I make that Motion..."

Speaker Johnson, Tim: "Mr. Clerk."

Clerk McLennand: "Attention, Members. Members have been issued tickets for tonights dinner and they should proceed through the line in the Speaker's hallway at this time. Dinner is provided by Saputo's. Members with their tickets should proceed through the food line."

Speaker Johnson, Tim: "There being no further discussion, the question is... Representative Hoffman."

Hoffman: "Yes, I just made a substitute Motion and I understand that substitute Motions don't have to go through Rules to nonconur on this Senate Amendment."

Speaker Johnson, Tim: "Our Rules provide that only the principal Sponsor can make the Motion and accordingly, your Motion is out of order. Representative Hoffman."

Hoffman: "Well, I think he just said that he doesn't defend the

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Senate's actions which to me is a request; although, not in the proper form, was a request to nonconcur. I just, being a lawyer, am attempting to put it into proper form in asking that we nonconcur. We'll join him. We don't want to defend the Senate's actions here either."

Speaker Johnson, Tim: "The Chair has ruled."

Hoffman: "All right."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 505?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 505. Mr. Clerk."

Clerk McLennand: "A Motion to nonconcur in Senate Amendment #2 has been filed by Representative Brady."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with Senate Amendment #2 to House Bill 505. Those in favor signify by saying 'aye'; those opposed by saying 'no, and the Motion carries and the House nonconcur with Senate Amendment #2 to House Bill 505. Mr. Clerk, on the Regular Calendar, proceed with House Bill 513."

Clerk McLennand: "House Bill #513. A Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Persico and approved for consideration."

Speaker Johnson, Tim: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you Mr. Speaker, Members of the House, I move to concur in Senate Amendments #1 and 2 on House Bill 513. These Amendments were given to us by the township officials

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of Illinois, and basically, I would like to go through the Amendments at this time. Senate Amendment #1 adds to the Bill and amends the Township Code. It allows persons to vote at special annual town meetings if they have registered to vote at least 28 days prior. It exempts some competitive bidding the sale of any property declared surplus by the electors and sold to another governmental body. It requires the township supervisor to furnish copies of this report which is required to be submitted to the comptroller or the township trustee. It authorizes townships and road districts to finance for a period of 20 years in the case of real estate and a period of 10 years in case of personal property. It's identical to language offered in House Bill 606 by Representative Hoeft."

Speaker Johnson, Tim: "Representative Persico, before you proceed, Representative Lang has moved to divide the question. So...prior to your proceeding, the Clerk does have an announcement. Mr. Clerk."

Clerk McLennand: "The House Rules Committee will meet on Wednesday, May 24, at 6:30 p.m. in the Speaker's Conference Room. Rules Committee, 6:30 in Speaker's Conference Room."

Speaker Johnson, Tim: "With my apologies, Representative Persico, now proceed with Senate Amendment #1 to House Bill 513."

Persico: "Thank you, Mr. Speaker. I am finished with Senate Amendment #1 and what the provisions are. I'd be happy to answer any questions."

Speaker Johnson, Tim: "On Senate Amendment #1, the Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Johnson, Tim: "State your inquiry."

Novak: "Mr. Speaker, I am getting many complaints I know on my

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side of the aisle as well as on that side of the aisle. You know, the Clerk... Terry made the announcement about the dinner and everything and we all have our dinner tickets, but I know here we are, once again. Steve Spangler is the first guy in line and he's the first guy with his plate. Can you please give us a ruling, a reasonable ruling, that the slimmer, smaller people get in line first before these big guys get in line? Take all the food away?"

Speaker Johnson, Tim: "Well, as the Chairman of the slimmer, smaller people caucus, I guess I have to see to Representative Spangler wait at all because I don't have any choice. So, Representative...if you want to deal with Representative Spangler, Representative Novak, have at it. The Chair recognizes the Gentleman from Effingham, Representative Hartke. But your point is well taken, Representative Novak."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Will the Sponsor be so kind as to yield to some questions?"

Speaker Johnson, Tim: "I'm sorry, Representative Hartke. I didn't understand."

Hartke: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Yes, he will yield."

Hartke: "Thank you. Representative Persico, I think I heard you say something about Senate Amendment #1 dealing with elections. Are we changing the township elections here in any way?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, the thing that that provision in Senate Amendment #1, it allows persons to vote at a special or annual town meetings if they have registered to vote at least 28 days prior to the election."

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yeah, Mr. Speaker, could you... After the discussion about the food line and everything else..."

Speaker Johnson, Tim: "I'd be more than happy to restore your time."

Hartke: "Thank you..."

Speaker Johnson, Tim: "In regard to the food line, Representative Mautino has raised the issue of the application to the law of the jungle, and his point is well taken, as well. Proceed with your five minutes."

Hartke: "Well, thank you very much. Representative Persico, you said something about changing it to 28 days for the registration. What is the current law?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I don't have the answer to that question right now. I would say it is very similar to what it is for the general election. Thirty days, probably."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Thirty days, probably? Would you explain what you mean by that?"

Speaker Johnson, Tim: "Representative, I would suppose that it is similar to what it is to vote for a general election which is 30 days prior. This will make it 28 days."

Speaker Johnson, Tim: "Representative Hoffman...Hartke."

Hartke: "Yeah, he almost looks like me. We've been on a diet together."

Speaker Johnson, Tim: "Pardon?"

Hartke: "Nevermind. Representative Persico, why would we want to change election law to take it and confuse people, township - 28 days, general election - 30 days? Why would we want to do that? That really doesn't make a whole lot of sense. Does it?"

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Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I'm only guessing now, and my guess would be that if we can get more people involved in township government. And by doing that by easing the restrictions let's say, a few days, this would allow more people to vote in the annual town election...or the annual township election. And as you are well aware as I am in township elections, at the town meetings and so on, there are very few people that come out to vote in these particular elections and we're probably trying to encourage more participation by the people in these areas."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well I would think that this would be confusing people because now we have changed the law again and we want to... Does this apply to all elections now or just the township elections?"

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

Persico: "Representative, this Bill or this Amendment only applies to township elections and town meetings."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I would think that there would be no need to change that from the present 30 days. You know, I don't think two days is going to make a whole lot of difference and it's doing nothing more than confusing the general public. Now, when you registered to vote for this township election, do you do that at the County Clerk's Office with normal registration, or is there a separate registration process within the township?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I believe that it would either be the...it could be either the County Clerk or the Township Clerk where you can register."

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "If you register for a township election would you also qualify then for county and statewide elections?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "I guess if we register to vote, it would apply to all of the elections, but, Representative, I believe that the time limitation of 28 days only applies to special elections for townships or the annual township elections."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Do you mean that as a registered voter myself, if I do not register to vote in the township special election, then I would not be allowed to vote in that election?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I'm sorry, it's a little noisy in here. Could you repeat that question?"

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I know there's a lot of munching going on around here, but I would think that as a registered voter in a state election, federal election, I'm registered to vote now. Do I have to re-register to vote in a township election?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "No, Representative, you do not. If you're already registered to vote in a general or a primary election, you are still eligible to vote in the township election. I think what they're trying to do is encourage more participation by people that possibly have not and have been moved by a particular issue in a township or so on, that these are people that have not registered to vote in, you know, they only have to register 28 days prior to this election."

Speaker Johnson, Tim: "Representative Hartke, if you want to

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bring your comments and questions to a close."

Hartke: "Well, I would hope somebody would give me some time. I've just gotten through part of the first Amendment and I've got another Amendment here to go on. Let's talk about the finance area just a little bit. Why are we changing law...township law to allow the financing of equipment?"

Speaker Johnson, Tim: "Representative Persico, you have three seconds to answer the question. If you just simply respond to the question."

Persico: "Representative, it's allowing them to...for the...for surplus to not do the competitive bidding. Just surplus property."

Speaker Johnson, Tim: "Further discussion? There being none, the Chair recog...Representative Hartke, your time is expired. I gave you extra time to begin with and extra time afterwards. If you want to ask one more question, go ahead."

Hartke: "Well, I have a whole lot of questions."

Speaker Johnson, Tim: "Well, there are time limits that we have and I've extended it. So go ahead and ask your question. Proceed with the last question."

Hartke: "No, I think that part of what you're asking is...We're also changing that section about surplus property, but we're also allowing for township government to finance pieces of equipment they're buying. Why do we want to do this?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Are you asking why we want them...allow them..."

Speaker Johnson, Tim: "Go ahead."

Persico: "Excuse me. Are you asking that why are we allowing townships to finance equipment and so on for a period of ten years? Is that your question?"

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, it is. My analysis says, the Illinois Highway Code to change to better allow the townships to finance or purchase or lease the highway construction and maintenance equipment. Now, what we're doing is financing this lease. Why are we allowing townships to do that?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, obviously some township governments are having difficulty and they would require...I mean, they need this additional time in order to purchase, you know, either maybe trucks that they need for the highway department or, you know, computer...a new computer system or something like that for the assessors."

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

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

Speaker Johnson, Tim: "Proceed. Let me ask. Of any of the lights that are on, do any of you wish to defer your time to Representative Hartke? No independent questions? I'd be more than happy to entertain Representative Hartke's questions. Representative Hartke, proceed."

Hartke: "Well, thank you very much. I want to thank my colleagues. If someone would be so kind as to go get me dinner, then I'm sure...that'd be nice too. Let's talk about this financing just a little bit. Who would sign that finance lease for the township? Would that be..."

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

Hartke: "...the Supervisor or the Road Commissioner. Would the Trustees have to vote on this finance lease?"

Speaker Johnson, Tim: "Representative Persico."

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Persico: "Representative, I believe that at their monthly meeting, the township Trustees would vote on whether or not to purchase a particular piece of equipment, and they would take a vote and it would be signed by the township supervisor in order to give them the okay to go ahead and purchase this equipment."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I would think that it would be done by the Road Commissioner of the township as opposed to the Trustee. Does this legislation authorize just the Supervisor?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, this does not address the Road Commissioner, but my understanding of township government is that the Road Commissioner submits a budget, and if I may guess...You may be correct in that aspect, that if it falls within his budget or her budget, they would be allowed to purchase this particular piece of equipment. But I think if they're putting it over or financing it over a period of 20 years or 10 years, I think then that is when they would be...need the approval of the township Trustees."

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

Hartke: "Yes. There also makes a change to the Public Funds Statement Publication Act. Could you explain that?"

Speaker Johnson, Tim: "Representative Persico. We're still proceeding under Senate Amendment #1 now."

Persico: "Is Amendment #1...are you talking about? Is this your question dealing with Amendment #1?"

Speaker Johnson, Tim: "He indicates, yes, that it is. This is Senate Amendment #1, per Representative Persico."

Persico: "Representative, I believe you're talking about where they have to submit a report to the Comptroller and to the

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township Trustees. This just has them submit one report."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "This is done at the annual town meeting, it's my understanding. Is that correct?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Yes, it is, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I think this expands that. It says the Supervisor shall provide each member of the Township Board with a copy of his or her statement filed in accordance with Section 1 of the Public Fund Statement Publication Act as soon as possible after the filing of the statement. Would that be two weeks or three weeks?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, according to my understanding of rating the legislation, they still...the Supervisor, he or she still has to submit the report. They just have to submit it to the township Trustees."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, this is expanding and it's another job that the Supervisor has to do. Is this an unfunded mandate on the townships?"

Speaker Johnson, Tim: "Representative Hartke (sic - Persico)."

Persico: "No, Representative, the...he or she is currently doing that at this time."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I look at it as a 'shell' and it's another job that the Township Supervisor is required to do. He's required to file these reports with the State of Illinois. Is that with the State Treasurer or is that with the State Comptroller?"

Speaker Johnson, Tim: "Representative Persico."

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Persico: "That would be to the State Comptroller, Representative."

Speaker Johnson, Tim: "Proceed, Representative."

Hartke: "Yes. What does the State Comptroller do with these audit reports?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, they probably do the same thing they do with other reports, hopefully they're reading them."

Speaker Johnson, Tim: "Representative Hartke, you bring your comments to a close."

Hartke: "Do you know of any townships that have had a real problem that the auditor...the Comptroller's Office says, ah ha, here's a real problem in the township, so now we're going to require you to also give these copies to the Trustees of the township so they can help the Comptroller to see if there is any irregularities in the report?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, basically what we're doing here is cutting down on the amount of paperwork. We're taking the same report...taking the same report and having them give that report to the Comptroller as well as the township Trustees. We're basically cutting down on paperwork and the amount of time that the Supervisor has to put in under this report."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang is...right here. Representative Lang."

Lang: "Thank you. I would love yielding my time to Representative Hartke."

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

Hartke: "Well, it would seem to me, Representative...By the way, thank you very much, Representative Lang."

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Speaker Johnson, Tim: "You're welcome, Representative."

Hartke: "It would seem to me you're adding to paperwork when you require that they now give the reports to the Trustees as opposed to just sending it to the Comptroller's Office."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, currently they have to report...or they have to submit separate reports to the Trustees and the Comptroller. This is letting that person submit the same report to the Comptroller and to the Trustees rather than doing two separate reports."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So, it just...he has to copy this...this same report. Is that correct?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "That is absolutely correct, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Part of this piece of legislation also talks about surplus property. Is that correct?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "That's correct, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Could you explain in lengthy...the details on surplus property?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, basically what this legislation will do if it becomes law, it exempts township...they can declare property surplus and exempt them from competitive bidding of this if they...by the electors if they sell this property to another governmental entity."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So could you give me an example of something like what you're trying to do here?"

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Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I would say an example might be that they have a truck, a highway truck, used for snow plowing and they are declaring this surplus property and selling it to either another township, maybe a municipality, maybe the county highway commissioner, and they're just exempting this particular piece of property from competitive bidding and selling it to another governmental entity."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, do they have to sell this property at an appraised value?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I think they would find a fair market value of this particular piece of property while they sold it to..."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I guess that may apply to a piece of equipment. What about real estate?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I guess if I served on a township board and we had a particular piece of real estate, I would definitely get a fair appraisal of that piece of property if I wanted to sell it to another governmental agency."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I guess that's the reason why we want more participation in township government and why we want more people to register to vote 28 days ahead of time so that everybody at the town meeting can then vote to decide whether to declare the town hall surplus property or the snowplow surplus property, and..."

Speaker Johnson, Tim: "Representative Persico."

Persico: "I don't believe that was a question, I think that was a

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statement, Mr. Chairman...Mr. Speaker."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, Representative Persico, are you...have you ever been a township official?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Yes, I was. For a brief time."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Have you graced the township with your presence at annual town meetings since then?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I believe I was a Trustee at two annual meetings and in the audience were probably maybe 10 or 15 people at these annual meetings."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Is there any requirement of the number of individuals at an annual town meeting to make it a...an official town meeting?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "No, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Would motor-voter help get people there? I mean, is...if that were brought into the process?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "I believe that anytime an issue comes up that moves a particular electorate, they will show up at a meeting."

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

Hartke: "I will certainly try. Well, I...Representative Persico, I think I'm going to support your piece of legislation here. I know you've worked very hard on it and I know it's an initiative of the township officials in Illinois. They've done a good job. I really have some questions of

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moving it from...from 30 days to 28 days because I think that will be more confusing than helpful, but..."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the main question is put. And the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 513?' All those in favor signify by voting 'aye'; those opposed signify by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no' and none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 513. And now, pursuant to Representative Lang's request, Representative Persico on Senate Amendment #2 to Senate...House Bill 513. Proceed."

Persico: "Thank you, Mr. Speaker and Members of the House. I move to concur on Senate Amendment #2. Senate Amendment #2 adds to the Bill. It amends the Election Code. It prohibits a person from voting in a February primary election if that person has also participated in the township political party caucus of another political party within 45 days before the first day of the calendar month in which the primary is held. Only applies to township caucuses in primaries and would prohibit a person from voting twice for the same offices. This is identical to the language contained in House Bill 2131...2131, Representative Meyer, from the 88th General Assembly. I would ask your favorable support of Senate Amendment #2 to

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House Bill 513."

Speaker Johnson, Tim: "The Lady from Cook, Representative Schakowsky."

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

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

Hartke: "Representative Persico, what brought about this legislation other than Representative Meyer's previous Bill in the 88th General Assembly?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, this was brought forward by the township officials of Illinois, and I believe that Representative Meyer would like to answer questions concerning this particular Amendment since it was his legislation earlier."

Speaker Johnson, Tim: "With leave of the House the Gentleman from Will, Representative Meyer, will be permitted to respond to questions. Representative Meyer, leave is granted."

Meyer: "Thank you, Mr. Speaker. Representative, this was brought to my attention, as a matter of fact in my home township, where it occurred that one political party had a caucus, the other political party had a primary, and some that participated in the caucus of the first political party tried to vote in the primary of the other political party. Under current state law, if one participates in a primary of one party, they are forbidden from participating in the primary of the second party. If they participate in the caucus of one party, they cannot participate in the caucus of the second party. But the current law is silent as to whether you can participate in the caucus of one and the primary of the other party. It's clear that the intention is that you should only participate in one political

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process, and therefore, this language is needed just to clarify the law."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Representative Meyer, does this have to be an established political party?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I have not seen the specific language of the Amendment, in mind that, yes, it had to be an established political party and that was the case. It was the Democratic and Republican parties that were involved."

Speaker Johnson, Tim: "Representative Hartke."

Meyer: "Excuse me. Representative, I have the language. I believe it's for candidates for the same office, so it would be any political party."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Let me put forth a scenario. Let's say that Mr. Jones wants to run for Road Commissioner and he is hoping to be nominated at a party caucus, but he puts his name on the ballot of the opposing political party. Individuals go in and he fails to win in that primary, but yet he is running against an incumbent of his own party but does not show up at the caucus and does not participate in that caucus, yet fails to get a majority. Can he still run as an independent candidate although he participated and voted in one of the primaries.?"

Speaker Johnson, Tim: "Representative Meyer, in response to the hypothetical question."

Meyer: "Well, if the language of this Amendment is pretty straightforward. If a person has participated in a town political party caucus under the Township Code of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the

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calendar month in which the primary is held, so it would...If you participated in one caucus you cannot participate in the primary of another. And I think that pretty well..."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Out of my scenario he did not participate in the caucus nor in the primary, but failed to win the primary without present at the caucus, but yet was nominated in both caucuses and so forth. He could still run as an independent, is that correct?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I'm not sure if he could or not. This legislation is not geared towards that. It's geared toward actually voting in a primary of one party if you participate in the caucus of the other is what the legislation's geared towards."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I don't know that there's a great outcry from the general public to change township law to avoid voter fraud or whatever. I would think we would want as much participation as possible in township elections and township business, and it would seem to me what we're trying to do here is...is avoid what we're trying to do in Amendment #1. We're trying to get as many people involved as we possibly can in the primaries and town meetings and so forth and here you're disallowing participation. Isn't this a little reversal of what we're trying to do in Amendment #1?"

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Hartke, please."

Speaker Johnson, Tim: "Yielding the time. You want to respond to

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the question, Representative Persico."

Persico: "Thank you, Mr. Speaker. Representative, you used the term voter fraud. I would think this Body would like to prevent voter fraud no matter where it occurs whether it's in a primary or a caucus or whatever, and that's simply what this is intending to do is in the spirit of the law you cannot participate in the primary of different parties at the same...in the same election. You cannot participate in the caucuses of different parties in the same election, and this just follows through with the same logical thread there that you can't participate in a primary of one party and the caucus of a second party in the same election. It doesn't prevent you in the next election from participating in additional caucuses of other parties or primaries of other parties. But in the true sense, if one follows it through logically, one should not participate in both election processes."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, you know I...I'm a little bit familiar with township law and I was...I'm not aware that one party can hold an election and the other party hold a caucus. Why do you think that is? Would that not be an expense for the township and the county which is the chief election official in each county, that a township...one particular party would be allowed to hold an election, a primary election, and the other one a simple caucus, which is nothing more than a room where all those members of the party gather, stand up and vote for this person or that person, and the other party be allowed to have a primary with ballots, voting machines, election judges. It would seem to me that if we wanted to avoid this, we ought to require that each party hold a party caucus on the same

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day, on the same day and have an election on the same day, a primary on the same day. Wouldn't that avoid all of this problem rather than trying to change 45 days before one party having a caucus, the other party having a primary, one causing an additional cost to the public. Wouldn't that be a simpler method of solving this problem?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, Representative, current election law has been in force for some time. It is provided in current election law that one party can hold a caucus and a second party can hold a primary. That's just a part of election law that's there to start with and it's not required that they're held in the same...on the same date. Obviously, primaries are set by the calendar and caucuses can be held at other times. And again, this is a real scenario that did occur in my home township where one party rightfully chose to hold a caucus and the other party, by law, rightfully chose to hold a primary for the same election. And the law provides that they can so choose and this seeks to remedy the situation of where one...of where individuals try to participate in both the caucus of one party and the primary of an opposing party which I think logically you'd have to admit that just doesn't ring true either."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, logically, if we're changing election process requiring and not requiring who can't participate either in a caucus or a primary, wouldn't it logically be...us to say, since we're changing the law anyway, to say that both parties shall hold a primary or both parties shall hold a caucus. That would make it consistent and solve the problem."

Speaker Johnson, Tim: "Representative Meyer, in a brief

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response."

Meyer: "Thank you, Mr. Speaker. I believe that the Amendment, as put forth, is consistent with current law and it's a good Amendment and I would ask for your favorable vote on it."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those opposed by saying 'no'. In the opinion of the Chair the 'ayes' have it, the main question is put. The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 513?' All those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no' or 'present', and the House does concur with Senate Amendment #2 and having previously concurred with Senate Amendment #1 to House Bill 513. And this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 632 on the Order of Concurrence. Is Representative Saviano in the chamber? Take the Bill out of the record. Mr. Clerk, on the Order of Concurrence read House Bill 939. The Lady from Lake, Representative Clayton."

Clerk McLennand: "House Bill 939. A Motion to concur with Amendment #1 has been filed and approved for consideration."

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

Clayton: "I move to concur in Senate Amendment #1 to House Bill

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939. This has to do with the Bikeway Act and the statewide bicycle planning group. This Amendment only adds an additional representative to the council, the interagency council, providing that a representative of the Cook County Forest Preserve should be a member of this council. I think it's a good Amendment. It helps to provide for local planning."

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

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

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

Lang: "Representative, what does the Cook County Forest Preserve District say about your proposal on this Amendment?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "The Cook County Forest Preserve requested this Amendment."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Now, when you say they requested it, who requested it?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "Their lobbyists."

Speaker Johnson, Tim: "Representative, proceed."

Lang: "So this is a Bill for a lobbyist, Representative? A lobbyist requested this Bill? No. This isn't a lobbyist's Bill, this is your Bill, right?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "That's right, it's my Bill. It was originally requested by the County of Lake. They had felt that this interagency council should include a county engineer that was chosen from the...their statewide association to ensure that there be county...or that there be local planning on this bikeway system. The Bill passed. Later the lobbyists for the Cook County Forest Preserve approached me and said

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that they have a large bicycle pathway and they felt that they would like to be a part of this interagency council."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And now, Representative, I see this deals with bikeways that's way...a pathway for a vehicle to move. Is there anything in here regarding licensing of limousines?"

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

Clayton: "No, I'm sorry, we didn't include that in this."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, aren't you concerned about whether the fact that those dangerous limousines on our roadways might be driving down these bike paths?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No, they're not allowed."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Representative, how will the representative of the Cook County Forest Preserve District be chosen?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "From the..."

Speaker Johnson, Tim: "Give the Lady your attention."

Clayton: "The forest preserve will select their representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, who there? Not the lobbyists. And does the Bill say...the Amendment give any indication how this person should be chosen? It wouldn't be one of the limo drivers that drives the lobbyists around, would it?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "I suppose, if he was on the forest preserve board, it might be."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Yeah, but the Bill doesn't say it has to be a member of

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the forest preserve board, does it? In fact, it could be anybody, correct?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No...I don't have a copy of the Amendment. Just...could you hold on, please?"

Speaker Johnson, Tim: "We will be at ease just a moment while the Lady's obtaining a copy of the Amendment. Representative Lang, sure, proceed."

Lang: "Well, I'll be glad to wait, but it seems to me that since Representative Clayton has taken three minutes of my time without even having the Amendment in front of her, I think I'm entitled to my whole five minutes. What do you guys think? There you are."

Speaker Johnson, Tim: "Proceed with your questioning."

Lang: "...not, huh. Okay. Representative, do you have an answer to my last question?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "How was it? That you wanted five more minutes? What was your question? I'm sorry."

Speaker Johnson, Tim: "Representative Lang, state your question again."

Lang: "Oh, sure. The question was, does this person have to be a member of the Cook County Forest Preserve District Board? I don't see that in the Bill."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "My analysis says that it should be a representative of the Cook County Forest Preserve."

Speaker Johnson, Tim: "Representative Lang."

Lang: "However, that doesn't mean that person has to be a member of that board does it? It just simply means a person chosen by them. Is that correct?"

Speaker Johnson, Tim: "Representative Clayton."

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Clayton: "That's correct."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And so we're going to allow this board, with no characteristics, with no comments in the legislation, with no guidelines, to just willy-nilly choose somebody to do this job?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "The Cook County Forest Preserve Board is a governmental agency that is well respected and they are certainly capable of selecting a good representative for this agency."

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

Lang: "Well, we're well respected. I don't think anyone would trust us to make this choice. Let me ask you this, Representative. Since this is on bikeways, does the person who is this representative have to be an expert in bicycle riding?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "I don't believe they'd have to be an expert, but I would imagine they would have an interest in it or at least providing that recreational possibil..."

Speaker Johnson, Tim: "Representative Lang, your time is expired. The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Mautino: "Representative, does the Amendment become the Bill?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "So if I remember correctly, this Bill had to do with requiring quarterly meetings of this commission?"

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Speaker Johnson, Tim: "Representative Clayton."

Clayton: "Yes, that's correct."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "I remember when this Bill came through we had a panel of bicycle experts. I believe the file went from Representative Lang to Representative Hoffman, a well known bicycle expert, to Representative Schakowsky, to probably the House leading bicycle expert, Harold Murphy."

Speaker Johnson, Tim: "Representative..."

Mautino: "In the course of doing this, though, we didn't really mention too much about the Bill. Did the Farm Bureau have any position on this Bill? When you deal with the bikeways and the greenways, we sometimes get into questions of land rights, reverter clauses on properties."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "There were no opponents. The proponents of the Bill were Lake County, the Illinois County Superintendents of Highways, the Chicagoland Bicycle Federation, the League of Illinois Bicyclists, the Illinois Association of County Engineers, and Rails to Trails Council."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "To the...to the underlying Bill, again, just quickly. Why is it that we're requiring the quarterly meetings? Wasn't it up to the Department of Transportation to call these? Is it just...When's the last time they had a meeting? A better question yet."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "This Bill did not even address that particular portion. That's in existing law. This Bill originally only added the county superintendent...oh, okay. You're right, at least quarterly. As I recall in Committee when this was being discussed, it was pointed out that even though if

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there is no business to discuss, obviously they would not hold their meeting."

Speaker Johnson, Tim: "Representative Mautino."

Clayton: "And they...No, they have not met for several years."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "Well, I know under the Conservation Congress, the Rails to Trails is a large...is a program which generated a lot of interest and some controversy. Were they...was there anything from the Department of Conservation? Any comments made towards this?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "As far as they...You said the Farm Bureau had no problem with this, with them meeting. Why didn't IDOT call any meetings?" Why do we have to require IDOT...I have no problem with requiring IDOT to call the meetings, just why is it necessary?"

Speaker Johnson, Tim: "Representative Clayton."

Mautino: "Is there now something that they have to meet on for this commission? Is the commission even necessary?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "I don't know how it is in your part of the state, but in my part of the state bicycle paths are expanding rapidly and it's very important that there be regional planning so that they can connect with one another, and you do have a bicycle trail that goes someplace so that, not only for recreational purposes, but also for alternate modes of transportation."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "In my district I have the Illinois-Michigan Canal which is currently one of the greenways projects which is being

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tied up. So I would like to see them meet and also to have some input or direction from the Department so we can get the final length of that trail completed. I support your Bill."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "Yes, it would be nice if we could get from my part of the state to your part of the state on a bicycle, so I urge a 'yes' vote on this."

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

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

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

Clayton: "It's a very simple Bill. I urge a 'yes' vote."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 939?' All those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 5 voting 'no', and the House does concur with Senate Amendment #1 to House Bill 939, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Concurrence on the Regular Calendar please read House Bill 632."

Clerk Rossi: "House Bill 632. A Motion to nonconcur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with

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Senate Amendment #1 to this Bill. All in favor signify by saying 'aye'. Those opposed by saying 'no'. And the Motion carries and the House nonconcur with Senate Amendment #1 to House Bill 632. Representative Lang, for what purpose do you rise?"

Lang: "Thank you. I hope you don't have to cite the rule to you, Sir, that allows for a Roll Call record vote and debate on a Nonconcurrency Motion. We're entitled to know why the Sponsor wants to take the Amendment off the Bill and what the Amendment did and what his plans are."

Speaker Johnson, Tim: "Mr. Lang, this was addressed yesterday. Mr. Clerk, read House Bill 781 on the Order of Concurrence on the Regular Calendar. House Bill 781."

Clerk Rossi: "House Bill 781. A Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Amendment #1 to House Bill 781 was a clarification on the original Bill. It cleans up the Bill which contains separate sections setting the annual mortgage broker license fee at \$500 and at \$1800 per year. It deletes the section providing for mortgage license fees of \$500 per year and confirms that the license fees shall be \$1800 annually. This Amendment confirms an understanding between the Commissioner of Savings and Residential Finance and the Illinois Association of Mortgage Brokers that was in place at the time the Bill passed the House. I would ask for a concurrence on Senate Amendment #1."

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

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Lang: "Mr. Speaker, a point of order before I go to this Bill. I've been waiting for a ruling on House...my request on House Bill 632 which you moved the Nonconcurrency Motion over my objection when we requested debate and a Roll Call vote on that Motion. The rules are very clear on this, Sir. We had a lengthy debate on a Bill that Mr. Leitch had that where we were discussing the same issue. It's clear that House Rule 8-1 allows and requires a roll call vote and debate when requested by two Members. Many hands were up. You heard us, you saw us, and yet you rolled right over us, Sir. I would think it appropriate that the Chair go back to that Bill and allow the Sponsor to explain why he wishes to nonconcur, what the Amendment did, and let the Body vote on such Motion."

Speaker Johnson, Tim: "...Lang, as we indicated yesterday from the Chair, we are following and have followed the long-standing practice of the House, under Speaker Madigan and others, with respect to Motions to nonconcur and that is the ruling of the Chair. Proceed, Representative Lang."

Lang: "We've been following long-standing tradition in the House on this Fiscal 'Notegate' that we've been discussing, but you cannot, by discussing long-standing practice, overturn a rule which you've foisted upon us in January, Sir. These are your rules. We voted against them. Rule 8.1 (sic - 8-1) is very clear. We're entitled to a debate and a record vote on a Motion to nonconcur. We don't dispute that the Sponsor has a right to make such Motion. We don't dispute the Sponsor's right to have a vote on such Motion. We do dispute the Chair's right to ignore a rule that's in your rule book, Sir, and we would ask you to reconsider your opinion on that."

Speaker Johnson, Tim: "Mr. Lang, do you want to raise the issue

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in the future? We'll be glad to do that. Your Motion is not timely and we're going to proceed on the order of House Bill 781. Gent...Representative Saviano."

Saviano: "Mr. Speaker, I've given my brief description and ask for a concurrence and I'll yield to any questions."

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

Dart: "Thank you, Mr. Speaker. I'll yield my time to Representative Lang."

Speaker Johnson, Tim: "Representative Dart, I'll recognize Representative Lang on his own. Representative Lang, you may proceed on the Bill."

Lang: "Thank you, Sir, but before I do that I wish to overrule the Chair on the previous Bill. The Chair is completely in error on the rule and I move to overrule the Chair relative to your ruling on House Bill 632, demand a Roll Call vote and would ask for a verification."

Speaker Johnson, Tim: "There's no ruling to overrule and your Motion is not timely. Proceed. Mr. Lang, if we could proceed on this Bill and get on with the business of the House. Representative Lang."

Lang: "Mr. Speaker, I'm entitled to make this Motion. I'm entitled to make it now and I insist that we have a Roll Call vote on my Motion now on House Bill 632."

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

Black: "Yes, thank you very much, Mr. Speaker. I move to table the Gentleman's Motion."

Speaker Johnson, Tim: "Gentleman...The Gentleman has moved to table Representative Lang's Motion which is a nondebatable Motion. Those in favor of Representative Black's Motion

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signify by voting 'aye'; those opposed by voting 'no'. There is a request for a verification and you will certainly be acknowledged that request, Representative Lang. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there's 65 voting 'yes', 51 voting 'no', and Representative Lang asked for a verification of the affirmative. Is that correct, Representative Lang?"

Lang: "Yes, we wish to proceed with the verification, Sir."

Speaker Johnson, Tim: "Mr. Clerk, read the Affirmative Roll Call."

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

Speaker Johnson, Tim: "Yes, Mr. Lang. Questions of the affirmative?"

Lang: "Oh, yes, Sir. Representative Klingler."

Speaker Johnson, Tim: "Representative Klingler. Is the Lady in the chamber? Is Representative Klingler in the chamber? The Lady will be removed from the Roll Call. Representative Lang, Representative Maureen Murphy has asked leave to be verified. Her request is granted."

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Further questions? And Parke has made a similar request. His request is similarly granted. Representative Lang, further questions?"

Lang: "Yes. Representative Meyer."

Speaker Johnson, Tim: "Representative Meyer. The Gentleman is present over on the right side."

Lang: "Representative Wennlund."

Speaker Johnson, Tim: "Representative Wennlund. Representative Larry Wennlund. Is the Gentleman present in the chamber? He'll be removed from the Roll Call."

Lang: "Representative Bost."

Speaker Johnson, Tim: "Representative Bost. He's in the back. Further questions?"

Lang: "Representative Wojcik."

Speaker Johnson, Tim: "Representative Wojcik. Representative Kay Wojcik is on the left side. Representative Lang."

Lang: "Representative Balthis."

Speaker Johnson, Tim: "Representative Balthis. Representative Bill Balthis is not here. His name will be removed from the Roll Call. Restore Representative Klingler to the roll, she's returned to the chamber and Balthis has likewise returned to the chamber. Restore him to the Roll Call. Further questions?"

Lang: "Didn't we remove Wennlund from the Roll Call, Sir."

Speaker Johnson, Tim: "Yes, we did."

Lang: "I still see him up there."

Speaker Johnson, Tim: "His name should be removed. You are correct. Further questions?"

Lang: "Representative Stephens."

Speaker Johnson, Tim: "Representative Ron Stephens. Representative Wennlund is here, by the way. Before we proceed with Stephens, Representative Wennlund is here."

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He'll be restored to the Roll Call. Representative Stephens, are you present? Representative Ron Stephens is in his seat."

Lang: "We found Representative Stephens?"

Speaker Johnson, Tim: "Yes."

Lang: "Good! I was busy checking out Representative Wennlund. Representative McAuliffe."

Speaker Johnson, Tim: "Representative Roger McAuliffe. He's in the center aisle."

Lang: "Let's see. Representative Zabrocki."

Speaker Johnson, Tim: "Representative Zabrocki is in his seat."

Lang: "I just see an arm, but I assume that's his head attached to that arm. Yes, it is."

Speaker Johnson, Tim: "You assume correctly, Representative Zabrocki's present. Further questions?"

Lang: "Representative Roskam."

Speaker Johnson, Tim: "Representative Peter Roskam. Representative Roskam. Is the Gentleman in the chamber? The Gentleman is not in the chamber...Oh, Representative Roskam is in the chamber. Representative Roskam is present."

Lang: "I guess Mr. Pugh doesn't know Mr. Roskam, he's the one that suggested his name. He's sitting right next to him. Thank you, Mr. Pugh, for your help."

Speaker Johnson, Tim: "Well, they have now met one another. Proceed."

Lang: "No further, Sir."

Speaker Johnson, Tim: "Representative Black's Motion having received 65 'yes', 51 'no', the Motion passes. Now we will proceed with House Bill 781. The Gentleman from Cook, Representative Saviano. I believe the Gentleman has already made his opening remarks. Further questions?"

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Representative Lang on the Bill."

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

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

Lang: "Thank you. Representative, I knew we'd get to this Bill eventually. How are you tonight?"

Speaker Johnson, Tim: "Nice tie. Proceed."

Lang: "I wasn't going to compliment him on his tie, Sir. I can't believe you'd waste the time of this House of Representatives to do such a thing. Representative, why are you removing this \$500 license fee?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Representative, we're not removing it. Apparently, in the original Bill it wasn't clear on what the fee was agreed upon and what this Amendment simply does is clarify the fact that the fee is not \$500, it's \$1800 per year."

Speaker Johnson, Tim: "Representative Lang."

Lang: "It's \$1800 a year. Then what changes are you making in the Amendment?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That's all...the only change there is. Apparently, previous in the underlying Bill or in the previous Act the licensing fee was \$500. The underlying Bill changed that to \$1800, but didn't explicitly state it where it was very clear. So this is what the Amendment does, it just clarifies the underlying Bill to show that the fee is now \$1800."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I have a conflicting analyses here, Sir. I have one analysis that show the savings and resident...the Commissioner of Savings and Residential Finance to be opposed to the Bill and one showing that individual to be a proponent of the Bill. Can you tell me which is correct?"

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Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Originally, back when the Bill was filed he was an opponent. Since then this is an agreed Bill between all parties and he is...his opposition has been removed."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I also have some information in my file which indicates there was some other opponents originally. Have they been satisfied as well?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yes, all opposition has been removed. If you remember, I think I debated this Bill with Representative Granberg a few months ago and at that time I had made the representation that the consumer groups IPAC, Residential...the Commissioner on Savings and Residential Finance, the Mortgage Brokers, all had come to an agreement. It went over to the Senate, there was additional concerns. Those were worked out and this was one of the things that they wanted to make sure, it was clarified that the fee was in fact \$1800."

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

Lang: "Some on our side of the aisle have read this Bill to...to...in a way that makes them believe that the Mortgage Brokers Association originally wanted a \$500 fee, but in the agreement stage they agreed on \$1800. Is that what happened?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That's exactly what happened, Representative. What happened...what the underlying Bill does is remove some of the regulatory actions against mortgage brokers which originally cost them anywhere from \$3000 to \$5000 a year. For the additional costs that were going to be incurred by the Savings and Residential Finance Commissioner, that was

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the reason for the increase in the fee, to cover the costs of the additional monitoring under the Act."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. Under your Bill, Sir, what would happen to a licensee that files misleading statements with the commissioner?"

Speaker Johnson, Tim: "Proceed. Proceed."

Saviano: "Well, that's in the underlying Bill. I might have to look at another...I know this was covered in the original Bill. Let's see here. Okay. A licensee who files false or misleading compilation of financial statements is guilty of a business offense and shall be fined not less than \$5000."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Representative, let me ask you this. Did I vote for this Bill the first time through?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I don't have the Roll Call."

Speaker Johnson, Tim: "Representative Lang."

Saviano: "It got a 110 'yes' votes."

Lang: "Well, if it got 110 'yes' votes I probably voted for it, and if it was a good Bill then, it's probably a good Bill now. So, okay."

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

Granberg: "Will the Gentleman yield?"

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

Granberg: "Representative Saviano, you used my name in debate. Will you please tell me why?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I couldn't hear you."

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Speaker Johnson, Tim: "Is that a point of personal privilege or a question, Representative? Point."

Granberg: "Why did you use my name in debate?"

Saviano: "Because you did such a fine job in debating that Bill with me in the first place, I thought I should bring it up to commend you."

Speaker Johnson, Tim: "Representative Granberg, receiving the commendation."

Granberg: "Thank you. Did you think the points I raised were meritorious when this Bill was first brought before the Body?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yes. You even made me name the consumer groups that were involved in the negotiations, if I remember correctly."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So you thought the points I brought out were correct?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "They usually are, Representative."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Did you know I voted 'no' on your Bill?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I didn't know that and I'm sorry to hear that."

Speaker Johnson, Tim: "He objects to the leading nature of the question. Sustained. Representative Granberg."

Granberg: "No, actually I voted 'present', Representative Saviano, because I didn't know if there might be some problems with residential brokerages. How many years of experience does a mortgage broker have to have to receive a license?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Three years."

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Speaker Johnson, Tim: "Proceed."

Lang: "Is that a mandatory period, Representative?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "No. An alternative to that is, the applicant maybe satisfactorily complete a program of education in real estate finance as approved by the commission."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So the commissioner can actually exempt someone from that three year requirement?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "It's not a exemption, it's an education requirement."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And how are the courses approved by the commissioner?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That is taken up with the commissioner and it's promulgated by rules."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "What is the basis for the determination of the recommendation by the commissioner?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Well, it's based on whatever proof is provided to the commissioner on his experience requirements and educational requirements."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "How does the commissioner make the determination for those requirements?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yeah. It's pretty much at the discretion of the commissioner and it's taken up with the Mortgage Brokers Association in agreement with them."

Speaker Johnson, Tim: "Further questions?"

Granberg: "You mean there is actually no definitive standard for

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any type of exemption or qualification for an educational alternative?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "No, but the commissioner may establish, by rule, a list of duly licensed professionals, others, who may be exempt from this requirement. So that gives some control over the process."

Speaker Johnson, Tim: "Representative Granberg, you have 30 seconds."

Granberg: "So the commissioner may, but there is no definitive standard that is promulgated by rule?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That's correct."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, the person must then apply for the educational requirements. He would then petition the commissioner to have the exemption from the three year period and the commissioner...How would the commissioner base that determination?"

Speaker Johnson, Tim: "You're out of time, but I'll allow the Sponsor to respond to that question. Representative Saviano."

Saviano: "I need you to repeat that, please."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "There's a three year waiting period. That period can be waived or accepted by the commissioner. You've indicated the commissioner may use that educational alternative and may do that, but there appears to be no definitive standard for when the commissioner would use that application. So how, in effect, does the commissioner use that to make that determination? What factors does he consider? Is there any minimum standard by which he can

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waive the three year waiting period? Is there any minimum to receive the educational alternative of the educational exemption?"

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

Saviano: "There is no standard, but in the waiver process you can see there's a..."

Speaker Johnson, Tim: "Bring your comments to a close."

Saviano: "...You can see that there's a nine month period there where he can at least get an example or a track record on how this individual operates to satisfy any doubts that he may have in exercising his discretionary powers."

Speaker Johnson, Tim: "And there being no further discussion, the Chair recognizes the Gentleman from Cook, Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker, Members. I would appreciate if you would concur with Senate Amendment #1. It's a good Bill. We've worked long and hard on it, it deserves to reach the Governor's desk. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 781?' Those in favor signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', none voting 'no', 2 voting 'present' and the House does concur with Senate Amendment #1 to House Bill 781, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 760."

Clerk McLennand: "House Bill 760. A Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Pankau and approved for consideration."

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Speaker Johnson, Tim: "Prior to the Bill, any announcements, Mr. Clerk?"

Clerk McLennand: "Committees will meet at 8:15 and 8:45 and will be announced momentarily and sheets will be distributed."

Speaker Johnson, Tim: "The Chair recognizes the Lady from DuPage, Representative Pankau. Proceed."

Pankau: "Thank you, Mr. Speaker. Amendments 1 and 2 deal with House Bill 760, that allows for the use of credit..."

Speaker Johnson, Tim: "Representative Pankau, Representative Lang has moved to divide the Amendments, so proceed with Amendment...first Senate Amendment #1."

Pankau: "These Amendments deal with the use of credit cards by the Clerk of the Circuit Court and the first Amendment allows that the fee for the credit cards be added on to the other fines and penalties and costs which a judge might assess to a person who is standing before them. The reason...This was suggested by the Clerk of the Circuit Court of Cook County, Aurelia Pucinski, and her point was that when a judge delivers the fines and fees and pronounces what they are, they should be equal among all people who are standing before that particular judge. So the method by which a person pays that particular fee or fine, they should in essence not be given a benefit because they put it on a credit card and the credit card company takes a fee off of the top of that. So this way the fee is added on top of all the other fees and fines that the credit card company might charge. I guess it is the credit cards...the credit card companies practice not to allow such a thing, that you have to...Like when you go out in the retail business you...and if you charge \$10 to one person, you have to charge \$10 to the next person and you could not tack on an extra dollar because they use a credit

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card. So, we need a change in the legislation, and this is Aurelia Pucinski's suggestion as to how to make everything all fair and equal. And I ask for your favorable approval of this Amendment."

Speaker Johnson, Tim: "On Amendment #1, Representative Lang."

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

Speaker Johnson, Tim: "Indicates she will."

Lang: "Representative, how did you get to \$5 on this? Why is it \$5?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "It's \$5 right now in Cook County and this makes all the fees equal across the state. In Cook County it's \$5. In all other counties, the other 101 counties in this state, it's \$3. So this makes \$5 the same and then this particular Amendment allows them to add that on to all the other fees and fines that are charged."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, what if it's a \$20 fine and 5 per...the fee that the credit card company charges is 5%. That should be a buck, not five. You indicated you don't want to give a credit card payer a bargain, nor should we punish them further for using a credit card. So how do you resolve that?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "And if you look at Amendment 2 which was the one that you separated, it's says that it can't be more than \$5. So, if it's a...if the credit card company is charging you a buck, Representative Lang, a buck would be added on to your \$75 speeding ticket, for instance, and it would be \$76 if you're going to pay via the credit card."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, what proof does the clerk have to give to the payer at the time they add this credit card fee onto the fine, so

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that they know that they're getting charged the right amount. Mastercharge (sic - Master Card) or Visa may charge the Clerk of the Circuit Court of Cook County 5%. Mastercharge (sic - Master Card) and Visa might charge the Clerk of the Circuit Court of St. Clair County 2%. How does the payer supposed to know? Is the County Clerk under the duty to show the information as to what the charge is and how the charge is calculated to the payer?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "There will be tables that will be in the possession of the clerks when they're right there in the court room to determine what the fee will be. So the judge does not have to say anything to that effect and it's only when the person goes to pay it that this fee is added on if they choose to pay by credit card. If they choose some other method of payment, it's not added on."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, let's assume that one of Representative Mulligan's limo drivers gets a fine, and let's assume it's a \$50 fine and the person goes into pay the fine and they want to pay it by credit card. And the clerk says, well, we're charging you \$5 in addition because you're using the credit card. And the person says, why \$5? And the Clerk says, well, because we said so. How does the person who's paying it know it's a correct amount? What document is shown to them? Not a table prepared by the clerk. What document is shown to them? The agreement, perhaps, between Mastercharge (sic - Master Card) and Visa or Discover, whoever it is and the county. Is that document shown to the person?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "My understanding, Representative Lang, was that the

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actual agreement that the credit card company would have with the Clerk of the Circuit Court can be rather thick. So I don't believe that there would be any kind of an agreement, the huge agreement, the actual agreement itself shown to Representative Murphy...Representative Mulligan's limo driver. However, a table would be prepared and would be placed right there so that not only the clerk but the person paying could see what the fee would be for different ranges. And my understanding is that credit card companies, and please correct me if I'm wrong, generally charge a fee based on a range like 0 to \$100 would be one fee, \$100 to \$500 would be another, etcetera, etcetera."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Actually, usually credit card companies charge a percentage of the money and it's the same percentage, generally, when we're talking about the vendor. So if it's a department store or whatever, they charge them the same percentage. Does it say in your legislation that this information has to be made available to the payer?"

Speaker Johnson, Tim: "Representative Pankau, bring your comments to a close."

Pankau: "It is not in this particular Amendment, Representative Lang, but I would think that common practice would indicate that this would be made available. And also, my understanding is that the Clerks of the Circuit Court Association..."

Speaker Johnson, Tim: "There being no further discussion, the Gentleman...the Lady from DuPage, Representative Pankau, moves that the House do concur with Senate Amendment #1 to House Bill 760. All in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'yes', 3 voting 'no', 40 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 760 and the Bill having received...I'm sorry, there was a division of the Amendments, so Representative Pankau will proceed with Amendment #2. Prior to that, Mr. Clerk, committee announcements which you have now in your presence."

Clerk McLennand: "Committee notices: The House Committee on Registration and Regulation will meet on Wednesday at 8:45 p.m. in Room C-1. Committee notices: 8:15 committees. Environment and Energy will meet at 8:15 in Room 114; Revenue will meet at 8:15 in Room C-1; Health Care and Human Services will meet at 8:15 in Room 118. 8:45 committees: Financial Institutions, Room 118; Executive, Room 114; Registration and Regulation in Room C-1. 8:15, Revenue, Environment and Energy, Health Care and Human Services. 8:45, Registration and Regulation, Executive and Financial Institutions."

Speaker Johnson, Tim: "And proceeding, Representative...Representative Lang."

Lang: "Just an inquiry of the Chair."

Speaker Johnson, Tim: "Yes."

Lang: "Will we be coming back after those committee meetings?"

Speaker Johnson, Tim: "I would expect that we would probably return at about at 9:15, yes. Representative Pankau, the Lady from DuPage, on Amendment #2 to this Bill."

Pankau: "Mr. Speaker, Amendment #2 says that there's no way that this fee can ever go beyond \$5 and I ask for your concurrence on this also."

Speaker Johnson, Tim: "Any discussion? There being none, the Lady has moved that...The Chair recognizes the Gentleman

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from Cook, Representative Lang."

Lang: "Thank you. I was a little slow on the trigger, so I appreciate your recognizing me, Sir."

Speaker Johnson, Tim: "I'm glad to do that, Representative Lang. I always want to afford you every courtesy."

Lang: "Thank you very much. Representative, hi! So this clarifies your previous Amendment. Is that correct? And this requires the clerk to collect this service fee of up to but not more than \$5. Is that correct? So let me ask you this question. Can credit cards be used to pay child support with the county...with the clerk of the court?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "Only if that child support would be by a judge deemed to be a fee, fine or penalty."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Fees, fines...fees, fines or penalties, but not a court ordered judgement. That can't be paid in that way?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I think this should be added to the Bill. I'm going to support your Amendment. I'm going to move to...I'm going to vote to concur, but perhaps, Representative, excuse me...perhaps...oh, hi! It's Carole Pankau. Perhaps, Representative, since you're interested in this issue we could talk next year about allowing people to pay their child support by credit card since they're paying it to the Office of the Clerk of the Circuit Court anyway. Would that make some sense to you?"

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

Pankau: "Yeah! I think that does make some sense, and besides, I thought you and I were sitting down this summer and we were

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going to go through all those statutes and make them uniform across the whole state. Remember that? You said you were interested in that and we were going to work together on that, remember?"

Speaker Johnson, Tim: "Representative Lang."

Lang: "I look forward to your call on that issue and I look forward to working on this with you. Let me ask you a question. Does this go beyond clerks of the circuit court, and by that I mean, if you owe the state \$30 million that wasn't being paid, could you go into the Treasurer and you put it on your Visa if you had a credit limit high enough?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "No. Neither this Amendment nor the legislation addresses it, but I don't think there would be just a \$5 fee on that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, yeah, if that was part of your Bill, there would only be a \$5 fee because you have a max. So I guess that would be \$30 million and \$5, then. Is that correct?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "Approximately, yes, Representative Lang."

Speaker Johnson, Tim: "Representative Lang."

Lang: "It's been suggested to me that that would be a bigger fee than we're getting now, that \$5. I'm going to give up my last two minutes, I've had it with this Bill. I'm for it."

Speaker Johnson, Tim: "There being no further discussion, the Chair recognizes the Lady from DuPage, Representative Pankau, to close. The Lady moves that the House concur with Senate Amendment #2 to House Bill 760. Those in favor signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Mr. Clerk, take the record. On this question there are 113 voting 'yes', 4 voting 'no' and none voting 'present', and the House does concur with Senate Amendment #2 as well as having concurred with Senate Amendment #1 to Senate Bill 760, and this Bill, having received the required Constitutional Majority, is hereby declared passed.."

Clerk McLennand: "Attention Members! For the 8:15 and 8:45 committees a schedule is being distributed. A schedule for the 8:15 and 8:45 committees is being distributed."

Speaker Johnson, Tim: "Have the attention of the chamber. On the Regular...on the Regular Calendar on the Order of Concurrence, Mr. Clerk, read House Bill 1116."

Clerk McLennand: "House Bill 1116. A Motion to concur with Senate Amendment #1 has been filed by Representative Cross and has been approved for consideration."

Speaker Johnson, Tim: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 1116 passed out the House, I believe, unanimously. It went over to the...It did pass out of the House 115 to nothing. When it went over to the Senate the Senate, with Senate Amendment 1, added some language to satisfy some concerns Chicago Title had. I don't know of any opposition to this Amendment. The original proponents are happy with it. The opponents now, at least the Chicago Title is satisfied, and I would ask for a favorable vote on the Motion to concur to Senate Amendment #1."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Lang, trying to set his record with respect to... Proceed."

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

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

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Lang: "Thank you. Representative, this isn't just a merely Amendment. Senate Amendment 1 that you want us to concur in becomes the Bill. Is that correct?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Yes, Representative, but...yes."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, that was very emphatic, you said yes twice. So let me ask you this. Let me ask you this. Representative, what changes are made between your original Bill and this new Bill?"

Speaker Johnson, Tim: "Proceed."

Cross: "Representative...Representative, this Amendment which does become the Bill, but as I said earlier there was just some cleanup...there was just some cleanup language, merely provides that when attorney's fees are awarded for the failure to pay a lien, a lien, they can only be issued and can only be ordered to be paid against the owner of the property, not any other subsequent purchasers of the property."

Speaker Johnson, Tim: "Proceed, Representative."

Lang: "Representative, you added a Section...a Section (d) in this Bill that defines the term 'without just cause or right'. What's the definition of that and what does it mean in the real world. You and I understand mechanic's liens because in our very lucrative law practices we deal with these things. But many of the people here who do not understand what mechanic's liens are, how they work, may not understand that. And of course I use the word lucrative advisedly just in case anyone thought I was serious."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, the gist of it in the real world is

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that you can't, just for the sake of harassment or for lack of good cause, put a lien against it...filed...filing against a piece of property."

Speaker Johnson, Tim: "Representative Lang, do you have further questions?"

Lang: "Yes. Perhaps, Representative Cross, you can explain to the Body in laymen's terms what a mechanic's lien is and why it's necessary to...You can't? I'll ask you to do that anyway. And why it's necessary for the creditors to be able to get attorneys fees here."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, I know that you're very sincere in this request, so I'll attempt to do it. A mechanic's lien is there to protect something that can be filed by a builder or a contractor or a subcontractor when they, he or she, builds a home for instance. They can file a lien against the property. It's a form of protection against the property so that everyone is on notice that that subcontractor or contractor, whatever the case may be, is owed money by the builder of the house or the owner of the house. It's a form of protection or security, if you will, for the contractor or subcontractor."

Speaker Johnson, Tim: "Representative..."

Cross: "Now I know in your lucrative practice you've probably filed some mechanic's liens. If you think there's something I need to add, please tell me."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, no. To the Motion, Mr. Speaker. I..."

Speaker Johnson, Tim: "To the Motion."

Lang: "As usual, Mr. Cross, when he does answer a question and this is one of those rare times, he's right on the button. The attorney's liens...attorney's fees are necessary in

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mechanic's lien cases because when the person to whom the money is due sues, they have to pay an attorney to collect that money. If you're suppose to get a \$1000 from the building owner and you have to pay an attorney, you don't get that \$1000, you get less. And the purpose of the attorney's lien provision, I believe and I think Mr. Cross believes, is to make the property owner or the contractor whole to make sure that person gets all the money they're entitled to without having to just give all that money away to attorneys in order to collect it. So this is a good solid Bill. It's for the protection of creditors in Illinois and I support that effort."

Speaker Johnson, Tim: "There being no further discussion, the Gentleman moves that the House do concur with Senate Amendment #1 to House Bill 1116. Those in favor signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', none voting 'no' or 'present'. The House does concur with Senate Amendment #1 to House Bill 1116, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements and messages."

Clerk McLennand: "Messages from the Senate by the Secretary of the Senate, Jim Harry. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title: House Amendment #1 to Senate Bill 788, action taken by the Senate May 24th.' Message from the Senate. 'Directed to inform the House of Representatives that the Senate has concurred

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with the House in the adoption of their Amendments to a Bill of the following title: Senate Bill 79, House Amendments #2 and 3 and Senate Bill 405, House Amendments #3 and 4. Also, directed to inform the House that the Senate refused to concur with the House in the adoption of the following Amendments: Amendment #1 to Senate Bill 79, and House Amendment #1 to Senate Bill 405, action taken May 24th.' Committee Report from Representative Churchill, Chairman, Committee on Rules, to which the following Resolutions were referred, action taken on May 24, 1995, reported the same back with the following recommendations: 'do adopt' House Resolution #51 and Senate Joint Resolution #41. Committee Report from the Committee on Rules meeting May 24, 1995, Robert Churchill, Chairman. Committee on Rules has met and placed the following Senate Bills on the Order of Nonconcurrency: Senate Bills #130, 465, 907, 925 and 1039. Committee Report from Representative Churchill, Chairman of Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 24, 1995, refer the same back 'do approve' for consideration on the Order of Concurrence. Concur to Senate Amendments #3 and 4 to House Bill 2330; nonconcur approve for consideration for House Bill 160, together with Senate Amendment #1; Senate Amendment #2 to House Bill 505; Senate Amendments #1 and 2 to House Bill 513; Senate Amendment #2 to 1108; Senate Amendment #2 to House Bill 1437; Senate Amendment #3 to House Bill 1462; Senate Amendment #2 to House Bill 1470; and Senate Amendment #1 to House Bill 1523. Order of Concurrence...Order of Nonconcurrency: 'do approve' for consideration the Motion to recedes on House Amendments #4 and 7 to Senate Bill 50; House Amendment #1 to Senate Bill 75; House Amendment #4 to Senate Bill 265;

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House Amendment #3 to Senate Bill 365; and House Amendment #1 to Senate Bill 1037."

Speaker Johnson, Tim: "Thank you, Mr. Clerk. On the Regular Calendar, on the Order of Concurrence, read House Bill 1093."

Clerk McLennand: "House Bill #1093, a Motion to Concur filed by Representative Wennlund with Senate Amendment #1 has been approved for consideration."

Speaker Johnson, Tim: "With leave of the House, the Gentleman... Leave having been received, the Gentleman from Williamson, Representative Woolard, on the Amendment."

Woolard: "Thank you, Mr. Speaker. I move to concur on Senate Amendment #1 to 1093. I think basically it's a technical Amendment. It does deal with some new regulations by the Department of Conservation and also the requirement for permits to be issued by that Department in regards to green hides. I would move that we concur with Senate Amendment #1."

Speaker Johnson, Tim: "Any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

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

Lang: "Good, bear with me while I get the file from the Sponsor. I'll do it without the file. I'll do it without the file. Representative, how do you register a migratory bird?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "This Bill...This Senate Amendment has nothing to do with migratory birds."

Speaker Johnson, Tim: "Representative Lang."

Lang: "A parliamentary inquiry, Sir."

Speaker Johnson, Tim: "State your point."

Lang: "Where is Mr. Wennlund, the Sponsor of this Bill? Do we

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have a written authorization to allow Mr. Woolard to handle the Bill?"

Speaker Johnson, Tim: "Received unanimous leave of the chamber for Representative Woolard to handle the Bill."

Lang: "Well, I certainly would grant leave to Mr. Woolard to handle the Bill, but there seems to be a ground swell of support on this side of the aisle for having Mr. Woolard...Wennlund do the Bill. Now, are we to be deprived of hearing his after dinner speaking?"

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

Lang: "Yes, absolutely. I understand...I understand..."

Speaker Johnson, Tim: "To the Bill."

Lang: "...from Mr. Woolard that the Senate Amendment doesn't have anything to do with registering migratory birds, which is good because I don't know that they know where to register. What does Senate Amendment 1 deal with?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Mr. Speaker, I couldn't understand the Gentleman's question. If he would, I'd like for him to repeat it."

Speaker Johnson, Tim: "Give the Gentleman from Cook your attention. Representative Lang, to restate the question."

Lang: "I have a better question. On line 19 of page 1 of the Amendment, you refer to possession of green hides. What the heck is that?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "O'Malley or Leary, you would understand exactly what I'm speaking of at this time."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, speaking for everyone on my side of the aisle, we're glad to see Representative Wennlund has returned."

Speaker Johnson, Tim: "Are you concluded with your questions?"

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Lang: "Yes, I didn't get much of an answer on green hides, but I noticed that deer hides have been exempted from this. Does this have anything to do with gun pre-emption?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Positively not, there's nothing in this Senate Amendment that deals with guns at all."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Anything in here that deals with increased fees?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Maybe Representative Wennlund would like to assist me in this. He probably has a better knowledge of this Amendment."

Speaker Johnson, Tim: "You can proceed, Representative Woolard, if you so desire. Representative Wennlund, with leave of the chamber, do you want to respond?"

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

Speaker Johnson, Tim: "No. Afraid that, no, if you'll give me a moment. The Motion is not in order. The question was asked. Representative Wennlund in response. The question was, 'Are there any increase in fees?'"

Wennlund: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I wonder...We keep...There's a recurring theme we keep hearing and I haven't had a chance to read the entire Amendment because it's quite thick. Is there anything in here regarding the licensing of limo drivers?"

Speaker Johnson, Tim: "Representative Woolard or Wennlund."

Wennlund: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. On page 4 of the Amendment, on line 13, it refers to non-resident fur buyers. Being from north of

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I-80, being...from north of I-80, I have no idea what non-resident fur buyers are and what the difference is between non-resident fur buyers and resident fur buyers? Is there some definition?"

Speaker Johnson, Tim: "Representative Wennlund."

Wennlund: "A non-resident fur buyer is a buyer who is a non-resident. A resident fur buyer is a buyer who is a resident of the State of Illinois."

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

Lang: "I appreciate him clearing that up because we were all concerned about that. Now this permit is not required for the purchasing of green hides or fur-bearing mammals from resident wholesale fur buyers and resident retail fur buyers. But apparently, some of these folks who are residents have different rights than non-residents. And we want to know why resident fur buyers should get a break as opposed to non-resident fur buyers."

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

Black: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, on behalf of rate hike lovers everywhere, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the chair, the 'ayes' have it. The main question is put. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1093?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 114...114 voting...114 voting 'yes', none voting 'no', 1 voting 'present'. House does concur with Senate Amendment #1 to House Bill 1093. And this Bill, having received the required Constitutional Majority, is hereby declared passed. The House will now stand in recess until the hour of 9:15. Representative Brunsvold."

Brunsvold: "Thank you, Mr. ... Thank you, Mr. Speaker. Earlier I had a Motion and the Chair indicated he'd get back to me. Can we go back to that Order, 'We'll get back to you'."

Speaker Johnson, Tim: "At 9:15, I'm sure that we'll deal accordingly with your Motion. I'm not aware of what you've made, but we'll deal with it then. The House will stand in recess until 9:15. The Gentleman from Logan... The Gentleman from Logan, Representative Turner, for what purpose do you rise?"

Turner: "I have no Motions at this time, Mr. Speaker. Thank you."

Speaker Johnson, Tim: "The House will continue at ease then."

Clerk McLennand: "Attention Members of the House of Representatives, the House will reconvene in five minutes. The House will reconvene in five minutes."

Speaker Daniels: "The House will come to order. Members will be in their seats. On the Order of Concurrence, House Bill 1465. Read the Bill, Mr. Clerk. Mr. Clerk, take that out of the record for the moment. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Krause, Chairman of Committee on Health Care and Human Services, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on concurrence, House Bill 1967, together with Senate

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Amendments #1 and 2; House Bill 2330, together on Senate Amendments #1 and 2; House Bill 175, together with Senate Amendment #1; and House Bill 241, together with Senate Amendment #1. Committee Report from Representative Maureen Murphy, Chairman of the Committee on Revenue, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: concurrence House Bill 1465, together with Senate Amendments #1 and 2; House Bill 2332, together with Senate Amendment #1; and House Bill 1212, together with Senate Amendments #1, 2, 5, 9, 11, 12 and 13. Committee Report from Representative Stephens, Chairman from the Committee on Executive, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence House Bill 41, together with Senate Amendment #3 and House Bill 838, together with Senate Amendment #1. Committee Report from Representative Saviano, Chairman for Committee on Registration and Regulation, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence House Bill 1969, together with Senate Amendment #1; House Bill #3, together with Senate Amendments #1 through 7; House Bill 2349, together with Senate Amendment #1; and House Bill 32, together with Senate Amendments #1 and 2. Committee Report from Representative Deuchler, Chairman from Committee on Financial Institutions, from which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence House Bill 377, together with Senate Amendments 1 through

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10. Committee Report from Representative Persico, Chairman from Committee on Environment and Energy, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence Senate Amendments #1 to House Bill 729; House Bill 929, together with Senate Amendments #1 and 2; and House Bill 901, together with Senate Amendment #1."

Speaker Daniels: "House Bill 1465 on the Order of Concurrence. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1465, a Motion to concur has been filed by Representative Kubik on Senate Amendments #1 and 2 and they have been approved for consideration."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #...I would move to concur with Senate Amendments #1 and 2 to House Bill 1465. Senate Amendments #1 and 2 contain a major reform of the Cook County property tax system. And there are some major elements of this Bill that I would like to briefly describe. The first element of the Bill is a provision that allows Cook County taxpayers to appeal to the State Property Tax Appeals Board. Under the current system throughout the state and 101 other counties, if you want to appeal your property taxes, you can appeal to a board of review and then to the State Board of Tax Appeals. In Cook County, you can only appeal to the Board of Tax Appeals, so this would allow taxpayers another avenue to appeal what they consider unfair assessments. That's the first element of the Bill. The second element of the Bill is to change the existing property tax appeal system in Cook County. At the present time there is a two member board of tax appeal.

*House Bill
1465*

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That two member board under this legislation would be abolished. It would be replaced by a Board of Review and the Board of Review would have more enhanced powers than the Board of Tax Appeal. The Board of Review would initially be an appointed board. There would be an interim board appointed for two years. An elected board would begin serving in 1998. The State Legislature would draw districts. There would be three districts of equal size that would be contained in Cook County and they would all run for election in 1998. The final, major portion of the legislation is a change in the standard by which property tax appeals are judged in court. The present time they are judged on the basis of constructive fraud. This Bill would replace that burden of proof to clear and convincing statewide. For those of you who are not familiar with this burden, it is an impossible burden to meet and as a result, the Civic Federation and a number of groups have come together and this portion of the Bill was actually proposed by the Civic Federation and has widespread support among not only local government but also taxpayers and practitioners. This is an excellent move forward in our tax system. This Bill...the intention of this Bill is very clear. It is to allow the creation of a system that will be more taxpayer friendly and more...allow for people to appeal those taxes and actually have a chance to affect an assessment in this process. This is a system that exists in 101 other counties; it does not exist in Cook County. The elements of this Bill will bring Cook County to a...closer to the standard that is in 101 other counties. I think this is a major move forward for the taxpayers of Cook County and I would certainly appreciate your support on this Concurrence Motion."

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Speaker Daniels: "Is there any discussion? Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #3 has been distributed."

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

Currie: "Thank you, Speaker and Members of the House. I rise in reluctant opposition to concurrence with the Amendments to House Bill 1465. There are many things in this Bill, in this measure, in these Amendments that are good public policy. I think it is very good news that these Amendments adopt a proposal that came to us from the Civic Federation with respect to the standard of proof for property tax appeals in the Circuit Courts of our state. As you know, we have suffered under a constructive fraud, interpretation of the kind of standard that is required in order to win an appeal. That standard was, indeed, a very difficult one for any property owner to overcome. The new measure would provide for clear and convincing evidence as a standard with a requirement that the taxpayer exhaust administrative remedies and with deference to the assessor and the assessing practices that preceded the appeal. I think as a matter of public policy, it makes sense to add a member to the Cook County Board of Tax Appeals. Two member boards don't make a lot of sense. Three member boards are certainly a lot sounder. But there are serious flaws in these Amendments to House Bill 1465. Serious, serious flaws that I think means we should not be voting 'yes' tonight. First of all, I think with the Civic Federation of Chicago that there are serious constitutional questions about our ability to abolish offices whose incumbents were elected in general elections in the County of Cook, one as recently as November of 1994. The proposed replacement of

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those members in this measure, again I think is fatally flawed, both on constitutional and policy grounds. What business do the members of the Cook County delegation of this General Assembly have, what qualifications do we possess that makes us the appropriate people to choose replacement members for this board? With the Civic Federation, we would be far wiser to take the route that says at the next general election, let's add a third member and let's restore this opportunity to the voters of Cook County, not try to take on this perk for ourselves. Secondly, under this Bill, in addition to the appeal to the assessor, in addition to the appeal to the Appeal Board and in addition to the opportunity to go into court, taxpayers in Cook County will have the opportunity to go also to Springfield to the Property Tax Appeals Board. With the Civic Federation, I oppose extending PTAB jurisdiction to Cook County. PTAB is not funded. It does not have the expertise that is required to deal with the kinds of appeals that will come to it from Cook County. Last year PTAB had 9,000 appeals, 9,000. And PTAB is seriously backlogged. The Board of Appeals, on the other hand, in Cook County dealt with 70,000 appeals, no comparison whatsoever. The cost to the taxpayers of the state to expand PTAB would be enormous for this proposal to be adopted and the idea of a four-step review procedure for a complaining property taxpayer is only to delay and to make chaos out of our property tax system. At the end of the day, our units of local government will not have any kind of certainty about the revenues that are available to them. They will be caught in a lengthy four, five, six year process in which they will be spending money that later they are going to have to give back. They will be at the

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bank borrowing in order to meet their responsibilities because the tax collection system under this PTAB approach will fall completely apart. As I say, there is a lot that is good in this Bill, a lot that has merit. I would wish that the Sponsors of the legislation would take this Bill into a Conference Committee, adopt appropriate standards for appeals in the Circuit Courts, add a member, if they like, to the Board of Tax Appeals in Cook County, but retain the elective system the citizens of Cook County now enjoy, and reject the notion that the Property Tax Appeals Board will help, rather that bring chaos to our tax assessment and collection system. I am sure the Sponsor is well intentioned, but I'm here to tell you, Members of this chamber, that what he offers you with the opportunity for us to select members of this new Review Board and with the opportunity to go to PTAB, he offers us and our taxpayers a pig in a poke. I urge a 'no' vote."

Speaker Daniels: "Any further discussion? The Lady from Cook, Representative Fantin. Ladies and Gentlemen of the House. Ladies and Gentlemen, those not entitled to the floor. Representative Fantin."

Fantin: "Thank you. Will the Representative yield?"

Speaker Daniels: "He indicates he will."

Fantin: "Representative, I notice they have three assessment districts and you have them listed. Are these going to follow the tri-annual assessments as a Cook County assessor now follows?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Fantin."

Fantin: "It will be the same years as a Cook County assessor is now doing?"

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Speaker Daniels: "Representative Kubik."

Kubik: "Yes, Representative, as you know there are three districts. The dividing line for the suburban district is North Avenue and then the city is in one assessment district as well."

Speaker Daniels: "Representative Fantin."

Fantin: "You are talking about abolishing a board, starting a new board. There is a transitional period which was mentioned of one...one...January 1, '96 to June of '96. What is going to be done during this transitional period?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I think maybe, let me explain, I think you might have those dates somewhat confused. You are right that the Members...the Legislature must draw a map by June 1st of '96. The Interim Board would serve for a period of two years until the '98 election. So...and that Interim Board would assume the duties of the present Board of Tax Appeals with some enhanced powers, the powers of Board of Review."

Speaker Daniels: "Representative Fantin."

Fantin: "I'm sorry, I could not hear his answer."

Speaker Daniels: "Ladies and Gentlemen of the House, it's important that we allow the Members to engage in their debate. Representative Kubik, could you answer that question once more, please."

Kubik: "Yes, Representative Fantin, as I indicated earlier, the June date is the date by which the Legislature must draw a map for those members...for the '98 election by June 1st of 1996. The Interim Board would begin its service on the first day of 1996, as I understand on the legislation. And they would serve for two years until the new...newly elected board would be elected. I might point out those

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members who are on the Interim Board certainly are not precluded from running for office in those districts."

Speaker Daniels: "Representative Fantin."

Fantin: "Do you know what the estimated cost is for this change?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative, I know that the Assessor's Office and the Board of Review have...or the Board of Appeals has stated that, I believe it's...they're saying \$2,000,000 as I understand it, although I'm not sure that that's a correct figure. I will concede that the addition of a third member is going to cost more money. I will concede that, but I think when you are looking at a tax system in Cook County, which is a five billion dollar tax system, that the amount of money that we are talking about, which will ensure fairer assessments, is a very small price to pay."

Speaker Daniels: "Ladies and Gentlemen, Ladies and Gentlemen. Representative Fantin."

Fantin: "They are estimating that this would cost minimum about \$2,000,000 and this would come from where?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, as I indicated earlier, Representative, I do not know and I do not necessarily accept their estimate of \$2,000,000. Now obviously it's going to come from local taxpayers, but as I said earlier, when you are talking about a \$5,000,000,000 tax system, I don't think that's...you know, a million dollars is a lot of money to me, but in the aggregate, it is not that much money because we are assuring that there will be fairer assessments in this process."

Speaker Daniels: "Representative Fantin, could you bring your questions to a close, please."

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Fantin: "I would just say that I understand what you are trying to do and that maybe the assessment process would move a little bit faster, the Board of Appeals, but I question if this is the right way to do it, that we need to do it in a little more timely fashion. I think we are trying to rush into this and do something pretty fast here that I'm afraid we might be sorry for. I'm just going to ask all my colleagues for a 'no' vote."

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

Skinner: "By putting the Cook County Government, the Cook County properties under the State Property Tax Appeal Board, we are finally bringing rationality to the assessment appeal process throughout the State of Illinois. Since the 1960's, the rest of the State of Illinois has known what the rules of the game are. If you own a piece of property and you are assessed above the median assessment level in your county, you have known that if you get to the...if you persist to the State Property Tax Appeal Board level, that your assessment will be lowered to the median assessment level of your county. Now putting the State Property Tax Appeal Board over Cook County presents some problems, but not insurmountable problems of logic to the State Property Tax Appeal Board. The largest class of property that is in numbers is Class II in Cook County which includes residential property up to 12 units. It is my opinion, based upon dealing with the State Property Tax Appeal Board as county treasurer on behalf of property taxpayers in 1969 and '70, that the Property Tax Appeal Board should lower assessments of all residential properties in Class II to the median average assessment for the township or the county, whichever is lower. And I guess I should add

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there's a third possibility. Or the assessment district, whichever of the three is lower. Now what this will do will be force the Cook County assessing officials to assess more uniformly than they are now. And that would be quite an accomplishment, because the assessments of Class II property within Cook County from township to township varies wildly. I would refer the State Property Tax Appeal Board to the findings of the assessment to sales ratio studies conducted annually by the Department of Revenue for further guidance in determining what the median assessment levels are. Now for some classes of property, there are not enough sales within each township for there to be a median assessment level on a township level. For those sales I believe that the State Property Tax Appeal Board should find the median assessment for the smallest geographic area for which it can be determined. That may be the assessment district, it may be suburban Cook County, suburban Cook County versus the City of Chicago. In those...In the cases of those classes, I believe that the assessment level should...that the assessments of the appealing properties which are above the median assessment level for the counties should be lowered to the county level. I guess that's enough legislative history. I think it's important to realize that for the past over 25 years, over a quarter of a century, the people of Cook County have been discriminated against because they have not been able to appeal their assessments to an appeal body where the rules of the game can be figured out by somebody reasonably intelligent and someone who understands what the assessment process is all about. Currently in Cook County to win an assessment appeal, it depends on who you know, not what you know. It depends on not the facts of the case

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but on the quality of the representation. That is, and I don't mean intellectual quality, I mean the closeness that the person has with the assessing officials. It is time to end this favoritism system in Cook County and to take a more logical approach to determining who the winners and who the losers are. It should not depend on who you know, but it should depend on the facts of the case on whether one wins or loses an assessment appeal in the State of Illinois. And by putting the State Property Tax Appeal Board over Cook County, I would guess that within five years that the Cook County assessing officials will figure out the same things that the McHenry County assessment officials figured out in one year, and that is if they don't want to look foolish, they will follow the rules of the game that are established statewide."

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

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

Speaker Daniels: "He indicates he will."

Lopez: "Representative Kubik, do you believe in the election process?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, yes, I do believe in the election process, but I also believe that the Legislature...the units of government that we are talking about are created by the State Legislature. They have initially been created by the State Legislature and now we are revising it. So, I think it's entirely appropriate for us to be involved in the change of this process, so..."

Speaker Daniels: "Representative Lopez."

Lopez: "That brings me to the next point. Would you agree with me and say that the county commissioners of the Board of

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Tax Appeals are state elected officials or are they county commissioners?"

Speaker Daniels: "Representative Kubik."

Kubik: "They are elected in Cook County, as I am, but their offices were created by a state law. So, it is a state created function they run in the county."

Speaker Daniels: "Representative Lopez."

Lopez: "So would you say that they are state officials?"

Speaker Daniels: "Representative Kubik."

Kubik: "I would say that they are people who reside in Cook County, who have been elected to a system that was created by a state law."

Speaker Daniels: "Representative Lopez."

Lopez: "So in other words, what you are saying is that they are just like we are. We were created by the Illinois Legislature where you draw maps, so I guess we will consider all ourselves and them state officials. Representative, are you aware of Walker versus State Board of Elections? Article 5, Section 9 of the State Constitution."

Speaker Daniels: "Representative Kubik."

Kubik: "No."

Speaker Daniels: "Representative Lopez."

Lopez: "Let me read what the Constitution says: 'The State Legislature may not grant to itself the authority to appoint state officers. This authority is vested in the Governor by this Section unless a restriction on appointment by the Legislature is overridden by specific constitutional provision establishing the office in question.'"

Speaker Daniels: "Representative Kubik."

Kubik: "As I stated earlier, we are abolishing an office and we

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are creating a new form of government, a Board of Review."

Speaker Daniels: "Representative Lopez."

Lopez: "I agree with what you are saying, Representative, but the Constitution is very clear, this court case is very clear where it says that us, as a state body, as a State Legislature, we can not appoint or elect state officials."

Speaker Daniels: "Representative Kubik. Representative Lopez."

Lopez: "So therefore, we don't have the authority to really appoint an Interim Board of a Board of Review. Let's go on to the next point. Representative, are you aware that the two commissioners, the city commissioners were elected, duly elected by the people of Cook County in November of 1994, less than six or seven months ago?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Lopez."

Lopez: "Are you aware of any fraud or any problems with the election process in November of '94?"

Speaker Daniels: "Representative Kubik."

Kubik: "I do not know of any, but then again, there may have been some. I don't know."

Speaker Daniels: "Representative Lopez."

Lopez: "So, Representative, so why, when the state Constitution clearly states that we cannot appoint, and why if the elections were fair, no fraud involved, why are we changing this in the middle, less than seven months after two city commissioners that were elected by the people of Cook County, the county who you partly represent, why are we doing this when...are we saying that we do not trust the people of Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I stated earlier, we are abolishing one board and

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creating..."

Speaker Daniels: "Representative Kubik."

Kubik: "Creating a different board with different powers and different responsibilities."

Speaker Daniels: "Representative Lopez, your time has expired. The Gentleman from Cook, Representative Madigan."

Madigan: "Thank you, Mr. Speaker. I rise for the purpose of declaring that I will vote 'present' on this Bill because of the possibility of a conflict of interest. Thank you."

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

Santiago: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Daniels: "He indicates he will."

Santiago: "Representative Kubik, let's go in some detail here about this proposed legislation. You are eliminating the Tax Board of Appeals. Am I correct?"

Speaker Daniels: "Representative Kubik."

Santiago: "What?"

Speaker Daniels: "Representative Santiago, I think his answer is, 'yes'."

Santiago: "Could you please tell us what kind of a mechanism are you establishing so that the taxpayers could go and appeal their taxes? If you're getting rid of a board, what are you going to do to replace those members?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, the process is as follows: The Legislative Leaders will appoint four Legislators from Cook County who must reside in...I'm sorry, appoint two members of Cook County who must reside in Cook County to a board. That will create an eight member board. They must, by October 1st, provide four names, no more than two from each

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political party. In turn, the Members of the General Assembly who have a portion of their legislative district in Cook County would be allowed to vote for these four Members based on a weighted vote of the gubernatorial election of 1994. That election must be held by December 1st. The top three vote getters would be then appointed to the Interim Board for a period of two years. Obviously, no more than two from one party would be elected. They would begin their duties on the first day of January, 1996."

Speaker Daniels: "Representative Santiago."

Santiago: "Once the term of the Interim Board, once you nominate the Interim Board, you nominate these individuals. What is the next process? What is the next step in the process?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I indicated, I think I indicated, although I guess it's pretty noisy in here."

Speaker Daniels: "Excuse me. Ladies and Gentlemen."

Kubik: "That's not a problem with me, but... As I indicate, once they are nominated, there will be four nominated. Of those four, the Legislators within... that have districts within Cook County would be given a weighted vote and would be allowed to vote on those nominations and the top three would be elected. As I indicated, there would be no more than two from one party."

Speaker Daniels: "Representative Santiago."

Santiago: "Isn't there in the Bill a stipulation that a process in which a map is going to be drawn so that the new commissioners will be elected within district. Is there such a mechanism in there, in the Bill?"

Speaker Daniels: "Representative Kubik."

Kubik: "I'm sorry, Representative. I thought you were talking about the Interim Board. The board that will begin the

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election process in 1998, there will be a map that will be drawn by the Legislature and that map must be drawn by June 1st of 1996."

Speaker Daniels: "Representative Santiago."

Santiago: "Can you tell me, Representative Kubik, how many taxpayers appealed their taxes in 1994 before the Cook County Tax Board of Appeals, and the other part of the question, how many cases were filed or appealed directly to PTAB?"

Speaker Daniels: "Representative Kubik."

Kubik: "My understanding is the answer to the first is around 70,000, and I believe the answer to the second is around 9 to 10,000."

Speaker Daniels: "Representative Santiago, your time is expiring. Can you bring your questions to a close?"

Santiago: "Yes. Now, if two commissioners could do the job of analyzing 70,000 cases, why do we need three?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, it has been... Well, first of all as I understand it, the Cook County Board of Tax Appeals is the only two member board in the country, the only two member board in the country. I think it is understood by most individuals, including the Chicago Bar Association and others, who believe that a fairer system would be a three member system, and a system where there is minority participation in the Board of Review process. Let me point out that in other counties throughout the state, which obviously are much smaller than Cook County, no more than two members of the Board of Review are from one party, so there has been minority participation."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Kubik, don't you think that a board

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that handles 70,000 cases is an efficient board?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, based on the evidence that I have seen over the years regarding assessments in Cook County, they may, as you point out, dispose of 70,000 cases. I'm not sure they do it very well."

Speaker Daniels: "Representative Santiago."

Santiago: "Do you have any evidence indicating what you just stated?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think the Department of Revenue has done a number of studies on this issue over the years. I think the Taxpayers Federation, which regardless of how they feel about a particular issue, is seen as an organization that has a lot of integrity in the research that they do, would indicate that in Cook County the assessment process is one that doesn't work. And that there is a wide disparity in assessments and that this system is not working. So I think, you know, I could probably go back to my office and bring down a load of books and show you that, but I think over the years that has been proven that the assessment process in Cook County and the way that those assessments are determined and the ultimate result of those assessments indicate that it doesn't work."

Speaker Daniels: "Representative Santiago."

Santiago: "So, you have stated that PTAB handled what, 6,000 cases last year?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think it's about 9,000."

Speaker Daniels: "Representative Santiago."

Santiago: "How many members are on the PTAB Board?"

Speaker Daniels: "Representative Kubik."

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Kubik: "Five members."

Speaker Daniels: "Representative Santiago."

Santiago: "So, we have a state agency that handles 9,000 cases and it has five members, and I also know that they are behind some six years, and now we want to eliminate an office, a board that handles 70,000 cases with only two commissioners. Where is the sensibility in this equation? Can you tell me that?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative, they may handle 9,000 cases a year. There are 101 other counties in this state. It seems to me, that if they handle 9,000 cases, then what's happening is, on the lower levels at the Board of Review and at the assessor level, people are much more satisfied with and can understand their assessments so they don't feel the need to go to PTAB and go through that process. So what we are trying to do is improve the system on the bottom side and hopefully there will be fewer that will go upward, but it seems to me that people, there are fewer people that are appealing because they are happier with the result that has been done at the Board of Review and the assessor's level."

Speaker Daniels: "Representative Santiago, your time has expired. Can you bring your line of questioning to a close, please or summarize?"

Santiago: "I have so many questions. Thank you, Mr. Speaker, for your indulgence; I really appreciate it."

Speaker Daniels: "Representative Feigenholtz, are you giving Representative Santiago your time? Looks like you have another gift. So we will give you another five minutes."

Santiago: "Yes. It's been a tough birthday for me."

Speaker Daniels: "Well, you're doing a good job."

Santiago: "Thank you, Mr. Speaker. Representative Kubik, we

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cannot compare the rest of the state with Cook County. Half...the population of Cook County is half of the state. Will you agree with me on that point?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, you are the one who introduced the comparison, not me. So, you know, I'm just responding to your line of questioning. You are the one who said, 'Why are we doing this?' And you brought the comparison in."

Speaker Daniels: "Representative Santiago."

Santiago: "I believe that you and everyone here will disagree with you. Just... All we have to do is look at the number 70,000 versus 9,000. Two commissioners doing...processing 70,000 cases with a board that only...that has five commissioners and only processes 9,000 cases, and they are behind six years. Now, let me ask you this question. Let's say that this Bill passes. This board, this PTAB, how many cases are they going to be able to handle?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, first of all, in the...there will be a phase in of the cases. In the '96 tax...the '96 assessment year, appealable in '97, we will just do residential. In the '97, appealable in'98, we will do the rest of the classes of property. The recognition here is that there will need to be additional resources that will be provided to the State Tax Appeals Board, and this will allow us that opportunity to phase in those resources."

Speaker Daniels: "Representative Santiago."

Santiago: "How... Do you have an estimate of how many cases this PTAB is going to handle in a year?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I don't know and I think the reason that we ought to...one other thing we ought to keep in mind is

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that along with the portion that you are talking about of this Bill, we are also changing the standard by which a court makes a judgement on tax assessment. There may be some cases that will choose not to go to PTAB after they have gone to the Board of Review, but rather to go into court and that number we cannot estimate. What I can tell you is that in the State Property Tax Appeals Board at the present time, something in the nature of 65 to 75% of their cases are related to home owner assessment."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Kubik, you said earlier that PTAB handled 9,000 cases, and I have some information that tells me that they are six years behind. Let's say by your Bill, you're saying that you want to open up the appealing process. Let's say 30,000 people decide to appeal to PTAB. What are you going to do with those people? If you can't handle 9,000, how are you going to handle 30,000? Are you going to put the taxpayers in Cook County at risk? Are you going to put all those taxing bodies at risk? Because you know of the bonding authorizations and the other obligation that these taxing bodies have if these...they are not going to be able to get their money...how are...is this board, that's an inefficient board, is going to handle 30,000 cases?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative, I think we have a basic disagreement as to how this system is going to work. I happen to believe that if we create a three member Board of Tax Appeals and we develop a good system in the Board of Tax Appeals, that will result in fewer cases going to PTAB. How many? I don't know. We are prepared to place some resources into PTAB to upgrade that particular..."

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

Kotlarz: "Mr. Speaker, I would like to yield my time to Representative Santiago. I would also like to announce that I am voting 'present' because of a possible conflict."

Speaker Daniels: "Well, you can't do both, Sir. If you are going to announce that, that will take up your time, but I will... Representative Santiago, I am going to go to somebody else and then come back to you on a yield. The Gentleman from Cook, Representative Pedersen."

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

Speaker Daniels: "He indicates he will."

Pedersen: "Representative, under the current system, a taxpayer normally goes to the assessor first when he wants to appeal. Isn't that correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Pedersen."

Pedersen: "And logically under the new system, he would do the same thing. Right?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Pedersen."

Pedersen: "And if he doesn't like the results at the assessor's office, then he has a chance to go to the Board of Appeals."

Speaker Daniels: "Representative Kubik."

Kubik: "Yes, that is the second step. Yes."

Speaker Daniels: "Representative Pedersen."

Pedersen: "And under the new system, he would have the right to do the same thing and that would be the logical step."

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Correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Correct. That would be the same under...the new system...it would be the same."

Speaker Daniels: "Representative Pedersen."

Pedersen: "So, if he is still unhappy and that, of course, does happen currently, he now has the opportunity to go to the State Property Tax Appeals Board with his appeal. That's the one thing that's new. ...that correct?"

Speaker Daniels: "Representative Kubik."

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

Speaker Daniels: "Representative Pedersen."

Pedersen: "Now, if the State Property Tax Appeals Board has a procedure that's somewhat different and they start changing some of these lower judgments, isn't it logical that if the lower appeals...places that people go, if that...if they're being overridden by the State Property Tax Appeals Board, don't you think it's just logical that at some point the county assessor and the Board of Appeals are going to say, 'well, we'll just do it the same way as the State Property Tax Appeals Board and they won't have to go there.' Isn't that logical?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative Pedersen, that is certainly our hope and I think it is logical. That is our hope that over a period of time that that will occur and will result in fairer assessments at the assessor level and at the Board of Review level."

Speaker Daniels: "Representative Kubik...Pedersen."

Pedersen: "And this... So what...so what that means is that the residents and property owners in Cook County will then have the same right as everybody else in the state has. Isn't

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that correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes, Representative, at the present time, as you well know, in every other county in the state, the taxpayer is allowed the opportunity, not only to appeal at the assessor level, not only to appeal at the board of review level, but at the Property Tax Appeals Board level. Now my belief is that we should not deny that opportunity to the taxpayers of Cook County."

Speaker Daniels: "Representative Kubik. Representative Pedersen."

Pedersen: "Well, to the Bill, Mr. Speaker, this...all the scare tactics we are talking about here will probably just not be there. What's going to happen is at the local levels, where appeals are made, they are going to be doing them the way the State Property Tax Appeals Board will ultimately do it anyway. The other thing is that why do the...why do residents in Cook County not have the same right as everybody in the rest of the state? The other thing is that, you know, we have had people on the other side of the aisle in the past who proposed some of these very things, and so I think what we are really talking about, is this a question of fairness for property owners in Cook County? It certainly would be a lot simpler, and I think it's a marvelous step forward we are taking here for all the property owners in Cook County, and I urge an 'aye' vote."

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

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

Speaker Daniels: "He indicates he will."

Pugh: "Representative Kubik, can you tell me the names of the members who are...who currently make up this body?"

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Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I'm not sure I understand your question. Maybe you could be a little more specific."

Speaker Daniels: "Representative Pugh, could you restate your question?"

Pugh: "Okay. Do we start the clock over as a result..."

Speaker Daniels: "No, just restate your question. He didn't understand it."

Pugh: "The Board of Appeals, who currently makes up? Who are the current commissioners?"

Speaker Daniels: "Representative Kubik."

Kubik: "There are two commissioners. I believe their names are Joseph Barrios and Wilson Frost."

Speaker Daniels: "Representative Pugh."

Pugh: "And what ethnicity are these two individuals?"

Speaker Daniels: "Representative Pugh, is this to the Bill? Is this to the Bill, Sir?"

Pugh: "Yes, Sir."

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I believe that Representative...I'm sorry, Commissioner Frost is an African American and Mr. Barrios is Hispanic."

Speaker Daniels: "Representative Pugh."

Pugh: "And the purpose of this legislation is designed to move those two individuals out of office and replace them with some new people."

Speaker Daniels: "Representative Kubik."

Kubik: "No, there is nothing in this legislation which precludes those two individuals from applying for a membership on the Interim Board and/or running for office under a system that would...districts that would be created by June 1st of 1996."

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Speaker Daniels: "Representative Pugh."

Pugh: "What's the purpose? Why do...what's the need? Why do we need this legislation at this point in time?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, we have a board that is a two member board. As I indicated earlier, I have no personal differences with the board members. It has been my experience over my ten years in the General Assembly. I have been down to the Chicago Bar Association on numerous occasions. The Chicago Bar Association believes very strongly, as many other groups do, it should be a three member board. In addition to that, we, in looking at this board, decided that it would be more appropriate to have a Board of Review as opposed to a Board of Appeals. So we abolish the Board of Appeals and created a Board of Review, which has three members."

Speaker Daniels: "Representative Pugh."

Pugh: "So, will this board...will this legislation that we're about to create, will it save the taxpayers' money if we are going from a two member board to a three member board, will we save the taxpayer money? And if so, how much?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think that would be hard to determine, but I do believe that in a fairer assessment system, taxpayers, all sorts of taxpayers, homeowners, small business people, everyone will get fairer assessments, which means lower tax bills. You know, a person who has a piece of property, whether it be a home or a business, is entitled to a fair assessment. That's all we are trying to do here is to create a system that makes sure that we have fair and equal assessments in Cook County."

Speaker Daniels: "Representative Pugh."

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Pugh: "So, are you... The fair and equal assessments would save the taxpayers that pay taxes money, but...that pay taxes on...that pay property taxes, that would save them money, but would the cost...would the savings accrue to the average citizen who doesn't own property that is also paying taxes? Would not his tax bill be increased, so in turn would this not be considered a tax increase?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I said in my opening remarks, Representative, I'm under no illusion. I under..."

Speaker Daniels: "Representative Kubik, can you bring your answer to a close. Time has expired."

Kubik: "I understand that initially there may be some increased cost. We are talking about a \$5 billion dollar tax system in Cook County, and I think that we are trying to change a system that will ensure fairer tax assessments for everyone. And I think that it's hard to calculate how much this will cost, but I think in the long run, a better, fairer system is good for all of the people of Cook County."

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

Dart: "Thank you, Mr. Speaker, to the Bill. This is nothing what Representative Kubik is saying. Earlier today we had...we imposed a disaster plan on the Chicago school system. Today squarely in the cross hairs are the taxpayers, not only of Cook County, but the taxpayers of downstate, and I'll tell you why. The Cook County taxpayers, as the Sponsor freely admitted in committee today, they are going to get stuck holding the bag here. They are the ones that are going to have to come up with \$1 million for compensation for commissioners, \$500,000 plus for compensation for additional employees, \$500,000 plus for

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compensation for employees to process and defend appeals brought before the PTAB. In addition to that, there is going to be an additional \$2 million cost to the assessors office, but I suppose in this Body what's a couple million dollars amongst friends here, huh? What's the difference? It doesn't make any difference. But more importantly, let's keep this thing in perspective as well. What is this doing to all the downstaters. Downstaters are also going to get hurt here. Each one of these individuals here who are Representatives from Cook County, this is a tax increase for Cook County. The Representative admitted that in committee today that this is going to have to come from a levy from Cook County taxpayers to pay for it. So you now will be voting for a tax increase, all in the name of this making assessments fair, which is not going to occur. What you have done in addition is you've set up another bureaucratic level here as well at the PTAB. And what does that mean? For you downstaters, what that means is that now when your constituents, your taxpayers are going down in front of PTAB, guess what? The backlog that is now a couple years is going to be 6, 7, 8, 9 years. They can't handle it. Let me read you something that the Civic Federation put out. In regards to extending the jurisdiction of the PTAB to Cook County, the Civic Federation at this time strongly opposes extending the PTAB jurisdiction to Cook County. The PTAB lacks the funding or the expertise to handle potential flood of assessment appeals from the state's largest county, and this Bill makes no provision to assist PTAB in either respect. Currently the Board of Appeals review over 60,000 assessments appeals annually, as well as 1,000 certificates of error and exemptions. If only 25,000 parcels were

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appealed from Cook County to the PTAB, it's workload would increase by 280%. Imposing a tremendous stain on an already overworked and understaffed body. This is what this Bill is going to do. There is no two ways about it, that is it. That is it in a nutshell. So for you in Cook County, here is your tax increase. For the downstaters you are insuring that your taxpayers will not be able to get their taxes heard in front of PTAB. Who it does help though, it will help lawyers. Lawyers will be given a...this will be like full employment for lawyers, because the new standard is something I fully agree with, but it's going to mean encouraging more people to appeal. And this PTAB that does not have the expertise for these big cases, they get one of these big parcels maybe once a year. Cook County gets them about once a day. They have none of the expertise to handle this. So what is this going to be doing to all the downstate individuals who come in front of PTAB? They are going to be pushed in the back of the docket and pushed further and further. And what's the other thing that you're doing here as well? The other thing you are doing to the downstate as well as in addition to the backlog is now you are setting up a system where the taxing bodies, which we have already handcuffed, and I'm sure you've heard from them already from the school districts with tax caps. We have already handcuffed them with that, but what we are doing here now is we are setting up a system there to get them yet again. Because under the PTAB, PTAB does not make its decisions on assessments until after the bills have been issued and taxing bodies will thus experience millions of dollars in losses per year due to costly refunds, the large business owners filing before PTAB. These repayments will be ordered after the money has

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already been spent. This will be repayed, not only the money, but guess what? With interest as well. So you are also sticking them that way, too. Here we have it, we are setting up a new bureaucracy. We are not paying for it, Cook County taxpayers will. We are also putting in place new responsibilities for PTAB. We are giving them no money for that; we will just pull that out of the budget somewhere as well. We are not sure exactly where that's going to come from. So what, in effect, have we done? We have put together a very costly system here, which will not speed up tax appeals at all. It will not make it more fair. We all know that and you know it as well. The reality of it is, just like we will no longer hear from you again crying about Chicago public schools because you have imposed your plan on us in that regards. Now you are imposing your plan in this regard and the chaos, the utter chaos that is going to be caused by this and the expense to the taxpayers, guess what? It's at your doorstep again and you are the ones that are going to be sitting there holding the bag when your taxpayers are going to see their bills going up, and they are not going to be able to get their tax refunds back because you have done it to them again. This does not make sense. There are some good provisions in this Bill. This is not one of them and this Bill should be defeated."

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

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

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

Kubik: "Thank you, Mr. Speaker. I think that this Bill has been

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very fully debated. Let me make a couple of points before we vote. This is not...This is not some kind of a radical proposal. This proposal is the law in 101 other counties in the state. What you say is that in Cook County, you can't appeal more than twice. You appeal to the assessor and you appeal to the Board of Tax Appeals. In every other county in the state, you appeal to the assessor, you appeal to the Board of Review, and then you appeal to the PTAB if you don't like it. What we are saying is that we ought to give that ability to the other taxpayers, the taxpayers of Cook County. So, you know, I can't understand why somebody wouldn't want to give a taxpayer, who has done nothing wrong, other than been given an assessment by an assessor which is wrong, and they bring the evidence that it's wrong and they want to go through a system to make sure that that assessment is fair. What's wrong with that? I think that makes imminently good sense. Now, I believe that this Bill is a well balanced Bill. It makes a lot of sense. It's taxpayer friendly. If you believe in taxpayers, if you believe in fair assessments and if you believe that we ought to bring a taxpayer an opportunity to get a fair assessment you ought to be for this Bill. I urge a 'yes' vote on the Motion to concur on Senate Amendments 1 and 2."

Speaker Daniels: "The question is, 'Shall the House concur in House Bill 1465, Senate Amendments #1 and 2?' All those in favor signify by voting 'aye'; opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 67 'ayes', 46 'no', 4 voting 'present'. On this question, the House does concur with Senate Amendments #1 and 2 to House Bill 1465. This Bill, having received the

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Constitutional Majority, is hereby declared passed.

Speaker Daniels: Ladies and Gentlemen of the House, we have several Resolutions, several Motions to recede, several Motions to non-concur and we will complete our evening with House Bill 901. So we are going to move fast on the resolutions, Motions to recede, and to non-concur. The first is, Senate Resolution 21. Read the Resolution, Senate Joint Resolution 21. Supplemental #3, excuse me, Mr. Clerk."

Clerk Rossi: "Senate Joint Resolution #21 offered by Representative Persico."

Speaker Daniels: "Representative Persico?"

Persico: "Thank you, Mr. Speaker, Members of the House. Senate Joint Resolution 21 is a compromise Resolution with many industries and utility companies, to form a joint committee to review and propose legislation to establish wheeling of electricity in Illinois. Very quickly, what the effect of this Resolution, what we're trying to do is to create a 12 member joint committee to hold hearings and be charged with generating a legislative proposal to implement wheeling of electricity in Illinois. It creates a non-voting technical assistant group from various companies, organizations, and associations. And two representatives of the Commerce Commission to offer advice and information on the issues before the joint committee. It requires the joint committee to hire a facilitator to ease and administer the joint committee activities, who is to be nominated by the assistant group and appointed by the majority of the committee. It requires the committee to begin work by June 15, 1995. It requires a preliminary report to the General Assembly by December 1, 1995 and it requires submission of a final legislative proposal by

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November 8, 1996. It authorizes the committee to seek non-governmental funding through the companies being represented on the technical assistant group. It also requires the General Assembly to provide from existent appropriations, additional committee staff. I would be willing to answer any questions, that you have."

Speaker Daniels: "Gentlemen moves for the adoption of Senate Joint Resolution 21. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', 2 voting 'no', none voting 'present', and the Motion to adopt Senate Joint Resolution 21 is adopted. On Supplemental Calendar #2, Senate Bill 428. Representative Stephens moves to refuse to recede from House Amendment #3. All those in favor, signify by saying 'aye', opposed 'no'. The 'ayes' have it. Motion carries. A Conference Committee has been requested and a first Conference Committee shall be appointed. Senate Bill 721, read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 721, a Motion to refuse to recede from House Amendments 4, 5, 11, 12, 13, 14, and 16, has been filed and approved for consideration.

Speaker Daniels: "Representative Rutherford moves to recede from House Amendments 4, 5, 11, 12, 13, 14, all those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Gentlemen requested a first Conference Committee and the Conference Committee is appointed. Senate Bill 1140. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1140, a Motion to refuse to recede has been filed by Representative Lindner."

Speaker Daniels: "Representative Lindner moves to refuse to

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recede to House Amendment #3 and that a Conference Committee be appointed. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House refuses to recede from House Amendment #3. A Conference Committee is requested and shall be appointed. House Resolution 53, read the Resolution, Mr. Clerk."

Clerk McLennand: "House Resolution #53 offered by Representative Churchill. Resolved by the House of Representatives of the 89th General Assembly of the State of Illinois. That pursuant to House Rule 3-7, the following legislative measures are recommitted to the Rules Committee."

Speaker Daniels: "Gentlemen, Representative Churchill moves for the adoption of the Resolution. All those in favor signify by saying 'aye'; opposed 'no'. And the 'ayes' have it. On the Regular Calendar, on the Order of Non-concurrence. House Bill 160."

Clerk McLennand: "House Bill #160. A Motion to concur was filed. And committee sent out a 'do not approve for consideration'. A Motion to non-concur has been filed in Senate Amendment #1 by Representative Turner."

Speaker Daniels: "Representative Turner moves to non-concur with Senate Amendment #1 to House Bill 160. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The Motion carries. House Bill 314."

Clerk McLennand: "House Bill 314, a Motion to concur in Senate Amendments #1 and 2 was filed. And committee ruled they do not approve for consideration. A Motion to non-occur (sic) has been filed."

Speaker Daniels: "Representative Turner moves to non-concur with Senate Amendments #1 and 2 to House Bill 314. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendments

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#1 and 2. House Bill 2240."

Clerk McLennand: "House Bill #2240, a Motion to non-concur was filed in regards to Senate Amendment #1 by Representative Rutherford."

Speaker Daniels: "Representative Rutherford moves to non-concur with Senate Amendment 1 to House Bill 2240. All those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to 2240. On Supplemental Calendar #1, House Bill 1470."

Clerk McLennand: "House Bill #1470, a Motion to non-concur in Senate Amendment #2."

Speaker Daniels: "Representative Churchill moves to non-concur with Senate Amendment #2 to House Bill 1470. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #2 to House Bill 1470. House Bill 1523, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1523, a Motion to non-concur has been filed on Senate Amendment #1."

Speaker Daniels: "Representative Murphy moves to non-concur with Senate Amendment #1 to House Bill 1523. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to House Bill 1523. House Bill 1787, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1787, a Motion to non-concur has been filed in regards to Senate Amendment #1."

Speaker Daniels: "Representative Kubik moves to non-concur with Senate Amendment #1 to House Bill 1787. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to House Bill 1787. House Bill 2403, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2403, a Motion to non-concur has

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to Senate Amendment #1."

Speaker Daniels: Representative Churchill now moves to non-concur with Senate Amendment #1 to House Bill 2403. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to House Bill 2403. Corrected committee report."

Clerk McLennand: "A corrected committee report filed by Representative Persico, a chairman for Committee on Environment and Energy. To which the following joint action Motions were referred. Action taken on May 24, 1995. Reported the same back due proved for consideration. On the Order of Concurrence, House Bill 901 together with Senate Amendments #1 and 2."

Speaker Daniels: "House Bill 901, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #901, Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Ryder and has been approved for consideration."

Speaker Daniels: "From DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, Members of the House. House Bill 901 as Amended creates the Environmental Impact Fee. It is a major piece of legislation that impacts each and every one of our legislative districts. It deals with the funding of the leaking underground storage tank. Specifically, the fee shall be \$60 per 7,500 gallons of fuel or the equivalent amount per fraction as sold to use in Illinois. This Amendment exempts Midway Airport from the fee. All monies received under this Act shall be deposited in the Underground Storage Tank Fund. The Department of Revenue is to administer the fee. It's effective July 1 of 1995. This Amendment also repeals the Environmental Impact Fee on December 31, 2002. I would ask

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for your favorable support and concur on Senate Amendments 1 and 2 to House Bill 901. And be willing to answer any questions you may have."

Speaker Daniels: "The Gentleman from Cook, Representative Madigan."

Madigan: "Thank you, Mr. Speaker, I didn't know my microphone was on. Mr. Speaker, I rise in opposition to this Bill and I'd like all the Republican members to please wake up. This is your 'wake up call', Ladies and Gentlemen. This proposal is a 45 million dollar a year tax increase. Let me say it again. 45 million dollars a year for seven years. 315 million dollars in this little baby up here right now. 28 dollars for every man, woman, and child; for a family of four, 112 dollars. You should understand, they're hooking up the cars for your Republican train, your Republican tax train. This is item #1. Next there'll be a tax on hospitals. After that, they're going to ask you to put a tax on tobacco. After that, they're going to tell you, repeal the prompt payment law, as it applies to hospitals and nursing homes. Later on, they're going to have some real estate tax increases for you to vote for. So this is just the beginning. 45 million dollars a year! I'm opposed to it. Thank you."

Speaker Daniels: "Further discussion, the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?'. All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Gentlemen, Representative Persico moves for the passage of House Bill 901. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 42 'ayes', 61 'no', and this Bill, having failed to received a Constitutional Majority, is hereby declared lost. Representative Persico now moves to non-concur in Senate Amendments #1 and 2. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it and the House non-concurs in Senate Amendments #1 and 2. Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I think that we're probably about to adjourn and there was a flyer that was put on everyone's desk. I think this morning. Said that one hour following adjournment, we were going to meet at the Lincoln Plaza across the street. It's immediately, we're going to adjourn to the Lincoln Plaza. Come join us, Dave Phelps, one of greatest singers in the State of Illinois."

Speaker Daniels: "Announcements, Mr. Clerk? Any announcements?
No announcements."

Clerk McLennand: "No announcements."

Speaker Daniels: "Representative Churchill now moves the House stand adjourn until Thursday, May 24 (sic), 1995, at the hour of 9:00 a.m. All those in favor, signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And allowing for the perfunctory time for the Clerk, the House now stands adjourn until Thursday, May 24 (sic), 1995, at the hour of 9:00 a.m. Good night everybody."

Clerk McLennand: "Being no business, the House Perfunctory Session stands adjourned. The House will reconvene Thursday May 25th at the hour of 9:00 a.m. Nine hours and 20 minutes from now.'

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