

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "The House will come to order. The Members will please be in their chairs. Those not entitled to the Floor will please retire to the Gallery. Those in the Gallery may wish to rise for the invocation. We have a special treat today. The invocation will be given by our Representative David Phelps. Representative Phelps."

Phelps: "Lord's prayer sung by Representative Phelps."

Speaker Daniels: "We'll be led in the Pledge of Allegiance by Representative Phelps."

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

Speaker Daniels: "Roll call for attendance. Our personal thanks to Representative Phelps for sharing his gift with us all, and for setting the tone of this great day. Thank you. Mr. Clerk. Take the roll, Mr. Clerk. Excuse me. Representative Currie, for excused absences on the Democratic side."

Currie: "Thank you, Speaker. Please let the record show that Representative Lou Jones is excused for official business in the district and Representative Martinez is excused because of illness."

Speaker Daniels: "Representative Goslin for excused absences on the Republican side."

Goslin: "Thank you, Mr. Speaker. Will the record show that Representative Cowlshaw is excused for the death of her mother. And Representative Pedersen is excused for the illness of his wife."

Speaker Daniels: "Okay, the record will so reflect. Mr. Clerk, take the roll. There are 113 Members answering the roll, and a quorum is present. The House will now come to order."

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

138th Legislative Day

May 24, 1996

Committee announcements."

Clerk McLennand: "Committee Report. 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, 1996, reported the same back : 'do approve for consideration' Conference Committee Report #1 to Senate Bill 1664. And Conference Committee Report #1 to House Bill 22. Committee Notice. Rules Committee will meet at 10:30 a.m. in the Speaker's Conference Room. Rules Committee will meet at 10:30 in the Speaker's Conference Room."

Speaker Daniels: "Supplemental Calendar announcement."

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

Speaker Daniels: "Mr. Clerk, on page 4 of the Calendar, under Conference Committee Reports appears House Bill 1249. Representative Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Members of the House. House Bill 1249, I would Move that we adopt the first Conference Committee Report. And I think that probably should go up on the board as well. And if I may go through this. This Bill is really the basic part of this Bill was a Committee Bill of the House Criminal Law Judiciary Committee. And I'll just briefly touch on the items that are now contained in this, and then accept any questions on that. One provision in here would provide that any person who intentionally escapes from custody of a person in charge, whether it be probation or conditional discharge, et cetera. That also, would now fall under the escape category that was an initiative of Representative Turner. Another provision, a second provision would provide that any money, on confiscated currency and so on, that is unlawfully found on prisoners in the Department of

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

138th Legislative Day

May 24, 1996

Correction, would go into the General Revenue Fund. That is an initiative of Representative Hoffman. Third provision in here would amend the Court of Claims Act, that in fact, would reflect cost of living increases over a period of time dealing with wrongful imprisonment of prisoners and would increase the amount of those awards should somebody be subsequently found to have been wrongfully imprisoned. Fifth provision in here would contain a new Act dealing with the offense of teasing or injuring or killing or disabling guide dogs. This was an initiative requested by the Association for the Blind. Sixth Amendment in here was an initiative of Representative Cross, and would add another factor where somebody was convicted of a felony violation of unlawful use of weapons and was also a member of an organized gang that a more severe sentence could be imposed, where you show that that person was also a member of an organized gang. Seventh provision was an initiative of Representative Hoffman, worked on a little bit by the Senate, cleaning up some of the technical things dealing with juvenile boot camps. Eighth item in here deals with initiative of Representative Black, in relation to persons being tested for D.U.I. and provides immunity for those who withdraw blood or collect urine in good faith when that is done at the direction of law enforcement, et cetera. Another provision in here would provide that D.U.I. records where supervision is imposed should not be expunged. Ninth provision would provide that a defendant who is receiving psychotropic drugs shall not be presumed to be incompetent. That's an initiative of Representative Durkin's, who have been worked on over a long period of time now with the State's Attorneys Association and others. The tenth provision in

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

138th Legislative Day

May 24, 1996

here would deal with the State Appellate Defender Act to work on privatizing so that we can get at this backlog of appeals. The eleventh provision in here was added on by Senator Hawkinson in the Senate and would provide that the Prisoner Review Board would schedule hearings every year rather than every three years in juvenile matters. The twelfth section in here is the initiative of Representative Hoffman that would provide that the court should automatically determine what restitution is appropriately paid from an offender to a victim and would make that a mandatory thing. Thirteenth provision is a provision worked on by Representative Durkin, dealing with hearsay evidence being used in a court, prior statements that were given at a grand jury. Fourteenth provision was a Senate provision dealing with the hate crimes which we discussed in here last week, clearing up that section of the statute in light of a recent court decision. There is also a new section in here in the Conference Committee that would extend the Truth in Sentencing Commission deadline to March 1, 1997. That was previously contained in, I think it was House Bill 771, which was recently declared unconstitutional. And so we're cleaning that up in here now. Two more provisions to go, here, and then we'll be through with this. Representative Hoffman had an initiative as well as others, dealing with the removal of good credit time in the Department of Corrections where somebody files a frivolous pleading or court case. And the last thing is a repeat provision eliminating the curtains in the Department of Corrections. That's the initiative Representative Bost, Representative Turner. The reason it is now also contained in this Conference Committee is this Conference Committee will have an immediate effective date,

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

138th Legislative Day

May 24, 1996

whereas, I believe, the prior ones dealing with the curtains would begin in January of next year. And I'd be happy to take any questions."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have a question on the hearsay Amendment, which I'm not sure I understand, and maybe you or Representative Durkin can clarify that for me because it's kind of confusing."

Speaker Daniels: "Representative Durkin. Will you answer that question, Sir?"

Durkin: "Representative, what I've done is, through this Amendment, we have adopted the federal rule of evidence, particularly, 804(b)5, which is commonly known as the residual hearsay exception. The federal rule has been in place for approximately 20 years, which specifically it states that certain statements by witnesses will be admitted as substantive evidence in a state's case in chief, despite the fact that there has been no confrontation if there are individual guarantees of trustworthiness. This is language which I have worked out, we have been working on for a considerable long time. Specifically, we are talking about situations when witnesses refused to testify despite a court order. Those types of situations arise when a witness will claim a 5th Amendment privilege but a judge will make an independent determination that his 5th Amendment privilege is unreasonable. Therefore, if he still continues to refuse to testify, his prior statement would be able to come in as evidence. Also, in a situation where a witness has been granted immunity from the state and the court still orders

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

138th Legislative Day

May 24, 1996

him to testify, because that immunity will keep anything he states will not be used against him, but he will persist to testify, that's another situation we're talking about. And if we want to talk a little bit more about this, the statements that we're talking about in particular are court reported statements that are taken before trial, it could be a grand jury statement, it could be a hand written statement, and particular statements that are made under oath at a trial hearing, other proceeding, or a statement which is proved to a written or signed by the declarant or knowledgeable under oath at a trial hearing or other proceeding or actively recorded by a tape-recorder or video tape-recorder or any other similar means of sound recording. In particular, the issues dealing with grand jury statements. There is well developed case law, particularly on the federal level, which will allow the grand jury statement to come in as substantive evidence when a witness has been declared to be unavailable to testify, in particular, the case which I have referred to is the United States vs. Guinan, which was in the Seventh Circuit, 836 federal reporter 350. Basically what we're doing right here is we're adopting what the United States Supreme Court has said back in 1980 vs. Ohio vs. Roberts, which basically states that the 6th Amendment confrontation clause guarantees a criminal defendant's right to be confronted with the witness against him, while its literal interpretation would preclude all hearsay from criminal trials that clause does not intend such an extreme result. The confrontation clause underlying interest to augment accuracy is the fact-finding process by ensuring the defendant an effective means to test adverse witnesses may be served even when the defendant cannot confront and

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

138th Legislative Day

May 24, 1996

cross-examine the adverse witnesses. Hearsay, may be admitted without violating a defendant's confrontation clause rights if the prosecution establishes that the declarant is unavailable and the evidence here bears indeed Shall have reliability sufficient to afford the truth of the prior statement. So, in these types of statements, there has to be an independent finding that the statements there is a high degree of reliability. The courts are very particular and they're very picky about these types of things, and they've been treated such with a federal court. No court has overturned a case because there has been a confrontation clause problem. It is because the statements do not have that sufficient degree of reliability. I believe this is something which we've worked out for a number of...and I think that I have answered most of the questions."

Speaker Daniels: "Mr. Clerk, for an announcement."

Clerk McLennand: "The Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Daniels: "Representative Parke. You want to ask him another question?"

Parke: "Obviously, this will be in the record for all posterity to see. One other...to the Sponsor, wasn't this a Moffitt Bill not too long ago and didn't it have to do with D.U.I. and I was a Cosponsor on that Bill and I thought parts of that Bill were excellent. What is the status of the original Bill that was underlying, or am I confused?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Representative Parke, I think if you look at your calendar, you will see, I believe that that is still contained in a stand alone Bill of 1251. It's on Third

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

138th Legislative Day

May 24, 1996

Reading in here. But, it is not contained in this Conference Committee Report."

Speaker Daniels: "Representative Parke, that's all? No further questions? Further discussion, Representative Pugh."

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

Speaker Daniels: "He indicates he will."

Pugh: "Representative, I understand that there's a multiplicity of Sponsors included in this. Can you tell me who to direct this question to, regarding the psychotropic drug language?"

Speaker Daniels: "Representative Durkin to respond."

Durkin: "What's the question?"

Speaker Daniels: "Representative Pugh."

Pugh: "Representative Durkin, regarding the psychotropic drugs, I'd be interested to know if the drugs are...if the inmate enters the institution with the use of...at what point does the inmate receive psychotropic drugs? And what are the reasons for him receiving those?"

Speaker Daniels: "Representative Durkin."

Durkin: "Your question has no bearing on what we're doing with regard to this Amendment. We're talking about an issue of fitness, which is a pretrial issue of whether or not a defendant is available to understand the nature of the proceedings and secondly whether the accused or defendant is able to cooperate with his attorney to prepare his defense. This has nothing to do when you're talking about an inmate going into the Department of Corrections as post-trial. This Amendment has no effect on any post-trial issues. This just deals with whether or not the defendant is fit to stand trial while he's taking certain types of medication."



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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Pugh."

Pugh: "Well, Sir, I beg to differ with you. If the inmate committed the crime while using psychotropic drugs then that should have some bearing on the sentencing. But, if the inmate received psychotropic drugs once he entered the institution, then it's difficult for him to be deemed fit, to stand trial."

Speaker Daniels: "Representative Durkin."

Durkin: "Well, I think you're still missing the boat on this, Representative. But the question of whether or not a person is fit to stand trial and whether or not someone is insane if he's taking the psychotropic drugs are two very distinct theories within our law. Fitness to stand trial has nothing to do with the guilt or innocence, insanity does. However, in a situation if we're talking about if someone is taking psychotropic drugs while they have committed a crime and they are placed in, let's say Cook County Jail. That is a factor which could be used, not only to determine whether or not he will be fit at a later time to stand trial to answer the charges which I have previously stated, means that he understands the nature of the proceedings which are against somebody else who can cooperate with his attorney with respect to his defense. If he is taking psychotropic drugs prior to his being detained in the Department of Corrections or being held prior to trial, that could be a question dealing with insanity. But, we're not talking about amending the insanity statute. Those are two very different theories as I said, Representative. But, I'm not quite sure where else you're going with this question. But, I think I've answered as far as I can, with the questions that you've posed to me."

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Pugh."

Pugh: "Thank you. Regarding the...Representative Johnson...Regarding the boot camp legislation, can you explain to me the technical Amendment in that statute that you're going to change?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Yes, Representative Pugh, I'll go over that briefly. This was an initiative of Representative Hoffman, but I think this is some cleanup. It would create a juvenile boot camp program within the Department of Corrections. This was very similar to House Bill 612, which was Representative Hoffman's previously, and it adds that juveniles adjudicated a delinquent for arson or forcible detention, shall not be permitted to undergo boot camp. And would further provide that the Department of Corrections and not the courts shall determine the time in the program. Time limits for misdemeanors is 7 to 120 days and for felonies is 120 days to 180 days, and would provide that juveniles shall not serve more time than an adult, in any way should they not be spending any more time. And in any event, a juvenile also should not be serving longer than reaching the age of 21."

Speaker Daniels: "Representative Pugh."

Pugh: "Thank you. Regarding the technical change or the changes that you had to make in the truth in sentencing legis..."

Speaker Daniels: "Okay, Representative Pugh, you're out of time, but I put an extra minute here to finish your line of questioning."

Pugh: "Thank you very much, Sir. The truth in sentencing legislation, you said that there was a constitutional challenge in that legislation. Can you explain the problem with that and what you've done to rectify it?"

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Yes, Representative Pugh, as you recall we passed truth in sentencing in here a year ago. We also had a commission appointed to review further additions and so on, and how this thing was working and that commission was to report back on March 1, 1997. Now, that portion dealing with the reporting date back was contained in House Bill 771, which was kind of the Christmas tree sort of Bill that a good judge in Chicago determined that maybe we had too many things on it, and so therefore that there is some doubt about the status of that..."

Speaker Daniels: "Representative Johnson, can you complete your answer, please?"

Johnson, Tom: "Pending final appeals and so we just want to make sure that this continues on and doesn't die."

Speaker Daniels: "Further discussion, the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, I would just like to commend the Chairman of the Judiciary Committee. I think that this Conference Committee is one that reflects hard work to our Committee, both Republicans and Democrats. There is input from all Members of the Committee. I would just like to tell the Chairman of this Committee that it certainly was a pleasure serving with him. And I think that this is a good piece of legislation that goes a long way to changing the criminal justice system in this state, and will truly make a difference. So, I would urge an 'aye' vote from everybody on this side of the aisle."

Speaker Daniels: "Further discussion. Representative Johnson. Further discussion. The Gentleman from Washington, Representative Deering."

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

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "The Sponsor indicates he will."

Deering: "Just a couple of questions, Representative. I support the Conference Committee Report. I just want to question you on the Department of Corrections provisions, dealing with tracking and identifying inmates who are gang members, and the segregation of gang leaders. Since we already are in a situation where the prisons are in an overcrowded mode right now, what do we do in a situation where there isn't any seg cells left? Are we going to make these cells exclusively for gang leaders? Are we going to put some other more dangerous people in general pop, or will these provisions be taken care of?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "We had no objection, as far as I know. This was really put on over in the Senate. But as far as I know the Department of Corrections and so on, had no objection to this going in and they felt that it could be done. And I think that it's something, obviously we're going to have to continue to work with. And as you know, as we go into further recommendations for Department of Corrections with the investigative committee this Summer, this is something that certainly, we'll continue to look at."

Speaker Daniels: "Representative Deering."

Deering: "Representative, can you tell me that we're going to monitor the unprivileged communications by prisoners? Can you tell me what this may entail?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Basically, this provides that the department on unprivileged communications or on unapproved communications and so on, the Department of Correction can listen in to those conversations."

Speaker Daniels: "Representative Deering."

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

138th Legislative Day

May 24, 1996

Deering: "Last question, Representative. Within 90 days of the effective date of this Act, the department is to prohibit the use of cell curtains, and many of us feel that they have the authority to do this now. But, my question is, is that within 90 days they remove them from all institutions statewide, or do they start at one and then move to another and have 90 days at each institution?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "It's department-wide, statewide."

Speaker Daniels: "Representative Deering."

Deering: "And will all curtains be taken away, no exceptions? Will they be wide open cells? Are there any exceptions or exemptions in the language?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "There are no exemptions."

Speaker Daniels: "Representative Deering."

Deering: "Nothing further, Speaker."

Speaker Daniels: "Representative Wirsing."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Johnson now moves that the House do adopt Conference Committee Report #1 to House Bill 1249. All those in favor will 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 111 'ayes', 0 voting 'no', 1 voting 'present'. The House does adopt Conference Committee Report #1 to House Bill 1249. This Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, on Supplemental Calendar #1 appears Senate Bill

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

138th Legislative Day

May 24, 1996

1664. Representative Stephens."

Stephens: "Thank you, Mr. Speaker. 1664 is a compilation of the original Bill that passed this General Assembly, which had to do with Southwestern Illinois Development Authority. Secondly, it deals with several bond authorization acts. Fifteen bonding statutes are amended to provide a sunset date for bond tax exemptions. The exemption will sunset when the bonds are paid. A similar change is made in the Act requiring sunset on tax credits or exemptions. The preliminary portion of the Bill, the preamble, has language supporting this section, adding sunset dates to tax exemptions for interest on bonds and deleting tax exemptions on the bond gain. Furthermore, it provides that the Private Activity Bond Allocation Act is amended so that no single project can receive bond capped authorization in excess of 10% of the amount available in non-homerule and home-rule cap pools. I mentioned the Southwestern Illinois Development Authority language, which is the same as we passed earlier. Furthermore, designates the the Bureau of the Budget as the responsible state office for complying with new SEC disclosure rules. New language added to this Bill includes language originally in Senate Bill 650, which allows the Salem Civic Center Authority to place a question on the ballot, in Salem Illinois, of whether to impose a sales tax within the district. Again, this is a tax that must be authorized by 'front door referendum'. If the people want it, they can vote in favor of it, if not, they can vote 'no'. One further, is the Bill will change the Illinois Development Finance Authority bond authorization allocation, moving some of the allocation from the environmental bond category, to the general business bond category with the net effect being, it does not result in

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

138th Legislative Day

May 24, 1996

an increase in bond authorization. I believe that concludes all the language that is in the Conference Committee Report #1 to Senate Bill 1664. I would be glad to answer questions. I Move favorable consideration."

Speaker Daniels: "Further discussion, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield? Representative Stephens. Representative Stephens, I believe you indicated that this sunsets the bonding authorities for a number of acts. It also deals with SWIDA and there's one provision in there in regard to Salem. But, there is no place in this Conference Committee Report that calls for any type of increase, any fees or applications or fines or taxes, but there is one provision that allows a referendum. Is that correct?"

Speaker Daniels: "Representative Stephens."

Stephens: "The only reference to an increase is the 'front door' referendum. If the people of Salem, decide that they want to, they may raise a sales tax to fund the Civic Center. That's the only reference that I'm aware of."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, thank you, I appreciate the Gentleman's frankness. That provision affects a city in my district, and to my friends on this side of the aisle, this would allow a 'front door' referendum. That is all it does. It does not impose any additional increase in taxes. It does nothing of that sort. The underlying Bill is good, dealing with the Southwestern Development Authority. There are a number of fine proposals in this Conference Committee Report, and I would urge the Members on this side of the aisle to vote 'aye' on this Conference Committee Report. But to be aware that there is a provision in this report that would simply allow a referendum. It does not mandate

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

138th Legislative Day

May 24, 1996

a referendum. There is no 'back door' referendum. There is nothing of that sort. And I would simply ask, again, my friends on this side of the aisle, to support the Conference Committee Report."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, because of a potential conflict, I'll be voting 'present'."

Speaker Daniels: "Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. To the Bill. This is an excellent Bill. I've spoke on it before. I support it. As I said the other day, this is just another spark plug in our economic engine driving our Metro-East area, and I would urge all Members of the Body here to vote for it. Thank you."

Speaker Daniels: "Representative Skinner."

Skinner: "Yes, Mr. Speaker. I direct your attention to section 8, and ask you how many votes this will take. It appears to be increasing the bond authorization for the Illinois Development Finance Authority from \$2 billion to \$2.9 billion, and not inconsiderable, inconsequential, that is, increase."

Speaker Daniels: "Representative Stephens. Representative Skinner, we will be looking at that. Representative Stephens."

Stephens: "If you will refer to page 8, there is a decrease in authorization of an equal amount. There is no net increase in bond authorization. And so I would ask the Chair to consider that."

Speaker Daniels: "Representative Skinner, Article 9, Section 9 of the Illinois State Constitution, these are not General Obligation Bonds. Therefore, it only requires 60 votes, according to the Parliamentarian, and that will be the



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

138th Legislative Day

May 24, 1996

ruling of the Chair. Further discussion. Representative Stephens now Moves that the House adopt Conference Committee Report #1 to Senate Bill 1664. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action on the Bill. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish, once more. Everybody recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 'ayes', 30 'noes', 6 voting 'present'. The House does adopt Conference Committee Report #1 to Senate Bill 1664. This Bill having received the required Constitution Majority is hereby declared passed. Mr. Clerk, on Supplemental Calendar #1, appears House Bill 22. Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1 to House Bill 22, includes three different items. First of all, it includes a Bill that was passed, I believe, unanimously, 109 to nothing by Representative Krause concerning the health care worker background check clean up language, which was an agreed...excuse me, Mr. Speaker, I have the wrong conference. Thank you, Mr. Speaker. Conference Committee #1 to House Bill 22 includes two subjects within it. The first of which is some cleanup language to the Academic Medical Center Program that we passed overwhelmingly here and in the Senate, in that section that clarifies the ability of Southern Illinois University School of Medicine to participate. It puts in the necessary language for the Department of Public Aid to write rules for this program. It defines that funds under this program shall not be used in contravention of any

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

138th Legislative Day

May 24, 1996

other laws in this state. It creates the Medical Research Development Fund and the Post-tertiary Clinical Services Fund, and it puts the promised restriction that we made on advertising as a state designated center, not to advertise as a state designated center of excellence, in health care from those who are participating in the program. That cleanup language is in the first part of the Bill. Importantly, in the second part of the Bill is the task force language for oversight in the reorganization that we are moving forward with in this House. The task force for the oversight would create a bipartisan task force on human services consolidation. Membership on the task force will consist of three Members from the House, three Members from the Senate, and a Chairman to be appointed by the Governor. Directors of the affected agencies in the Bureau of the Budget shall serve as nonvoting Members of the task force as well as three other employees of the executive branch to be named by the Governor. Further, it allows the task force to appoint an advisory committee to ensure maximum public participation in the task force planning, organization, and implementation process. We feel it's extremely important to have the input of the recipients, the providers, the advocates, taxpayers, and others who are involved in the human service system, as we make decisions regarding the structure in the implementation of the Department of Human Services. The task force shall begin work when a majority of the voting members are appointed. Members shall not receive compensation, but shall be reimbursed for expenses. Duties of the task force shall include gathering information, making recommendations regarding the planning, organization, and implementation of consolidation, working to assure that the goals of

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

138th Legislative Day

May 24, 1996

consolidation are met, making recommendations regarding the design, operation, and the organizational structure of this new department, recommending any necessary implementing legislation, monitoring this implementation of consolidation, and making recommendations regarding future consolidations in the Human Services Programs. The Bill gives the task force the power to hire staff, seek outside consultants, enter into contracts as part of carrying out its functions and to make use of executive and legislative staff as appropriate. The task force shall submit reports February 1, 1997, February 1, 1998, and January 1, 1999. The Bill provides further that the Governor may appoint the initial Secretary to Human Services before July 1, 1997 and he or she may begin to make official decisions and take official action relating to the organization of this department. Because of our very strong belief that a comprehensive Management Information System is keystone in this reorganization, the Bill directs the Department of Human Services to use a unified management, an intake system, and reporting system, and hinges further consolidation of the Human Services on an acceptable plan for the MIS system being developed and approved. The Department will be allowed to run the system themselves or contract it out. As part of the condition for any future movement to occur other than that outlined in the main Bill, the Bill directs the Director of the Bureau of the Budget to work with the directors of the affected agencies to define and submit a plan for MIS to the task force by January 1, 1997. If the task force does not approve this plan by February 1, then the director of BOB is to revise and resubmit the plan by March 1. If this task force still does not approve the plan, the task force may develop their

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

138th Legislative Day

May 24, 1996

own plan. That, Sir, is the content of the Conference Committee #1 to House Bill 22."

Speaker Daniels: "Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "It seems to me, Representative Leitch, that when we dealt with the issue of the excellence in Academic Medicine Act earlier, that there were more hospitals that were included on the list and more sites that were included on the list. What happened to those, and who is left out in this Conference Report?"

Speaker Daniels: "Representative Leitch."

Leitch: "No one is left out from the original list. This is a clarification about the participation at SIU."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "It seems to me that Rockford and Peoria were listed before. Am I incorrect about that?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, they're still in."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So, there's no difference now in what we're looking at here, and in what we did earlier?"

Speaker Daniels: "Representative Leitch."

Leitch: "It clarifies the participation for Southern Illinois University."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Then let me address the issue of the Reorganization Plan. You describe this as a bipartisan task force, and certainly the goal of bipartisanship is laudable. Although, the numbers, when I look at them, don't quite add up. We have, it's true, there will be six Legislators on there, but if you look at the breakdown there, there will

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

138th Legislative Day

May 24, 1996

be two Democrats and four Republicans, and then the Governor makes an additional appointment, which makes it seven. So, we will have on this bipartisan voting task force, seven Republicans and two Democrats, and then you add in as nonvoting Members of the task force the...what is it, 10 appointments from the agencies and we've got a 17 member task force with two Minority Party Members on it. So much for bipartisanship. Does this seem to you a little bit skewed in favor of one party, Representative?"

Speaker Daniels: "Representative Leitch."

Leitch: "No, the reason why the task force is structured in the way that it is, is to provide meaningful legislative oversight with the kind of teeth in it so that we can make sure that the legislative input is received in the course of this reorganization."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I think it's pretty hard to make the case, Representative, that this task force, is in fact bipartisan in any normal understanding of what that word might mean. But, the other point I want to make is that it seems to me that what's wrong with the way that we've constructed this is what's wrong with the way we've approached reorganization. We have set up a governing body that does not include any public members. It is assigned a task that it seems to me must be done, but should be done prior to putting into place any of the details of the reorganization. It seems to me if you're going to have a task force that it ought to be truly bipartisan. It should include public members, and it should gather information. It should make recommendations. It should present a plan that is the result of a very deliberate process. We are going to pass this Bill, creating a structure that will

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

138th Legislative Day

May 24, 1996

oversee a reorganization plan that's been slapped together, that has been the kind of plan that's sort of written on the back of a napkin. And now they're supposed to monitor, make recommendations, while it is up and running. This seems to me a very backwards way of doing business. It says that the task force 'may' establish an advisory committee. What guarantee do we have..."

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

Skinner: "Mr. Speaker, I rise to support this proposal. I do so because the Department of Public Aid is broke, and it needs to be fixed. And it is blatantly obvious that the management of the Department of Public Aid is incapable of fixing itself. I would point to a memo dated May 21, that was put up in the Legislative Research Unit, quoting the United States Department of Health and Human Services Administration for Children and Families from a chart total AFDC recipients by by state. I ask the Legislative Research Unit to compare the percentage change in AFDC recipients in the Midwestern states. I discovered that Illinois ranked at the bottom, absolutely at the bottom. In the last year, only 3% of the people on welfare in Illinois have gotten off of welfare, as compared to our neighboring State of Indiana, where 30%, they have 30% fewer people on welfare today than they did a year ago. Now, you may say that Indiana isn't representative. Well, let's take a look at Michigan, which started out in January 1993 with 686 thousand people on welfare. Illinois, in January 1993 had 685 thousand people on welfare. So, we had fewer people on Welfare than Michigan in January 1, 1993. I'm sorry, I said one year. This is a three year change. In January 1996, we still have 664 thousand people

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

138th Legislative Day

May 24, 1996

on welfare, while Wisconsin has 534 thousand. Excuse me, Michigan has 534 thousand. So, Michigan, a state comparable to Illinois has seen a 22% cut on those on welfare in the last three years, where Illinois has only seen a 3% cut. Now, what Representative Leitch is attempting to do is to allow the General Assembly to have some handle on what the Department of Public Aid is doing in combination with the other departments that are offering assistance to our residents. This is a long overdue reform and it should receive a unanimous vote of this House."

Speaker Daniels: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker. I Move to the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor, say 'aye'; opposed 'no'. The 'ayes' have it. Representative Leitch now Moves that the House adopt or pass House Bill 22. All those in favor will signify by voting 'aye'; opposed by voting 'no'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 88 'ayes', 20 'noes', 4 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed and the House does adopt the first Conference Committee Report to House Bill 22. Committee Reports."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman of the Committee on Rules to which the following Joint Action Motions were referred, action taken on May 24, 1996, reported the same back, 'do approve for consideration'. To the House Floor, Conference Committee Report #1 to Senate Bill 1544. Conference Committee Report

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

138th Legislative Day

May 24, 1996

#1 to Senate Bill 1246. Floor Amendment #3 to Senate Bill 1258. Floor Amendment #6 to Senate Bill 1516. House Resolution #135 and Senate Joint Resolution #108. Members should run an update on their computer system at this time."

Speaker Daniels: "The Clerk has announced you should run an update on your computer at this time. Mr. Clerk, on page 3 of the Calendar, appears Senate Bill 1258, on the order of Second Reading. Read the Bill, Sir."

Clerk McLennand: "Senate Bill #1258. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2, offered by Representative Ryder is approved for consideration."

Speaker Daniels: "Representative Ryder."

Ryder: "Inquiry of the Clerk."

Speaker Daniels: "State your inquiry."

Ryder: "Would you please tell me the statuses of Amendments. It was my understanding that Floor Amendment #3 was approved by the Rules Committee."

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "Floor Amendment #2 has been approved for consideration as offered by Representative Goslin."

Speaker Daniels: "Representative Goslin, on Floor Amendment #2."

Goslin: "Mr. Speaker, I'd like to withdraw the Amendment."

Speaker Daniels: "Floor Amendment #2 is withdrawn. Further Amendments."

Clerk McLennand: "Floor Amendment #3, offered by Representative Ryder is approved for consideration."

Speaker Daniels: "Representative Ryder, on Amendment #3."

Ryder: "Thank you, and I thank Representative Goslin for accommodating us. This is a trailer Bill to the Underground Storage Tank Environmental Impact Fee. It



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

138th Legislative Day

May 24, 1996

continues the exemption of, that was originally allowed to railroads and airports and extends it to barge traffic. I would be happy to answer any questions."

Speaker Daniels: "Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, this is an exemption from the tax for barges, is that correct?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, it is not for barges. It is for those folks who retail, sell diesel to barges. So, it is a midstream refueling. If you live on the river as I do, you know that as the barges go up and down, there are folks who buy gasoline at the refineries, in this case diesel, and then, they're like a mobile service station. They'll then go to the barge, hook on, travel up or down river with them for a while, off-load the diesel. They also take a, it's kind of like a convenience store. They also give them groceries and ferry passengers, or workers back and forth. The folks...and they are the ones as retailers that pay the fee, but there's no underground tanks involved, nor do they have any access to the fund that reimburses them for underground tanks. They do pay to the Coast Guard a fee, in some cases, in excess of \$100 thousand for any spills that take place on the river. So, they're really double-taxed."

Speaker Daniels: "Representative Dart."

Dart: "Just so I'm clear, they don't have any...there's no relevance to these folks who are underground storage tanks because they don't use them, and any accidents, any cleanup that may need to happen are taken care of by a fee that they already are assessed right now. So, this seems to

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

138th Legislative Day

May 24, 1996

make sense actually. Thank you."

Speaker Daniels: "Further discussion. The Gentleman from McHenry, Representative Skinner."

Skinner: "I wonder if the Gentleman would answer a couple of questions?"

Speaker Daniels: "He indicates he will."

Skinner: "Do these midstream fuelers, where do they get the oil from?"

Speaker Daniels: "Representative Ryder, did you hear the question, Sir? Representative Ryder."

Ryder: "Representative Skinner, I'm trying to see. Here it is."

Speaker Daniels: "Could the Gentlemen between Representative Skinner and Representative Ryder move their conversations?"

Ryder: "Representative Skinner, they buy from the refineries direct, off-load onto a storage barge that floats on the river just like the barges you see going up and down. That becomes the depository of the diesel off-load from that tank, the floating tank, onto smaller tanks that then go out to the river and off-load onto the diesel tugs that go up and down the river."

Speaker Daniels: "Representative Skinner."

Skinner: "If there is no wholesaler involved, how do they pay this tax?"

Speaker Daniels: "Representative Ryder."

Ryder: "Since they are the ones that buy direct from the refinery and sell on a retail basis to the folks that are going up and down the river, unfortunately, under the way the Bill is drafted, they do have to pay that fee. And that's the reason for the exemption being requested."

Speaker Daniels: "Representative Skinner."

Skinner: "So, they are both wholesaler and retailer."

Speaker Daniels: "Representative Ryder."

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

138th Legislative Day

May 24, 1996

Ryder: "In the sense, Representative, that they are buying direct from the refinery, and selling to the final user of the product, you are correct."

Speaker Daniels: "Representative Skinner."

Skinner: "Thank you."

Speaker Daniels: "Representative Deering."

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

Speaker Daniels: "He indicates he will."

Deering: "Representative, you and I both represent a river district, or a district that's bordered by the river. I guess technically we could be 'river rats'. But you understand as well as I do, that the barges buying the fuel direct in the pipeline, it then is taking it to the river to refuel ships. Correct?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, let me be careful that I'm making a distinction here. Perhaps, I wasn't clear earlier. We're not talking about the product that is loaded onto the barges and delivered from the refinery to somebody else up and down the river in another tank farm, or something like that. We're talking about the diesel that goes into the tugs that pushes the barges up and down. And that's purchased...the folks that sell it purchase it from the refinery and sell it to the river lines as they go up and down the river."

Speaker Daniels: "Representative Deering."

Deering: "I'm very familiar with the situation, as I have some contractors who do a lot of river work and they've expressed the concern about this to me. To the Amendment, to the Bill. I think this is a good Bill, something that is needed. We take a chance of losing some jobs here, losing some economic situations. So, I recommend that

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

138th Legislative Day

May 24, 1996

everyone vote 'aye' for this Bill."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Ryder, I'm sorry, I did not hear the beginning of your conversation. But if I remember correctly, this Amendment was drafted because this company is impacted by the Underground Tank Fee, and they have no underground tanks. Is my recollection correct?"

Speaker Daniels: "Representative Ryder."

Ryder: "Not only can you predict the future, but you can recall the past rather well. Your recollection is correct."

Speaker Daniels: "Excuse me, Representative Granberg. I want to welcome to the House, Senator Geo-Karis. Senator Geo-Karis, welcome to the House. Senator Geo-Karis, welcome back. It's always nice to see you Ma'am. I know you have a lot of people you want to talk to. Representative Granberg."

Granberg: "Is Representative Wennlund here? Well, thank you, Mr. Speaker. Thank you, Representative Ryder. I rise in support of the Amendment as well. There are times we talk about fundamental fairness. We should not tax entities that should not be impacted. That fee has a purpose. That fee should be in existence, but it should not be applied to those who have no tanks. As the Sponsor of the underground tank measure, I am obviously in support of that measure, and similarly, I am in support of this exemption, because that fee again, has a valid purpose. And it is not on companies who don't possess or own underground tanks. So, I would ask my friends on this side of the aisle to support Amendment #3."

Speaker Daniels: "Further discussion. Representative Wirsing."

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

138th Legislative Day

May 24, 1996

Wirsing: "Thank you, Mr. Speaker. I Move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Ryder now Moves the adoption of Floor Amendment #3. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. Amendment #3 is adopted. Further Amendments."

Clerk McLennand: "No further Amendments. Fiscal Note, State Mandates Note requested on the Bill as amended by Amendment #3, have been filed."

Speaker Daniels: "Third Reading. Mr. Clerk, on the order of Third Reading appears Senate Bill 1258. Read the Bill."

Clerk McLennand: "Senate Bill #1258. A Bill for an Act concerning income tax checkoffs. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Amendment we just discussed becomes the Bill. That is all on the Bill. Thank you."

Speaker Daniels: "Representative Ryder now Moves the passage of Senate Bill 1258. All those in favor will signify by voting 'aye'; opposed by voting 'no'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is final action. The Clerk will take the record. On this question, there are 85 'ayes', 23 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 3 of the calendar appears Senate Bill 1516 on the order of Second Reading. Read the Bill."

Clerk McLennand: "Senate Bill #1516. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendments #2 and 3 were referred to Rules."

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

138th Legislative Day

May 24, 1996

Floor Amendment #4, offered by Representative Kubik is approved for consideration."

Speaker Daniels: "Representative Kubik."

Kubik: "Withdraw Amendment 4."

Speaker Daniels: "Withdrawn. Further Amendments."

Clerk McLennand: "Floor Amendment #5, offered by Representative Kubik is approved for consideration."

Speaker Daniels: "Withdraw further Amendments...wait...was that to be withdrawn Representative Kubik? Withdraw Amendment #5. Further Amendments."

Clerk McLennand: "Floor Amendment #6, offered by Representative Maureen Murphy is approved for consideration."

Speaker Daniels: "Representative Murphy, on Amendment #6."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. This follows up House Bill 1465, which we passed and sent on to the Governor last year, relative to bringing PTAB as we call it, to Cook County. This Amendment has been before us on many occasions, and I'll stand for questions."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in opposition to this Amendment. Certainly, it's much better than the proposal that we saw last week. It no longer takes 'slaps' at the President of the United States through the chairman of his campaign in the State of Illinois, in respect to fund raising opportunities. But the merits of the underlying Bill are still the same. The Civic Federation reminds us that having changed the threshold requirement for changes in assessments made by the Assessor of Cook County and the Board of Appeals, that that change is going to have a substantial impact on Cook County government's ability to raise the money they need in order to do their job. The Civic Federation strongly urges us to

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

138th Legislative Day

May 24, 1996

at least delay for a year, the inclusion of Cook County real estate issues before the state Property Tax Appeals Board, until first, we know what the impact of reduced threshold is. And second, until we are sure that the state Property Tax Appeals Board has the resources, the training, and the dollars to do the job. Right now, PTAB has a backlog of about 1,000 cases. This measure will increase the caseload before the Property Tax Appeals Board by 450%. That's a very substantial increase for a very small state agency, that as I say, does not have the resources to deal with this inclusion of five million or more parcels of property in the County of Cook. In addition, Speaker, and Members of the House, this measure would pose a substantial unfunded mandate on various governments in Cook County, and in fact, in all taxing units of government in the County of Cook. Every month of delay in collecting the property tax bills, means one and a half million dollars in interest lost. The County of Cook estimates that the additional resources required by this Bill will be in the neighborhood of \$11 to \$20 million. Now, if you look at this Amendment you'll see that of course, the Amendment exempts this proposition from the State Mandates Act, but in this Chamber, many of you, just a month ago voted enthusiastically for a Constitutional Amendment that would stop unfunded mandates on local governments. Well, either you meant it when you voted that way or you didn't. If those of you who chose to support that Constitutional Amendment vote for this Amendment and this Bill today, there's little we can call you, but some kind of hypocrite, because the clear implication of this measure is to require substantial new expenditures by the Board of Appeals in Cook County, by the Assessor's Office in Cook County,

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

138th Legislative Day

May 24, 1996

substantial additional costs for individual local governments across the County of Cook. We're looking at chaos in the property tax assessment and collection system in Cook County, which will have enormous implications for all the local governments, the school boards, the park boards, as they try to do their job. Enormous costs of chaos in the system and clear costs in terms of property taxpayers who will be footing new bills because of our action today. Finally, Speaker and Members of the House, I would remind you that this issue is not about the home owner down the street. This issue is about big business. This issue is about large corporations, their property taxes, not my property taxes, not your property taxes. Home owners in Cook may have many complaints about rates, about multipliers, but in fact, the assessments system today works reasonably well for them. This Bill is about the 'biggies'. This Bill is about corporate welfare, corporate greed. I would ask you to stand with the Civic Federation. Let's give it a little time, see what difference it makes that we have changed the standard of proof, see how we can beef up the Property Tax Appeals Board, before we give it these additional new responsibilities. And if we want to do it right, let's make sure we reimburse the local governments in Cook County for the additional costs they will be required to pay if we pass this Bill. I urge 'no' votes on this Amendment and 'no' votes on Senate Bill 1516."

Speaker Daniels: "Further discussion. The Gentleman from McHenry, Representative Skinner."

Skinner: "Well, you folks in Cook County have a choice to make. You can make the choice to let your home owning constituents and small apartment owner constituents appeal



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

138th Legislative Day

May 24, 1996

to the State Property Tax Appeal Board next year or the year after. And, if you want to make it the year after, I hope your home owners figure out what you've done to them. Now, the prior Speaker has suggested that this will result in an incredible increase in caseload. Well, that's just not the case if, if the Cook County accessing officials follow the law, which they have not been doing for approximately 60 years. It is time, Ladies and Gentlemen. It is time to give the home owners of Cook County who are assessed above the 9 to 10% level the ability to get tax relief as a matter of law, rather than as a matter of whim, on the part of the Cook County assessor. There's one other significant change in this law, which I'd like to direct specifically to the Minority Members of the Democratic Party. Right now, the top dog in Cook County assessments is the Cook County Assessor. As soon as this law goes into affect, the top dog in Cook County assessments is the Board of Tax Appeals. Now, I know that makes a difference to the members of the Board of Tax Appeals, or at least the one I've talked to. And I hope it will make a difference to you. This is going to bring about a massive shift of power in Cook County, a massive shift of power. I'd like to make one final comment about the Civic Federation. I think it ought to change its name to the Cook County Assessor's Protection Society."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to respond to what the previous speaker just said. As a life long resident of Cook County, I don't see anarchy raining terror in the streets. I don't see the apocalypse coming tomorrow. And as a matter of fact, there are very compelling reasons why all of us, especially my

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

138th Legislative Day

May 24, 1996

fellow suburbanites from Cook County should not be voting for Floor Amendment #6. As the Minority spokesman for the General Services Appropriations Committee, and as someone who is in the distinct minority on our side of the aisle who supported the original legislation, House Bill 1465, I think I have a unique perspective on this issue. In the General Services Appropriations Committee, PTAB has come before our Committee more than any other agency, a total of three times. Each of those three times, I've asked many of the same questions. Where are you going to be headquartered? There was uncertainty. How much staff are you going to need? There were varying figures. The figures which are now projected in the current FY97 budget are in my best estimation, and I think any of you who would look at this, would see that they are inadequate. Whatever space they're looking to be in, won't even have enough place for hearing rooms. Those of you who are seeking to provide suburban Cook County home owners with property tax relief are creating a series of false expectations, which will not be met. By accelerating the schedule for giving people the option of using PTAB, and believe me, I want them to be able to use it, and I want them for it to be able to work. By doing this today, what we're doing is creating an expectation which will only lead to greater frustration, greater home owner anger, and in the end, we are going to be the ultimate targets of that very frustration and anger. I just want to share one final story with you. As I said before, it's not even clear where PTAB is going to be housed, now that we're in Cook County, now that we're going to indeed accelerate the opportunity for people to appeal to the State Property Tax Appeals Board. Three weeks ago, I was on the telephone

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

138th Legislative Day

May 24, 1996

trying to make an arrangement between the State Property Tax Appeals Board, who called me about some vacant property that had been reported in a finding of the Auditor General, directly across the street from where the Cook County assessor and the Cook County Board of Tax Appeals are. My friends, if I have to play real estate broker, between two state agencies, three weeks ago, in order to enable them in less than two months to have millions of property taxpayers and home owners in Cook County to have greater options in appealing the property taxes. If I, Jeff Schoenberg, have to be the one making the marriage contract on where they're actually going to put their offices, I think that alone, is reason enough not to support Floor Amendment #6. Thank you."

Speaker Daniels: "Further discussion. Representative Cross."

Cross: "Thank you, Mr. Speaker. I Move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Murphy Moves the adoption of Floor Amendment #6. All in favor say 'aye', opposed 'no'. The 'ayes' have it. Amendment #6 adopted. Further Amendments."

Clerk McLennand: "No further Amendments. A Homerule Note has been requested on the Bill, as amended, and has not been filed."

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Yes. Just a second, Mr. Speaker. Mr. Speaker, I Move that the note that has been filed be ruled inapplicable at this time."

Speaker Daniels: "Further Motion. All in favor, say 'aye', opposed 'no'. The 'ayes' have it, and the Note is declared inapplicable. Further Notes."

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

138th Legislative Day

May 24, 1996

Clerk McLennand: "No further Notes requested."

Speaker Daniels: "Third Reading. Mr. Clerk, on the order of  
Third Reading appears Senate Bill 1516. Read the Bill."

Clerk McLennand: "Senate Bill #1516. A Bill for an Act that  
amends the Illinois Municipal Code. Third Reading of this  
Senate Bill."

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen.  
Because there have been numerous versions of this PTAB  
language, I wanted to let the Body be assured that there is  
nothing about assessors or contributions or anything like  
that within this Amendment. Number two, taxing districts  
throughout the state, will still be able to file complaints  
at PTAB, and is maintained. And with regard to some  
remarks made earlier, please remember that PTAB, in coming  
to Cook County next year, will only be limited to  
residential property assessment appeals, home owner  
assessment appeals. I needed to clarify for the people of  
the Body, as to what they are voting on, and I'll stand for  
questions."

Speaker Daniels: "Any discussion? Representative Lopez."

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

Speaker Daniels: "She indicates she will."

Lopez: "Section 180, there's a part in that section, where it  
says, 'in all cases where a change and assess value issue  
of 100 thousand or more is sought, the Board of Review, the  
Board of Appeal shall serve a copy of the petition on all  
taxing districts as shown in the last available tax Bill.'  
Now, if I understand this correctly, you're expecting that  
the Board of Appeals will send notices out to all the  
taxing bodies, taxing districts, even though PTAB is the  
one that's going to be receiving the complaints. Am I

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

138th Legislative Day

May 24, 1996

correct?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Yes. Throughout the state, Board of Reviews have this obligation. It is a simple notice of reduction of assessments that are sent to taxing districts, in an endeavor for some form of uniformity. We are asking for those same types of notice to be sent in Cook County."

Speaker Daniels: "Representative Lopez."

Lopez: "Representative, so why, if PTAB is receiving the complaint, why isn't PTAB responsible for sending out the notices. Why are we setting up the Cook County Board of Appeals, the Board of Review, the mandate to spend who knows how much this is going to cost. Why are we requiring them to send out the notice? Why are we requiring them to put up the cost of this when PTAB is the one that is actually receiving the complaint?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "No. It is not PTAB seeking the complaint. Excuse me again. This is taxpayer friendly legislation. A taxpayer will start at the Board of Review. I'm trying to answer, Representative. Since the Board of Review and other counties, or the Cook County Tax Appeal Board is the first juncture beyond the assessor, that is the level of uniformity we are seeking to address with what 101 other counties already provide."

Speaker Daniels: "Representative Lopez."

Lopez: "Speaker, before I continue the question, I request a verification if this receives the proper amount of votes. Okay, Representative, I understand what you're trying to accomplish. But my question is, why are we requiring Cook County Board of Appeals or Board of Review to send out these notices when it is actually PTAB that is going to be

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

138th Legislative Day

May 24, 1996

receiving the complaints. And then the law states that PTAB will send the message to the Board of Review, so that they can send the notices out. I think that's very unfair, especially when PTAB is the one that is receiving the complaints."

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Once again, for consistency, Representative, in 101 other counties it is the Board of Review prior to the PTAB in the line of succession that sends out these notices. And again, Representative, when large reductions of assessment are sought, even though this is taxpayer friendly, there are many stakeholders relative to taxing districts that need to have the notice given to them. It is a notice, it is a sunshine affect on the assessment process in Cook County."

Speaker Daniels: "Representative Lopez."

Lopez: "Okay, I'll go on to the next point, but on that point, I understand what you're trying to accomplish. But what you're doing is setting an unfunded mandate to the Cook County Board of Appeals. And sure, we can all sit here and say, 'Let's be taxpayer friendly,' but let's give the responsibility to who needs to deal with that issue, which is PTAB, not the Board of Review, or the Board of Appeals. The next question...just bear with me for a second here. Section 1695, paragraph 1, page 22, line 11, paragraph one, where it says, 'Upon written complaint of any taxpayer or any taxing district that has an interest in the assessment and upon good cause shown, revise, correct, alter, or modify any assessment of any real property. Nothing in this section, however, shall be construed to require a taxpayer to file a complaint with the board.' If you read this correctly, it does not make sense. In one statement

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

138th Legislative Day

May 24, 1996

you're saying, 'Upon written complaint...' but in the end it says nothing in this section, however shall be construed to require a taxpayer to file a complaint with the board. So it's contradicting. The language is contradicting itself. Now..."

Speaker Daniels: "Representative Lopez, you want to complete your questioning, Sir?"

Lopez: "So, why don't we correct that language, because if you really look at it, it's conflicting language from the beginning to the end."

Speaker Daniels: "Representative Santiago, are you yielding your time to Representative Lopez? Okay. Representative Murphy."

Murphy, M.: "I do not see the inconsistency that you're talking about, Representative. If you can pin it down to a few words. I have the section you're looking at. Could you proceed?"

Speaker Daniels: "Representative Lopez."

Lopez: "You say don't see the inconsistency? You don't?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Would you please identify the part for me again, the part that you have a problem with in this?"

Speaker Daniels: "Representative Lopez."

Lopez: "Section 1695. It's on page 22 of the Bill. Line 11, paragraph 1. Do you have it?"

Murphy: "Have it."

Lopez: "Okay. If you read the paragraph there, paragraph 1, you read the beginning of the paragraph and then at the end where it says, 'Section, however, shall be construed to record a taxpayer to file a complaint with the board.' That's contradicting language. In one point you're saying, yes, they need... you require them to file a complaint but

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

138th Legislative Day

May 24, 1996

in the end, it says nothing in this section, however, shall be construed to require a taxpayer to file a complaint with the board. So that is contradicting itself."

Speaker Daniels: "Representative Murphy."

Murphy: "I'd like to draw your attention, Representative, that this is language that has been there that was passed last year. We are not amending this. This language is not being debated at this time. If you'd like further explanations at some other point but it's not what is before us in the Amendment right now."

Speaker Daniels: "Representative Lopez."

Lopez: "Representative, even if it was passed last year, does not mean it was correct. Those are one of the issues that was spoken to a group of people who were discussing this issue and was said that the language was wrong. No one is saying that what you're trying to accomplish is not right on this matter, but what we're saying is the language, it's wrong and it needs to be correct of contradictions. Not only does it contradict with the same paragraph, but it also contradicts with section 16-110, 16-115, and 16-120. You know, it needs to be corrected because otherwise your language is contradicting itself."

Speaker Daniels: "Representative Murphy."

Murphy: "Once again, Representative, this is not pertinent to any changes that are before us. There are those of us that feel that the beginning part talks about taxpayers' complaint. There's a 'however and a coma' that broadens what happens in the event that they don't. It's semantics that I'm not sure you and I will agree on, but I want to underscore, Representative, this is not changed language and it was not in the Amendment and it's been there, in law, since last year."



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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Lopez."

Lopez: "Well, Representative, it's quite obvious it will probably be back here in November or we'll be here sometime next year again, trying to correct the language when, on the record, I'm telling you there is something wrong with the language. That's fine. To the Bill. Here we go again, where we're trying to give you language, just like we did last year, to make the Bill better. We gave suggestions to you. We gave suggestions to the Governor's office on how you can accomplish some of the things that you were trying to accomplish, but then again, no one listened to what we were trying to say, so what happened, we ended up going to court and we ended up winning again in court exactly what we told you that was unconstitutional last year about this Bill. The courts agreed with what we had to say. I know that this is not going to make a difference whether this Bill is going to pass or not because you have the majority and whether it's right or wrong it does not matter because at this point it doesn't matter because people are going to vote however you or the leadership wants them to vote. It does not mean it's right. It's wrong last year, it's wrong this year and I urge 'no' votes on this legislation. Thank you."

Speaker Daniels: "Representative Kotlarz."

Kotlarz: "Speaker, to explain my 'present' vote, I have a possible conflict."

Speaker Daniels: "Representative Fantin. Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. I yield my time to Representative Lopez."

Speaker Daniels: "He doesn't need the time. Further discussion? Representative Wirsing. Representative Roskam."

Roskam: "Thank you, Mr. Speaker. I Move the previous question."

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Murphy now Moves that the House pass Senate Bill 1516. All those in favor will signify by voting 'aye'; opposed 'no'. 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? Take the record, Mr. Clerk. On this question there are 62 'ayes' and 46 'noes' and 5 voting 'present'. And, Representative Lopez requests a verification to verify the Affirmative Roll."

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

Speaker Daniels: "Questions of the Affirmative Roll Call, Representative Lopez."

Lopez: "Representative Ann Hughes."

Speaker Daniels: "Representative Ann Hughes? Is the Lady in the Chambers? Representative Ann Hughes? Representative Clayton asked leave to be verified. She is right up front here, Representative Lopez. Remove Representative Hughes. Representative Johnson asked leave to be verified. Leave

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

138th Legislative Day

May 24, 1996

is granted. Representative Lopez, further questions? Representative Leitch asked leave to be verified and Representative Wirsing asked leave to be verified. Leave is granted. Further questions?"

Lopez: "Representative McAuliffe?"

Speaker Daniels: "Representative McAuliffe is in the back of the Chamber. Further questions?"

Lopez: "Representative Persico?"

Speaker Daniels: "Representative Persico is over talking to Representative Lance Hassert."

Lopez: "Do we have a new Representative?"

Speaker Daniels: "Representative Hughes has returned to the Chambers. Put her back on the Affirmative Roll. Representative Andrea Moore seeks leave to be verified. Leave is granted. Further questions, Sir?"

Lopez: "Representative Black?"

Speaker Daniels: "Representative Black is at his chair as always."

Lopez: "Almost at his chair. We didn't see him."

Speaker Daniels: "Further questions?"

Lopez: "Representative Brady."

Speaker Daniels: "Representative Brady is in his chair. Further questions?"

Lopez: "Representative Hoeft."

Speaker Daniels: "Representative Hoeft is over by the place here. Further questions?"

Lopez: "No further questions, Mr. Speaker."

Speaker Daniels: "This Bill having received 62 'ayes'; 46 'no' and 5 voting 'present'. And, this Bill having received the required Constitutional Majority is hereby declared passed. Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #2 has been distributed."

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Introduction of Resolutions."

Clerk McLennand: "House Joint Resolution #134, offered by Representative Churchill is referred to the Rules Committee."

Speaker Daniels: "Mr. Clerk. On the Supplemental Calendar #2 appears Senate Bill 1544. Representative Leitch."

Leitch: "Thank you, Mr. Speaker. Conference Committee Report #2 to 1544, actually is Committee #1 to 1544, addresses three items, two of which have passed out of here. First of all, what was House Bill 2691 is the Health Care Worker Background Check. The language that was controversial in it pertaining to 'good samaritan' has been withdrawn and I don't no of any opponents and this point. The second, was the House Bill 3652, which provides that the Department of Public Aid may bring an action to determine the existence of a father and child relationship that is providing or has provided financial support. The third portion adds two members to the Health Facilities Planning Board. One a consumer and one from an ambulatory surgical treatment center. I would Move for its adoption."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, from my understanding is that quite a few of these provisions were originally in House Bill 2691, which had failed. Are these provisions now that are the noncontroversial ones?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes."

Speaker Daniels: "Representative Dart."

Dart: "The provisions dealing with the Health Facilities Planning

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

138th Legislative Day

May 24, 1996

Act, why is that we are adding two new members to that?"

Speaker Daniels: "Representative Leitch."

Leitch: "We wanted to add another consumer member and because of the emergence of ambulatory surgical centers becoming more and more an important facet of health care in our state, it was appropriate to add a representative from that sector as well."

Speaker Daniels: "Representative Dart."

Dart: "In the background checks, the provisions dealing with the health care worker background checks, what are the changes that you are making in this and why?"

Speaker Daniels: "Representative Leitch."

Leitch: "Let me tell you what is in the present Bill, as opposed to all the other parts. The Amendment exempts students in a licensed health care field from the Act, unless employed by a health care provider. It provides that an individual may not provide direct care during the pendency of a waiver request. It requires state agencies to act upon waiver requests in a specified period of time. Allows an employer to reassign or suspend an employee from direct care, subsequent to notification of a conviction resulting from the initial fingerprint check. It makes it a Class A Misdemeanor to counsel a person, who may be convicted of committing or attempting to commit certain offenses to apply for a position involving direct contact with a client, patient, or resident of a health care employer. It does not apply to employees of the Department of Employment Security. It adds the Director of Public Aid to the task force and requires employers to maintain the background check results and waivers for five years. It does not apply to secondary education."

Speaker Daniels: "Representative Dart."

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

138th Legislative Day

May 24, 1996

Dart: "Are there any opponents to this?"

Speaker Daniels: "Representative Leitch."

Leitch: "No, this is a product of the Health Care Provider Group that was working to make these changes and address clean up language."

Speaker Daniels: "Representative Dart."

Dart: "What is the provision dealing with the immunity for employment services counselors?"

Speaker Daniels: "Representative Leitch."

Leitch: "I could not hear the Gentleman's question."

Speaker Daniels: "Representative Dart."

Dart: "What is the provision dealing with immunity to employment services counselors? What is that provision about?"

Speaker Daniels: "Representative Leitch."

Leitch: "Job Service employees have been routinely recommending people for employment and should not be held liable for this, because they would not at that point have knowledge of the fingerprinting and it is an request of AFSCME."

Speaker Daniels: "No further questions. Representative Gash."

Gash: "Yes, Mr. Speaker. I would just like to ask that on Senate Bill 1258, I would like the record to reflect that I intended to vote 'no'."

Speaker Daniels: "The record will so reflect. Representative Black."

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

Speaker Daniels: "He indicates that he will."

Black: "Mr. Speaker, I know that there is anticipation in the air. I can smell the opossum cooking, but the anticipation is creating a din in here. I can hardly hear anything Representative Leitch has said. So, I hope that I can get this one question answered. If I've got my computer right,

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

138th Legislative Day

May 24, 1996

Representative Leitch, I see some language in here changing the makeup of the Health Facilities Planning Board. An agency near and dear to my heart. Are they in favor of these changes that have been involved in them?"

Speaker Daniels: "Representative Leitch."

Leitch: "They are neutral. They have no problems expanding it and they are not opposed."

Speaker Daniels: "Representative Black."

Black: "Could you define neutral a little better for me. Are they neutral-neutral or are they partially-neutral or reluctantly-neutral?"

Speaker Daniels: "Representative Leitch."

Leitch: "I'm told that they are neutral-neutral."

Speaker Daniels: "Representative Black."

Black: "Well, Representative Leitch, I hold you in the greatest and highest esteem. I have the greatest trust for your abilities, but if I find out later that neutral was not as neutral as you are saying, I will see you this summer. Thank you, so much."

Speaker Daniels: "Further Discussion? Being none, Representative Leitch now Moves that the House adopt Conference Committee Report #1 to Senate Bill 1544. All those in favor signify by voting 'aye'; opposed by voting 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 111 'ayes'; 0 voting 'no'; 1 voting 'present' and the House does Adopt Conference Committee Report #1 to Senate Bill 1544 and this Bill having received the required Constitutional Majority is hereby declared passed. Representative Phelps for what purpose do you rise, Sir?"

Phelps: "I just had a question for Representative Black. Down in Southern Illinois, we have fresh opossum. I just wondered

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

138th Legislative Day

May 24, 1996

if that was 'road kill' from Danville he was referring to?"

Speaker Daniels: "Mr. Clerk, on page 4 of the Calendar appears House Bill 2421 on Conference Committee Reports. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Conference Committee 2421 is a compilation of the Elections Committee Bill and the Absentee Voter Fraud Provisions that you have heard before. There have been seven committee hearings on this. There is no known opposition. What it does, is to extend the filing periods by one day. If the filing period closes on a holiday, it's extended by one day for either voter registration or for filing. It requires write-in candidates to register their intentions by Tuesday before the election. It eliminates the requirements for railings, which is to separate the precinct officials, which is archaic portion of the statute. Also, amends the election code, permitting absent voters to cancel absentee votes and vote in person. Restores language that deleted provisions that the list of requests for absentee ballots be posted by the election authorities. Requires that the public posting of names of absent voters, include names of persons assisting them to vote. Prohibits candidates, who appear on the ballot from from assisting a physically incapacitated absent voter from marking the ballot, unless related to the voter. It makes commander encouragement of unqualified absent voter applicants and unqualified absent voters a Class 3 felony. I would be happy to answer any questions."

Speaker Daniels: "Representative Ronen."

Ronen: "Thank you, Mr Speaker and Members of the House. I rise in strong support of this measure. As Representative Moore stated, all the components that are now contained in this



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

138th Legislative Day

May 24, 1996

Committee Report have been the subject of numerous Committee hearings and none of those hearings has anybody, any organization filed any slips in opposition to any of these measures. This Bill was developed through a nonpartisan effort, a task force looking into these problems. I would urge everybody to strongly support this. Everybody on our side of the aisle, who is concerned with maintaining the integrity of voters, of voting, of the voting system. I would suggest that one of the reasons people become so cynical these days, is that the incidents of voter fraud has been occurring. I think that this Bill is a strong beginning in addressing the problem of voter fraud that has been occurring in relation to absentee ballots. So, for all of those of us who support good government and who want to improve the electoral process. I would urge a very strong 'aye' vote."

Speaker Daniels: "Further discussion? Representative Lang."

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

Speaker Daniels: "He indicates that he (sic she) will."

Lang: "Representative, this deals with the election code. I know that you had a Bill not too long ago to deal with the Motor Voter problem. Have you done anything about that in this legislation?"

Speaker Daniels: "Representative Moore."

Moore, A.: "This provision deals with the absentee voters."

Speaker Daniels: "Representative Lang."

Lang: "Well, yes I know that. I know that it is about absentee voters, but I'm just wondering if you took the opportunity. You were very interested in correcting that Motor Voter problem last year. I recall you wanted to take us from a very bad two tier system to a really bad three tier system, but I'm wondering if you thought about using this

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

138th Legislative Day

May 24, 1996

opportunity to give us that nice one tier system that even the Republican County Clerks all over Illinois would like to see. Did you do that?"

Speaker Daniels: "Representative Moore."

Moore, A.: "I believe that the issue of Motor Voter is on appeal, in the courts here in Illinois."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Let me ask you since the Ethics Bill you sent to the Senate didn't go anywhere, and by the way we didn't get all those reports that you promised us. But since this didn't go anywhere. Part of that deals with the election code. This Bill deals with the election code. Did you give any thought to adding those wonderful provisions regarding that Ethics Legislation, that you thought was so vital and important to the people of this State of Illinois and to this Conference Committee Report?"

Speaker Daniels: "Representative Moore."

Moore, A.: "As you know, Representative Lang, there were a couple of reports given. As a matter of fact, I believe you might have missed one or two, for some reason you were absent from the floor. Part of our ethics package did in fact pass and I feel very good about that. And the other is currently in Committee and being considered carefully by the Senate over the summer."

Speaker Daniels: "Representative Lang."

Lang: "Which part of your Ethics Legislation passed? You mean just the part that these wonderful scholarships that we give out to these wonderful children in our communities have to disclose their names publicly to get this scholarship? Was that the piece of Ethics Legislation that we passed?"

Speaker Daniels: "Representative Moore."

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

138th Legislative Day

May 24, 1996

Moore, A.: "I believe that's correct Representative and I would be happy to answer any questions relating to the Conference Committee Report."

Speaker Daniels: "Representative Lang."

Lang: "Well, I do have a question about the Conference Committee Report. So, under this there are increased penalties if my neighbor asks me to take a absentee ballot that is sealed and stamped and ready to be mailed and I drop it in the mailbox for them. There are increased penalties for that?"

Speaker Daniels: "Representative Moore."

Moore, A.: "As you know, this is a Bill that is addressing criminal prosecutions and in order to criminally prosecute the state must prove criminal intent. They must be able to offer sufficient evidence to establish that beyond a reasonable doubt, the voter or neighbor knowingly intended to violate the election code. Your example, I believe, would not fit that requirement."

Speaker Daniels: "Representative Lang."

Lang: "Well, what is the violation? I thought that you had put in this Bill originally, and correct me if I'm wrong, because I would like to vote for this. So, help me. If...does the law today say, that I can not mail your absentee ballot for you if you ask me to?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Actually, it has been current law, I believe, since 1941."

Speaker Daniels: "Representative Lang."

Lang: "Well, so what change are you making in that area? How tough would that be? So, you get subpoenaed to court. I get subpoenaed to court. And you say, 'You know I asked that guy, I asked Lang to drop that in the mail box for me at my corner, because I was busy at home. And he did it.

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

138th Legislative Day

May 24, 1996

And I had the intention to have him do it and he had the intention to do it. And darn it, he dropped that in that mailbox.' What change are you making in this area? And, why should someone, who dropped something in the mail for you, be criminally liable for anything?"

Speaker Daniels: "Representative Moore."

Moore, A.: "This law would allow the prosecution of a campaign worker, who is truly the culpable party who sometimes takes advantage of uninformed voters and encourages..."

Speaker Daniels: "Representative Moore, do you want to finish the answer to your question?"

Moore, A.: "Often encourages them on a wide-scale to violate the law. And the campaign worker creates a criminal exposure for the voter and walks away unscathed."

Speaker Daniels: "Representative Black."

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

Speaker Daniels: "She indicates that she will."

Black: "Representative, on, I believe, it's page 19, line 22, the sentence that is underlined there, a candidate, whose name appears on the ballot, unless you are the spouse or a parent, child, brother or sister of the candidate. Can you go back? I thought that language, we'd agreed would be taken out. I guess I'm confused about seeing this still in the Conference Committee Report. Maybe, you can bring me up to speed on what we're referring to elsewhere."

Speaker Daniels: "Representative Moore."

Moore, A.: "There are several places in the statute where people require assistance with voting absentee. This provision has always been included in all of the various forms, you've seen this. And this is to prohibit a candidate, whose name appears on the ballot to assist with voting.

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

138th Legislative Day

May 24, 1996

And that is to keep the process of the election, really, above any suspicion or implication."

Speaker Daniels: "Representative Black."

Black: "Okay, but why is that section underlined, if it is already in the statute? Why is that sentence underlined? I assume that means we are adding it to statute or adding it to this Bill."

Speaker Daniels: "Representative Moore."

Moore, A.: "This is being added and there is a part that has to do with the mailing. Are you confused between the two of those? This is intended to prohibit a candidate from assisting someone to vote. Currently, people are allowed to assist with voting and you have to write your name down. It is required if you assist someone, who is physically incapacitated, you must write your name down. If you are a candidate, you would no longer be allowed to assist a voter."

Speaker Daniels: "Representative Black."

Black: "Yes, Representative, the first part of your question, is certainly true, I'm generally confused. But I guess what I'm concerned about is, I'm a candidate, but I'm also a precinct committeeman. And in my precinct I get several calls every election cycle from those, who cannot get out to vote or who are aged or whatever. And, under current law, unless I'm not thinking clearly, I can get them to sign. We can get an absentee ballot. I can take the absentee ballot to the home and they can vote. Now, am I going to be prohibited from doing that, because I am a candidate?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Because, you are a candidate, you can no longer assist them marking the ballot, you would have to have

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

138th Legislative Day

May 24, 1996

someone with you to be able to assist them, if they need that."

Speaker Daniels: "Representative Black."

Black: "Okay, so in other words, if I take someone from the Election Commission or the County Clerk's Office, just so it's not me. Just so I'm not the only one there and then there is no violation, and I can continue to that, correct?"

Speaker Daniels: "Representative Moore."

Moore, A.: "That is correct."

Speaker Black: "Representative Black."

Black: "Alright then. As we have already discussed, it's always been illegal for me to then put the absentee ballot in an envelope and take it to a mailbox. So that is no change at all. I've never done that and I'm not suppose to do that. Correct?"

Speaker Daniels: "Representative Moore."

Moore, A.: "That is correct."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Representative. I appreciate that explanation and your patience, that was a very straight forward explanation. I commend you for the work that you have done on the Bill."

Speaker Daniels: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. We have a little problem here. Our young page has somebody's lunch. It is noodles...milk and noodles. So, would you raise your hand, whoever ordered it? Milk and noodles. Okay in the back."

Speaker Daniels: "Further discussion? Representative Novak."

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

Speaker Daniels: "She indicates she will."

Novak: "Representative Moore, does this Bill have the provisions,

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

138th Legislative Day

May 24, 1996

that we discussed some time ago, about the list of applications of individuals who applied for absentee voting?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Yes, Representative. I think the House made their position very clear on that issue and that language has been restored to the Bill."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. So, nothing has changed? So, people will be able to come into the County Clerk's Office and they will be available at the counter or accessible to the public with respect to those applications, correct?"

Speaker Daniels: "Representative Moore."

Moore, A.: "That is correct, Representative."

Speaker Daniels: "Representative Novak, nothing further? Representative Bost."

Bost: "Mr. Speaker, I Move the previous question."

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye'; all opposed 'no'. The 'ayes' have it. Representative Moore, now Moves that the House Adopt Conference Committee Report #1 to House Bill 2421. All those in favor will 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? Everybody recorded? Take the record. On this question there are 88 'ayes'; 21 'noes'; 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. And, the House does adopt the First Conference Committee Report #1 to House Bill 2421. Representative Moore."

Moore, A: "Thank you very much. He, who perseveres prevails in this House, Representative. Thank you, Mr. Speaker."

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Mr. Clerk, on page 4 of the Calendar, appears House Bill 2695. Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I would like to Move the Adoption of the first Conference Committee Report on House Bill 2695. The Bill came over from the Senate with an Amendment addressing concerns of the Municipal League to allow for them to exempt out of the notice provisions under emergency situations. The House Nonconcured with that Amendment. What this Conference Committee contains, is one thing. Language, which provides for situations under which local governments would not be subject to the notice requirements of this Act. Emergency situations: this definition has been reviewed by Bond council, Taxpayers Federation, Municipal League, all parties. I'm aware of no opposition to it. And, I would urge that we adopt this report. Thank you."

Speaker Daniels: "Any discussion? Being none, Representative Hughes now Moves that the House adopt Conference Committee Report #1 to House Bill 2695. All those in favor will 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 113 'ayes'; 0 voting 'no' and 0 voting 'present'. And, the House does adopt Conference Committee Report #1 to House Bill 2695. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on Supplemental Calendar #2 appears House Resolution 135. Representative Poe."

Poe: "Mr. Speaker and Ladies and Gentleman of the House. Every now and then, we get to do something that we are very proud of in our district. I'm fortunate enough to have Lincoln's



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

138th Legislative Day

May 24, 1996

Tomb and Vietnam Memorial in my district. On June 16th, we are going to dedicate the Korean Memorial. And, this Resolution would designate the Korean War Memorial, Veterans Recognition Day. And, I would like to invite all of you from around the state to come and join us in the dedication on June 16th. If there is any questions, I will answer them."

Speaker Daniels: "Any discussion? Being none, Representative Poe now Moves that the House will adopt House Resolution 135. All those in favor will signify by saying 'aye'; opposed 'no'. The 'ayes' have it. House Resolution 135 is passed. Mr. Clerk, on the Supplemental Calendar #2 appears Senate Joint Resolution 108. Representative Lindner. Senate Joint Resolution 108."

Lindner: "Thank you, Mr. Speaker. Senate Joint Resolution 108 creates the Joint Legislative Committee on Adoption Law, with 11 Members from the House and the Senate on the Committee to review the Adoption Law and the feasibility of improved legislation. There will be public hearings held. And, I would be glad to answer any questions."

Speaker Daniels: "Any discussion? Being none, the question is, 'Shall the House adopt Senate Joint Resolution 108?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr Clerk. On this question, there are 113 'ayes'; 0 voting 'no' and 0 voting 'present' and the House does adopt Senate Joint Resolution 108. Mr. Clerk, on the Supplemental Calendar #2 appears Senate Bill 1246. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Senate Bill 1246 has now become a Conference

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

138th Legislative Day

May 24, 1996

Committee Report with only one item in it. That item is a Bill that is similar to what was Senate Bill 217 and at one time House Bill 2574, which was an Act that would allow women to chose an obstetrician-gynecologist as their primary care provider. The differences between Senate Bill 217 and that are now in Conference Committee Report #1 to Senate Bill 1246, is that in Senate Bill 217 it broadly defined a womens principle health care provider to be any physicians, who provides care and treatment and we have tightened up that language to specifically say only obstetricians-gynecologists, a physician, who specializes in obstetrics or gynecology. Senate Bill 217 had an immediate effective date. This will allow Plans a 120 days to adjust their policies and their Plans in order to implement the changes that this will create in the law. This Bill still amends the Illinois Insurance Code, the HMO Act, the Comprehensive Health Insurance Plan Act, The Limited Health Service Organization Act, the Voluntary Health Services Plan Act and the Illinois Public Code. These principle women's health providers are all in Network Plans. None of these physicians are authorized to refer outside the Providers' Network, participating physicians in this Plan, unless they are given the express authority from the Plan. I would also like to state for the record that in one section, under Section 3356R, Section C, Section 2, that by use of this particular definition that it is not the intent of this legislation to create a regulatory framework for health care networks. And, no classes created other than to allow an obstetrician-gynecologist to provide the services as stated herein. I would be happy to answer any questions."

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

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

138th Legislative Day

May 24, 1996

Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. For purpose of legislative intent, pursuant to this Conference Committee Report, a woman can have her own OB-GYN designated as her principal health care provider, thereby obviating a need for a referral to said OB-GYN from another physician. The women can use the OB-GYN provided the OB-GYN is a provider who participates in the Plan. Any services that said physician provides to the female insured are defined by the contract that controls the Plan as defined in 356R, subsection 4. This language does not expand services per se, because any services provided are confined by the contract that controls the plan. This would alleviate any questions that the HMO's might have. Thank you."

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

Flowers: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I would like to say that I'm a conferee of Senate Bill 1246. And, I signed the Bill and I'm most appreciative of what the Bill is doing. But I would like to say that I would like to work further on it next year to expand it to other areas where there may not be a OB-GYN. And, thank you very much."

Speaker Daniels: "Representative Leitch."

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

Speaker Daniels: "She indicates that she will."

Leitch: "I'm curious as to what Representative Wojcik just read in connection with the Catholic Hospitals and the Catholic Hospital in my district owns an HMO. Does this expand the 'conscience clause' for them or can they still be within the constraints of their 'conscience clause'? Is that what Representative Wojcik was directing or I don't understand

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

138th Legislative Day

May 24, 1996

the implications of what she's saying."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative Leitch, yes, what she had agreed to read that statement prior to this. But, we have also included language at the time that she had agreed to read that statement. We did not know if we would have time to include that language in the draft. But, what this does is, that any participating physician must operate under the Plan as currently drawn by the Plan that they have a contract with. So, it would not change the underlying plans of any groups. The physician who would participate, the obstetrician-gynecologist would be on contract to provide those services within the network of the Plan that he is contracted with. So, that would allow every Plan to remain as currently drawn, except to allow a woman to chose an obstetrician, who is a part of that Plan."

Speaker Daniels: "Representative Leitch."

Leitch: "So, for example, I can tell St. Francis Hospital in Peoria that they would not in their HMO wind up having to pay for an abortion?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "If that is the way that their Plan is currently drawn, yes, you may. And, the other reason that I read my first statement in was, particular for providers within looser health care networks that they would not have to change their Plans. So, you may feel confident to tell them that that is the case."

Speaker Daniels: "Representative Leitch."

Leitch: "Thank you."

Speaker Daniels: "Further discussion? Representative Gash."

Gash: "Yes, Mr. Speaker. I rise in support of this Bill and I would like to compliment Representative Mulligan and

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

138th Legislative Day

May 24, 1996

everyone else, who has worked on this Bill. I think that this is a very important issue. I just want to say that more than 12 years ago, when I had my first child, I was in the middle of law school. I took my first exam in law school in my first year, although my daughter was perfectly planned to come in the middle of the summer, she came in the middle of my first exam. So, I went on to take my other exams when she was a week, two weeks old, two and half weeks old. I don't remember a lot about law school, but I do remember the birth. She was a preemie. With respect to my second child, we moved. We went on a HMO plan. We were expecting some possible complications, so I made a point of making sure that everything was already arranged, so that if I should go into premature labor, I would be able to immediately go to the hospital, so there wouldn't be any problem. We made all of our arrangements. We did everything that we thought we should do and when I did, unexpectantly go into premature labor, a little bit before six months, and we had to call the HMO to make sure I could go to the emergency room, I was told that I could not. I was told that I could not, because I was told I had to first see a primary care physician. The primary care physician could not be an OB-GYN. I had to first confirm a pregnancy at the time the baby was actually moving. Because, I was in a situation, where I was concerned enough and had enough experience and enough savvy that I realized I could go to the hospital anyway and some how, someway we were going to pay for this, because we were going. I went anyway and we were able to stop the labor and prevent such an early birth. Thank God, I was able to do that, but many people are not in my circumstances. People could have serious trouble, if they are not given access to OB-GYN's.

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

138th Legislative Day

May 24, 1996

I strongly urge an 'aye' vote on this Bill. I think this is a very important issue for women as many people realize. Many women do use their OB-GYN as their primary care physician. And, I support this Bill and I urge it's passage."

Speaker Daniels: "Further discussion? The Gentleman from McLean, Representative Brady."

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

Speaker Daniels: "She indicates she will."

Brady: "Representative, I was unable to attend the Committee Meeting when this came out. Was there any opposition to this Bill?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative Brady, as you know, when there is a Bill of this type, most insurance companies usually have some concerns. There have been concerns repeatedly about any changes to HMO, health law, no matter how small. There were some concerns. We have addressed some of them. I don't think that we could ever address all of them."

Speaker Daniels: "Representative Brady."

Brady: "So, there was opposition?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Yes, Representative Brady. I would be less than honest if I said there wasn't. There certainly been opposition as there always is in this type of Legislation."

Speaker Daniels: "Representative Brady."

Brady: "Thank you, Representative. This is very similar. But the language has changed versus the Bill we voted on last week. And I think you've made various moves to dramatically improve the Bill, but I have a question particularly concerning page 3, paragraph C2. As I understand this Legislation, you are bringing into

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

138th Legislative Day

May 24, 1996

compliance and mandate in this area all providers of really any type of health care, of which they provide, be it self-insured or not. Is that correct?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "That is correct, Representative."

Speaker Daniels: "Representative Brady."

Brady: "Representative, it is my understanding under the Federal ERISA Statutes, we don't have the authority to regulate self-insured organizations and I guess that this is a problem that I have with the Bill. Where your Bill would have, I think been legal in nature last week. I got some concerns about the legality of it this week. The question being, if you were trying to mandate this on self-insured organizations, as you have indicated you are, do you have any concerns about it being in violation of ERISA, in fact not being upheld in the courts?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative, by ERISA, you mean, the Employee Retirement and Income Security Act of 1974, I presume. Most employer's self-insured plans are covered by ERISA, which preempts state law related to any employee benefit plan. The applicability of ERISA to state laws has been the subject of much debate with some would characterize as a thicket. And, it certainly is a large body of law that I don't pretend to know all of. Many lawyers practice this type of law exclusively their whole life long. There are literally hundreds of federal cases interpreting ERISA. How... every state law concerning self-insured plans has not been found to be preempted by the federal courts. For example, state laws concerning the following have not been deemed preempted. One time severance payments, application of state garnishment laws to ERISA welfare plans,

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

138th Legislative Day

May 24, 1996

prohibition of discrimination against a health care provider when establishing a preferred provider organization. We believe that this Bill, which grants a woman a choice of physician may also survive the scrutiny of the Federal Courts, because it applies to all entities and does not mandate coverage for any particular benefit, but merely allows an option for all who provide the services. I think, Representative, that the real question here is, who should set the policies of Illinois? Some people estimate that at least 60% of the citizens of Illinois are covered by self-insured plans. If employer's self-insured plans are not covered, then 60% of the women would not be covered. I believe that all women in Illinois should have the ability to select their obstetrician or gynecologist as their primary care provider."

Speaker Daniels: "Representative Brady."

Brady: "Representative, I understand what you are saying, but the examples that you have given, don't indicate any type of mandated coverage within the plans. And, although I would like to say, that we ought to have the authority to determine what kind of federal income tax we are going to pay and maybe cut our income tax, federally, in half. We don't have that authority, Representative, and I'm afraid of what you have done here, is you have made a good issue, good Bill. You have improved it in some ways, but you may, in fact, have made it illegal in other ways. I support what you are trying to do here, Representative. But, I think, frankly, you may have gone too far. Too far in such a way that the courts may not uphold this legislation, in such a way that we are not going to benefit the people that you were trying to benefit, creating a piece of Legislation that in fact will never become law. I've got some concerns



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

138th Legislative Day

May 24, 1996

about that. I would agree with you that we have an unlevel and restricted way in which we can deal with this, because of Federal ERISA. I understand your merits, but I'm very concerned about the way you're trying to preempt ERISA, Representative. I have no further questions."

Speaker Daniels: "Representative Parke."

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

Speaker Daniels: "She indicates that she will."

Parke: "Thank you. Representative, for legislative intent, what concerns would I not have in the form of a woman's right for a abortion, if she so chooses? Since, I'm concerned about the issue of abortion in itself."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative Wojcik, who read a statement into the record and Representative Leitch, I think, have pretty well put on record. Also we had time to add to the legislation, although we felt that it was there originally, that this has nothing to do with services provided. The services provided are those provided under each individual plan. As in Representative Leitch's instance, where he was concerned about Catholic Hospital Plan, their plan, which would not provide those services would continue not to provide them. If a plan provided them than they would provide them. So it is based on each individual plan, which this Bill has no control over. So, basically, it is only the services that are already provided under the plan and the physician would be under contract to as he participates by that contract to provide only the services that the contract already allows."

Speaker Daniels: "Representative Parke are you done?"

Parke: "Thank you."

Speaker Daniels: "Representative Poe."

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

138th Legislative Day

May 24, 1996

Poe: "Mr. Speaker, I Move the previous question."

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye'; all opposed 'no'. The 'ayes' have it. And, Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker. I think this is really a landmark piece of legislation. Although, some point out that it benefits women, I think what we understand about women's health care, is that it has been less looked into on a research factor and that for most instances, an obstetrician-gynecologist is the physician that most women see for the majority of their adult years in order to get proper health care on many of the things that would affect a woman's health. Anywhere from childbearing years through menopause. We think this is a good piece of legislation. Further, I would like to thank the Members on both sides of the aisle who have spoken in favor of this Bill previously, who have sponsored similar measures previously, particularly, Representatives Wojcik, Cross, Krause, Deuchler and Biggert, who all worked on this Bill and I would ask for a 'favorable' vote."

Speaker Daniels: "Representative Mulligan Moves that the House adopt Conference Committee Report #1 to Senate Bill 1246. All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action on the Bill. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 112 'ayes'; 0 voting 'no'; 0 voting 'present'. And, the House does adopt Conference Committee Report #1 to Senate Bill 1246. This Bill having received a Constitutional Majority, is hereby declared passed. Representative Schoenberg."

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

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

138th Legislative Day

May 24, 1996

the House. I would just like to address an item. I would like to rise on a point of personal privilege. If I may indulge the Body for a moment."

Speaker Daniels: "State your point."

Schoenberg: "There was an inaccurate item in today's Chicago Tribune, that suggested that the Sponsor of this Bill, Representative Mulligan was perhaps, that the tail was wagging the dog, or that perhaps Representative Mulligan was being lead by special interests in a way that is inappropriate in, her tireless efforts to have women have a stronger say in their own health care delivery. Unfortunately, this item, which is not only inaccurate, but unfair to someone who has been so committed to these issues for so long. This item was perpetuated by those who have disagreed with Representative Mulligan for many years on issues which are very dear and personal to her and many of us. Whether you agree or disagree with someone, I don't think that impugning someone's integrity, the way this inaccurate item in today's Chicago Tribune did. I don't think that anyone is well served by that. I think that Representative Mulligan, myself and many of those who share her views on issues that are important to her, know exactly where this item came from. And, to those of you who think that this is the way that you're going to ultimately win the war, I think that you are sadly mistaken. Thank you, Mr. Speaker."

Speaker Daniels: "Thank you, Sir. Mr. Clerk, on page four of the Calendar appears House Bill 548. Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. We have Conference Committee #1 on House Bill 548 has a few provisions in it. The first provision was the underlying Bill, which assisted first time offenders in acquiring a

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

138th Legislative Day

May 24, 1996

GED while they're being imprisoned or on probation or being on work release. The second provision was a Bill also, that we passed out of the Illinois House last year or this year, which streamlined the process of collection of funds to fund the Victims' Assistance Fund, which is administered by the Illinois Attorney General's Office. This was Jim Ryan's initiative. Additional to that, we have a process where the Attorney General may file a counterclaim on behalf of the state employee assuming that certain provisions come about where the Attorney General determines the employee is entitled to legal representation. Whether the occurrence arose out of the state employment and whether the employee agrees to pay for the court costs and litigation expenses. It, also, additionally prohibits electronic contraband from being brought into our Illinois prisons. It also addresses new provisions for solicitation of murder. It also addresses an additional statewide grand jury, which would bring it up two and be capped at two statewide grand juries. And also, addresses gangs in prisons, which pretty much would segregate gang leaders from the general population. I would ask the Illinois House adopt the first Conference Committee Report to House Bill 548. Thank you."

Speaker Daniels: "Representative Dart. Representative Lang. Representative Dart, you, know? Representative Lang."

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

Speaker Daniels: "He indicates that he will."

Lang: "Representative, I'm prepared, I think, to support your Conference Committee Report, but there is one thing in this that piqued my interest. In Senate Amendment three or four, I don't know which, it permits the Attorney General to file counterclaims on behalf of individual state

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

138th Legislative Day

May 24, 1996

employees, when those employees are sued by inmates. What is the policy consideration behind wanting this to happen this way?"

Speaker Daniels: "Representative Saviano."

Saviano: "The Department of Corrections wanted that language. There was statutory language to authorize them to do that."

Speaker Daniels: "Representative Lang."

Lang: "Well, are these individual lawsuits by inmates that are injured by guards, who are injured by inmates? And, shouldn't they have the right to file their own action? Why would the Attorney General file a personal injury action on behalf of one of these guards?"

Speaker Daniels: "Representative Saviano."

Saviano: "Well, if the action is already initiated by the inmate and the incident occurred out of the course of employment of the guard, the Attorney General wants to use the authority to make a decision, whether to defend him or not or go ahead with a counterclaim or not. Currently, there is no statutory authority for the Attorney General then to make that determination."

Speaker Daniels: "Representative Lang."

Lang: "Well, I understand that the Attorney General would be involved in the defense of a claim, because presumably the Department of Corrections would also be a defendant. But, now you want the Attorney General to have the right to in essence file a personal injury case on behalf of the guards? Are you taking away the right of that guard to have their own lawyer?"

Speaker Daniels: "Representative Saviano."

Saviano: "Representative, I understand your point and it is correct. And I think that in this situation, being that if the action was going to be simply to pursue a personal

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

138th Legislative Day

May 24, 1996

injury claim that I don't think the Attorney General would be out there working as their personal injury attorney. I think that if it was the fact that the employee, who was a defendant in action, was involved in something where maybe there was contributory negligence involved, that at least the Attorney General could take the initiative, if he saw fit, to act as leverage on a matter to go ahead and represent the employee as a plaintiff also."

Speaker Daniels: "Representative Lang."

Lang: "But, aren't you then taking the away the right of these State employees to hire their own lawyer on their injury case? I understand that you want the Attorney General to defend the initial case filed by the inmate, but do we want to take away the right of individuals to hire their own lawyer to pursue their own claims?"

Speaker Daniels: "Representative Saviano."

Saviano: "Representative, you're right on point. The employee must agree to that. The Attorney General is not going to take that initiative on his own. The employee has the first right of refusal."

Speaker Daniels: "Representative Lang."

Lang: "So, I don't see that in the Bill, but I will take your word for it. And, for legislative intent, what you are saying to me is, that the Attorney General may only do this if the employee agrees to it?"

Speaker Daniels: "Representative Saviano."

Saviano: "I'll give you that legislative intent for that purpose, but on page 4, line 11 is where you will find the language."

Speaker Daniels: "Representative Lang."

Lang: "Well, this refers to what happens on page 4, line 11 as to what the employee agrees to about the judgement. But this

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

138th Legislative Day

May 24, 1996

says nothing about whether the employee has the right to refuse the Attorney General and hire his or her own lawyer. I believe this is a flaw in your Conference Committee Report, Sir. And, I would ask you to perhaps go to a second Conference Committee Report. I don't think you want to do what you are doing here."

Speaker Daniels: "Representative Saviano."

Saviano: "For purposes of legislative intent, the employee has to agree to the process."

Speaker Daniels: "Representative Lang. One minute."

Lang: "Thank you for that minute, Mr. Speaker. Representative, there are so many good things in this Bill, I want to vote for it. I think this is flawed. I don't think by legislative intent you can change the clear language in the Bill. I would ask you to do a second Conference Committee Report or at least if you don't think that you don't have time, because of the lateness of the hour, if you would ask the Governor to Amendatorily Veto this section and fix it, I think you see the flaw in it."

Speaker Daniels: "Representative Saviano."

Saviano: "Representative, what I will agree to, the effective date on this is January 1st, we come back into Veto Session, we'll clean it up at that time."

Speaker Daniels: "Representative Lang."

Lang: "I thank the Sponsor for his help."

Speaker Daniels: "Further discussion? Representative Winkel. Representative Winkel, your light is on, Sir."

Winkel: "Mr. Speaker, I Move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it. Representative Saviano now Moves that the House adopt Conference Committee Report #1 to House Bill

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

138th Legislative Day

May 24, 1996

548. All those in favor will 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? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 111 'ayes'; 0 voting 'no' and 0 voting 'present'. The House does adopt Conference Committee Report #1 to House Bill 548. This Bill having received a Constitutional Majority, is hereby declared passed. We are joined in the Gallery by students from Harvard Grammar School. They are guests of Representative Flowers. Welcome to Springfield. We are also joined in the Gallery by students from Hillcrest Elementary School, Elgin Illinois. They are the guests of Representative Hoeft. Welcome to Springfield. Representative Meyers, for what purpose do you rise?"

Meyers: "Thank you, Mr. Speaker. On Senate Bill 1246, the record reflects that I was absent in voting and for some reason my switch didn't work. And I would like the record to reflect that I would have voted 'yes' on that Bill."

Speaker Daniels: "The record will so reflect."

Johnson, Tim: "Representative Johnson in the Chair."

Clerk McLennand: "Introduction of Resolutions. House Joint Resolution #135 offered by Representative Stephens is referred to the Rules Committee."

Speaker Johnson, Tim: "Representative Capparelli for what purpose do you rise?"

Capparelli: "Thank you, Mr. Speaker and Ladies and Gentlemen. Today, my seat-mate's birthday, Miguel Santiago is 43 years old. Can we have a song from Representative Phelps? Representative Phelps. Representative Phelps."

Speaker Johnson, Tim: "Representative Phelps would you do us the honor, please? Are you bilingual Representative Phelps?"



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

138th Legislative Day

May 24, 1996

Phelps: "Yeah, boy. So, I can do this for Miguel, right? (sings happy birthday.)"

Speaker Johnson, Tim: "Thank you, Sir. Happy Birthday Representative Santiago."

Clerk McLennand: "Committee notice. Rules Committee will meet at 2:30 in the Speaker's Conference Room. Rules Committee will meet at 2:30 in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room."

Clerk McLennand: "Messages from the Senate. A Message from the Senate by Mr. Harry, Secretary. '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 House Bill 2596 together with Senate Amendments # 1 and 2 in the adoption in which I'm instructed as to the House to ask the Concurrence of the House. Passed the Senate as Amended May 24th. Jim Harry, Secretary of the Senate'. Committee Report. Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Resolutions were referred, action taken on May 24th, 1996, reported the same back 'do approve for consideration' Senate Resolution 96; 'do approve for consideration' House Joint Resolution 135; 'do approve for consideration' and Floor Amendment #2 to Senate Bill 1761. Rules Committee will meet at 3:10 or immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Committee Report. Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Resolutions were referred, action taken on May 24th, 1996, reported the same back 'do approve for consideration' to

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

138th Legislative Day

May 24, 1996

the Order of Concurrence, House Bill 2596. Committee notice. Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Committee Report. Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Resolutions were referred, action taken on May 24th, 1996, reported the same back 'do approve for consideration' Motion to Concur House Bill Senate Amendments #1 and 2 to House Bill 2596 have been approved for consideration."

Speaker Johnson, Tim: "Representative Currie for what purpose do you rise?"

Currie: "Thank you, Speaker. With luck, we will not be here on Sunday and thus, will not be able to celebrate together Jan Schakowsky's Birthday. So, just in the event that we do get out before then. Davey Phelps has volunteered to sing her a birthday song, two days in advance."

Speaker Johnson, Tim: "Representative Phelps, you're again called upon to do services for the House, proceed."

Phelps: "Mr. Speaker, I'm sorry I don't know Hebrew, but are there any other birthdays? Maybe we can make this the last birthday. Duane are you getting older before we pass the Budget?"

Speaker Johnson, Tim: "This is the last matter on the order of birthdays."

Phelps: "Okay."

Speaker Johnson, Tim: "And Doug Hoeft also. So, we have to make it a double, double song. Representative Hoeft."

Hoeft: "Since it is my birthday, I would ask that Jay Ackerman could sing for me please."

Speaker Johnson, Tim: "Representative Ackerman, turn on your light and we'll have a duet. Okay, Representative Phelps

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

138th Legislative Day

May 24, 1996

it is all yours."

Phelps: "(sings happy birthday)"

Speaker Johnson, Tim: "Ackerman. Representative Phelps, I think that you may have to sub for Representative Ackerman, with respect to Representative Hoeft, as well. Bipartisan. This is the last matter on the order of birthdays."

Phelps: "Put Jay on. Maybe he can cover me up. This is Representative Hoeft. Is that right?"

Speaker Johnson, Tim: "That is correct, proceed."

Phelps: "(sings happy birthday)"

Speaker Johnson, Tim: "Thank you, Sir. The House will be in order. Members will be in their seats. All unauthorized personnel remove themselves from the House Floor. Supplemental Calendar announcements, Mr. Clerk."

Clerk McLennand: "Supplemental Calendar #3 is being distributed."

Speaker Johnson, Tim: "On Supplemental Calendar #3 on the Order of Concurrence appears House Bill 2596. On that, the Gentleman from Dupage, the Speaker of the House, Representative Daniels is recognized."

Daniels: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I rise to Concur in Senate Amendments #1 and #2 to House Bill 2596, which is commonly known as the Quality First Plan. Almost, exactly one month ago, I stood before you on the Floor of the Illinois House of Representatives to present the Quality First Plan and pledge to continue working on reforms of the educational system in this state. A few naysayers, said that it couldn't be done, that the Quality First Plan was far too ambitious. Well, I'm back here today to say that we can follow in the footsteps of innovative change, enacted during this past year. These changes such as, Mandate Waivers, Charter Schools and the monumental reform of Chicago School System all guarantees a

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

138th Legislative Day

May 24, 1996

quality education for every child in Illinois. And behind those, we now present the Quality First Plan, which will assure quality education for every student within the whole State of Illinois. I also made the statement that Illinois citizens are weary of spending more and more money on education, without improving the quality of a public education. As I stand here today, I'm unfortunately reminded of this fact as I note that Illinois graduations rate fell from 16th to 20th last year. That same study showed that only 24% of our 4th graders in this country are reading at the proficiency level of a 4th grader. These kinds of results must stop immediately and Quality First Plan is aimed at that. The single most important resource that we have is our children. It is our responsibility as parents, as citizens and as elected officials to prepare our children for the future. That is why it is important that we start early and we start with meaningful reform. The plan that is before you today, catches students in the early grades and requires that those students who are struggling in the basic subject areas of reading, writing and mathematics be provided with the necessary remediation programs, which may include summer school or tutorial programs to enable those students to catch up and remain active participants in the classroom. All students are required to take a Prairie State Achievement Exam before graduation from high school that tests a student's knowledge of the five basic subject areas, reading, writing, mathematics, science and social studies. Students, who achieve a high academic level of proficiency will be awarded a Prairie State Achievement Award, that will certify to employers and institutions of higher education that Illinois Students are adequately prepared to

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

138th Legislative Day

May 24, 1996

address the various dynamics of today's world. Now, recent accounts in the media, have detailed accounts of massive cheating by education professionals on assessment tests. Our plan provides for the suspension of a teacher's or administrator's certificate, if it is proven that they demonstrated unprofessional conduct on the administration or scoring of any achievement test. We must demand a high achievement level from our students, while allocating the appropriate resources to our local school districts to enable them to help students attain that goal. To this end, our plan provides an additional \$288 million for education in elementary and secondary levels to pay for the programs that will set our children off in the right path to success. Our plan ensures that schools will no longer be havens for crime and violence. Principals are granted expanded powers to search for drugs and weapons and the reporting requirements of courts and law enforcements are increased. School Boards are allowed to implement dress codes. No longer should teachers and students have to fear for their safety in a class room. The lack of significant improvement in educational performance must end. And in this Bill, we'll start that beginning to end that and to let people of Illinois know that the Quality of Education starts within the State of Illinois. It is time that we focus our attention on the basic subject areas of reading, writing, mathematics, science and social studies. As John F. Kennedy once said, 'A child miseducated, is a child lost.' Now, is the time to act. We can no longer stay silent. We must, and today it's our obligation to make sure that we back up our words with action. The Quality First Plan does that in many, many ways. Whether it's an achievement test, whether it is in remediation programs,

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

138th Legislative Day

May 24, 1996

summer school, Prairie State Achievement Examinations, quality guarantees, restructuring of the State Board of Education, providing school safety and educational improvement grants, or whether it's in reading inventories. The fact of the matter still remains, that education today must and will improve by this action. I invite all of you to work with us, to make sure that today we start on that course of action to give every child in Illinois an opportunity. Every child in Illinois deserves our backing and this Bill does that. Mr. Speaker and Ladies and Gentleman of the House, I would like to, with your permission, now turn it over to Representative Cowlshaw, who along with some very hard working and dedicated Legislators in working in cooperation with our Senate Members have put together this plan that's before you for adoption today. And, before I turn it over to her, let me thank her for the excellent work that she has done, along with Representatives Winkel, Mitchell, Hoeft, Stephens, Jones, Biggert and Kubik. And, we thank those eight, but no other person worked harder than Representative Cowlshaw. So, Mr. Speaker, I would now like to turn it over to Representative Cowlshaw."

Speaker Johnson, Tim: "With leave of the House, the Lady from Dupage, Representative Cowlshaw. Give the Lady your attention."

Cowlshaw: "Thank you, Mr. Speaker. I would be glad to answer any questions."

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

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

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

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

138th Legislative Day

May 24, 1996

Hannig: "Yes, Representative, I think we heard the Speaker talk about proposals in here to deal with uniforms. Allowing school boards to address the policy of uniforms as well as allowing school boards to address some of this discipline problem. Couldn't the school boards do this already? I'm not certain that I understand why we need to put this in the form of a Bill."

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "That is a very good question. Let me explain that the suggestion of having some provision in this Bill that gives some guidelines for school districts that might wish to adopt some form of dress code, came to us from Representative Kubik. In Representative Kubik's district, in fact, in the Cicero area, it is my understanding there have been some problems with gangs and other difficulties, sometimes with certain kinds of garments being used as identification. Consequently, it is my understanding from talking to him, is that they know have a policy in that area, that has helped very much, or perhaps it has not yet been implemented. I'm not sure about that, but I know that the community, it appears, is very much in favor of this. We thought that if we were going to encourage school boards to at least look at this issue as a possibility for the promoting of student health and safety, that there at least ought to be some guidelines in the school code, having to do with such a policy. And so this provision states that accommodations shall be made. That is, when a school district adopts a policy along this line, it must make accommodation for religious observance, practices and beliefs for indigent families and for transfer students. I think that those are good guidelines for us to provide."

Speaker Johnson, Tim: "Representative Hannig."

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

138th Legislative Day

May 24, 1996

Hannig: "Yes, thank you, Mr. Speaker and Members of the House.

To the Bill. I understand that we are trying to do some good things. And certainly don't feel that anyone on the other side of the aisle that has been involved in this, is doing anything but the best that they can. But, frankly, it seems to me that putting things into law that school boards can already do, doesn't really solve the problem. When the Bill left the House, there were provisions at least, for some property tax relief. And when I reviewed the Bill today, on my desk, I didn't see any provisions where school boards could relieve property taxes to our home owners. They have provisions in here for this Prairie State Achievement. And to me that seems to be some type of mandate, probably without the money and without meaning, because people, who flunk the test still can get a diploma, can still go out and say I graduated from high school. You are not required to pass this Prairie State Achievement Test and I suppose you could also take that on your own, if you were so inclined. So, I do see some problems with the Bill. But the biggest problem that I see with the Bill, is that it changes the way that we fund education in Illinois. That it changes the formula that we use to give money to our schools. It institutes a flat grant that reflects a philosophy contrary to what I think most of us want to do. It has a system now, in this Bill, so that we are no longer giving priority to trying to reduce the differences between the rich schools and the poor schools. We are setting up a formula, that to a large degree works in favor of the rich schools. We propose a 'hold harmless' in this thing and it does help some schools, but I have to ask, what do we do next year, when we come back and the 'hold harmless' is expired? So, there are some significant problems with this



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

138th Legislative Day

May 24, 1996

thing. As a downstater, who sees my district 9 years out of 10, big beneficiary of the formula, as a downstater, who sees the formula giving us \$.55 out of every dollar that is spent on the formula. I certainly can't adopt a proposal that would only give us \$.35 on the dollar through flat grants. So, it seems to me that as a regional candidate, as a regional Legislator, that Legislators that are from downstate Illinois on both sides of the aisle, should not be voting for this proposal. We should be voting 'no'. It is not in our best interest and we should maintain that if we fund the formula and put money in the formula, it will address the problems of our schools."

Speaker Johnson, Tim: "On the Bill, the Gentleman from Winnebago, Representative Scott."

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

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

Scott: "First of all, Representative, I know I'm joined by all of my colleagues. We want to offer our sincere condolences on the passing of your mother, too. I know it's a bad event and you just returned from Rockford, from that. We wanted to express our condolences to you. I had a question about something that wasn't brought up in the Speaker's remarks, when he was presenting the Bill. I have a question. It is on page 26 and it deals with 'the searches and seizures from lockers and from personal effects within the schools'. Are you familiar with that particular clause?"

Speaker Johnson, Tim: "She indicates that she'll yield. Representative Cowlshaw, in response."

Cowlshaw: "Yes, Representative Scott. What is your question, precisely?"

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

Scott: "Thank you. Now, that particular part of this Bill is

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

138th Legislative Day

May 24, 1996

something that was added in the Senate. That wasn't here when Quality First left the House originally. Isn't that correct?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Johnson, Tim: "Representative Scott."

Scott: "And, the Senate in their deliberation of this particular provision, took no testimony on this particular provision of this Bill. Were you aware of that?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "I am not certain of that one way or the other, Sir. I would be glad to accept your word for it, if you have the evidence to substantiate that."

Speaker Johnson, Tim: "Representative Scott."

Scott: "And, since this is on Concurrence, we didn't have an Education Committee hearing, since it came back from the Senate. This just went to Rules and came out as a Concurrence. Is that correct?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Yes, it is so nearly substantially the same as what we sent to the Senate, that it was not believed that there was a necessity for having another Committee Meeting."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, I understand. All I'm trying to say with respect to this particular portion of it, is that there wasn't any real hearing or any real debate that was held on this particular portion. What we've got is something that says, in the first instance, that there is no expectation of privacy for a student in any portion of the school. Is that your reading of this particular portion of the Bill?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "I'm sorry, Representative. I'm trying to get an

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

138th Legislative Day

May 24, 1996

answer to your prior question, from the Senate Sponsor, who is right here. I'm sorry, Sir, to keep you waiting. Senator Watson, who is the Senate Sponsor of this Bill, tells me that there was a Committee Meeting held on this Bill, including this provision in the Senate and testimony was taken."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Do you know if witnesses testified with respect to this particular provision? I mean, I know that there were witnesses with the Bill, but did witnesses testify on this particular provision?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Senator Watson, says that there was discussion of this on the Floor, but no one raised the issue in the Committee."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, let me get to the meat of this a little bit, because the way that I understand this, now I understand that there are problems in schools and I understand that some of our children, certainly not a majority of them or even a large percentage, are bringing contraband and other things to schools. But, if I'm reading this correctly, this would allow any school employee, at anytime to search for anything, anywhere within the locker or other property, including a car in the parking lot. Any personal effect can be searched at anytime. So, you could have a hypothetical, where you could have a notebook inside of a jacket, inside of a car in the parking lot and that is allowed for any school employee to search that particular place at anytime. Is that the way you read this particular portion?"

Speaker Johnson, Tim: "Representative Cowlshaw."

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

138th Legislative Day

May 24, 1996

Cowlshaw: "As I read the exact words, the entire section is based, I think, upon this belief that it says, beginning on line 7, 'as a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas all of which are property of the public schools'."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But, dad's car that the child drives to school is not a property of the school, but under this particular Amendment, this particular portion of..."

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

Stephens: "Thank you, Mr. Speaker. It is incredible to me that the Gentleman from Rockford would stand in apparent opposition to language that, had we not passed, it would cost your school district \$2,414,595. Now I don't think the people sent you here to give away \$2,414,595. I think they want you to vote 'for' that. This is a good plan for your downstate school district. We ought to look at this based on the facts. And the facts are that this Bill, the entire Quality First concept calls for accountability and it puts our money where our mouth is. You can talk about traditional downstate, but I know that for my district I want accountability and I'm proud to say that we have more dollars this year than any other year under any other administration. Talk all you want, but for 12 years you didn't put all the money in your downstate district. And when you talk about the funding formula, you'd like to ignore all the categoricals, like special education. You don't want to talk about that. Look at your district

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

138th Legislative Day

May 24, 1996

downstate, put your name next to the dollars and tell the people back home whether you want to vote for more dollars for your school district or not. You vote 'no' and you're saying 'no' to the children in your district. Put your vote up, I dare you to vote 'no'."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Fulton, Representative Smith. Representative Mike Smith."

Smith: "Thank you Mr. Speaker. I'd like to yield my time to Representative Scott."

Speaker Johnson, Tim: "Your request is granted. Representative Scott proceed."

Scott: "I'd like to go back to the area that we were discussing earlier, thank you. And by the way the Gentleman from Madison's dare is accepted. I'd like to go back into this. Now we're talking about a personal car that's driven there by a student, say it's a parent's car or it could be the student's car. It doesn't matter. The way I am reading this and I'm trying to get an understanding if you're reading this the same way. I'm trying to figure out what the legislative intent is. The way I read that anything in that car, while it's in the parking lot and any area of that car, while it's in the public parking lot is subject to search by any school employee at any time. Is that your understanding of this?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Well first of all, I'm not sure that 'any school employee' is the same as 'school authorities' which is what the language actually says. So I'm not sure that if somebody who works in the cafeteria at lunchtime is a school authority. However, if the student who is driving his or his parent's car to school, does not want it to subject to search, the student has only to park it on the

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

138th Legislative Day

May 24, 1996

public street, which is not owned by the school district. If the student parks that car on a parking lot that is owned by that school district, the student, consequently, has the full expectation that should there be some suspicion that there is something contained in that car that is either illegal, a danger to other students or staff or has some other element of threat that the school authorities would be authorized to make a search of that vehicle to determine if any such materials are contained therein."

Speaker Johnson, Tim: "Representative Scott."

Scott: "What? I just wanted to speak to the Bill a little bit on this particular point."

Speaker Johnson, Tim: "To the Bill, Sir."

Scott: "Thank you. First of all, 'school authorities' isn't defined anywhere herein. So we don't know what that means. Second of all, there are many schools throughout the state that require people, students that are driving there to park in the school parking lots, so the option that was just stated isn't available. And third, you talked about a reasonable suspicion that something could be dangerous to someone. Well that's not in here. We don't even have that. We don't have a warrant. We don't have a reasonable suspicion. We don't even have a 'good old-fashioned hunch'. We've got nothing. Anybody can search anybody's property at any time, for any reason. There's nothing in this particular Amendment which states what they have to do to give back material that isn't found to be contraband, diaries, other things. To whom they can share that information with. There is nothing that sets up any kind of policy for anybody to have reason to believe that something is going on. This is standing, the entire Fourth

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

138th Legislative Day

May 24, 1996

Amendment to the Constitution on its head. There are a long line of cases that end with a very articulate decision, which says that children don't leave their Constitutional rights at the schoolhouse door. Well, apparently, we have given up on that particular premise here. Now, there are many things to like in this particular Bill. There are many things to dislike. A lot of it depends on the area that you come from or whether you believe some of the figures that are thrown around. But this particular portion of the Bill is absolutely reprehensible. Let me point out that if there is evidence that's found, first of all, nowhere in here does it state who makes the determination if something's in violation of state law or a local ordinance. There is nothing in here that says material is found but it's found not to be contraband, that it even has to be returned, or how it gets returned to the student. There are no provisions for that. As there are with all kinds of other case law, all the way through in the Fourth Amendment. There's absolutely no protection here on any level for any student that we find for everybody, throughout the entire nation. Throughout the whole history of Fourth Amendment law. In that one sentence, where you say 'there is no expectation of privacy'. First of all, you lump all of the students, the vast, vast majority of whom are good and would never dream of bringing contraband to school, in with those we're trying to get at. And there is a legitimate reason to try and get at those students. I understand that. But we're taking, with the broadest brush absolutely possible, we're saying that there's no protection of privacy, at all in a school. Not only in the school but outside the school, even ostensibly, I guess, to a locked trunk that's outside

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

138th Legislative Day

May 24, 1996

in a parking lot of the school. Who can the information be shared with? This is silent on that. We've got lots of Bills. Some we've passed in the last two years in this particular General Assembly, that say when information is found out, which school officials can share it with whom. There's none of that in here. This is simply carte blanche for any school employee, the way we read it, to search anything, at anytime, anywhere. That's wrong. That's not what we should be about."

Speaker Johnson, Tim: "The Gentleman from DuPage, Representative Biggins. Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, of course, rise in support of this measure and would like to announce that today's an anniversary, in the State of Illinois. May 24th, 1995, Conference Committee Report on House Bill 206 adopted the Chicago School Reform. A year ago today, five members from the other side of the aisle joined us to provide the Chicago School Reform that is heralded today and was heralded last September in a Chicago Tribune article. And I'd just like to quote part of it. And ask that you listen and have some faith in what we try to do on behalf of our school children in Illinois. 'By 1995, Illinois' Legislature seemed to have forgotten that disaster, frustrated by constant money woes and rotten test scores of the Chicago Schools after a decade of reform that the state handed the system over to Daley once again. This time the Mayor was given absolute control. The Legislature outlawed strikes by Chicago teachers for 18 months. Daley was given the power to choose a five member school board and the seven top administrators. The results have been astounding. Daley all but cleaned out City Hall, sending over the very best financial people in his



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

138th Legislative Day

May 24, 1996

administration. In just three weeks they closed a four year, \$1.4 billion deficit and produced a \$2 million(sic-billion), \$2,100,000,000 surplus.

Speaker Johnson, Tim: "If we could give the Gentleman your attention on this important Bill. As we gave you your attention. Let Representative Biggins conclude and if you have a point we'll entertain it at that point. Representative Biggins, proceed. Representative Biggins, proceed."

Biggins: "A lot of credit goes to the Republican leaders of the Legislature who gave the Democratic Mayor such vast power. We are doing the same thing. We are offering today the same opportunity."

Speaker Johnson, Tim: "Ladies and Gentlemen, Representative Biggins is making his points. We've accorded to both sides of the aisle the courtesy of allowing us to listen to and address the Bill. So Representative Biggins if you'd proceed. Please give Representative Biggins your attention, as this side of the aisle has given your Members the attention. Representative Biggins, proceed."

Biggins: "Thank you, Mr. Speaker. To the Bill. "

Speaker Johnson, Tim: "Thank you everyone for your attention."

Biggins: "We offer today the same opportunity to all the school children in Illinois. To change the administration of our State School System and provide needed dollars that every single school district in this state for the first time in memory will receive more money from the state than they did the prior year. I ask that the other side join this side, have faith in this program. Some of you please vote for this because it will be good for all the students in Illinois."

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

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

138th Legislative Day

May 24, 1996

Representative Currie. Proceed."

Currie: "Thank you, Speaker. And I'm happy to confine my remarks to the Concurrence Motion on House Bill 2596. There is much not to like in this Bill. With Representative Scott, I do believe that our school children do not leave the Bill of Rights to the United States Constitution, nor the rights that are given the people in the Illinois Constitution, at the schoolhouse door. The right to privacy, even for young people is a sacred right. We ought not trample upon it. I don't understand the change in the configuration of the State Board of Education. It's my understanding that the residents of Cook, Cook County are 42-43% of the population of Illinois. Under this measure their representation on the newly constituted Board of Education is down to 22%. There is a federal program called Goals 2000. School districts are empowered to participate in that program as they wish, as they win support from local boards, state boards of education. And the federal law tells them what they may and may not do with that money. Not under this Bill. Under this Bill local school districts who want, for example, to spend Goals 2000 money, federal money, on programs to encourage appropriate health in their young people, will not be able to do it. What are you afraid of? What's wrong with local control? What's wrong with letting our local school districts use federal money the way the Feds decided to empower them to do so. But I think the most important flaw in this Bill, is the decision to go with a flat grant approach in funding our local public school system. Representative Stephens may know more about what's in the budget that we haven't yet seen than I do. He apparently knows exactly how much will be allocated and to which school districts. If his remarks about the City

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

138th Legislative Day

May 24, 1996

of Rockford are accurate, perhaps it would be fair to assume that the numbers that I've seen, which are in no way authorized or okayed by anybody, suggest that a district like Chicago will do \$6 million less well under the flat grant formula than it would have under a general state aide distribution. But I'll tell you, Speaker and Members of the House, even if Chicago fared marginally better, I would be voting 'no' on the flat grant program. We are State Legislators sent here not just to look at how my district, my school does, if we give to the rich instead of giving to the poor. We are here to see to it that our kids, whether they're born, whether they're reared in poor rural areas or less affluent suburban territory. We're here to see to it that those kids have a chance at a quality education. What this Bill says is, 'Let's give to the haves, forget about the have-nots.' I appreciate that property taxes are high in Lake Forest. But I'll tell you, Speaker and Members of the House, the people of Lake Forest are able to pay for a quality education for their kids. And God love them, they're willing to do it. The people who live in poor rural areas, the people who live in poor suburbs, they don't have that option. They don't have the wherewithall. No matter how high the property tax rates, they can't do the job. We talk about accountability. Where's the accountability that we promised to our constituents and to our children? You want an accountable school system? You want kids who come out of our schools able to compete in the year 2000 and beyond? Well, I tell you, the problems are not in the schools in Lake Forest but they are problems in downstate poor areas and in less affluent cities across the state. We missed the mark if we say, 'We're for the haves, we're not for the have-nots.' Because the

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

138th Legislative Day

May 24, 1996

disparities and the educational finance from one community to another across the state help explain why some kids just are not going to make it as productive, economically independent adults. If you have a responsibility, as I believe you do and I know I do, to all the kids in the state, then the only fair vote on this Concurrence Motion is a 'no' vote. Saying 'no' to the flat grant. Let's put the money into the school aide formula, which respects poverty issues and respects the ability of a local community to get the job done. We can do the job for our kids. You know we say, 'Our children are our future,' well, they only are our future if we're prepared to put our money, the state's money, where our mouths are. And I urge a 'no' vote on this Motion."

Speaker Johnson, Tim: "On the Bill the Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I'm proud to rise in support of this Bill. And I speak not only as a Member of the General Assembly but also as a former school board member and a school board president. And my old school board, the Springfield District 186, has just recently at the initiative of the school board members been embarking on a course to dramatically improve the quality of education in the Springfield schools. They're endorsing, in fact, many of the plans that are in the Qualities First Program. They're endorsing performance tests. They're endorsing stricter standards for graduation. They're looking at dress codes in the schools. They're looking at closed campuses. Yes, they've done these things, but they could even do more if they knew that they had the legislative backing of a General Assembly behind them. Because then they could go ahead and embark on the program of summer

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

138th Legislative Day

May 24, 1996

schools for our young people in the lower grades, to not let them fall further behind. I'd also like to stand in support of the ability of local school officials. And, yes, anyone in this Body should know what 'school authorities' means, to be able to take action to detect weapons or drugs in the schools. I've had the difficult task of sitting on school disciplinary bodies, when students have brought in weapons. They've brought in knives. They've brought in clubs. They've brought in dangerous, sharp, jagged objects that could be used to hurt others. And what actions the school board has to take to protect the students, to protect the teachers and the school personnel. Yes, they do need legislative support behind this. And I also strongly support the whole concept and the funding behind the Quality First Program. What better program than have a system where every school district wins. Every school district wins. We aren't having schools fall \$1.5 million behind under the general state formula as Springfield would have done. We're not letting that happen. We're also bringing up every school district with a per pupil grant. This is a good program that's going to help local school boards, such as Springfield that have embarked in improving performance and standards to do even more. And schools need support behind their efforts to keep a school safe. I urge an 'aye' vote."

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

Flowers: "Mr. Speaker, I'll yield my time to Representative Davis."

Speaker Johnson, Tim: "Your request is granted. Representative Davis proceed."

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

138th Legislative Day

May 24, 1996

Davis, M.: "Thank you. Thank you very much, Representative Flowers. First of all I think that to reduce the 17 member board to only 9 members and to have only one member from Chicago, in my opinion, leaves a large group of people not represented on that State School Board. Now I don't know what the reason was for the major reduction, but I think it comes at a time when students need to know that there is someone with knowledge about education sitting on those boards to help make a decision. Testing of third and fifth graders to determine if they have to attend summer school or be remediated. Now my question would be, why do we need another test? We've got the IOWA test, we've got the IGAP test, and those two tests will tell us whether those third graders or fifth graders are doing poorly. Those two tests will tell us if these students are performing below grade level. There's absolutely no need for a third test. It's just another layer of testing that's a waste of time. When we should be spending that time for remediation and that's what should happen when children are not scoring well on the IOWA or any national exam that measures achievement. But to add another test is simply a waste. I also have a question about putting a dress code in this Bill, when State Representative Monique D. Davis from District 27 passed that Legislation about 5 years ago. The City of Chicago uses that Legislation as long as many other school districts across the State. They already can demand uniforms in their schools. Chicago has over 350 schools, who are wearing uniforms because of Legislation passed by State Representative Davis. So that is just a duplication of what exists. Block grants, block grants is using the Daniels' funny money that Hartke printed. The Daniels' funny money is what goes to districts that really don't

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

138th Legislative Day

May 24, 1996

need it because their property tax has not decreased but increased. So according to this block grant or flat grant that's being proposed, school districts, for example, in the downstate area will decrease their benefits from the state. Now listen real well. Downstate schools will get approximately 34.6% of its budget if we deal with this flat grant Bill instead of what currently exists. The state aide formula now you get approximately 55.4%. The suburban areas with the flat grant or the block grant, they're the major beneficiaries. They have high property tax and at the same time they'll benefit from the flat grant and get about 45% of their school funding from the state. As opposed to what they get today, based on fairness, which is 23%. In Chicago, of course, with the flat grant we're reduced to a mere 20.5% of school funding from the state, as opposed to the 21.6%. The Daniels' funny money doesn't go very far for poor districts. I think it's also extremely important when we talk about passing legislation in reference to safety and allowing police searches and dogs and the use of dogs on school children without it being based upon even an accusation. No accusation has to occur in this Bill for dogs to be brought. And believe me the Bill says 'the use of dogs'. A bunch of high school kids in a group or in a huddle are we going to bring dogs in to break them up? I don't think, I think it's overkill. I don't think we need that. I also know that when school reform passed in 1988 a number of Representatives from both sides of the aisle met for weeks in Speaker Madigan's office. And they met in order to try and find legislation that was fair and meaningful. So, in my opinion, for a group of four or five people..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from

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

138th Legislative Day

May 24, 1996

Champaign, Representative Winkel. Representative Winkel  
the Gentleman from Champaign."

Winkel: "Thank you, Mr. Speaker."

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

Winkel: "Speaker the debate is..."

Speaker Johnson, Tim: "Representative Davis, the full House gave  
your remarks your attention and we would appreciate the  
same courtesy being accorded to Representative Winkel.  
Well, then turn on your light, Representative Davis.  
Representative Winkel is in the process now of addressing  
the Bill."

Winkel: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Representative Winkel."

Winkel: "There is language in this Bill that's come into question  
about searches."

Speaker Johnson, Tim: "Could you please give the Gentleman your  
attention? Representative Davis, we will get to you in due  
time. Representative Davis, Representative Davis. If we  
could just have the attention of the House. Let me  
explain. You were using Representative Flower's time. You  
were accorded those five minutes and you used those five  
minutes. I've now called on Representative Winkel, if you  
could let me finish please, and we will accord you that  
five minutes when we recognize you and I fully intend to  
recognize you. Yes, I will recognize you, Representative  
Davis, in the course of debate.

That's the rules of the House and I assume you would agree with  
them. Representative Winkel, proceed."

Winkel: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Thank you for your attention."

Winkel: "The Bill on page 26 does talk about the ability of



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

138th Legislative Day

May 24, 1996

school administrators to search school property. I think you need to bear in mind and I think we may have misspoke just earlier. I did work on this provision with Senator Watson, with the State Board of Education and to come up with this language in order to maintain the order and security in our schools that allow school officials to search school property and what the Bill actually says is that school authorities may inspect and search places in areas, such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice or the consent of the student without a search warrant. Now, we're not talking about cars in the parking lot. We're talking about the parking lot. If you consider, I suppose, Representative, that a car is some sort of personal effect, I suppose that's stretching it quite a ways. We're talking about personal property, we're talking about book bags, for instance. I think we have to be very realistic in our approach to this and not get too sidetracked into some of the areas that the Representative was talking about. This is a balance between safety of our children in our schools and the reasonable expectation of privacy under the Fourth Amendment. The U.S. Supreme Court has made it very clear that in that balancing act you do not have to strictly apply the Forth Amendment in student searches. That's in the New Jersey versus TLO case 469-US-339, a decision rendered in 1985 by the United States Supreme Court. What that court says is that, we join the majority of courts that have examined this issue, in concluding that the accommodation of privacy interests of school children, with the substantial need of teachers and administrators for

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

138th Legislative Day

May 24, 1996

freedom to maintain order in the schools does not require strict adherence to the requirement of the searches be based on 'probable cause' to believe that the subject of the search has violated or is violating the law, rather the legality of a search of a student should depend simply on the reasonableness under all the circumstances of the search. And, certainly, we want to make sure that it's understood, as a matter of record in this debate on this provision and this Bill, that it is the legislative intent that no such activity, no searches should be conducted, unless there is reasonable suspicion. The U.S. Supreme Court has made that perfectly clear in New Jersey versus TLO, that that is a requirement under the Fourth Amendment. And that being the Supreme Court, The Supreme Court, the Supreme Law of the land, is clearly applicable in this case. I suggest that that's a 'red herring' to argue otherwise to argue that the Fourth Amendment is somehow infringed by this language is wrong. I think we've got to be very careful in this debate. We have to be very careful in what we're trying to do. We must balance the safety of our children against these Fourth Amendment claims. Increasingly, in our schools, we have gang activity, assault and battery, drugs and alcohol, weapons. Just last summer the regional superintendents came out with a survey of our schools, throughout the state that found that expulsions and suspensions for gang activity, assault and battery, drugs and alcohol, weapons is on the rise. It's increasing dramatically. It's not just a big city problem. It's not just an urban problem. It's throughout the State of Illinois and we have to do something about it. That's why last year we passed the Safe Schools Act. We wanted to make sure that we ensure safety for our children in our

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

138th Legislative Day

May 24, 1996

schools. We want to make sure that there is no contraband weapons, drug and alcohol kept in the lockers. Where there is a reasonable suspicion, we should make sure that the authorities in our schools, the administrators have the clear authority to go ahead and do a reasonable search of those places to inspect and search the lockers, the desks, the parking lots and other school property. Remember, this is property that is owned by the school district. It's being used by the children while they're attending school. We're making it clear in this Bill that there is no 'reasonable expectation to privacy' when you're using school lockers, when you're using school desks, when you're using the school parking lot. There is no violation of the Fourth Amendment in this Bill. It's clearly intended to be used only in the case where there is a reasonable suspicion. That's the intent and that's perfectly clear. And I would urge the support of this Body, of this excellent piece of legislation, Quality First. Vote 'yes'."

Speaker Johnson, Tim: "Now, the Chair recognizes the Lady from Cook, Representative Monique Davis."

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

Speaker Johnson, Tim: "Give the Lady your attention."

Davis, M.: "And thank you to the Ladies and Gentlemen of this House who realize that every Member should be accorded the same rights. And we have learned to fight for them. We've learned to stand up and fight for our rights without shame. And that's one of the reasons that I oppose the use of dogs on children. I am reminded of Bo Connor's dogs on school children, when there was an attempt to block the school house door. And to bring back an era, to bring back an era that was so painful for this country. It was so painful

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

138th Legislative Day

May 24, 1996

for this country to see dogs being sent after innocent children. Should we risk that again because of someone's question, not proof, not knowledge of, not even suspicion of, but according to this language if they just think they should. Let us not bring back the days of Bo Connor and put dogs on children. Children who may be gathered to talk about a football game, innocent children, all children are not guilty. And it really disturbs me when we start to pass Legislation with the premise that all children are drug users, all children have guns, all children should be searched. We must learn to value. We must learn to value those freedoms that are guaranteed in the Constitution. And it doesn't say these freedoms are denied to children. Back to the money section of this Legislation. The State of Illinois refuses to fund education properly. The proposal that has been in this hopper for two years, that states that all new revenue or 50% of this revenue will be used to fund education is a piece of Legislation that is constantly put aside. So every year we decide to develop false and phony Legislation saying to the public, 'We've finally got the solution to improve our schools. This is the key. This is going to do it.' Well it's an insult to some peoples' intelligence because there's absolutely nothing there. Now I want you to picture this, your son or daughter comes home with a high school diploma and he or she does not have the Prairie 2000 Certificate. Do you know what it means in this Bill if they don't have the Prairie 2000 Certificate? If they don't come home with the Prairie 2000 Certificate that means they have not passed their high school exam. But all they have with them is that diploma. And I think that's what most employers are looking for. They don't ask, 'Do you have the Prairie 2000

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

138th Legislative Day

May 24, 1996

Certificate?' Because most people won't know what the hell it is. A diploma for four years of an education is what should be there but what we need, Representatives, what we need, Mr. Speaker, are language laboratories. We need science laboratories. We need to make sure our children learn more than one language. We need to make sure there is algebra in every school. Every child should learn algebra cause it's a requirement to go to college. This Bill is nothing more than a false piece of paper to fool the public and use their money improperly. To put transportation and Special Education in the same block grant and let somebody decide which place you're going to put this money. What is more important? I don't know? Is getting there more important than the Special Education you have when you get there? I don't think we need block grants for those important, important topics. To reform schools you're going to need educators to help develop the Bill. Farmers tend farms and educators educate. Thank you."

Speaker Johnson, Tim: "The Gentleman from DuPage, the Speaker of the House, Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House. The prior speaker used my name in debate so I would like to add that the prior speaker thinks that \$20,000,851 is funny money for the City of Chicago, then maybe that's part of the problem in our school system because she doesn't understand what real money is. We've put \$127 million more into our system. And it struck me, as I was listening to her discussion, I listened very intently. You know what? We could take that speech and that's what she said last year about Chicago school reform. And how wrong she was then and how wrong you are today. We are improving

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

138th Legislative Day

May 24, 1996

education and you know it and you ought to join us."

Speaker Johnson, Tim: "The Gentleman from Clinton, Representative Granberg, proceed."

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

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

Granberg: "Thank you. Representative Cowlshaw, I heard the Speaker indicate when he first spoke that there was going to be an extra \$288 million allocated to education. Could you please break that out for me?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "This is not an appropriations Bill. This Bill has nothing to do with the total amount of money, new or other wise that is distributed to schools nor anything having to do with how much money is distributed through any specific category, the formula or anything like that. That is not what this Bill is about. This Bill is about improving the quality of education for the students in Illinois. The only thing in this Bill that has anything what to do with whatever to do with funding is that is does create one additional categorical. Beyond the many categoricals that we already had. It does not change the school aid formula. It does not make any reference to the school aide formula, whatsoever. What happens as far as the funding of schools in dollar figures is not something that is treated in this Bill at all."

Speaker Johnson, Tim: "Representative Granberg, further inquiry? Give the Gentleman your attention please."

Granberg: "Well, obviously, I'm not going to get any answers. I'm sorry, Representative Cowlshaw, because Speaker Daniels is the one who said that. Speaker Daniels is the one who said \$288 million, so I guess..."

Speaker Johnson, Tim: "To the Bill, Sir."

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

138th Legislative Day

May 24, 1996

Granberg: "It is to the Bill, Mr. Speaker. So, Speaker Daniels talked about how much money was going into education. How much money was going to be for categoricals and how much was going to be for the flat grant. My friend from Madison County talked about that. Well where's the Bill. Obviously, we don't see it. But I can say this, Madam Cowlishaw, what you are doing is, you are changing the school aid formula because you are putting into the statute a flat grant proposal. Out of the \$288 million, \$66 million is pension money which comes out automatically. That is automatic. That doesn't go to education, that goes for pensions. Your counting that. You're taking money out of the school aid formula to shift to your area. Now, I respect you for representing DuPage County. I respect you for what you're attempting to do. You're representing your district. So I respect you trying to get more access, greater access for more funds for your district. What I do not respect are downstaters who will let you do that. Downstate loses money under this proposal. We have always put more money, we have always put more money into the school aid formula, as opposed to categoricals until last year. Last year was the first time in the history of this state more money went into categoricals. Now why is that? Maybe it's because the Legislative process is controlled by the suburban area. How about that? It seems pretty obvious, but that is the case. The state share of funding education is not increasing this year. That's staying the same. We have reduced this every year. You are letting the inequities between the poor downstate school districts and the more affluent suburban districts widen. You are not doing anything to address that problem. You are only worsening that situation. Sure you can take more money for

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

138th Legislative Day

May 24, 1996

your school districts. I understand you have high property tax rates but don't take it from our poor school districts. Eighty percent of our downstate school districts are on the Financial Watch List. We're spending \$3 thousand a student. That's not enough. If you want to do fundamental reform, let's do fundamental reform. But for my downstate friends, this money should go into the school aid formula. Not to have a new flat grant proposal. If this Body changes next year, this law will be on the books forever because we would have to repeal the law for this suburban agenda. So, Representative Jones, Representative Bost, the rest of you, by voting for this you will let the suburban agenda once again have their way. That is detrimental to downstate. You have 'hold harmless'. What happens to that next year? It's gone. Then what? You are letting this happen. You are giving a proxy to your suburban leadership to do what they will with the state's money. Now if you want to stand up for Southern Illinois, let's be parochial. They're standing up for the suburbs. Why don't we stand up together and stand up for downstate and our people and try to put this money in the school aid formula. Because you are in a unique position. If you say 'no', we can put more money in the school aid formula, but you've got to have the courage to say 'no' to your leadership. I have yet to see it, but I hope you change your mind today and vote 'no' on this Bill."

Speaker Johnson, Tim: "The Gentleman from Lake, Representative Salvi. Representative Salvi, proceed."

Salvi: "Thank you, Mr. Speaker. If I could ask questions of the Sponsor."

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

Salvi: "Mary Lou, I just have three questions. First, if I could



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

138th Legislative Day

May 24, 1996

bring your attention to section 2-3 .119. It's entitled 'Education and Careers'. The second to last paragraph, lines 31 to 33, I just want to make it very clear as a matter of legislative intent. First of all, this section, section 2-3.119 is to insure that local school districts have authority to buy liability insurance at the lowest possible cost, is that correct?"

Speaker Johnson, Tim: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, if I may, since the material that is being discussed was suggested by Representative Mitchell, I would if I may, please defer to him to answer this question."

Speaker Johnson, Tim: "With leave of the House. The Gentleman from Whiteside, Representative Mitchell, in response."

Mitchell: "Thank you, Mr. Speaker, Madam Speaker. Representative Salvi, you're absolutely correct. That language came from the vocational centers. They're having some difficulty getting liability insurance and bringing industry into a work program at the local level and so they came to us saying that this is worked in other places to get cheaper liability insurance and so that's what we're trying to do."

Speaker Johnson, Tim: "Representative Salvi."

Salvi: "Representative Mitchell then this section does nothing else other than ensure that local school districts have the authority to buy liability insurance at the lowest possible cost?"

Speaker Johnson, Tim: "Representative Mitchell."

Mitchell: "That is the only intent for this entire passage."

Speaker Johnson, Tim: "Representative Salvi."

Salvi: "And lastly, Representative, this section does not authorize the State Board of Education to implement any Goals 2000 Program, such as School to Work, is that

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

138th Legislative Day

May 24, 1996

correct?"

Speaker Johnson, Tim: "You're absolutely correct. In fact, in line 21 of page 14 it states, 'Notwithstanding any other law to the contrary, the State Board of Education shall not except or expend any federal funds provided for participation in the federal Goals 2000, or Outcomes Based Education Programs established under the Goals 2000 Educate American Act except in those cases in which the State Board of Education acts only as a flow-through agency for direct release to school districts of grant funds and awards provided under the federal Goals 2000 Program. In those cases in which the State Board of Education functions in a flow-through agency for the direct release to school districts of grants or awards under the Federal Goals 2000 Program, the State Board of Education is authorized to retain for its administrative expenses directly related to its services as the flow-through agency up to but not more than 1% of the aggregate Goals 2000 Program funds that flow through the State Board of Education for direct release to school districts. No school district, and that includes the State Board of Education's Attendance Center, school board, local school council or other school administrator may use or authorize or require the use of any funds, grants, or awards received under this section for the purposes of providing Outcomes Based Education, school based health clinics or any other health or social services. Normally the State Board of Education or any other local educational agency use or authorize or require any such funds, grants or awards to be used for any such purpose.'"

Speaker Johnson, Tim: "Representative Salvi, further inquiry?"

Salvi: "No. Thank you, Representative."

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

138th Legislative Day

May 24, 1996

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

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

Speaker Johnson, Tim: "To Representative?"

Santiago: "Lang."

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

Lang: "Thank you, Mr. Speaker, and my light was on so I would like Mr. Santiago's time and mine if I need it. Will you acknowledge that, Sir? Without taking..."

Speaker Johnson, Tim: "Representative Lang, when you are finished with Representative Santiago's time you're welcome to put your light on as Representative Monique Davis did. There's a number of other lights on as well, proceed."

Lang: "Point of Order, Sir, before we proceed. My light was on, Sir. It was on, Sir."

Speaker Johnson, Tim: "Well you weren't recognized. You're now recognized under Representative Santiago's time so proceed."

Lang: "Give me my five minutes, please. Thank you. Ladies and Gentlemen of the House, I rise in opposition to the Concurrence Motion. Let me go through a few of the reasons why. First, relative to this issue of search, the fact is that the section of this Bill relative to the search of students is unconstitutional. Mr. Winkel referred to it but Mr. Winkel is wrong. The Illinois case of People versus Taylor decided in 1993 says that 'We hold the reasonable suspicion required for school officials to search a student is identical to the reasonable suspicion set forth under Terry versus Ohio.' In 1968 the United States Supreme Court decided that you can't, under those

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

138th Legislative Day

May 24, 1996

circumstances, a police officer couldn't search anyone unless there was some act committed to give them some reason, some factual basis for a search. The blanket permission to a school board or school authorities to simply search any student, any locker, any private property of a student is blatantly unconstitutional. So let's get that straight right off the bat. Next, the area of this Bill that deals with the State Board. Currently, there are 17 members on the State Board and 8 of them are from Cook County. Four are from Chicago and four are from suburban Cook. That's slightly less than half. The new board will have two out of nine. Two out of nine, there isn't anybody on this Floor that can think this is reasonable, given the fact that over 40% of these school children in Illinois come from Cook County. To have only half of that percentage represented on the State Board of Education smacks of partisanship of the worst kind and indicates the majority party's complete indifference to fairness for the parents and the taxpayers of Cook County. Finally, and I think most importantly, the issue of this flat grant and this has been discussed before. Ladies and Gentlemen, I think it's time that we acted as statesmen and stateswomen. The fact is that we have a title. That title is State Representative. We represent the entire State of Illinois. Not this District 1, 90, 118. We represent all the people of the State of Illinois. Yes, we have a desire to bring back Member projects and God knows there will be pork going back to some districts in the state. And I guess some of you feel the need to do that but education should not be considered a pork project. Education should not be considered a Member project, so you can go back home and talk about how much money you got for your school. We have

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

138th Legislative Day

May 24, 1996

a responsibility to all the students in the State of Illinois. Eighty percent of the kids that go to school in the State of Illinois go to underfunded schools. Eighty percent and 80% of downstate students go to underfunded schools. And yet because of these additional dollars are to be thrust into flat grants, instead of into the school aid formula. You are in essence cutting those 80% who don't have enough funding now by 40%. The school aid formula with the same dollars that you are going to provide for the flat grants would provide 40% more dollars for the children that need it the most. The 80% of the kids that go to underfunded schools in downstate Illinois. Ladies and Gentlemen, we have two problems in education funding today. One deals with total funding, which certainly could be resolved by passing the Fund Education First Act, which over 250 times remains stalled in the Rules Committee. And we aren't even allowed to debate. Which would get us the 50% funding for state schools without a tax increase. The other problem relates to equality. This Bill, these Concurrences will not bring about equality, but in fact, will widen the difference between the haves and the have-nots. For years on this Floor, Members of the Majority Party have railing about all of the schools in Illinois that get such great dollars to spend and other schools with no dollars to spend. Well is this going to make that better? No. What this is going to do is give the haves more money at the expense of the have-nots. Ladies and Gentlemen, we have a responsibility on this Floor to fund schools for every student in Illinois, not just suburban kids in the Chicago area, not just for the collar county kids, but for all of Illinois. I urge strongly a 'no' vote on the Concurrence Motion."

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

138th Legislative Day

May 24, 1996

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. I began making a list of the misstatements that were made in this debate. And quite frankly they are large enough at this particular point that it is useless, it is just going to create more conflict to go back and go item by item. When this group got together we sat down and had certain pillars, which we wanted to use for every child in the State of Illinois. And I'd like to go back and focus our attention on these things that are good for every school in the state. We're talking about creating standards in the state, educational standards that the state board can then take and make examinations in third, fifth and twelfth grade. And these would be diagnostic for the first two years and an exit exam at the end. And we're talking about creating a system where the students can work upward to achieve higher levels where we can help students who cannot achieve these levels through good, solid remediation programs. One of the pillars, as we have decided to move the focus from the high schools in this state to the elementary schools, so we can create some prevention. We're talking about a program that will substantially help the academic levels, straight on through the state. We're talking about focusing on the elementary schools, so the children aren't passed grade by grade. We're talking about providing funds in a flat grant that will allow that to happen. We're talking about step after step after step to increase schools safety. We are talking about governance changes at the state board to make it more effective. We are talking about governance changes straight on through the system. There are 50 distinct areas of change in Quality First. Fifty distinct areas

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

138th Legislative Day

May 24, 1996

that will help children. And I hope that the confusion that is being stated here in this Chamber today, is the confusion because this is a very large Bill with very great positive impact. Rather than those that are trying to use the confusion to harm a great program which will harm our students. Let's get on with the positives. Let's look at the whole program. And pass this thing through so that we can increase the standards, increase the safety and create a better educational system for every child throughout this state. This is a great Bill, it needs to get passed and passed now."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Grundy, Representative Spangler, proceed. Give the Gentleman your attention."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. Let's get back to basics. Whenever we have anything that fails or is not working we look at it and we have to fix it. Right? Everyone knows that. First you identify the problems. What's wrong? We all know what the problems are. We know what's wrong. The next thing you do is you set standards. Standards to go by. Exit exams. Exams earlier on, so you have remediation and other programs like that. What do you do after that? You measure to those standards. You've got to find out what's working and what isn't working. Then you make an evaluation. You've got to evaluate what's going on. And then finally, you commend and correct. This program does those things. It follows the logical management sequence to fix something that is not where it should be. And we all know that. When we're talking about safety, we're not only talking about the safety of our school childrens', mine and yours. We are talking about having discipline and

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

138th Legislative Day

May 24, 1996

order. Because having been in a classroom a number of years, I can tell you if you don't have discipline and you don't have order, your academic objectives are not going to be accomplished. Now, when a student graduates and he has that sheepskin, if you want to call it that, that diploma. That's nothing more than a piece of paper. If he can't live up to what that piece of paper stands for, he's going to be worthless to society and we're going to be ending up paying for that person many, many times over because he did not get the education he needs. When we talked about students getting injured, getting killed, getting murdered, hey, I'll tell you what, I don't care if it takes dogs, I don't care what it takes. We have armed officers in our schools right now. We say, 'Oh no, we can't have dogs in there,' well time out. We have firearm carrying officers in our schools and it's not only for the protection of the students, it's for their own protection. Let's wake up. This is a program that deals with funding for education, LLI now, not tomorrow, not '97, not '98. Right now. And to that comment that was made earlier about funny money, if there is anybody that does not want on, either side of the aisle, that money that comes is a 'hold harmless' for the 88 grants, please send it to my district, the 75th district. We'll take it. I don't think it's that funny of money. We'd love to be able to use that. So let's get back down to basics. We know something isn't right. It's deficit. It's inadequate. We need to improve it. This is a program that will do that. I also have to take my hat off to Representative Cowlshaw and Speaker Daniels. They put forth the only program that's going to help all the school districts in Illinois now. They put forth the standards. We'll have an exit exam. A diploma, Ladies and



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

138th Legislative Day

May 24, 1996

Gentlemen, that will mean something. Not somebody who graduates from high school and can't read past the fourth grade level. So I beg to differ with all of you that feel that this is a poor program. You know I sat back and I carefully analyzed the 70-30 plan, the Ikenberry Plan and all the plans that were put forth. And by God, this is the best plan we've had before us and I encourage everyone to give us an 'aye' vote on it. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Mr. Chairman, I call for the previous question."

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 Speaker of the House, the Gentleman from DuPage, Representative Daniels to close. And on this extremely important issue we'd appreciate the attention of the House to the Speaker of the House, Representative Daniels, to close. "

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Thank you for participation in this debate. Many of us have asked if we didn't create the 'hold harmless' program, if we didn't take \$23 million of Illinois money and put that into schools to make sure that every school district in the State of Illinois at least got the same amount of money that they got last year. What would we have had to do in the formula for 1997 in order to make sure that every district in Illinois got at least the same amount of money? So we asked the State Board of Education that question and you know what they said, Peter? The answer was, listen to this. In order to make sure that every school district in the State of Illinois received the same amount of money

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

138th Legislative Day

May 24, 1996

that they received last year, you had to put \$630 million in the school aid formula. Six hundred and thirty million dollars. Now you know why we came up with the program of the 'hold harmless' part. What we did in our program was very simply put. We liked the level that the Governor started at. But if we only passed that at the \$222 million level, which would add \$51.3 million more to elementary and secondary education through the school aid formula, many of our downstate districts actually got less money this year than they received the previous year. We created the 'hold harmless' program by taking \$23 million. And that \$23 million by the way, the breakdown for those of you downstate that have any thought, whatsoever, that you're not going to support this Bill. Nineteen million, nine hundred and forty seven thousand dollars or \$20 million went to downstate Illinois into that formula to make sure that your school districts got the same amount of money this year than they got last. Twenty million dollars downstate. We knew that downstate Illinois citizens were having some difficulty because of the changes that they're experiencing. Pockets in downstate Illinois, Carbondale. So if you're way in Southern Illinois and you are anywhere around Carbondale and if you care about Carbondale, you know that you would have lost money even though we put in another \$51.3 million in the school aid formula. And if you want to turn your back on that school district, of course that's your choice. But if you're from the Rockford area and you don't care about funding, you know that your Rockford area was going to lose money unless we created this 'hold harmless' cause. Real money for real students, for real problems, for real improvement, that's what this plan is started to do. Now we didn't want to stop there

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

138th Legislative Day

May 24, 1996

because we thought that we should create a priority for Illinois government for education and Quality First. So we added another \$52 million on top of the \$51 million in school aid, \$23 million in 'hold harmless', so that every district in Illinois got more money than they got last year, not just held to the same level. We distributed that money to the Illinois citizens and yes, when we looked at that \$44 million of that money went to downstate Illinois. So if you're a downstater and you stand up with great pride and say that you're protecting your district, then I suggest to you if you that come from some of the districts in downstate Illinois and let me just sight some of them. Senator Demuzio's district. Well now who's from Senator Demuzio's district? We know their names, you know their names. You're sitting there and he voted in favor of this plan because he knows it's going to help Illinois children. Senator Dunn and the two Legislators in this Chamber. You're sitting there and you may be thinking of voting 'no' on this program. Your own Senator recognized that it needed the help of the State of Illinois to help your district. You sat on your seat and you didn't do anything to help Illinois children, but at least your Senator recognized that you needed his support. Senator Jacobs, the Senator from Rock Island. And oh we hear all this talk about we need more money and help for riverboats and all that other stuff. Well Senator Jacobs knew that real money and education counted. But his two Legislators in the House, from the Rock Island area, are they going to sit there and not support their schools when their own Senator supported it? Well, we're going to find out real soon. Senator O'Daniel, well Senator O'Daniel, what a great man he is. And Representative John Jones knows that he was

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

138th Legislative Day

May 24, 1996

right on that area. And Representative John Jones is going to stand up for the people of Illinois and for the children of Southern Illinois. Will the other Legislator from that district stand up and be counted? We're going to find out soon enough. Let's see and then we got the Peoria area, Senator Shadid. Well we got two Legislators from that area. And without this plan, without this plan those two Legislators will have to go home and say, 'Well I'm sorry, I decided not to show up for the last two years and not do anything for the people of Illinois or anything for my district. Oh yeah, I voted 'no' because you want to know something? We didn't like the fact that House Republicans came up with another education reform plan on top of Mandate Waivers, Charter Schools, Chicago School Reform. We didn't like the fact that they did it and we were so jealous we just voted 'no'.' Senator Walsh, well Steve Spangler knows that his Senator that his Senator voted right. Will the other House Member join? Now get this one. You're going to love this because I did when I looked at this Roll Call. I couldn't believe it. The Senator from Chicago, Senator Viverito. Who's his House Member? The Democratic Leader of the party in the House. His Senator voted in favor of this plan because he knows it was best for Illinois. So stand up Democratic Leader of the Illinois House and join your Democratic Senator in supporting this plan. Ladies and Gentlemen of this House, real money, real solutions, real programs, real improvement for the quality of education in the State of Illinois. Say what you want to say, but we are tired of kids not even being able to read their own diploma. We're tired of deplorable graduation results. We're tired of kids not being able to stand up and get a job because the education

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

138th Legislative Day

May 24, 1996

system failed them. We're tired of being able to say at any point in time that a child went through all this education and can't even get a job because they can't spell. Now I will tell you this, when Representative Cowlshaw went to work on this, she knew what her mission was and she did it well. When Senator Frank Watson from the Senate picked up this Bill, yes, he had his doubts, but soon he said, 'You know what? It's time that we did something for Illinois, all of Illinois. It's time that we work on behalf of Chicago kids because we worked so hard last year in Chicago school reform but why should we short change the kids in the suburban area any more than we should short change the kids of downstate Illinois?' And Senator Watson went to work to make sure this plan was an improved plan and I offer my compliments to Senator Watson and our colleagues in the Senate. But time and time again every step of the way, all we receive from the other side of the aisle, is that we don't even want to show up in this General Assembly cause the only vote we know is a 'no' vote. Well it's time that they stand up and realize that green means go and go means progress and progress means Illinois moving forward and education system improves with that. So those of you on you side of the aisle hit that green switch for the children of Illinois, for the betterment of Illinois and for new opportunities. Join with us, Ladies and Gentlemen of the House, I Move the Concurrence in Senate Amendments #1 and 2 to House Bill 2596."

Speaker Johnson, Tim: "The question is, 'Shall the House Concur with Senate Amendments #1 and 2 to House Bill 2596'? Those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have

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

138th Legislative Day

May 24, 1996

all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 71 voting 'yes'; 42 voting 'no'; 0 voting 'present'. And the House does Concur with Senate Amendments #1 and 2 to House Bill 2596. And this Bill having received the requisite Constitutional Majority, is hereby declared passed. Can I have the attention of the Members? Continuing on the Order of Concurrence on page four of the regular Calender appears House Bill 2632. Mr. Clerk. The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is the Bill that does the Human Services reorganization. I'm sure that you've all been tracking this Bill over the course of the last several months. You know that the Governor issued an Executive Order. And I'm sure that you know by now that of course the Senate has denied that Executive Order and so we're in a position that we can do this Human Services reorganization by Legislation. What this Bill does is to create the Department of Human Services, provides that the Governor shall appoint and Senate shall confirm a Secretary of Human Services, two assistant secretaries and up to seven associate secretaries to head various departments. It abolishes the Departments of Alcoholism and Substance Abuse, Rehabilitation Services, Mental Health and Developmental Disabilities. It transfers all the powers and duties of those various departments to the new department. This Bill is set to take place on July 1st of 1997 and the current thought process is that we would initially transfer those departments into a new department by July 1st, 1997. Earlier today we passed a Bill, which created a task force. That task force will implement the

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

138th Legislative Day

May 24, 1996

programs that need to be implemented and monitor the development of this new department. It will analyze the rest of the departments which have not been put into the new Human Services Department and try to make sure that all of that occurs smoothly. The Bill that we did earlier today also implements an MIS system so that we can by process and computer, track everything that's going on and create a common intake system for the people who will be using the Department of Human Services. I will be happy to answer any questions that anyone may have on this Bill."

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

Currie: "Thank you, Speaker and Members of the House. I rise in opposition to the Concurrence Motion on this Bill. This is not, of course, the Governor's over arching proposal for reorganizing all State Human Services. The State Senate substantially scaled back the Governor's proposal. My opposition is not based on the notion that what we have today is what we should have, what we should ever have. I think there are many ways to organize State Government so as to deliver services effectively and responsibly to needy Illinois citizens. We did a few years ago, for example, take the Department of Alcoholism and Substance Abuse created out of the Department of Mental Health and Developmental Disabilities, that was then considered a reform. So, too, was the creation of the State Department on Aging and the State Department on Rehabilitated Services. I don't think that we did it that way then and that we have it that way today means we must forever keep that structure. But I think before we do a reorganization, we ought to ask two important questions. First, are the people who are the clients and the advocates for those

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

138th Legislative Day

May 24, 1996

clients and those who provide services to those clients, are they helping us determine how we can do a better job of providing the services without losing people and problems through cracks without duplicating services? Second, we have to be quite clear in our own minds what it is we expect of our delivery system and we have to have clearly and in place the materials we need to evaluate at the end of the day whether the new structure did the job well or did the job poorly. Unfortunately, with this reorganization plan, we've seen top down restructuring not bottoms up. The clients, the advocates, the providers, they are not the people who have helped to structure this plan, in fact many of them have been shut out at the starting gate. We wrote to many of the providers, clients and advocates a month and a half ago asking their views of this reorganization plan. Almost all of them said either that they had no opinion or they opposed the program because they weren't part of the action. They were not invited to participate in the answer to the question, 'How are we going to do a better job?' The proponents tell us that we're going to end fragmentation in State Government. But let me read to you a little from the chart we've seen that will tell us about how some programs of the Department of Public Health will move to the new super agency and others will stay behind. Here from the office of Community Health, we have in, what is now the Family Health Section, case management will go but adolescent health will stay. Early intervention will go but childhood lead poisoning will stay. Healthy Start goes but Health Support Services stays. Women and Infant Children Nutritional Services will go but Nutritional Services will stay with the Department of Public Health. How does that become less fragmentation



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

138th Legislative Day

May 24, 1996

that strikes me rather that it is more fragmentation than what we know today. I would be delighted to have the opportunity to work with the Executive Branch of the State Government. I would be delighted if my constituents, the clients in my district, the advocates in my district, had an opportunity to work together with the executive branch to craft a new structure of state government that would, in fact, be more responsive. Would, in fact, do a better job of delivering services but I can have no confidence in the current plan because none of those people had a role to play in identifying the problems in figuring out appropriate solutions, nor in establishing an evaluation technique, so we know at the end whether we've won or we've lost. This plan, unfortunately, puts the cart before the horse. This plan is a shuffling of the bureaucratic deck. And there is no reason to think that at the end of the day your constituents or mine will find better services from their State Government than they do today. I invite the Governor to go back to the drawing boards. I invite all of us to help work together to see to it that we can end fragmentation in state services, so we can stop duplication and so we can avoid people falling through the cracks in State Human Service Delivery. But this is not the way to do it. I invite your 'no' votes on the Concurrence Motion."

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

Lang: "Thank you, Mr. Speaker. I rise in opposition to the Concurrence Motion. I would urge your 'no' votes. It seems to me that we should do something about reorganizing state agencies but this isn't it. We all want to end duplication. First thing we ought to do is take all the

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

138th Legislative Day

May 24, 1996

state programs and through them into a computer and find out how many thousands of drugs programs we have and consolidate those under one umbrella, et cetera, et cetera. But this isn't going to do it. Let me read to you briefly a list of issues that are raised by this proposal for consolidation. There was no opportunity for public comment and no real study or analysis of what this would do. No immediate change in program, simply a transfer of authority. No detail as to how the programs will be aligned under the new agency. Here's an interesting one. This will create the state's largest bureaucracy. It will have a budget of \$4 billion and have 20 thousand employees. There is no assurance because of no study of accessible client services, no guarantee of cost savings, no provision for public involvement, underrepresentation of minority interests, no provision for expert evaluation and on and on and on. There is nothing here that will show this program will work. There is nothing in any other state that has done this, that provides any evidence, whatsoever, that this will work. This sounds good but there is no proof of any kind that this will provide the desired result. And my friends, I fear, that if block grants come to us from Washington these consolidated agencies under the Governor's control without any light to the process will be able to spend the money anyway they want without the priorities of the General Assembly being brought to bear and only the Governor's priorities. And that would be a problem, whether it was a Democratic or a Republican governor. So these are very dangerous issues, very dangerous issues. The Senate Sponsor, in passage, noted that this Bill would simply transfer functions. It would not change any programs or services. Those details would be determined

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

138th Legislative Day

May 24, 1996

later. It seems to me that before we do the consolidation we ought to know what the programs are and how they're going to work. When you combine all these agencies together you have the next problem which is that the federal law suits under which some of our agencies live under, the KL suit, the Bogart suit, would immediately be under that umbrella. And this new agency will now be run by the Federal Government or by the federal courts. I don't think we want to create a new agency that on day one is run by federal courts. I think we should be running our own agencies and we should be dealing with those problems. Finally, let me point out to you a major flaw and a real difficult problem. You all remember that recently the Governor indicated his support for overturning the Rutan decision. The decision that says, 'The state has to abide by the new patronage rules.' The Governor indicated he's now for patronage. Do you think it's reasonable that we consolidate 20 thousand people under one umbrella and give the Governor of this state with his view now on patronage, the possible carte blanche to have 20 thousand patronage workers under his control? Are we going to turn the entire employee list of State Government over to the Governor to fill with only his people. To fill with only people that have his priorities. Or do we still think that the employees of the State of Illinois should be holding and accountable to the people of the State of Illinois? With our priorities and our interest and our concern for the common good. I don't think it's appropriate and I don't think you do either. Even those of you who will vote for this. That it's a real good idea to turn 20 thousand patronage workers over to the Governor of this state. So the Governor has indicated he wants to overturn Rutan. And

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

138th Legislative Day

May 24, 1996

if it is overturned, that is exactly what will happen. And we should not let that happen on the Floor of this House. Ladies and Gentlemen, we should do something about consolidation in state agencies, but this isn't it. Eighty six percent of those we polled, 86% of the providers were not in favor of this. Why? Because they have no details. They did not know what was going to happen with programs. They did not know what was going to happen with money and because they weren't consulted. Why don't we consult experts who know what to do with these dollars and know how to run the programs before we start consolidating? This is putting the cart before the horse. This is very dangerous legislation. It requires your 'no' vote."

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

Schakowsky: "Thank you, Mr. Speaker. I rise in opposition to House Bill 2632. And I urge that we vote not to Concur in the Senate Amendments. I think I've finally figured out how we operate this Session. We put out titles like, Reorganizing Human Services and then it really doesn't matter what the details are underneath that headline, just as long as we think we can go home and say we've done something. It's kind of like education reform, even though I believe that maybe what we've done, in fact, represents a failure to grapple with the real problems. We've created the headline and so we're all supposed to feel comfortable. I'm feeling really uncomfortable right now with this. In the one hearing that we had in the House, on this reorganization plan, we were told by the Governor's assistant, Mr. Peters, to please view this as a process. Well, why don't we just view this as a process? And what was that process? Was it open public hearings where

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

138th Legislative Day

May 24, 1996

everyone was invited to participate? Were Members of both sides of the aisle consulted in how we should do this? No, we had focus groups. How '90's of us. We had focus groups to test a few invited individuals to see what they might think is a good idea. And lo and behold, we come up with a plan that even at first blush when you look at it, is fraught with so many problems that it's clear that we're making a mistake to proceed. Now, a few minutes ago we passed the creation of a task force, who's job it is to oversee, to make recommendations to evaluate. Now, that at least, in principle would make sense. Let's create a task force that will move with deliberate speed toward what is a much needed reorganization of Human Services. That's a good idea. But no, we're going to jump the gun and provide a program that has, for example, we've created a system where we've pulled out of the Department of Public Aid all recipients of aid to families with dependent children. What we've done now break down the communications between this new department and the Department of Public Aid when it comes to AFDC recipients. We may have two eligibility requirements. We have taken the Department of Public Health and fragmented it. Putting some things in this new agency and illogically leaving others in the old agency. We are transferring out of youth services, some programs from the Department of Children and Family Services but leaving others at DCFS. We are taking all of the Department of Mental Health, which is under a cloud of lawsuits and adding other agencies with it which now may also be under that cloud of lawsuits. One major question that hasn't been answered, is how much is all of this going to cost? We can pretend that the reorganization is going to be cost neutral. Or we can even pretend that it's going

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

138th Legislative Day

May 24, 1996

to save us money. But if we look at other states who have tried this, who ought to do a good job at it, it costs. So we are going to end up with a system that has been ill-thought of, ill-divided, with an unknown cost to it that has been developed in secret, as have most things during this Session. And I guarantee you a year from now we're going to be back here trying to fix it. Why don't we try and do it right the first time? Why don't we try and go beyond headlines for a change in this place, do something in a bipartisan fashion? Invite the public? That would be a radical idea. Invite the public in to participate in the development of this plan before we do it. And for starters let's vote 'no' on Concurrence."

Speaker Johnson, Tim: "Without further discussion, the Chair recognizes the Gentleman from Lake, the majority leader Representative Churchill to close. Give the Gentleman your attention."

Churchill: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There have been questions raised about public input in this process. And I just want to let you know that between the Governor's Office and between all of the groups that have been working on this, we've met with over 130 groups. These groups stretch across a broad range of people. I'd like to just highlight a couple of the names for you, ASCME Council 31 and Local 2000, the Alliance for the Mentally Ill of Illinois, American Society for Public Administrators, Association of Community Mental Health Authorities, Catholic Conference of Illinois, Chicago Area Project. These are people who've had input into this process. The Day Care Action Council of Illinois, Human Resources Development Institute, Illinois Alcohol and Drug Dependence Association, the Illinois Association of

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

138th Legislative Day

May 24, 1996

Hispanic State Employees, the Illinois Association of Public Health Administrators, the Illinois Association of Rehabilitation Facilities, the Illinois Foster Parent's Association. These are groups that came together to offer their thoughts on this process and to give their input. These are groups that will continue to do that as a part of the advisory councils that will be formed by our task force. Many of these groups have decided that this is the right thing to do. And they've given us letters of support. And I would highlight just a couple of those. The Alliance for the Mentally Ill of Illinois, the Association of Community Mental Health Authorities of Illinois, Chicago Association of Retarded Citizens, Illinois Association of Drug Dependence, Alcoholism and Drug Dependence Association, the Illinois Association of Public Health Administrators, the Illinois Association of Rehabilitation of Facilities, The Illinois Foster Parents Associations, Mary and Joy, St. Claire County Board of Health, United Cerebral Palsy, United Way, Voices for Illinois Children. These are groups that have come forward and said they support the concept of reorganization. But there are other groups that are out there that are concerned because this is change. And change is always difficult because no one knows what the result of that change will be. I fully believe, for one, if we all work together we can create a change that is going to accomplish goals. And then at the end of this process we'll look back and say that this was something that was good. It was done for the citizens of our state. It was able to create efficiencies to provide more money and more services to the people on the street. This Bill will really, I believe, provide the best possible service by

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

138th Legislative Day

May 24, 1996

addressing the complete needs of individuals or families. It will consolidate similar programs and functions and eliminate fragmented or inconsistent requirements for both clients and providers. It will consolidate MIS functions and establish a coordinated intake and tracking system. It will provide accountability by working closely with the communities to structure programs to meet local needs. It will maximize the prevention and intervention resources by streamlining the bureaucracy. The best thing that we can do in this government, we sit here and create these programs. We put things into place. We pass a budget. We try to take our resources and apply our resources to the programs whether we pass. The best thing we can do is to make sure that the maximum amount of services go to the people that we are trying to serve and don't get eaten up in duplication or contradicting services. That the bureaucracy doesn't take the money out, but that the money actually goes to benefit the people who come in to be served by this state. I truly believe that this Bill sets in motion a reorganization, the results of which, are going to prove one of the best things that we've done in this state. And I would ask for your support of this Bill to Concur in the Senate Amendment."

Speaker Johnson, Tim: "The question is, 'Shall the House Concur with Senate Amendment #1 to House Bill 2632?' Those in favor signify by voting 'aye'; those opposed 'nay'. 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 69 voting 'yes'; 44 voting 'no'; 1 voting 'present' and the House does Concur with Senate Amendment #1 to House Bill 2632 and the Bill having received the requisite Constitutional Majority, is



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

138th Legislative Day

May 24, 1996

hereby declared passed. Representative Saltsman, for what purpose do you rise?"

Saltsman: "Yes, Mr. Speaker, I'd like the record to show that I would have been voting 'no' on House Bill 2596. I was in my seat. I hit my red button and when we got the Roll Call back I was down as a 'no' vote but I would have been voting 'no'."

Speaker Johnson, Tim: "The record will so reflect. Turning now to the order of Senate Bills, Third Reading, page 2 of the regular Calendar appears Senate Bill 1251 and on that Bill the Chair recognizes the Gentleman from Knox, Representative Moffitt."

Clerk McLennand: "Senate Bill #1251, a Bill for an Act in relation to Criminal Law. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Representative from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1251 amends the Unified Code of Corrections. It provides that a defendant charged with driving under the influence of alcohol or drugs or a similar provision of a local ordinance shall not be eligible to receive an order of supervision if the defendant has previously received an order of supervision for the offense. It also provides that a defendant receiving an order of supervision for a violation of driving under the influence of alcohol or drugs or a similar provision of a local ordinance shall not have his or her records of arrest sealed or expunged. That last portion was in House Bill 1249 that this Chamber passed earlier today by a vote of 111-0-1. Senate Bill 1251 passed out of the Senate by a vote of 52-0 and then out of

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

138th Legislative Day

May 24, 1996

the House Judicial Committee by a vote 10-3. What we're talking about here is repeat offenders. The issue is direct. Do you want to strengthen the laws dealing with repeat offenders of DUI? In Illinois in 1992 and I think I might even have some more recent figures, but in 1992 there were 1,384 highway deaths in Illinois, 672 of those or 48.5 percent involved alcohol. Why this legislation is needed, is that we do still have a problem. There's more that we can do to combat DUI in Illinois. Last May I went to a high school graduation like many of you did. One of the students that I went to see graduate was an extremely promising young man, an athlete, an honor student, student leader, an ideal role model, a young man that anyone of you would be proud to have as a son. In December I got the tragic news that this young man had been killed by a drunk driver. Had been hit head-on by a drunk driver who was going the wrong way on an Interstate. A trial is pending now so I don't want to give out any details that would give away the specific people involved. However, I will tell you that the person charged with causing the accident has a long history of alcohol abuse. This week his father called me, unsolicited, heard that this Bill was probably coming up, said if there is anything I can do to help pass this legislation, let me know. I'd be happy to talk to any of the Legislators. More recently, or just before that the father of the young man that was killed, he called me and he said, 'I have some good news.' He went on to say that he'd received the results of the autopsy on his son and that it showed that his son had no trace of alcohol, no trace of drugs. So his son was totally free of causing the accident. The drunk driver, however, was totally at fault, going the wrong way on an Interstate. First, hitting a

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

138th Legislative Day

May 24, 1996

truck, then his car skidded and hit head-on with my friend. My friend did not have a chance. The proponents of this Bill are Mothers Against Drunk Drivers, or MADD, the Secretary of State, and the Illinois State Police. I'd be happy to answer any questions."

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

Dart: "Will the Sponsor yield?"

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

Dart: "Representative, I think it doesn't take a clairvoyant to figure out this is going to pass out of here probably unanimously, if not with one or two dissenting votes. And that everybody in this Chamber is against drunk driving so we can dispense with that. I too, have had incidents of friends who have been killed by drunk drivers as well and it's tragic. What I want to get to is the heart of this Bill is a rather simple concept in that this Bill would say that one supervision is all that is granted an individual for a DUI in a lifetime. Correct?"

Speaker Johnson: "Representative Moffitt."

Moffitt: "That is correct, Representative."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Would there be any change or would there be any latitude given for teenagers, individuals who have been convicted of a DUI at a very young age to allow them for a second supervision down the road sometime at all?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, no. The law specifically states once and once only. I might just mention that the person that caused the accident of the young man that I mentioned was about twenty years old and so that's the one time that he would have if he were...or if he'd had a prior, but just

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

138th Legislative Day

May 24, 1996

one time regardless of the age, yes."

Speaker Johnson, Tim: "Representative Dart."

Dart: "How many individuals are given more than one court supervision for DUIs?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, the first figure I want to mention is that 77% of drivers arrested for DUI are first-time offenders. Those would be the ones that would be eligible, potentially, for court supervision."

Speaker Johnson, Tim: "Could you complete your response, Representative Moffitt?"

Moffitt: "And last year, the figures that I have for '94 were that there were 8,551 multiple offenders for DUI. The current law, you are only eligible for supervision every 10 years. The figure that I have is simply those that were multiple offenders. How many of those would have been more than 10 years, I do not have that information and I would like to give that to you, too. And have been looking for that but I've gave you the number of how many were second or more, multiple offender."

Speaker Johnson, Tim: "Representative Dart."

Dart: "That figure is not second or more supervisions necessarily, correct? That's second and multiple offenses. That could be a conditional discharge or that could be an actual finding of guilty of a probation charge. Is that not correct?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "I believe that to be correct, Representative."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So, I guess the heart of what my question was getting at is, we don't know, frankly. We don't know how many people this is going to affect because we don't know how many

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

138th Legislative Day

May 24, 1996

people...we have no statistics to show how many individuals are given the second supervision. We know about multiple offenders but we don't know how many of those are given supervision. Representative, do you have a figure on, I mean, it's just a fact of life. And I think that anybody in here who's had any dealings with the court system will realize that when you increase penalties whatever the nature, it decreases the incentive of an individual to work out a plea agreement. It decreases the incentive of anybody to take up something short of a bench trial or jury trial. Do you have any type of documentation or data to show the amount of increase there will be in the number of trials and whether or not there is going to be an appropriation of some type to put more judges on the bench, more states' attorneys out there to try these cases?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, right now whether it's court supervision or a trial and there's a license are taken away, a court is going to be involved. It's going to take a judge. So as far as the number of cases potentially, I don't believe that would change. Hopefully, legislation like this will create more respect for our laws and could actually cause a decrease. But even now it takes the judges, it takes the lawyers, it takes the court to grant that court supervision."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Yeah, well I understand that. I hope they will look at this now, too. But, Representative, you've got to understand, though, that there will be less people wanting to plead. When you plead guilty, your case will end very quickly. When you don't, you go to juries and such and the case drags on. It costs money. Is there some money for

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

138th Legislative Day

May 24, 1996

this?"

Speaker Johnson, Tim: "I'll grant you an extra minute for the Gentleman to respond. Representative Moffitt."

Moffitt: "Representative, there is no provision in this legislation for extra money."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In my district, as well, we've had some concern with this. There have been individuals who were of affluence. They were able to plea bargain and on numerous instances get supervision. You know we can talk about the courts being clogged. We can talk about the extra money it's going to take. We can talk about whatever we want to talk about, but no amount of money is going to bring back my daughter, my son, your daughter, your son, your children, your grandchildren. Society, quite frankly, is fed up with people that don't learn from their first mistake. Everyone has that opportunity as a human being to make that first mistake. So you know what, I drank too much, I was out there. I shouldn't have been out there. But when they're reprimanded and they don't take that seriously and they go back out there and jeopardize other members of society, that's when it is time that we have to do something about it. I rise in strong support of this measure and would appreciate an 'aye' vote from all of my colleagues."

Speaker Johnson, Tim: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

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

Lang: "Thank you, Representative, I may vote for this. But I

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

138th Legislative Day

May 24, 1996

just have some questions I want to ask if we could just have sort of a conversation for five minutes, okay? The Bill would say, if I understand it correctly, simply that you can have one DUI supervision but the second time you lose your license, right?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "That is correct, Representative. I might just point out that a similar precedent has been set dealing with drug offenses. And there's a provision called '1410 probation' that's a one time and one time only provision. So we do have the precedent set in our law, where given types of penalties or alternatives are there once and once only with certainly, the hope that you learn your lesson."

Speaker Johnson, Tim: "Representative Lang."

Lang: "It is true though that most of the time we allow judges to make these decisions. What is the policy decision regarding taking away judicial discretion?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, at the present time, it's only once every 10 years and now we're saying it's just once. So during that 10 year time the judges would not have the discretion that you're referring to. Between the 10 years court supervision is not an option. This is now saying that it's one time and then after that you wouldn't wait 10 years and have that. So it would be the same discretion or lack there of, as I believe you're saying that exists now between the 10 year offenses."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Let's take a fact situation. Assume we have an 18 year old person who commits an armed robbery. The judge, for whatever reason, gives that person supervision. Alright, let's assume they commit the armed robbery but they go to

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

138th Legislative Day

May 24, 1996

jail. They go to jail for a handful of years. They're 18 years old, they get out, they're 25 or something like that. And then they do it again. And maybe for some reason unbeknownst to us, some good reason, the judge decides to give that person probation with community service. The judge can do that. But if that same 18 year-old person, because they're new to driving, they're new to drinking, gets drunk and drives when they're 18, as bad as that is to do and we all agree that's bad. They could be a model citizen until they're 65 years old and have one too many drinks at a wedding and lose their driver's license 50 years later. Do you think that's fair given all the rules relative to all the rest of the criminal law?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, I'm in strong support of this legislation. The scenario that you gave, I would support the enforcement if I understood the scenario that you just gave us. I believe in the case of armed robbery, a second offense, I believe is a mandatory sentence. And you did relate that to a second offense that was armed robbery. There would be a mandatory sentence involved with that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So do you think we should have mandatory sentences for everything on the second offense? If that's what you believe, then why don't we have that in this and not just limit it to DUI?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, I believe we're getting into just our philosophical positions. In the case of DUI we're talking endangerment of the general public, of you, of your family, of my family, everyone out there. We're talking endangerment of other people. And so that's why I feel



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

138th Legislative Day

May 24, 1996

this legislation is needed. That's why I think it's reasonable. You've been given that one chance and if you choose not to respect our laws after that then the consequences are going to be increasingly severe."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, thank you. I don't know that we have a philosophical difference. I may vote for your Bill. I'm just trying to...you know you hear me from time to time on the Floor, Representative, talk about consistency in the laws we pass. And I think you can see that these laws are not consistent. And I think you can see that if the philosophy is going to be, 'Let's tie the judges' hands, and let's require prison terms or harsh punishment the second time around.' Then why don't we do that across the board? Why do pick and choose a thing here, and a thing there and make it a hodge podge of laws? That's the philosophical difference we have. Not on this particular Bill. So don't you think we should straighten that mess out?"

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

Moffitt: "Representative, I see this would already move us towards consistency with a policy, on drug offense that I just mentioned where there's a one time only. Again, we're talking extremely serious crimes that put other people in danger, that put the public at risk. And so, I think it's fine to be moving towards consistency. So this would be one more piece to the puzzle to bring us consistency."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. How many times in the course of a year do you hear

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

138th Legislative Day

May 24, 1996

from friends, neighbors, people at your church or temple who say to you, 'How come drunk drivers are still allowed to be on the street? What are you doing about it?' Every time you and I open the newspaper or watch on TV, we see more young people dying on the roads. In my area, in the Northwest Suburban areas of Chicago, I have seen month after month headlines about young adults dying in car accidents most often related to alcohol. What difference does it make to a family that's lost loved ones if done by a teenager or it's done by a senior citizen? There is none. The loss is tragic and can never be replaced. Let me tell you, I think if you get one DUI and you get court supervision, you ought to consider yourself lucky that's all that's happened, because being under the alcohol, you could have killed someone else or killed yourselves. So I think they're lucky. And many times we're tired of the judicial decisions that are coming out. We have an opportunity now to tell the courts that we're tired of court supervision for those that break the law by driving with alcohol. Plea bargaining for the first time for court supervision is the best we ought to be giving them. I would say to you, the alternative is to make it tougher for people to drink. I think it is a bad idea to take drunk driving down from one to .08. What we ought to be doing, instead of forming a new group of citizens that will be breaking the law, we ought to have stiffer penalties for those people who know what the law is because they have been arrested once before, to tell them there is no second chance. When you drive drunk the second time, you lose your license. That is it. That is the end of it. There is no second chance. That's what this society demands. That's what we ought to be doing and that's what this Bill

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

138th Legislative Day

May 24, 1996

is all about. Ladies and Gentlemen, I cannot believe that anyone would not vote for this Bill."

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

Saviano: "Thank you, Mr. Speaker. You know I've heard all of the arguments here in favor of this Bill and I think they all have merit. But I think you really have to take a look at this Bill. You're taking some discretion away from our judiciary which offers a check and balance for what goes on in the street. Generally, our police departments and our state police they do a fine job. But we do have situations where now we're giving our police departments, our state police, our county sheriffs more authority to be the judge and the jury on the street. There's got to be extenuating circumstances out there where maybe this sort of legislation has some exceptions to it. And I think you should take that into consideration. Especially, when you have a young offender, 18 years of age, who makes a mistake. And then 50 years later when that individual might make another mistake, and I know that mistake could somehow down the line be a big mistake. But you have to leave some discretion in the court system. Our laws here in the State of Illinois have become the toughest laws on drunk driving and I'm in favor of those. But we've taken a lot discretion away from our judiciary. And we have to keep some faith in them to protect society also, thank you."

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

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

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

Turner, J.: "Representative, you mentioned earlier '1410

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

138th Legislative Day

May 24, 1996

probation'. 'Fourteen ten probation' applies only to felonies, does it not?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "That is correct. I was using it as an example that we have in our laws right now. Situations where you only have one particular special opportunity hopefully, to help you learn your lesson. I was not comparing it as far as what the charge was, but just simply the concept of a one time, a one time only is there in the law."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "I understand that, Representative, but by your example, '1410 probation' which applies to felonies, a person could be placed on that, not receive a conviction, later be charged with a crime and still serve supervision or be granted supervision. Is that not correct?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Did you say charged a second time?"

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "Charged a second time with a misdemeanor."

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "If it's a misdemeanor, I believe the judge could give supervision."

Speaker Johnson, Tim: "Further questions, Representative Turner? Proceed."

Turner, J.: "Representative, do you see any problem with the constitutionality of this? Let me give you an example. A person pleads or has pled, for example, to a DUI six, seven, eight, nine, 10 years or say nine years ago. Perhaps they did so on a close case. They were given supervision, upon advise of counsel, they decided to plead. Now we're going to pass a law that's going to apply to them retroactively. They made a decision based upon the law

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

138th Legislative Day

May 24, 1996

that existed at that time. And under your particular Bill, even though they had been counseled and had pled and had given up their right to a trial because it was indeed a close case, they took the supervision. Now by passing this, it means it is a retroactive application. Don't you think that's a Constitutional problem?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, that certainly is an important question. If you ask me, 'Do I think so, is it a Constitutional problem?' My answer is 'no'. We face that with every piece of legislation that we pass, certainly. And some that we pass is determined to be Constitutional and some not. So I believe that this is Constitutional. I think that actual question came up a few years ago when the time between when you could get court supervision was moved from 5 years to 10 years. The same question came up and it was determined that because there you would be in effect passing something retroactive. The same scenario other than by waiting an additional 5 years they potentially would be eligible. I believe it's the same concept. The question was asked and the response was that it was Constitutional."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "Well, Representative, in all due respect you are making a retroactive application of substantive law. That would be unconstitutional. Would you take this particular Bill out of the record for that reason?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, certainly thank you for asking and raising the question. The answer is no."

Speaker Johnson, Tim: "Representative Turner."

Turner J.: "Representative, there's been a lot of discussion

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

138th Legislative Day

May 24, 1996

today about not getting supervision for a second time for a DUI. Does your Bill not also indicate that if person has been found guilty or pled guilty to reckless driving, that they cannot get supervision for a subsequent driving under the influence at any time for the rest of their life?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "I believe you stated that correctly, Representative."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "Why would we want to make this Bill apply to someone who has had a reckless driving? Reckless driving may be speeding say at 95 to 100 miles per hour. If you have an aggressive prosecutor who wants to prosecute on that particular charge, it may be spinning the tires, it may be going around a turn throwing some gravel. Why would that person who pleads guilty to that charge not be entitled to the 'first bite of the apple' for supervision on a DUI?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, I believe that there's been a number of cases where prosecutors in various places, I'm sure it didn't happen recently in Logan County but where prosecutors would reduce the charge from down from DUI down to reckless driving and therefore what really had been a DUI, then would fall under a different category and that's why that's included is my understanding."

Speaker Johnson, Tim: "Representative Turner."

Turner, J: "Representative, I could understand that but your language is not specific as to that. Your language just says that 'if there has been a prior reckless driving that that person who has pled guilty to that pursuant to a plea agreement, cannot get supervision on a subsequent occasion for driving under the influence at any time for the rest of their life.' A plea agreement under the definition that

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

138th Legislative Day

May 24, 1996

you have in this proposed legislation could simply be that the state's attorney offered a \$250 fine for reckless driving. Your counter offer, through your counsel, was \$100 and you end up pleading guilty for a \$100 fine for reckless driving. That would be a plea agreement. If that person did that, if a kid did that, and 30 or 40 years later got a DUI and then there was all tons of mitigating circumstances and nothing in aggravation, that person would not be allowed to get supervision. How could that possibly be fair? Don't you think you need to clean this statute up or the proposed statute up? And don't you think you should take it out of the record and correct the error?"

Speaker Johnson, Tim: "Representative Moffitt, you have nine seconds to respond."

Moffitt: "Representative, the prosecution has some discretion on what they charge. We are not taking that away. They still have that."

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

Brady: "Will the Sponsor yield?"

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

Brady: "Representative, you ended your last comment by suggesting that the prosecution has the responsibility or the opportunity of what they charge. Why do you feel so strongly that a judge shouldn't have the authority to determine this? Why do you want to take the power under any circumstance, worthwhile or not, from a judge to be able to determine whether or not supervision ought to be offered? Do you have that little faith in our court system?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, the number of highway deaths involving

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

138th Legislative Day

May 24, 1996

second offenders I think indicate that we still need to create a higher level of respect for the laws that we have. The issue is safety and if the laws are obeyed, no one is going to lose their license. That's what we're trying to create here, is respect for the laws."

Speaker Johnson, Tim: "Representative Brady."

Brady: "So you don't think any way, shape, or form we should allow some leniency in the way the judges can interpret the situations and allow for the opportunity that this would provide. You want to tie their hands indefinitely. You don't think they're doing their job right. You don't think they're cracking down strongly enough and that's your intent. And your intent is also, that if someone had a reckless driving charge in the past, that you want them not to have the opportunity for supervision under any circumstances. Is that correct?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, the issue is whether or not they are endangering the lives of the motoring public. It's not whether or not I have confidence in the judicial system, it's whether or not we want our laws obeyed. And I see this legislation by the vote in the Senate of 52 to 0 they have great confidence in this. It's one more way we can help bring respect for our laws."

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, that wasn't my last question. Is your intention for a previous reckless driver to not be allowed supervision for the rest of their life under the agreement that Representative Turner suggested? Is that what your intention is here?"

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



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

138th Legislative Day

May 24, 1996

Moffitt: "Representative, if you've had a previous conviction of reckless driving you would have used your one time supervision. You would not be entitled to an additional one."

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I can read the Bill. Is that your intention? Do you want to take that right away from those individuals under all the circumstances you are doing it? Is that your intention? I know what the Bill says. I want to make sure that that's your intention."

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "My intention is that there would be a one time court supervision."

Speaker Johnson, Tim: "Representative Brady."

Brady: "For a reckless driving candidate. That's what we're talking about. And that's why I go back to what Representative Turner suggested. I'm not sure you're intending to do what you are in fact doing here, Representative. And that's what I'd like to get to the bottom of. For an individual who has been previously convicted of reckless driving, is it your intention not to allow them ever to have supervision?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, after the prosecutors had some latitude and makes the decision what the charge and it goes to court and that decision is made, that would be the result that there would be one time and one time only, option for court supervision with reckless driving."

Speaker Johnson, Tim: "Representative Brady."

Brady: "This goes beyond that, Representative, the prosecutor didn't know you were going to sponsor this legislation. They've already settled, they've taken reckless driving,

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

138th Legislative Day

May 24, 1996

they've taken super...the situation. Now they've already done that. You're using the prosecutor as a way out. I don't think that's appropriate. The prosecutor at the time didn't know that you were going to sponsor this legislation, taking those rights away. Going back, is that your intention?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, it's virtually the same way with any piece of legislation we sponsor. And that is, you have, I believe stated it correctly."

Speaker Johnson, Tim: "Representative Brady."

Brady: "It may be the same but it is not in your example, Representative. You were suggesting that the prosecutor had some latitude. But in this case the prosecutor didn't know that you were going to sponsor this Bill taking away those rights. I think that's a deficiency in this piece of this legislation and one that you ought to consider. And I suggest you reconsider Representative Turner's remarks to take the Bill out of the record to correct it."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. I'd like to yield my time to Representative Turner."

Speaker Johnson, Tim: "Representative Turner on Representative Hartke's time. Proceed."

Turner, J.: "Thank you, Representative, I appreciate that. Representative, you spoke about latitude on one hand when you were answering Representative Brady. But on the other hand you are taking away latitude to the prosecutor, you're taking away latitude that the court has. Do you realize that there are different kinds of DUIs. That some DUIs are very aggravating, where there is property damage, where

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

138th Legislative Day

May 24, 1996

there is damage to motor vehicles and indeed personal injury damages. Now those have aggravation within them. On the other hand, you may have a DUI given where a person weaved, perhaps had a headlight out and got stopped, the officer smelled alcohol on his or her breath and they got a DUI. Now the two DUIs I think you would admit are very different. One has very many mitigating factors and one has several aggravating factors. Do you agree with that?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, without asking you to repeat your entire question or comments, I believe what you said is correct."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "Given the fact that the crime of DUI has many factors in aggravation and many factors in mitigation, why in the world would we want to usurp the authority of the state's attorney and the presiding court to render a different sentence as to different DUI offenders? The DUI offender that has aggravation certainly should not be allowed to drive. The DUI offender who has mitigating factors ought to be allowed to present them. The law should not apply equally to both. Don't you agree with that as well?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, I think we need to establish some things. I believe you have a right to drink and you can drink all you want and everyone else. And you also have a right to drive and drive wherever you want. But what I also believe is you do not have the right to drink to the point of being intoxicated and drive wherever you want. The issue then is public safety. Endangerment on our highways. That's what is at issue. It is not an ultimate

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

138th Legislative Day

May 24, 1996

right to drink and drive if you're drinking to the point of intoxication."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "Representative, I appreciate those comments and certainly I'm in favor of safe streets. However, the law in this state and the law in this land is that it's not against the law to drink. A person can drink and a person can drive after they drink. However they cannot drive impaired. And so that is, I think, is a confusing...that tends to confuse what this Bill is all about. And so I would really rather stay on exactly what it is you're talking about as far as you usurping the authority of the presiding judge. Let me move on to a different area, however. Is it not true that we have in existing law, a provision that does not allow court supervision if a person has received it once for DUI for another 10 years? Isn't that not already the existing law?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Yes, Representative, now you can get a court supervision, theoretically, every 10 years. In other words there has to be 10 years in between the times that you receive court supervision at the present time."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "And indeed if you have received a prior court supervision for the crime of driving under the influence or have been convicted for driving under the influence, you then receive your second one. Do you not now under existing law lose your license for at least a one year period as the law exists today without changing it one bit?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "I believe you've stated that correct, Representative."

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

138th Legislative Day

May 24, 1996

Where also even if there's only one time court supervision, you still...people will get their license back, they'll just have to follow the procedure. Follow the right length of time and apply to get them back. There's also the possibility that they could apply and get a conditional permit during that time after they've served the hard time that's prescribed by law."

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "Well, let me clarify that for the Members of House. What you're talking about is a second time conviction. That is a revocation of license. There is absolutely no guarantee that you'll get your license back. Your license is revoked. Under existing law, if you fail to take the test and it's your second DUI, you lose your license for a period of two years. That's a suspension. If you take the test and blow a .10 or more, you lose your license for a period of one year. That's a suspension. Under the suspension laws, you do get your license back. Under the revocation law, which you are proposing today, there is absolutely no guarantee that you'll get your license back. You do agree with that, do you not?"

Speaker Johnson, Tim: "Representative Moffitt."

Moffitt: "Representative, I believe you have stated it correct and that's the incentive to obey the law."

Speaker Johnson, Tim: "Representative Turner, in conclusion. I've given you an extra minute to conclude, Representative Turner. Proceed."

Turner, J.: "Thank you, Mr. Speaker. If our incentive is to obey the law, do you not think that we have an ample provision in our existing law today to encourage people, in fact, to make them think twice about driving under the influence with the penalties that we have that the felony penalties

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

138th Legislative Day

May 24, 1996

for second time offenders. And the fact that they do lose their license for at least one year if they get their second DUI? Is that not sufficient to deter driving under the influence of alcohol?"

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

Moffitt: "Representative, we have made some progress in combatting DUI in Illinois. We talked a little bit ago about educational reform. We said last year we made some progress, this year we're making some more. We have made some progress in the past, and this is one more item that I feel will make some additional progress in enforcing DUI laws..."

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

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, if you plan on voting for this, let me tell you something. Over half of the Members of this House each and every week traveling up and down Interstate 55 could be stopped and ticketed for reckless driving. Willful and wanton disregard for the safety of others, that's what reckless driving is. Driving 90 miles an hour on Interstate 55 or 85 miles an hour or 80 even could well be reckless driving. That means you get one shot. The next time you're going to get jail time. Because you could only get one supervision. This Bill does not say that if a previous DUI charge was reduced from DUI to reckless, you only get one. That's not what it says. It says 'any' reckless driving charge, now that's speeding. That's what this Bill says. This Bill is dangerous and it's bad and it could hit you right smack in the face. You better pay attention to the language of this Bill because it says

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

138th Legislative Day

May 24, 1996

reckless driving period, one time. So you're driving 90 miles an hour, you could never again get court supervision for the charge of reckless driving which could be the next week on the way home tonight. This is a bad Bill. He could take it back and amend it so that it doesn't have that retroactive effect, which it has, which Representative Turner pointed out. It does have a retroactive effect. And I think it's unconstitutional. Secondly, it does not say 'if you had a DUI and it was reduced down to a reckless,' you can't get supervision again. It says, 'any reckless driving charge.' This Bill, I agree with Representative Turner, is probably unconstitutional but it is dangerous to you and all of your constituents. Because speeding, speeding can be reckless driving depending on how fast you're going and what zone. And so you're going to have constituents who get picked up for speeding a second time, or now a first time even. He might have had a reckless driving charge 10 years ago because he was driving 90 miles an hour and was a hot rod as a kid. And then when he's a 50 year old Legislator, serving in this General Assembly, driving back to Chicago on Interstate 55 at 90 miles an hour and the Bloomington police pick him up. No more court supervisions for him, he's going to jail. He's going to lose his license. This is how it will affect your constituents and you. You ought to vote 'present'. Let them take this back to the drawing board and correct the deficiencies in this Bill. When you have constituents that come knocking on your door, and saying, 'What did you do to me? When I was 16, I made a mistake. I drove 90 miles an hour. I got a reckless driving charge, now I've got to go to jail and lose my license and not get another one for a minimum of five years. How am I going to support my

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

138th Legislative Day

May 24, 1996

family? How is he going to support his kids because he can't get to work? If you live in central or southern Illinois, where there's no public transportation, how is he going to get to work? This is a bad Bill and it ought to be defeated, now."

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

Black: "Yes, thank you very much, Mr. Speaker. I would like to get home tonight, so 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 Gentleman from Knox, Representative Moffitt to close."

Moffitt: "Thank you very much, Mr. Speaker. I think this is an important piece of legislation to say that we do want our laws enforced in Illinois and during '94, males age 21 to 24 had the highest DUI arrest rate. They're four times higher than the rest of the population. I think we need to make sure that they're paying attention, for their own good and the motoring public that they obey the laws. This passed the Senate 52-0. Its proponents are MADD, Secretary of State, and the Illinois State Police. I think you need to keep in mind that with DUI, there have been many victims. Their pain is forever, they don't get a reconsideration of their loss every 10 years. Their loss is permanent. They'll have to deal with that forever. We're dealing with repeat offenders. Repeat DUI offenders. I'd ask a 'yes' vote. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 1251 pass?' Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. This is final action. Have all voted



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

138th Legislative Day

May 24, 1996

who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 72 voting 'yes', 14 voting 'no', 22 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. The Gentleman from Vermilion, Representative Black, for what purpose do you rise?"

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. If I could have just a little order in here, I have a very important announcement. Very important, Mr. Speaker, a little order..."

Speaker Johnson, Tim: "Proceed. Proceed. Give the Gentleman your attention for an important announcement."

Black: "Ladies and Gentlemen of the House, I know you would all want to join with me in wishing one of the great photo-journalists, one of the great video-journalists of this or any other age, will be leaving shortly. Leaving that great downstate television station that literally blankets all of East-Central Illinois. And that deep voiced reporter that we often hear, 'Reporting live from the Chambers of the Illinois House of Representatives, this is Don Kaiser from Channel 3, WCIA.' Don is moving on. Don, thank you and best wishes to you."

Speaker Johnson, Tim: "Thank you, Representative Black, and thank you, Mr. Kaiser. Mr. Clerk, on the order of House Calendar Supplemental #3, under the order of Resolutions appears HJR 135. And on that, the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This is similar to a Resolution we passed the other day. It simply calls for a task force to study the feasibility of Regional Air Transportation Coordination in Southwestern Illinois. Seven member task force. Task force members will serve

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

138th Legislative Day

May 24, 1996

without compensation. They'll make recommendations after holding hearings in Southwestern Illinois in the important area of air transportation. I Move its adoption."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

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

Hoffman: "Yes, Representative, what is the difference between what we're doing here today and what we passed over to the Senate about a week ago, I guess?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "This one's going to get more votes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So now you're saying we need 60 votes in order to pass this? We're acknowledging that? Is that correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Not necessarily. That's the ruling of the Chair. I predict it's going to get more than 60 votes."

Speaker Johnson, Tim: "Yes, I would just ask for a ruling from the Chair how many votes this needed to pass.?"

Speaker Johnson, Tim: "The ruling of the Chair is that it takes a simple majority or 60 votes...or it takes a Constitutional Majority of 60 votes to pass. 60 votes, Sir."

Hoffman: "So the previous ruling of the Chair in which it took less than 60 votes, you now admit was in error. Is that correct?"

Speaker Johnson, Tim: "We're simply ruling on this Resolution which takes 60 votes, Sir. Representative Hoffman, further inquiry?"

Hoffman: "Well, let me tell you about this Resolution. Everybody on my side of the aisle, I know we all worked together to vote against this last time. And I'll tell you why. And

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

138th Legislative Day

May 24, 1996

I'll tell you why the people on the other side of the aisle should do the same. First of all, recently I got a letter from a guy named Bob Wetzel who is the head of the Southwest Illinois Leadership Council, who says that this is wrong, says that he does not want to see this type of Resolution passed because of one reason. There is no provisions in here that allow people from our area to make appointments as to who is going to oversee the Airport Authority that's going to be created or the task force that's going to be created as a result of this Resolution. The appointments to this are going to be made by the Speaker of the House who is from the Chicago suburbs, the President of the Senate from the Chicago suburbs, the former Speaker of the House from Chicago, and the Minority Leader of the Senate also from Chicago. And this is going to be a task force that's going to look at the future of air traffic in our area and in our region. It's a task force that's going to look at and map out our future and how we're going to deal with the airports in our region. I think it's wrong that we're going to give the authority away and hand the authority over to people who are not from our area. If you're from downstate, if you're from anywhere from outside of Chicago, if you're from DuPage County and you want to make decisions about your own airport, if you're from the City of Chicago and you want to make decisions about your own airport and you didn't want somebody coming in and making decisions in your neighborhood from a different part of the state and appointing task force members and essentially making those decisions on what's going to be your future, then you've got to vote against this. There is absolutely no support for a provision. Now there is support for some people

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

138th Legislative Day

May 24, 1996

believe for the task force. And I give the Sponsor that. There is support for that. But I know of nobody who supports the people from suburban Chicago coming in or some people from Northern Illinois coming in and forming a task force to look at our airports and what's going to happen. As a matter of fact, the letter I recently got from a bipartisan organization, the Southwestern Illinois Leadership Council, Bob Wetzel, who is the Chairman, indicates that he has some grave concerns over this House Joint Resolution. He indicates that he doesn't believe it's in the best interest of our people...and these are businesses who have come together, business and labor, to form this leadership council. Please help us. Please help us on this side of the aisle who's going to vote 'no'. Help us with a few of you on that side of the aisle. Let us control our own destiny. I ask for a Roll Call vote and request a verification, Mr. Speaker."

Speaker Johnson, Tim: "Your request in both cases are granted. The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman. I rise again to speak against this Resolution under the exact same reasons that I gave last time. We want to have our local people guaranteed positions on that board. Please join with us on both sides of the aisle in defeating this Resolution for the same reasons that I gave earlier and for the same reasons that Representative Hoffman gave today. I ask for your support in defeating this Resolution. Thank you."

Speaker Johnson, Tim: "The Gentleman from Madison, Representative Steve Davis. Proceed, Sir."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Resolution. This is certainly one task force that we should be voting against.

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

138th Legislative Day

May 24, 1996

It is an unnecessary task force. It's a task force that is certainly not supported by our community leaders in our area in Southwestern Illinois. We currently have organizations in place who do on a daily, yearly, monthly basis, study our transportation needs in Southwestern Illinois. We have the East-West Gateway Coordinating Council. We have the Regional Commerce Growth Association and as Representative Hoffman mentioned we have the Southwestern Illinois Leadership Council. All three of these organizations yearly update their analysis of what our transportation needs, both ground transportation and air transportation. If you go ahead and vote for this task force, if you vote for this Resolution, Ladies and Gentlemen of the House, you're going to be spending...you're going to be wasting the taxpayers money in the State of Illinois. We come from a very small area. We're not talking about Cook County. We're not talking about DuPage County. We're not talking about massive airports. We're talking about small regional airports in our area. This task force is going to be, as Representative Hoffman pointed out, there's no guarantee that anybody on this task force will be appointed from our area. That's a true concern of the people in our area. So once again as I rose before, I rise in opposition to this task force, opposition to the Resolution. And I ask my colleagues on both sides of the aisle to join myself, Representative Hoffman, Representative Holbrook in opposing this Resolution. Thank you, Mr. Chairman."

Speaker Johnson, Tim: "Seeing no further discussion, the Chair recognizes the Gentleman from Madison, Representative Stephens, to close."

Stephens: "Well, Mr. Speaker, first of all, to clarify the

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

138th Legislative Day

May 24, 1996

record. The Resolution reads that the members of the task force shall serve without compensation. It will be no state tax dollars used in this...as a result of this. You know it ought to bring some concern to all of us, when all we're talking about doing, is having an open discussion for all of the public in Southwestern Illinois, the second largest regional population in the state, to discuss how we're going to meet air transportation needs into the next century. It seems to me that if you're opposed to that open, fair, free discussions, you must be trying to hide something. I hope that's not the case. I can only say that open and free debate in Southwestern Illinois ought to be protected. That's what this Resolution does. It doesn't create any regional authority. It simply calls for an open forum of debate of a very important issue for the twenty first century. I urge its adoption."

Speaker Johnson, Tim: "Representative Stephens has moved for the adoption HJR 135. Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 61 voting 'yes', 50 voting 'no', 2 voting 'present'. And the Gentleman from Madison, Representative Hoffman has requested a verification. Do you persist in the request, Representative Hoffman?"

Hoffman: "Yes we do."

Speaker Johnson, Tim: "Mr. Clerk, read the affirmative Roll Call."

Clerk McLennand: "Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Doody. Durkin. Goslin. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John.

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

138th Legislative Day

May 24, 1996

Klingler. Krause. Kubik. Lachner. Lawfer. Leitch.  
Lindner. McAuliffe. Meyer. Mitchell. Moffitt. Moore,  
Andrea. Mulligan. Murphy, Maureen. Myers. Noland.  
O'Connor. Pankau. Parke. Persico. Poe. Roskam.  
Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler.  
Stephens. Turner, John. Wait. Weaver. Wennlund.  
Winkel. Winters. Wirsing. Wojcik. Zickus. Mr. Speaker."

Speaker Johnson, Tim: "I believe Representative Black asked for  
leave to be verified, Representative Hoffman. Do you grant  
that. Okay. The questions of the affirmative Roll Call,  
Representative Hoffman."

Hoffman: "Representative Pedersen."

Speaker Johnson, Tim: "Representative Pedersen is not recorded as  
voting, Sir."

Hoffman: "Representative Turner."

Speaker Johnson, Tim: "Representative Turner. Representative  
John Turner is in the back. Further questions?"

Hoffman: "Representative Maureen Murphy."

Speaker Johnson, Tim: "Representative Maureen Murphy is in the  
aisle."

Hoffman: "Representative Zickus."

Speaker Johnson, Tim: "Representative Zickus is in her chair as  
always."

Hoffman: "Representative Wennlund."

Speaker Johnson, Tim: "Representative Larry Wennlund is in the  
back. Further questions?"

Hoffman: "Representative Saviano."

Speaker Johnson, Tim: "Representative Skip Saviano is also in the  
back."

Hoffman: "Representative Parke."

Speaker Johnson, Tim: "Representative Parke is in the center  
aisle now proceeding towards this chair. Anything

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

138th Legislative Day

May 24, 1996

further?"

Hoffman: "Representative Lachner."

Speaker Johnson, Tim: "Representative Lachner. The center aisle."

Hoffman: "Oh there you are. Representative Wait."

Speaker Johnson, Tim: "Representative Wait is by his chair."

Hoffman: "Representative Weaver."

Speaker Johnson, Tim: "Representative Weaver is in the left aisle."

Hoffman: "Representative Brady."

Speaker Johnson, Tim: "Representative Bill Brady is in the rear of the Chamber."

Hoffman: "Representative Rich Myers."

Speaker Johnson, Tim: "Representative Myers is in his chair."

Hoffman: "Nothing further."

Speaker Johnson, Tim: "On this question there are 61 voting 'yes', 50 voting 'no', 2 voting 'present'. And HJR 135 is adopted. Appearing on Supplemental Calendar #3, on the order of Resolutions appears SJR 96 and on that, the Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Earlier I presented to this Body a Resolution to name, rename a part of Illinois Route 2 in honor of Chief Blackhawk of the Sauk Tribe. We now have before us a Senate Joint Resolution sponsored by my Senator, Senator Sieben, that reads exactly the same way, that in effect names a portion of Route 2 from the city of Dixon to the city of Rockford, Blackhawk Trail. It was sponsored by the Rock River RC & D and the Illinois Department of Transportation. It simply renames a portion of that state route along the beautiful Rock River which flows through two state parks after this particular Indian



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

138th Legislative Day

May 24, 1996

tribe that settled there and those trails were used by both the Indians and settlers moving from the Dixon area to the Rockford area. I would appreciate an 'aye' vote on this Resolution, thank you."

Speaker Johnson, Tim: "Seeing no discussion, the Gentleman from Whiteside has moved for the adoption of SJR 96. Those in favor signify by saying 'aye', those opposed by saying 'no' and in the opinion of the Chair, the 'ayes' have it and SJR 96 is adopted. Messages from the Senate, Mr. Clerk."

Clerk Rossi: "A Message from the Senate by Mr. Jim Harry, Secretary. '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 to wit House Bill 3696, a Bill for an Act making appropriations together with the attached Amendment thereto. Senate Amendment #1 to House Bill 3696 passed the Senate as amended May 23, 1996. Jim Harry, Secretary of the Senate.'"

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Lang, for what purpose do you rise?"

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

Speaker Johnson, Tim: "State your point."

Lang: "Thank you. One of the House Democratic staff photographers, Jim Rogers, next week is going to Bosnia for six months. When he goes there to defend the interest of the United States of America, I just wanted him to know on the record of the House of Representatives that we wish him God speed, hope he does well, and hope he returns to us as soon as possible and that the United States' efforts there are noticed by the world and that we're successful, so God speed to Jim Rogers."

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

138th Legislative Day

May 24, 1996

Speaker Johnson, Tim: "Thank you, Sir."

Clerk McLennand: "Committee Notice. Rules Committee will meet at 7:45 in the Speaker's Conference Room. Rules Committee will meet at 7:45 P.M. in the Speaker's Conference Room. Committee Notice. Correction, Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Introduction of Resolutions. House Resolution #137 offered by Representative Wyvetter Younge. Introduction of First Reading of House Bills. House Bill #3738, offered by Representative Wyvetter Younge, a Bill for an Act to amend the Environmental Protection Act. Introduction and First Reading of these House Bills. This House Bill and this Resolution are referred to the Rules Committee. Committee Report. Committee Report from Representative Churchill, Chairman for Committee on Rules to which the following Joint Action Motions were referred. Action taken on May 24, 1996. Reported the same back 'Do approve for consideration'. Conference Committee Report #2 to Senate Bill 1414. And to the order of concurrence House Bill 3696. Supplemental Calendar #4 is being distributed."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Goslin. For what purpose do you rise?"

Goslin: "Thank you, Mr. Speaker, as a point of personal privilege, alleged to SB 1251, I'd like to clarify my vote to a 'yes'."

Speaker Johnson, Tim: "On which Bill?"

Goslin: "1251, Senate Bill."

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

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

138th Legislative Day

May 24, 1996

Goslin: "Thank you."

Speaker Johnson, Tim: "On the order of Supplemental Calendar #4 concurrence appears House Bill 3696. On a Motion to nonconcur, the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker, I would Move that we nonconcur on the Senate Amendments so that we can place this Bill on a Conference Committee. This Bill will be used for the Court of Claims Award Appropriation that is our usual and customary practice at the end of each Session. It is for that purpose. That's the reason we're placing it into a Conference Committee Report. I'd be happy to answer any questions."

Speaker Johnson, Tim: "The Gentleman from Effingham, Representative Hartke on the Motion."

Hartke: "Yes, Representative Ryder, do you have any idea how long this is going to take?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, they're attempting to download into our system right now. The budget is being downloaded. The Court of Claims is being downloaded as we speak and it is my understanding that should be concluded in a matter of minutes then after that it is my understanding that we'll have the Committee processes would be usual. I cannot tell you, Sir, how long that's going to take. There are certain items in the rules that we certainly will comply with."

Speaker Johnson, Tim: "Is there a further question, Sir? Representative Lang."

Lang: "Thank you. I'm sorry, I apologize to Representative Ryder but I did not hear his explanation about why we are nonconcurring."

Speaker Johnson, Tim: "Will you give Representative Lang and

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

138th Legislative Day

May 24, 1996

Representative Ryder your attention so we could hear question and answer? Representative Ryder."

Ryder: "Representative Lang, I'd be happy to answer. We want to form a Conference Committee Report. This particular Bill will be used for Court of Claims Awards that is the usual and customary practice at the end of each Session. I've received the most recent Amendment from them. It's going to be downloaded into the system. We will have a hearing on that issue as well as the budget and follow the Rules of the House. Is there any other thing that I might be able to answer?"

Speaker Johnson, Tim: "Representative Lang. Further questions, Representative Lang? None. Representative Hannig."

Hannig: "Will the Sponsor yield?"

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

Hannig: "Representative, we have a...you have a proposal, I think, that's already in Conference that deals with the budget. Why do you need this additional vehicle?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, there will be two appropriation Bills before you this evening. One which appropriates the Court of Claims Awards. The second will be the budget for the State of Illinois. Two Bills, two Conference Committee Reports in addition there will be the Budget Implementation Act, which is the necessary technical language to implement the budget. Three Bills."

Speaker Johnson, Tim: "Representative Hannig."

Hannig: "Is there a Constitution or some other requirement as to why the Court of Claims has to be separate? Why not just roll them all into one like most everything else."

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, you have on previous occasions stated

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

138th Legislative Day

May 24, 1996

that you wanted the budget to be separate and we are attempting to do that. We have divided the budget into two pieces. Perhaps next year we can divide it into four or more. We're simply exceeding to your request in this matter. I'm surprised that you would be critical of that."

Speaker Johnson, Tim: "Representative Hannig."

Hannig: "That must be the first time in two years, I think, that you've taken any advice that I may have had, Representative. But in any case, just to the Bill. And for everybody to understand that this again will be part of the budget process that we'll be voting on later on tonight but for those of us who have had no input into the process, who have not had an opportunity to discuss those issues that are of interest and importance to us, I would urge a 'no' vote. We're not part of the process, so I would vote 'no'."

Speaker Johnson, Tim: "No further discussion, Representative Ryder has Moved to nonconcur in Senate Amendment #1 to House Bill 3696. Those in favor say 'aye'; those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the House does nonconcur in Senate Amendment #1 to House Bill 3696. Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. I was just wondering if somebody from the other side of the aisle would come over and get their Floor Leader, Representative Lang, away from my desk here? He's giving me a hard time."

Speaker Johnson, Tim: "Supplemental Calendar #5 is being distributed. Committee Notice, Mr. Clerk."

Clerk McLennand: "Committee Notice. Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference

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

138th Legislative Day

May 24, 1996

Room. Messages from the Senate. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has refused to recede from Amendment #1 to House Bill 3696 and that they have requested a first Conference Committee be appointed.'

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

Mautino: "Thank you, Mr. Speaker. A question of the Chair. Which Committee will the budget be going to when we do finally get to see a copy of it? Is it going to be a Joint Committee of all the Appropriation Committees and will the directors and liaisons of the agencies be there since they haven't seen their own budgets at this point in time, so that they can possibly find out what's in them? Will it be a Joint Committee Meeting or ....?"

Speaker Johnson, Tim: "That will be on the Rules Committee report."

Mautino: "Thank you."

Speaker Johnson, Tim: "You're welcome."

Clerk McLennand: "Rules Committee will meet immediately in the Speaker's Conference Room. Repeating, Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black, is recognized in a Point of Order. Representative Black."

Black: "Mr. Speaker. The skies grow dark. Lightening is ripping through East Central Illinois. The lights flickered just a moment ago and my phone melted. My computer doesn't work and neither do I. Could you enlighten us as to when we might perhaps...let's talk about dinner, let's talk about home, let's talk about Bingo, whatever? Enlighten me. I'm telling you I think there's a message here. We need to be

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

138th Legislative Day

May 24, 1996

on our way home. I hear that the suburbs are flooded. There's only one road to the east, one to the west, and none to the south. Release us quickly, Mr. Speaker."

Speaker Johnson, Tim: "I'll take your point under advisement, Sir, thank you very much. Now we know why you're the head of the Danville Toastmaster's Club. The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Yes, Mr. Speaker, in my conversations with Representative Black, he indicates that you might want to open the Roll Call so we could all vote and then we could head for home and we could talk to the real Speaker of the House, our wives."

Speaker Johnson, Tim: "Representative Black has raised a valid point and you will note that on Supplemental Calendar #5, actually under the order of Conference Committee Reports appears Senate Bill 1414, now while we're not going to call it quite yet, Members may want to return to the House Floor so that we can conduct the business of the House. Representative Art Turner, for what purpose do you rise?"

Turner, A.: "Thank you, Mr. Speaker. I just wanted to remind Leadership that the last state plane that took off in weather like this was..."

Speaker Johnson, Tim: "You don't need to finish your sentence, Representative Turner, we're aware of that. The Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. The previous Representative that spoke brought up the reminder of the incident involving the Governor's plane and I sure hope that he's concerned about the air safety when the budget comes to the Floor later because there may be something in there about an airplane. I hope he can join us in support."

Speaker Johnson, Tim: "Committee Announcements, Mr. Clerk."

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

138th Legislative Day

May 24, 1996

Clerk McLennand: "The following Committees will meet at 9:00 P.M. Registration and Regulation in Room 114 and the Appropriation and General Services Committee will meet in Room 118. Again, at 9:00 Registration and Regulation will meet in Room 114 and Appropriations General Services will meet in Room 118."

Speaker Johnson, Tim: "Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Clerk McLennand: "The following Committees will meet at 9:30. Executive in Room 114. At 9:00 P.M. is Appropriations General Services in Room 118. Registration and Regulation Committee in Room 114 and at 9:30 is Executive in Room 114."

Speaker Daniels: "Yeah, Representative Mautino, did you want to make a Motion to reconsider the vote on the Distributor's Bill?"

Mautino: "No, actually, I had filed a Motion in writing, Mr. Speaker."

Speaker Daniels: "Okay, it's been referred to Rules."

Mautino: "Would that be the Motion to meet as a Committee as a whole to discuss....?"

Speaker Daniels: "It's referred to Rules."

Clerk McLennand: "Attention, Members. All Members should perform an update on their computer system at this time. The Budget Bill is on the system available."

Speaker Daniels: "Committee Announcements."

Clerk McLennand: "Committee Announcement reminders: The following Committees will meet immediately. The appropriations General Services in Room 118. The Registration and Regulation Committee in Room 114. At 9:30 the Executive Committee will meet in Room 114. Again,



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

138th Legislative Day

May 24, 1996

meeting immediately will be Appropriations General Services in Room 118. Reg. and Reg. in Room 114. and Executive at 9:30 in Room 114."

Speaker Daniels: "The House will stand at ease until the hour of 10:00 P.M. in recess during Committee Hearings at 10:00 we will return for a vote on the budget and other legislation that's before us."

Clerk McLennand: "Attention Members. The Committees are still meeting so the House will delay convening until 10:30, thank you."

Clerk McLennand: "For those Members that wish to take a hard copy of the Budget home with them, we do have copies down here at the Pages' bench. We will not be handing them out. They are on the lap top systems but those Members that wish to take home a paper copy of the Budget, we do have them available."

Speaker Daniels: "The House will come to order. The Members will please be in their Chairs. Those not entitled to the Floor will please retire to the Gallery. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Stephens, Chairman from Committee on Executive to which the following joint action Motions were referred. Action taken on May 24, 1996. Reported the same back 'Do approve for consideration'. Conference Committee Report #1 to House Bill 431. Committee Report from Representative Biggins, Chairman for Committee on Appropriations for General Services to which the following joint actions Motions were referred. Action taken on May 24, 1996. Reported the same back, 'Do approve for consideration'. Conference Committee Report #1 is Senate Bill 1260. Conference Committee Report #1 to House Bill

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

138th Legislative Day

May 24, 1996

3380 and Conference Committee Report #1 to House Bill 3696. Committee Report from Representative Saviano, Chairman from the Committee on Registration and Regulation, to which the following joint action Motions were referred. Action taken on May 24, 1996. Reported the same back, 'Do approve for consideration' Conference Committee Report #1 to Senate Bill 1037. Members should run an update on their computers system at this time."

Speaker Daniels: "Supplemental Calendar Announcement."

Clerk McLennand: "Supplemental Calendar #6 is being distributed."

Speaker Daniels: "Mr. Clerk, on Supplemental Calendar #6 appears House Bill 3380. Representative Ryder. Conference Committee Report #1."

Ryder: "Thank you, Mr. Speaker. This is a substantive Bill that is necessary to implement the Budget. It contains the actions which the Budget requires. I believe the most important part of this is the substantive language to terminate the Hospital Provider Tax on March 31, 1997. That tax will remain at its current level from July 1 through March 31 and be terminated, repealed, ended, done. There are other parts which are primarily technical in nature. I'd be happy to answer questions on those and I would ask that we adopt the First Conference Committee Report."

Speaker Daniels: "The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House and let me congratulate my colleagues on the other side of the aisle for coming around to the point of view that we expressed last year. We opposed the Budget Implementation Act last year because it had new taxes on hospitals. This year we support the repeal of that tax and want to work

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

138th Legislative Day

May 24, 1996

with our colleagues to see that we end that tax as quickly as possible. So I congratulate the Republicans on being about a year late. But finally coming to the conclusion that we had come to last year which is that we can live without this tax, that we need to live up to the promises that we made two years ago to see this thing end. I'm sorry that it didn't end last year but I'm happy to stand here today and support this proposal to end the hospital tax this year and I urge a 'yes' vote."

Speaker Daniels: "Further discussion. The Gentleman from Kankakee, Representative Novak."

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

Speaker Daniels: "He indicates he will." Speaker

Daniels: "Representative Ryder, could you explain what we're doing to the Used Tire Management Fund? Are we sunsetting the entire fund?"

Speaker Daniels: "Representative Ryder."

Ryder: "Just one minute, please, and I'll try to get that answer.

Or a moment, I'll try not to take long. Representative, this authorizes the appropriation of dollars, as you know. We pay extra money, as I recall, to go into a Used Tire Fund. I believe that's assessed at the purchase on the tire and this is for abatement. There are various ways in which those monies are used. This continues the appropriation throughout the future. Let me give you a couple of ways of which I have knowledge. One, is for the safe disposal of tires usually to be either to be disintegrated or chewed. Sometimes they're used in playgrounds. I happen to know of a fund which helps constructing all-weather tracks that deals with this fund in which the top surface is created by chewing up the tires and recycling them. This simply allows us to continue to

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

138th Legislative Day

May 24, 1996

use that fund in that purpose, I believe."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Representative, But according to my analysis it sunsets on July 1, the year 2000. What happens to that money after that? I mean we currently have, I think we have, like a \$2 dollar fee on every new tire that's purchased in Illinois."

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, you are correct. I apologize that I didn't respond to the sunseting part of your question. This does sunset at that time. There's a couple of reasons why we're doing that. First of all, we're not sure about the balance, although we expect it's going to be increasing. We don't want to continue to accumulate money if we are not able to spend it in a good and appropriate fashion. That's one reason why the sunset is there. The other reason is that finding new uses for the old tires is becoming more and more of a problem. Recycling is tending to take care of that. And should that market develop to such an extent that the market place is deciding that issue that perhaps you and I together, and I hope we're both here at that time, can remove the assessment on the purchase of the tires. I hope we can work together at that time."

Speaker Daniels: "Further discussion. Representative Novak."

Novak: "Yes well, Representative, I appreciate that. I see our old friend Allen Groswald down on the Floor here and maybe he can shed a little more light on this. I know that in Kankakee County they used this fund to clean up a massive used tire pile that took I don't know how many hundreds of thousands of dollars. And I don't think all our used tires are cleaned up around Illinois. I mean...but still why are we sunseting this fund? Are we going to use it for other

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

138th Legislative Day

May 24, 1996

purposes?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, you are correct as far as the uses of the funds and I appreciate you bringing that to our attention. It was simply an intent to put a sunset so that we would be forced to look at the fund to determine if it was doing what we wished it to do. And hopefully we could deal with that before that time. I prefer to see a sunset on the assessment on this fee so that we don't continue to pay and build up large amounts of special funds within state government and not be able to use them in the best fashion. That's the reason, in my opinion, for requesting this sunset."

Speaker Daniels: "Representative Novak."

Novak: "Okay, Representative, let's just wrap this up here. So on July 1 of the year 2000, this fee on tires is going to be sunsetted. Correct? So we will no longer use that money and we will no longer assess that fee on tire purchases in Illinois?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I think I am correct when I suggest it's the allocation of the use of the fund because I think there's a division in the fund. Maybe you can help me out, you're well-informed on the issue. But it's the allocation that sunsets. I don't think the assessment and I don't think the fund, I don't think the fund sunsets. I believe it's the allocation within the fund as how it's used."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Representative. I understand this now. I'm just..."

Speaker Daniels: "Representative Novak, do you want to finish your comments?"

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

138th Legislative Day

May 24, 1996

Novak: "Yes, thank you, Mr. Speaker. I understand your reasoning now but I'm just curious about the philosophical motivation behind this. So all the money will keep on accumulating, then as I understand it on July 1 of 2000, we're going to look at how this money is spent. So no further questions."

Speaker Daniels: "Being no further discussion, the Gentleman, Representative Ryder, Moves that the House adopts Conference Committee Report #1 to House Bill 3380. All those in favor, signify by voting 'aye', opposed by voting 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 112 'ayes', 1 voting 'no', and 0 voting 'present'. And the House does adopt Conference Committee Report #1 to House Bill 3380 and this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, on the order of Conference Committee Reports, Supplemental Calendar #6 appears House Bill 3696. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This is the appropriation for the Court of Claims Award that reflects the most recent listing of those awards supplied to me by the Court of Claims. Its intention is to authorize the payment of those dollars as they become available to pay these claims that have been deemed appropriate by the Court of Claims. I would be happy to answer any questions."

Speaker Daniels: "Any discussion? The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I had a chance to review the Speaker's Inaugural Address just recently and he talked about how there was a role for the Minority Party in the House and that how he wanted to open

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

138th Legislative Day

May 24, 1996

up the process. But I have to confess that in this whole budget process, that we have had no role. And that we've simply seen these Bills for the first time a little bit after eight o'clock this evening. So while maybe what's in this Bill could be good, I have to confess that we haven't had a great opportunity to review this in any great detail. And the truth is that under those kind of circumstances I must ask Members of my side of the aisle to vote 'no' on this proposal because we simply have not had sufficient time to review a large 700 page budget in less than two hours. So Ladies and Gentlemen of the House, I would ask for all Members to vote 'no', to give us the opportunity to take a look at this thing in more detail. And perhaps at a later time when we can analyze what's in here, we may be able to support it. But at this time I urge a 'no' vote."

Speaker Daniels: "Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative, I know you may not be familiar with every line in this Bill but there are three items I wish to discuss with you and maybe get some response from you as to why they're in here. I note that included in the Court of Claims Bill is an amount to be paid of over \$679 thousand to various individuals for claims related to injuries and deaths to patients in institutions run by the Department of Mental Health. Can you tell us how \$679 thousand is due to patients in the Department of Mental Health?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, those patients, as you call them, are in most cases residents of state facilities, placed there either by reason of their developmental disability or mental illness. It is unfortunate but sometimes they are

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

138th Legislative Day

May 24, 1996

injured. Sometimes on state property, sometimes wandering off of state property, sometimes they harm themselves, sometimes others harm them. I don't recall within that line item, that it reflects a death but in past years, there have been individuals who had been a resident wandered off and been killed either in an automobile accident or something else. Those individuals are entitled to compensation for their injuries from the State of Illinois. That list is what is deemed appropriate by the Court of Claims for any claims that they have thus filed."

Speaker Daniels: "Representative Lang."

Lang: "But, nevertheless, \$679 thousand is being paid to folks who are at minimally injured at least to patients that we are responsible for in the Department of Mental Health. What about this one, \$681 thousand plus due to Frucon Corporation and Granite Construction for damages suffered to them from IDOT while working on the Jefferson Barracks Bridge? What did IDOT do on the Jefferson Barracks Bridge that requires to pay almost \$700 thousand to these people?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, let me be very specific in my answer. I don't know the company, I do know the bridge. It is a bridge that connects Illinois to Missouri. And it is one the bridges that is our responsibility under the Illinois Department on Transportation. I suspect but I don't from memory that a construction company has a dispute with the Department of Transportation under a construction contract or bid. If they preform the work and they believe they did extra work, if they come to a site and they discover what they were led to believe in the condition of the site is different from the actual part of...construction of the site and as a result they have to expend more time, labor or



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

138th Legislative Day

May 24, 1996

materials, they can then take the State of Illinois into the court of claims. And in this case, the court of claims the judges, thereon, indicated that their claim was meritorious. Other than that, Representative, I apologize that I don't the specifics of that matter."

Speaker Daniels: "Representative Lang."

Lang: "Well, that's all right. Nevertheless, that's another \$681 thousand that a state agency has to pay because of something they did wrong. What about this? In the Court of Claims Bill that we're are paying \$331 thousand back to First Health Services Corporation who we apparently overpaid, previously, on Healthy Moms - Healthy Kids Program. What is this all about? Why are they getting another \$331 thousand if it is acknowledged that we overpaid them in the first place?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, let me be very clear on one point. I do not agree that these claims are because somebody did something wrong. It may be because there is disagreement as to what happened. That's why we have judges within the Court of Claims, to make decisions when parties disagree. I would also suggest to you in an operation of a state with hundreds of thousands of citizens to be served, tens of thousands employees and \$33 billion of operations, that there will be disagreements in which agreeable people, agree to disagree on certain items. Perhaps that was the case on the construction contract. Perhaps that was the case on services provided by the state for overpayments or underpayments. And that is the reason that we have the Court of Claims established to make the decisions."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I Move the previous question."

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. Representative Ryder to close."

Ryder: "These are claims that the Courts of Claims deemed meritorious and obligations of the state. I would ask you to join me and living up to the obligations of the state by voting 'yes'."

Speaker Daniels: "Representative Ryder moves for the adoption of Conference Committee Report #1 to House Bill 3696. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 64 voting 'aye'; 47 voting 'no' and 2 voting 'present'. The House does adopt Conference Committee Report #1 to House Bill 3696. This Bill having received the Constitutional Majority, is hereby declared passed. Representative Pugh, for what purpose do you rise, Sir?"

Pugh: "Mr. Speaker, I inadvertently pushed the wrong buttons."

Speaker Daniels: "If you had pushed the right button, what would it have said?"

Pugh: "My intention was to vote 'no' on that Bill, Sir."

Speaker Daniels: "So if you had pushed the right button, you're vote would have been recorded 'no'. That will be reflected in the Journal. Representative Morrow, do you want to say you didn't push a button at all?"

Morrow: "I need a new seatmate."

Speaker Daniels: "Representative Morrow. Representative Morrow."

Morrow: "Yes, Mr. Speaker, since I'm sitting next to Representative 'Gump'. I also...you know what, Mr. Speaker, I wish we could have opened the Roll eight hours ago, then I would have been recorded correctly. I also

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

138th Legislative Day

May 24, 1996

would have been recorded voting 'no' on House Bill 3696. I guess I have to put my cigar out and come back down to my desk."

Speaker Daniels: "The record will so reflect. Mr. Clerk, on page 4 of the Calendar, appears House Bill 3204 on the Order of Concurrence. Read the Bill, please."

Clerk McLennand: "House Bill 3204, a Motion to concur has been approved for a consideration."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would Move to concur with Senate Amendment #1. As you know last year we passed House Bill 1465 which among other things require the General Assembly to establish the boundaries for three election districts in Cook County for the Board of Review. House Bill 3204, as amended by Amendment #1, is the map required pursuant to House Bill 1465. I believe the map presented for consideration today meets the requirements of House Bill 1465. The three election districts created are compact, contiguous, and have substantially the same population based on the 1990 Federal Decennial Census. I also believe that this map is consistent with the requirements of the Voting Rights Acts, the Constitution of the State of Illinois and the Constitution of the United States of America. I Move for adoption or concurrence with Senate Amendment #1."

Speaker Daniels: "Representative Santiago."

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

Speaker Daniels: "He indicates he will."

Santiago: "Representative Kubik, could you tell me when was this map drawn?"

Speaker Daniels: "Representative Kubik."

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

138th Legislative Day

May 24, 1996

Kubik: "Well, Representative, as I understand it, an Amendment was adopted in the Senate on the 16th of May. That Amendment was adopted and the Senate voted the Bill over here and we are now considering the Bill."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Kubik."

Kubik: "I want to know when was the map drawn and by whom?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think I answered that question, Representative. An Amendment was adopted, we're considering an Amendment to a House Bill that was adopted by the Senate."

Speaker Daniels: "Representative Santiago."

Santiago: "Well, What I see is that you don't want to answer the questions. Were there any public hearings conducted before the map was drawn?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I previously stated, the map was drawn to meet the requirements of House Bill 1465 and other applicable state and federal laws."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Kubik, please answer the question. When was the map drawn?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, all I know is that an Amendment was adopted in the Senate on May 16, 1996. That Amendment was adopted and was sent to the House and that is where we're at. So that's my answer."

Speaker Daniels: "Representative Santiago."

Santiago: "Obviously, you don't want to answer the question because there were no public hearings conducted before the map was drawn. Did the Senate hold public hearings before the map was drawn?"

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Kubik."

Kubik: "As I've stated earlier, Representative, the map was drawn to meet the requirements of the House Bill 1465 and other applicable state and federal laws."

Speaker Daniels: "Representative Santiago."

Santiago: "Let me try another question. Maybe you might understand this one. Were there any African-Americans consulted when the map was drawn?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I stated earlier, Representative, the map was drawn to meet the requirements of House Bill 1465 and other applicable state and federal laws."

Speaker Daniels: "Representative Santiago."

Santiago: "Once again, Representative Kubik, did any African-American participate in the drawing of this map?"

Speaker Daniels: "Representative Kubik."

Kubik: "My answer is not going to change. I think that as I pointed out earlier this map was drawn to meet the requirements of the..."

Speaker Daniels: "Representative Santiago."

Santiago: "Obviously, the answer is 'no' because you refuse to answer the question. Were there any Hispanics present when the map was drawn?"

Speaker Daniels: "Representative Kubik."

Kubik: "The map was drawn to meet all applicable state and federal laws. It is consistent with the Voting Rights Act, the Illinois Constitution, and the Constitution of the United States of America."

Speaker Daniels: "Representative Santiago."

Santiago: "I believe, Representative Kubik, you're pleading the Fifth Amendment. Did any Hispanic or any Hispanic organization consulted before this map was drawn?"

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Kubik."

Kubik: "As I've stated earlier, Representative, this map was drawn to meet the requirements of House Bill 1465 which was passed last year. It meets all applicable state and federal standards as set forth by the United States Constitution and the Constitution of the State of Illinois and the Voting Rights Act."

Speaker Daniels: "Representative Santiago."

Santiago: "Can you tell me if the Senate held any public hearings or the House hold any public hearings where African-Americans and Hispanic-Americans were given an opportunity to testify against or for the map? Can you tell me that?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, the process by which this map is adopted and the map itself meets all of the requirements that are set forth in the Illinois State Constitution, the United States Constitution, and the Voting Rights Act. It meets all of those requirements."

Speaker Daniels: "Representative Lopez."

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

Speaker Daniels: "He indicates he will."

Lopez: "Representative Kubik, hopefully, my questions will...you'll be able to understand them a little better. The Voting Rights Act prohibits any practice by a state which results in the denial or abridgement of the right to vote because of race or ethnic background. Mr. Kubik, does this proposal adequately take into account the voting rights of Hispanic citizens in Cook County? It's a 'yes' or 'no' question, Representative. Please answer 'yes' or 'no'."

Speaker Daniels: "Representative Kubik."

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

138th Legislative Day

May 24, 1996

Kubik: "Senate Amendment #1 to House Bill 3204 meets all federal guidelines under the state, federal and state guidelines, and the Voting Rights Act, the Federal Voting Rights Act."

Speaker Daniels: "Representative Lopez."

Lopez: "Well, Representative, obviously you have a recorder that's repeating the same question or the same answer. Next question, because obviously you are not going to change your answer. The United States Senate Judicial Committee Report of the 1992 Amendments to the Voting Rights Act, lists typical factors that show a violation of the law. One of these factors is the extent to which the state has used unusual large election districts. Representative, given the diverse makeup of Cook County and its size, why is Cook County divided into only three districts?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, we are responding to a law that was passed by this General Assembly. That Bill was House Bill 1465 which required us to redistrict Cook County into three districts which, and those three districts, would have to be, those three districts that were created had to be compact, contiguous, and substantially the same population based on a 1990 federal census. This map is also consistent with the requirements of the Voting Rights Act, the Constitution of the State of Illinois, and the Constitution of the United States of America."

Speaker Daniels: "Representative Lopez."

Lopez: "Let me remind you that you were the Sponsor of the Bill that passed last year, that parts of that law was found unconstitutional, and here we go again. We're going to end up in court and it's going to be found unconstitutional once again. Let's go on to the next question. In

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

138th Legislative Day

May 24, 1996

Thornberg vs. Ginghold the U.S. Supreme Court held that three factors must be considered in requiring majority, minority districts. The first is that the minority group must demonstrate that it is sufficiently large and compact to constitute a majority in a single member district. Does the number of Hispanics justify a separate district just like the 4th Congressional District located entirely in Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "Would you repeat the question?"

Speaker Daniels: "Representative Lopez."

Lopez: "Does the number of Hispanics justify a separate district just like the Fourth Congressional District located entirely in Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I believe this map is consistent with the Voting Rights Act and that the Hispanic community in Cook County was considered to the full extent permitted by the Voting Rights Act."

Speaker Daniels: "Representative Lopez."

Lopez: "Well, let's move on. The second factor is that the minority group is politically cohesive. Given the electoral results in Latino districts, do you agree that Latinos are a political cohesive group?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I previously stated the map was drawn to meet the requirements of House Bill 1465 and other applicable state and federal laws."

Speaker Daniels: "Representative Lopez."

Lopez: "Let's move on. The third factor is that the white majority votes officially as a block to enable it to usually defeat a minority's preferred candidate."



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

138th Legislative Day

May 24, 1996

Representative, do you agree that this adequately reflects the voting history in Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "Mr. Speaker, I did not hear the question."

Speaker Daniels: "Representative Lopez."

Lopez: "Do you agree that this adequately reflects the voting history in Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "I believe that this map was drawn..."

Speaker Daniels: "Conclude your answer, please."

Kubik: "I believe this map was drawn to meet the requirements of House Bill 1465 and all laws, state and federal, in that regard."

Speaker Daniels: "You have one more question, Sir? Representative Lopez."

Lopez: "Thank you, Mr. Speaker. Representative, could you name me who the two sitting commissioners are currently at the Board of Appeals?"

Speaker Daniels: "Representative Kubik."

Kubik: "I don't believe that's a relevant question."

Speaker Daniels: "Representative Lopez."

Lopez: "Representative, are you aware who the two sitting commissioners are?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, we are not debating anything but the map which is contained in this Bill. I do not believe that is a relevant question."

Speaker Daniels: "Representative Feigenholtz."

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

Speaker Daniels: "Representative Lopez."

Lopez: "Representative, you're very good. You're actually very

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

138th Legislative Day

May 24, 1996

good. Hold on. Since you do not want to answer the questions because you don't think it's relevant, let me inform the House and for the record inform you and the House that the two sitting commissioners is one Commissioner Joseph Barrios, number two Commissioner Wilson Frost. Commissioner Joseph Barrios is a Hispanic, Commissioner Wilson Frost is an African-American. For the record, Representative, are you aware that these two commissioners are minority commissioners in Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, as I stated earlier, I do not think that's a relevant question. I happen to know both of those individuals but I don't think it's a relevant question."

Speaker Daniels: "Representative Lopez."

Lopez: "To the Amendment, to the Amendment. It's quite obvious that Representative Kubik all the way from down at the committee all the way up to the House Floor claims to either doesn't know the answers to questions or he refuses to answer the questions. And like I gave him credit before, he's pretty good. This is a Bill that discriminates against Hispanics, discriminates against the African-American community in Cook County. We currently have two sitting commissioners who are doing a terrific job in Cook County. If you want to add a third member you had every opportunity to do it last year. The Governor could have done it. The Speaker could have done it. The President of the Senate could have done it. But the Republicans in this state refused not to do. So therefore here we go, they draw up a map that discriminates against Hispanics and the African-American community once again. Representative Kubik, it seems like we have to end up going to court over, and over, and over again. And this is going

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

138th Legislative Day

May 24, 1996

to be one more situation where we are going to end up in court. And I think we're batting four for four or five for five and we know we're going to bat six for six again. I urge the colleagues on my side of the aisle to vote 'no'. I urge Members on the other side who know, and many of you know that what I'm saying is correct and you know I'm right. But you probably will not have the willpower to do so. One more comment, never mind. I'll keep that one to myself. I'll see him personally because I heard a comment he made while we were debating. I urge a 'no' vote, thank you."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I too rise in opposition to House Bill 3204. The issue of the number of members of the Board of Review is not before us. That decision was made last year. Of course, it was made in such a way as to deny sitting elected officials their jobs. The courts, of course, properly threw that part of the Bill out. But in 1998 people who live in the County of Cook will elect three members to the new Board of Review. And this is the map you propose we elect them under. The Sponsor suggests that this map creates three districts substantially equal in population. That may or may not be right. I don't have access to a computer printout that would tell me whether it is. He says that the three districts are contiguous and they do look contiguous. In fact, several of them seem to touch in several different places. He also urges that the districts are compact. Well have a look at the map, Speaker and Members of the House. Compact, this map is not. This map is a squiggle, squoggle map. And I suspect that the reasons for making it so, have something to do with partisan politics. The

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

138th Legislative Day

May 24, 1996

Sponsor has essentially admitted that the map was drawn in the backrooms by people who are members of the Majority Party in this Assembly with no participation from community organizations, from citizens in the County of Cook, from members of the Democratic Party or from members of important African-American, Hispanic, Asian-American groups, women's groups, and so forth. This is a map that I suspect will have no better chance to stand up in court than did last year's decision to bounce elected members of the current Board of Appeals. And I would urge those of you who care about the Voting Rights Act and about sunshine in the apportionment process. People who believe that there ought to be public hearings, there ought to be public input, there ought to be an opportunity for people to be heard on a matter as serious as this. I would urge you to vote 'no'."

Speaker Daniels: "Representative Parke."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Kubik now Moves that the House adopt and concur in Senate Amendment #1 to House Bill 3204. All those in favor vote 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? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 61 'aye'; 48 'no'; 4 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on Supplemental Calendar #6 appears Senate Bill 1260. Read the Bill."

Clerk Rossi: "First Conference Committee Report to Senate Bill

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

138th Legislative Day

May 24, 1996

1260 is 'approved for consideration'."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This is the budget for the State of Illinois for Fiscal Year 1997. In March of this year, the Governor came into this Chamber and presented his budget. It's one of the best budgets that I have seen in recent years. It gave more money to education. Paid our bills. Reduced the cycle of payments. And I believe that as a result of the work in the Legislature, that we have made that best effort even better. We have terminated, we have terminated the Hospital Provider Tax. That will be terminated as of March 31, 1997. We have produced more money for elementary and secondary education than in any non-tax increased year in the history of the state. In fact, over the past two years, the budgets that we have produced have added an additional \$500 million to educate the children of the State of Illinois. This budget fully funds the requests of the state universities. This budget provides COLAs for those people who provide services, community services to provide health care. This budget pays the bills of the State of Illinois by reducing the debt by \$881 million and reducing the cycle of payments from 110 days to 37. We do all of that with no new taxes and in fact we terminate a tax. It is a budget that I can tell you takes care of the business of the people of the State of Illinois and in my opinion does it very well. I Move for the adoption of this Conference Committee Report and I invite your questions."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, Mr. Speaker, I'd like a verification should this reach 60."

Speaker Daniels: "Yes Sir."

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

138th Legislative Day

May 24, 1996

Hannig: "Thank you, Mr. Speaker, and to the Bill. This Budget is the product of one party rule here in Springfield. After two days of overtime Session we finally come to the moment where we can see the product of the Republican Majority here in the House. And we heard a few weeks ago that the Speaker of the House was going to bring us \$500 million in new money for our schools but the reality today is that when we vote on this budget, there's about half of that amount available. So the press releases that we heard just didn't quite turn into reality. And we find that after two years of Republican rule, that most of the schools in my district are worse off than they were two years ago. And we've heard a lot about law and order in the last few years. But as we look through this budget, it appears that many guards that were needed and budgeted for our prisons around the state will perhaps now be hired but certainly will be delayed in hiring. And I think it's a crime that we should risk the lives of the men and women in our prison systems who every day put their life on the line trying to control the violent criminals that we put behind bars. And it's a shame that we're going to ask them to continue to risk their lives and not give them the proper backup to see that the correction systems finally are brought under control. And when I look through this budget I see where there is a \$5 million cut for state employees' group insurance and a \$5 million cut in workers' compensation for people who are hurt on the job. But there are a \$35 million add on for the road products, for the road fund. And we'll have to somehow see how we can find money for the road fund and the out years for the five year plan as we draw down \$35 million for programs that were not in the road fund and in the road plan. But we have \$4 million for

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

138th Legislative Day

May 24, 1996

a new plane so the Governor can fly around the State of Illinois and other employees and elected officials and appointed officials can fly around the State of Illinois. And we have a budget that's full of pork. The most pork that I've seen in the many years that I've served down here in this district. We got a million dollars for Representative Zickus so that she can have a some new housing. And \$200 thousand down in Representative Bost's district for a new grandstand at the fairgrounds. And Representative Cross gets \$100 thousand for an Ag Tech project in his district and \$200 thousand for the Farmer City grandstand in Representative John Turner's district. And then the Department of Commerce and Community Affairs, there's almost \$500 thousand for Representative Maureen Murphy for a police training center. And \$500 thousand for Representative Zickus in Palace Heights Hills for a dispatcher headquarters. And a quarter of \$250 thousand in Shelbyville for a new fire district. I haven't seen too many of those as I looked through budgets over the years. But we're going to appropriate \$250 thousand for a fire district in Shelbyville and \$500 thousand for Representative Leitch and his technology park in Peoria. Seventy thousand dollars in Western Springs so we can replace sidewalks for Representative Lyons. And we have \$250 thousand for Representative Saviano for a pumping station. And \$500 thousand for Representative Jones so that they can do some associated costs, whatever that means, for a disposal plant. And \$50 thousand dollars from the DCCA budget for Representative Durkin for an ambulance. Now I know that the State of Illinois buys many things but I didn't know that they buy ambulances for communities. These are some of the things that we've seen and the list

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

138th Legislative Day

May 24, 1996

continues to go on. One hundred and fifty thousand dollars for the Land O'Park District bike trail. And \$150 thousand from the conservation fund for Representative Wennlund so he can have a bike trail. And \$150 thousand for Representative O'Connor so that we can construct the Caesar Park adult baseball field. Alright, you know us House Members lost, maybe we can practice up our House baseball team. We can get together and do a little practicing up Representative O'Connor's new baseball diamond when he's done. And \$500 thousand for Representative Murphy for her recreational center. Ladies and Gentlemen of the House, the list goes on and on and on. But we have at least \$150 million at least in pork in this Bill, perhaps more. \$150 million we could use for schools. \$150 million we could use for Meals-on-Wheels for our senior citizens. \$150 million we could use for prisons. Ladies and Gentlemen, I urge a 'no' vote."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This budget has repeatedly been presented as a deficit reduction plan, just as the last year's budget which featured a \$350 million reduction in Medicaid services to people who need those services. That too, was provided as a Medicaid reduction plan. Indeed as Representative Hannig has accurately pointed out, all this budget really needs is a short snout and a curly tail and we'd be able to see what it really is. For months each of us has patiently, and at times impatiently, listened time and time again to various harangues and verbal slings against the largest county in this state, Cook County, which not only features the City of Chicago and all its 50 wards but also 30 suburban townships. And I dare say that



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

138th Legislative Day

May 24, 1996

many of my colleagues from the other side of the aisle come from those 30 suburban townships. Well, indeed, this alleged deficit reduction plan that we're featuring here this evening is predicated on an inter-governmental transfer of funds from what county? Cook County. Thank you, Mr. Turner. Indeed, \$400 million has been accumulated through a process which can be explained as follows: Suppose you ask your brother if you can borrow his car, and your brother says, 'Yes, you can borrow my car.' And then you go to the bank the next day and you list your assets to buy a home. And you say, 'I have this car, this car is my car, this car is my brother's car.' Well, according to the federal government, your brother's car is your car for the purpose of acquiring that federal Medicaid matching money. So the County of Cook, with all its evils, the evil judiciary, the evil tax appeals process, the Sodom and Gomorrah atmosphere that exists on an everyday basis, indeed Cook County is the county that enables the entire State of Illinois to put together enough money, to cobble together enough money to meet some of its Medicaid needs, but not all of its Medicaid needs. Have we replenished the \$350 million plus that we took away from disproportionate share hospitals and that we took away from teaching hospitals for Medicaid? No we haven't. Have we restored the services which are considered optional such as dental services, such as eye care for indigent people? Have we restored that? No we haven't. So to represent this budget as a deficit reduction effort doesn't do serious justice to the those of us on both sides who indeed do stand for deficit reduction. And thank goodness, my friends, for Cook County, because if it wasn't for Cook County, the much maligned, under appreciated, under loved, where some people

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

138th Legislative Day

May 24, 1996

from downstate get too many parking tickets that they don't know what to do with, that county is indeed the county which makes it possible to provide the money to pay for some of the Medicaid bills. Not as many as we'd like to pay for because we will just defer more debt into the next fiscal year. In short, to represent this budget as a deficit reduction plan is indeed a false statement. I urge my colleagues to vote 'no'. Thank you."

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

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was briefly in the Appropriation Room just to hear Representative Ryder answer questions about the level in which the Governor introduced the recommendations for prison guard population or increase and what I failed to hear, was the response to our plan that I was Cosponsor of on this side of the aisle that actually acknowledged the dangers that exist in our present existing facilities. And all we asked was to look at 10% increase over a two year period of our prison guards in our existing facilities. And I don't know if any of you have ever visited those facilities, but I have one of every kind of prison that the state has to offer in my district. And I have visited every one of those facilities numerous times. And my heart goes out to these state workers, dedicated workers, to know that how they are exposed to the dangers. Especially, the way we've recently witnessed with the gangs and the kind of control they have in our facilities. It's a disgrace. And yet we deny them the safety and protection as well as some of the cuts in workers benefits that's in this budget for state employees and the prison employees. It's a disgrace and I think that we could at least respond as big a budget

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

138th Legislative Day

May 24, 1996

as this is to acknowledge to those workers just a few more guards over a two year period to help maybe save lives. Because, believe me, if you have visited these facilities, you would not want to work under the conditions that many of these people are exposed to. This is what I object to, the insensitivity that we have for these type of problems in state government. I urge a 'no' vote."

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

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A little earlier on today, I asked that the House Members meet as a committee of the whole. And I did that for a reason. You know there is actually 45 Members in this Chamber that remember when we voted or when you voted on individual budgets. They remember when department directors were accountable to the Membership of the General Assembly. We have not seen that and we have not seen a budget. You know I could ask questions of the Sponsor, and I respect the Sponsor of the Bill. I know he's got a job to do. But we as Members here do not really have any cause or reason. We're standing here like a herd of deer staring into the headlights of an oncoming truck. We're talking about \$34 billion, to which none of us have had any input in at all. I find that amazing. You know, I think if you asked the general public or to bring this down to what the guy on the street would be doing in our situation here. You're asking that man if he would buy a house, sight unseen, over the phone, collect. I don't find that's responsible for any of the Members. And I wonder why there isn't more people wondering what's in this budget. You know, the questions that we're going to ask here, I don't know. Is there money for a wildebeest sanctuary in

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

138th Legislative Day

May 24, 1996

Representative Spangler's district? I don't know and neither does he. Sorry, Steve, you're a friend of mine. I'm just pointing out that we have had no input and there are 97 thousand people that each one of us represents. I find that reprehensible that we as Members would take a look and allow a group of people that could decide the budget in an elevator to set the course for 11.5 million people. I don't think it's in the best interest in the State of Illinois. I know that this is 800 pages. I can't read that in an hour and neither can you. To the Members, one of these days, and this is going to pass out of here, and somebody's going to say, 'Well this has been done in the past, we've had no input.' So that's to make the argument that, 'I have become what I have beheld and I'm convinced that I am right.' And that doesn't fly for the people of the State of Illinois. We as Members have given our powers away and it's a shame."

Speaker Daniels: "Further discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Ladies and Gentlemen, I think Representative Mautino gave us some very significant words. I came down here in 1987 and despite the fact that the Democrats controlled the Senate and the House, we still had a Republican Governor. Individual appropriation Bills were filed every year just like they have been all through those years. And we know for the three or four maybe five years, I think 1991 was the first year that we started to wrap up the budget in one Bill. Maybe that's when the Democrats gained power but let it be, so what. I didn't like that process either. But I think we are losing our sense of perspective with respect to how we spend \$35 billion in this state. Why do we continue to go through this charade

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

138th Legislative Day

May 24, 1996

where we always file individual appropriation Bills and we send them out of our respective Appropriations Committee with a buck in them? Because you know they are just going to be sent to the other Chamber where they're going to languish and die. Then all of a sudden at the eleventh hour, the eleventh and a half hour, a budget comes out of nowhere that was negotiated not by the 'Four Tops', which incidentally was a good 'rock and roll' group, but by the 'Two Tops'. That's the way it's been for the last couple of years. But just remember this, there's a lot of staff people on both sides of the aisle, Republicans and Democrats, that are good people that do their jobs well, as well as the Representatives we have seated here. And there's a lot of new Legislators here that aren't familiar with what happened seven or eight years ago. We debated every agency budget on this House Floor. Every Member was allowed to question the Sponsor of the appropriate agency, appropriation. They were allowed to file Amendments whether they were heard, whether they were voice voted down, or whether they were approved. They at least had the opportunity to go that far, Ladies and Gentlemen. And I think this whole process has really denigrated itself into really something that we should be ashamed of. We shouldn't just sit here and speak for a half an hour or 45 minutes on a budget that 95% of us probably don't even know what the extent of the ramification is and how it's going to affect people back home in our districts. So once again, I would just like to comment on the process. I think the process has gone down. It's not good. I think we should go back to where it was. This is a deliberative Body. This is one of the greatest deliberative Bodies in the United States of America. This is the people's House.

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

138th Legislative Day

May 24, 1996

This is the grass roots of Illinois politics and Illinois government. And our actions in dealing with a \$34 billion budget, should reflect that. We should be encouraged to ask questions and analyze these budgets. Rather than having it put before us on a plate and say, 'You either vote it up or vote it down.' Or you weren't privy or lucky enough to be either in the Majority or to cut some deals to get a sidewalk, or an alley paved, or a road project, or a fire protection district, fire house or what have you. It's been mentioned so you can take it back home and show it to your taxpaying public. So once again, we should think about this. We should think about this seriously. We have lost a lot of respect for the process."

Speaker Daniels: "The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates that he will. He's on his way to his desk right now."

Hoffman: "Yes, Representative, my question is about, specifically about the Meals-on-Wheels Program. It's my understanding that there was a request by the AARP for an additional \$2.9 million in home delivered meals. How much did you put into this budget in addition to what the Governor requested?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, we weren't able to accommodate all of the requests of AARP but we were able to provide \$1,050,000 over the Governor's request which will provide over 700 thousand Meals-on-Wheels more than was in the Governor's budget."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, you may want to double check that. It's my understanding that there's only \$53 thousand dollars more

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

138th Legislative Day

May 24, 1996

than the Meals-on-Wheels request to the Governor."

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I understand that it's a thick document. You're looking at the GRF portion only. There's an additional \$1 million in other funds that is used to supplement and pay for over 700 thousand Meals-on-Wheels over and above last year. You're only looking at the GRF component."

Speaker Daniels: "Representative Hoffman."

Hoffman: "With respect to the nursing homes and ensuring the long term care is paid for, an increase in long term care. What's in there with regard to that?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I'm delighted to say that the nursing home industry, the long term care industry that has had a rate freeze for three or four years on January 1, of 1997 will receive a 6.8 rate COLA, rate increase, 6.8 percent."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is the inflation increase eliminated for next year also? I believe it is, isn't it? The inflation increase?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I do not believe that inflation increase is eliminated."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I think what the previous speakers have talked about is absolutely true. We believe that what AARP and what the senior citizens wanted with regard to Meals-on-Wheels has not even come close to being met. We believe that what we're doing here in this budget is once again we're trading pork for senior citizens' food. We're doing things and not helping long term care. If you go to the long term care institutions in your district, they're

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

138th Legislative Day

May 24, 1996

going to say, 'Why January 1, why not now?' They've had a rate freeze for so long and trying to make ends meet has been very, very difficult for many of them. When you get letters from people in your district and they ask you to address an issue and then you're thrown on your desk a \$33 or \$34 billion budget and you have an hour or two hours to look at it, how in the world can you reasonably expect to address those issues? And that's what the point has been on this side of the aisle. It's not so much that we're not in the Majority, we understand that. We're just asking to be a part of the process. We're just asking to know what's going on. We know what's going on here. Or at least from what I've heard or what I can surmise in the small time I've had a chance to look at this budget. What you're doing is you're throwing middle-class Americans once again out the window and sending pork home to your districts. You're saying to seniors, 'We're not going to give you Meals-on-Wheels, we're not going to reasonably fund your programs, we're going to send pork to the districts. We're going to have construction over and showing that there's long term care for seniors and they're reasonably reimbursed.' That's what this is all about. That's what you've been all about and that's why we're going to vote 'no'."

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

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

Speaker Daniels: "He indicates he will."

Schakowsky: "Representative Ryder, in the Public Aid budget there's a cut in operations of about \$5 million. I want to know if this is going to result in layoffs and how many people would be laid off if it will?"



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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I'm glad that you brought out that particular item because one of the part of this budget of which I am most happy to discuss, is the fact that we cut the cost of operation of government in this state. There's over \$50 million of cuts in the operation of government in this state. Cuts, by the way, some initiated by the House, some initiated by the Senate and some agreed to by the Governor, all agreed to by the Governor. In the Department of Public Aid, of the \$400 million that they use in the operation, dollars that are not used to take care of people, dollars that are not used to pay providers, dollars that are used for operations. Yes, we did cut \$5 million and there will be no layoffs."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you. To the Bill. You know I have lots of questions that our hard working staff, in the three hours that we had to look at the 700 page budget, have prepared. But I want to tell you that, frankly, it's quite demeaning to have to stand up here and ask basic questions about this budget. I'm the Minority spokesperson on the Human Services Appropriations Committee and like every other Democrat and all but a handful of Republicans had nothing, whatsoever, to do with this budget. We simply don't know what is in it. I think the press story for tomorrow ought to be that the Republicans passed their secret budget. But the worst isn't that we don't know and we on both sides of the aisle don't know what's in there. But the worst is that the people of the State of Illinois have had no opportunity to have input into this budget. And we can laugh, ha! ha! ha! about baseball stadiums in people's districts but it's just not so funny to the seniors who are

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

138th Legislative Day

May 24, 1996

waiting for Meals-on-Wheels or the families who are waiting to have help with their disabled children so that they can keep them at home. It's just not so funny to them. One thing we did have time to find out about and that is, when it comes to education funding 'the emperor has no clothes'. Because I'll tell you what, there is more money in this budget for pork. We're talking over \$200 million than there is for new money over what the Governor proposed for schools. How about that? After all this talk about the beauty of the Quality First Plan, there's \$200 million plus for pork and \$68 million new dollars for schools. So I know that like in the Emperor Who Had No Clothes the loyal subjects of the emperor will cast a mindless vote in favor of this budget, all the while proclaiming how beautiful it is not knowing anything that's in there and when they take a hard look, what they're going see mostly is pork. I urge a 'no' vote."

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

Lang: "Thank you, Mr. Speaker. You know when I heard on the radio a couple of days ago that there was an agreement on the budget, I had to laugh. In fact I laughed to myself when I heard it. Who was the agreement with? Who was the agreement with? The Majority Party agreed with themselves. I don't recall being invited to any budget negotiations. Any Democratic Member or any Democratic Member of an Appropriations Committee who was invited to a negotiation go ahead and raise your hand but I don't think there were any. This was a Republican budget crafted by the Republican Party for the Republican Party for their people. For their pork projects, for their Member projects, for their districts. Republican Members, interestingly enough, who were not part of the negotiation process, were asking

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

138th Legislative Day

May 24, 1996

me what I knew about the budget. 'Lou, what do you know about the budget? You're over there, you're a big mouth on the Democratic side of the aisle. Maybe you know something we don't know.' But even the Majority Party Members have no idea of how this budget was crafted. Nobody does, nobody does. And so for the Party that said, from a Governor that said, 'It's people over concrete.' Forget about it, it's concrete over people. This is a budget about concrete. It's a budget about special interests. It's not a budget about kids. It's not a budget about seniors. It's not a budget about the disabled or the needy or the homeless. It's a budget about what they want to take care of not who they want to take care of. Senior citizens folks asked for \$2.9 million to continue home delivered meals for seniors. Where is it? A Member of the Majority Party challenged us yesterday when we were talking about pension benefits for widows. And he said, 'If you don't want to vote for this, you come down to my district and tell Shirley that you're not prepared to give her that pension money.' Well, I challenge that same Representative to come to my district and look frail and needy senior citizens in the eye and tell them why they can't get the same meals they got this year. How will they eat? Who will take care of those seniors in my district? But I'm sorry, maybe that Representative will say, 'I'm sorry, I can't provide lunch and dinner because we couldn't change the budget, we had to adjourn on time. We had to take care of House Members with water projects. We had to take care of baseball fields. We had to forgive \$30 million in state loans to rich hotel owners. We had to not deal with the problem of \$6 billion owed to us by our own taxpayers.' Who's collecting it? Are you collecting it? You're not

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

138th Legislative Day

May 24, 1996

collecting it. When will the needs of the state be taken care of? The East St. Louis Community College disbanded. House Bill 1286 which we passed, guaranteed them \$655 thousand for payment for sick days and vacation days. Where is that in this budget? It's not here. It's another slap at working men and women in the State of Illinois. Where's money for education? Sixty or eighty million new dollars for operations. Come on, the Fund Education First Act, 250 times is sitting in the Rules Committee waiting for debate to give 50% funding to schools in Illinois without a tax increase. Where is it? Where are the police on the street that we need in Illinois? Where's the money to take care of the State Appellate Defender so they can get the \$8 million they need to take care of the 400 backlog cases so convicted felons won't be walking the streets. Where's the money? This Bill is about concrete and special interests and pork. This side of the aisle stands for people. This side of the aisle stands for taking care of the needs of the kids, and the needy, and the seniors of the State of Illinois. And some day, and I think it will be real soon, the people of this state are going to tell you that they care about them and not Member projects and not pork. You guys figure out what you're for. We can't figure it out."

Speaker Daniels: "Representative Wirsing. Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I Move the previous question."

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

Ryder: "Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I suppose if you can't find what you want in the

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

138th Legislative Day

May 24, 1996

budget, you criticize the process. I suppose when you go home to your school district and you say to every single school district in the State of Illinois, 'You're getting more money from the state this year than you did last year.' Never happened before. That you criticize the process because you weren't part of it. I suppose when you tell the people of the State of Illinois that we opened 15 hundred prison beds last year and funded the guards. And you open 2 thousand next year and funded the guards. I wasn't part of the process. When you deliver 700 thousand more Meals-on-Wheels than you did last year, 'I'm sorry, I wasn't part of the process.' When you spend \$89 million more money to supply the health care of the employees of the State of Illinois, 'I'm sorry, I wasn't part of the process.' When you fully fund higher education, when you reduce the debts of the State of Illinois, when you don't have to talk to your constituents because they are not getting their bills paid, you say, 'I'm sorry, I wasn't part of the process.' When Judge Shader says, 'Oh, there's \$2.2 million more money for the Appellate Defender, okay, we'll keep those felons in jail because you met your obligations.' You're going to say, 'I'm sorry, I wasn't part of the process.' When the payment cycle is reduced from 110 to less than 40 days, you're going to say, 'I'm sorry, I wasn't part of the process.' Well, my guess is, when you go home, you're going to take credit for this budget because this budget meets the processes and the needs of the people of the State of Illinois with no new taxes. In fact, we get rid of the taxes. I'm proud that I was part of this process and I think the Republicans are too. But let's see what happens when the votes go on the board. Mr. Speaker, I Move for the adoption of the First

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

138th Legislative Day

May 24, 1996

Conference Committee Report."

Speaker Daniels: "Representative Ryder moves that the House adopts Conference Committee Report #1 to Senate Bill 1260. 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? Take the record, Mr. Clerk. On this question there are 63 'aye'; 49 'no'; 0 voting 'present'. And Representative Hannig requests a verification of the Affirmative Roll. Read the Affirmative Roll, Mr. Clerk."

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

Speaker Daniels: "Representative Davis."

Davis A.: "Mr. Speaker, my light will not come on. Of course, I am voting 'no' for this assault upon the Illinois people."

Speaker Daniels: "The record will reflect that you had voted 'no' had your light worked. Questions of the Affirmative Roll? Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Representative Klingler."

Speaker Daniels: "Representative Klingler is in her chair."

Hannig: "Representative Maureen Murphy."

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

138th Legislative Day

May 24, 1996

Speaker Daniels: "Representative Maureen Murphy is in the center aisle."

Hannig: "Representative Salvi."

Speaker Daniels: "Representative Salvi is in his seat."

Hannig: "Representative Bost."

Speaker Daniels: "Representative Bost is in his chair."

Hannig: "Representative McAuliffe."

Speaker Daniels: "Representative McAuliffe, right here, Sir."

Hannig: "Mr. Speaker, your people have been very well in attendance tonight and all Session. I congratulate you and I have no further."

Speaker Daniels: "Thank you. There are 63 'aye'; 49 'no'; and 0 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed and the House does adopt Conference Committee Report #1 to Senate Bill 1260. Mr. Clerk in Supplemental Calendar #6 appears Senate Bill 1037. Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Conference Committee Report #1 has two different provisions. Number one is the retired plumber language that we passed out of here at least twice previous which pretty much establishes a procedure to restore a plumbing license from the retired plumber classification. The second provision is the provision which relieves the Secretary of State from a double filing for under the Business Brokers Act. And I would ask that the House adopt Conference Committee #1 to Senate Bill 1037."

Speaker Daniels: "Any discussion? Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Granberg: "Representative Saviano. Representative, I have not had time to through the Conference Committee Report. Is

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

138th Legislative Day

May 24, 1996

Representative Klingler's Pension Bill in this Conference  
Committee Report?"

Speaker Daniels: "Representative Saviano."

Saviano: "No."

Speaker Daniels: "Representative Granberg."

Granberg: "Is Representative Poe's Conference Committee Pension  
Bill in there?"

Speaker Daniels: "Representative Saviano."

Saviano: "No."

Speaker Daniels: "Representative Granberg."

Granberg: "Senator Bomke, that's the other Chamber. Now let's  
see. Ethics package, is that in there? Representative  
Moore's ethics package, is that in the Conference Committee  
Report?"

Speaker Daniels: "Representative Saviano."

Saviano: "Was that 'ethnic' or 'ethics'?"

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, seriously, on the Bill. I think you  
and I have discussed this earlier. I didn't know if  
anything had been added to it. There is no opposition to  
the provisions you mentioned, if that is correct. Could  
you indicate if that is correct or not?"

Speaker Daniels: "Representative Saviano."

Saviano: "It is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "So, to the Conference Committee Report, as long as it  
doesn't contain I guess, the Klingler Pension Bill, the  
Ethics Bill, the Mandates Act, the Tax Accountability Act,  
all the other provisions we've passed out of this Chamber  
only to be killed for political purposes. So, with that I  
rise in support of the Conference Committee."

Speaker Daniels: "Further discussion? Being none, Representative



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

138th Legislative Day

May 24, 1996

Saviano Moves that the House adopt Conference Committee Report #1 to Senate Bill 1037. All those in favor will 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? Mr. Clerk, take the record. On this question there are 101 'ayes'; 4 'noes'; 8 voting 'present'. The House does adopt Conference Committee #1 to Senate Bill 1037. This Bill having received a Constitutional Majority is hereby declared passed."

Speaker Churchill: "Representative Churchill in the Chair. The Chair now recognizes the Gentleman from DuPage, Speaker Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. We have concluded almost all of our business for this 1996 Legislative Session. The Senate is still in Session. We will remain in Session until the Senate finishes its work. The sum of that will be standing at ease until they conclude their work to make sure if there is anything that we have to do to comply with some of the Conference Committee Reports. I don't know what that would be. But if we do, we have to be in Session in order to do that. I will stay in touch with you and let you know as soon as the Senate completes its work, so that we can then adjourn the Session. But I did want to take this opportunity to thank all the Members of the General Assembly on both sides of the aisle for a very hard working Legislative Session. Make sure we also thank the staff on both sides of the aisle for their exceptional work. I know on our side, our Chief of Staff, Mike Stokie, we feel leads the best staff in Illinois in any legislative arena. And I'm sure on your side you have the same feeling as far as your Chief of

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

138th Legislative Day

May 24, 1996

Staff is concerned. We feel very strongly that the budget that has been passed, that the matters dealing with taxpayers and balancing our budget, eliminating the Hospital Tax, dealing with issues of statewide property tax caps, ethics reform that has passed the House, and adjourning the earliest time since 1908. I might tell you a little story. 1908 was the last time we adjourned this early and that's the year, believe it or not, that the Chicago Cubs won the World Series. Now, I don't think that's likely going to happen. I think it's more like if the Chicago White Sox will win the World Series. But we have in this Session of the General Assembly expanded opportunities and job training, welfare work initiatives, continued Amtrak service throughout Illinois. At the same time we've increased our commitment to education and charter schools, school funding, the largest hike in school funding without a tax increase, in this state's history. Cracked down on school violence. And dealt with the quality of education plan passed today. We've paid attention to our families and making sure that child killers and sex offenders notify their neighbors when they are in the neighborhood or are put away permanently in jail without any opportunity of getting back on the street. Prisoners' privileges have been revoked. And we have dealt with ending drive-through deliveries. All of these matters are matters to strengthen the family commitment with Illinois and build a better future for the state. Compiled with the record that this General Assembly had in its 1995 Illinois Session of Welfare Reform, Business Reform, Job Creation, Chicago School Reform, Teachers' Retirement Programs, Criminal Justice Reform, and Truth in Sentencing. I think marks an historic end to a two year cycle of this

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

138th Legislative Day

May 24, 1996

General Assembly. It is very important, I think, that we all remember that we represent 12 million people throughout this state. They've asked us to act responsibly and I believe the General Assembly has. A child in Chicago knows his school has become a place of hope because the system has been forced to refocus on the needs of students. Parents in Springfield know their child's education will not be jeopardized by poor funding or needless regulation. And a homeowner in the suburbs benefits from real property tax relief while a downstate homeowner knows relief is on its way. And a business person in Rockford or Carbondale enjoys the greatest economic expansion the state has seen in three decades, largely due to our ability to hold the line on taxes and our initiatives to create jobs. A woman in Macomb knows she and her newborn child will not be denied proper medical care. A mother in Mt. Vernon knows her children will be better protected against child sex offenders and killers. And a former welfare recipient in Jackson County graduated from SIU and now makes \$24 thousand a year in a law firm. Another in Livingston County went back to school and now works as a nurse. And there are more than 61 thousand stories of people who have left welfare since 1994 due to a great extent to the programs passed by this General Assembly. A single mother in Danville now receives child support checks because we cracked down on deadbeat dads. And a senior citizen in Evergreen Park feels safe because he knows violent criminals will no longer have the chance for early release. The story goes on and on and on about the successes in Illinois. The talks about a college student in Tinley Park who knows that the Amtrak service, back and forth to school, won't be cut off because of the actions of this

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

138th Legislative Day

May 24, 1996

General Assembly. And it knows that a veteran in Belleville knows we protected his benefits and helped him find a job. Ladies and Gentlemen, perhaps though, the most important of all of our accomplishments is that parents, teachers, and children across the state see that the Legislature has put quality first by demanding academic excellence from our schools. And by providing a safer environment for our kids and by insuring that early testing kids won't fall behind or fall between the cracks. Yes, we promised and we delivered. We promised to end business as usual and we elevated the ethical standards of the Legislature. We delivered. We promised to tackle state bureaucracy and we cut inefficiency and downsized agencies and consolidated those agencies. We delivered. We promised to shed the mountain of debt we inherited, \$1.2 billion alone in Medicaid debt, and it has been virtually erased. Once again, we delivered. We promised to stop the gridlock in Springfield and we adjourned both years earlier than any Legislature since 1908. Again, we delivered. In fact, the last time the Legislature adjourned this early, as I said, the Cubs won the World Series. So we have great messages to take home to our constituents this Summer. But let's work together to restore the peoples' faith in government by keeping our message positive and clean. We achieved a great deal in this Session, but the greatest accomplishment was the promise we kept to the people of Illinois. On a personal note, I want to thank each and every one of you for your dedication to office, for your dedication to your responsibility and your elected position. I wish you all a good Summer. I know the campaign will be long, strong and hard. I know that every Member of this organization on both sides of the aisle,

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

138th Legislative Day

May 24, 1996

will work extremely hard to bring forth their message and the views that they have. That's as it should be. There have been disagreements on this Floor. That's how it has been throughout history. There will be disagreements again. But as the Speaker of this House, it has been my pleasure to serve each and every one of you. I hope you have a great Summer and I'll look forward to seeing you again. God bless you all and thank you very much."

Speaker Churchill: "Ladies and Gentlemen, the Clerk has a very important announcement about the lap tops. Will you please listen to the Clerk."

Clerk McLennand: "Several Members have inquired about the possibility of leaving a lap top here tonight and picking it up tomorrow. We've made arrangements, the Chamber will be open. LIS staff will be here between 10:00 A.M. and noon. If you wish to stop by and pick up your lap top between 10:00 A.M. and noon, staff will be here to assist you. Other than that, if you want to come by, if you're still in town next week or come in the area next week, you can pick them up. We will be sending you information and hardware and software in about six weeks. So you will be able to run a download via modem to the LIS system. Any questions? LIS staff is still here, thank you."

Speaker Churchill: "The Gentleman from DuPage, Speaker Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, there will be an after Session gathering at a place called 'Odyssey 21' which is across from Baur's. So you're all invited to attend if you would like. We hope you will have an opportunity to stop in and just say, 'Hello'."

Speaker Churchill: "Ladies and Gentlemen, we are not adjourning the House. We are waiting for the Adjournment Resolution which we will read and vote on but then it is the intent of

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

138th Legislative Day

May 24, 1996

the Chair to go at recess until the business of both Houses is completed. So please do not leave the building because we may have other business to accomplish before we leave tonight. While we are awaiting the Adjournment Resolution, we did want to ask Representative Woolard if he had any opportunity to get a Conference Committee Report on his Deer Bill. Are you ready to run that tonight, Representative Woolard?"

Woolard: "Thank you, Mr. Speaker. I think if Representative Black would avail himself, I believe that we can accomplish this goal in a very short period of time. I don't see Representative Black over there around his seat right now. I know that the deer's in the corn. Someone was telling me a few minutes ago that they saw a big buck in the corn field just south of Danville. And that's one of the interesting facets of this Bill that we're trying to accomplish is to save the crops. At the same time I think that there's several people heading north on Route 55 and I understand that there's a herd of deer that have been spotted just outside of Springfield that's lingering very close to the highway. And we would encourage everyone to watch out for the deer as they proceed north. Representative Black, do we have everything in order to proceed with this Bill?"

Speaker Churchill: "Representative Woolard, you have now awakened the sleeping giant. The Gentleman from Vermilion, Representative Black with a response."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentleman of the House. My name was used in debate and I Move the previous question. Oh, wait a minute. Are we on that? Yes, we do. I would just simply say that I expect the Gentleman from Skokie to join with us in this crusade. I

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

138th Legislative Day

May 24, 1996

heard him use my name earlier. He's going to be surprised when that lady starts calling him everyday rather than me everyday. And I intend to come up to Skokie to see about these deer situations. And I think that it's an outrage that you and I have tried to pass this Bill on 299 separate occasions in this General Assembly, Sir. But I think we finally have it worked out as Representative Brunsvold and I are ready to motor to Indianapolis on Sunday. We have our deer whistles, our deer headlights, our deer cars, and in my case, my dear wife, who makes sure that I drive very carefully. And as someone over there said so eloquently, three hours ago, 'It looks like a herd of deer frozen in the headlights.' And all I want to do is unfreeze my headlights and head back on the highway and had we passed this Bill, Representative Woolard, I would feel much safer. But there is always the Veto Session, Sir. And just remember, the deer you save might be your own."

Speaker Churchill: "Mr. Clerk, please read Senate Joint Resolution 109."

Clerk McLennand: "Senate Joint Resolution #109, offered by Representative Black, resolved by the Senate of the 89th General Assembly, the State of Illinois, the House of Representatives concurring herein. That when the Senate adjourns on Saturday, May 25, 1996, it stands adjourned until Thursday, November 7, 1996 and when it adjourns on that day, it stands adjourned until Tuesday, November 19, 1996 and when the House of Representatives adjourns on Saturday, May 25, 1996, it stands adjourned until Thursday, November 7, 1996 at 12:00 noon in Perfunctory Session and when it adjourns on that day, it stands adjourned until Thursday, November 14, 1996 at 12:00 noon in Perfunctory Session. And when it adjourns on that date, it stands

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

138th Legislative Day

May 24, 1996

adjourned until Tuesday, November 19, 1996 at 12:00 noon."

Speaker Churchill: "Representative Wojcik now moves that House Rule 3-6AB suspended to allow immediate consideration of Adjournment Resolution Laws, in favor signify by saying 'aye'; opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it. The Motion passes. Representative Wojcik now Moves the adoption of Senate Joint Resolution 1090. All those signify by saying 'aye'; those opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it and the Motion passes. The House will now stand at ease until the Senate has concluded its business. I understand they are very close to being done so please do not leave."

Speaker Churchill: "Ladies and Gentlemen, Representative Wojcik now Moves that the House stand adjourned until Tuesday, November 19, 1996 at the hour of 12:00 noon. All those in favor signify by saying 'aye'; all those opposed say 'nay' and in the opinion of the Chair, the 'ayes' have it and the House now stands adjourned until Tuesday, November 19, 1996, at the hour of 12:00 noon. Everybody have a great summer."



MAY 24, 1996

HB-0022 CONFERENCE	PAGE	17
HB-0548 CONFERENCE	PAGE	67
HB-1249 CONFERENCE	PAGE	2 - 13
HB-2421 CONFERENCE	PAGE	44
HB-2421 CONFERENCE	PAGE	48
HB-2596 CONCURRENCE	PAGE	75
HB-2632 CONCURRENCE	PAGE	118
HB-2695 CONFERENCE	PAGE	56
HB-3380 CONFERENCE	PAGE	170
HB-3696 CONCURRENCE	PAGE	163
HB-3696 CONFERENCE	PAGE	174
SB-1037 CONFERENCE	PAGE	207
SB-1246 CONFERENCE	PAGE	57
SB-1251 THIRD READING	PAGE	129
SB-1258 SECOND READING	PAGE	24
SB-1258 THIRD READING	PAGE	29
SB-1260 CONFERENCE	PAGE	188
SB-1414 CONFERENCE	PAGE	167
SB-1516 SECOND READING	PAGE	29
SB-1516 THIRD READING	PAGE	36
SB-1544 CONFERENCE	PAGE	44
SB-1664 CONFERENCE	PAGE	13
HR-0135 ADOPTED	PAGE	57
HR-0135 RESOLUTION OFFERED	PAGE	56
HJR-0134 FILED	PAGE	44
HJR-0135 ADOPTED	PAGE	160
HJR-0135 RESOLUTION OFFERED	PAGE	153
SJR-0096 ADOPTED	PAGE	161
SJR-0096 RESOLUTION OFFERED	PAGE	160
SJR-0108 ADOPTED	PAGE	57
SJR-0108 RESOLUTION OFFERED	PAGE	57
SJR-0109 ADOPTED	PAGE	216
SJR-0109 RESOLUTION OFFERED	PAGE	215

SUBJECT MATTER

HOUSE TO ORDER	PAGE	1
SPEAKER DANIELS IN THE CHAIR	PAGE	1
PRAYER - REPRESENTATIVE PHELPS	PAGE	1
PLEDGE OF ALLEGIANCE - REPRESENTATIVE PHELPS	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
SUPPLEMENTAL CALENDAR #1	PAGE	2
SUPPLEMENTAL CALENDAR #2	PAGE	43
HARVARD GRAMMER SCHOOL	PAGE	72
HILLCREST ELEMENTARY SCHOOL	PAGE	72
MESSAGE FROM THE SENATE	PAGE	73
SUPPLEMENTAL CALENDAR #3	PAGE	75
MESSAGE FROM THE SENATE	PAGE	161
SUPPLEMENTAL CALENDAR #4	PAGE	162
SUPPLEMENTAL CALENDAR #5	PAGE	165
SUPPLEMENTAL CALENDAR #6	PAGE	170
MESSAGE FROM THE SENATE	PAGE	162
SPEAKER DANIELS IN THE CHAIR	PAGE	169
MESSAGE FROM THE SENATE	PAGE	166
CHURCHILL IN THE CHAIR	PAGE	209
HOUSE ADJOURNED	PAGE	216