

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

69th Legislative Day

May 25, 1995

Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is Reverend Scott Henley of Mason City Methodist Church in Mason City. Reverend Henley is the guest of Representative John Turner. Will the guests in the gallery please rise and join us for the invocation. Reverend Henley."

Reverend Henley: "You have been working very late and very hard. Let's pray. Gracious God, it's the spring time of the year and we remember those days back when we used to sit in those school classrooms and watch the second hand tick knowing, knowing, knowing that it would some to end the day, and we would soon be free for the summer. And yet there was so much more to learn and to do. We pray, Gracious God, for this august Body that is here in presence and in spirit. That Your blessings would fall upon each of us, and that we might do good for the state. As we sat in those rooms, we dreamed of how we could affect each others lives and improve the places we call home. We pray Gracious God that that's what we do. We pray for the children of our state, Lord God, who when they get out of school, might not have those school lunches which would be the only meal that they've really been getting. And whose stomachs will now rumble. We pray Lord God, for the children of our state, our present and our future. How shall we give it unto them? We pray Lord God, for the children of our State, who no longer have Rice Krispies, because the money's just not there. We pray Lord God, for the children of our state, our future and our present. And we ask, Gracious God, that You would guide our work that we might ever serve You faithfully and well in all we do. Thanks that the Cubs are doing well. Amen."

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Speaker Churchill: "Amen. We'll be lead in the pledge of allegiance this morning by Representative Zabrocki.

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

Speaker Churchill: "Roll Call for Attendance. Representative Currie, are there any excused absences on the Democratic side of the aisle?"

Currie, B.: "Thank you, Speaker. Please let the record show that Representative Martinez is excused today."

Speaker Churchill: "The Journal will so reflect. Representative Tenhouse are there any excused absences on the Republican side?"

Tenhouse: "Thank you, Mr. Speaker. All the Republican Members are present and ready to go this morning."

Speaker Churchill: "Thank you, Sir. Mr. Clerk, take the record. On this question, there are 117 Members answering the Roll, and a quorum is present and the House will come to order. The House will now proceed to the Order of Concurrences. Pay that electrical bill. Get those lights on. Mr. Clerk, please read House Bill 1246."

Clerk McLennand: "Senate Bill 1246..."

Speaker Churchill: "House Bill 1246."

Clerk McLennand: "House Bill 1246, a Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Pankau and has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Lady from Dupage, Representative Pankau."

Pankau: "Good morning, Mr. Speaker."

Speaker Churchill: "Good morning."

Pankau: "House Bill 1246 went over to the Senate as a whole and

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came back two-thirds of what it went over. House Bill 1246, originally started with three Bills, all of a criminal law nature that were put together in the Judicial Law Committee. It contained a Bill that dealt with migrate workers for Representative Winkel. It dealt with retail theft that was my part of it, and it also dealt with increasing the penalty for trespassing that was an initiative of Representative Tom Johnson. Once it got over to the Senate, there were some problems with Mr... Representative Winkel's portion of the Bill. First... first, there were people that thought that his part of the Bill was too liberal. Then there were others that felt that his part of the Bill was too restrictive. So the Sponsor in the Senate, Senator Karpziel ended up after placing several Amendments on it, by taking all of them off and just leaving it with my part of the Bill, which dealt with retail theft; proving up retail theft, and Representative Johnson's part that dealt with increasing the fines on trespass. So I ask you to concur with Senate Amendments 1 and 2. One, was put on to try and make the Bill more acceptable; two, was put on to take one and everything else off and just leave our parts of the Bill on it. So now that we hopefully have it all straightened out, I ask you to concur with the Senate Amendments so it's just perfect...or nearly perfect."

Speaker Churchill: "Is there any discussion on this perfect Bill?"

The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, we would like to separate the Amendments please."

Speaker Churchill: "Is that a Motion to divide?"

Hoffman: "Yes."

Speaker Churchill: "Granted. Let us deal with Senate Amendment #1, first. Representative Pankau."

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Pankau: "Senate Amendment 1 was the one that Rep...Senator Karpel tried to put on to straighten out Representative Winkel's part of the Bill. So I don't want to concur with Senate Amendment 1 because when you get to Senate Amendment 2, it takes out everything else and just leaves in my part and Representative Tom Johnson's part."

Speaker Churchill: "Representative Hoffman, apparently Senate Amendment #2 replaces Senate Amendment #1. Representative Hoffman."

Hoffman: "Well, we can't find in our files Senate Amendment #2. Never mind, I apologize. Yes...let me ask a question..."

Speaker Churchill: "Representative Hoffman, before we go further, just to make sure we're all straight. Apparently, Senate Amendment #2 replaces Senate Amendment #1, and so really, you need to put both of them on and consider them both together. Representative Hoffman."

Hoffman: "Well, yeah, I understand that. But she just said that she wished to nonconcur in 1. I'd like to know what her exact wish is?"

Speaker Churchill: "Perhaps, and I do not know that this is the case in this instance, but perhaps there is language in Senate Amendment #1 that is deleted in Senate Amendment #2, which would make Senate Amendment #2 meaningless if you took off Senate Amendment #1. So you need to keep both of them on to have the final Bill in its proper form. Representative Hoffman."

Hoffman: "Wow!"

Speaker Churchill: "I'm not sure I could repeat that, but..."

Hoffman: "Could we please stand at ease for a minute? We just want to look and make sure that's..."

Speaker Churchill: "Okay, we'll stand at ease for just a second. For what reason does the Lady from DuPage, Representative

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Pankau rise?"

Pankau: "I've been advised if I just concur with Amendment #1 and then we take a vote and then we just go on to Amendment #2, it'll straighten itself out. So, I just move to concur with Amendment #1.

Speaker Churchill: "Let's go back to Representative Hoffman.

Pankau: "...and ask you not to concentrate it because it's not going to mean anything after we get to Amendment #2."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Yes, we had time to look at it and we agree with what the Representative said."

Speaker Churchill: "Okay, so let us go back to dealing with the Motion to concur in Senate Amendments #1 and 2, to House Bill 1246. Representative Pankau has opened the discussion on this matter. Is there any further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Okay, let's go back to what the Bill is ultimately. Is it your original Bill now? Is that what this is?"

Speaker Churchill: "Representative Pankau."

Pankau: "I'm sorry, Representative Hoffman?"

Speaker Churchill: "Representative Hoffman."

Hoffman: "Is the Bill now the original Bill? Is that the form that it's in?"

Speaker Churchill: "Representative Pankau."

Pankau: "No, Representative Hoffman. The original Bill had three Bills combined in it. Now it only has two Bills in it."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Okay, and the two Bills are your Bill and Tom Johnson's Bill. And could you just real briefly explain what those two Bills do?"

Speaker Churchill: "Representative Pankau."

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Pankau: "My Bill dealt with proving up retail theft. I have a constituent with a rental business. They rent augers, equipment, that sort of thing. They were having difficulty when they actually went to court to prove that somebody meant to steal that piece of equipment. So my part of the Bill puts in notice of requirements and it also says for instance, if someone gives you a false I.D. or something like that, that that is proof that they meant to steal that piece of equipment. It puts in some burdens of proof. It also puts in some notice requirements. The second part that is now in this Bill, is Representative Johnson's part, which increases the penalty for trespassing, and this was basically asked for by the Farm Bureau. If you go on somebody's farm property, they thought that the original penalty was really very low, and wanted that penalty increased. So with concurrence of this Amendment, that's all that's in here."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Okay, let's go back, just to your part of the Bill. What if the lessee makes an honest mistake, and is there anything in here to insure that that is taken care of?"

Speaker Churchill: "Representative Pankau."

Pankau: "Yes, there are notice requirements in it, that brings it to their attention."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Just once more to clarify, again. This makes this Bill exactly as it left the House, is that right?"

Speaker Churchill: "Representative Pankau."

Pankau: "No, Representative Hoffman, when it left the House, it had three parts. When it's...with this Amen...with this concurrence, it now has two parts. Three minus one equals two."

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Speaker Churchill: "Representative Hoffman on this two-thirds Bill."

Hoffman: "What did we take out and why did we take it out? I guess that's the question."

Speaker Churchill: "Representative Pankau."

Pankau: "The one-third that was taken out dealt with a Bill, sponsored by Representative Winkel, who was the original Sponsor of this entire package. It dealt with, I believe, migrate workers, and there were some problems in that the realtors had a problem with some of the restrictions in it. There were also some other right's groups that had problems with it, and there wasn't able to be a meeting of the minds, so rather than to continue to try and butt heads, they decided to wait for another time."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, it's my understanding, that this Bill, even though the Chief's part was in there, this Bill still...even though it removes the Chief's part, this Bill still passed the House with the substantial majority, earlier?"

Speaker Churchill: "Representative Pankau."

Pankau: "It was 116 to nothing the first time."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Now, let's go back to your part of the Bill. What if the lessee leaves town or is otherwise unreachable for over 24 hours, what kind of affect does this Bill have on that?"

Speaker Churchill: "Representative Pankau."

Pankau: "Twenty-four hours that... this doesn't kick in until after 10 days."

Speaker Churchill: "Representative Hoffman."

Hoffman: "And what exactly kicks in after 10 days?"

Speaker Churchill: "Representative Pankau."

Pankau: "The requirement that you must give notice to the person

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that they've kept the property too long. You have to give them a piece of paper that says, 'Hey, that you were supposed to return that auger on May 1st, and now it's May 12th, and we don't have it back yet. Please return it'."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So there are provisions in there for an individual who would just make some type of an honest mistake. Forget to return it. And or, like I said, maybe went on vacation, forgot to return it. It gives us a sufficient amount of time. With that I don't see any problem with the Bill. We're still looking at the technical changes, just to make sure that everything is correct. It appears to be in order. If it is, I urge an 'aye' vote."

Speaker Churchill: "Representative Pankau now moves for...that the House shall concur with Senate Amendments #1 and 2 to House Bill 1246. All those in favor will signify by voting 'aye', all opposed will signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are...on this question, there are 115 voting 'aye', none voting 'nay', and none voting 'present', and the House does concur with Senate Amendments #1 and 2 to House Bill 1246, and this bill having received a Constitutional Majority, is hereby declared passed. Representative Hartke."

Hartke: "I was momentarily off the floor and I would like the record to reflect that I would have voted 'yes' on this House Bill 1246."

Speaker Churchill: "The record will so reflect. Mr. Clerk, please read House Bill 1322."

Clerk McLennand: "House Bill 1322, a Motion to concur with Senate Amendments #1 and 2, has been filed and has been approved

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for consideration."

Speaker Churchill: "Representative Ryder, is in the chamber and asks for leave to let Representative Winkel proceed with the Bill. That's what he said, he's standing right there. We'll let him open and then we'll come back to you for the Motion. Representative Winkel, the Gentleman from Champaign. Please proceed on your opening."

Winkel: "Thank you, Mr. Speaker. House Bill 1322, as amended, makes three changes to the Alternative Health Care Delivery Act. There is no known opposition. Just briefly, the three parts; first, it adds children's respite care centers as a demonstration project under the Act; the second part, deals with post-surgical care recovery centers. It increases the number of demonstration projects authorized by adding four centers distributed throughout the state. The third part deals with subacute care hospital demonstration projects. It allows additional subacute care hospital demonstration projects for hospitals or nursing homes. Senate Amendment #1, requires hospitals to enter into notification agreements with federally designated organ procurement agencies. The Senate Amendment #2, provides that provisions of the Act concerning children's respite care centers shall not apply to any facility licensed under the Nursing Home Care Act. Deletes the requirement that each alternative health care model shall comply with all data reporting requirements of hospitals and deletes the provision that a children's respite care center model is to be owned and operated by not-for-profit entity. I would be glad to take questions."

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

Lang: "Well, I may later wish to speak on the Bill, but I would

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just ask now that the question be divided."

Speaker Churchill: "The question is divided. We shall discuss Senate Amendment #1, to House Bill 1322 first. Representative Winkel has had an opportunity to open, is there anyone who wishes to discuss Senate Amendment #1? The Chair recognizes the Lady From Cook, Representative Schakowsky."

Schakowsky: "Thank you. Representative, now that we've separated the Act, can you tell me, just briefly once again, the provisions of Amendment #1?"

Speaker Churchill: "Representative Winkel."

Winkel: "Sure. Senate Amendment #1, requires hospitals to enter into notification agreements with federally designated organ procurement agencies. Senate Amendment #1, further requires designated hospitals to grant organ procurement agencies and tissue banks access to medical records of deceased patients for certain purposes. It provides that information is privileged and confidential."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "I don't think he was finished."

Speaker Churchill: "Representative Winkel, were you finished? He says he was. Representative Schakowsky."

Schakowsky: "Oh, okay. The confidentiality provision, could you...whose confidentiality are we protecting or limiting here?"

Speaker Churchill: "Representative Winkel."

Winkel: "I'm sorry, we've got a little activity over here. Could you repeat that, I couldn't hear you?"

Speaker Churchill: "Representative Schakowsky, to repeat the question."

Schakowsky: "Yes. On the confidentiality provision, whose confidentiality are we further protecting, or restricting,

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or what are we doing with confidentiality?"

Speaker Churchill: "Representative Winkel."

Winkel: "The organ donor."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "It says something here about, third party confidential assessments of a health care practitioner's professional confidence? That's what my analysis says. Does this have anything to do with protecting some evaluation of health care practitioners?"

Speaker Churchill: "Representative Winkel."

Winkel: "I'm aware of no provisions that affect that."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "What problem are we trying to address with the...in terms of organ donations that might make the availability of...or the procedures better?"

Speaker Churchill: "Representative Winkel."

Winkel: "Currently, the hospital designates who request organ donation. As many as two-thirds of prospective organ donors are not even referred to the federally designated organ procurement agency. The organ procurement agency has full-time staff, they're trained in sympathetically requesting organ donations from the grieving family. I think this is to facilitate bringing together potential donors and suitable candidates."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "I guess, I'm trying to understand how this...I hear you reading some words but I'm trying to understand how this facilitates bringing donors and recipients together, Representative."

Speaker Churchill: "Representative Winkel."

Winkel: "Representative, I'll read you some more words. On Amendment #1, it requires hospitals to have agreements with

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local federally designated organ procurement agencies for notification of potential donors. It also allows hospitals to maintain existing agreements with organ procurement agencies outside of their area. It further requires hospitals to notify the federally designated organ procurement agency of suitable candidates."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "What is the federally designated procurement agency?"

Speaker Churchill: "Representative Winkel."

Winkel: "That's the Regional Organ Bank of Illinois, which I'll refer to as ROBI."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Is that something different than a tissue bank?"

Speaker Churchill: "Representative Winkel."

Winkel: "Representative, I'm not sure if ROBI does tissue but there's a difference between organ banks and tissue banks or both."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Well, to the extent that this...does facilitate the availability of organs and I would say, this is a wonderful Amendment and I'm glad that you added this...you're accepting the addition of this to your Bill, Representative Winkel."

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

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

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

Lang: "Good morning, Chief. How. What...my analysis indicates that each licensed hospital would have an agreement with a federally designated organ procurement agency providing for notification when donors become available. Sounds like a

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good idea. How does this notification procedure take place?"

Speaker Churchill: "Representative Winkel."

Winkel: "This is an authorizing statute and I think that they'll work out those kind of details as to how exactly the notification occurs, but this certainly sets the policy in place for accomplishing that."

Speaker Churchill: "Representative Lang."

Lang: "So, there's nothing in the Bill now that provides for the kind of notification you're looking for? Who will write these rules?"

Speaker Churchill: "Representative Winkel."

Winkel: "Representative, there are applicable federal rules and regulations that will be in place. What we're trying to do is set up a state framework that takes advantage of existing federal regulations, so a lot of that will be covered by the federal regs."

Speaker Churchill: "Representative Lang."

Lang: "Now, you have a Section of this Amendment regarding the Code of Civil Procedure, and you extend strict confidentiality of information. I find that curious considering in some of the tort reform legislation we've passed, and you have voted for Representative, that there's wide ranging discovery even into areas of a person's medical background that have nothing to do with the cause of action complained about. Why here all of a sudden, are you interested in talking to us about strict confidentiality?"

Speaker Churchill: "Representative Winkel."

Winkel: "In this, Representative, in this context, I think it's critical."

Speaker Churchill: "Representative Lang."

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Lang: "Well, I know it's early, but we're going to have to do better than that. So, as you know, I say this at least twice or three times a day, I'm interested in consistency in what we do here. We passed a tort reform Bill that allows all kinds of discovery into medical records, breaking into privilege and everything else. Privileged information between doctor and patient, privileged information between a lawyer and client but here, you're for strict confidentiality and later today or tomorrow, my guess is, you're going vote for a Bill that...that removes those confidentiality requirements on medical records in the area of workers compensation. But, here you're for very strict confidentiality and I'm just concerned about the inconsistency."

Speaker Black: "Representative Winkel."

Winkel: "Representative, I'll do my best to allay your concerns. We're talking here, the reason why in this contest...context it's so critical, is that we're talking about people who are donors and they're not able to protect their confidentiality interests. In the area of tort reform, we're talking about litigation where people are represented by attorneys, where there are rules in place promulgated by the Illinois Supreme Court, judges available for protective orders in the event there is overreaching in the discovery process. There's... there's, you know, the availability of this active protection that in this context is not available, and I think that's probably the underlying reason for this stricter, stricter measure of confidentiality."

Speaker Black: "Representative Lang."

Lang: "What was that again, Mr. Speaker? Was that my name, I couldn't quite tell through the doughnut but, I think so."

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Representative, now let me get this straight. You're for providing the confidentiality of medical records to deceased people who don't know the difference, but the people who are living, you're will to openly discuss medical records that have nothing whatsoever to do with the case at hand. Is that what you're telling us?"

Speaker Black: "Representative Winkel."

Winkel: "I would simply, without actually going through and saying it all again, say that what I said before applies here to this question. I mean, it's the same answer."

Speaker Black: "Representative Lang."

Lang: "Well, this is not consistent legislation, Representative. You know, I understand what you're trying to do, but to provide this confidentiality to dead people that don't know the difference and to take it away from living people who do, seems a little backwards to me. Nevertheless, I think I support what you're doing here, the whole issue of tissue banking, organ donation, et cetera. It is very important and we ought to do everything that we can to promote it. So, I'm going to support your concurrence Motion."

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

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

Speaker Black: "He indicates he will."

Phelps: "Thank you. Representative Winkel, do we know how this works in other states that have similar structure setup?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, yes, there are other states that use this. I don't have any data to show its performance, but I understand it works very well in bringing potential donors and suitable candidates together, and by the way, I'm also

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told here that regarding a previous question that confidentiality and notification procedures are set forth in federal regulations, we've confirmed that."

Speaker Black: "Representative Phelps."

Phelps: "So, would this require, I'm aware of a little bit of problem not to emphasize the negative because I hope this could prove to be positive and I think that's your intent. I'm a little bit aware of the problem that Wisconsin had with Rockford in this regard and so will this... will it be requirements for other states such as Wisconsin to comply with our regional network?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, as a matter of fact, we're going to put into the record here shortly some legislative intent that I think will address those concerns more directly."

Speaker Black: "Representative Phelps."

Phelps: "So are you aware or do we know what the federal requirements, if any, would be to meet in regard to this program?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, we have to, after enacting this, wait for a federal waiver for approval on this, so, we don't know exactly."

Speaker Black: "Representative Phelps."

Phelps: "So this is a separate waiver request in particular or is it in context with context... with other programs that we might be asking for a waiver?"

Speaker Black: "Representative Winkel."

Winkel: "I hate to ask you this Representative, could you repeat that once and I think I've got your answer?"

Speaker Black: "Representative Phelps."

Phelps: "I think what I was getting at were the federal

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requirements that might be imposed and you asked about...you mentioned about a waiver? Is this a waiver we're requesting just isolated to this program or is in context with an overall waiver that we might be in communication with the federal?"

Speaker Black: "Representative Winkel."

Winkel: "The waiver would be specific to this program."

Speaker Black: "Representative Phelps."

Phelps: "So, I guess...what's the purpose of the waiver? What are they trying to exempt us or allow us to do?"

Speaker Black: "Representative Winkel."

Winkel: "The waivers will be requested specifically for hospitals in Rockford because of their ongoing relationship with universities in Wisconsin, and that's specifically what this waiver is for."

Speaker Black: "Representative Phelps."

Phelps: "So does that mean that they eventually would have to come into the system or with what the federal government does in regard to our passage of this law?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I'm not trying to be difficult. I'm not following your... I'm not sure I know how to answer what you're after."

Speaker Black: "Representative Phelps."

Phelps: "I guess ultimately, I'm interested in seeing downstate where, where my district borders three different states, Indiana, Kentucky, and Missouri. Wondering just, the federal law according to the neighboring states that we depend too much on, I'm sorry to say, but for the Evansville, Indiana Medical Complex, Paducah, and even Cape Girardeau, Missouri. I guess where's the regional program and structure in existence there where we can access if

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this program is instituted?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, specifically concerning your area of the state, it's not covered by ROBI. It's covered by an organ bank in Missouri, and this Amendment would allow hospitals to maintain their existing agreements with organ procurement agencies outside of their areas. So, relationships that exist already in your part of the state will be continued."

Speaker Black: "Representative Phelps."

Phelps: "I guess my final question, thank you, for your patience and responses because I know it's hard to answer how a new structure would affect everything. But I, that's pretty well the story downstate especially my area, we don't really have the same access that your intending to setup here. What effect would...what effect will this have by...if this legislation would not pass. What's the effect?"

Speaker Black: "Representative Winkel."

Winkel: "Federal law would control the situation. Right now we have a situation where as many as two-thirds of perspective organ donors are not referred to federally designated procurement areas, or agencies rather. So, if this does not pass we still have a very inefficient refer..."

Speaker Black: "I'm sorry, Representative Winkel. The time has expired, bring your answer to a conclusion."

Winkel: "Without this legislation we have a very inefficient...continue with an inefficient referral system for organ procurement."

Speaker Black: "For purposes of legislative intent, the Gentleman from Knox, Representative Moffitt."

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

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House. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Moffitt: "Representative Winkel, does this Amendment assure that if a Rockford hospital currently has an agreement with the University of Wisconsin for organ procurement, the Rockford hospital can continue to work with the University of Wisconsin and when the hospital applies for a waiver pursuant to federal law, the Rockford hospital can immediately have the University of Wisconsin deemed it's federally designated organ procurement agency for purposes of Illinois law?"

Speaker Black: "Representative Winkel."

Winkel: "Representative yes, once such a Rockford hospital applies for a waiver the University of Wisconsin would, by virtue of law, deemed its federally designated organ procurement agency under Illinois law."

Speaker Black: "Representative Moffitt."

Moffitt: "Has this Amendment received the support of Illinois organ procurement agencies such as ROBI, and does such support indicate that Illinois organ procurement agencies believe that allowing Rockford hospitals to utilize the University of Wisconsin as its federally designated organ procurement agency will be fair to residents of Illinois and Wisconsin and will enhance cost effective program... cost effective organ procurement and result in more organs available for transplant?"

Speaker Black: "Representative Winkel."

Winkel: "Well Representative, I was hoping you would ask me that. This Amendment was offered as a part of the ROBI Bill and the language of this particular Amendment was added with its knowledge. Undoubtedly other organ procurement agencies which supported the Bill are aware of it. There

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have been no objections to the Amendment. One of the purposes of this Amendment is to assure that nothing will interrupt that relationship. Any interruption would seriously disrupt organ procurement in the area."

Speaker Black: "Representative Moffitt."

Moffitt: "Representative, what is the relationship between this Bill and the federal waiver process?"

Speaker Black: "Representative Winkel."

Winkel: "This Bill assumes that for certain hospitals such as Rockford hospitals which have current agreements with the University of Wisconsin, presumably the federal authorities will take notice of the affect of this Bill, that the federal authorities will quickly approve waivers for Rockford hospitals."

Speaker Black: "Representative Moffitt."

Moffitt: "Thank you, Representative. Thank you, Speaker, no further questions."

Speaker Black: "Thank you, very much. The Gentleman from Will, Representative Wennlund has moved the previous question. All those in favor signify by saying 'aye'; opposed, 'nay'. The 'ayes' have it, the main question shall be put. Representative Winkel to close."

Winkel: "Yes, I urge a 'yes' vote on concurrence with Senate Amendment #1, to House Bill 1322."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1, to House Bill 1322?' All those in favor signify by voting 'aye'; opposed signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', none voting 'no', none voting 'present'. The House does concur with Senate Amendment #1

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to House Bill 1322. And on Senate Amendment #2 to House Bill 1322, the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Amendment #2, is technical. It was prepared by the Department of Public Health. It provides...provides that the provisions of the Act concerning children's respite care centers shall not apply to any facility licensed under the Nursing Home Care Act. Deletes requirement that each alternative health care model shall comply with all data reporting requirements of hospitals and deletes the provision that a children's respite care center model is to be owned and operated by a not-for-profit entity. I would be glad to take questions."

Speaker Black: "And on the Amendment, the Lady from Cook, Representative Schakowsky."

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

Speaker Black: "He indicates that he'd be delighted."

Schakowsky: "There is a provision here that deals with the question of receiving medicaid. One of the concerns that I've had all along in adding various...different kinds of health care facilities is that we've got a \$1.3 billion Medicaid debt right now. We have hospitals that are struggling to survive and yet we are voting left and right to create new kinds of health care facilities. My concern all along in creating these new facilities is whether or not they will be increasing access to health care. And so, I'm concerned about the issue of accepting medicaid and whether or not this...these children's respite care centers will be able to take poor children and medicaid recipients. I'm wondering if that..."

Speaker Black: "Representative Winkel."

Winkel: "Representative, the fiscal impact would be essentially a

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wash under this program. The Department of Public... Department of Public Aid is already paying for the in-house care for these very same children. They'll be simply in a different outside facility and so, it's not necessarily going to increase...there won't be a net increase in the cost. We're already paying for their in-house, now we'll simply be paying for it out-of-house in the facility."

Speaker Black: "Representative Schakowsky."

Schakowsky: "But my understanding is that their ability to be... the facilities ability to be reimbursed under medicaid is dependent and contingent upon a federal waiver allowing those same funds that are now used at home to be used in the facilities. What's the prospect of this waiver being passed? Have we submitted the waiver already or what's the status?"

Speaker Black: "Representative Winkel."

Winkel: "The group that wants this, the respite care has been processing this waiver. That's work in progress, it's certainly no guarantee that that waiver will be obtained."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well then, what will be the status of these facilities if the federal waiver is not approved?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, at this point, there are no such facilities. These facilities would have to be licensed. This whole procedure is going to take up to a year so we'll have more definite answers as time progresses here, but, while there's no guarantee that these waivers will be obtained..."

Speaker Black: "Representative Schakowsky."

Schakowsky: "It was my understanding when this Bill was presented that there is one center in existence, am I wrong about

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that? When this Bill was presented it was my understanding that there was, in fact, one center in existence. Is that not true?"

Speaker Black: "Representative Winkel."

Winkel: "There is one group that is currently interested in doing this. They're not licensed yet. That's the group that I'm referring to that's trying to obtain this waiver."

Speaker Black: "Representative Schakowsky."

Schakowsky: "So, there is no child respite care center that's functioning at all yet in Illinois. This would just allow them to...and if they do, to receive Medicaid funds for these children. Is that a correct characterization?"

Speaker Black: "Representative Winkel."

Winkel: "Your summary is correct."

Speaker Black: "Representative Schakowsky. Further discussion? The Gentleman from Cook, Representative Kotlarz."

Kotlarz: "Mr. Speaker, will the Gentleman yield?"

Speaker Black: "He indicates that he will."

Kotlarz: "Representative, what prompted you to introduce this Amendment?"

Speaker Black: "Excuse me, one second. I forgot to read myself in the Chair. Representative Black in the Chair. Representative Winkel, can you respond?"

Winkel: "The group that's interested in doing this...using this facility, the outside facility, approached the department, the Department of Public Health and requested that we initiate this sort of legislation."

Speaker Black: "Representative Kotlarz."

Kotlarz: "Where is that facility located?"

Speaker Black: "Representative Winkel."

Winkel: "The intent is to have this facility in DuPage County."

Speaker Black: "Representative Kotlarz."

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Kotlarz: "Does this concern a Brentwood facility?"

Speaker Black: "Representative Winkel."

Winkel: "No."

Speaker Black: "Representative Kotlarz."

Kotlarz: "Let me read into the record a very brief letter that I received."

Speaker Black: "Proceed."

Kotlarz: "From a constituent in our area, the THC Chicago which is in Chicago, Illinois, walking distant from my district office. Prior to September 24, 1992, there was a deadline concerning an initial Act of the Alternative Health Care Delivery Act. The initial Act allowed for ten individual demonstration sites. The Act was subsequently amended to increase the number to 13. The deadline for submitting applications for the project was September 1, 1994. There were 19 total applicants of which THC located in my district was one. THC was proposing to reopen the Rush Pavilion Hospital, located at 6130 North Sheridan Road, which is not in my district. On October 20, 1994, THC received a permit, based on our application, under the name THC North Shore, for 103 beds subacute hospital facility. The 12 other demonstration sites have also been determined. I will delete a paragraph which names a couple of Representatives in this Body, but it goes on to say that there's been an Act...a Bill introduced which would allow six more participants in this demonstration project. Back to the letter. The selection process has been nearly two years in the making. Once you add the time to develop the original legislation and the hearing process. Now, with the new proposal, any provider who applied prior to the deadline will be admitted to the demonstration project. I could go into a lengthy discussion as to why this is not

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justified, but the fact of the matter is, the legislation is more of a political matter than a practical one. Our view of the issue focuses on two points. First, the Certificate of Need Office through Phil Gardner, went to great lengths to design a fair application process and scoring system. We should not negate the process nor work because there are a few upset providers. Didn't we expect some providers would be awarded the permits and some would not. Secondly, there's a significant medicaid question. These Bills will completely take that question out of the original consideration. I ask for a 'no' vote, and I ask you to look very closely at this Amendment."

Speaker Black: "Further discussion? The Gentlemen from Clinton, Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Black: "Indicates he will."

Granberg: "Representative Winkel, we were supposed to increase the number of these centers from 8 to 13, I believe, Sir. Is that in the Bill?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, are we directing this to the underlying Bill? I believe that, that's still in the underlying Bill which passed out of here with 115 votes and out of the Senate with 55. I believe that that's correct. That really has nothing to do though with Senate Amendment #2, but..."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you. I...but I'm not, I couldn't remember if it was in the Bill initially or not, Representative, and I'm not sure whether I want to concur in the Senate Amendment. Have we determined where these locations are, Sir? Have we determined the locations for the additional

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centers?"

Speaker Black: "Representative Winkel."

Winkel: "Carl Foundation Hospital in Urbana. Riverside Medical Center, Kankakee. Rockford Memorial Hospital, Rockford. Children's Habilitation, Harvey. Alden Tarris Nursing Home, Chicago. Integrated Health Services at Brentwood Burbank."

Speaker Black: "Representative Granberg."

Granberg: "Is the post-surgical center still in the Bill?"

Speaker Black: "Representative Winkel."

Winkel: "Yes."

Speaker Black: "Representative Granberg."

Granberg: "And those were the locations that you just indicated?"

Speaker Black: "Representative Winkel."

Winkel: "I believe that portion of the Bill is...I think that includes three locations; Children's Memorial Hospital, Chicago, Carle Foundation Hospital, Urbana, Trinity Medical Center, Moline."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I thought there were five new programs?"

Speaker Black: "Representative Winkel."

Winkel: "I didn't hear what you said."

Speaker Black: "Representative Granberg."

Granberg: "I thought there were five new programs, not three?"

Speaker Black: "Representative Winkel."

Winkel: "I think we're mixing different projects. The subacute care hospital demonstration projects are the five that I read earlier."

Speaker Black: "Representative Granberg."

Granberg: "That's what I was referring to, Representative. Where are those five new recovery centers going to be placed?"

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Speaker Black: "Representative Winkel."

Winkel: "Okay. Just for clarity here. The...you did refer to post-surgical care and those are the three that I named. And the first group that I named are the subacute care hospital demonstration projects that, that is, I believe there's...I've got it. By golly, yes. There are five of them and we're talking about here the subacute care hospital demonstration projects. Carle Foundation Hospital in Urbana, Riverside Medical Center, in Kankakee, Rockford Memorial Hospital in Rockford, Childrens Habilitation, in Harvey, Alden Tarris Nursing Home, in Chicago."

Speaker Black: "Representative Granberg."

Granberg: "And how is that determination made, Representative on where to place these new centers?"

Speaker Black: "Representative Winkel."

Winkel: "They applied prior to the deadline, met the requirements and this Bill simply rather than restarting the whole application process because they qualified before. We're creating more...more projects, more demonstration projects and we're going to use these five locations who had previously qualified for these subacute care facilities."

Speaker Black: "Representative Granberg."

Granberg: "Representative, where are the first eight that we passed legislation two years ago for, to initiate the program? Well, we want to make sure that these things are located across the state and not just in Urbana and some other areas."

Speaker Black: "Was that a question, Representative Granberg? Representative Winkel would you like to respond?"

Winkel: "You know, I really...we're going to try and find that answer for you. I don't have those eight...number 1, it has nothing to do with the underlying Bill and it certainly has

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nothing to do with Senate Amendment #2. There are eight of them and I believe that they are located throughout the state. If I can find them during the course of this, I'll certainly identify them for you, or I would be glad to deliver those locations to your office outside this debate."

Speaker Black: "Representative Granberg, your time is about to expire."

Granberg: "Thank you, Representative. I wish you would, I'd like to see that answer from the Department of Public Health to make sure they're responsive."

Speaker Black: "The Gentleman from Macon, Representative Noland is seeking recognition. Representative Noland moves the previous question. All those in favor of putting the main question signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Winkel to close."

Winkle: "Mr. Speaker, I move that we concur in Senate Amendment #2, to House Bill 1322. I urge a 'yes' vote."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 1322?' All those in favor signify by voting 'aye'; opposed signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 101 voting 'yes', 10 voting 'no', 2 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 1322 and this Bill, having received the required Constitutional Majority, is hereby declared passed. On the Calendar Order of Concurrence appears House Bill 1270, Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill #1270, a Motion to concur with

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

Speaker Black: "On this question, the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to concur with Senate Amendment #1 for House Bill 1270. What that Amendment does is, it amends the Section and removes it, that would require casinos to put stickers on every one of their gaming machines with the 1-800 number to address problems in compulsive gambling, and it changes... it adds one word. It adds public along with private that the institutions that DASA may go to look for help, so that public universities who are also doing work and other public entities may also bid on the contracts."

Speaker Black: "Discussion on the Lady's Motion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "She indicates she will."

Lang: "Hi, Representative. Representative, you want a contract with public or private entities regarding compulsive gambling programs. Don't you think DASA can handle this?"

Speaker Black: "Representative Mulligan."

Mulligan: "Yes, Representative, I certainly do. But the University of Illinois has been working on some programs and they pointed it out to me along the way that I had only put private, and they asked if I would amend it to put public, so that they would have the opportunity. They were afraid that they would be barred, and I agreed to do that."

Speaker Black: "Representative Lang."

Lang: "Well, the question...oh, so you had private, you added public. My question is, why do we have private? Why don't

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we allow the resources of the public institutions of our state to do this work?"

Speaker Black: "Representative Mulligan."

Mulligan: "DASA contracts out for all services and it was just a draft. The way it was drafted the first time, it wasn't intentional to say just private."

Speaker Black: "Representative Lang."

Lang: "When private institutions do this, are they accountable to DASA? Are they accountable to some state agency or some state institution, or do we simply give them the dollars and say, 'Have at it, let us know how it goes later'?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I would presume that DASA would put out for bid and there would be specifications and that they would have to live up to them and be audited every year."

Speaker Black: "Representative Lang."

Lang: "Well, I would presume that too, but I don't see it in the Bill, unless I'm missing it. Why don't we make that a requirement of the Bill, so that taxpayers dollars are not just frivolously given away. I'm sure that those that get the dollars will use them well, but you may have some group not do the job properly. We've had enough of tax payer money giveaways during this Session of the Legislature, I don't think we ought to be responsible for any more."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, DASA already provides audits, as I think most of the agencies do when they let contracts. So I assume that they would continue to do that and I would think that you'll be here, for some time yet, to make sure that they do that. And right now, they don't have the money to do this anyway, which I hope to get at least, in the next Session."

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Speaker Black: "Aa...just took my breath away. Representative Lang."

Lang: "Well, I support you, as you know, in your efforts to do something about the gambling problems in the State of Illinois. As we try to expand gambling, there will probably be more. Would you state at least on the record for legislative intent, that your intent is that when money is given to any of these private agencies by any agency of the State of Illinois, that there be some accountability in the contractual arrangement, so that the state can keep track of its dollars?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I would feel perfectly comfortable in assuring you that that would be my intent in this and that I would hope that the state would always do that."

Speaker Black: "Representative Lang."

Lang: "Representative, relative to the Section of the Bill about remov...the Section you took out of the Bill, regarding the notice that has to be posted. Has the Gaming Board given you any indication how they feel about this change?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, the Gaming Board requested it. And although I had asked when I initially put the Bill through the House for anyone that had any Amendments, they never got back to me on it. At a later date, they said that's what they would like. I asked them to do an Amendment when it was not forth coming, I did my own. I'm hoping that they will now be in support of this Bill. It was pointed out to me, that the machines may be moved from state to state and that not every state would have this requirement, and that the casino owners would like to support the Bill, but that they were concerned about that, so I did it."

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Speaker Black: "Representative Lang."

Lang: "What about the race track people? Did they have any comments regarding you removing this from the original Bill?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I did not discuss that part of the Bill with them. They did...they had come to me originally and asked for a change in their portion of it. Each portion of the Bill that addresses any signage is related just to the particular gaming industry that it relates to, so they have their own Section of the Bill and we amended that in the House before it came to the House vote."

Speaker Black: "Representative Lang."

Lang: "Is there any other sign that's posted regarding gambling, either on riverboats or at racetracks, that we currently require?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I'm uncertain as to what we currently require. This Bill will still require them to post it in certain locations, particularly at credit locations, and to put it on their advertising which some of them do now, because other states where they operate, do require it..."

Speaker Black: "Representative Mulligan, that the time has expired. Conclude your answer."

Mulligan: "...and it's already on the bottom of some of their advertising."

Speaker Black: "Further discussion, the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Black: "She indicates she will."

Brunsvold: "Representative, what has to be posted now on a riverboat, for example?"

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Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I'm unfamiliar what currently has to be posted. But right now, as soon as DASA has an appropriation for this, they would formulate signs of a certain size that would indicate that there is a 1-800 number for help with problem and compulsive gambling. And those signs would be required to be placed by the credit stations and other certain locations that DASA would negotiate with them, and on their advertising."

Speaker Black: "Representative Brunsvold."

Brunsvold: "So you're increasing the regulations on gambling places, like riverboats?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I doubt that that's increasing the regulations. All it actually does, is it states that they should make people aware of a program, if you have a problem or know anyone that has a problem with compulsive gambling. That they would be required to post a 1-800 number for the people to seek assistance."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Who, Representative, is going to bear the cost of the posting?"

Speaker Black: "Representative Mulligan."

Mulligan: "I'm sorry, I did not hear that or understand it."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Who bears the cost of doing the posting, the gambling facility?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, currently, there is no appropriation for this. When there is, it would be DASA. But we are hoping that the casinos and many of the gaming institutions have indicated through the Gaming Board that they would be

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willing to donate money for that...to address that."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Well, Representative, I'm willing to support your position here, and I'm asking you if you would support my position. I'm willing to add \$12 million to the coffers of the State of Illinois and just taxes and 500 jobs and what goes along with the 500 jobs. And the whole economic development of a city, my city for example, and for three other cities along the Mississippi. I guess would you help me and put this Bill in nonconcurrency, and go to a conference committee, so that we can add provisions to protect the river, the Mississippi riverboats, so we can get money to fund this program? Would you put this in nonconcurrency?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I understand and I understand that you're trying to represent your area well and this is probably very important to them. But there are 41 sponsors on this Bill and many of them have indicated to me that they would not want to see any gambling added to this, because they are anti-gambling. Although, I might individually support your initiative after I see it in form written out. I could not allow you to do that currently."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Well, my issue here, Representative, is not one of gambling. I think we decided that five or six years ago. My issue here is one of economics. In helping communities that now have boats, the gambling issue, as far as I'm concerned is over. We've made that decision. And I'm looking for an economic help for my area and three other areas, along the Mississippi River, and I would still ask, that you maybe consider putting this in nonconcurrency so

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we can go to conference and add provisions that are going to help these boats."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I certainly sympathize the point that you're trying to make for your area, and I understand you're trying to represent your area well. But I will tell you that dock side is very controversial and many people do view it as an increase in gambling and then therefore, I could not do that, but I understand your problem."

Speaker Black: "Representative Brunsvold. The Gentleman from Will, Representative Wennlund, are you seeking recognition on the question?"

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

Speaker Black: "She indicates she will."

Wennlund: "Under Illinois law, licensees, urban licensees are permitted 1200 gaming stations. Will they be required to post a sign on each slot machine on a riverboat?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, no. That's the Amendment we're concurring in. That Amendment removes the requirement that they post anything on the machines. The Gaming Board requested that and I complied."

Speaker Black: "Representative Wennlund."

Wennlund: "And has the Urbal Gambling Council signed off on this Amend...on this Bill, in its final form?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative Wennlund, I'm not certain of that, because until I put that Amendment on, they were...the Gaming Council was not for it, but everybody else was. I would assume since that what...the only thing they requested of me, that they would be now. They have not indicated one way or the other."

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Speaker Black: "Representative Wennlund."

Wennlund: "As amended, what is required to be posted and what size, where at, and how many?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, that would be formulated by DASA, but the signs no be...be no bigger than an eight and a half by eleven, except for the Lotto. The Lotto, we allow them to change their signs to be conformance with these odd signs that you see hanging in the window of the establishments that sell lotto tickets, so that they would all be uniform. Which I think they are, to me, if I remember correctly are smaller. So they'd be eight and a half by eleven. They would state simply, 'If you know of anyone or have a gambling problem, you'd call 1-800'. They should be by credit areas and on certain advertising literature, which they place now, at the very bottom and very small letters."

Speaker Black: "Representative Wennlund."

Wennlund: "How much is this going to cost and who pays for it?"

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, this is subject to appropriation so it's not there now. It's always been my attention that it would not come from General Revenue, it should come from, something from, either the gaming establishments themselves. The casinos now are already contributing to part of that or that it should come from some percentage of that. Signage and the information, most of the program could be handled under \$500,000. If they expand to education, and training of therapists, the top that we ever anticipated would be two million."

Speaker Black: "Representative Wennlund."

Wennlund:" "So you're proposing a new tax for Illinois, in order to pay for this program, is that correct?"

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Speaker Black: "Representative Mulligan."

Mulligan: "Absolutely not. We want to take it out of the revenue that's already established. We make a lot of money on gaming. I think that it's only appropriate that they address the problems that it caused. And it causes significant impact in Illinois as far as the financial amount that we pay for white collar crime and harm to families."

Speaker Black: "Representative Wennlund."

Wennlund: "To the Bill, Mr. Speaker, Ladies and Gentlemen of the House. This is about as useless as the Surgeon General's Warning, on a package of cigarettes. With cigarette use increasing amongst females and teenagers, it really does a lot of good to put this warning signal out there. It's going to take a new tax. It's really a silly idea. These warnings have never worked. The federal government has required warnings to be place on virtually everything, and it is absolutely a useless procedure. This one ought to go down with the rest of them."

Speaker Black: "Further discussion? The Gentleman from Macon, Representative Noland."

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

Speaker Black: "The Gentleman has moved the previous question. And on that, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker. This Bill has had overwhelming support both in this House and in the Senate. I would urge an 'aye' vote in the concurrence in Senate Amendment #1."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1270?' All those in

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favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye', 4 voting 'no', 5 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1270, and this Bill having received the required Constitutional Majority, is hereby declared passed. On the Order of Nonconcurrency, appears Senate Bill 368. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #368, a Motion to refuse to con... refuse to recede has been filed."

Speaker Black: "Representative Kubik now moves that the House refuse to recede with House Amendment #1 to Senate Bill 368. All those in favor signify by saying 'aye'; oppose 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House refuses to recede from House Amendment #1 to Senate Bill 368, and requests that a Conference Committee be appointed. Mr. Clerk, page 7 of the calendar, Order of Concurrence appears House Bill 2317. Please read the Bill."

Clerk McLennand: "House Bill 2317, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Black: "And on that question, the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. House Bill 2317, the concurrence is on language change. It simply removes one paragraph that was repetitive. I would ask for your positive vote."

Speaker Black: "Discussion on the Bill? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

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Speaker Black: "He indicates he will."

Dart: "Representative, who suggested these changes?"

Speaker Black: "Representative Bost."

Bost: "Representative Dart, the changes were suggested by the chemical industry. When we first brought this before the House, we had worked together with them on the language and this was a paragraph that was originally to be removed. It was not removed. They came back and they realized that if the paragraph was left in, it's simply repetitive. There's no need for it to be in there and the Amendment only removes the paragraph."

Speaker Black: "Representative Dart."

Dart: "Can you show me where it's repetitive?"

Speaker Black: "Representative Bost."

Bost: "Yes, Representative, if you'd go to Section 24.5-10, Sec. paragraph B. Paragraph B, is not necessary. If you look in paragraph A, it refers to 24.5-5, and the same lang...all of that is covered in the same language."

Speaker Black: "Representative Dart."

Dart: "I don't see where these people are exempted from their conduct. Where is it that they're already exempted?"

Speaker Black: "Representative Bost."

Bost: "Okay. Yes, Representative Dart, it's not identical language, but it covers all of the... ll of the provisions mentioned in paragraph B in the language the way it's presented."

Speaker Black: "Representative Dart."

Dart: "You're contending that it's covered in paragraph A? Covered in paragraph A, are you saying?"

Speaker Black: "Representative Bost."

Bost: "No, paragraph A refers back to 24.5-5 and they are covered in 24.5-5 in the language the way it's written there."

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Speaker Black: "Representative Dart."

Dart: "I'm looking at the engrossed Bill. Can you show me where in 24.5-5 it is covered?"

Speaker Black: "Representative Bost."

Bost: "In paragraph B, the people that were trying to be exempted, if you go up to 24.5-5, they are not trying to sell it for intoxicating purposes or to influence any of the conditions listed in that paragraph."

Speaker Black: "Representative Dart."

Dart: "I see where some of it is contained in there, but my concern is that the Section B that you're removing is quite specific, which deals with food production, processing, manufacturing. Do you see somewhere that it is specifically covered in the previous language?"

Speaker Black: "Representative Bost."

Bost: "The people that are involved in doing all of those things, are not selling it for intoxicating purposes and therefore they're covered under this Act."

Speaker Black: "Representative Dart."

Dart: "But it's not the original Section 24.5-5. Isn't that just dealing with the individual who possesses this, as opposed to the people who are selling it?"

Speaker Black: "Representative Bost."

Bost: "No, it is directed at anyone that has possession, anyone that would be using or selling."

Speaker Black: "Representative Dart."

Dart: "Representative, the way I'm reading your Bill, I don't see that. The way I'm looking at it, it says, 'any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest, for purpose of causing....', that's the people you target in here and there's no language in that Section that says that

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if there is a lawful purpose for you distributing it. Where as, the Section that you're pulling out of here, deals with individuals who are selling it. And it seems as if the Bill was well written. It seems as if the Senate may have made another mistake, as they want to do. Because you specifically, I think...yeah...for being in the Senate for a while, I can realize how they do things over there, and they mess up a lot. The thing is that, the way you had the Bill written before was a specific exemption, to just make sure. I think we discussed this earlier why this language was necessary. To make sure that the person that's selling this, is not brought under this statute at all. And it looks as if, well it doesn't look as if, we are...we're removing that Section. And if you're contending that they're already covered elsewhere, I think that the Section we're talking about 25.5-5 (sic 24.5-5), is only dealing with the individual who possesses with intent to use it. Now, if someone who sells it, you don't have an exemption for them anymore and that's pretty dangerous. It there some... where else you can show me where, we're cutting loose these companies that legally are selling this."

Speaker Black: "Representative Dart, your time has expired. Representative Bost, could you answer the question, please?"

Bost: "Yeah, Representative Dart, that is covered. If you just read, the paragraph A, which does, it offers to refer back to 24.5, and 24.5 does cover sale. It does cover any use other than the use for intoxicating purposes or the sale of those in..."

Speaker Black: "Further discussion on the issue? The Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

Deering: "Representative, I'm familiar with the underlying Bill, and we discussed the underlying Bill in previous debates. Will the Amendment do anything to those individuals that are in...that are self-employed, that have manufacturing or fabricating shops at home that may use nitrous oxygen in their shops and welding equipment or cutting. Will this Amendment make those individual liable for any misdemeanors or any action under the existing Bill?"

Speaker Black: "Representative Bost."

Bost: "Representative Deering, with... with under paragraph A, as long as it is not for the purpose of intoxication or in the purpose of selling for intoxication, it is covered under this Act. And it was, you know, the chemical industry has worked this language up for several states, and they just...and they're in agreement with it and they're very secure with it."

Speaker Black: "Representative Deering."

Deering: "Well, I think those are some keys words, Representative. As long as it's not for the intent of intoxication. Now if I am a wholesaler, a bottled gas or a welding wholesaler and I make nitrous oxide available to a manufacturing plant that makes ice cream, maybe, possibly to a dentist, or to an individual or a company that uses nitrous oxide in welding purposes, clearly these uses are not for intoxicating purposes. But if I have that on premise and if I'm not around, let's use the home shop for instance, because that seems to be the best situation. If I have a welding shop or a fabricating shop, and I'm not around and my kids or my kids friends are in my shop and get into the nitrous oxide, you know it wasn't my intent to

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purchase it for this, but they use it. Am I then liable or will I be sighted under this law...or under this Bill and Amendment, under those circumstances?"

Speaker Black: "Representative Bost."

Bost: "No."

Speaker Black: "Representative Deering?"

Deering: "This isn't up to the discretion of a...what if a...what if a kid or young adult breaks into my shop and he or she consumes this nitrous oxide, or they steal the tank; and then we got a state's attorney in the county that knows this Bill is on the books and we're having problems or I've been written up before, because maybe I've contributed to the delinquency of an individual or something, will this Bill give this state's attorney the right to come after me and I have to go to court to prove my innocence in court?"

Speaker Black: "Representative Bost."

Bost: "No, Representative Deering, because you had no intent."

Speaker Black: "Representative Deering."

Deering: "Thank you, Mr. Speaker, no further questions."

Speaker Black: "Further discussion? The Gentleman from Macon, Representative Noland. Further discussion? The Gentleman...the Gentleman from Grundy, Representative Spangler."

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

Speaker Black: "The Gentleman has moved the previous question, and on that, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Bost to close."

Bost: "Thank you, Mr. Speaker. I just ask for an 'aye' vote."

Speaker Black: "The question is, 'Shall the House concur with

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Senate Amendment #1 to House Bill 2317?' All those in favor signify by voting 'aye'; opposed signify by voting '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 113 voting 'yes', none voting 'no', 3 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 2317, and this Bill having received the required Constitutional Majority, is hereby declared passed. On page 4, of the Calendar, Order of Concurrence, appears House Bill 729. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill #729, A Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Black: "And on the question, the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. House Bill 729 is an Amendment to the Water Well Construction Code and merely says that when someone lowers their well, that the information should be kept track of by the County Health Department, and so that we know what aquifer the well is on and to what depth the well is lowered. Senate Amendment #1 allows companies who test for waste and for properties in water to pay a voluntary fee to become an accredited environmental laboratory. If the companies do not do this, they have to pay other laboratories and this would save companies approximately 100 to \$150,000 a year in order to become accredited themselves, but it is a totally...totally volunteer program. I would welcome any questions."

Speaker Black: "Discussion on the Amendment? The Gentleman from Effingham, Representative Hartke."

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

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yield?"

Speaker Black: "She indicates she will."

Hartke: "What is the purpose of this legislation, Representative, if it is a volunteer program?"

Speaker Black: "Representative Lindner."

Lindner: "It helps streamline government oversight of environmental laboratories, Representative."

Speaker Black: "Representative Hartke."

Hartke: "Would you repeat that please?"

Speaker Black: "Representative Lindner."

Lindner: "It helps streamline government oversight of environmental laboratories."

Speaker Black: "Representative Hartke."

Hartke: "What do you mean by lowering a well?"

Speaker Black: "Representative Lindner."

Lindner: "This legislation arose from a problem that we had in our district, when in an area where people had homes and had acreages, there was a planned unit development going in. When the well was drilled for the planned unit development, the 20 or 25 wells in the area, went dry. And it was...there was never connection proved but the people in this area are very concerned about their water supply and I'm in a developing area. And what I found out from the surveys that were done after this incident, was that although when a well was drilled originally, the county had a record of this. When anyone called a well driller to say, 'I want to lower my well, or I want to go to another aquifer, that even though they are requested to get a permit, that there was no record kept in the county, whether that well had been lowered, to what depth, or what aquifer the well was on. So all we are asking is that when that permit is applied for, that the information is relayed

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to the county."

Speaker Black: "Representative Hartke."

Hartke: "I thought before you were allowed to dig a well, you had to have a permit for that well. I thought that was already a law."

Speaker Black: "Representative Lindner."

Lindner: "You do have to have that. I'm not changing that. It's when later on, in 15 years, if another homeowner looks and doesn't think their well is low enough, and they want to go drill lower or go to a different aquifer, and as I said, this is an area that is developing and they need to know what the water supply is. Then when that well is lowered, even though you have to apply for a permit, it's never recorded anyplace as to what depth the well is, if it is lowered, and what aquifer the well is on."

Speaker Black: "Representative Hartke."

Hartke: "I assume that that would be part of the permit, because would you not have to get a new permit for the new well?"

Speaker Black: "Representative Lindner."

Hartke: "Or the new depth of the well?"

Speaker Black: "Representative Lindner."

Lindner: "You still have to get a permit, yes, but the subsequent changes are never recorded. In other words, so if somebody else bought that home and they wanted to know what the well...what the depth of the well was now, or what aquifer it's on, or if there was a huge development coming in and they wanted to know what aquifers everybody was on in the area, to make sure that there was enough water supply to support the development, that is not recorded. I was told by the health...the Public Health Department that what you'd have to do is call around to all the different well drillers and see you know, who drilled that well and to

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what depth. And, all we're asking is for a line in a computer, in a book, however the county keeps their records to say this well was lowered to such and such a depth."

Speaker Black: "Representative Hartke."

Hartke: "Well, I'm not familiar with the aquifers in your area.

What is the average depth of your wells in your area?"

Speaker Black: "Representative Lindner."

Lindner: "I have no idea."

Speaker Black: "Representative Hartke."

Lindner: "That's why we're trying to get them to keep the records so that we know to what depth the wells are."

Speaker Black: "Representative Hartke."

Hartke: "How many aquifers are there in your area?"

Speaker Black: "Representative Lindner."

Lindner: "In this area that I'm speaking of, where the problem occurred, I believe there are three aquifers."

Speaker Black: "Representative Hartke."

Hartke: "Did you say three aquifers?"

Speaker Black: "She said three. Proceed, Representative Hartke, she said three."

Hartke: "I didn't hear it."

Speaker Black: "Trust me, she said three."

Hartke: "What are the names of these three aquifers?"

Speaker Black: "Representative Lindner."

Lindner: "I don't have that information with me. I think one of them was the St. Thomas, the... I can't remember. There were three aquifers that we dealt with in this area."

Speaker Black: "Representative Hartke."

Hartke: "Are they laying on top of one another?"

Speaker Black: "Representative Lindner."

Lindner: "Well, I'm not a geologist, but it's my understanding that aquifers are in layers, if you want to call that

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laying on top of each other, I don't know. Stratified."

Speaker Black: "Representative Hartke."

Hartke: "I mean your strata would have an aquif..."

Speaker Black: "Representative Hartke, your time has expired, bringing your questioning to a conclusion, please."

Hartke: "Well, Representative, it's my understanding that the aquifers, you may have one at 200 feet and another at 500 feet and another one at 1000 feet, and they crisscross in various ways. Are most of the wells in your area, deep wells, as opposed to shallow wells?"

Speaker Black: "Representative Lindner, would you like to answer the question, please? Yes, you asked a question. Representative Lindner, could you respond please?"

Lindner: "Yes, are they deep wells or shallow wells? I think the wells are average depth."

Speaker Black: "Representative Lindner would you like to respond to that? She'll get back to you on that, Representative Hartke. Further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "She indicates she will."

Granberg: "Representative, I didn't...I apologize if you've already answered this question, but does Senate Amendment #1 include a fee for this type of service?"

Speaker Black: "Representative Lindner."

Lindner: "I'm sorry, I didn't understand your question."

Speaker Black: "Representative Granberg."

Granberg: "Does the Amendment include a fee?"

Speaker Black: "Representative Lindner."

Lindner: "The Amendment includes a voluntary fee if that business wants to initiate an accredited laboratory."

Speaker Black: "Representative Granberg."

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Granberg: "The Amendment refers to the agency that shall collect the fee. I assume that's the IEPA?"

Speaker Black: "Representative Lindner."

Lindner: "Your assumption is correct, Representative."

Speaker Black: "Representative Granberg."

Granberg: "Does the IEPA agree with this Amendment? Do they want to take this responsibility?"

Speaker Black: "Representative Lindner."

Lindner: "Yes, they do. They are very much in favor."

Speaker Black: "Representative Granberg."

Granberg: "And the fees collected would be deposited in the Environmental Laboratory Certification Fund?"

Speaker Black: "Representative Lindner."

Lindner: "Again, you are correct, Representative."

Speaker Black: "Representative Granberg."

Granberg: "And for the knowledge of the Members, how much are the fees that would be included in your Bill, Representative?"

Speaker Black: "Representative Lindner."

Lindner: "The fees would amount...and again, this is a voluntary fee. If they wanted all of the...if they wanted to be able to test for all of the different properties, the fees would be \$4000, but it would save these businesses 100 to \$150,000 that they would have to pay to other laboratories, either in this state or in other states to do the same testing that they could do themselves if they were accredited."

Speaker Black: "Representative Brunsvold...excuse me. Representative Granberg."

Granberg: "Does the IEPA have any estimate as to how much will be raised by this Amendment?"

Speaker Black: "Representative Lindner."

Lindner: "Approximately \$200,000."

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Speaker Black: "Representative Granberg."

Granberg: "And will the \$200,000 be sufficient to cover their administrative costs for administration of the program?"

Speaker Black: "Representative Lindner."

Lindner: "Yes, it does, and in fact, that is all it does cover are the administrative costs."

Speaker Black: "Representative Granberg."

Granberg: "So I assume, Representative, are we setting up another special fund in the state treasury for this purpose?"

Speaker Black: "Representative Lindner."

Lindner: "Yes, we are. We would have to do that for this purpose."

Speaker Black: "Representative Granberg."

Granberg: "Representative, what is the purpose behind setting up the special fund? Would it not be better to have the EPA have the discretion and have these funds...these monies deposited in a general fund?"

Speaker Black: "Representative Lindner."

Lindner: "Well, that would guarantee that we would really use the money for what the suppliers are paying for."

Speaker Black: "Representative Granberg."

Granberg: "Well, we have seen the Department of Professional Regulation try to combine funds that would allow the department to have greater flexibility in its assessment and determination of needs. You don't think this would apply to the IEPA as well?"

Speaker Black: "Representative Lindner."

Lindner: "No, I don't."

Speaker Black: "Representative Granberg."

Granberg: "Representative, does the IEPA estimate how many groups or companies would take advantage of your Amendment?"

Speaker Black: "Representative Lindner."

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Lindner: "There are 300 commercial laboratories now and if they determine that it is in their economic best interest to voluntarily become accredited rather than use...pay money to other laboratories, then that is what they would do."

Speaker Black: "Representative Granberg."

Granberg: "Representative, do you think this will impact the private sector at all? Will we be taking business away from a private enterprise that might be currently conducting this type of testing?"

Speaker Black: "Representative Lindner."

Lindner: "No, it helps private enterprise because it would save commercial and industrial laboratories significant amount of monies."

Speaker Black: "Representative Granberg, your time has expired. Concluding question? Proceed."

Granberg: "Thank you, Representative. I appreciate your answers."

Speaker Black: "With no one seeking recognition, Representative Lindner to close."

Lindner: "I would just ask for a favorable vote on this legislation. Thank you."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 729?' All those in favor will signify by voting 'aye'; opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 voting 'aye', 6 voting 'nay', none voting 'present'. The House does concur with Senate Amendment #1 to House Bill 729, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 6 of the Calendar, on

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the Order of Concurrence, appears House Bill 1868. What is the status of that Bill?"

Clerk McLennand: "House Bill #1868, a Motion to concur with Senate Amendment #1 has been filed. Representative Cross is now the Sponsor of the Bill. The Motion has been approved for consideration. A Motion to nonconcur has been filed by Representative Cross."

Speaker Black: "Yes. Representative Cross has moved that the House nonconcur with Senate Amendment #1 to House Bill 1868. All those in favor say 'aye'; opposed vote 'nay'. The Motion carries. The House nonconcurs with Senate Amendment #1 to House Bill 1868. Mr. Clerk, on page 7 of the Calendar, Order of Concurrence, appears House Bill 2123. Please, read the Bill."

Clerk McLennand: "House Bill #2123, a Motion to concur has been filed in regards to Senate Amendment #1 and approved for consideration."

Speaker Black: "And on the Motion, the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Senate Amendment #1 to House Bill 2123, modifies some provisions to the underlying Bill. It strengthens that underlying Bill. House Bill 2123 passed this House on a vote of 106 with no 'nays', and the Senate Bill, as amended, passed 58 with no 'nays', and there is no opposition to this Bill. Basically what it does is, provide that for any school which has completed its improvement plan in all applicable circular areas and in two of the most...of the three most recent school years, the composite assessment score of that school is...exceeds or the top fifteen percent of...meet standards. That school will be exempt for the next two years from all requirements relating to school improvement plan and the

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quality review visits. This Bill, as amended in this Amendment, is a wonderful Bill for school managers, for teachers, and most of all for children because this is better education. And I move to concur in Senate Amendment 1 to House Bill 2123."

Speaker Black: "And on the Motion, the Lady from Cook, Representative Davis."

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

Speaker Black: "She indicates she will."

Davis: "Representative, exactly what is a recognition process?"

Speaker Black: "Representative Hughes."

Hughes: "The recognition process is part of the program for measuring school performance in the State of Illinois and for each school to develop improvement plans for better education for all of our students."

Speaker Black: "Representative Davis."

Davis: "Representative, when people from the State Board come out in this process, I think it is called a quality review, exactly what do they do?"

Speaker Black: "Representative Hughes."

Hughes: "When the quality review takes place, they assess the school's performance relative to its school improvement plan to make sure that they are doing what they say and that it's working."

Speaker Black: "Representative Davis."

Davis: "Are plans for gifted students included in this school improvement plan or are plans for, perhaps extracurricular activities, are they included in the plan?"

Speaker Black: "Representative Hughes."

Hughes: "Yes, these are very comprehensive plans."

Speaker Black: "Representative Davis."

Davis: "So, Representative, would you agree that even though

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students were successfully mastering what is tested on the Illinois Goals Assessment Test, we yet must plan for students who are gifted, or if students are doing so well, they no longer need classroom instruction that would be given an average student, would these plans not reflect activities that will be given to superior or gifted students?"

Speaker Black: "Representative Hughes."

Hughes: "These plans are directed at all students. Schools who are performing at the exceeds level or in the top fifteen percent of the meets level, are meeting the needs of all of their students, the gifted, and all of their other students. This program in exempting them is not going to stop planning in those schools. It is not going to stop better performance in those schools. It is going to recognize that they are doing a fine job, but it is going to assure that they keep on doing that. Because if they don't maintain those standards, relative to all other schools in the state, they will be put right back into the program."

Speaker Black: "Representative Davis."

Davis: "So they would have to fail for two years before they would be put back into the quality review or the school recognition process?"

Speaker Black: "Representative Hughes."

Hughes: "They would have to fall below the criteria in two of the three most recent years before they would be back into the quality review program and the improvement plan program."

Speaker Black: "Representative Davis."

Davis: "To the Amendment, Mr. Speaker."

Speaker Black: "To the Amendment. Proceed."

Davis: "Well, we all recognize it is important for people to

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succeed and perhaps in a superior fashion. But the quality review process was in order to make sure that all students' needs were met. And gifted students have needs that should be met. Students who are superior have different needs that should also be met. And just because students are doing an excellent job of being above the mean on the IGAP test, should not excuse them from the state's monitoring system. This is a monitoring system put in place by the State of Illinois. And what we're saying is, if you do as well as you should do or better than you should do, we no longer feel the need to see that you provide extra activities for these gifted students or these average or above average students. I believe this process, if it is to be working, if it is to work successfully for all students, cannot be...it should not be waived because you did what you were supposed to do. Of course, here again, there will be a lot of confusion about who should be under the quality review assessment team from the state board. And if this Bill passes, I would like to see that appropriation reduced in the state board's budget in which these people would be employed who would do this quality review work in these areas. I believe I was told that 20% of the students would opt out. Then 20% of that state board budget should be reduced because those people will no longer be needed. Thank you."

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

Jones, Lou: "Thank you, Mr. Speaker. I yield my time to Monique Davis."

Speaker Black: "That is fine. Representative Davis. Representative Jones has yielded her time to you."

Davis: "Yes. Thank you very much, Representative Jones. Your

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concern is certainly appreciated. Representative Biggert, how will this affect the Chicago public schools and our learning zones?"

Speaker Black: "The question is to Representative Hughes, not Biggert."

Davis: "Hughes. I'm sorry."

Speaker Black: "Proceed, Representative Hughes."

Hughes: "It will not affect them in any way unless there are schools in those zones which there very well may be, who meet the criteria and are exempted."

Speaker Black: "Excuse me, Representative. The Clerk needs to make an announcement. Ladies and Gentlemen of the House, please give your attention to the Clerk for an announcement."

Clerk McLennand: "Attention, Members. Rules Committee will meet Thursday, May 25 at 11:00 a.m. in the Speaker's Conference Room. Rules Committee, 11:00 a.m., Speaker's Conference Room."

Speaker Black: "And for further discussion on the Amendment, the Lady from Cook, Representative Davis."

Davis: "In reference to Chicago, the charter schools and the learning zones, will they be exempt the first year, the second year, or when will they be exempt from this process?"

Speaker Black: "Representative Hughes."

Hughes: "Any school which has completed its plan and has met the exceeds or the top 15% of the meets category in two of the most recent three years, any school which has met those two conditions will be exempt for two years."

Speaker Black: "Representative Davis."

Davis: "Shouldn't charter schools already be able to waive this?"

Speaker Black: "Representative Hughes."

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Hughes: "There aren't any charter schools and I'm not sure whether they will be waived from the IGAP program or not."

Speaker Black: "Representative Davis."

Davis: "Under the Mandates Waiver Law, charter schools and learning zone schools should be able to waive this provision."

Speaker Black: "Representative Hughes."

Hughes: "I think I already answered that."

Speaker Black: "Representative Davis."

Davis: "Representative, approximately how many schools in the state do you think would benefit from this law? How many schools will be exempt? And the interesting thing is, some of the questions that are asked students is, 'How many times does your teacher take you to the library? How many times does your class get to view film?' Now, I don't know how you test out of that."

Speaker Black: "Representative Hughes."

Davis: "So, how many schools are we talking about?"

Hughes: "This is estimated to exempt roughly 20% of the schools across the state. And I should point out that this does not exempt the highest achieving students. It exempts schools who are meeting the needs of all students in that school building. It does not take away or change in one way the testing program which is measuring performance. That remains unaltered."

Speaker Black: "Representative Davis."

Davis: "Could you tell us, Representative, in which areas these 20% will be found? Twenty percent of the schools, you say, would opt out. Exactly, can you give me some specific examples of where they would be located?"

Speaker Black: "Representative Hughes."

Hughes: "They will be located all across the State of Illinois."

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Speaker Black: "Representative Davis."

Davis: "Do you think that the schools that are located where there is a higher per pupil expenditure, that these are the pupils that will opt out, where students are receiving an education of say, perhaps over \$9000 per pupil expenditure? Do you think these might be the students that would opt out from the quality review?"

Speaker Black: "Representative Hughes."

Hughes: "No, I do not. In a survey that was done statewide, relative to this Bill, it had support from schools all across the state, downstate, upstate, large schools, small schools, wealthy schools, and poor schools. It has no impact on that at all. It has only an impact on performance."

Speaker Black: "Representative Davis."

Davis: "Obviously, Representative Hughes, you had some schools in mind when this legislation was drafted. You had some schools in mind that you felt no longer needed to be under the state's monitoring system called quality review. Would you please...would you please name some of those schools and tell us where they are located?"

Speaker Black: "Representative Hughes."

Hughes: "I have no schools in mind specifically. I have our entire school system in mind because this is a program which recognizes good achievement, which encourages good achievement, and which diverts limited resources to the schools who are in most need by relieving staff in time to devote themselves to schools who need help in improving..."

Speaker Black: "Representative Davis, your time has expired. Conclude, please."

Davis: "I would merely like to say that the quality review team in no way remediates. Therefore, they are there to make

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certain that you are meeting the needs of the students you have. Be they gifted, be they average, or be they below average. And to opt some of those students out, in my opinion, is tremendously flawed and ludicrous. Vote 'no'."

Speaker Black: "Further discussion? The Lady from Dupage, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, this is an excellent Bill. All of the people who complain constantly that we do not provide enough money for schools certainly ought to vote for this, because it means that the limited resources that we do have will be used for those schools that need help the worst. We will not be wasting those resources on schools that are doing very well. I commend Representative Hughes for an excellent Bill and urge all of you to vote 'yes'."

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

Jones, S.: "Thank you, Mr. Speaker. I would like to yield my time to Madam Monique Davis."

Speaker Black: "Fine. Representative Davis, do you require additional time?"

Davis: "Thank you, Mr. Speaker, and thank you, Representative Jones. We do appreciate that. Representative, are any schools in Chicago meeting the needs that you say or exceeding what they should exceed in order to not be a part of the quality review that the State of Illinois does to make sure that students are receiving the kind of education that the plan calls for them to get?"

Speaker Black: "Representative Hughes."

Hughes: "I am certain there are schools in Chicago that meet these criteria."

Speaker Black: "Representative Davis."

Davis: "Representative, how did you come up with...I believe your

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statement is that they have to be 120% above the mean across the state; how did you come up with that?"

Speaker Black: "Representative Hughes."

Hughes: "That is not the criteria. The criteria is that they meet the exceed...that they meet the exceed standard or the top 15% of the meet standard."

Speaker Black: "Representative Davis."

Davis: "The top 15% of the meet standard?"

Speaker Black: "Representative Hughes."

Hughes: "Meets. M-E-E-T-S."

Speaker Black: "Representative Davis."

Davis: "The reason this is peculiar is because the quality review...a school is measured with itself. The school is not measured against other schools in the state. A school decides in its school improvement plan what it is going to do and how it is going to improve the delivery of service to children. If it's an attendance problem, they decide how they are going to address the attendance problem. If children are gifted, it tells how you are going to meet the needs of gifted children in their areas of learning. And once you write your plan and you carry out your plan, the state's quality review is to see that you are doing what the children need to have done. The quality review does not say that you have got to remediate this child or you have to have six gym classes. The quality review measures a school with itself, and if you exceeded all of the requirements one year, they expect you to look at another area and seek improvement, and I think the belief is that all schools can improve. I think the belief in passing the quality review legislation was that every school has room for improvement in some area. Your legislation, Representative, is saying that once we meet or exceeds some

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meets standard, we no longer need to look at what is happening in those schools and to those children. Now, as I set in the Educational Appropriation Committee a few years ago, some gifted students came to complain that they were not being challenged in their classes. They scored exceedingly well on all tests, but their other needs were not being met as gifted students. They testified in that Committee that a small rural area did not address the needs of these gifted children who test exceedingly well. But they have other needs. They should be challenged in math. Perhaps, some should get early college courses, but for you to say, because these students meet some arbitrary number compared with some other school district, is completely violating what the law of school...what the quality review is all about. What is it all about? It is to see that you are meeting the needs of the students in the building that you are in. To see that you are challenging what ever level they should be challenged at. You are not being compared with some other school. You are being compared with yourself. I stand here and once again, urge a 'no' vote. The resources from this team cannot go to another school because a quality review is a quality review. Instead of sending ten, what are you going to do? Send twenty people? Quality review should be a measure for every school in the State of Illinois. If it is the law...if it is the law for these children, it should be the law for those children. You too, should be monitored. We should make sure there is no abuse of children going on. We should make sure that library services are being provided. We should make sure that gifted children are being given services that they, too, desire. I urge a 'no' vote."

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Speaker Black: "Members of the House, if I could have your attention. A Gentleman with us is in the front by the well, former State Representative Ben Polk from the Quad Cities area. Welcome, Ben. Ben has now retired and is living in Florida, so there is hope for all of us, Ladies and Gentlemen. Further discussion on the issue at hand? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, and Members of the House. I stand in support of this legislation and I'll tell you why. I think that somehow or other we missed the point here. The quality review program was meant to insure that we do deliver a quality education to all students. But when a school tests above the mean average by 120%, the school must be doing something right. If we have a mechanic that is required to make sure that all the trucks and the fleet are operating properly, it seems a waste of money to tear down the engines of those trucks that are operating efficiently or not burning oil and so forth, even though the manual may say, you do maintenance on those trucks. Obviously, maintenance has been done on those trucks because they are operating efficiently. What the Representative is trying to do here is to say that if a school is testing in the higher percentage and above the mean average of 120%, they must be doing something right. If anything else, we ought to be looking at that school as an example and applying those standards that they have in that school to other schools. Therefore, I think that her idea is a very good idea. Now, that doesn't mean the mechanic doesn't change the oil on those trucks, given proper maintenance to make sure it continues. As long as that engine continues to perform, there is no need for testing. But she said, 'We'll come back and we'll do the

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testing all of the time, but when it starts to fall, then we will have to look at it again'. I think this is a good idea to save money and still expect those schools to continue to do well. The testing is not given up on these students. The testing continues. I stand in support of this legislation. I think it's a good idea and I think it deserves your support."

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

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

Speaker Black: "Representative Wennlund has moved the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Hughes to close."

Hughes: "I want to close on this by telling you why I brought this Bill to the House. It is because I listen to teachers complaining about being taken out of the classroom, out of one on one contact with their students, asking for relief for an onerous program. I brought this Bill because I listen to school administrators and school boards saying, 'We don't have enough money to do the job for education in Illinois'. We need to focus those resources on where are schools are in most need, and it is not in the top 20% of the schools in the state. Vote 'yes'. Thank you."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2123?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are

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104 voting 'aye', 8 voting 'no', and 3 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 2123, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Nonconcurrency, appears Senate Bill 1039. Please read the Bill."

Clerk Rossi: "Senate Bill 1039..."

Speaker Black: "Representative Mulligan moves that the House refuses to recede from House Amendment #1 to Senate Bill 1039. All those in favor say 'aye'; opposed 'nay'. The Motion carries. The House refuses to recede from House Amendment #1 to Senate Bill 1039 and the House requests a conference committee be appointed. Representative Wojcik in the Chair."

Speaker Wojcik: "Mr. Clerk, read House Bill 1108."

Clerk Rossi: "House Bill 1108, a Motion to nonconcur with Senate Amendment #2 to has been filed and approved for consideration."

Speaker Wojcik: "Representative Lyons moves that the House nonconcur with Senate Amendment #2 to House Bill 1108. All those in favor signify by saying 'aye'; all those opposed say 'nay', and the Motion carried. The House nonconcur with Senate Amendment #2 to House Bill 1108. Mr. Clerk, please read House Bill 385. For what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Madam Speaker, I'm appalled. I'm not even...no. This time I'm not shocked, just simply appalled. Rule 8-1 allows for debate and a Roll Call Vote on Motions to Nonconcur. I've been trying to get the Chair's attention. You cannot simply continue to roll over our rights in this way. We didn't foist these rules upon you, Madam Speaker. You foisted these rules upon us. This is the rule. You

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should have anticipated this when you foisted these rules upon us and written the rule accordingly, but you didn't. And so, House Rule 8-1 along with long standing practices in the Illinois House of Representative, would seem to indicate that we should have the right to know what is in these Amendments, why the Sponsor wants to nonconcur, and we should have an opportunity to debate them, and we demand that right. Will you give us that right on future Bills, Madam Speaker?"

Speaker Wojcik: "We will take that under consideration, Representative. We will take that under consideration. House Bill...for what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Well, Madam Speaker, it's not a question of taking it under consideration. It's a question of, it's the rule of the Illinois House of Representatives, voted on by this Body, printed in many books, some of which we got late, some of which are hard cover which we have not thrown, some of which are soft cover which we are thinking of throwing. Madam Speaker, House Rule 8-1 is very clear. This is not something to take under consideration. This is not something that is a matter of debate. This is the rule of the Illinois House of Representatives and unless it is suspended by 71 votes, it remains the rule of the House of Representatives. And we would ask the Chair to rule here and now whether we are going to have an opportunity to debate these nonconcurrency motions."

Speaker Wojcik: "Representative, what rule are you referring to?"

Lang: "I'd be proud to read it to you, Madam Speaker. House Rule 8-1. Concurring in or receding from Amendments. If a Bill or Resolution is received back in the House with Amendments added by the Senate, it shall be in order for the principle

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Sponsor, only, to present a Motion to concur or not to concur, and ask the Senate to recede with respect to those Amendments. Any two Members may demand a separate record vote in any of such Amendments. Now, we have been consistently asking for those record votes, consistently asking for the opportunity to debate. It only stands to reason that if a Member doesn't like an Amendment on a Senate Bill and he or she wants the House to nonconcur, let Members of the House find out what that is and that the Members say what is in that Amendment, that the Member wishes to nonconcur with. House Rule 8-1 gives us the right to have a record vote. We demand that record vote when requested. We have requested it on every Bill, Madam Speaker."

Speaker Wojcik: "Your request is noted, Representative. Mr. Clerk, read House Bill 385."

Clerk Rossi: "House Bill 385, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Wojcik: "Representative Brady."

Brady: "Thank you, Madam Speaker, and Ladies and Gentleman. This is a Bill that passed out of the House earlier. A technical Amendment was added in the Senate. It defined the provision to be 3.5% of the personal. It passed out of the Senate Committee with a vote of 9-0. And I ask for your favorable consideration."

Speaker Wojcik: "Any discussion? The Gentleman from Winnebago, Representative Scott, is recognized."

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

Speaker Wojcik: "He indicates he will."

Scott: "Representative Brady, was this the special legislation for Heartland Community College?"

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Speaker Wojcik: "Representative Brady."

Brady: "Representative, this was the legislation which provided for all community colleges to be treated the same."

Speaker Wojcik: "Representative Scott."

Scott: "Right. But up until this time, all of them were treated one way with the exception of Heartland, which was treated differently, right?"

Speaker Wojcik: "Representative Brady."

Brady: "That is correct."

Speaker Wojcik: "Representative Scott."

Scott: "I think I understand the underlying Bill. You are saying this is a technical Amendment. Could you explain to me for a non-revenue person, what the technical Amendment does?"

Speaker Wojcik: "Representative Brady."

Brady: "Representative, as it reads, it replaces line 11, page 8 by saying, '1997 beginning of the base...of the effective date of this Amendatory Act of 1995. It's base shall not be three...shall be 3.5% of the sum of the personal'. When this Bill went over to the Senate, there were some question as to the technicality of that area. We all understood when it was here that we were okay on how we defined it. The Revenue said that, if you want to further define it to limit it, add this language. That is what we did."

Speaker Wojcik: "Representative Scott."

Scott: "Well, why was the 3.5% figure left out of it in the first place? I mean, does that change it, or was that the original intent all along? If so, why was it left out of the original Bill?"

Speaker Wojcik: "Representative Brady."

Brady: "Representative, it simply clarified the language and it was always the original intent. It clarified it like attorneys. When you get more than one person giving an

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analysis, you might get a different answer. Revenue tends to have that same problem. So we specifically clarified it so that everyone agreed."

Speaker Wojcik: "Representative Scott."

Scott: "I'm sure you can understand our concern because before, it had no number, and now it has 3.5%. Is that the same number for all the other community colleges as well?"

Speaker Wojcik: "Mr. Clerk, for announcements."

Clerk Rossi: "The Rules Committee will meet in five minutes in the Speaker's Conference Room. The Rules Committee will meet in five minutes in the Speaker's Conference Room."

Speaker Wojcik: "Representative Brady."

Brady: "Representative, it funds it at the equivalent level that all the community colleges agreed to, that the presidents of the community colleges, the community college trustees associates agreed to. That is where that number...it was a number that they came up with."

Speaker Wojcik: "Representative Scott."

Scott: "Yeah, but my question, Representative is, is the 3.5% in the language for all the other community colleges, does that apply now universally?"

Speaker Wojcik: "Representative Brady."

Brady: "Representative, I'm sorry, I didn't understand your question."

Speaker Wojcik: "Representative Scott."

Scott: "My question was whether the 3.5% is a universal figure for all of the other community colleges as well?"

Speaker Wojcik: "Representative Brady."

Brady: "No. The 3.5% only effects Heartland. It's because of the way it was brought into the system. So, when they wanted to clarify this with Revenue, they sat down with the trustee association, the community college board, and the

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presidents. And that is what their intent was as an association as an agree...they came up with the same agreement and this is the way to clarify it to that previous agreement."

Speaker Wojcik: "Representative Scott."

Scott: "So, is that 3.5% that we are setting aside for Heartland, up until the time we passed that Bill, that was being split amongst the other community colleges?"

Speaker Wojcik: "Representative Brady."

Brady: "It was being split amongst all downstate bodies which received. And as you may recall from the previous debate, it's a minimum amount of money to everybody and everyone... There was no opposition."

Speaker Wojcik: "Representative Scott."

Scott: "Well there was some opposition from over here as I remember, but no organized opposition. Representative, have there...on the underlying Bill now, does this...have there been any other taxing districts created since 1979 other than Heartland, to which this would apply?"

Speaker Wojcik: "Representative Brady."

Brady: "None that I am aware of, Representative, and I'm pretty sure that the reason for this, as we stated in the earlier debate, was that the state funds community colleges through a formula driven mechanism, and it is the only community college that at this point does not receive this. So for this community college and any future community colleges, it was agreed that a state funded formula of funding provided to the university, to Heartland College, excuse me, should be provided in this manner."

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

Scott: "Thank you, Madam Speaker. If I could have just a minute

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to bring my remarks to a close."

Speaker Wojcik: "You may."

Scott: "Thank you. I understand the reason for the Amendment. It does appear to be technical. The unfortunate part is that the underlying Bill is still bad in my opinion. Heartland came into this knowing what the rules were essentially in 1979 when they were formed, and this still does what it did before which is essentially to take money from all the other taxing districts that share in the personal property replacement tax. I would urge all the colleagues on this side of the aisle, certainly to vote 'no' on this for the same reason that we voted 'no' on it before. Thank you."

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

Black: "Yes, thank you very much, Madam Speaker, and Ladies and Gentlemen of the House. I simply rise to support the Gentleman's Motion to concur. We have been over this at some length ad infinitum. I don't know of any community college president or board of trustees. There might be some, but I'm not aware of any who oppose this. This is a matter of equity and fairness, and how all community colleges are funded in the State of Illinois. Now, the State of Illinois mandated that all geographic areas of the state must be in a community college district, and if you didn't do by it referendum, the state was going to assign you to a community college district. So, what we have here in the McLean County area, is a territory that did vote, by public referendum, to become a public community college district and all they are asking for is to be treated on their financing package the same as every other community college in the state. They aren't going to take money

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from any other community colleges. It isn't a shift. It isn't anything underhanded or nefarious. I don't know of a community college in the State of Illinois that doesn't favor this, who hasn't spoken out in favor of it because it is a matter of equity. I believe when the state mandates that those few geographic areas that were no longer in a community college district, from a community college district, then they have every right to expect that they will be treated the same way as all existing community college districts. It's a simple matter of fairness. It's a simple matter of equity. I urge you to vote 'aye'."

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

Dart: "Thank you very much, Madam Speaker. I rise in strong opposition to this. This is not a question of fairness. This is not a question of equity at all. This is a question of a deal that was struck back in 1979 to replace a taxing system. This was to be a closed allocation system. Sixty-eight hundred dis...local districts were groups that got this money. It was since replaced and this was to be and has been, up until this date, a closed system. So when you have a closed system, all these different local taxing bodies were getting a certain amount of money. It was then replaced with this other tax. When you have a closed district though, and you cut someone else in, guess what folks? Add it up. It means all these other districts are losing money. So it is real simple. The equity is for Representative Brady's district. It helps his district. If you want to help his district out, go right ahead and do it. But make no illusions about this, folks. Please, don't. Every other local taxing district that gets money out of this fund, which is 6800, is going

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to lose money. It is very simple and straight forward. This has been a windfall Session for Representative Brady. He got his judges yesterday. Now he's going to get this for his taxing district. Once again, as I said, you are talking about your local community colleges will lose money. Your local school districts will lose money. Your cities, your townships, they will all lose money. This is the first time in 16 years that we have opened this system up and the reason we have not opened it up before is because it does not make sense. This was a replacement tax before and any way you cut it, you are giving money to Representative Brady's district. So, if that is what you want to do, please go right ahead and do it. But I know the taxpayers in my district would like me to keep the money there and not be giving it to somebody else. Especially somebody that is making quite a windfall off the judges and the like so far. So I rise in very strong opposition to this. This is not a question of equity. This is purely a question of shift the money to Representative Brady's district, and that is not what this should be about."

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

Lang: "Well, thank you, Madam Speaker, Ladies and Gentlemen of the House. I echo my eloquent colleague, Mr. Dart's comments. This is a...for those who are in downstate communities, particularly downstate freshmen and downstate targets on both sides of the aisle, this is not a good vote. This will take money away from your community colleges, give it to Mr. Brady's community college. Good vote for Mr. Brady. Perhaps Mr. Brady ought to vote for this. This is probably a good vote for him. Probably look

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good in his newspapers, his media. His local community might insure his reelection as he takes money away from all of your community colleges and give it to his community colleges. For those of you in Cook County that say, 'Well, this doesn't affect me because we are in Cook', let me just simply remind you that we have a responsibility as State Legislators to protect everybody's money. And let me further remind you that when they come after the downstate community colleges, the next thing they will do is come after the Cook County community colleges. So there is not much more to be said on this, except that you really should take a real strong look at this. People will say to you...Mr. Brady will say to you, 'Well, it's only a few dollars. It's not that much. We have to put my personal community college on a level playing field, et cetera, et cetera'. All those fine cliches we hear around here all the time about these things. That is my favorite one: level playing field. But the fact is is that his...this effort will take money away from all downstate community colleges. Do you want to...and schools. Do you want to take money away from your schools and give that money to Mr. Brady's schools, well go ahead. So, what you will do then is insure Mr. Brady's reelection and he doesn't need any help from you I don't think. You'll insure Mr. Brady's reelection while you put your own at risk. While the people in your community say, 'Why did you take my money from me and give it to Brady?' I don't understand why anyone here would want to do that. For the people that won't lose any dollars over this, you will eventually. Because if they can come after the downstate community colleges, they can come after the Chicago and Cook County community colleges. Accordingly, it's a very bad

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precedent. It's a very bad vote. No targets on either side of the aisle should be for this. No one that is concerned about their schools should be for this. The only people that should be for this who have as a high priority reelecting Mr. Brady, everybody else should be 'no'."

Speaker Wojcik: "Any further discussion? Seeing none, Representative Brady, to close."

Brady: "Thank you, Madam Speaker. I remind everyone that all community colleges that both sides of the aisle represent strongly support this piece of legislation. This does not effect Cook County in any way, shape, or form. It is an equity issue. The community colleges support it and the presidents support it, and I ask for you...again, your favorable consideration. Thank you."

Speaker Wojcik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 385?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 'ayes', 54 'nays', none voting 'present'. The House does concur with Senate Amendment #1 to House Bill 385, and this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1816."

Clerk McLennand: "House Bill #1816, a Motion to concur has been filed in regards to Senate Amendment #1 and has been approved for consideration."

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Thank you, Ms. Speaker. House Bill 1816 has been amended. Essentially is the same technical change that was originally was approved by consensus unanimously in the

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House. The Amendment 2 was passed unanimously. Essentially what this is is the so-called Bad Check Legislation whereby it amends the provisions of the Criminal Code concerning Civil Liability for Deceptive Practices, and it provides that a written demand by certified mail to pay the amount of check is sufficient for purposes of establishing civil liability if the certified mail is returned unclaimed. I ask for your favorable approval and welcome questions."

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

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

Speaker Wojcik: "He indicates he will."

Lang: "Representative, what came out of the original Bill that we are now voting on in concurrence? What is different?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "All that was deleted, Representative, is instead of having a messenger deliver the notification, it strictly would be certified mail. Before, it was certified mail and a messenger service. So they have eliminated the messenger mail."

Speaker Wojcik: "Representative Lang."

Lang: "Is there any other statutory scheme where notices being given to someone that requires both regular mail and certified mail?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Not that I am aware of, Representative. There may be."

Speaker Wojcik: "Representative Lang."

Lang: "Actually in some areas, we talk about notice being regular mail and in other areas in different statutes, we talk about certified mail and in other areas, we talk about

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actual service or process. Why do you want to carve out in this Bill a specific niche? What is the policy consideration behind having both of these things be required?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Just to refresh your memory, Representative, this is a situation where a bad check of payment has occurred. There has been difficulty for quite some time, getting this information and getting a response from the recipient. By having certified mail, this is a last resort. And the fact of the matter is, is I think it is fair and in a situation like this, it again is a last resort and all other avenues have been pursued when it gets to this point. So I don't think it is inappropriate that it would be restricted to certified mail."

Speaker Wojcik: "Representative Lang."

Lang: "Well I'm not sure we need the certified mail at all. Why don't we just make it first class mail? Certainly, if the person has a defense, they will come in and raise the defense. Why do we have to put this additional burden in the way before we prosecute people for deceptive practices?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Representative, I don't think it is a burden at all. Remember, these are individuals that have failed to make payment for a number of...by a number of attempts and this is simply a last chance effort to get a hold of these individuals to let them know that they have failed to live up to their commitment. That is all."

Speaker Wojcik: "Representative Lang."

Lang: "So before the prosecutor proceeds or is a matter of proof on trial, the prosecutor would have to prove that this was

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mailed both first class mail and certified mail, and I presume to show that green card to prove that it was delivered?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "That is correct, Representative. I think I understood you to say that prove in court that this...that a good faith effort has been made, that they simply have to have that green card in their possession to suggest that an effort was made, a last attempt to reach these individuals in hopes of gaining payment. That is accurate."

Speaker Wojcik: "Representative Lang."

Lang: "Is there any requirement that the certified mail actually be picked up by the recipient or the first class mail actually be delivered to the recipient?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "The original legislation would have included regular mail. This Senate Amendment restricts it specifically to certified mail. So regular mail would...those avenues would have already been exhausted of that juncture. Many regular mail letters would have been sent. This would be a last ditch effort to try to reach the individual, so to be restricted specifically to certified mail."

Speaker Wojcik: "Representative Lang."

Lang: "Well, thank you, but I think you misunderstood the question. The question is...no problem. The question is, at trial, does the prosecutor have to prove that the certified mail was actually received by the defendant? And that the first class mail was actually received by the defendant? Or is it sufficient proof just to prove that both of these were mailed?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "I'm sorry, Representative. Yes, they would have to

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demonstrate that a written demand by certified mail was delivered and attempted to be delivered to that individual."

Speaker Wojcik: "Representative Lang."

Lang: "So we don't have to prove that the post office does their job? We don't have to prove that the defendant got the letter. We don't have to prove that he went to the post office to pick up the certified letter, only that the effort was made to do both of these things, and then that would be a matter of proof at trial?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Again, at the risk of being repetitive, the fact of the matter is, repeated attempts would have been made to reach these individuals by regular mail, by perhaps personal visits and it just, as a last ditch resort, would simply require a certified mail at that juncture."

Speaker Wojcik: "Representative Lang, would you bring your questions and remarks to a close, please?"

Lang: "I would stand in support of this concurrence Motion so long as the Sponsor has now made it clear that this certified letter does not actually have to be received, because we know that people don't always pick up their certified letters. And so the Sponsor has made that pretty clear that the duty of the prosecutor is to send out this certified letter and to prove that it was sent out. We can't force people to pick up their mail at the post office and if that was part of the Bill, I would be opposed because you could never prove this case then. But since that is not part of the Bill, I stand in favor of it."

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

Hartke: "Mr. Speaker, I would like to yield my time to

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Representative Lang."

Speaker Wojcik: "I believe Representative Lang was finished."

Hartke: "Okay. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will. Do you want to move the previous question, Representative?"

Hartke: "Not particularly."

Speaker Wojcik: "Not really?"

Hartke: "It's ironic that we should be talking about deceptive practices. I was just on the phone with one of my constituents. Does this make deceptive practice a heavier criminal offense?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "No, Representative, this doesn't touch the punishment requirements at all or the underlying law. This simply relates to the process by which a bad check of notification is instituted."

Speaker Wojcik: "Representative Hartke."

Hartke: "You are suggesting that it be done by first class mail rather than certified mail?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "There may be some misunderstanding with the previous question. It relates strictly to certified mail as a last resort, and has to be verified that an attempt was made. Now, if the individual...if a best faith effort is made, that should be justified in court. Now, remember again, as I mentioned to Representative Lang, they would have tried a numerous times up until this point to try to reach the individual before getting to this juncture."

Speaker Wojcik: "Representative Hartke."

Hartke: "Does the...can the business who received the bad check still ask for treble damages in this situation?"

Speaker Wojcik: "Representative Hanrahan."

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Hanrahan: "I'm sorry, Representative. Would you repeat the question?"

Speaker Wojcik: "Representative Hartke."

Hartke: "The business that receives the bad check, can they still get treble damages under the Deceptive Practice Act?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "I'm sorry, Representative. Again, I didn't hear you. Something about the Fourth of July?"

Speaker Wojcik: "Could we have a little quiet in the House? The Representatives cannot hear their discussion. Take your discussion to the back of the room, please. Representative Hartke."

Hartke: "Businesses that receive this bad check, would they still qualify for the treble damages in their court proceedings?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "I'm sorry, Representative, yeah. This has no effect on the damages. Again, it is simply how the process works, how the notification occurs. It is a delivery mechanism. That is all."

Speaker Wojcik: "Representative Hartke."

Hartke: "Back to my original question. In not only businesses, but also individuals can receive that treble damage?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Yes. It relates to both businesses and individual consumers."

Speaker Wojcik: "Representative Hartke."

Hartke: "Yes. I guess it's just residents in nursing homes where we've eliminated the treble damage, is that correct?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Again, we are not dealing with the damages. We are simply dealing with the delivery mechanism. This...all it changes is it requires an individual or a business to

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notify by certified or by first class mail, the individual as a last ditch effort to notify them of their failing to pay. That is all."

Speaker Wojcik: "Representative Hartke."

Hartke: "Isn't first class mail just mailing a letter?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "First class mail is first class mail. It's delivered as well as certified mail as certified mail."

Speaker Wojcik: "Representative Hartke."

Hartke: "But first class mail gets lost all the time. Certified and registered, you have got to sign for the thing. And when...that is proper notification that you have had action taken against you. When you sign for that letter, that means that that was actually delivered. First class mail gets lost all the time. We've got mailmen who throw them out the truck, stack them in their garages, and so forth. But yet, you are saying now that first class mail is...constitutes legal delivery of notification. Is that right?"

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Again, it's either means of delivery, both first class or certified. Remember, Representative, as I said, this is an effort when numerous other attempts typically have been made either in person or by mail or by certified mail or by delivery to notify the individual that they have not lived up to their commitment. And this is simply, as I said, a last attempt to reach the individual."

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

Hartke: "Well, as a legislator, haven't you had a constituent say, 'Well I mailed you a letter, didn't you get the letter?' And you honestly have not, you know, gotten the

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letter or it's gotten misplaced or whatever. How do you answer that? Now, many times those letters just don't arrive. Maybe they felt they mailed and maybe they didn't. Maybe they thought about it. Maybe it got lost in the shuffle. But you are saying now that this constitutes a legal notice."

Speaker Wojcik: "Representative Hanrahan."

Hanrahan: "Again, this is not a one time effort. This is individuals that have failed to live up to their financial commitment time and time again. And at some point, the civil liability needs to be established, and it is at this juncture that either by certified mail or first class mail that a final determination is met or not met."

Speaker Wojcik: "Any further discussion? There being none, the Chair recognizes Representative Hanrahan to close."

Hanrahan: "I would simply ask for your favorable vote to Amendment #1."

Speaker Wojcik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1816?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 115 'ayes', 0 'nays', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1816, and this Bill, having received the required Constitutional Majority, is hereby declared passed. For what purpose does the Gentleman from...Representative Granberg, rise?"

Granberg: "Thank you, Madam Speaker. An inquiry of the Chair."

Speaker Wojcik: "State your inquiry."

Granberg: "I'm receiving numerous requests and questions and I think, rightfully so. When is the...when does the Majority

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Party intend to call the Teacher's Health Insurance Bill? Because these retired teachers are out here worrying about their future and how they are going to survive. And they have no indication when this issue is going to become before the House."

Speaker Wojcik: "Mr. Granberg, we all know that that is a very important issue and we are going to address it at the appropriate time. Mr. Clerk, please read House Bill 2343."

Clerk McLennand: "House Bill 2343, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Madam Speaker. I bring for concurrence Senate Amendment #1 to House Bill 2343. Senate Amendment 1 amends the Illinois Job Training Coordinating Council Act. It will rename the Act, the Illinois Human Resource Investment Council. This new council will be charged with responsibilities relating to the creation of a state work force investment system, rather than simply overseeing the administration of categorical education. I'd be happy to answer any questions regarding this Bill...this Amendment."

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

Dart: "Thank you. Representative, why was this Amendment necessary?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Dart, this Amendment is a good Amendment that...that will allow us to expand the various aspects of the committee that was formed to take over or to oversee the Job Training Partnership Act. Along with that, this new committee, the new appointments, will be taking care of some other areas. They will also be coordinating a

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lot of various agencies to help in many, many areas. This legislation which replaces the Illinois Job Training Coordinating Council with the Human Resource Investment Council will be specifically charged with the responsibilities relating to the creation of a state work force investment system rather than overseeing the administration of categorical education, employment and training programs. You know, in this regard, it's not like a lot of past legislative initiatives which relate just to new work force development councils. And this one doesn't direct, reorganize, or restructure any force or any entities to come together. This council will assist in the coordination and cooperation of the various entities involved in work force development. It also proposes...in this proposed language, simply mirrors the clear federal language for work force system development with one minor exception. We are going to include the Illinois Community Board Director, simply because community colleges have been so involved in work...school to work initiatives. And this is what we are really concerned with. The legislation supported by the Department of Commerce and Community Affairs, by the Lieutenant Governor as well as the Job Training Coordinating Council that it's going to replace. There's really three primary reasons why this legislation is important. The first, the lack of HRIC in Illinois puts a lot of federal funding from pertinent work force initiatives in jeopardy. In conjunction with other state agencies, DCCA is currently working to get almost \$64 million in federal discretionary funds over the next five years for two really important initiatives and important to kids and adults as well. Those are school to work transition and the states network for one stop career

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centers. You know, the U.S. Department of Labor, which is the source of these funds, highly recommends the states have an HRIC and we don't have one. So they're so adamant about this that there is no state, I mean there has not been one single state in this nation, that's ever received a school to work or a one stop career center grant. The grants that are involved in these \$64 million which we're seeking to bring to this great state. Passage of this legislation certainly increases our competitiveness for these and other Department of Labor discretionary grants. Now I'm not sure that we'll get all these grants but we do have to have the opportunity. If we establish an HRC...HRIC this will enable the state to be more affective and we will be more efficient and more expedition, if and when the federal work force decides to go with block grants. We don't know the shape of the new federal block grants at this point but we do know that there's an awful lot of talk in Washington about giving this money to the states in block grant form. We want to be ready when this happens. Well, if we establish an HRIC at this time, we'll ease Illinois' transition to any new block grants, we'll better insure that the work force training services continue to be provided in Illinois, and bringing the Junior College into this fold will even make it better. The new HRIC provides a better mechanism than currently exists...than currently exists from improving the coordination and cooperation of development of work force systems. It'll help this state with what has been called the state's patchwork maze of training programs. And I am just absolutely thrilled to bring this Amendment, which a good colleague from the other side of the aisle thinks is a good idea. And we're going to take this all the way to the

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Governor's desk. I'd be happy to answer any more of your questions, Representative Dart."

Speaker Wojcik: "Representative Dart, you have 33 seconds left, minutes."

Dart: "Just a couple quick comments. One, I really have to question the Representative's choice of staffers. The one back there, yes there he is, staffer Rutherford. He obviously is a good teacher though I'll tell you that. And my only last question was is that it was so noisy here I really didn't hear. Can you repeat that?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Dart, I be more than happy to. I'm so excited about this entire program. But I'll tell you what would be easier than that..."

Speaker Wojcik: "Representative, there are some other people who would like to be recognized. Any further discussion? The Gentleman from Cook, Representative Lang, is recognized."

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

Speaker Wojcik: "He indicates he will."

Lang: "Thank you. I was listening intently while I was eating on my sandwich here to your response to Mr. Dart. He was confused about your answer, I was as well. Can you repeat it for me, Sir? I'll just sit down and eat my lunch while you do that."

Speaker Wojcik: "Any further discussion? Oh, I'm sorry, I thought you were through, Representative. Representative Lang."

Lang: "Thank you. I asked the Gentleman if he would repeat his answer to Mr. Dart."

Speaker Wojcik: "Oh, I saw you sitting down."

Lang: "I was going to sit down while he does that."

Speaker Wojcik: "I was being spoken to at the podium..."

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Lang: "That's alright...."

Speaker Wojcik: "...here. You know how that happens."

Lang: "I'm going to come up and speak to you in a moment too."

Speaker Wojcik: "Occasionally right."

Lang: "Thank you very much."

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Madam Speaker. Representative Lang, I'm sure glad that you corrected that, because I was disappointed that I wouldn't get the opportunity."

Lang: "Right."

Mitchell: "Sure. Let me just...let me just go quickly over it. I know that this is one of those Amendments that, that's pretty clear but it's important. It's not like other past legislative initiatives. This new work force will direct, reorganize, and restructure a lot of entities. It's going to assist in the coordination, cooperation of various entities. And it's going to...the proposed language mirrors the federal language.

Speaker Wojcik: "Representative Lang."

Lang: "How come it took you eight minutes to read this to Mr. Dart but only 30 seconds to read it to me, Sir?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Well, Representative it did because I wanted to thoroughly answer that question for Representative Dart, who was listening intently. And I would be more than happy to thoroughly answer it for you. Be more than happy to spend time at the back of the chamber going over my notes and this Amendment. But it specifically...what part of is it that you would like some help with? I'd be happy to do what I can with the information, knowledge that I have."

Speaker Wojcik: "Representative Lang."

Lang: "Well, thank you. I'm really concerned about the new

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duties you're giving to the Lieutenant Governor here. I mean with his radio talk show, with his running for the U. S. Senate, with his hobknobbing with his friends in Washington to try to raise money. With all the other things he's doing, he's given up other responsibilities. And yet, yesterday he was given the Chairmanship of some trumped up committee to study educational costs. And now today you're giving him new functions. What does he want to do? Why doesn't he just come down here and tell us what he's willing to do and what he's not willing to do? Perhaps you know what he's willing to do and not willing to do. Have you discussed this issue with him, Sir?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Lang, I can understand your concern. In this particular initiative, the Lieutenant Governor really has only given it his blessing. He's not in the mix."

Speaker Wojcik: "An announcement from the Clerk."

Clerk McLennand: "Committee notices. The following committees will meet at noon. Privatization and De-regulation will meet in Room 118 on concurrence for House Bill 868 and House Bill 1363. The Elections and State Government Committee will meet in Room 114 at noon on House Bill 301, House Bill 1825 and House Bill 2429. Counties and Townships Committee will meet at noon in Room D-1 in the Stratton for House Bill 974, House Bill 1587 and House Bill 1850. And the Executive Committee will meet at 12:45 in Room 114 of the Capitol for House Bills 36, 1437, 1462, 1792 and House Bill 2407. Again, 12:00 committees will be Counties and Township in Room D-1, the Election State Government in Room 114, Privatization, Room 118 and at 12:45 Executive, Room 114."

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Speaker Wojcik: "Representative Lang, you lost a minute and a half, so I'll give you two minutes."

Lang: "Thank you. You are not part of the conspiracy, Madam Speaker, and I appreciate that."

Speaker Wojcik: "I hope not."

Lang: "Since you're being so cooperative now, do you have any interest at all in going to House Resolution 49?"

Speaker Wojcik: "I think we should speak to the Bill, Representative."

Lang: "Okay. Thank you very much. Representative, do you have any interest in going to House Resolution 49, so we can get to the bottom of the Notegate scandal? Maybe the Lieutenant Governor would like to be the person in this group that you're putting together, to investigate this."

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

Lang: "Oh. Okay. Sorry. I got carried away, as I usually do. Representative, did you tell me that the Lieutenant Governor wants to do this? We want to make sure he only does things he wants to do. We would like to take away all of his functions, if he would like them taken away, to give him the opportunity to run for office."

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Lang, at this point he has only told us that this is a good idea. This is not something that's going to take a lot of his time."

Speaker Wojcik: "Representative Lang."

Lang: "Well that's a darn good thing because he doesn't have a lot of time left with his very busy activities. But someone behind me who may not get recognized wanted me to ask you, what the heck does the Lieutenant Governor do?"

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

Mitchell: "Thank you. In regards to this Amendment, he endorses

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the program and thinks it's a fine idea and something we should pursue."

Speaker Wojcik: "Representative Lang."

Lang: "Has he given you any written plan that he has? A plan of attack to run this program with?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Well he hasn't, but we do have a plan. And again, I'd more happy to go over that plan one more time at...on our time."

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

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

Speaker Wojcik: "The previous question has been put. All those in favor signify by saying 'aye'; all those opposed say 'nay'. The Motion carried. Representative Mitchell to close."

Mitchell: "Thank you, Madam Speaker. I just ask for a favorable Roll Call. This is a good initiative. Please vote 'aye'."

Speaker Wojcik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2343?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 'ayes', 0 'nays', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 2343, and this Bill, having received the required Constitutional Majority, is hereby declared passed."

Clerk McLennand: "Members are reminded. Committee Notices - Counties and Townships in Room D-1 at 12:00 noon. The

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Elections and State Government, Room 114, 12:00 noon.
Privatization, Room 118, 12:00 noon. Executive at 12:45 in
Room 114."

Speaker Wojcik: "The House will stand in recess until 1:30. For
what..."

Clerk McLennand: "Committee Reports. Committee on Rules has met.
The Committee on Rules has met and places the following
Senate Bills on the Order of Nonconcurrency: Senate Bill
#760 and Senate Bill #818. The following joint action
Motions were referred to the Rules Committee. Action taken
on May 25, 1995 and reported the same back, do approve for
consideration. On the Order of
Concurrence...Concurrence...Concur in Senate Amendments #1
to House Bill 1200. Nonconcur: House Bill 90 with Senate
Amendment #1. House Bill 838 together with Senate
Amendments #1 and House Bill 1069 together with Senate
Amendment #1 and House Bill #1868 together with Senate
Amendment #1. Attention, Freshmen Members of the House of
Representatives, when the House reconvenes at 1:30, they
should gather in the well for a Freshmen class picture.
Messages from the Senate. A message from the Senate by
Jim Harry, Secretary of the Senate. Mr. Speaker, I am
directed to inform the House of Representatives that the
Senate has refused to concur with the House in the adoption
of their Amendment to a Bill with the following title:
Senate Bill 1111, a Bill for an Act to amend the River
Conservancy District Act together with House Amendment #1.
Action taken May 25, 1995. Introduction to Resolutions.
House Resolution #555 offered by Representative Brunsvold
is sent to the Rules Committee. Those Members wishing to
still pick up a schedule for these afternoon committees,
noon, 12:45, there are ones by the Chair as you go out

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the...go out the chamber exit."

Speaker Black: "Ladies and Gentlemen of the House, we have with us this afternoon in the Speaker's Gallery, the students from St. 'Petranell' School in Glen Ellen, Illinois. The eighth grade class. They are the guests of Representative Peter Roskam and Ben Persico. Rumor also has it that the Clerk of the House, Terry McLennand, might have received his diploma from there at one time. The House will come to order. Representative Black in the Chair. Members will be in their seats. All unauthorized personnel, please retire from the House chambers. Yes, Representative Hartke, for what purpose are seeking recognition?"

Hartke: "Inquiry of the Chair."

Speaker Black: "Yes, state your inquiry."

Hartke: "Yes. As I walked in here before here, I had several, what appeared to me to be retired teachers, badger me and ask me if I would badger you and I said I would, to do your best and to make sure House Bill 323 is heard this afternoon."

Speaker Black: "Thank you, Mr. Hartke. I will consider myself badgered and we will get to that in just a second. Mr. Clerk, on the Order of Nonconcurrency, appears Senate Bill 465. Representative Ryder moves that the House refuse to recede from House Amendment #1 to Senate Bill 465. All in favor say 'aye'; opposed 'nay'. The Motion carries. The House refuses to recede from House Amendment #1 to Senate Bill 465. Requests a conference committee be appointed. On the Order of Nonconcurrency, page 8, appears Senate Bill 50. Mr Clerk...Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 50, a Motion has been filed to recede from House Amendments 4 and 7. Rules has approved this Motion for consideration."

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Speaker Black: "Take the Bill out of the record. The Gentleman from Rock Island, Representative Brunsvold, are you seeking recognition?"

Brunsvold: "Not right now."

Speaker Black: "Representative Brunsvold, are you seeking recognition? Alright, thank you. It's on the Calendar, page 7, Order of Concurrence appears House Bill 2330. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2330, a Motion to concur with Senate Amendments 1, 2, 3, and 4 has been filed and approved for consideration."

Speaker Black: "On the question, the Lady from Cook, Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I move to concur with Senate Amendments 3 and 4. Senate Amendment 3 contains the provisions of House Bill 1277 and House Bill 1834."

Speaker Black: "Excuse me, Representative Zickus. Take the Bill out of the record. Page 8 of the Calendar, Order of Nonconcurrency appears Senate Bill 50. Mr. Clerk, has the sponsorship of that Bill been changed?"

Clerk Rossi: "Yes, it has."

Speaker Black: "Who is the Sponsor?"

Clerk Rossi: "Representative Winkel."

Speaker Black: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker."

Speaker Black: "Proceed, Representative Winkel."

Winkel: "Senate Bill 50 amends the School Code to provide the regional superintendent shall assume office on December 1. We have Motions to recede on Senate Amendments #4 and 7. Any questions."

Speaker Black: "Excuse me, Representative. Was it Senate

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Amendment 4 and 7 or House Amendment 4 and 7?"

Winkel: "Mr. Speaker, you are correct. It is House Amendments #4 and #7, Motions to recede."

Speaker Black: "The Gentleman from Champaign, Representative Winkel, has moved to recede from House Amendment #4 and 7 to Senate Bill 50, and on that question, the Gentleman from Clinton, Representative Granberg."

Granberg: "Mr. Speaker, I've had my light on. Unfortunately, you are having to take the brunt for your leadership because you know that you have violated the House Rules in moving that one Bill, not allowing anyone to address the question on the Budget Authorization Act, Budget Implementation Act. The third time today that you have...the Speaker has violated their own Rules. You have not allowed the Membership to talk to debate the question, which is provided for by your Rules, Sir. A very, very important Bill that is going to serve as the implementation for the medicaid tax, tobacco tax, budget reductions, cost control for private companies, and you did not allow discussion, Mr. Speaker. And you are much too honorable of a Gentleman to serve at the bidding of your Leadership to take these actions. So that is the first point. And the second point we want to authorize...exercise our option to separate the question on both Amendments because they should be debated upon and voted upon separately, according to your Rules, and I would so move."

Speaker Black: "Excuse me, Representative Granberg. On the Bill at hand, Senate Bill 50, you want to divide the Amendments? We will take each Amendment separately. Alright. It shall be done. Representative Winkel, would you proceed on House Amendment #4?"

Winkel: "Yes, Mr. Speaker. I simply move to recede House

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Amendment #4 on Senate Bill 50."

Speaker Black: "The Gentleman has moved to recede from House Amendment #4 to Senate Bill 50. And on that question, the Gentleman from Cook, Minority Leader, Madigan."

Madigan: "Mr. Speaker, for two purposes. Number one. Mr. Speaker, as I told you the other day...Mr. Speaker, as I told you the other day, our campaign is coming along very well. On this side of the aisle, everything is very harmonious, cohesive. You are being received very well. And again, as your campaign manager, I'm concerned about your image, your reputation, and your acceptability to the 54 on this side of the aisle. And so again, Sir, I would please request of you that you conduct yourself as you know you should conduct yourself when you are in the Chair. And in that regard, I would like to know why you wouldn't recognize Mr. Lang?"

Speaker Black: "Was he seeking recognition?"

Madigan: "Yes. I can see the light from here."

Speaker Black: "Yes, you can now. As I recall, when we went to that order of business, the good Representative was having his picture taking, as I recall. Proceed, Representative Madigan."

Madigan: "So, if you would simply recognize Mr. Lang. It's part of our campaign, Mr. Speaker."

Speaker Black: "At this point, alright. I'd be honored to do that. Yes, Representative Lang, are you seeking recognition on the question of Amendment #4 to this Bill? Yes, Representative Lang."

Lang: "Frankly, Sir, I was speaking...I was seeking recognition before when you sumarily moved that 465 along. The rules of the House clearly provide for an opportunity for Members to react to legislation. I'm not even sure if Mr. Ryder,

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whose Bill it was, was on the floor. If he was, I surely heard him make no Motion and I think, Sir, you violated every rule of the House relative to moving that Bill along. Now Sir, I remind you, and you should know this, cause you keep careful account of how many people are on this side of the aisle that aren't campaigned to help you attain the office you seek. You know we have 54 and you have 64. You don't have to abuse the process. You don't have to take the rules and bend them and twist them anyway you feel like doing at any time. You just simply need to take your 64 votes and vote for what you wish. Now, there's no reason you had to move that Bill along. There's no reason you had to do it when the floor was half empty. There's no reason you had to ignore lights flashing on our side of the aisle if people wanted to ask certain questions. I think you'll acknowledge Sir, that everyone in this House has the responsibility and a duty to ask the questions that they feel they need to ask on the issue that we confront in the Illinois House of Representatives. You Sir, are doing damage to your campaign in your quest for this new office, because you are abusing the process, Sir. Now, I'm certain you're doing it at the 'behest' of the leader who you wish to demote, but in the process, in the process, Sir, you're trampling the rights not only of the minority but of the majority. It's possible that one of your 64 lock step Members might have a question on that Bill. It's possible that one of the lobbyist that twist and turn the 64 Members on your side of the aisle, might have convinced one of them to do something with it. It's possible that there was a provision in that Bill that dealt with limousine drivers. It's possible that it dealt with bike paths. It's possible that it dealt with Chief Illiniwek, and therefore Sir,

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these important issues that could have come up that would have affected the Members on your side of the aisle might have had a serious question about it. There might have been something in there that would have added or detracted additional roles from the Officer of Lieutenant Governor. We're very concerned about that as your side of the aisle is. There might have been something in there to deal with Notegate. Maybe House Resolution 49 was somehow sneaked into that measure. There might have been something there to deal with the loopholes in our law that allows the state treasurer to give away \$30 million of taxpayers money. So the..."

Speaker Black: "Do you need the mike Representative Lang or would you just like to continue? Turn on Representative Lang's mike. I don't think he really needs it, but we'll turn on his mike."

Lang: "We would ask you Sir, out of objectivity, despite the fact that the Gentleman who stands up there with you doesn't have that. We ask you Sir, out of objectivity and out of respect for...thank you...and out of respect for the rules of the House and respect for the Body that you serve in, willingly and well, that you take another look at Senate Bill 465 and you put it back and you put it back in a posture according to Rule 8-1, whereby the Members can debate Mr. Ryder's Motion, and we would ask you to rule now that that Bill should go back to the Order from which it came, so that the Members might ask their questions."

Speaker Black: "Does Representative Lang...I will extend an apology to you on one thing. You certainly have a right to a Roll Call Vote on a Motion to Nonconcur and that was my error, however, I moved three of those today on a voice vote. Earlier in the day, just a matter...it was done and

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henceforth you will certainly have a Record Vote on any Motion to Nonconcur. Representative Lang."

Lang: "Well, let's make it clear Sir. You moved some of those on voice vote and they were over our objection. If they were not over our objection, it's our choice not to object. It's not your choice from the Chair, Sir, to determine what matters we will object to and what matters we will not. Otherwise, 117 other people sitting here can go home and you can just do it all. Now, I don't think you have an interest in doing that. I think you have an interest in following the rules of the House. So, we would ask on this side of the aisle that you not make our decisions for us and that you allow the Members who are each elected by the same number of people that you were, to each cast a vote in way they see fit, not in the way that you see fit. How about it?"

Speaker Black: "Your point is well taken. I do not recall any objection to the three Bills that I did move this morning. In all sincerity, I think if you'll stop and think...I don't recall that there were any objections to the three that I moved. Henceforth, and I can only speak for myself, you will be granted a Record Vote on a Motion to Nonconcur. Representative Lang."

Lang: "Sir, I would hereby move to reconsider the vote by which the nonconcurrency passed on Senate Bill 465."

Speaker Black: "I will hold that Motion open so you can submit it in writing and I will grant your request. Yes, the Gentleman from Saline, Representative Phelps. While we're waiting for the Motion to be filed, are you seeking recognition?"

Phelps: "Thank you, Mr. Speaker. We that have been around here a few years, know that especially in the latter hours of

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Session, a lot of things of slight hand and possibly deceiving have to take place, and I commend the Leadership for putting the nicest guy to do the worst things at the end so we'll accept them better, but I live further south than you and you a southern Illinoisan and we've been accused of it taking us two hours to watch 60 minutes, but, what happened to Senate Bill 465?"

Speaker Black: "Well, get to the Motion, than we'll get back and tell you what happened, okay? Ladies and Gentlemen of the House, Representative Lang has moved to reconsider the vote by which the Motion to refuse to recede from House Amendment #1 to Senate Bill 465 was passed. The Gentleman has asked for a Record Vote. It will be granted. All of those in favor...what now? Representative Lang, we could have had the vote done by now. Proceed."

Lang: "Sir, this is a debatable Motion. Are we going to have a chance to debate it or are you going to do with this that you did with Senate Bill 465 in the first place that caused me to have to file the Motion? So that..."

Speaker Black: "I'll tell you what Representative Lang, I was three votes short, but if you wish to debate which will give me time to get them on the floor, proceed."

Lang: "Well, I don't necessarily wish to debate, but I wish that the Members rights on this House floor would be upheld by the Chair. You have responsibilities Sir to uphold all the rules of the House every minute you're in the Chair. Whether it's you or any of the other leaders that the Speaker behind you sends out here. They have the responsibility to allow Members to debate, when they want to debate, not on your schedule, it's on our schedule, Sir."

Speaker Black: "Well, evidently you didn't want to debate it.

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The question is, I move to reconsider the vote by which the Motion to refuse to recede from House Amendment #1 to Senate Bill 465. All those in favor of the Motion to reconsider shall vote 'aye', all those opposed to the Motion to reconsider shall vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Motion to reconsider, there are 55 voting 'yes', 62 voting 'no', and none voting 'present'. The Motion to reconsider fails. Now, we'll go back to the Senate Bill...yes Representative Hartke, for what purpose are you seeking recognition?"

Hartke: "Well, I clearly had my light on and I wanted to ask some questions about the...I wanted to debate the issue on 465."

Speaker Black: "You know, in all due respect, there was a chance to debate the issue and that chance just left the station. Now, do you want to proceed with the business of the House...Representative Lang, in that case, you should have yielded your time to him so he could have debated the Motion rather than you holler. Nah, I think it burned out. Representative Winkel, present House Amendment #3 to Senate Bill 50. I'm sorry, House Amendment #4."

Winkel: "Mr. Speaker, I move to recede from House Amendment #4 to Senate Bill 50."

Speaker Black: "On the Gentleman's Motion to recede, the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Would the Gentleman please explain what the Amendment is?"

Speaker Black: "Representative Winkel."

Winkel: "Mr. Speaker, because it's Representative Hoeft's Amendment #4, I'm going to defer to Mr. Hoeft for questions."

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Speaker Black: "The Gentleman from Kane, Representative Hoeft to explain the Floor Amendment #4 to the Bill."

Hoeft: "This Amendment was put in in order to try and create a dialogue over the question of the IGAP Testing. The State Board of Education has developed a convincing argument in terms of why we should bring all parties together and during the off season, get together and craft a full plan, and I agree with them and I will be working toward bringing this subject up in the next Session. The training of board for the oversight, we no longer need that since we passed through here, House Bill 797, which does away with the provisions of the Oversight Board and makes an Advisory Board, so, both of these provisions at this particular point are null and void."

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

Granberg: "So Representative, what is the necessity for withdrawing from this Amendment? To recede from this Amendment?"

Speaker Black: "Representative Hoeft."

Hoeft: "Because circumstances, one in which one of these we passed a Bill through which would destroy the Oversight Board and you have voted for that, it is House Bill 797, making it an Advisory Board; and secondly, we think we need to sit down with the state board and come up with more specific guidelines in terms of the IGAP Test and how we can create some type of security that that is a valid test and valid results."

Speaker Black: "Representative Granberg."

Granberg: "Sir, you're indicating Representative that we should recede from this Amendment so you can go forward with your negotiations, is that part of the rationale?"

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Speaker Black: "Representative Hoeft."

Hoeft: "The Amendment is no longer valid and we need to back away from it."

Speaker Black: "Representative Granberg."

Granberg: "So Representative, you don't want to move forward with your delivering the test of school districts on the jurisdiction of the Regional Office of Education and those sealed packages?"

Speaker Black: "Representative Hoeft."

Hoeft: "I think we need to look into this subject more thoroughly and develop a more comprehensive approach with the state board's cooperation."

Speaker Black: "Representative Granberg."

Granberg: "Well, what is wrong with the provision, Representative? I mean if you have a great deal of expertise in this area and that is why a number of us joined you earlier in deliberating this spot and deliberating this measure because we thought it had a great deal of merit. Again Sir, you had the expertise and you indicated you wanted to move forward with this and that's why we did so. Why is it so imperative now that we withdraw? If it's an issue worth fighting for, let's fight for it."

Speaker Black: "Representative Hoeft."

Hoeft: "I truly, truly appreciate your confidence and the statements of expertise, that's the highlight so far of my day. The point is, that this was perceived by the state board as something that we were doing at them and I wanted to make sure that they were included in it and they have convinced me that there would good productive results if we sat down and negotiated this out. They have plenty of good ideas. The state board represents many, many factions,

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and I believe that their voices ought to be heard."

Speaker Black: "Representative Granberg."

Granberg: "So, is this Amendment at the request of the state board and now they have changed their minds, or was this your legislation that you put forward because you believed on the merits that this was the correct thing to do and now the state board has come to you objecting to the measure?"

Speaker Black: "Representative Hoeft."

Hoeft: "No, this Amendment was strictly the thought process of this particular State Representative and at this particular point I find that I did not fully think it through and need more input from other areas."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I can't imagine you not thinking something through on this with your expertise, and I'm not sure why we should recede. Again Sir, why is the state board that instrumental in asking you to recede from this Amendment?"

Speaker Black: "Representative Hoeft."

Hoeft: "Sir, I believe...be pleased to give you my wife's telephone number so that you can call her and find out the various things that I have not fully thought through through the years. There's a long, long list of them and I guarantee some of them are very embarrassing to this person."

Speaker Black: "Representative Granberg."

Granberg: "Well, I don't want to ask your wife about anything else Representative. Now, you might talk in terms of the vote on the Chicago School Reform, but on this particular measure, I think it is incumbent on you that we should possibly just keep this legislation the way it is, in tact, and I think we ought to move forward. I...it seems like

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you have a very, very good idea. I think it was well thought through and I think you spent considerable time on this measure. I think it's well crafted, well intentioned, and I don't think we should just recede at the request of a state agency. You were elected by the people of in your district as we were elected by the people in ours, and we put faith in you and trust in you, and this is a good Amendment, and still believe it is, and maybe we should move forward, Representative. I think it's well thought out and I don't think the state board has given me any particular reason to go along with...to recede on Amendment #4. Could you please comment?"

Speaker Black: "Yes Representative Hoeft, if you would answer the Gentleman's question please."

Hoeft: "Again, please, the state board did not ask me to do this. They did not ask me to recede from this. It is my choice that I think I need more input. They have been very productive in this discussion, and I in any way, don't want any way the state board's name to be brought into this. It's just my discussion."

Speaker Black: "Members of the House, if I could have your attention. We are joined today by former State Representative, former State Trooper, former several things, in the back of the chamber, he couldn't hear when he was here, he can't hear now, former State Representative, Wayne Goforth. Further discussion on the Motion, the Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "He indicates he will."

Mautino: "Representative, there were some questions from my regional superintendents regarding the distribution of the test. On the Amendment itself, and I apologize, I don't

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have it in front of me, when you discussed it in Committee, they would be sealed and given to the regional superintendents. How far in advance of the test be given to the students?"

Speaker Black: "Representative Hoeft."

Hoeft: "It was never determined. This would be at the state board's discretion to send these packets out. Again, this is the type of thing that we want to sit down and discuss."

Speaker Black: "Representative Mautino."

Mautino: "I know that there was, as I said, a bit of concern from some of our regional superintendents because they geographically cover a vast amount of territory and did not know how the state board intended for them, within a times constraint, given to get these tests to the students so they can insure the integrity of the testing process. Is this the type of things you want to look at if we refuse...recede from the Amendment?"

Speaker Black: "Representative Hoeft."

Hoeft: "Exactly, exactly. I appreciate your arguing for the cause."

Speaker Black: "Representative Mautino."

Mautino: "When do you expect to have some meetings...or what is the time frame for getting some type of an agreement on the geographic distribution?"

Speaker Black: "Representative Hoeft."

Hoeft: "I am sorry. I can't really think beyond heading home when this is over, so sometime in the future."

Speaker Mautino: "Representative Mautino."

Mautino: "Thank you, Representative, and I hope that we can get some of these worked out because it has been a great concern to a lot of us in the small downstate rural districts which would have, or the regional superintendents

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there would have to cover many school districts in a very short amount of time given a confinement on your original Amendment."

Speaker Black: "Further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. Will the Sponsor yield."

Speaker Black: "He indicates he will."

Hartke: "Representative Hoeft. You and I have spoken many times and I admire your expertise and education. That's your field, and I look to you for guidance once in a while, but you diligently and very articulately convinced the House Education Committee under duress sometimes to consider your concepts and ideas, and I vividly remember House...Amendment #4 where you talked about how these tests possible were being compromised by individual teachers and schools and so forth, and you thought this was a very good idea. And after some questioning along the line of what Representative Mautino just brought up, but yeah, we thought it was a good idea too and not...so your Amendment went on. There was another part of this that talked about...the other part of the Amendment talks about the education of the regional superintendent's board, is that correct?"

Speaker Black: "Representative Hoeft."

Hoeft: "Correct. Yes."

Speaker Black: "Representative Hartke."

Hartke: "Well, your expertise educating many members of the Education Committee as you explained how you felt that that was a very good idea and concept as well. Now, I think that maybe you have come to the conclusion maybe by other suggestions and other Members that this may not be such a

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good idea, but yet now you want to take your own Amendment off. Can you tell us just why you've changed your mind now on these...on this Amendment?"

Speaker Black: "Representative Hoeft."

Hoeft: "Again, I could not look into the future and find that the Senate would come through with the Bill that destroyed the Oversight Board. It took away the authority of it and changed it entirely to an Advisory Board. The functions were changed. The responsibilities were changed. This Bill which passed through this august chamber and also the Senate is now on the Governor's desk. That therefore, means this is null and void and I wanted to back away from any conflict."

Speaker Black: "Representative Hartke."

Hartke: "Well, did you agree with that Senate Bill that's on the Governor's desk?"

Speaker Black: "Representative Hoeft."

Hoeft: "Yeah."

Speaker Black: "Representative Hartke."

Hartke: "Yeah what? Would you please explain what you're agreeing to?"

Speaker Black: "Representative..."

Hartke: "You're agreeing with the Senate Bill that makes the board an Advisory Board, is that correct?"

Speaker Black: "Representative Hoeft."

Hoeft: "I'm sorry, I was interrupted rudely by a staff member, I apologize. Could you please repeat that?"

Speaker Black: "Representative Hartke."

Hartke: "You agree then, that this board should be an Advisory Board, is that correct, yes or no?"

Speaker Black: "Representative Hoeft."

Hoeft: "Yes."

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Speaker Black: "Representative Hartke."

Hartke: "What happens if the Governor vetos that legislation?
Would you then consider this to be a good idea?"

Speaker Black: "Representative Hoeft."

Hoeft: "See now, I'm getting caught from both sides. You're saying that back in the Committee I should have looked into the future and understood that this would go through, but now I'm looking into the future and I'm saying, 'How can this Governor go against the combined wisdom of the Senate and House and not sign this perfectly wonderful Bill which was initiated by Dee Simone in DuPage County?' So, I'm anticipating that the Governor will sign it because it's a good Bill and that therefore, this stops the process of all this wasted paper and time."

Speaker Black: "Representative Hartke."

Hartke: "Well, I'm glad you brought that up about wasted paper and time. You know, I think maybe we ought to save the paper too, and maybe I could support this. You know, I'm looking forward to the Budget Bill and I want to have a copy of that, and if we stop this process now just maybe we could save a couple of trees so that in a day or two from now, we could have that Budget Bill put on our desk and so forth. You made a comment in your earlier remarks, Representative Hoeft, that you wanted to develop a task force to look into this future of this...this summer, is that correct?"

Speaker Black: "Representative Hoeft."

Hoeft: "Let me comment to your original point. Let's get going with this thing and let's stop this so we can spend time on the budget and why don't we just say, hello/goodbye and let's get on with this."

Speaker Black: "Representative Hartke."

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Hartke: "Well, because you convinced me that this is not a bad idea. Now, you want to do this in the off season for education. Could you explain what...I mean, those are your words, Representative Hoeft. You wanted to do that during the off season. Could you explain when the off season is in education?"

Speaker Black: "Representative Hoeft."

Hoeft: "Sir, it's not off season education, it's off season in the General Assembly. It would be sometime during the summer, sometime during the fall, sometime during the pheasant hunting season, I guess."

Speaker Black: "Representative Hartke."

Hartke: "So, it's my opinion now that you've changed your mind. I really do believe we should probably let this Amendment on and let the Governor..."

Speaker Black: "Bring your remarks to a close, Representative Hartke."

Hartke: "I think we should let this Amendment on and let the Governor decide, because I think it had merit two weeks ago. I still think it has merits. Just possibly, the Governor may veto that other piece of legislation, and then he would have this option to look at. If we recede from this Amendment he has no options. I move to disagree with the Motion to recede from this House Amendment."

Speaker Black: "If no one is seeking recognition the...Representative Hoeft, do you wish to close on the Motion to recede on this Amendment?"

Hoeft: "I'd like to say, let's recede on this Amendment, please."

Speaker Black: "The question is, 'Shall the House recede from House Amendment #4 to Senate Bill 50?' All those in favor shall signify by voting 'aye', opposed signify by voting 'nay'. The voting is open. This is final action. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', one voting 'no', none voting 'present', the House does recede from House Amendment #4 to Senate Bill 50. The Gentleman from Champaign, Representative Winkel, on a Motion to recede from House Amendment #7."

Winkel: "Thank you, Mr. Speaker. At the risk of being extremely verbose, I would simply say, that I move to recede from House Amendment #7...that should be 7 up there on the Board...House Amendment #7 to Senate Bill 50. Thank you."

Speaker Black: "Yes, thank you very much. And on that, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "Representative Winkel."

Dart: "Representative, why is it we want to recede from this Amendment?"

Speaker Black: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Likewise, as before, Representative Hoeft was in the Committee as Vice Chair of that Committee is prepared to describe this particular House Amendment, I defer to Representative Hoeft on this."

Speaker Black: "Representative Dart, direct your question to Representative Hoeft."

Hoeft: "This is the process, we start..."

Speaker Black: "Excuse me Ladies and Gentlemen of the House, Ladies and Gentlemen of the House, please stand at ease for the next few moments. Just sit at your desks and stand at ease, please."

Clerk McLennand: "Committee Reports. Committee Report from Representative Stephens, Chairman of Committee on Executive to which the following Joint Action Motions were referred,

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action taken on May 25, 1995, reported the same back due for consideration. On the Order of Concurrence: House Bill 1437, together with Senate Amendment #1; House Bill 36, together with Senate Amendment #1; House Bill 1462, together with Senate Amendment #1; and House Bill 1792, together with Senate Amendment #2; and House Bill 2407, together with Senate Amendments #1 and 2. Committee Report from Representative Skinner, Chairman of Committee on Privatization, De-regulation, Economic and Urban Development to which the following joint action Motions were referred, action taken on May 25, 1995, reported the same back due approved for consideration, on the Order of Concurrence: Concurrence to House Bill 1363, together with Senate Amendments 1, 2 and 3, and House Bill 868, together with Senate Amendment #1. Committee Report from Representative Hughes, Chairman of the Committee on Counties and Townships to which the following joint actions were referred, action taken on May 25, 1995, reported the same back due for approved consideration, on the Order of Concurrence: Concurrence in House Bill 974, with Senate Amendments #1 and 4; House Bill 1587, together with Senate Amendments #1 and 2; and House Bill 1850, with Senate Amendment #1. Committee Report from Representative Andrea Moore, Chairman from the Committee on Elections and State Government, to which the following joint actions were referred, action taken on May 25, 1995, reported the same back due approved for consideration, on the Order of Concurrence: Concurrence in House Bill 301, with Senate Amendment #1; House Bill 1825, with Senate Amendment #1; and House Bill 2429, with Senate Amendment #1."

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

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Brunsvold: "Thank you, Mr. Speaker. The Democrats would like to have a conference immediately."

Speaker Black: "Representative Biggert. Representative Leitch."

Leitch: "We'll have a conference as well."

Speaker Black: "Ladies and Gentleman, during this emergency, please leave the chamber as quickly as you can. Please leave the chamber, clear the aisles immediately so that the medical personnel can do their job. Please leave the chamber. The House will convene in one hour. Ladies and Gentleman in the chamber, we need your cooperation in keeping the aisles clear and the rear of the chamber clear, the doors clear. Please, go to your caucus. The Doorkeepers will please clear the entrance to the chamber, that's the way we'll be exiting. Please clear the area outside the House chambers. Ladies and Gentlemen, please clear the House area. I don't know the camera crew in the gallery, but I don't really think you need to film this, do you? I don't know that that's news worthy."

Speaker Johnson, Tim: "The House will come to order. The Chair recognizes the Gentleman from Adam, Representative Tenhouse."

Tenhouse: "Thank you, Mr Speaker, Ladies and Gentlemen of the House. I want to inform all the Members as far as the situation with Representative Duechler. We're pleased to say that apparently she's doing very well and as far as the test are concerned, they're going to run some more tests over at the hospital, and hopefully will be back in her apartment later on this evening and that's good news for all of us. I know our thoughts and prayers have been with her the last...as we have been worrying about how she is getting along. I also would ask...mention to the Clerk that she will of course be excused for the rest of the

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day's activities."

Speaker Johnson, Tim: "Representative Johnson in the Chair. When we...when at ease, we were in the middle of Order of Nonconcurrency and on that issue, further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang, proceed."

Lang: "A point of order before you start my five minutes. We don't recall that the Sponsor has explained his reasons yet for wanting to recede from the Amendment."

Speaker Johnson, Tim: "We'll recognize the Gentleman from Champaign, Representative Winkel on Amendment 7 and then we'll certainly recognize you Representative Lang, is that satisfactory? You don't have to raise your hand. Is it okay?"

Lang: "As I recall, Mr. Winkel yielded to Mr. Hoeft, and that's where we were when we..."

Speaker Johnson, Tim: "Okay. that's fine."

Lang: "When we went...adjourned or recessed or whatever we did."

Speaker Johnson, Tim: "Okay..."

Lang: "So..."

Speaker Johnson, Tim: "Okay."

Lang: "I just wanted to set the record straight."

Speaker Johnson, Tim: "Okay, that's fine. With leave of the House then, Representative Hoeft, proceed. We are on the Order of the Regular Calendar, the Order of Nonconcurrency, Senate Bill 50. Proceed Representative Hoeft."

Hoeft: "Quite honestly Mr...Representative Lang I had all sorts of cute and fancy things that I was going to say. Our mood has changed, things are different, we do not want the change from September 15th to September 1st."

Speaker Johnson, Tim: "Have you concluded your remarks? He indicates he has. So, then the Chair recognizes the

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Gentleman from Cook, Representative Lang. Proceed."

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

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

Lang: "Thank you. Representative, how many children will this change affect?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "I don't know."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I did not hear he answer, Sir, I'm sorry."

Speaker Johnson, Tim: "If we could have the attention of the chamber, Representative Lang is in the course of asking questions of the Sponsor. Give the Gentleman your attention. Representative Lang, you want to repeat your question, and Representative Hoeft repeat your answer in the most audible way that you can. Proceed."

Lang: "Thank you. The question was, how many children will this change, the receding from Floor Amendment 7 affect?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "I do not know."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, how many children does the Bill affect?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "Since we are receding, none."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well Representative, I believe the State Board of Education must have demographic information as to how many children go to kindergarten in a particular year. They must also have demographic information as to birthdates, I would assume that that is compiled by school districts and they take surveys. So, expanding or contracting the period of time in which children can enter kindergarten, by any period of time, should be something that can be apparently

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studied. Do we not have this information, have we not asked for the information?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "If the information is available, why don't you ask them."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, that sounds like a challenge Sir, but it's your Bill, it's your Amendment, it's a legitimate question. Whether this affects one child, or ten or a hundred or 410,000, I don't know how many children it affects. Perhaps this change is relevant to the number of children involved. Perhaps Members on your side of the aisle and my side of the aisle would have a different view if it affected one child as opposed to thousands. Can you give us some measure of the range? Perhaps Representative Cowlshaw can answer this question for us. I think she sponsored this Amendment."

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "I repeat, if you would like the information go research it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Would Representative Cowlshaw like to answer the question since it was her Amendment?"

Speaker Johnson, Tim: "She's indicated she would not. Proceed."

Lang: "Well, let me see if I get this straight. I've got a Sponsor of a Bill over here who yielded to another person who is a Sponsor because he couldn't answer the questions. Now I've got a second Sponsor that can't answer the question and has challenged me to get the answer on my own in the next two minutes. Sure the State Board of Education doesn't have that. We asked him to yield to the person who sponsored the Amendment, and she's too busy to stand up and answer the question. Seems to me Mr. Speaker, Members of

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the House, that we should vote against this on this ground alone. What do we stand for here? Do we stand for closed debate or open debate? Do we stand for getting answers to some questions or not getting answers to questions? I don't know whether I'm for what he wants to do or not. But how can anybody sit on the floor of this House and decide whether they're for this Motion to recede or against this Motion to recede if the three different Sponsors of the same damm Bill don't have any information about the Bill. Who does this affect? How many does it affect? Why should we do this? Do any of the three of you have an answer to the question? Do any of you care to answer the question?"

Speaker Johnson, Tim: "You could ask some..."

Lang: "Do any of you care about the kids in the State of Illinois?"

Speaker Johnson, Tim: "Give Rep..."

Lang: "The answer apparently is no, Mr. Speaker."

Speaker Johnson, Tim: "Give Representative Lang your attention."

Lang: "Thank you very much, Sir, and you have a very lovely tie on today."

Speaker Johnson, Tim: "A very what?"

Lang: "A very lovely tie, Sir."

Speaker Johnson, Tim: "Thank you very much. I appreciate that."

Lang: "Apparently we're not entitled to the answer. Since January 15th, we have not been entitled to the answer. Since November 8th, we have not been entitled to any answers, and it goes on and on and on. Three Sponsors involved in this Bill. The first one passed it to the second, the second refuses to answer, and the third is eating. I can't get an answer to a question. So, why should anybody vote for this Motion on either side of the aisle. Should we vote in the blind? Do we care about what

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we're doing? Is this helping kids or hurting kids? Is it helping school districts, or is it hurting school districts? You figure it out."

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

Hartke: "Thank you very much, Mr. Speaker and Members of the House. Would the Sponsor yield please?"

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

Hartke: "Representative Hoeft, I mentioned before on Amendment #4, I believe we were talking about, I respect your opinion, and I know you're handling this for Representative Cowlishaw, but it was your intent to put children with this Amendment at an older age before they started school, is that correct?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "The intent was to move the date 15 days, from September 1st to September 15."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I'm not sure in my mind whether 15 days in the age of almost six year olds would have a dramatic affect on the child's learning ability, so there had to be some other reason why we would spend time and energy and money to make this shift. To make the children six years...fifteen days older attending classes and I think what Representative Lang was trying to get at, was the question is, why you've changed your mind on this piece of legislation and what it would cost? Now we know that if we're putting more children in the school or less children in the school, that would have some effect on a lot of school districts in the State of Illinois. You'll have a lot of effect on kindergarten classes as well, and long term effect all the way through school."

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Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "Representative Hartke, in all due respect Sir, I don't know if you asked a question or just were making a comment."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I think I did. I was asking, what was the reason for this, trying to just move it fifteen days? Now, I would think 30 days would make a difference, a whole lot of difference in the age of a child, excuse me three months, just not 15 days. There had to be some other underlying reason for the piece of legislation originally. Maybe Representative Cowlshaw who is standing there next to you, she could maybe help you in that."

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "Quite honestly, the Sponsor has the right to take on ideas during a legislative process. To think them through. These are ideas are not necessarily complete because you get a lot of input from other people, and that's what the process is all about. I think the Sponsor also has the right when in fact the Senate nonconcur, to sit there and say that this is not something they want to approach at this particular point and withdraw, and that is what we're doing at this point."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, Representative Hoeft, I understand the process I think, its changed a little bit this year but I'm asking the question on, why and what has changed your mind from the time that we were convincing Elementary and Secondary Education Committees to vote for this Amendment to put it on this piece of legislation. The Senate has chose to maybe agree with this, maybe not, but what has changed your mind?"

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Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "The Senate did not want this. The Senate voted against this, and the question is whether we're going to fight the Senate on that, and the answer is no. I think the important thing is, Representative Winkel's original proposal which has tremendous, tremendous potential in this state for alternative schools, this is another idea that we can postpone and look at later on. I simply want to withdraw this...this concept...of this Motion, go back to September 1st."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I would like to address the Bill as a whole and I..."

Speaker Johnson, Tim: "Proceed on the Bill Representative Hartke."

Hartke: "I guess this is the last Amendment. We could talk about the entire piece of legislation. It's my understanding that the underlying Bill deals with the issue of moving the date of taking the oath of office to the superintendent, because of the time lag between the election and when he takes office. This is moving the effective date up quite a bit. Would you answers some questions about that proposal in the legislation?"

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

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

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

Davis: "Thank you. Representative, for the sake of clarity, let's discuss what this Bill did before the Amendment that we're receding from."

Speaker Johnson, Tim: "Representative Davis, if you could restrict your questions and comments to the Amendment. We're dealing with Amendment #7."

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Davis: "Excuse me, did you hear me say that we were talking about the Amendment, did you hear me say that?"

Speaker Johnson, Tim: "I did hear you say that."

Davis: "I asked him what are we receding from? What does it do before the Amendment in order to know what it is we don't want to do?"

Speaker Johnson, Tim: "I understand Representative Davis."

Davis: "You're sure?"

Speaker Johnson, Tim: "I am certain that I..."

Davis: "Okay."

Speaker Johnson, Tim: "...understand your point and I'm certain that Representative Hoeft will respond to that question. Representative Hoeft."

Hoeft: "We are moving the date from September 15th for the entrance of children into kindergarten, back to September 1st where it has been now for almost a decade."

Speaker Johnson, Tim: "Representative Davis."

Davis: "The Amendment, Representative Hoeft, would push the birthdate of the children entering to the 15th of September, is that correct?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "It wouldn't push birthdate, it would push the requirement allowing an individual to have...enter at that particular birthing time."

Speaker Johnson, Tim: "Representative Davis."

Davis: "So, by keeping this Amendment Representative, we would be allowing more children to enter school by receding from the Amendment, we are, I would say preventing a group of students from entering school. The group whose birthday is not by the 1st of September will be told, 'You can't come to school yet, go back to day care, go back to Sesame Street, but we can't let you go to school yet'. Is that

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correct?"

Speaker Johnson, Tim: "Representative Hoeft. We're permitting you some extra time Representative Davis because of my initial comments. Sure. Representative Hoeft."

Hoeft: "Here's the process. This is part of a work between the Senate and the House and the Governor. Our actions...do not stand alone. We are not permitting. It is part of a process and the process is saying let us explore an idea, let us work with a idea, let us have input. That is what we're in the process of doing. During that process, we decided that this was not an appropriate idea at this time and it was withdrawn. The Senate is the one that said, no we will not do it and we decided not to fight the Senate's objections."

Speaker Johnson, Tim: "Representative Davis."

Davis: "Representative, my understanding as a Legislator who has been here nine years, getting the highest vote in this Body of 118 Members, my understanding is that when the Senate decides not to accept your Amendment, they send you a note or they send you some information as to the reason they prefer that you recede from the Amendment. Did you get that, or can you tell us what that was?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "No there was no note. These...an individual from the Senate came over and said he was not going to sucede to this and he was going to ask that it be stopped."

Speaker Johnson, Tim: "Representative Davis."

Davis: "Representative, did you speak to the Senate Sponsor?"

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

Hoeft: "Yes, I did."

Speaker Johnson, Tim: "Representative Davis."

Davis: "Did you ask the person the real reason that they don't

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want children to enter school on a timely basis? Is there a fiscal note filed that someone feels that it's too costly to educate young children in Chicago and around the state?"

Speaker Johnson, Tim: "Representative Hoeft."

Hoeft: "His objections were to the IGAP testing in which he said would be too costly. He wanted to explore that and he wanted to set up a commission with the state board, look into it more fully, so this was not the focus of the conversation. The focus of the conversation was on the previous Section of this Amendment."

Speaker Johnson, Tim: "Representative Davis."

Davis: "Okay. Representative, we know that the fiscal note that was returned, in no way discusses the cost. According to this report that we have, it says that children who obtain the age of five by September 15th, rather than the 1st, are eligible to attend school. Now, when I listened to Governor Edgar's message to the General Assembly, one of the proposals that we heard, was to increase the number of children who attend school and receive early childhood education. This is the only piece of legislation in this Body that serves to increase the opportunity of young children to go to school and get early childhood education. I mean, if we're going to wait until all the children..."

Speaker Johnson, Tim: "Give Representative Davis, your attention please."

Davis: "Thank you. Sir."

Speaker Johnson, Tim: "Proceed."

Davis: "At five years old, there are a number of children who are losing vast opportunities to learn. Children learn more rapidly at that age than ever again in their lives and for us not to permit them to go to school, it just seems to be, I guess you would call it cruel and not interested, in

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truly educating more children in the State of Illinois."

Speaker Johnson, Tim: "Is that a question, Representative?"

Davis: "Well, I'm trying, Mr. Speaker, to get an answer in reference to the reason he would like to recede from this Amendment."

Speaker Johnson, Tim: "Representative Hoeft."

Davis: "Why did he change his mind? It was so important. You can't be wishy washy. It was so important to get it passed, to get it there, now someone over there decides they would rather use the money in another way. Now you're willing to be a whiplashed person and to just be a wet noodle, a little wet noodle, and so okay."

Speaker Johnson, Tim: "Representative Hoeft, ten seconds to respond if you wish to do so."

Hoeft: "I guess I'd have to ask if I'm a green wet noodle or a white wet noodle or whatever. I do not want to put the..."

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

Morrow: "Yes, Mr. Speaker. I would like to yield my time to Representative Monique Davis."

Speaker Johnson, Tim: "Representative Davis. If you could allow Representative Hoeft to complete the answer. Again, I don't mean to be repetitive but could we please give Representative Davis, Representative Hoeft and others your attention. All unauthorized personnel remove themselves from the House floor and please bring the volume down so that we can conclude this debate and move on with the business of the House. Representative Hoeft, do you want to conclude your response to that particular question of Representative Davis? Please direct your attention to the questions and answers."

Hoeft: "When you are getting into a struggle at this late hour

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with the Senate, any conflict puts into jeopardy, other good ideas. Representative Winkel has produced probably the finest piece of legislation that I have seen a freshman produce. Amazing, amazing piece of info...important educational legislation, and I don't want to take the focus away from that. I think it's critical. I could stand up and fight for my ideas, yes. I could also be self-centered enough to say, my idea should supercede, but I wanted..."

Speaker Johnson, Tim: "To the Amendment."

Hoeft: "...to take this and focus it on the other issues found in Senate Bill 50."

Speaker Johnson, Tim: "Representative Davis."

Davis: "Mr Speaker, would you please admonish this Gentleman to talk to the Amendment. He must speak to this Amendment because that's what we're talking about. Now, I can't question you about the rest of the Bill Representative. Talk about the the Amendment. Talk about the reason that we want to deny the entry of young children into our educational system. We're at the door, we want to keep them out. Now, before the Bill went to the Senate, you wanted to let these children in, but after the Bill went to the Senate, you caved in, and you said, no. Unless your birthday is on the first, unless you were born the 1st of September, you can't go to school. So, we want you to address this Amendment. I mean, there are people here with little children, there's little Miketa Flowers. Miketa's birthday is in June. Suppose Miketa's birthday was September 15. Miketa Flowers, should her mother not be allowed to let her in school because she was five September 15th rather than September 1st? We're talking about a child losing a whole year. A whole year of valuable instruction, and we want to why we're down in math and

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science across the country. We don't start early enough."

Speaker Johnson, Tim: "Representative Hoeft who I'm sure wants young Miss Flowers in June to be able to enjoy her birthday with her mother in June. Yes, Representative Hoeft."

Hoeft: "It's really interesting having been a Regional Superintendent of Schools and having people call. It is the old question of a line, an age line drawn, 21 for drinking, the voting age, the age in which a child can get married. We are always looking at the line and saying, what makes the difference between a person one day before and one day after. The September 1st birthdate has been challenged time and time again by parents. The parents saying, 'Hey I...my child is prepared for school, my child misses the deadline by three or four days'. The line is drawn looking at whether we are excluding children or not, no. That's the reason why we addressed operation Head Start, that's why you fought for it, that's why I fought for it. That is the reason that many people are looking for earlier intervention. We'll study this, but I do not want this to jeopardize the fine work of the other Gentleman's Bill."

Speaker Johnson, Tim: "Further questions Representative Davis so the Members can direct their attention to your questions?"

Davis: "The final question I have for Representative Hoeft is, would you like to be a regional superintendent again? Because you don't know why you changed your mind on this Bill. You changed your mind and you don't know why. When the Bill went over to the Senate you were standing up straight and tall like a superintendent or regional superintendent. Now, you don't know the legislative procedure because it doesn't mean that you have to accept the flaws the Senate has placed on this Bill. We believe

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the underlying Bill is certainly very worthy and noble, but we don't need to recede from this Amendment."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor will signify by saying 'aye', those opposed by saying 'no'. The main question is put. Representative Winkel to close."

Winkel: "I urge a 'yes' vote on the Motion to recede from the House Amendment #7 to Senate Bill 50."

Speaker Johnson, Tim: "The question is, 'Shall the House recede from House Amendment #7 to Senate Bill 50?' All those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 voting 'yes', 39 voting 'no', two voting 'present', and the House does recede from House Amendment #7 as well as House Amendment #4 to Senate 50, and this Bill having received the required Constitutional Majority, is hereby declared passed. On the Order of Concurrence, on the Regular Calendar, Mr. Clerk, read House Bill 1969. The Members could give your attention to the Sponsor, please."

Clerk McLennand: "House Bill 1969, a Motion to concur with Senate Amendment #1, has been filed and approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1969, Senate Amendment #1, was offered

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by Senator Madigan in the Senate and simply would add...incorporates Section 2-1115.05 which governs punitive damage into the Public Accounting Act. That would limit punitive damages to three times economic damages, require clear and convincing evidence to recover punitive and specify the type of conduct that must be shown to recover punitive damages. This provision is not new or unique. It simply extends a principal that's already applicable to most other suits. To suits against CPA's involving purely economic damages. Would not apply to cases involving fraud and intentional misrepresentation. Those who intentionally defraud would not be protected by this legislation. And finally, Senate Amendment #1, in no way would restrict compensation for actual damages incurred by a plaintive. A plaintive would already have been compensated for damages sustained in cases in which this provision would apply. I would ask for concurrence by the House of Senate Amendment #1, to House Bill 1969."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg. Proceed."

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

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

Granberg: "Representative Tenhouse, what is the reason for this Amendment? I understand your explanation but why are we doing it at this time?"

Speaker Johnson, Tim: "Representative Tenhouse."

Tenhouse: "Clearly, I think there...this is frankly, a cleanup in terms of what happened with House Bill 20, where we...as part of the tort reform package that came through. There was certainly some lack of clarity in terms of whether or not the CPA's would be involved under the caps on punitive damages."

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Speaker Johnson, Tim: "Representative Granberg. Will you could give Representative Granberg your attention. We're dealing with an important Amendment to an important Bill. Representative Granberg, proceed."

Granberg: "So, this is in response to House Bill 20, the tort reform package. Is this the tort reform package that was on the fast track and we made sure everything was done correctly?"

Speaker Johnson, Tim: "Representative Tenhouse."

Tenhouse: "Almost everything."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "I seem to remember debate on that Bill, Sir, and the discussions were that everything was fine and we weren't rushing anything through and we weren't accelerating the process without making every...every argument given due course. So, this applies to House Bill 20. It applies the indemnification or the punitive damage limitation much like the other provisions. Well, this is...apparently this a real serious problem for CPA's because, otherwise, I know that we would not address it in this Body or the Senate. So this must be a very, very disturbing elements. Representative, how many cases of punitive damages have been assessed against CPA's in Illinois?"

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

Tenhouse: "Very, very, very few. Less than one half of one percent of all cases that are brought against CPA's actually involve punitive damages that are actually awarded. But I do think it needs to be pointed out that several instances of course, where punitive damages are brought as far as the suit is concerned, frankly, one of the things, Representative Granberg that should be pointed out is that in case of the large CPA firms, they have

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clearly their insurance coverage or they're self insured if they are large firms, the punitive award is not as much of a problem. It is a serious problem for firms in small towns like you and I inhabit, simply because the fact is, small and medium firms, often times their insurance would not cover the punitive damage awards."

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

Granberg: "Well, Representative you indicated that one half of one percent of the actions brought dealt with punitive damages. How many cases against CPA's, against CPA's were actually awarded against CPA's, punitive damages were actually awarded?"

Speaker Johnson, Tim: "Representative Tenhouse."

Tenhouse: "I'm sorry, Representative Granberg, I do not have that number."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, I think I do. And Representative, it's my understanding that there has never been a case in Illinois where punitive damages have been awarded against a CPA firm. Now, I understand your intent, but if this has never happened before in the history of this state, do we really need this legislation to protect CPA's...CPA firms against this type of action, where its never occurred in the history of the state?"

Speaker Johnson, Tim: "Representative Tenhouse."

Tenhouse: "Thank you, Representative Granberg. I appreciate you bringing these facts to my attention. I think the point that we still have come back to though is the fact that in cases of these lawsuits certainly a large proportion of them, it's estimated that around 40% involve punitive damages as far as the assertions that are brought forth. Again, it comes back to the point that anytime that we're

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looking at this type of a situation. The insurance premiums are going to be impacted somewhere along the line, are going to be paid by the ultimate people that are coming in as far as the client, and I think that's something we have to keep in mind."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, with due respect, I've got a better idea, Representative. Why don't we amend your Bill and prohibit damages against CPA's for verdicts in excess of \$5 billion, for medium size firms because that hasn't happened either. That way we might afford them that protection against irresponsible legal actions. So, why don't we...let's protect them against \$500 billion lawsuits against Illinois CPA's. So, I think everybody should be protected because this could happen. It's never happened before, but it could, and we should protect them. It could be disastrous for those small firms."

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

Lang: "Well, thank you. Thank you, Mr. Speaker. To the Bill. I rise in opposition to the Gentleman's Motion to concur. The Gentleman has learned during debate that never in the history of the State of Illinois has there been a punitive damage award against CPA's, but he wants to stop it from happening. It doesn't exist, but he wants to keep it from happening. Why don't we pass a Bill that would protect CPA's from floods. I don't think any of them have ever had a flood in their office. I don't understand the Bill."

Speaker Johnson, Tim: "Representative..."

Lang: "I don't understand the Bill, I'm not asking a question, Sir. I don't understand the Bill. The Bill says that we're going to protect somebody from a harm that they've

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never had. This is sort of a Bill that anticipates a harm. So, let's anticipate it. So let's see all the things that can happen to CPA's in their daily lives and make sure that they're protected from harm and protected from any kind of risk whatsoever. And let's do it for Legislators, and farmers, and pharmacists, and whoever else works here, lawyers, doctors, whoever, and let's anticipate anything that can ever happen in anybody's life and legislate it. I wonder if there is anything in here for limousine drivers in the City of Chicago. I'm not sure that's in here. How about the tie manufactures of America, maybe they should be protected from liability even though they have never been sued for liability. I really, really don't understand this Bill. I don't see how anybody can vote for a Bill that attempts to insulate somebody in a way that they've never needed to be insulated because they have never paid out a single cent on this type of claim. This is a ridiculous Bill and a ridiculous waste of time. It requires a 'no' vote."

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

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

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

Dart: "Representative, do you have any plans on maybe pass...putting forth some legislation banning green elephants or flying horses at all?"

Speaker Johnson, Tim: "Representative Tenhouse."

Tenhouse: "You know, I think this is really interesting in terms of debate considering the last three people who've spoken on this all happen to be lawyers. Considering the fact that we look at this, if you talk about a ban on punitive damages, you have a total, you don't have any liability for

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punitive damages. I mean, talk about a pot calling the kettle black, this is wild. And I think for once in the General Assembly we're anticipating something happening, not responding to something."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, Representative, I hate to burst your bubble, we're going to get a couple of non-lawyers up here now to talk about your fantasy. In your fantasies...and that's what I think you ought do, is maybe spend less of your time dealing with your fantasies and the problems that may exist and start dealing with the reality here. If you're more concerned with the reality, you would be confronting problems like the teacher's retirement system, you would be confronting problems like the fact that we don't pay medicaid bills, you could be..."

Speaker Johnson, Tim: "To the Bill Representative Dart."

Dart: "...confronting problems that we're the laughing stock as far as school education. To the Bill, Mr. Speaker. This is a potential problem, yeah, I suppose it could be a potential problem and I suppose it could be a potential problem if we had to redo all our FAA requirements because we have too many flying horses up in the air too. This is absolutely ridiculous. What this is, is that the blood is in the water and the sharks are coming in for the kill. It's a feeding frenzy. It's time for everybody to get their shots and now the CPA's are out there getting theirs now too. This is utterly ridiculous and I'm dead serious when I say, we have major problems to deal with in this state, dealing with the fact we're deadbeats. We don't pay our medicaid bills, we are the laughing stock, we don't fund education at all and we do not take anything around here dealing with the teacher's retirement system

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seriously, and here we are talking about a problem that doesn't exist. We're talking about banning punitive damages for CPA's when there aren't any awards that have ever been awarded. This is absolutely ridiculous. This is an embarrassment is what this is and you ought to be embarrassed."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; those opposed by saying 'no', and the question, in the opinion of the Chair the 'ayes' have it. The main question is put. Representative Tenhouse to close."

Tenhouse: "Just to elucidate in terms of some of the remarks that we've had here on the other side of the aisle. I can understand the concerns certainly in terms where we're coming from here but, let's get down to the bottom line. Just the threat of punitive damages exerts a tremendous upward pressure on settlement regardless of the merits of the suit or the punitive damage claim. This does not promote justice, and I think the thing that people need to realize, as well, as we think we're talking about these huge firms, they're not. Only 8% of the Illinois Society of CPA's society members are big six members. Ninety two percent of them are coming from small and medium size towns. This was really a vote for those folks in the small and medium size firms that can't self insure, that punitive damages are rarely occurred, I'll agree to that but certainly the threat of them has a real impact on their insurance premiums and their ability to do business. I ask for a favorable vote by the Members of the General

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Assembly."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1969?' Those in favor signify by voting 'aye'; those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 87 voting 'yes', 27 voting 'no', 2 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1969, and this Bill, having received the required Constitutional Majority, is hereby declared passed. On the Regular Calendar, on the Order of Nonconcurrency, Mr. Clerk, read Senate Bill 75."

Clerk McLennand: "Senate Bill 75, under the Order of Nonconcurrency, a Motion to recede from House Amendment #1, has filed and approved..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman, the Lady from Cook, Representative Mulligan, on Senate Bill 75."

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

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

Mulligan: "House Amendment #1 added the Village of Oak Park into TIF districts that Senator Butler had been carrying for the City of Des Plaines. The House did not concur with that Amendment, and I would like to recede from it."

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

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

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

Lang: "Why?"

Speaker Johnson, Tim: "Representative Mulligan."

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Mulligan: "It's my understanding that Senator Cronin and Senator Butler had a discussion with the Village of Oak Park and they decided to have public hearings on it, and Senator Cronin asked that they nonconcur over there."

Speaker Johnson, Tim: "Representative Lang."

Lang: "What did the Amendment do that you want to recede from?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "What it did, is extended the Village of Oak Park's TIF district."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, we're extending a 23 year TIF to 35 years. Is that what you did originally, is that correct."

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Yes, Representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "You're still going to do it for Des Plaines, but not for Oak Park?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Yes. Actually we did it for Des Plaines last year, but the language wasn't quite correct and it was a cleanup this year."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Why did we do it in the first place for Oak Park if they did not want it?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Actually you've got me Representative Lang. I don't why I did it as a accommodation for the Representatives on this side of the aisle and I'm just happy to do it for them."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, wait, so you put this on your Bill, but you don't know why they wanted it on your Bill? You just did it as a

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accommodation?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "It was my understanding that Oak Park had requested that they do it, and with that understanding, I'm more than happy to put the Amendment on my Bill. Somewhere in the translation between putting it on the Bill on this side of the aisle and moving to the other side of the aisle, Oak Park must have changed their mind."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Mr. Speaker, this Amendment was offered by Representative Saviano, I wonder if he would yield for some questions?"

Speaker Johnson, Tim: "He indicates that he would not be amenable for questions, so proceed with..."

Lang: "Boy, there seems to be a rash of that, don't you think so, Mr Speaker? A rash of Members on your side of the aisle..."

Speaker Johnson, Tim: "The Speaker..."

Lang: "...unwillingly or unable to answer one simple question on the Bill."

Speaker Johnson, Tim: "The Speaker is the presiding officer, and I don't intend to offer an opinion on that, so if you intend to proceed with your questions, proceed."

Lang: "Sure. Representative, since this is Representative Saviano's Amendment, I can't expect that you would know much more about it than you've given me and I respect you for trying to answer, because as you've heard there are quite a few people on your side of the aisle who are either unable or unwilling or too arrogant to answer any questions, and apparently you are prepared to answer them, and I appreciate that. I know there's nothing about limousines in here, so we can talk. So, Representative have you talked about to Mr. Saviano about this Amendment?"

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Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Representative, the answers that I gave to you are due to my conversation with Representative Saviano."

Speaker Johnson, Tim: "Representative Lang."

Lang: "What will the Bill do after we recede from this Amendment?"

Speaker Johnson, Time: "Representative Mulligan."

Mulligan: "What it does is, it changes the date to coincide with what Des Plaines tried to do last year to extend their TIF district."

Speaker Johnson, Tim: "Representative, proceed."

Lang: "So, the change that will be left in the Bill is just a date change for Des Plaines, is that correct?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "That is correct. On page 19 of the Amendment, and I'm not sure, I have to go back and look at the original Bill, it extended it to July of...from 1985."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, can you think of any reason why Oak Park would not want this extension as well."

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Representative, I don't understand except that it's my understanding they'd like to do hearings probably on their downtown development plan. I'm not sure."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Have you personally had any calls from the schools or the libraries or the park districts or anyone in Oak Park that would stand to lose some tax dollars as a result of the extension of the tax?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "No, I have not Representative."

Speaker Johnson, Tim: "Representative Lang."

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Lang: "Can we Representative Saviano has had such calls?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "I can not speak for Representative Saviano, but I think, quite frankly, it has to do with Senator Cronin and not...cause he's the one that didn't concur, wasn't Representative Saviano."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Mr. Speaker. To the Motion. It seems to me, there's a whole mess of people on your side of the aisle, both in the House and in the Senate don't know what the heck these Bills do. Representative says, I don't know, I suppose Representative (sic-Senator) Cronin didn't want it. This is the House, not the Senate. Why don't we know what these Bills do when they get here. Vote 'no'."

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

Hoffman: "Will the Sponsor yield?"

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

Hoffman: "Yes, Representative. Was there a Roll Call on this Amendment?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Originally, yes there was. I think it went out of here with pretty many votes if I'm not mistaken."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, on the Amendment itself, you were supporting it at that time?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Was I supporting the Amendment? Yes, many people in this Body accommodate other communities on TIF districts. I think Representative Hartke and I discussed whether I would support him in some later date on a TIF district and

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I said, well, you normally do that."

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

Hoffman: "And when you sent it over to the Senate, have you had any conversation with Senator Cronin as to why he wanted to take it out, because what we're trying to figure out is, whether the Representative from your side of the aisle is in favor of seeing it taken out?"

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Quite frankly, the only one I've had a discussion with is Senator Butler who's my Senator who's concerned about Des Plaines and said, that they didn't want to concur. He'd be more than happy I should just protect my own Bill with Des Plaines in it and his Bill."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "You're aware that Representative Eugene Moore, Representative Eugene Moore who was from our side of the aisle, has a portion of Oak Park, I don't think he's been contacted regarding this. With that, I don't know, I rather yield the rest of my time to Representative Saviano to speak to this since I believe that he represents that area."

Speaker Johnson, Tim: "Well, it's not in order, but if Representative Saviano wants to respond to any of the questions raised, with leave of the House he will be permitted to do so. We're not yielding time. Do you want to respond Representative Saviano?"

Saviano: "Yes, thank you, Mr. Speaker. Just for a point of clarification here. I had sponsored the Amendment back here in the House on Senate Bill 75. It was an Agreed Amendment, noncontroversial, which was requested by the Village of Oak Park to extend their TIF district, the life

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of their TIF district. We amended the Bill in committee, passed out unanimously, unanimously. Came on the floor, passed out almost unanimously here. When it got to the Senate, the village and some of the citizens of the village, realized that there should be some public hearings on this matter. Senator Cronin was informed of that and it was Senator Cronin's intention by asking Senator Butler to nonconcur on this, but allow the village to have some time to have some public hearings, so we've agreed to take the Amendment out."

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

Hoffman: "Yes, well, I would just yield to the concerns of Representative Saviano and I don't see any problem then with Representative Mulligan's Motion to recede from the House, and unlike Representative Lang, I would urge an 'aye' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye', those opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Mulligan to close."

Mulligan: "Thank you Ladies and Gentlemen, I would appreciate a favorable vote on this one."

Speaker Johnson, Tim: "The question is, 'Shall the House recede from House Amendment #1 to Senate Bill 75?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Mr. Clerk, take the record. On this question, there are 111 voting 'yes', two voting 'no', one voting 'present'. The House does recede from House Amendment #1 to Senate Bill 75 and this Bill having received the required Constitutional Majority, is hereby declared passed. On the Order of Concurrence, on the regular calendar, Mr. Clerk, please read House Bill 1587."

Clerk McLennand: "House Bill 1587, a Motion to concur with Senate Amendments #1 and 2 have been approved for consideration."

Speaker Johnson, Tim: "Representative Lang moves to divide the question. Your request is granted, so the Chair recognizes the Lady from DuPage, Representative Biggert, on Senate Amendment #1 to House Bill 1587. Proceed."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment 1 provides that all fees paid for fingerprinting, fingerprinting processors...processing services required for school bus driver permits, shall be deposited into the State Police Services Fund for the costs incurred, in processing fingerprints based upon criminal background investigations. Now all fees are deposited into the Road Fund, and this was...this is an attempt to clarify the language that was in a Bill passed two years ago."

Speaker Johnson, Tim: "On Senate Amendment #1, the Chair recognizes the Gentleman from Effingham, Representative Hartke."

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

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

Hartke: "Representative Biggert, I think I heard you say that you're going to put all the fees that are collected from the fingerprinting from school bus drivers, is that correct, into the Secretary of State's Fund?"

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Speaker Johnson, Tim: "Representative Biggert."

Biggert: "What I said was, that in a Bill that we passed previously for the Safe Ride Program and that was to fingerprint school bus drivers in the future and this goes into effect this year, but the monies would be deposited into the State Police Service Fund to do the fingerprinting and without that statement these monies would go into the Road Fund, and that was not the understanding, and the distribution of the fees was drafted incorrectly, so this is a correction to that."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I think I also heard you say that in the past those fees that were collected, were put into the Road Fund, is that correct?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "No Representative, this has...is to go in effect this year, so there has been no collection. What it said was, that they were to go into the Road Fund, but it was the understanding that they were to be deposited into this Police Service Fund and it was just drafted incorrectly, and the legislative intent was that they were to go into the state police because they are the ones who do the fingerprinting and this was to be the means to do the fingerprinting."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, the Road Fund right now, many of the Road Funds are used for the state police, is that not correct?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "There's some funds that are used from the Road Fund for the state police, but that has nothing to do with this Bill. This is for the school bus driver candidates fingerprinting which is to be...go into effect in July."

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All school bus drivers are now grandfathered where they are not fingerprinted. This was legislation that we passed last year."

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

Hartke: "Well, Representative Biggert, I think that we have fingerprinted school bus drivers for years, and it's my understanding those school districts and or bus drivers who wish to be bus drivers for school districts are required to take a background check and did that not include fingerprinting as well?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Representative Hartke, this is for the Safe Ride Program which is to be...go into effect in July. There never has been money deposited because this legislation is not going to be enacted or take effect until July, so that could not have been any money deposited because there has been nothing collected."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I think you indicated that this Amendment was a correction for the intent of the legislation. I would think that if the intent of the legislation was different when the Bill passed the House, it's strange that the Senate recognized the error in this, and corrected your piece of legislation. Was that concept or idea of the correction discovered here in the House before we passed the Bill?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Representative Hartke, this version has not changed from the Senate."

Speaker Johnson, Tim: "Representative Hartke, if you could, bring your questions and comments to a close, we're getting near the end."

Hartke: "I'm sorry, Mr. Speaker. I missed that last comment."

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

Biggert: "This has not changed from the House to the Senate."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, if this is not changing from the House to the Senate, why did the Senate put the Amendment on?"

Speaker Johnson, Tim: "Representative Biggert, you have 20 seconds."

Biggert: "This is to correct a Bill that was originally passed and signed by the Governor, and the distribution was incorrect as to the effective date."

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

Dart: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Dart: "Representative, there's also provisions in this Amendment that deals with license plates and covering license plates. What is it that is prohibited now? No cover whatsoever allowed on them or certain ones are allowed, others are not?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "This is to...you cannot have license plates that would be with the glass, the hazy glass or hazy plastic, and this is to permit a cover over the license plate itself, which would be clear plastic, as long as they are visible."

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

Dart: "Would not the fact that recently there's been a great deal of newspaper articles written on the fact our license plates are in such bad shape and they need to be replaced, and they're sort of a disgrace actually. Is it not...would it not under the terms of this law, would these people be in violation because of the fact their license plate would

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not be legible anymore, not based on any affirmative action, other than based on the fact they...numbers have been sort of deteriorated to the point you can't read them?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I think that the legislation says that they can be protected by clear, plastic covers so long as it does not inhibit the visibility, so I think that that's written into the legislation."

Speaker Johnson: "Representative Dart."

Dart: "But, is that just in reference to the covering though or does it make any reference whatsoever to the plates themselves? The plates have to be eligible?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Well, I think that the legislation is addressing the covers. Certainly I'm sure we have legislation that the license plates have to be eligible, but this legislation only addresses having covering."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, Representative, I'm looking at the Amendment here, and I've got in front of me now, and it says that the plates, it gives a little bit before this and it says...plates in position be clearly visible and shall be maintained in a condition to be clearly legible. So now if an individual has over the years and years that we have not put new plates out there, their plate has deteriorated, it appears from the written language here, and these aren't new words here, it doesn't deal with the cover here. For the language here, it seems if they would be in violation because, through no fault of their own, it is no longer in a condition to be clearly legible. So now are we not making your average citizen in violation of this law?"

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Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Well, the legislation does state that they shall be maintained in a condition to be clearly legible and then with a comma, 'free from any materials that would obstruct the visibility of the plate'."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, Representative, yeah, that comma is very important because it sort of ends it there. It says that these license plates should be in a place in position to be clearly visible and shall be maintained, and this is your new language, 'shall be maintained in a condition to be clearly legible, free from materials that will obstruct visibility of the plate', another comma and so on and so forth. But it says that, 'maintained in a condition to be clearly legible'. Does this mean that individuals now, because of this, are going to be required to wash their license plates? Are they going to be required to repaint them themselves? I mean, Representative, when I first got up on this Bill, I wasn't...I was assuming that this just dealt with the covering. It could not be illegible based on the covering you put over it, but the actual language of this, it clearly states in plain language that these plates must be maintained in a condition to be clearly legible. This is putting an affirmative act on the owner of these license plate, and as I mentioned before, this is hard on the heels of all these stories about how bad these license plates are. I mean this language seems to be clear. Is there some other way that we can...this is resolved later on in the Bill or something?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "It's the intent of this legislation to deal with the covers and the fact that by putting on covers, that you are

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not changing the visibility of the plates."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Yeah, and Representative, I'm not trying to be difficult, though normally I am, but I really feel that this language is very, not only is it confusing, but I truly feel that little reading of this language would require...and granted, hopefully there wouldn't be any police or state's attorney prosecuting people based on this, but the clear language here, which could be probable cause to pull someone over for it because this would be a traffic violation, would be maintained in a condition to be clearly legible. This is at the same time, we are not replacing license plates around here. So, I really think there's a serious problem with the way this is written here. Is there some... And I understand your legislative intent, but that's all good and fine, but the courts will look at the plain meaning of the words when they strict...strict statutory construction. And I think we have a problem here. Is there some other place where we can resolve this?"

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

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

Speaker Johnson, Tim: "Indicates she will."

Mautino: "Representative, I just have a couple of questions I'd like to get clarified. I don't have the Amendment in front of me, so I'd just like an assurance from you that the changes as far as the Road Fund are purely to correct the technical drafting error in the Bill and we won't be taking any money or subverting a cap, which was placed in law, to prevent Road Fund diversions."

Speaker Johnson, Tim: "Representative Biggert."

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Biggert: "That's absolutely correct, Representative."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "These...have there...has it...this point any money been deposited in there? This is a new program which is being created?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "That's correct. This is a new program, which goes into effect on July 1 of 1995, and there have been no monies collected, no monies deposited, nor has any fingerprinting been done because these are for bus driver candidates who will begin after the safe program begins. I might add that IDOT supports this program, as well as this is an initiative of the Secretary of State."

Speaker Johnson, Tim: "Proceed Representative."

Mautino: "Ma'am, I support the legislation in that intent. I just had some questions that were brought up by the Members of a downstate caucus, because back in 19...in the late 80's, when the sales tax went through, there was a strict provision placed on the appropriation of funds, which said that by direct appropriation or by any other means that we should try, whether it's switching money through one agency to another, can we divert anything above a certain cap in the Road Program?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "No, this is a new program that the monies were never to go into the Road Fund and that's the assurance that I can give you, that this has nothing to do with the Road Fund. It was just a mistake in drafting."

Speaker Johnson, Tim: "Representative Mautino, any further questions?"

Mautino: "To the Bill. I think this is..."

Speaker Johnson, Tim: "To the Bill...to the Amendment."

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Mautino: "To the Amendment. I do support what the Lady is trying to do and I urge my colleagues to vote in concurrence, and I also thank her for her assurances that there are no diversions from the Road Fund by giving that money to any other agency or putting it into a different fund. And I'd hope that we'd all watch that very closely in the days of the budget coming up."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Biggert, to close with respect to Senate Amendment #1. And the Lady moves that the House concur with Senate Amendment #1 to House Bill 1587. Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 1 voting 'no' and 5 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1587. Now with respect to Senate Amendment #2, the Chair recognizes the Gentleman...or the Lady from DuPage, Representative Biggert. Proceed."

Biggert: "Thank you, Mr. Speaker. Senate Amendment #2 amends the Secretary of State Merit Employment Code and it increases the number of members that can be appointed to the Merit Commission for the Office of Secretary of State from three to five. Provides that not more than three, which currently is two members, may be affiliated with the same political party. And provides that three members shall

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constitute a quorum at meetings of the Merit Commission.

I'd be happy to answer any questions."

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

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

Speaker Johnson, Tim: "Indicates she will."

Dart: "Representative, there's presently three members on this Merit Commission, is that correct?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "That's correct."

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

Dart: "Who are the present members, if you know?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I don't have their names, Representative Dart."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And...the...is this Bill going to expand the number of people on this commission and if so, by how many?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "It will be expanded by two members."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Is there any cost involved in this?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "There is cost, as far as salaries. There is a salary for each member of the commission."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And what is that cost going to be?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "The salary for each commissioner is \$7,500 per year."

Speaker Johnson, Tim: "Representative Dart."

Dart: "What was the pressing need that we needed to expand this by two individuals and increase the money that we're spending on this?"

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Speaker Johnson, Tim: "Representative Biggert."

Biggert: "The Merit Commission is the watchdog of the personnel of the Secretary of State's Office, and if this...at this time, it's been very hard for them to have a quorum. And at one time for seven months, they were not able to meet because they could not get members together because of illness, and they would like to ensure that there is a quorum and that they can proceed with the business."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Are there being any other...any changes being made in regards to the Party affiliation? There's references in the Bill to Party affiliation. Are there any changes to that?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Well, it requires to have members from both Parties. Two would be, right now it's two from one Party and one from the other. This would make it three from one Party and two from the other Party. I don't think there's any...I don't know what the makeup would be. That would be up to...to the appointment."

Speaker Johnson, Tim: "Representative Dart."

Dart: "How often do these individuals meet?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Once a month."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And do they meet here in Springfield?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I can't answer that. I don't know."

Speaker Johnson, Tim: "Representative Dart."

Dart: "It...are they having problems with their existing workload right now?"

Speaker Johnson, Tim: "Representative Biggert."

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Biggert: "Right now they are going to be undertaking some job reclassification and study in the Secretary of State's Office so that they really need to have a quorum, because they need to proceed. There's three types of personnel studies. Classification of programmer analysis and assistant software and clerical titles, so that's the need to have this done now so that there is a quorum and they can proceed monthly."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Thank you, Mr. Speaker. To the Amendment."

Speaker Johnson, Tim: "To the Amendment."

Dart: "I rise in opposition to this Amendment, Mr. Speaker. I understand what the Sponsor is attempting to do with this, but it seems strange to me that we would be spending another \$15,000, which is not much money, but it would be fine if that was based upon a great concern due to a backlog and the like. The only reason that has been given to support this expansion is because there is not a sufficient quorum. In other words, someone is not showing up for work. I don't think that the best way to encourage people to show up to work is to expand the board so we can make sure we have a quorum. It seems to me that it would be more appropriate to maybe either encourage people to show up for work or fire somebody and have someone who is going to show up for work, show up. I think we're really going about solving this problem in the wrong way, and I don't think that we should be forced to, and pay additional money, just because someone isn't showing up for work. As I mentioned, the only reason there has been given for expanding this office is someone doesn't show up, and they don't have enough people for a quorum. It seems to me a ridiculous reason to expand a bureaucracy and to further

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sort of stick it to the taxpayers with an additional hit. As I said, there is no caseload that has been shown is a reason to expand this. It's purely because someone doesn't show up for work and for that reason, I am going to oppose this."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

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

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 question (sic - opinion) of the Chair, the 'ayes' have it. The main question is put. And the Lady from DuPage, Representative Biggert, moves that the House do concur with Senate Amendment #2 to House Bill 1587. Those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 4 voting 'no', 1 voting 'present', and the House does concur with Senate Amendment #2, as well as Senate Amendment #1, to House Bill 1587. And this Bill, having received the required Constitutional Majority, is hereby declared passed. The Regular Calendar, the Order of Concurrence. Mr. Clerk, read House Bill 1437."

Clerk McLennand: "House Bill #1437, a Motion to concur in Senate Amendment #1 has been approved for consideration. And a Motion to nonconcur with Senate Amendment #2 has also been filed."

Speaker Johnson, Tim: "Representative Lang moves, and his request is granted, to divide the question. They're separate Motions in any event. So now, on the Motion to concur with

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Senate Amendment #1, the Chair recognizes the Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 is a compromise language between the Attorney General's Office and the City of Chicago. It raises the number of offenses as defined in street gang racketeering from two offenses in a three year period to three offenses in a three year period. It also defines that those three offenses must be one of a list of felonies included in the Bill. Before only one offense had to be a felony. This Amendment also provides that street gang racketeering shall be a felony two grades higher than the classification for the highest class of felony committed. It also bans the probation allowed in the original Bill. The purpose of this Amendment is to focus on the smaller number of the worst gang members and to infiltrate the upper echelons of gangs."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Winnebago, Representative Scott. Proceed. Representative Scott."

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

Speaker Johnson, Tim: "Indicates she will."

Scott: "Which crimes are we adding to this, Representative?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "We're defining felonies in the term for street gang racketeering, to include homicide, kidnapping, sex offenses, bodily harm, deception, robbery, burglary, arson, felony damage and trespass to property, deadly weapons, use or possession of deadly weapons, gambling, money laundering, interfering with public officers, interference with a penal institution, interference with judicial procedure, felony official misconduct, armed violence,

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false certification of a minority/female business, felony marijuana possession, controlled substance possession, felony drug paraphernalia possession, felony syringe and needle possession, felony violations of the Vehicle Code, felony violations of the Public Aid Code and conduct defined as racketeering activity under federal law."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Does...Now Amendment #1 becomes the Bill?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, Representative."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Doesn't Amendment 2 then, that we will discuss later, but doesn't that also become the Bill?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "The House is in nonconcurrency with Amendment 2."

Speaker Johnson, Tim: "Representative Scott."

Scott: "What, you said it was a compromise between the city and the Attorney General?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "That is correct."

Speaker Johnson, Tim: "Representative Scott."

Scott: "What did either of them want that wasn't in the original Bill?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Well, as I said before, they raised the offenses from two in a three year period to three in a three year period, and they defined the felony offenses. And they also banned the probation that was allowed in the original Bill."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Did you change the penalty as well?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, the penalty was changed as well. It was...went from

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a Class I felony to a...two grades higher than the highest felony committed."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Now, when this Bill was here originally, 1437 was amended before it ever left the House the first time, wasn't it? I mean there was a House Amendment that replaced the entire Bill before it left the House the first time."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, that's correct."

Speaker Johnson, Tim: "Representative Scott."

Scott: "And that change was made in conjunction with the Attorney General, because we had a lot of authority for his office that wasn't previously in the Bill."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Correct."

Speaker Johnson, Tim: "Representative Scott."

Scott: "So I'm assuming that Amendment 1 is because Chicago, the city didn't like what was in the original Bill."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I had no idea what they did or didn't like. All I know is that now they have contributed to fine tuning this Bill."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, were you in on the discussions between the Attorney General and the city when they were discussing this to find out what the final form of it would look like?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, I was not."

Speaker Johnson, Tim: "Representative Scott."

Scott: "And then...Where was the initiative for the other Amendment that we're going to nonconcur with? Where did that come from?"

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

Lyons: "Amendment #2 originated with Senator Petka."

Speaker Johnson, Tim: "Representative Scott, bring your comments and questions to a fairly brief close."

Scott: "Didn't Amendment #1 also originate with Senator Petka?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, he was the Sponsor of both Amendments, but 1 was part of a compromise and Amendment 2 was not."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, I guess I'm kind of confused, because he compromised with something that we're going to keep and then he compromised again with something after that that we're not going to keep. Where did the second Amendment come from?...I'm lost."

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "The second Amendment was not part of the compromise. Senate Amendment 1 is, 2 is not."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Hoffman: "Yes, let's go back and just continue a little bit what Representative Scott was saying. Will Senator Petka then recede from Amendment #2?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "I don't know that. That's up to him."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, then what...then why don't we just put the whole Bill in Conference Committee?"

Speaker Johnson, Tim: "Representative Lyons."

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Lyons: "Because I want to demonstrate my support for the compromise of Senate Amendment 1."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, it's my understanding that Representative...or Senator Petka was the Sponsor of both of these Amendments. Is that right?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, normally what you do, it seems, is you put your tough Bill up first, and then you compromise. Well, at any rate, Representative, you have supported, I believe, this street gang racketeering concept from the beginning Session, is that correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "That's correct Representative."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "And I think you have supported this street gang racketeering concept when you ran for office, correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, I did."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "And you're aware that your opponent that you beat the last election, Representative Dave McAfee, was the original author of this type of legislation, correct?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "Yes, that's correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Now do you remember...I mean let's be honest, cause I remember when I was in the Judiciary Committee two years ago, Representative McAfee coming forward with this fine piece of legislation. Is this legislation similar to what

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he put forward at that time?"

Speaker Johnson, Tim: "Representative Lyons."

Lyons: "No, this is better."

Speaker Johnson, Tim: "Representative Hoffman."

Lyons: "He started off with a good concept, and I think this is a better Bill."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, I mean it's taken awhile to apparently get a better Bill, and maybe we should thank Senator Petka for doing that. However, do you remember during the campaign I believe, if I remember reading the reports, that you indicated that Representative McAfee was taking credit for something that didn't get...that wasn't really getting results. Well, this is Senator Petka's Amendment and even though we would put this all into a Conference Committee and we would come out with a Bill instead of wasting our time on two different Amendments, now you are saying that you want to show your support, and I assume, take credit, send out a press release, whatever you're going to do. Well, I think that..."

Speaker Johnson, Tim: "To the Amendment, Representative."

Hoffman: "I'm addressing the Amendment and why we are doing this and wasting the House's time, while we could just nonconcur, move it into a Conference Committee, get a Conference Committee going, and get this fine piece of legislation. I certainly...I certainly would like to commend her for putting this forward, even though it was taken from Representative McAfee previously, and I would like to commend Senator Petka for his fine, fine work in this regard. I just find it ironic that we need to stand here and we need to do what we're doing, when we can do this very easily, very easily, instead of having to do this

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for political purposes when, in fact, on September 23rd, 1994, press release from this Representative, she chided Representative McAfee and I'll quote according to the challenger Eileen Lyons, 'McAfee is great at taking credit, but weak on results'. In early June he published press releases counting his accomplishments on crime, et cetera. Well, I would hope that she wouldn't send a press release out on state stationary the same way Representative McAfee did, since she took that position at the time. I think that she has worked hard on this endeavor, as has Senator Petka. But to do this and do this and to be honest about it and say that, 'Well, we'll just doing it because I want to show my support', I think we should give credit where credit is due. Credit is really due Representative McAfee. Credit is really due Senator Petka and credit surely is due the Sponsor of this Bill. And I'm not saying that it isn't, but to now come forward with this when we could do it in a simpler fashion, I urge an 'aye' vote. I think it's a good piece of legislation. I just hope that we aren't inconsistent with what we send out during campaign times and what we do on the House floor."

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

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. The Lady, Representative Lyons moves to...that the House concur with Senate Amendment #1 to House Bill 1437. Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 1 voting 'no', none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1437. Now the Lady from Cook, Representative Lyons moves to nonconcur with Senate Amendment #2 to House Bill 1437, and on that, the...all those in favor of the Motion will signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 4 voting 'no', 7 voting 'present', and the House does nonconcur with Senate Amendment #2 to House Bill 1437. The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Mr. Speaker. Mr. Speaker. Can you hear me, Mr. Speaker?"

Speaker Johnson, Tim: "Yes, I can hear you, Mr. Lang."

Lang: "Mr. Speaker, we've been through this several times today. The last Speaker indicated that these requests would be acknowledged. We have a right to know what is in these Nonconcurrency Motions. We have a right to know what is coming...the purpose for the Gentleman or Lady's Motion as they make it. This is not an automatic. They're not automatically entitled to nonconcur. There's nothing in the Rule Book that gives them automatic title to be able to do that, Sir. And Rule 8.1 seems to protect our point of view. And we would expect and demand that you adhere to the Rules of this House. Are you going to do that, Sir?"

Speaker Johnson, Tim: "Certainly intend to do that. House Rule 8.1 gives you the right to ask for a recorded Roll Call. We acceded to that request. It's been a long-standing practice of the House. It's a courtesy to each Sponsor that those are non-debatable Motions. And we have ruled

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that way in the past and intend to proceed that way in the future. On the Order of Concurrence, on the Regular Calendar appears House Bill 741. Mr. Clerk, read House Bill 741."

Clerk McLennand: "House Bill 741, a Motion has been filed to concur with Senate Amendment #1 and has been approved for consideration."

Speaker Johnson, Tim: "Take the Bill out of the record. The Chair recognizes the Gentleman from Rock Island, Representative Joel Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Johnson, Tim: "Pardon me?"

Brunsvold: "Inquiry of the Chair."

Speaker Johnson, Tim: "Yes, state your inquiry."

Brunsvold: "I filed a Motion, it seems like eons ago, extending the deadline and evidently the Chair has lost that Motion. Is it anywhere around the well at all? A look in the round...file or maybe even the porcelain facility. My Motion, I don't know what happened to it."

Speaker Johnson, Tim: "We'll get back to you momentarily, Representative Brunsvold. I'll get back to Representative Brunsvold momentarily, Representative Lang, and then we'll recognize you in due order. Just a moment. Representative Brunsvold, in response to your inquiry, you take that under advisement for a moment, have a chance to discuss it and with your leave and consent, we'll proceed with Representative Biggert's Bill and then get back to you momentarily. Thank you. Mr. Clerk, read House Bill 741. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Johnson, Tim: "State your inquiry."

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Granberg: "Earlier today, I asked the previous Speaker when you would call Senate Bill 323 to deal with the retired teachers health insurance crisis. You have retired teachers who are waiting. They need this; they need to know when you're going to deal with this issue. It's critically important to them, and you said, the Speaker then said they would take it under advisements. When are you going to vote on Senate Bill 323? The teachers need to know."

Speaker Johnson, Tim: "If I...did you want...do you want to hear the response or do you want to...okay. Certainly, I'm sure everyone agrees it's an important issue, and that Bill will be...that Bill or the subject matter will be dealt with in due time and accordingly. Mr. Clerk, the Chair recognizes the Lady from DuPage, Representative Biggert on House Bill 741."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill...Amendment 1 to House Bill 741 is really technical in nature and corrects several mechanical errors of language and citations and then, also provides that it's the director and not the department that issues a report and determination pursuant to paragraphs for investigation and requests for review. And I would move for concurrence. I'd be happy to answer any questions."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Proceed, Representative."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates that she will yield."

Hoffman: "Yes, are there further Amendments, Senate Amendments, that would be on this Bill?"

Speaker Johnson, Tim: "Representative Biggert."

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Biggert: "No, Sir, there's not."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So, if we concur in this, this will go directly to the Governor. Is that correct?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "That's correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Do you recall what the...the original Act, as far as the original Act, what this, what the number was, how it passed the House?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "The original vote was 99 in 'favor', 5 'against' and 8 voting 'present'."

Speaker Johnson, Tim: "Representative, proceed."

Hoffman: "And what this Amendment would do to the original Bill is it would prohibit the use of the fact of an arrest as a basis to refuse to hire or fire, only if it was ordered, expunged, sealed or impounded under the Criminal Identification's Act, correct?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "What the Amendment does is to change the...where we've taken out arrest information and put in the fact of an arrest, rather than using that language, and then there was further down on the first page of the Amendment, we had mistakenly left in the term, 'arrest information' rather than the fact of an arrest. So those were really, I think, drafting errors that were put in."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So what you've done with this Amendment is essentially just cleared it up to ensure that the legislative intent was carried out clearly and succinctly in the final Bill."

Speaker Johnson, Tim: "Representative Biggert."

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Biggert: "That's correct, Representative Hoffman."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Now, I understood what you did...Could you just briefly, because I know we're voting on concurrences; however, this will send the ultimate Bill to the Governor. Could you briefly, I know it's a very voluminous Bill with several Amendments, but most of them replace the Bill prior to this one, could you just briefly go through what the underlying Bill does?"

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

Biggert: "You're correct, Representative. It is a very lengthy Amendment. And what it does is to amend the Human Rights Act and streamline the investigative and judicative process of the Illinois Human Rights Commission and provides that the process will be speeded up. There will be...The cases will take much less time to go through the department and the investigation and less time than in the Human Rights Commission so that civil rights violations can be brought to...the result brought to fusion much sooner."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, what's going to be the cost for establishing this?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "There were fiscal notes filed and the...there was to be an increase in the operating expenses of the Human Rights Department for this year, because they will have to increase how the investigations are done. And, I believe, what has been budgeted is \$1.2 million."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, is it...Is that going to be in the FY '96 proposed budget?"

Speaker Johnson, Tim: "Representative Biggert."

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Biggert: "Yes, it is, Representative Hoffman, and I would not have brought this Bill for concurrence unless it had been provided for in the budget. I had talked with the Governor's Office and with the agencies and said that unless we had the funding for this, we would not move this Bill."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "And how many new investigators will this bring on board?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I don't have the number right now."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "But it would be approximate cost of about \$1.2 million. To the Bill."

Speaker Johnson, Tim: "To the Bill."

Hoffman: "I think..."

Speaker Johnson, Tim: "To the Amendment."

Hoffman: "Yeah, or excuse me, to the Amendment. I would urge concurrence in this. I think that the Representative has done a good job bringing this forward and assuring that these types of actions are investigated. Right now, too often when you bring an action before the Human Rights Commission, it takes months, years and even longer to do...to carry out the function of the Human Rights Commission. These are very, very serious matters that need to be dealt with immediately. I would like to applaud the individuals who worked on this, and I believe that we should concur."

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

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

Speaker Johnson, Tim: "Indicates she will."

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Lang: "Thank you. Before I ask the Representative questions, I do want to say that Representative Biggert worked very hard with myself and Representative Scott to craft a Bill here that would work. This whole notion of revamping this department is something that I was opposed to because the previous proposals really were unfair and didn't fairly handle litigants in this area. However, I do want to compliment both Representative Biggert and the proponents of this legislation for working with us to put legislation in front of all of us that will do the job, and so I applaud the proponent and the Sponsor, but I do have a few questions."

Speaker Johnson, Tim: "Proceed."

Lang: "Thank you. Representative, what...what are these specific changes you're making here? I know they're clean up because I worked with you on it, but many won't understand what you're doing unless you explain these three changes one by one."

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

Biggert: "The first change is to change the language to the fact of an arrest rather than arrest information. And that means that when somebody is hired or they're discussing their employment, if they have...you're not able to either not employ somebody or to fire somebody because of the fact that they have been charged with a crime. But you...an employer is able to look at the fact surrounding that and that they might have that propensity or they have learned that somebody is a child abuser, but you can't use the fact that they were arrested...the fact that they had been arrested and charged with child abuse is a violation of the Civil Rights Act. The second change...just a minute, this Bill is so voluminous that it's hard to find. It's on page

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10, which just is a citation where the proceedings for request for review to hold the Statute of Limitations and this is...this provides this citation on number one was left out, so that the Statute Limitations is told when there is a request for review."

Speaker Johnson, Tim: "Proceed."

Biggert: "The third change deals with page 15, where we had...that between the time period, the grace period between 365 and 395 days after a charge is filed, we had the department, if the department has issued a complaint or ordered that the complaint be issued and it really...what that...the procedure that they use, this is the Department of Human Rights, it's the director that issues the report in the determination, and it was just a mistake in language."

Speaker Johnson, Tim: "Representative, proceed with any more questions you might have."

Lang: "Thank you. Representative, as I recall there was no opposition to any of these changes in committee. Is that right?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "That's right. There was no opposition and I would like to say for the record that I do appreciate all the help that you and Representative Scott had on this Bill. And I think that we accomplished a lot, just by a lot of negotiation between the Department, the Commission and the Management Association, the Representatives involved."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I think this Bill is one that clearly shows that there can be bipartisan legislation on the floor of this House when people sit down together to work on difficult problems together. So I salute Representative Biggert and

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I also salute her for actually answering questions that have been posed to her. It may be the first time since our break tonight that someone has answered some questions and you deserve a reward. We'll try to print one up for you. Yeah. Vote 'aye'."

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

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, on this Bill I would like to strongly encourage you all to vote 'yes' on it. It's a Bill that over the last several months, a great deal of negotiations and conversation back and forth between the Human Rights Commission and the Management Association has taken place. I was very honored to be a part of Representative Biggert's team when we sat down and met with the two entities that I just referred to. I think there was a lot of give and take, lot of good communication on the part of both Parties, and I think this will be a strengthening of the Human Rights Commission and their ability to deal with these issues as they come before it. At the same time, I think there's fairness in it for the management of our state also. And I would encourage you to all vote 'yes' on it."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Just briefly to the Amendment. I also want to thank the Sponsor, Representative Meyer, and the Management Association, for involving Representative Lang and myself in the negotiations on this. Having worked in this area in the law for ten years, I can tell you this is an area that definitely needed some major changes to it. Hopefully, we've done enough. Certainly, I think we've

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done some things that will at least speed up the process, while not compromising the rights of anybody involved. Right now, I can tell you that there are cases that are out there that are as many as five, six, seven, eight years old, and unfortunately what that does, that doesn't afford justice for anybody involved in the process, either the employers or the respondents to these claims and certainly not to the complainants in these particular actions. So I think we have, at least a good start. We'll all be watching to make sure that the changes that we've made have the positive influence that we think we're going to have. And again, I want to thank everybody for involving this, and makes you feel good about the process, where sometimes we haven't always this year, so I want to thank everybody involved."

Speaker Johnson, Tim: "The Lady from DuPage moves that the House do concur with Senate Amendment #1 to House Bill 741. Those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no' or 'present'. The House does concur with Senate Amendment #1 to House Bill 741, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, you have Messages and announcements."

Clerk McLennand: "Messages from the Senate. Message by the Secretary of the Senate, Jim Harry. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendments to a Bill of the following title: Senate Bill #949, together with House Amendments #1 and 2.

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Action taken by the Senate May 25th, 1995.'"

Speaker Johnson: "Mr. Clerk, on the Order of Concurrence on the Regular Calendar, read House Bill 2177."

Clerk McLennand: "House Bill #2177, a Motion to concur with Senate Amendments #1 and 3 has been approved for consideration."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Thank you, Mr. Speaker, I would move to divide the Amendments."

Speaker Johnson, Tim: "Your Motion is granted. On Senate Amendment #1, the Chair recognizes the Gentleman from McLean, Representative Brady. Proceed."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen. Senate Amendment #1, which we've asked to concur with, becomes the Bill and amends the Pension Code and the Municipal Code, the Fire Protection Code Act, to address the conflicts with federal law regarding the Americans with Disability Act, age discrimination laws and the veterans reemployment right laws."

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

Dart: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates he will."

Dart: "Representative, if I'm not mistaken, Amendment #1 makes quite a few different changes, quite a bit more than you listed here. In regards to requirements dealing with police officers, can you give me the...an explanation as to what the changes you are making here?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, one of the things that I wanted to point out before we go too much further and you asked to divide the question, but Senate Amendment 1 becomes the Bill.

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Senate Amendment 3 also becomes the Bill and includes all the language. Is it possible that we could..."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Yes, it's so...just so I'm clear that the Amendment #2 will delete Amendment #1 and thus becoming the Bill, is that correct?"

Speaker Johnson, Tim: "I believe he has alluded to Amendment #3."

Dart: "Amendment #3, Representative, will become the Bill, is that correct?"

Speaker Johnson, Tim: "Do you have any objection, Representative Dart, to our voting on this and going ahead with #3?"

Dart: "Yes, just real quickly here. I will save most of the debate for Amendment #3 because Amendment #1 is not going to be around anymore. But as to that, is the substance of 3 similar to the substance of Amendment #1?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "It includes 1, Representative, with some additional provisions. So all of Senate Amendment #1 is in Senate Amendment 3."

Speaker Johnson, Tim: "There being no further discussion, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2177?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', none voting 'no' or 'present'. The House does concur with Senate Amendment #1 to House Bill 2177. Now on Amendment #3, Representative Brady, the Gentleman from McLean."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen. Thank you, Representative Dart, for allowing us to move to Senate Amendment 3. Senate Amendment 3 adds to the Bill and

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becomes the Bill. It includes provisions in Senate Bill 738, which authorizes sheriffs' law enforcement employees under the Illinois Municipal Retirement Fund to transfer service credit into the IMRF from the State Employees Retirement System and suburban and downstate police pension funds. It also includes Senate Bill 95, which is a Bill that includes the language that Representative Deering passed out of this House or sponsored as well. It is for suburban and downstate police pension funds and it removes the remarriage restriction provisions for survivors. It also provides police portability, thus providing portability of pension credits between suburban and downstate police pension funds. It also provides chiefs of police portability, allowing chiefs who have elected to participate in the IMRF to end that participation and join the Police Pension Fund. It also has provisions of Senate Bill 101, which was sponsored by Senator Petka and Representative McAuliffe. What this does is provide for suburban and downstate police pension funds. It makes changes needed for compliance with the Federal Americans with Disability Act, federal age discrimination restrictions and the Federal Veterans Reemployment Rights Act. I ask for your favorable consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Jackson, Representative Bost. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Bost: "Representative, it's my understanding by looking this Bill over that it will remove age requirements for police and firefighters, is that correct?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "That is correct, Representative, and we need to do that

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to be in compliance with the Americans with Disability Act."

Speaker Johnson, Tim: "Representative Bost."

Bost: "And what is that age requirement now, Representative, do you know?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I'm sorry, we need to do that to comply with age discrimination laws. That age is 35 right now, and I believe a minimum of 18."

Speaker Johnson, Tim: "Representative Bost."

Bost: "Does this Amendment also remove the...right now, it is my understanding it's a requirement for someone seeking employment as a police officer or as a fire fighter, they have to take a physical fitness test, is that true? Does that remove that?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "No, it does not, Representative. It simply removes the dual, the dual physical, one by the hiring or employing employer and one by the pension fund."

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

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

Speaker Johnson, Tim: "To the Bill."

Bost: "Ladies and Gentlemen of the House, I have real problems with this particular Amendment. I understand that we are trying to come in compliance, but what this does is it allows firefighters and police officers to be hired after the age of 35 years old or 36 years old, which has been a standing law for many years. This is an important law because certain age requirements are necessary in the strenuous work in which they participate. As a former fire fighter myself, I have real concerns about the fact that maybe the physical fitness or the age requirements would

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not be tested, and then I would be in a situation, trapped in a fire, and my particular partner might not be capable of coming in and pulling me out. And I'm sure that many police officers have the same problems and same concerns. I stand in opposition to this and I would ask for your 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker, I agree with the previous speaker on this program. I know we have a problem with the Federal Government. No case has went to court yet that has proven that the State of Illinois is wrong. There is one case concerning a police officer in Aurora that has not been ruled on yet by the Federal Courts. I know that the International Police Association and the International Firefighters are working in Washington D.C. to try to clear up this method of letting people come into your pension system who are already capable for retirement. They can come into it and the next day go on pension because they can't pass the physical. They have been put there without passing a physical, and if we let this happen, it's going to destroy the pension system. In committee, we did have some commitments with the Sponsor of this Bill, and he is committed to work with us next year and throughout the year and try to work with these federal guidelines and the ADA Act, but at this present time, I'm going to be voting 'no' and to let them know that everybody doesn't agree that this program has to be done at this time. The Department of Insurance is worried about it because of lawsuits in the State of Illinois, but as of now, I don't know what would happen if we pass this legislation, what would happen to the cases in Federal Court? So if we give up now that

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would mean that the lawsuit being filed, I would say would be lost. So let's find out what this one case does and worry about this in the fall of the year some other time. I think we are jumping the gun on it and I, too, do not want to destroy the downstate police or fire pension system by letting people come into it that can work two or three years and go off at 65% of their salary the rest of their life. I really realize that we do have a problem with the Federal Government, but I think we can hold off a few more months and see what happens with the federal lawsuit that hasn't been decided yet. I urge a 'no' vote."

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

Meyer: "Thank you, Mr. Speaker. I call the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; those opposed by saying 'no'. The question...in the opinion of the Chair, the 'ayes' have it. The main question is put. The Gentleman from McLean, Representative Brady to close."

Brady: "Ladies and Gentlemen, opponents of this legislation argue it will invite a siphoning of funds from the pension system, and they seem to assume an evil intent on the part of all downstate municipalities and mayors. First, when an occasional problem may arise implying wholesale looting of the pension system, it is simply crying wolf. Further, the state really only has two choices in this matter. Pass the law and eliminate the second physical, thereby removing the liabilities of the state municipalities and boards in relation to these federal aided lawsuits or don't pass the legislation in which the case in the Federal Courts will enjoin the state from enforcing the statute and the state municipalities and boards will continue to be liable for

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the awards and damages. We need this legislation Ladies and Gentlemen to become in class with ADA."

Speaker Johnson, Tim: "If you can give the Gentleman your attention without the additional noise, it would be appreciated. Representative Brady, proceed."

Brady: "Secondly, this provides a very valuable tool in allowing sheriffs, police, and police chiefs to have portability options throughout the state. It also allows for the remarry...removing the remarriage restrictions for surviving spouses. Very important issues, I ask for your favorable vote."

Speaker Johnson, Tim: "The Gentleman from McLean, Representative Brady has moved that the House do concur with Senate Amendment #3 to House Bill 2177. Those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 39 voting 'yes', 74 voting 'no', none voting 'present', and the House does not concur with Senate Amendment #3 to House Bill 2177. The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur and put this in a Conference Committee Report."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with Senate Amendment #3 to House Bill 2177. Those in favor signify by voting 'aye'; those opposed by voting 'no'. 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 77 voting 'yes', 37 voting 'no', none voting 'present', and the House does nonconcur with Senate

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Amendment #3 to House Bill 2177. Mr. Clerk, do you have an announcement?"

Clerk Rossi: "The House Rules Committee will meet this evening at 7:00 p.m. in the Speaker's Conference Room. The House Rules Committee will meet this evening at 7:00 p.m. in the Speaker's Conference Room."

Speaker Johnson, Tim: "On the Regular Calendar, on the Order of Concurrence on page 3, appears House Bill 241. Mr. Clerk, read House Bill 241."

Clerk Rossi: "House Bill 241, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

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

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is just a technical correction defining the study more precisely on this particular Bill, and it...they have been covered with the Department of Public Aid, and they are now really kind of going along and...as I say, it's a technical change, and I'd like to have a 'yes' vote."

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

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

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

Schakowsky: "Thank you."

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

Schakowsky: "Thank you. Representative Pedersen, the Senate Amendment does address the way that the study of job training programs is done, as I understand it. Could you tell me exactly what that Senate Amendment says?"

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Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "The Department of Public Aid had a problem with the definition of the population that we addressed, and they were concerned that this would mean a very large, encompassing study. Our intent was that it be just a typical statistical study with a...just the numbers in the study that would make it statistically significant, and they asked me to make that kind of change, and that's what we've done."

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

Schakowsky: "My understanding that the Senate Amendment requires that the Department of Public Aid contract with an outside agen...outside firm to conduct the scientific evaluation. Now on the surface, I guess that would make sense. We don't necessarily want the department studying itself; however, the Department of Public Aid's track record in hiring outside firms like, for example, First Health, which owes us about \$5,000,000 that they've stolen from us. So our track record of hiring outside firms to do work has not been so great. Are there any criteria in your Bill that would restrict or set terms in hiring an outside evaluator for this program?"

Speaker Johnson, Tim: "Representative Pedersen, on the Amendment."

Pedersen: "The...that was all, that's not a part of the Amendment. We've already approved the outside study. All we're talking about here is just defining this in such a way that it's a typical scientific study with the adequate number of controls and experimental groups and just to make sure that we don't get too big a study and too expensive a study. Basically..."

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Speaker Johnson, Tim: "Representative...Representative Schakowsky, further questions?"

Schakowsky: "Yeah, actually, Representative, your answer is not correct. It's in the Senate Amendment that there is actually specific language that requires that the Department of Public Aid shall contract for a scientific evaluation. So my question was, are there any standards for this outside firm? Because we certainly don't want to end up throwing away money on a...to a company that really steals from the state, like we did with First Health and Healthy Moms - Healthy Kids."

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "It's in the Amendment, but it's also in the basic Bill, and this is not what the Amendment does."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "In the...well, that is in the...that is in the language of the Amendment. Maybe it's because the Amendment replaces the entire evaluation Section of the original Bill, but another question is, it says that it'll set up two control groups: One that will actually participate in the job programs and the other that will not. What I want to know is, will anyone who is in the control group that will not be participating, be denied the ability to participate, despite their eligibility? In other words, are we going to keep some people from job training programs..."

Speaker Johnson, Tim: "Could you give the Lady your attention, please. Representative Schakowsky, proceed."

Schakowsky: "I don't know if the...I couldn't hear my own question. I don't know if the Representative heard it."

Speaker Johnson, Tim: "Well, with the cooperation of the House, everyone will be able to hear you, so if you could give the

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Lady your attention, please."

Schakowsky: "The question was, in your Amendment you set up a control group that will not be participating in the job training programs. My concern is that individuals who would otherwise be eligible to participate in job training programs will be made ineligible for the purpose of this evaluation. Is that a concern?"

Speaker Johnson, Tim: "Representative Pedersen, you have 20 seconds."

Pedersen: "Well, as I said, that was already approved in the original Bill. The Amendment just defines the statistical study part of it, that's all. We've already approved the...approved this twice in the House and the Senate."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Johnson, Tim: "Proceed, Representative Schakowsky. The request is granted. On the Amendment."

Schakowsky: "Okay, thank you. On the Amendment, Representative, whether or not you say that this has been voted on before, the language of the Amendment incorporates all of the language that I am addressing right now. You're saying that we've already dealt with it, but I'm afraid that that's not entirely the case. It is repeated again in the Amendment; and therefore, it's valid to ask you questions about. So I'm asking you, will people who were otherwise eligible to participate in a job program be made ineligible so that they can be part of a control group?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, as I said, we've already approved this, but the answer is, no."

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Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Thank you, and Representative, I never really did get an answer also on the issue of who we're going to contract with if there are any provisions in there that make sure that we contract with somebody who is not going to rip us off, as we have been by First Health in our Public Aid contract on Healthy Moms - Healthy Kids."

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, I suppose we always have that risk with any agency, but from what I have seen in the committee and all that, I mean, you seem to have a close relationship with the Department of Public Aid and approve of what they do. So I don't see how that would be a problem for you."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "In your view, is this a no bid contract? Is this a contract that we'll put out for bid? Is this going to be an Illinois company? Can it be, for example, a Virginia company like First Health? Are there going to be any guidelines for bidding on who will do this study?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, I assume that we have guidelines for this sort of thing in State Government and that they will have to abide by those."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Do we know how much this program will cost? Are there any Fiscal Notes, phony or otherwise, on this legislation?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, they have kind of voiced an opinion on it. Maybe \$500,000 but, the...this replaces a random study that's already...they've already started working on, so I think that the money is pretty much already there."

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Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Excuse me. I'm not sure I heard you. You said that you thought this study would cost about \$500,000?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "That's one figure that was mentioned, but as I say, I do not believe that's an additional cost, because they were already in the process, or at least beginning a random study on members in the job training program."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "But, are you saying that the department was already doing a study and now they're going to contract out for this study? Representative, this is the first time that I have heard a half a million dollar figure attached to this study, so I am really concerned about it. Are you saying now that they were doing a study, but now they're going to contract out for more money?"

Speaker Johnson, Tim: "Representative Schak...Representative Pedersen."

Pedersen: "They had...I have no idea how far into it they are, but the legislation last year did provide for a random study on people in the program. And this would...that would be incorporated in this study."

Speaker Johnson, Tim: "Representative Schakowsky, if you'd bring your comments and questions to a close."

Schakowsky: "I will. Ladies and Gentlemen of the House, to the Bill."

Speaker Johnson, Tim: "To the Amendment."

Schakowsky: "To the Amendment, which does call the Department of Public Aid to contract out for a study on job training programs, only within the Department of Public Aid. There are many more job training programs in many other departments. According to its Sponsor, may cost as much as

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half a million dollars to do. We've already seen the Department of Public Aid waste money in contracting out and I'm not sure this is a good idea."

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

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to ask the Gentleman to yield. I think Representative Schakowsky has done a fine job in questioning. I just hope that on this side of the aisle, on Senate Amendment #1 to House Bill 241, we need to vote 'no'. We have had enough task force; we've had enough looking at issues. What many of the people that you have thrown off of welfare need, are jobs. And some of those jobs have been taken from the inner city by people out of the inner city. You know, time and time again, we passed Bills to create jobs within the City of Chicago: White Sox Park, the Dan Ryan, the Kennedy, the McCormick Place. And time and time again, when you drive by those projects, you see license plates from Wisconsin. You see license plates from Indiana. You see license plates from Michigan. You even see license plates from as far as Missouri and Iowa. So the reason why I'm pointing this out to this side of the aisle, because we protected many of the labor positions and many of the people in my community have not been protected by labor. That's the honest to God's truth. We protected labor time and time again on this side of the aisle. And I say that because last year, I had some language...I had some language and would the Chair just indulge me for a minute. I'm not asking questions about Senate Amendment #1, but I'm stating my position why we should oppose Senate Amendment #1."

Speaker Johnson, Tim: "Proceed."

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Morrow: "I had language that would have mandated, patterned after the Water Reclamation District, that would have mandated that contractor, not the unions. Contractors have to keep a certain number of minority percentages on their payroll. And when I went before Labor and Commerce, there were 29 witness slips by unions opposing that language. So when we throw people off of welfare and say that they are employable, when we tell mothers on welfare that they should get off their rear end and get a job, there are jobs out there, but they're being taken from them by people who don't live in the community. I know no one from Cook County or no one from Robert Taylor Homes is working out in DuPage County. I know that no one from Ida B. Wells is working in Sangamon County. But yet, my vote is asked for time and time again to protect labor. That's why we need to oppose Senate Amendment #1. We don't need a study about job training. The jobs are there. Give 'em to 'em. Oppose Senate Amendment #1 to House Bill 241."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Lake, Representative Andrea Moore."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it. The main question is put. The Gentleman from Cook, Representative Pedersen moves that the House do concur in Senate Amendment #1 to House Bill 241. Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question,

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there are 62 voting 'yes', 50 voting 'no' and 2 voting 'present', and this Bill...the House does concur with Senate Amendment #1 to House Bill 241. This Bill, having received...the Chair recognizes the Gentleman from Hoffman...or from St. Clair, Representative Hoffman."

Hoffman: "Yes, we would demand and ask for a verification."

Speaker Johnson, Tim: "Your request is granted. Mr. Clerk, read the Affirmative Roll Call."

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

Speaker Johnson, Tim: "Representative Hoffman, questions of the affirmative."

Hoffman: "Yes."

Speaker Johnson, Tim: "Proceed."

Hoffman: "Representative Spangler."

Speaker Johnson, Tim: "Representative..."

Hoffman: "Oh, in the food line. I'm sorry."

Speaker Johnson, Tim: "Okay, you don't verify him. Representative Black has asked for leave to be verified, as has Representative Kubik, Leitch and Ryder. Leave...and Hoeft as well. Leave is granted. Further questions?"

Hoffman: "Representative Ackerman."

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Speaker Johnson, Tim: "Representative Ackerman is here."

Hoffman: "Representative Salvi."

Speaker Johnson, Tim: "Representative Salvi. He's here in the left side of the aisle."

Hoffman: "Representative Wennlund."

Speaker Johnson, Tim: "Representative Wennlund. Representative Larry Wennlund. Representative Wennlund in the chamber? Remove him from the Roll Call. Representative Maureen Murphy has asked for leave to be verified. Leave?"

Hoffman: "Yes."

Speaker Johnson, Tim: "Leave is granted."

Hoffman: "Wait, did you take off Wennlund?"

Speaker Johnson, Tim: "Yes, we did."

Hoffman: "Representative Biggins."

Speaker Johnson, Tim: "Representative Biggins. Representative Bob Biggins. Is Representative Bob Biggins in the chamber? Representative Biggins is not in the chamber. Remove him from the Roll Call."

Hoffman: "Representative Lachner."

Speaker Johnson, Tim: "Representative Biggins has returned to the chamber, restore him to the Roll Call. What was your question, Representative Hoffman?"

Hoffman: "Lachner."

Speaker Johnson, Tim: "Representative Lachner. Representative Tom Lachner is present. Representative Wennlund has returned to the chamber, restore him to the Roll Call."

Hoffman: "Representative Hughes."

Speaker Johnson, Tim: "Representative Hughes. Representative Ann Hughes in the chamber? She's in the rear of the chamber."

Hoffman: "Representative Rutherford."

Speaker Johnson, Tim: "Representative Rutherford. Representative Dan Rutherford. He's present in the rear of the chamber."

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Hoffman: "Representative Hassert."

Speaker Johnson, Tim: "Further questions of the affirmative?
Representative Hassert is in his seat."

Hoffman: "Representative Hanrahan."

Speaker Johnson, Tim: "Representative Hanrahan is present in the
chamber. Further questions? Are there further questions,
Representative Hoffman?"

Hoffman: "Representative Mulligan."

Speaker Johnson, Tim: "Representative Mulligan. Representative
Rosemary Mulligan is present in the rear of the chamber.
Further questions?"

Hoffman: "Representative Cowlshaw."

Speaker Johnson, Tim: "Representative Mary Lou Cowlshaw. She's
not recorded as voting, although she is present in the
chamber."

Hoffman: "Representative Brady."

Speaker Johnson, Tim: "Representative Brady, he is present in the
left side of the chamber."

Hoffman: "Representative Ciarlo."

Speaker Johnson, Tim: "Representative Flo Ciarlo. Representative
Ciarlo. She's present in the left side of the chamber."

Hoffman: "Pedersen."

Speaker Johnson, Tim: "Representative Pedersen is in his seat.
Representative Pedersen does not..."

Hoffman: "Pedersen is here?"

Speaker Johnson, Tim: "Representative Pedersen does not exist.
Proceed."

Hoffman: "Oh. Bernie Pedersen is here?"

Speaker Johnson, Tim: "Bernie Pedersen is here, yes, correct."

Hoffman: "Okay, I won't verify Mr. Pedersen."

Speaker Johnson, Tim: "No further?"

Hoffman: "Representative...Representative Parke."

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Speaker Johnson, Tim: "Representative what?"

Hoffman: "Parke."

Speaker Johnson, Tim: "Representative Parke. Representative Terry Parke is present in the front of the chamber."

Hoffman: "Representative John Turner."

Speaker Johnson, Tim: "Representative Turner...is in his chair."

Hoffman: "I couldn't see him; I apologize."

Speaker Johnson, Tim: "It's okay."

Hoffman: "Representative Klingler."

Speaker Johnson, Tim: "Representative Klingler is in her chair."

Hoffman: "Nothing further."

Speaker Johnson, Tim: "Nothing further. On this Bill or on this Motion, there are 62 voting 'yes', 50 voting 'no', 2 voting 'present'. This House does concur with Senate Amendment #1 to House Bill 241. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Speaker Daniels in the Chair."

Speaker Daniels: "Committee Reports."

Clerk McLennand: "Committee on Rules has met, to which the following Joint Action Motions were referred, action taken on May 25th, 1995, reported the same back 'do approve' for consideration. Order of Concurrence, concur: House Bill 567, Senate Amendment #1; Order of Nonconcurrence, Motion to recede: Senate Bill 760, Amendment #2 and House Bill...and Senate Bill 818, House Amendment #1. Also Report for Committee on Rules, the Committee on Rules has met and places the following Senate Bills on the Order of Nonconcurrence: 79, 405, 788, 949 and 1111."

Speaker Daniels: "The Order of Concurrence: House Bill 1850. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1850, a Motion to concur has been approved for consideration."

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Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I move to concur to Senate Amendment #1 to House Bill 1850. This Bill amends the Rural Bond Bank Act, passed out of the Senate 52 to 4 to 0 and I would ask for a favorable vote."

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

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

Speaker Daniels: "Indicates he will."

Hartke: "Representative Cross, Senate Amendment #1, what we're trying to concur in, changes the amount of bonding for the Rural Bond Bank. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative."

Speaker Daniels: "Representative Hartke."

Hartke: "It increases the bonding. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative."

Speaker Daniels: "Representative Hartke."

Hartke: "To increase the bonding authority for the State of Illinois and the Rural Bond Bank, do we need 71 votes on this piece of legislation to pass it?"

Speaker Daniels: "Representative Cross."

Cross: "I...I don't think I'm in the position to make that ruling. But in the Senate, Representative, that was not the case."

Speaker Daniels: "Representative Hartke."

Hartke: "Mr. Speaker, I might ask inquiry of the Parliamentarian just a little bit. If this increases the bonding in the State of Illinois, do we need 71 votes to pass this piece of legislation?"

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Speaker Daniels: "Representative Cross. Representative Hartke."

Hartke: "Mr. Speaker, that was for you. I was asking for you to make a ruling whether this required 71 votes, because it does increase bonding authority in the State of Illinois."

Speaker Daniels: "I'll ask the Parliamentarian whether or not this requires an extraordinary majority. For your information, the Senate ruled that it took 30 votes, but we will review it for a ruling. Representative Hartke."

Hartke: "Yes. Could I continue the questioning?"

Speaker Daniels: "You certainly can."

Hartke: "Representative Cross, it's my understanding this will increase the bonding from 100 to 150 million dollars for the Rural Bond Bank. And what other provisions are in this?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, the underlying Bill provides that the Upper River...Upper Illinois River Valley Development Act will include, will be expanded and include two members from Kendall County, two additional board members from Kendall County. The Amendment provides that the number of public commissioners on the Rural Bond Bank will go from five to seven, provides that representatives of the Lieutenant Governor's Office and State Treasurer may attend commissioner meetings and cast officer's votes. It also expands the Rural Bond Bank to include more counties than currently exist, and it also expands the bonding authority."

Speaker Daniels: "Representative Hartke."

Hartke: "Let me speak to the Bill for a minute and the Amendment. What this Amendment does, it increases the numbers on the Rural Bond Bank Board, but it gives the Lieutenant Governor's Office or his designee voting authority on that

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board. It takes it from two to...or from five to seven. It's ironic that we're giving the Lieutenant Governor's Office, again, more authority when Bills on the House floor here, they have been passing their authority over to the Department of Commerce and Community Affairs. That's one comment. Number two, I think that this does expand the number of counties that makes available funds from the Rural Bond Bank. Right now the Rural Bond Bank is limited to \$100 million but it also excludes counties over \$3 million and/or those adjacent to a county that requires or has a population of \$3 (sic - 3) million. What this does, it includes those counties...or it excludes counties just over 300 million, which is Cook. It includes those other 300...3 million, excuse me, but it includes the collar counties. However, this piece of legislation does limit the amount of funds that could be applied for to \$25 million to those five counties. I'm not sure if the Body will go along with us or not but maybe I should have been Sponsor of the Bill, Representative Cross, because I think I know more about the legislation than you do. I don't know whether this is a good idea or not, but I wonder if the Parliamentarian has an answer because I do believe this should require 71 votes. I don't know about the Senate, but here in the House and I think the statutes say, when we increase the bonding authority of the State of Illinois that we do need an extraordinary majority, and in this House, that's 71 votes. I don't know what the Senate ruled, but that's what, in my opinion, we should have 71 votes to pass this piece of legislation...under Section (j) is where we're finding this...this..."

Speaker Daniels: "Representative Hartke, I have reviewed this with the Parliamentarian and the ruling of the Chair is

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that this will require 60 votes. Representative Hartke."

Hartke: "Is there a possibility of overruling the Chair?"

Speaker Daniels: "The Gentleman moves to overrule the Chair. The question is, 'Shall the Chair be sustained?' All those in favor signify by saying 'aye'; opposed 'no'. The voting is open. The question is, 'Shall the Chair be sustained?' All those in favor signify by voting 'aye'; opposed by voting 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 62 'ayes', 53 'noes', none voting 'present', and the ruling of the Chair is sustained. Further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Members of the House. Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Mautino: "With respect to the Rural Bond Bank, this will allow the collar counties to participate in that program and I believe under the Amendments the amount that they can receive from the fund is capped at \$25 million?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative, you're ac...you're correct."

Speaker Daniels: "Representative Mautino."

Mautino: "And downstate would receive an additional \$75 million under this Amendment?"

Speaker Daniels: "Representative Cross."

Cross: "Actually it's an additional \$25 million, Representative."

Speaker Daniels: "Representative Mautino."

Mautino: "Excuse me, you're correct on that. The...this is a continuation. The negotiations started last year and Representative Woolard, I know, was involved with them and I believe that the...this has finally come to a conclusion

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and it has been agreed. Correct?"

Speaker Daniels: "Representative Cross."

Cross: "That's my understanding that you're correct on that, Representative."

Speaker Daniels: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. To the Bill. I stand in support of the Motion to concur. The Rural Bond Bank has been an excellent source for economic development to the downstate counties and I know that we currently have used about \$44 million of that authority. It has helped to generate economic growth. There are some plans which are underway for projects that I know that they're looking at and it's been a good savings to the communities. They've been able to take and get their bonds issued at a lower rate and I do support the Bill. I ask for an 'aye' vote."

Speaker Daniels: "The Gentleman from Adams, Representative Tenhouse."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. Representative Cross to close. Representative Cross moves for the passage of House Bill 1850. All those in favor signify by voting 'aye'; opposed by voting 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 113 'ayes', none voting 'no' and none voting 'present', and this Bill, having received a Constitutional...this Bill, having received a Constitutional Majority, is hereby declared passed and the House does concur with Senate Amendment #1 to House Bill 1850. On the Order of Concurrence...Representative Hartke."

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Hartke: "Yes, I think you failed to mention that that passed by an extraordinary majority in here."

Speaker Daniels: "I did it first because it passed by those voting on the issue. Okay. You are correct, Sir, I did a little bit reverse, but the net effect is that House Bill 1850 passed and we concurred in Senate Amendment #1. Thank you very much for watching. Is Representative Parke on the floor? House Bill 838."

Clerk McLennand: "A Motion to nonconcur filed by Representative Parke."

Speaker Daniels: "The Gentleman moves to nonconcur in Senate Amendment #1 to House Bill 90 (sic - 838). All those in favor signify...the Gentleman moves to nonconcur in House Bill 8...the Gentleman moves to nonconcur with Senate Amendment #1 to House Bill 838. All those in favor signify by voting 'aye'; opposed by voting 'no' and the voting is open. This is...Gentleman...Representative Parke's Motion to nonconcur. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. There are 114 'ayes', 1 voting 'no', none voting 'present', and the House does nonconcur with Senate Amendment #1 to House Bill 838. House Bill 90. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 90, a Motion to Nonconcur filed by Representative Johnson."

Speaker Daniels: "The Gentleman, Representative Johnson, moves that the House nonconcur with Senate Amendment #1 to House Bill 90. 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. The House now nonconcur...this Bill having...this Amendment...a Motion

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received 99 'aye', 2 voting 'no', 7 voting 'present', and the House nonconcurrs with Senate Amendment #1 to House Bill 90. On the Order of Concurrence, House Bill 323. Read the Bill, Mr. Clerk. This is for you. You've been waiting for this. Three, two, three."

Clerk McLennand: "House Bill 323, a Motion to concur has been filed and approved for consideration."

Speaker Daniels: "Okay, are you ready? Representative Brady."

Brady: "Thank you, Mr. Speaker. Ladies and Gentlemen, I think we all know what House Bill 323 is. It is an Agreed Bill which provides the security for the retired teachers throughout the State of Illinois and provides for health insurance that they've been accustomed to. It's an Agreed Bill, a Bill that was agreed to by the House and the Senate throughout negotiations. A Bill that was agreed to by the Illinois Education Association, by the Teachers Retirement System as well as by the Retired Teachers of Illinois and the Illinois Federation of Teachers. This Bill adopts existing language which provides for a subsidy up to 75% of the premium rate. It provides for rates in 1996 to be equal to rates in 1995. It includes a continuing appropriation of the state's contribution pegged to the amount of the active teacher contribution. It reduces the required TRS credit to qualify from 10 years to 8 years, same as state insurance. It uses nonappropriated funds and it does not impose a one half of one percent contribution to the Chicago Teachers Retirement Fund. Additionally, it increases the minimum annuity for retired teachers throughout the State of Illinois so they as well can afford this system. We've put a lot of hard work, the retired teachers of Illinois have put a lot of hard work into this, all the Illinois education associations put a lot of hard

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work and I ask for your 'aye' vote."

Speaker Daniels: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of my colleague and the hard work that he's done. I'm extremely proud to even be here to cast this vote for the retired teachers of the State of Illinois. This is fair and it's what we need. I'm tickled to death to vote on it."

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

Morrow: "Yes. Thank you, Mr. Speaker. I'm not necessarily rising on this Bill, but on House Bill 90, I believe. I'm very tired right now as other Members are. I hit my switch the wrong way. I'd like to be recorded as voting 'yes' on that Bill."

Speaker Daniels: "The record will reflect had your switch been working properly you would have voted 'yes'. Representative Morrow, thank you very much."

Speaker Daniels: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you. Just briefly, Mr. Speaker. I think congratulations should go out to all the parties today who agreed to this. It was a very contentious point to whether this was going to be called and voted on. I think we're doing the right thing, and congratulations to those people who negotiated this."

Speaker Daniels: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. You know, I think that I remember, I don't know if it's been a few days or a few weeks. I think we've all been around here a long time. The statement made by the Sponsor of this legislation that

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you better get on now or this may be the last chance that you'll ever have to vote on this issue. I can honestly say that I didn't believe it was going to be the last chance we'd have and I believe that we had to send a message. And I know that you'd worked long and hard to come up with what you did at that time, but I'm very proud that we didn't give it unanimous support by this Body at that time because I think the Senate might have used that to make a decision not to make any changes. There's a few things that have been added to this. It makes a big difference for all of us and those people that we represent. I think there are teachers that have spent long and hard lifetimes in the classroom, deserve everything that we can possibly give them and I'm proud of the fact that we started with something that was better than what we had, but now we even have something better than that was. I think probably the thing that makes me more supportive of this than what we had before is the continuing appropriation that is here. That we're also taking care of those teachers who are in the classroom today, that they are not going to be paying and buying something without some assurance that this is going to be available to them as well. I'm very proud of the fact that I can stand with you today in support of these changes that have been made. I commend you for the work that you gave on this and I know that you worked long and hard, but I'm very proud that we've got some better aspects to this Bill today. You know, I join with the Sponsor and tend to vote for this because I think that it is significantly better and it improves a situation that has been bad for a long time."

Speaker Daniels: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. I

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would like to thank the Sponsor for all the hard work that he put into this Bill. I would like to thank the Speaker for bringing this Bill to a vote in front of the full House. It's a good Bill. It's a fair Bill. It's a Bill that we can go back into our districts and say we've began to solve this crisis and I urge a strong vote, 'aye' vote, for House Bill 323."

Speaker Daniels: "Representative Ciarlo."

Ciarlo: "Thank you, Mr. Speaker. I, too, rise in strong support of this Bill and thank the Sponsor. We've all worked long and hard and this is just a wonderful conclusion and it's great that we can have both sides of the aisle all for this Bill. A strong 'yes'. Thank you."

Speaker Daniels: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise as a daughter of an 85 year old retired public school teacher. I know the importance of a strong insurance plan for her, especially now in ill health. I strongly support this."

Speaker Daniels: "Representative Bost."

Bost: "Mr. Speaker, I also rise and thank the Sponsor for working very hard on this legislation. We've waited and everyone else that's worked very hard on it from both sides, and I'll be glad to vote 'yes' on this and I will encourage all of you to vote 'yes'."

Speaker Daniels: "Representative Jones. John Jones."

Jones, John: "Thank you. Mr. Speaker. I rise in strong support of this Bill. This has been long overdue. I want to say my hats off to Representative Brady, the Sponsor of this Bill. I know that many retired teachers in my district have been waiting for this for quite some time and I'm extremely proud to stand before you and support this Bill. I know in my district I have a lot of retired teachers that

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retired at a very low income of approximately \$400 a month and they were facing disaster with this. So I'm extremely proud to stand and ask my colleagues all to vote for this. There should not be one 'no' vote in this House on this Bill. Thank you, Mr. Speaker."

Speaker Daniels: "Representative Davis."

Davis, S.: "Thank you, Mr. Speaker. Nice tie you have on, too."

Speaker Daniels: "Thank you."

Davis, S.: "Mr. Speaker...Mr. Speaker...Mr. Speaker, I for one am extremely disappointed in this piece of legislation. I hoped that we could have gotten retired teachers insurance without having to put a payroll tax on active teachers in the State of Illinois. I wish that we could have gotten the retired teachers of this state insurance coverage without raising their monthly premiums by 8%. But, unfortunately, the Governor of this state, the Governor of this state wouldn't listen to the Democrat's proposal when we proposed 75% state funding for the retired teachers in the State of Illinois. I'm going to vote for this Bill because I understand that the IEA, the IFT and the retired teachers had to cave in to your demands. This is the best they could get this year, but I want them to know that when the Democrats become...come back into power in 1996 we will...we will propose, once again, to have the State of Illinois fund their pension at 75% and that's what the State of Illinois should do. Thank you, Mr. Speaker."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm very proud to vote for this Bill, but I'd like to make one comment. Representative Deuchler has fought for this issue, particularly for the elderly teachers, for a number of years and every year that I've been here I've

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joined her and gone in and talked to either the Governor or to you or to someone and I'm so sad that she's not on the floor today to vote for this because I'm sure she's going to be very, very happy when we tell her later. Thank you."

Speaker Daniels: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker. I call the previous question."

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

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen. I am very proud of the fact that this Bill is going to receive bipartisan support. I'm very proud that we've been able to put a piece of legislation together that we've worked with the Illinois Education Association, the retired teachers, and the people in this Body. We've also worked with the Senate. I want to thank the Speaker for allowing us to take a vote on this today and I appreciate everyone's support. Thank you."

Speaker Daniels: "The Gentleman has moved that the House does concur in Senate Amendment #1 to House Bill 323. The question is, 'Shall the House concur in Senate Amendment #1?' All those in favor signify by voting 'aye'; opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question...on this question there are 115 'aye', none voting 'no', none voting 'present' and the House does concur with Senate Amendment #1 to House Bill 323, and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 780. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 780, a Motion to concur with Senate

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Amendment #1 has been filed and approved for consideration."

Speaker Daniels: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment represents language that the Senate felt necessary to tighten up on a Bill that we passed overwhelmingly here earlier. The Amendment extends the school board's authority to expel a student for not less than one year instead of one school year, as my previous language indicated, for bringing a weapon into school property, to apply to all school districts including special charter districts and districts organized under Article 34. The last language was also added to make it satisfy the lawyers that it indeed covers every school district in Illinois and I would recommend consi...move for concurrence in Senate Amendment #1."

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

Moore, E.: "Yes, Mr. Speaker. On the last Bill in regards to teachers retirement I hit my button, but obviously it didn't record as a 'yes' vote. I'd like to be recorded as a 'yes' vote on the last Bill, please."

Speaker Daniels: "The record will reflect that if your switch had been working properly you would have been recorded as 'yes' on the last Bill, which is House Bill 323. Okay. Any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Yes, Representative. The Amendment...it's my understanding what you're doing is you're essentially making this apply to all schools in the state, is that correct?"

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Speaker Daniels: "Representative Leitch."

Leitch: "I thought it already did, but apparently someone determined that they wanted to make it absolutely sure. Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And in addition to that, the Senate Amendment, Senator Hawkinson's Amendment, has something to do with the redefinition of what...how long an individual would be expelled for when they have unlawful use of weapons on a school grounds. Is that correct?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. The original purpose of the Bill was to bring us into compliance with the federal law and it did so by requiring the expulsion for one school year. As you would recall from when it was here in the House earlier, under our present law it's possible for a youngster to be caught with a weapon, for example in May, and be expelled only for the remainder of that school year instead of a full school year. So that if he had been caught in May as opposed to in September, there's a very different penalty there and it was an unintended consequence of the former law. And this brings us into federal compliance and just simply clarifies that all school districts are covered."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes. Regarding that this is for final passage, this will go to the Governor if we pass this out. The underlying Bill is permissive, not mandatory. Is that correct?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So in other words, what we're allowing here is the

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school board may expel somebody for having a gun on school property for up to two years, calendar years, not just school years, and no less than one calendar year. Are we saying that they have to be expelled for one calendar year? I'm not necessarily saying that that's wrong. I just think at one point we're saying they may expel them and the other point it says we shall expel them for no less than one calendar year. So, which is it?"

Speaker Daniels: "Representative Leitch."

Leitch: "For a gun offense it's one year. For other weapons, knives and so forth, it's up to two years."

Speaker Daniels: "Representative Hoffman."

Hoffman: "No. Maybe I didn't...make myself clear. What I'm saying is, it says in the body of the legislation of the proposed Bill that the school board may expel them...may expel them for one calendar year."

Speaker Daniels: "Representative Hoffman."

Hoffman: "It may expel them for no less than one calendar year. So I guess what I'm saying is, do they...if they have a gun on school property, do they have to expel them for one calendar year or is it permissive on a case by case basis?"

Speaker Daniels: "Representative Leitch."

Leitch: "No, I think the federal law says one calendar year."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So if a child has a gun on school property, the school board then has to expel that child for one calendar year?"

Speaker Daniels: "Representative Leitch."

Leitch: "I'm sorry. I didn't hear the Gentleman's question."

Speaker Daniels: "Representative Hoffman, could you repeat the question, please."

Hoffman: "Yeah, I'm trying...If a child has a gun on school property, does the school board have to expel that child

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for one cal...one full calendar year?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So in that regard, it's not really permissive. We're saying, if you have this you have to expel the child. Now I'm not saying that that's wrong, but I think that maybe some people...or we've gotten a different impression over here of...I'm going to support the Bill, but I think maybe we better clear that up as to whether it's mandatory or it's permissive."

Speaker Daniels: "Representative Leitch to close."

Leitch: "I think where the confusion is, is this applies to guns. The other weapons are optional. And I would move that we concur in the Amendment."

Speaker Daniels: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 780. 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? Mr. Clerk, take the record. On this question there are 113 'aye', none voting 'no', none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 780, and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 929. Read the Bill, Mr. Clerk. Nine, two, nine."

Clerk McLennand: "House Bill 929, a Motion to concur has been filed in regards to Senate Amendments #1 and 2, has been approved for consideration."

Speaker Daniels: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I rise to present Senate Amendments #1 and 2 for concurrence. The..."

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Speaker Daniels: "Representative Granberg."

Granberg: "Yes, Mr. Speaker, I move to divide the question."

Speaker Daniels: "Sure. Okay. Representative Hughes."

Hughes: "All right. We'll start with Amendment #1. Senate Amendment #1 provides for an exemption from the one thousand foot setback requirement for the transfer station know by U.S.A. Waste which was expanded and now encroaches on the setback requirement. This is Crestwood. The language passed the House in Senate Bill 231. There are no opponents to this. This passed the...in House Bill 1089 on a vote of 106 to 1. It passed in the Senate on a vote of 55 to 0. No known opponents and I urge an 'aye' vote on a Motion of concur."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "She will."

Granberg: "Thank you. Representative Hughes, for those of us who aren't familiar with Crestwood, could you please explain the type of facility this is and where it's located?"

Speaker Daniels: "Representative Hughes."

Hughes: "This is a waste transfer station that's in the Village of Crestwood and has been operating there for...I don't know how long. Quite some time. 1981."

Speaker Daniels: "Representative Granberg."

Granberg: "And why is this necessary, Representative?"

Speaker Daniels: "Representative Hughes."

Hughes: "This facility was expanded and has been taken over by another operator. It is technically out of compliance with the setback requirement because of that expansion and the new owners want to be in compliance. There are no objections from any of the surrounding properties or communities."

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Speaker Daniels: "Representative Granberg."

Granberg: "And who were the previous owners, Representative?"

Speaker Daniels: "Representative Hughes."

Hughes: "I believe Excel Corporation. I believe it was Excel Corporation."

Speaker Daniels: "Representative Granberg."

Granberg: "And the new owners of the facility are U.S.A. Waste. Is that correct, Ma'am?"

Speaker Daniels: "Representative Hughes."

Hughes: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "Did U.S.A. Waste not know that they had to do these or take care of this compliance issue prior to the transfer of the ownership of the facility?"

Speaker Daniels: "Representative Hughes."

Hughes: "To be honest with you I can't answer that question."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, it seems as if they would know the law, Representative, and if they would come in late to the game and ask to change the law after they've already committed the time and resources to make the expansion, it seems a little strange to me that this would occur. How about the Environmental Council. Are they opposed to this?"

Speaker Daniels: "Representative Hughes."

Hughes: "My understanding is that the IEC is neutral on this Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "You indicated that this Bill was in a different piece of legislation and that legislation previously passed the House, is that correct?"

Speaker Daniels: "Representative Hughes."

Hughes: "That is correct. This was contained in House Bill 1089

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which passed on a vote of 106 to 1."

Speaker Daniels: "Representative Granberg."

Granberg: "And what happened with that legislation in the Senate,
Ma'am?"

Speaker Daniels: "Representative Hughes."

Hughes: "At this time, that legislation is on Second Reading in
the Senate. Held on Second Reading."

Speaker Daniels: "Representative Granberg."

Granberg: "Is it the Senate's intention not to call that Bill or
why are they holding the legislation on Second Reading?"

Speaker Daniels: "Representative Hughes."

Hughes: "It is my understanding that this Bill, 1089, is being
held in the Senate because of other provisions. This is
not a controversial provision of the Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Hughes, we shouldn't care what the
Senate does. We're our own Body and we should be able to
move forward with our legislation. Don't you agree?"

Speaker Daniels: "Representative Hughes."

Hughes: "Our primary responsibility is to serve the constituents
of Illinois."

Speaker Daniels: "Representative Granberg."

Granberg: "That certainly must be a recent change in philosophy
around here. Now if this is extended, this transfer
station would serve what area, what region?"

Speaker Daniels: "Representative Hughes."

Hughes: "Primarily the southwest suburban areas."

Speaker Daniels: "Representative Granberg."

Granberg: "So the municipalities in the southwestern part of Cook
County and suburbs would be in favor of this legislation?"

Speaker Daniels: "Representative Hughes."

Hughes: "That is my understanding. It's located in the Village

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of Crestwood, which is in favor of this legislation."

Speaker Daniels: "Representative Granberg."

Granberg: "And this Bill and this Amendment have received hearings, public hearings, and there is no registered opposition to the...to your proposal. Is that correct?"

Speaker Daniels: "Representative Hughes."

Hughes: "That's correct."

Speaker Daniels: "Representative Granberg."

Granberg: "And the IEPA has no position on this issue, as well?"

Speaker Daniels: "Representative Hughes."

Hughes: "The IEPA is neutral."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, thank you, Representative. I appreciate..."

Speaker Daniels: "You want to complete your comments, Sir?"

Granberg: "I just want to thank the Representative for answering those questions."

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

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Hughes moves that the House concur in Senate Amendment #1 to House Bill 929. 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? Have all voted who wish? The Clerk will take the record. On this question there are 113 'aye', none voting 'no', none voting 'present' and the House does concur in Senate Amendment #1 to House Bill 929. Senate Amendment #2."

Hughes: "Thank you, Mr. Speaker. Senate Amendment #2 amends the Nuclear Safety Preparedness Act, providing that appropriations to the Illinois Emergency Management Agency

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for activities associated with preparing and implementing plans to deal with the effects of nuclear accidents shall not exceed various amounts for the succeeding three...four fiscal years. This also is a Bill, formerly Senate Bill 98, which passed the House on a vote of 114 votes 'aye' and no 'nays'. Again, there is no opposition to the Amendment. There is no fiscal impact on this. It is not a...an increase of fees. It is not a tax increase. It is a reallocation of an existing fund. A great Bill."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Representative Hughes, you indicated it's a reallocation of the existing fund. What is the balance in that fund currently?"

Speaker Daniels: "Representative Hughes."

Hughes: "I do not know what the balance of that fund is, however, there is...there is a receipt of about 10 million dollars per year. It has a three...3.3 million current balance with revenues of 10 million a year, and we're talking about an increase in the first year from \$500,000 to \$625,000, growing to a maximum of \$775,000 in FY '98."

Speaker Daniels: "Representative Granberg."

Granberg: "So they are currently allowed to spend up to \$500,000 in a fiscal year for the purposes you commented upon?"

Speaker Daniels: "Representative Hughes."

Hughes: "Yes. Since the last increase in funding for these purposes was in 1988 when it went from 325,000, I believe...350,000 to 500,000. That's the last increase that they've had."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, how much of...how much are they allowed to spend in this current fiscal year out of this fund?"

Speaker Daniels: "Representative Hughes."

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Hughes: "The current year is \$500,000."

Speaker Daniels: "Representative Granberg."

Granberg: "I...it was my understanding that, Representative Hughes, that that was \$300,000...\$300,000. Two hundred seventy-five thousand dollars in fiscal...FY '94...fiscal...FY '95 and...I'm sorry. Three hundred thousand dollars in fiscal year 1995. You're indicating that's \$500,000?"

Speaker Daniels: "Representative Hughes."

Hughes: "My information is that it's 500,000 and it's been 500,000 each year since 1980."

Speaker Daniels: "Representative Granberg."

Granberg: "And so you're attempting to raise that amount to \$625,000 in this next fiscal year. That's approximately a 23% increase over this year's appropriation. What agency would use a 20% increase in allocation authority? Don't you think that's rather high?"

Speaker Daniels: "Representative Hughes."

Hughes: "I'm glad you asked that because actually what this is doing is relieving pressure on the GRF which is adding and supplementing this \$500,000 cap by shifting funds from the Nuclear Safety Emergency Preparedness Fund, that fund receiving the \$10 million a year by shifting another \$125,000 a year. That's \$125,000 that will not be shifted from the General Revenue Fund. And again, that's without any tax increase or any fee increase."

Speaker Daniels: "Representative Granberg."

Granberg: "Were those funds to be used though for this purpose, Madam, the 125,000 GRF?"

Speaker Daniels: "Representative Hughes."

Hughes: "I'm sorry. At this time...just a second."

Speaker Daniels: "Representative Granberg."

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Granberg: "Ann, what I was saying..."

Speaker Daniels: "Representative Hughes."

Granberg: "Well, Speaker, she's...I think she's getting some answers from the department, so..."

Hughes: "Okay. Currently...currently there has been 50 to \$100,000 of GRF funds used to supplement training of personnel. The...raising the cap would allow for that training of personnel and the exercises for safety preparedness to be funded by these fees rather than through GRF funds."

Speaker Daniels: "Representative Granberg."

Granberg: "If we're going to be more reliant upon those fees, won't that increase the fees from Commonwealth Edison and Illinois Power, which will in turn increase the rates for consumers?"

Speaker Daniels: "Representative Hughes."

Hughes: "No. There is a surplus, as I stated earlier, of over \$3 million in that fund. It would not affect those fees."

Speaker Daniels: "Representative Granberg."

Granberg: "So, Madam, why are we...so we're just using the money because it's there. Maybe we should have an allocation back to the utilities so they can lower our utility rates. Wouldn't that be a better service?"

Speaker Daniels: "Representative Hughes."

Hughes: "I think for those who are living in areas that are potential impacts of a nuclear disaster, they would like to see proper safety training and preparedness without a tax increase."

Speaker Daniels: "Ladies and Gentlemen, the dinner this evening is courtesy of Governor Jim Edgar, and he wishes you good health and good food and good eats. Thank you, Governor Edgar. The Gentleman from Effingham, Representative

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Hartke."

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

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

Hartke: "Representative Hughes, I wasn't planning on asking any
questions about this, but knowing that the State of
Illinois, at some point in time, will decide on a low level
radioactive waste disposal site, and by the conversation
that I heard here in the debate, there is excess dollars
right now in this Nuclear Safety Training Fund. It's your
intent that you want to take extra money out of that fund
so we don't have to supplement that fund with GRF to do
this training in and around, I suppose, those communities
that now have radioactive generating stations. Who...who
determines who gets this training that's being done by the
Department of Nuclear Safety?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "I think you lost me. I'm told that you're referencing a
different fund and that this is the fund that's used for
training, exercises, planning and development. I'm not
understanding what you're asking me."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Thank you very much, Speaker McAuliffe. Ann, I'm
concerned about the training too because I don't want to
see a major accident happen with our nuclear generating
stations here in Illinois and I think it's absolutely
necessary that we do this training. The question I'm
asking you is, is this training done in...by the department
in and around those communities that have nuclear
generating stations in case an accident does happen, to
make plans, how to evacuate, this type of thing?"

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Speaker McAuliffe: "Representative Hughes."

Hughes: "Yes."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Will this same fund that we have now for this safety training, could those funds actually be used, at some point in time, to train communities in and along a path to transport low level radioactive waste to its final disposal site, provided we ever get to name one here in Illinois?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "This is...this would have nothing to do with that at all."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Are absolutely, positively, 100% sure?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "Yes, I am sure."

Speaker McAuliffe: "Representative Hartke."

Hartke: "What type of fund would we have for that training? You know, my concern is that if and when we start transporting low level radioactive waste across Illinois somewhere for its final resting place in a low level radioactive waste disposal site, we will have all kinds of communities along the truck routes and rail routes that will be concerned in case there is an accident. What kind of fund are we going to use to train those community firefighters, emergency people, hospitals, in case an accident happens in the transportation of those?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "The program and the funding to which you're referencing is under the Nuclear Safety Department. What we're talking about is under the Illinois Emergency Management Agency. They are two separate entities, two separate funds, two separate programs."

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Speaker McAuliffe: "Representative Hartke."

Hartke: "But the funds come from the generating stations, right?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "The funds for this program, for the Nuclear Safety Emergency Preparedness Fund, are from nuclear power plants. I cannot speak to the funding source for the other department."

Speaker McAuliffe: "Representative Hartke."

Hartke: "I know that the Nuclear Safety Emergency Preparedness Fund works with and through the Illinois Emergency Management Agency because they're the agency that spends the money provided by the nuclear generating stations in Illinois to this fund to do this training. Is that not true?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "Yes, that's true."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well, my concern is that at some point in time we are going to be transporting this low level radioactive waste across Illinois, through Illinois, to some depository. And I think I heard you say we had some \$3 million of balance in that fund and I think that's wonderful. They've probably been overcharged for the years...for years in past because we're not spending all that we're taking in or we wouldn't have a balance in that fund, and I know there's a cap on it. But I'm concerned just maybe we ought to retain that fund or consider at some point in time not to spend all that fund because we're going to have communities all up and down Illinois, depending upon the location of the depository, that are going to be want to be trained in case there is an accident in the transportation of this low level radioactive waste. Would you not agree with that?"

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Speaker McAuliffe: "Representative Hughes."

Hughes: "I'm trying. I am trying to be responsive. The whole area that you're getting into, relative to the low level and to the transporting, is another department and other funds. What we're trying to do here is to raise a cap on training, development and planning for accidents that might occur from nuclear power plants under the Illinois Emergency Management Agency."

Speaker McAuliffe: "Representative Hartke, you want to ask another question?"

Hartke: "Well, I think we can sit and talk about this all evening. I know what she's saying here and I...I'm probably going to agree to...concur to this Senate Amendment, but I think this opens up a whole new era that the General Assembly should be looking at very seriously because we are under deadline by the Federal Government to come up with a depository. No one wants it, but it's going to have to be somewhere, and when that happens we're going to have to prepare those communities in and along the route. And I think we ought to be looking at this fund which is provided by the generating stations now, to continue that education and zero it in on those communities in and around and close to wherever this depository is suppose to be. So I'm sure we'll be addressing this issue in the future."

Speaker McAuliffe: "The Gentleman from Kankakee, Representative Novak."

Novak: "Thanks, Mr. Speaker. Will the Lady yield? Representative Hughes, how are these...Representative Hughes, how are these fees assessed on the reactors? Are they assessed on the basis of size, cubic feet? Can you give me an indication?"

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Speaker McAuliffe: "Representative Hughes."

Hughes: "My understanding is the fees are on a per reactor basis."

Speaker McAuliffe: "Representative Novak."

Novak: "So, for example, if we compared the reactors at Braidwood 1 and 2 to the Clinton Power Plant, and again, I'm not a nuclear engineer, but I would assume the reactors may be...may be different in size. So, it's just a blanket fee per reactor, correct?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "Yes."

Speaker McAuliffe: "Representative Novak."

Novak: "Thank you, Speaker. So how much is the fee per reactor?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "I have no idea and this has nothing to do with that. This has to do with a fund that is in place that is being...that is being financed by fees. All this is doing is allowing for a few more dollars from that fund to go into this training program to raise the cap. Oh, wait a minute, wait a minute. The fee...the total...the fee is \$1,110,000 per reactor. How about that."

Speaker McAuliffe: "Representative Novak."

Novak: "See that, Representative, you did tell me that. See, you know...I mean, we've got fine staff over there letting us know. So it's \$1.3 million I think you said?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "One million, one hundred ten thousand dollars per reactor. We're learning together."

Speaker McAuliffe: "Representative Novak."

Novak: "The reason why I ask that is for the benefit of the Members of the Body. It's so much these utilities pay into this...into this fund to help fund readiness training for

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communities that surround...in emergency preparedness training for communities that surround nuclear power plants. Does this...this fee, do they make outright grants to locales...locales, to communities? Outright grants to like fire departments?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "No."

Speaker McAuliffe: "Representative Novak."

Novak: "So they...what they do is bring the local emergency personnel in from the county and from the localities. Let's say...let's use Braidwood again. The Village of Braidwood is a very small community in Will County, so they would bring the ESDA people in and the fire department people and the emergency people, and Commonwealth Edison would use these fees to train those individuals. Is that correct?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "That's correct."

Speaker McAuliffe: "Representative Novak."

Novak: "Do they also use the fees to like purchase any equipment for the local fire departments? Let's say like Scott air packs or, you know, boots or headgear and gloves and things like that, in case of an emergency?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "You're wearing me down here. These funds are used for training local people, for developing the response plan. They participate, but the state manages the plan. Is that responsive?"

Speaker McAuliffe: "Representative Novak."

Novak: "About 90%. Representative Hughes, you're doing fine. The question I asked is, are any of these fees used to subsidize materials in local units of government's fire

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departments? Like gear, equipment. They don't, right? Is that what you're saying? Shaking your head no. So the money is used exclusively for training?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "Training, exercises, planning and development. Not for grants to local government, not for equipment to local government."

Speaker McAuliffe: "Representative Novak."

Novak: "One quick question. How often do these...how often are these personnel trained? Can you tell me?"

Speaker McAuliffe: "Representative Hughes."

Hughes: "They're refreshing my mind. As I recall, with the county, we did it every year and they're saying yes, every year."

Speaker McAuliffe: "Representative Novak."

Novak: "...much."

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

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

Speaker McAuliffe: "Representative Black has moved the previous question. On all...all those in favor signify by saying 'aye'; opposed say 'no'. The 'ayes' have it, the previous question has been moved. Representative Hughes to close."

Hughes: "Vote 'yes' for better safety."

Speaker McAuliffe: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 929?' All those in favor signify by voting 'aye'; opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question there's 116 voting 'aye', none voting 'no', and none voting

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'present', and the House does concur with Senate Amendment #2 to House Bill 929. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1967."

Clerk McLennand: "House Bill 1967, a Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker McAuliffe: "Representative Lang wishes to separate the question. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. When we last saw 1967, it created the Violence Prevention Act, but it was without a funding source. I was committed to funding this extraordinarily important issue without direct state funds. And we've searched for several items including obtaining funds from outside of state government through donations or contributions. This Bill, previously, was supported by the Attorney General's Office and the Director of the Department of Public Health because violence prevention is clearly a public health issue. The good, creative minds that are in support of this Bill, enlisted the support of the Secretary of State's Office to create a license plate patterned after the extraordinarily successful environmental plate and the funds from which in this violence prevention license plate will therefore be used to help fund the program. Senate Amendment #1 creates that revenue source, and I'd be happy to answer any questions in my Motion to concur with Senate Amendment #1."

Speaker McAuliffe: "The Lady from Cook, Representative Schakowsky."

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

Speaker McAuliffe: "Sure he will."

Schakowsky: "Thank you. I know when you first presented this

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Bill way back when, Representative, you said that this was your favorite Bill. I was just wondering if Senate Amendment #1 might be your favorite Amendment of the session?"

Speaker McAuliffe: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. As a matter of fact, Representative, it is. Any time that you can get the cooperation of the Secretary of State's Office, the Attorney General's Office, the Director of the Department of Public Health, and I might add, the valuable services of Barbara Shaw...Barbara Shaw, and her good group concerning violence prevention. They've done an astounding job without the creation of this council and I think that the efforts of this council will only double or triple their efforts. So a license plate dedicated to the prevention of violence is indeed my favorite Amendment. Thanks."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "I'm so glad you mentioned the Director of the organization that promoted this, Barbara Shaw, who is also a very, very good friend of mine, and I was just wondering Representative, if you have any idea what this license plate is going to look like, and if not, how do we arrive at a design for this license plate?"

Speaker McAuliffe: "Representative Ryder."

Ryder: "Representative, the Director of the organization that you just mentioned showed to me a couple of prototypes, and the only requirement that I would have on the license plate is that I think that it needs to be attractive and carry a positive message because I believe that that is what has created for the environmental plate such a widespread utilization of which thousands have been sold. The ultimate design has to be approved by the Secretary of

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State. They have a process by which that's done. Obviously, you can't have certain things on a license plate that would either be unattractive or would detract from the message, or for that matter, detract from the essential services of the plate itself. It is my hope that the council that is established the authority under this Bill, and the good people that are in support of the Bill, will use their very creative minds in order to design a plate that will be able to get the support of tens of thousands of people in this state so we can raise a tremendous amount of money for the purpose of preventing violence. Something that is a cause that is just absolutely essential to this state."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Just for the record. Despite the addition of this Amendment, the underlying Bill has remained intact, has it not, Representative?"

Speaker McAuliffe: "Representative Ryder."

Ryder: "Representative, that's correct. We had simply a blank in the area for a funding source and this language in Senate Amendment #1 fills in that blank. It also provides, and I have to compliment the Attorney General, Jim Ryan, on this one, it also provides the opportunity for local, for private sector funds to contribute toward the work either directly through the fund or to be administered by the fund. We have that ability within this legislation so that we can go out, this organization can go out and attempt to seek funds. As you know, Barbara has already done that through lots of organizations including the Chicago White Sox and others. So I think that this provides the...provides the vehicle, that's probably the most positive time that we've used that term in this

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Legislature, provides the vehicle by which we can attempt to put on a positive license plate, raise money to prevent violence and make the lives of the State of Illinois better."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "I just have one final question and then I'll leave you to use up the time. But I want to just congratulate you on this Bill and on this Amendment. But does the Secretary of State's Office do proactive promotion of these license plates and can we expect to see them actually market this plate so that we can raise the money that's necessary?"

Speaker McAuliffe: "Representative Ryder."

Ryder: "Absolutely. In fact, I hope I see George Ryan's face promoting this on TV's, hear his voice on radio and his picture on placards because it's such a good cause and the money would be so valuable."

Speaker McAuliffe: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Feigenholtz: "Representative Ryder, I rise as a cosponsor who's in somewhat reluctance of this Bill now. It started out as a sweeping piece of legislation that would have addressed the real problems around violence prevention and I wish that the state and the Governor of this state could have found it in his and it's power to fund this program instead of it reducing itself to a license plate program. After what this country has seen in the last few months around violence, these are the kinds of issues that we really need to take a better look at. This is a good Bill, it should get better. Give it your support, Ladies and Gentlemen.

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Thank you."

Speaker McAuliffe: "Representative Ryder to close on the Amendment."

Ryder: "Thank you for your support. I would ask your 'aye' vote."

Speaker McAuliffe: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1967?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On the question there are 116 voting 'aye', none voting 'no' and none voting 'present', and the House does concur in Senate Amendment #1 to House Bill 1967. Represen...Representative Ryder, Senate Amendment #2."

Ryder: "Thank you, Mr. Speaker. Senate Amendment is very, very straightforward. It indicates that the Illinois Violence Prevention Authority created within this Bill has a responsibility to coordinate a statewide violence prevention effort as well as to develop the statewide plan. I'd be happy to answer questions."

Speaker McAuliffe: "The Lady from Cook, Representative Schakowsky."

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

Speaker McAuliffe: "Indicates he will."

Schakowsky: "Does this Bill address something that we inadvertently left out, or...why did we need this Amendment? It seems obvious on its face."

Speaker McAuliffe: "Representative Ryder."

Ryder: "Representative, it might be obvious on it's face to a Representative such as yourself and hopefully to the other people within this Body, but the Senators, in their own

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inimitable way, decided that developing a plan doesn't mean coordinating a plan. So in order to get a Bill out of the Senate, if I have to say develop and coordinate, I'm happy to do that. In fact, I'd be happy to read this Amendment to each and every Senator if that's what it took to get the Bill out the Senate. But luckily for me it wasn't necessary, so I'm simply keeping my commitment to the Senate to pass the Bill."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "So in other words we're essentially forced to kind of pander to the Senate and their kind of picky ways, but we're going to do it anyway for Barbara Shaw and for all the good people who support this Bill, right?"

Speaker McAuliffe: "Representative Ryder."

Ryder: "Representative, I believe so strongly in this Bill and in the concept of preventing violence and the good that this Bill will do next year and in the decades to come, that I'd certainly be willing to pander to the Senators for this. I've done it before for a lot less."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Now in this instance though, pandering is not really a crime in any way that we need to prevent through this crime prevention Bill. I just want to make this clear for the record so we don't get ourselves in any trouble here."

Speaker McAuliffe: "Representative Ryder."

Ryder: "Lucky for me, what it is that we say on the floor of the House can't be used against us. No, it's clearly not a crime, but persuading the Senate in accepting what I consider to be a very minor change in an otherwise outstanding Bill was the least accommodation that I could do for the Senate."

Speaker McAuliffe: "Representative Schakowsky."

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Schakowsky: "If you...I just wanted to be sure that Senate Amendment #2 in no way will diminish the language in your favorite Amendment, Senate Amendment #1. Is that true?"

Speaker McAuliffe: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Representative, it's tough to find the questions about that Amendment, isn't it? For purposes of legislative intent, let me be very specific that Senate Amendment #2 to House Bill 1967 in no way decreases the effectiveness of an outstanding Bill. In no way changes the underlying purpose. It, in my opinion, simply explains or modifies what was my original intent, and if it's helpful to make that original intent more clear to this Body and to the Senate, I'm happy to do that, Representative."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Well, to the Amendment, I guess, Mr. Speaker and Ladies and Gentlemen of the House. It's always good to have an Amendment that satisfies the whims of the Illinois Senate in order to make it possible to pass a piece of legislation that not only happens to be Representative Ryder's favorite piece of legislation and incorporates an Amendment that is also his favorite Amendment of the Session, but also, happens to be a wonderful piece of legislation for all of us in the State of Illinois because it deals with the issue, not only of dealing with crime after...not dealing with crime after it's occurred, but to prevent crime before it happens. This is a piece of legislation that was developed...that was developed with lots of input from experts from the community as well as in government. It was promoted by one of my best friends, Barbara Shaw, and I think will serve this state well in order for us to be able to continue down the path of making

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Illinois a violence free state. So I want to commend the Sponsor for the work that he did for recognizing the value of this legislation. I think that it certainly goes well with other things that we've done, like passing a Resolution saying that this is a domestic violence free state. And now with this legislation and it's fine Amendments, we'll make Illinois a safer place for all of us and our children."

Speaker McAuliffe: "Representative Ryder to close."

Ryder: "Mr. Speaker, I would ask for your 'aye' vote. Thank you."

Speaker McAuliffe: "All right, Representative, the question is, 'Shall the House concur with Amendment #2 to House Bill 1967?' All those in favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'aye', none voting 'no', and none voting 'present'. The House does concur with Senate Amendment #2 to House Bill 1967, and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1654, Representative Cross. Representative Cross."

Cross: "Thank you, Mr. Speaker. On the previous Bill I had a little trouble with my switch. I'd like to be, if I could, I would have voted 'yes'."

Speaker McAuliffe: "The record will reflect that Representative Cross would have voted 'yes' on the past Bill if his switch was working correctly."

Cross: "Thank you. I think I...I think Representative Hassert fixed it for me, so I appreciate it. I move to concur to Senate Amendment 1 on House Bill 1654 and appreciate a

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favorable vote."

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

Blagojevich: "Representative McAuliffe, I see that my speak light is on, but I wasn't recognized. Do you recognize somebody else, I don't know whom?"

Speaker McAuliffe: "Blagojevich."

Blagojevich: "Is he a Republican? I don't know him. I think you mean me, right?"

Speaker McAuliffe: "That's a good ethnic name. That'll get you a lot of votes."

Blagojevich: "Very good. Thank you, Mr. Speaker, I appreciate this. I won't be long, I'll be done in five minutes. Let me address a few questions to the Sponsor of this Bill. Representative Cross, this Bill enhances the penalty for criminal trespass upon an arable field sown to crops, enclosed area or building containing livestock or an orchard. Is that correct?"

Speaker McAuliffe: "Representative Cross."

Cross: "Yes, Representative, that's correct."

Speaker McAuliffe: "Representative Blagojevich. I'm trying hard."

Blagojevich: "Thank you, Mr. Speaker. Representative Cross, can you tell us what inspired this legislation?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, that's a fair question. I represent a part of eastern...western Will County and the Farm Bureau of Will County has had problems with people driving over their farm fields, young kids acting like clowns, driving erratically and irresponsibly and wrecking cornfields and soybean fields and this is an attempt to put a stop to it, to add some specific language to the statute

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that will take care of this problem and also increase the penalty a bit. Representative Hastert has been very helpful with me in supporting this piece of legislation as has the Ag Committee."

Speaker McAuliffe: "Well, I know that Representative Blagojevich has got a lot of farmers in his district and a lot of soybean and cornfields there, so I'm sure he's got something to say about that."

Blagojevich: "Thank you, Mr. Speaker. As a Jeffersonian Democrat, I believe there are a lot of virtues to rural America, farms and crops and so forth, so I do have a special interest in this particular piece of legislation. Can you give us an illustration on how this might work if this law, in fact, were passed, and feel free to roam with this one if you can."

Speaker McAuliffe: "Representative Cross."

Cross: "I'm sorry, Mr. Speaker. What was the previous speaker's name? I didn't hear."

Speaker McAuliffe: "Rod."

Cross: "Well, Representative, I thought...I think you were busy reading the Bill a minute ago, but as I said, we've had a problem with young men and women driving through cornfields in Will County and other parts of downstate Illinois. Are you able to hear me?"

Speaker McAuliffe: "Are you able to hear him, Representative?"

Blagojevich: "I had a hard time hearing that. Could you just repeat that one more time. I'm sorry."

Speaker McAuliffe: "Representative Cross."

Cross: "Thank you, Mr. Speaker. And if he's running out of time I'd be glad to yield my five minutes to him cause I think...I want to hear this. Representative Blagojevich, we've had a problem in downstate Illinois of people driving

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over cornfields and soybean fields, acting like...acting irresponsibly, clowning around, if you will, throughout our cornfields and soybean fields. This is an attempt to put a stop to it and I hope you will support me with this piece of legislation. I don't know if you have any further questions."

Speaker McAuliffe: "Representative Blagojevich."

Blagojevich: "How does this legislation work with regard to that jackrock legislation you passed last night? Is there any nexus between this Bill and the previous Bill?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, there is a nexus and I have a feeling that you can probably help us get from the Jackrock Bill to this Bill and I'd be interested in hearing you do that."

Speaker McAuliffe: "Representative Blagojevich."

Blagojevich: "Frankly, Representative Cross, I didn't vote your way on that Jackrock Bill, so I don't feel comfortable speaking to it. Back to this particular Bill. The penalty for an offender on this would be a Class A misdemeanor or a Class B misdemeanor?"

Speaker McAuliffe: "Representative Cross."

Cross: "Class B."

Speaker McAuliffe: "Representative Blagojevich."

Blagojevich: "Are there any groups that may be opposed to this legislation, and can you tell us what kind of...what kind of experience this Bill had in committee?"

Speaker McAuliffe: "Representative Cross."

Cross: "Was the question whether the Agricultural Committee supported this, Representative?"

Speaker McAuliffe: "Representative Blagojevich."

Blagojevich: "The question is, what kind of opposition, if any,

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existed in committee when this Bill passed out of committee?"

Speaker McAuliffe: "Representative Cross."

Cross: "I can't recall who the opponents were. There were a few there, Representative, but I think we took care of their concerns with this Amendment."

Speaker McAuliffe: "Representative Blagojevich. Representative Deering wishes to yield his time to you."

Blagojevich: "Thank you, Mr. Speaker. Did this pass unanimously from committee?"

Speaker McAuliffe: "Representative Cross."

Cross: "Twenty seven, 0 to 1, Representative."

Speaker McAuliffe: "Representative Blagojevich."

Blagojevich: "Well, I appreciate you answering the questions, Representative Cross, and I just want to address the Bill if I can. I intend to support this Bill. I intend to, in fact, advocate to the best of my ability to encourage and persuade anybody in this chamber who may be in doubt about the merits of this legislation that it's something that we ought to pass. I know there may be some in this chamber who don't see the need to enhance this penalty of criminal trespass upon arable fields sown to crops, enclosed area or building containing livestock or an orchard. But for those who would say that or would be opposed, I would say to them that they ought to open their minds, that they ought to really take a good serious look at this legislation, they ought to consult the Sponsor if they have any questions, they ought to take a look at the history that this Bill had in committee, and they ought to conclude, based on all of that and the fact that there was little or no opposition, that there really is no reason not to be for this Bill. And so, why it may not be the most important piece of

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legislation that we pass in this chamber, it is nonetheless Representative Cross's small Bill and I'm sure to him he cares about it very deeply. And so, having said that, I would encourage all the Members of this chamber to support Representative Cross's effort and I would remind the Speaker that the name is Blagojevich and not 'Blowgotovich' or whatever you attempted to say earlier. So, thank you again, Representative Cross and thank you, Mr. Speaker, for the time."

Speaker McAuliffe: "The Gentleman from Will, Representative Meyer. Representative Meyer."

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

Speaker McAuliffe: "Representative Meyer moves the previous question. All those in favor signify by saying 'aye'; opposed say 'nay'. The 'ayes' have it. The previous question has been moved and Representative Cross to close."

Cross: "I'd appreciate a 'yes' vote. Thank you."

Speaker McAuliffe: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1654?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'aye', none voting 'no', and none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1711."

Clerk Rossi: "House Bill 1711, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker McAuliffe: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House."

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Senate Amendment #1 to House Bill 1711 was some cleanup language to clarify that the road funds which will may...may be expended or on public transportation, subject to approval by the township board, must be collected under a road district tax. If you remember, the underlying Bill in House Bill 1711 was permissive in that it would allow the highway commissioner to participate in the subsidy program with the RTA - Pace Dial-a-ride Program which serve the senior citizens, the disabled and the general public. The Illinois road builders had some problems that we didn't clarify, that motor fuel funds could not be used for this purpose. So the Amendment clarifies that, that it must be just the road district taxes that are levied on the property tax are the only things that be used for that. And I would ask for the Body to concur with Senate Amendment #1 to House Bill 1711."

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

Hoffman: "Yes. Will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Hoffman: "Yes, Representative, this Amendment was put on then at the request of the road builders?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "It was put on by the request of the Illinois Road Builders and the Associated General Contractors."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "And essentially what it's doing is ensuring that the use of the road funds in this Bill can only be used for very, very specific purposes, is that right?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "What it says, is that motor fuel funds cannot be used for this purpose. It must be the general road district tax

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funds that are levied through the property tax."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So you would not be taking any road funds from throughout the state or from downstate or from the middle of the state or from the eastern part of the state or from the western part of the state or from Cook County or from suburban Cook County or any road funds from Cairo or Effingham, or Madison and St. Clair County? You wouldn't be taking any road funds from any of those places to use for this Bill?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "That's correct."

Speaker McAuliffe: "Further questions, Representative Hoffman? Representative Hoffman."

Hoffman: "Well, I think we have to make sure that we don't use any road funds from Springfield or Bloomington or Normal or Oak Park. In Oak Park we had a TIF issue regarding Oak Park. We don't want to take any road funds from Rockford or from New Douglas, Illinois. New Douglas, Illinois needs road funds just like Oak Park needs road funds. Alhambra, Illinois, they don't have any roads, they just got dirt trails, but they would need...they would need road funds. They would need road funds. There won't be any road funds, then, diverted from Peoria, unlike the Bill that we passed last night that would divert road funds from Peoria to DuPage County? This wouldn't divert any of those road funds will it?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "No."

Speaker McAuliffe: "For what reason does Representative Stephens arise?"

Stephens: "Well, Mr. Speaker, with all due respect.

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Representative Hoffman, in Hamel, Illinois they pave the roads and we're quite proud of Hamel and New Douglas and the small towns in the 110th district, as I'm sure you are of the small towns in your district where I use to live."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, I was certainly not trying to besmirch the integrity of the road commissioner of Hamel, Illinois at all. So this won't take any road funds from anywhere in the state including Chatham or Decatur or Champaign-Urbana or Waterloo or Belleville or Grand Fork...Grand Fork. The home of the Grand Fork Hornets, I believe. Great grade school basketball team. Sixth grade. Sixth grade. We beat them two out of three times. Minonk will not lose road funds, will it Representative?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "No."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "To the Bill, Mr. Speaker. I think that this is a good Bill. I think it has an excellent...an excellent Representative sponsoring this Bill. I believe that the fact that we won't lose road funds from Carbondale or from New 'Trear' or from Belvidere, that's a good one, will not lose road funds under this Bill. I think it's vitally important that we make sure that places like Litchfield and Benld. Benld. Gary Hannig, Benld will not lose road funds under this Bill. And did you know, did you know that Senator Frank Watson's Salem will not lose road funds under this Bill? And Representative Noland, did you know that Blue Mound, Blue Mound will not lose road funds under this Bill? In addition, in addition, Wood River, Representative Davis' area, will not lose road funds under this Bill. And when you travel from Quincy to Wood River and from Hannibal

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to Quincy and from Champaign to Quincy, and when you travel from Springfield to Quincy tomorrow night after we adjourn, you will be able to drive on smooth paved roads because we will not lose road funds under this Bill. And I want to tell you, Representative Saviano, thank you, thank you for not stealing road funds from downstate Illinois. Thank you for caring about the people of Illinois who care about their roads, don't want potholes, want to ensure that their children can drive on safe slick roads, thank you Representative Saviano. Thank you, thank you, thank you."

Speaker McAuliffe: "Representative Saviano to close."

Saviano: "Hannibal is in Missouri by the way. Thank you very much, Representative Hoffman, for those accolades. I would ask this Body to concur with Senate Bill...Senate Amendment #1 to House Bill 1711. Thank you."

Speaker McAuliffe: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1711?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 114 voting 'aye, none voting 'no', and none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1711, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Lang."

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

Speaker McAuliffe: "State your point."

Lang: "Thank you. It's a point of personal privilege and a warning and a comment to the freshmen on both sides of the aisle. Where's the budget? Where is it? We've been told it's ready. No one has seen it. No one's been involved in

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the process. No one on this side of the aisle, not even anyone on that side of the aisle. There's a deal. We don't know what the deal is. No one knows what's in that budget, Sir. We're going to be asked to vote on that budget and freshmen, watch out Republican freshmen, you're suppose to be part of this process. What are you being told about it? Where's the budget? Are we here to do Mr. Daniels' agenda or were you sent by 97,000 people to do your business? Whose business are we going to do? Representative Klingler, whose business do you want to do? Representative Bost, whose business do you want to do? Let's do the business of the people. Where's the budget? Where is it? Freshmen, beware! You haven't seen this budget and your leader is going to ask you to vote on this budget with about two minutes notice. Do you know what's in it? Have you been ask...did they show it to you? Do you know what you're going to vote for? You do not! And so I warn you, I warn you. You don't have a copy of it. You don't know what's in it and you're going to go home and you're going to say I voted for this budget. People will ask you what's in it, you won't know. So, freshmen Republicans, demand an answer. Find out what's in the budget and when you find out, tell us, would you?"

Speaker McAuliffe: "Will the Clerk please read House Bill 1791."

Clerk Rossi: "House Bill 1791, a Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker McAuliffe: "Representative Lyons. Representative Lang."

Lang: "Divide the question."

Speaker McAuliffe: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 and 2 of

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House Bill 1791. Senate Amendment #1 changes the name of the East St. Louis Regional Office Building to the Kenneth Hall Regional State Office Building. Senate Amendment #2 allows..."

Speaker McAuliffe: "Excuse me. We're going to do one Amendment at a time."

Lyons: "Okay."

Speaker McAuliffe: "Representative Lang. The Lady moves for the adoption of Senate Amendment #1 to House Bill 1791. All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', none voting 'no', none voting 'present', and the House does adopt Senate Amendment #1 to House Bill 1791. Representative Lyons on Senate Amendment #2."

Lyons: "I move to concur with Senate Amendment #2 which allows the mileage for automobile travel be reimbursed at the federal allowance rate. However, if the rate changes during the course of the state's fiscal year, the effective date of the new rate will be July 1, immediately following the change in the federal rate."

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

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

Speaker McAuliffe: "She indicates she will."

Lang: "Thank you. We didn't even ask any questions on the last one because we have such respect for Ken Hall. We wouldn't do any of that business over here on that. So, Representative, does this Amendment affect State Representatives and State Senators coming to Springfield?"

Speaker McAuliffe: "Representative Lyons."

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Lyons: "It effects legislative employees, not necessarily legislators."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, so are we exempt from this?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "You are exempt from the Legislative Travel Control Board."

Speaker McAuliffe: "Representative Lang."

Lang: "Do you want to give us a hint what the heck that means, Representative?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "It's up to the leaders whether we follow the Travel Control Board or not."

Speaker McAuliffe: "Representative Lang."

Lang: "Well let me ask you a question. Does the Travel Control Board get their mileage when they go to the meetings that decide whether someone else would get their mileage? That is a pretty good question, Representative. Do you want me to ask it again? Does the Travel Board get mileage when they go to the meetings to decide whether other people will get mileage?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "I don't know."

Speaker McAuliffe: "Representative Lang."

Lang: "Well I respect you for that answer. Some people, you know, tonight on your side of the aisle, have just refused to answer. At least you are trying. You just haven't been given the information. Is it possible we could get Mayor or Senator Hasara over here to explain this to you so you can explain it to us?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "I don't think so."

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Speaker McAuliffe: "Representative Lang."

Lang: "Well, so I see that this amends the State Finance Act. Did you give any consideration to an Amendment on here to close up the loophole that would allow the state treasurer to give up \$30 million in taxpayers' money?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "Could you repeat that, please?"

Speaker McAuliffe: "Representative Lang."

Lang: "I don't want to repeat it. I've said it enough times in the last few days. Let me ask you this. Does...is there anything in here about limousines in the City of Chicago?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "No, there is not."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, what if this mileage related to a ride you took in a limo?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "That has nothing to do with this Bill."

Speaker McAuliffe: "Representative Lang."

Lang: "So, even if Representative Mulligan got her Bill passed, regarding the limos, that would have no effect on the reimbursement rate?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "Not that I am aware of."

Speaker McAuliffe: "Representative Lang."

Lang: "What if a state employee took a ride in a limo and they claimed the mileage? How would we handle that?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "It would depend on whether they took it as travel down to Springfield or not."

Speaker McAuliffe: "Representative Lang."

Lang: "Well now, that neither of us know what the heck were

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talking about, we will go on. Why is the effective date July 1? Why did you choose that date?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "Because that is the beginning of the fiscal year."

Speaker McAuliffe: "Representative Lang."

Lang: "Do you anticipate a larger line item for state travel in the next budget as a result of this legislation?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "No. This would reduce travel by 1.9 million. It would have this year."

Speaker McAuliffe: "Representative Lang."

Lang: "How is that calculated and how do you know that that would be...since you don't know how many miles we're talking about, this is an estimate I assume."

Speaker McAuliffe: "Representative Lyons."

Lyons: "That was the amount calculated for this past year."

Speaker McAuliffe: "Representative Lang."

Lang: "Are we talking GRF?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "All funds."

Speaker McAuliffe: "Representative Lang."

Lang: "How much did GRF...this could be just enough to fund a project I have in mind. How much did GRF?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "The vast majority."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, now wait a minute. You've got a bevy of talent around you and they have calculated down to the penny. This is going to \$1.9 million, but they don't know how much of it is GRF?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "The vast majority of it."

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Speaker McAuliffe: "Representative Lang."

Lang: "I see that you have got Representative Scott and Representative Hartke on this Bill with you. Have you discussed this Amendment? She is looking at the board like she didn't know. Representative, have you discussed this Amendment with them? You do have time to knock them off. I guess that is what your plan is, but have you discussed the Amendment with them? Do you know if they are in support?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "No, I have not discussed it with them."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, how about Representative Klingler? She's on your side of the aisle and sits in front of you. She is not in her chair now, but is she in favor of this?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "Yes, she is. Anything that would save the state money, she would be in favor of."

Speaker McAuliffe: "Representative Lang."

Lang: "So, you haven't discussed it with her either? You haven't discussed this with any of your cosponsors, right?"

Speaker McAuliffe: "Representative Lyons."

Lyons: "When they ask to be Sponsors, I assume they support this."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you. Well, didn't they ask to be Sponsors long before the Senate put this Amendment on the Bill? They asked to be Sponsors when this was still in the House. So maybe they didn't know that the Senate Amendment went on. So you have asked us to concur in this Amendment without even talking to the Honorable Representative Klingler, the Honorable Representative Scott, or my roommate who isn't

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all that Honorable, Representative Hartke?"

Speaker McAuliffe: "Representative Lang, your time has run out and I extended it once. Right. Representative Lyons, answer the question and then we'll move on."

Lyons: "I would assume they would still be very supportive of this Bill because the Senate Amendments make this positive. These are things they would not object to."

Speaker McAuliffe: "The Gentleman from Vermillion, Representative Black."

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

Speaker McAuliffe: "Representative Black has moved the previous question. All those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. The previous question is moved. Representative Lyons to close."

Lyons: "I'd appreciate your support for legislation that is going to save us money. Thank you."

Speaker McAuliffe: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 1791?' On that question, all those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted wish? Have all voted who wish? Mr Clerk, please take the record. On that question, there are 115 voting 'aye', 1 voting 'no', 0 voting 'present', and this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1869. Representative Leitch. Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1869 is the very good Bill which gives raises to the Home Care workers and makes their arrangement more fair and compatible with what others have in our state. The Amendment in the Senate changed my

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language to put in place, a \$5 salary and benefits, effective July 1. These individuals are very much deserving of this and I doubt if there is anyone in this chamber who is opposed to this, and I would simply ask for a favorable Roll Call."

Speaker McAuliffe: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. We all have our favorite bills of the Session and I have to say that House Bill 1869 is mine. For years now, the dedicated workers who take care of persons with disabilities in their home enabling them to be productive citizens, often to work, to be taxpayers, to live independently, to have a life of dignity. Those workers themselves have not been paid a living wage. I'd love to be able to say that House Bill 1869 brings those workers up to a real living wage, it doesn't. But it makes an important first step, a modest first step. It says that personal care attendants for persons with disabilities will get \$5 an hour, \$5 an hour. Even working full time, that individual will not even...will barely be up to the poverty level, but compared to what they are making now, this, even in their own minds, is a victory that they have been fighting for a long time. So I would urge all of my colleagues to...for the sake of persons who want to stay at home, despite their disability, who want to be part of the main stream of society and who in that endeavor, depend on someone else to take care of them, someone else who because the state is able to provide them that person. This Bill is so essential and so important that I would hope that every green light is on when we call for a vote. And I also want to congratulate the Sponsor of this Bill. He has been working on it for a

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long time. I know that it wasn't easy at all points to bring it to its conclusion, to bring it to the Floor of this House, to get it through the Senate, and he has been absolutely unrelenting and dogged in his pursuit of this Bill, and he deserves our support."

Speaker McAuliffe: "The Gentleman from Cook, Representative...the Gentleman from Vermilion, Representative Black."

Black: "That mistake, Mr. Speaker, in all due respect, struck fear into my heart. But I want to move the process along like the previous Speaker. Let's call the previous question."

Speaker McAuliffe: "Representative Black has moved the previous question. All those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. The previous question has been moved. Representative Leitch to close."

Leitch: "Everything Jan said was correct in every respect and I move 'aye'...I move that we concur."

Speaker McAuliffe: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1869?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 116 voting 'aye', 0 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1869, and this Bill, having received the required Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. A point of inquiry."

Speaker McAuliffe: "State your point, Representative Lang."

Lang: "Thank you. I noticed that on the last several Bills, we have only had one person debating and then someone has

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called the previous question. Is it going to be your policy to continue to stifle debate, Sir? Are these your instructions from the back room?"

Speaker McAuliffe: "It's not going to be my policy because I'm leaving the Chair very shortly. And, Representative Lang, that was the only Bill that one person spoke on. Every other Bill had at least two people speak. Representative Lang."

Lang: "Thank you. There is a lot of people on this side of the aisle that want to see the budget, but more importantly, Sir, we are wondering if anybody on the Republican side of the aisle even cares or if they have asked to see the budget. Can you enlighten us as to whether Representative Klingler, Representative Jones, Representative Zabrocki, have had a chance to see the budget?"

Speaker McAuliffe: "I saw the budget and it will be very good for you. That was a joke."

Speaker Leitch: "Representative Leitch in the Chair. Mr. Clerk, House Bill 567. Representative Wennlund."

Clerk Rossi: "House Bill 567, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Leitch: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 567 which adds some newly annexed lands in Hoffman Estates and in Streamwood located in Cook County, Illinois to the Metropolitan Water Reclamation District, and I move for its adoption."

Speaker Leitch: "Is there any discussion? And on that question, the Representative from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

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Speaker Leitch: "He indicates he will."

Hoffman: "Now, if I remember correctly, the initial House debate, this has something to do with Rich Township?"

Speaker Leitch: "Representative Wennlund..."

Hoffman: "And Crawford Countryside, I believe. What is that, a subdivision?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "That is the underlying Bill. Correct. It will permit people to flush their toilets in unincorporated Rich Township, Representative, and this adds some additional areas in Cook County. This is all this Senate Amendment does."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, I'll tell you. There is some people in Representative Deering's district who live quite nicely, thank you, without flushing toilets. Now, what exactly...how would this Amendment change the Bill? I know it makes technical...you have to provide some kind of technical description. I'm not exactly sure, other than that, what it would do."

Speaker Leitch: "Representative Wennlund."

Wennlund: "It doesn't change the Bill at all. It merely adds additional property in Cook County to the Water Reclamation District. This just happened to be a vehicle in the Senate for Senator Rauschenberger to get that additional territory included. The Metropolitan Water Reclamation District will no longer serve areas of Cook County on contract. You have to be a part of it. You have to be annexed to it, and the only way you can do that is by statute...is by changing the statute and that is what this does."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So, do you know in what Representative's district that

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additional land would be that enlarges the Water Reclamation District Act?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Senator Rauschenberger's."

Speaker Leitch: "Representative Hoffman."

Hoffman: "I'm not trying...I really don't know who is the Representative of that district. That is..."

Speaker Leitch: "Representative..."

Hoffman: "Representative Hoeft. Is Representative Hoeft in favor of this Bill?"

Speaker Leitch: "Representative Hoeft, are you..."

Wennlund: "Yes, it's so people can flush toilets in Representative Pankau's district."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So, is the Metropolitan Water Reclamation District have any position on this Bill?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Yes, they fully support it and I will tell you why. Because when they serve under contract they don't have the same...their tax rate doesn't get extended to the property. They are very definitely in favor of this because it's an area they are serving now, but they don't get the tax revenues from it. So they will get tax revenues from it. They are in favor of it."

Speaker Leitch: "Representative Hoffman."

Hoffman: "The individual areas that are now going to be served by the Metropolitan Water Reclamation District, are they in favor of being annexed into that district?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "They are real happy campers because they will be able to continue to flush their toilets, because the Metropolitan Water Reclamation District will no longer

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serve areas by contract."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Okay, I apologize. Now...so right now, what they do is they contract out to Metropolitan Water Reclamation District, contracts out and does serve these areas. This now would just incorporate them into the areas?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Yes, it incorporates them within the boundaries, the corporate boundaries of the Metropolitan Water Reclamation District, and from hence forward they will be able to flush with pride."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Yeah. The...it is my understanding though, that this would not be a fee increase to these individuals. So we are not...we are not saying to them that we are going to make you go into this new district and you will pay additional fees. Essentially what this would do is, it would say to these guys, 'You will be able to now be incorporated in the area and you will be able to enjoy all of the positive things that go along with being in the corporate area of the Metropolitan Water Reclamation District'."

Speaker Leitch: "Representative Wennlund."

Wennlund: "Correct."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So no increase...would it go on their property taxes now, when they make this change?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "The change will be from paying a fee every month to the Metropolitan Water Reclamation District to not paying the fee and be included within their tax rates. It's a wash of dollars."

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Speaker Leitch: "Representative Hoffman."

Hoffman: "Well I don't see any problem with the Bill. I think that the Representatives that are affected by the Amendment are in favor of the Bill and therefore, I would urge an 'aye' vote."

Speaker Leitch: "The Gentleman from Cook, Representative Lang. Lou Lang."

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

Speaker Leitch: "He indicates he will."

Lang: "Where are we? Who do we have here? Oh, Representative Wennlund. Hi, Representative. Thank you. You have a very nice tie also, Sir. Sir, I didn't hear all of your comments with Mr. Hoffman. I was otherwise engaged in conversation, but this is property that is part of the Castlewood Estate, is that correct?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Pankau. It's property in Hoffman Estates and in Streamwood."

Speaker Leitch: "Representative Lang."

Lang: "Whose district would that be in, Sir?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Oh, I'm sorry. The Gentleman to my right, Representative Hoeft's, district."

Speaker Leitch: "Representative Lang."

Lang: "Well, is this just a new warm collegial attitude, or are you handling this for Mr. Hoeft for a reason? Why is he not handling this Amendment?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "He didn't know anything about it because Senator Rauschenberger apparently didn't consult him."

Speaker Leitch: "Representative Lang."

Lang: "Well Mr. Hoeft certainly won't be able to get the benefit,

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the political benefit, from passing this important legislation if you handle it. Why don't we wait while you fill out the appropriate witness slips so the Gentleman to your right can get the benefit from this Bill, or are you moving to Castlewood Estates?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Representative Hoeft would be delighted to know that the people in Hoffman Estates and Streamwood can continue to flush their toilets."

Speaker Leitch: "Representative Lang."

Lang: "Well, in other words, they won't be able to flush their toilets without this Bill, Sir?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "That could happen because the Metropolitan Water Reclamation District said they are no longer going to serve areas, continue to serve areas, by contract unless they are in fact incorporated within the Metropolitan Water Reclamation District."

Speaker Leitch: "Representative Lang."

Lang: "Will the proposed legislation to break up that body into nine districts affect this legislation at all?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Not at all."

Speaker Leitch: "Representative Lang."

Lang: "Well let us assume that that law passes. The commissioner from that district should have a lot to say about the flow of water, shall we say, to that district. Is it possible at all that this would become a superfluous piece of legislation? What would you...can you hear me while I'm talking and you are on the phone, Sir? I'm just wondering if whoever you are talking to could just wait a moment or two because we are trying to debate this Bill. The person

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who would be elected to the board from this district, wouldn't you want them to have the responsibility for saying whether the Water Reclamation District will or will not service this area?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "No."

Speaker Leitch: "Representative Lang."

Lang: "I thought you believed in local control, Sir. Are we going to control the stream of water to Streamwood from here as well? We're going to control limo drivers in the City of Chicago. We're going to control all these things and the flushing of toilets in Hoffman Estates. Is that what we ought to be doing here?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "This is good government, Representative Lang."

Speaker Leitch: "Representative Lang."

Lang: "Someone over here wants to know if this has anything to do with the possible move of the Chicago Bears to Streamwood or Hoffman Estates?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Well I don't know. I've been trying to get the Bears to move to New Lenox."

Speaker Leitch: "Lou Lang."

Lang: "Well you mentioned Mr. Hoeft, but Hoffman Estates I thought was in Mr. Parke's district. Is he for this Bill? Does he have any trouble flushing his toilets?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "He's like Representative Deering. They are all outside."

Speaker Leitch: "Representative Lang."

Lang: "Well I know you will all be happy to know that that answer made me speechless."

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Speaker Leitch: "The Gentleman from Kane, Representative Hoeft.

For what purpose do you rise, Sir?"

Hoeft: "A matter of personal privilege, Sir. My name was used in debate and I would like to respond. The reason Senator Rauschenberger gave this to Representative Wennlund rather than myself, is he wanted this thing passed."

Speaker Leitch: "Representative Wennlund now moves that the House concur in Senate Amendment #1 to House Bill 567. All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. This is final action. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 112...make that 111 voting 'aye', 3 voting 'nay', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar Announcement."

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

Speaker Leitch: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I've just conducted a thorough search on this side of the aisle and we want to ask a question. Where is the budget? We don't see the budget. We understand there are only ten copies printed. They must all be on your side of the aisle. Are we going to get a chance to see it? Are your Members going to a chance to see it?"

Speaker Leitch: "In the fullness of time as the good book says. Mr. Clerk, House Bill 1893. Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur on Senate Amendment #1 to House Bill 1893. Senate Amendment #1 is a provision which would amend the Uniform Penalty and Interest Act. It would insert the same provision. This is a Bill that we passed

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out of the House by a very large margin, and dealt with an agreement that the Illinois Retail Merchants and the Department of Revenue reached on the question of Uniform Penalty and Interest. The Bill would insert the same provisions as contained in the underlying Bill, but would add the Service Use Tax Act, the Used Tax Act and the Service Occupation Tax Act to the Bill. The added Acts were inadvertently left out of the Bill when it was introduced in the House. The Senate Amendment also adds language from House Bill 1649, which would prohibit dividends, foreign dividends and 'Subpart F' income from being computed in the sales factor for taxable business income. That language contained in House Bill 1649 requiring...regarding computation of the sales factor in business income and provides that the sales factor shall not include dividends, amounts included under Section 78 of the Internal Revenue Code and 'Subpart F' income as defined in Section 952 of the Internal Revenue Code, applicable to the 1995 and '96 tax years only. This is a proposal that has been put forward from the Taxpayers' Federation of Illinois. The...I know of no opposition. I would appreciate your support on this concurrence Motion."

Speaker Leitch: "The Gentleman from Cook, Representative Dart. For what purpose do you rise, Sir?"

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

Speaker Leitch: "He will."

Dart: "Representative, I've been looking through this Amendment. It's a rather thick one. This is not the budget, is it?"

Speaker Leitch: "Representative Kubik."

Kubik: "No. I don't think it is the budget. I think the budget will be a little bit thicker than that one. It's thick, but not that thick."

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Speaker Leitch: "Representative Dart. Representative Dart."

Dart: "Thank you. I just want to ask you a couple of questions here, Representative. The changes in here that are dealing with the revision of the sales factors of the corporate income tax, the three factor formula. Can you explain that to me?"

Speaker Leitch: "Representative Kubik. Representative Kubik. Turn on Representative Kubik's microphone, please."

Kubik: "Representative Dart, could you repeat the question?"

Speaker Leitch: "Representative Dart."

Dart: "Sure. I was just trying to get an explanation as to the revision of the sales factor of the corporate income tax, three factor formula."

Speaker Leitch: "That is easy enough. Representative Kubik."

Kubik: "There you go. Okay. Representative, amount that included under Section 78 of the Internal Revenue Code includes dividends received from certain foreign corporations by domestic corporations choosing to utilize the benefits of a foreign tax credit. 'Subpart F' income as defined in Section 952 of the Internal Revenue Code and in reference to any control foreign corporation, includes the sum of various monetary amounts, all defined in the Internal Revenue Code. The corporate income tax uses a formula based on three factors: property, payroll, and sales. That is used to apportion multi-state business income. This legislation is intended to provide clear guidance for multi-state corporations and the Department of Revenue. Entities that currently have a difficult time in determining the sales factor in the computation of business income, determining the intangible that are excluded through this legislation in an audit conducted by the Department of Revenue on a business or corporation, is

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often difficult, cumbersome, and time and resource consuming."

Speaker Leitch: "Representative Dart."

Dart: "Now, in English. Can you give me an idea of the things that are...specifically, the intangible income that is excluded under this change?"

Speaker Leitch: "Representative Kubik."

Kubik: "I don't know the answer to that question."

Speaker Leitch: "Representative Dart. Representative Kubik, did you wish to complete an answer?"

Kubik: "Representative Dart, I've read you a lot of stuff. Let me try to explain this in what I think should it be as common. As I understand it, the difficulty is in companies that are in more than one state, apportion income. And certain factors relating to income are difficult to apportion because of the different rules. What this Bill does, as I understand it, is to put our state somewhat in a preeminent position in terms of how the income is apportioned so that it is biased toward our state as to how the income is apportioned. That is about as close as I can come to explaining this. I...there is no change in revenue and it is not...it is really for clarifying purposes that we are offering this Amendment."

Speaker Leitch: "Representative Dart."

Dart: "Will there be any problems with any federal statutes or anything dealing with, say the Commerce Code and anything along those lines, with the fact we are trying to give ourselves preeminent status?"

Speaker Leitch: "Representative Kubik."

Kubik: "No."

Speaker Leitch: "Representative Dart."

Dart: "Just quickly, I was wondering if you could explain, most

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of them appear technical, the changes in the Retailers Occupation Tax Act?"

Speaker Leitch: "Representative Kubik."

Kubik: "I honestly don't know the answer to the question."

Speaker Leitch: "Representative Kubik now moves that the House concur with Senate Amendment #1 to House Bill 1893. All those in favor shall signify by voting 'aye'; all those opposed shall signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 112 voting...make the 1...Mr. Clerk, take the record. On this question, there are 113 voting 'aye', 0 voting 'no', 2 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1893, and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 2332. Representative Kubik."

Clerk McLennand: "House Bill #2332, a Motion to concur in regards to Senate Amendment #1 has been filed and approved for consideration."

Speaker Leitch: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Another exciting Bill. I would move to concur on Senate Amendment #1. Senate Amendment #1 would add to the underlying Bill which I might point out as a Department of Revenue Administration Bill. It would insert clarifying language in the Section pertaining to the filing of a bond for assessment challenges brought in circuit court under the Uniform Penalty and Interest Act. It states a lien, which also may be imposed on real property if a bond cannot be obtained, is not valid until a certified copy or memorandum is recorded in the office of the Recorder of Deeds for the county or counties in which

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the property is located. That is the Amendment which has been placed on in the Senate and I'd be happy to try to answer any questions you might have."

Speaker Leitch: "Representative Dart."

Dart: "Representative, this...the major difference that you acquired being done with the Senate Amendment is in regards to the liens, if I'm not mistaken? What was it that was overlooked in the original Bill that was the concern of the department in regards to that?"

Speaker Leitch: "Representative Kubik."

Kubik: "Representative Dart, as I understand it, this would...there was some concern expressed by people outside of the Department who were concerned that a lien would be placed on a piece of property that would...a secret lien on a piece of property by the department and they would not be able to know about it. Their concern was that this should be recorded and should be recorded in a public place which, as I understand it, is the office of the Recorder of Deeds."

Speaker Leitch: "Representative Dart."

Dart: "I understand we are amending numerous Acts, but what type of liens are we talking about?"

Speaker Leitch: "Representative Kubik."

Kubik: "Representative Dart, as I understand it, the objection was raised by a title insurance company and...their...okay. Although the lien... Representative Dart, why don't I read you from the letter. That probably best explains it. They are concerned about liens being placed on property and they said, 'Although the lien arises pursuant to an order entered in a court action, it is not specifically stated that such order must be recorded in the office of the Appropriate Recorder of Deeds in non-Torrens situation'.

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There is a reference to filings on Torrens land which in two years will be moved. So the concern I guess was, that the underlying Bill dealt with penalties against Uniform Penalty and Interest. And the concern was I think, that the department would be placing liens on people's property, they would not...and they would not know about it. So this would require that they would have to record that lien in the office of the Recorder of Deeds so that the person who owns the property would know it."

Speaker Leitch: "Fascinating. Representative Dart."

Dart: "What is it, in regards to the filing of it though, if in fact it would...you said non-Torrens System? If it were in regards to a Torrens System at all, would there be anything that this would affect?"

Speaker Leitch: "Representative Kubik."

Kubik: "I'm not sure I understand the question, but what I do understand I guess, is that the Torrens System will be outdated in two years anyway. So..."

Speaker Leitch: "Representative Dart."

Dart: "The...is there anything in this that is going to change any of the priorities with the liens at all?"

Speaker Leitch: "Representative Kubik."

Kubik: "No. I think this, as I understand this Amendment, it just simply requires that a lien against the property is not valid until it has...until a certified copy or memorandum is recorded in the office of the Recorder. So I think this is probably more of a disclosure kind of Amendment. So, if the Department of Revenue were to place or anyone was to place a lien on your property, they would have to go into the Office of the Recorder and make sure that it was recorded against the property. So I think this is more of a disclosure Amendment than anything else."

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Speaker Leitch: "Representative Dart."

Dart: "Is the Recorder's Office...are they in favor of this, the fact that they would be getting these liens recorded?"

Speaker Leitch: "Representative Kubik."

Kubik: "That I do not know."

Speaker Leitch: "Representative Dart."

Dart: "And this isn't an issue of the Department of Revenue, though? Is that correct? Did the Department of Revenue...was this one of their initiatives? And if it wasn't, was it...is this something that they are in agreement with?"

Speaker Leitch: "Representative Kubik."

Kubik: "They are in...Representative Dart, they are in agreement with it. They are in agreement with it. It was not an initiative of theirs. It was an initiative of a title insurance company..."

Speaker Leitch: "Representative Dart."

Dart: "I'm even too bored to ask anymore questions."

Speaker Leitch: "I'm too bored to call it for a question. The question is, 'Shall Senate Amendment #1 to House Bill 2332 pass?' And on that question, all those in favor shall signify by voting 'aye'; opposed shall vote 'nay', and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 2332, and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Nonconcurrency, appears Senate Bill 365. I'm sorry, Mr. Clerk. Please read Senate Bill 293."

Clerk McLennand: "Senate Bill #293, a Motion to refuse to recede

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from House Amendment #1 has been filed."

Speaker Leitch: "Representative Carolyn Krause. Representative Krause."

Krause: "What is this? I just ask that we nonconcur."

Speaker Leitch: "Refuse to recede. The Lady moves that the House refuse to recede on House Amendment #1 to Senate Bill 293. And on that question, is the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Well, Representative...Mr. Speaker. We would like an explanation as to what this does and why we are refusing to recede."

Speaker Leitch: "Representative Krause."

Krause: "The Amendment had to do with making just changes on the definition of 'good faith' as it applied to the physician qualifications under that power of attorney for the mental health."

Speaker Leitch: "Representative Hoffman."

Hoffman: "This isn't the budget we have been waiting for, is it, Representative?"

Speaker Leitch: "Representative Krause."

Hoffman: "This isn't the budget Bill, is it? This is not the budget Bill? Nothing further."

Speaker Leitch: "Representative Lang, for what purpose do you rise? Representative Krause now moves that the House refuse to recede on Senate Bill 293. And on that Amendment 1 to 293, all those in favor shall vote 'aye'; all those opposed shall signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are...Mr. Clerk, take the record. On this question, there are 115 voting 'aye', 0 voting 'no', and 0 voting 'present', and the House refuses to recede from

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House Amendment #1 to Senate Bill 293, and the House requests a Conference Committee be appointed. Mr. Clerk, on the Order of Concurrence, please read House Bill 2346."

Clerk McLennand: "House Bill #2346, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Thank you, Mr. Chairman. The Amendment from the Senate contains two provisions. First part of the Amendment allows consumer lenders to offer incentives to their customers and the second part of the Amendment... Presently, consumer loan companies have a certain charge that they can use to register the loan with accounting. The Department of Financial Institutions has written them a letter indicating that they could use this as kind of a self insurance program. The Department of Financial Institutions would like to codify that into statute form. So I would move for concurrence."

Speaker Leitch: "On that question, is there any discussion? Representative Hoffman."

Hoffman: "Yes. We're moving for concurrence on Senate Amendment #1. Is this the same Bill that, I believe Representative Biggert had earlier in Session?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Similar."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So, this is the toaster Bill? Correct? It allows you to give a toaster for opening up an account?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Some people have been known to refer to it that way."

Speaker Leitch: "Representative Hoffman."

Hoffman: "There is other things that are in this Amendment also,

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regarding the Consumer Installment Loan Act and would prohibit a licensee from receiving a change from insurance in lieu of perfecting a security interest. Why do we need that, and who wants that?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Basically what that means is that a consumer loan company, many of them now, have a particular charge, and that charge is for registering that loan within the county. What has happened with the Department of Financial Institutions has done, they felt that they had the authority through letter forms, to indicate to the consumer loan companies that this charge could be used as a self insurance type program. The Department of Financial Institutions was asking to codify this into a statute form."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Yes, if I might, I would like just to go back to the incentives that allows a licensee to pay money, to pay money or other things of value to any person as an incentive or an inducement to apply for a loan or to refer to potential borrowers. So you can give a person money in order to bring somebody in to borrow from that given institution, is that right?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "That is the way the statute reads."

Speaker Leitch: "Representative Hoffman."

Hoffman: "That is not the way the statute reads. That is the way this Amendment reads, is that right?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The Amendment. You are right."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Does this apply to all financial institutions or only

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certain ones?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Banks already can give incentives."

Speaker Leitch: "Representative Hoffman."

Hoffman: "I apologize. I didn't hear that."

Speaker Leitch: "Would you repeat that please, Representative?"

Zabrocki: "Banks, savings and loans already can offer that."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So this allows what type of institutions then to do this?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Consumer loan companies, HFC, Beneficial Finance, et cetera."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, to the Amendment. If we could have everybody's attention, Mr. Speaker, I would appreciate it. I think this is..."

Speaker Leitch: "If we could give the Gentleman your attention, please. It's getting a little noisy in here. Please, give the Gentleman your attention."

Hoffman: "Well, Mr. Speaker, to the Bill or to the Amendment on this concurrence Motion. I think everybody needs to be aware of what this Bill is, what it contains, what this Amendment would do, and what we are voting on. Now we are about to vote, probably tomorrow, on a \$33 billion budget. We are about to vote on whether hospitals are going to be taxed, whether local governments are going to lose money. We are about to vote whether we can get health care and provide it to individuals throughout this state. We are going to vote on the future of the school children in Illinois and how much we are going to give them. We are going to vote and make a decision whether we are going to

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give retired teachers money. We are going to vote on the road fund money and how many dollars are going to go in there. And the day before the budget, the night before the budget when we are going to vote on a \$33 billion budget, instead of having the budget and beginning to talk about the budget, we are voting whether we can give toasters for people to get consumer loans. Well I think we should just name them here. Let them give flyswatters away in order to have a loan. What about pencils? They give pencils away at my bank. Key chains, key chains. Let's give them key chains. Let's allow that. How about golf balls? Golf balls. Hey. Hey. Here is one. Here is one. They do this at my home bank, potholders. Let's allow them to give potholders away to have a consumer loan. Oh, this is real great. We are about to vote on a \$33 billion budget and we have a Bill before us that got beat once, mind you, got beat once and we are going to determine whether a consumer loan...a person can be induced to get a consumer loan by giving away a waffle iron. Real good. Real good. Hey, my seven year old, my seven year old loves it. She says to me, 'Daddy, don't get a loan from anywhere that won't give away a ruler'. That is her rule to me. She says, 'Daddy, don't do business, don't do business with any financial institution...don't worry about the solvency, Daddy. We got to make sure that they give away a pen and pencil set'. Hey this is good, good legislation. Glad we're wasting our time on this. Thirty-three billion dollar budget and we are making a decision today whether we are going to get refrigerator magnets as inducements to make a consumer loan. Vote 'no'."

Speaker Leitch: "The Lady from Cook, Representative Flowers. Mary Flowers. Representative Skinner, for what purpose do

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you rise?"

Skinner: "I move the previous question."

Speaker Leitch: "I'm sorry. Just a moment. Representative Flowers, I did call on you."

Flowers: "Thank you, Mr. Speaker. I would like to yield my time to the Honorable Representative Lang, please."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. First, I would like to say to my colleague, Mr. Hoffman, I don't know why you get so excited. I don't know why you get so excited. We all like waffles. We all like toast. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lang: "Thank you. Representative, would it be possible for one of these financial institutions to give away a copy of the budget as a premium for a loan?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "It's probably a negotiable point."

Speaker Leitch: "Representative Lang."

Lang: "Perhaps they could give away a limousine in exchange for a loan. Would that be possible?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Perhaps just in Chicago."

Speaker Leitch: "Representative Lang."

Lang: "Sir, do you have any of these in your district? Is it possible that the ones in your district give away autographed pictures of Mayor/Representative Zabrocki?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "I think that would be a wonderful idea."

Speaker Leitch: "Representative Lang."

Lang: "No, I think I support your Motion, Sir. My colleague, Mr. Hoffman, does not. He's apparently misguided on this one issue. He can't be, you know, right all the time, but how

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do these finance companies determine what to do and how to do it? Do the costs...is there something in your Bill that would require that they not include the costs of all these premiums into the finance charge so that the customer, him or herself, is not actually paying for this premium?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "In the last sentence of the Amendment, the Department of Financial Institutions are made by rule placed reasonable limits on such incentives or inducements. In fact, that item was brought up in debate last time around and it was changed through the Senate Amendment."

Speaker Leitch: "Representative Lang."

Lang: "Well the mere placing of limits by the department on this would...doesn't really speak to the issue of whether the cost of these premiums can be passed onto the consumer. Does your Bill say anything about that? Mr. Speaker, it is very noisy in here. I..."

Speaker Leitch: "I agree. I agree."

Lang: "...don't know what Mr. Hoffman did to cause this..."

Speaker Leitch: "Let's have some order in here."

Lang: "...but it is very noisy in here."

Speaker Leitch: "Ladies and Gentleman, Representative Lang is trying to ask some important questions of Representative Zabrocki about refrigerator magnets and such. If we could have some order, please. Representative Lang, proceed, Sir."

Lang: "Well I think he heard the question. I'm waiting for an answer."

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "I'm sorry, but I didn't hear the answer with all the noise."

Speaker Leitch: "Representative Lang."

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Lang: "Well no, I give the question. You give the answer. It's like the reverse of Jeopardy. So you can answer in the form of a question if you wish. So, Representative, the question is, how does...how do we be sure that the consumer is not going to, in the end, pay for these premiums by increased finance charge, et cetera?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The primary intent of this would be things like plastic rulers, pens, pencils, et cetera, that kind of thing. So the cost involved would be minimal at best."

Speaker Leitch: "Representative Lang."

Lang: "But they could give away a copy of the budget, a limo. They could give away your autographed picture, you said. They could even give away, in your particular community, elephants. Right?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "That would depend upon the department's definition of reasonable limits."

Speaker Leitch: "Representative Lang."

Lang: "I thank the Sponsor for his cogent answers. Mr. Speaker, Ladies and Gentlemen, to the Motion. I support the Concurrence Motion. I don't see any reason why these folks should not be able to do business and compete with other financial institutions. For the Chair's edification though, I will note for you, Sir, that there are many Senators in the room and many of these Senators may be looking for the budget. I don't think they have seen it either. So, can we help these Senators and get them a copy of the budget, Sir?"

Speaker Leitch: "You bet. Actually, they were here for Kubik's Bill, a couple of Bills back. They wanted to learn something. Representative Bugielski, for what purpose do

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you rise, Sir?"

Bugielski: "Thank you, Mr. Speaker. Members of the House, I rise in support of this concurrence because I have an institution in my area that will give out magnets of donkeys. So I ask all of my colleagues to vote 'yes' on this concurrence. Thank you."

Speaker Leitch: "Mr. Clerk, do you have an announcement?"

Clerk McLennand: "There is a corrected Supplemental #1 being distributed. The first one went around with the wrong date on it. The corrected Supplemental #1 is being distributed with the correct date."

Speaker Leitch: "Representative Zabrocki to close."

Zabrocki: "I would urge support. Thank you."

Speaker Leitch: "Representative Zabrocki now moves that the House concur in Senate Amendment #1 to House Bill 2345. All those in favor shall signify by voting 'aye'; all those opposed shall vote 'nay', and 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, the House does concur in Senate Amendment #1 by a vote of 105 voting 'aye', 8 voting 'nay', 3 voting 'present'. The House does concur in Senate Amendment #1 to House Bill 2346, and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 175. Representative Phelps."

Clerk McLennand: "House Bill #175, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Leitch: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am carrying this Bill and working on behalf of

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Ben Martinez, Representative Martinez, which most of you know has had an extended illness and we look forward to his return. But I move to concur in Senate Amendments...Senate Amendment #1. Amendment #1 to concur is an advance in neglected children repealing for...this is...extends the reporting system that the...has the funeral home directors to report neglected and abused children cases. This is an addition to other professionals that have this responsibility. So I move to concur in Senate Bill #1 to...House Bill 175."

Speaker Leitch: "On that Motion, is there any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Leitch: "He indicates he will."

Schakowsky: "Representative, it looks like you have lots of help so I hope I could think of a question that is hard enough for...to tax the brains of all this staff that you have got. Could you once again...could you tell us once again, tell us what is in this Senate Amendment?"

Speaker Leitch: "Representative Phelps."

Phelps: "Nice tie, Representative. Not you. What this Amendment does is, it adds that the funeral home director will report any cases of abused and neglected child cases that might come along in his profession. Many other professions have to report these types of things. We are just adding that the funeral directors will now add to the professional groups in recording these cases."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "So in the event that there is some suspicion that a child, I guess, that the cause of death has been abuse, you are saying that is now the responsibility of the funeral director to report that, is that correct, Representative?"

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Speaker Leitch: "Representative Phelps."

Phelps: "Yes, it is, Representative. This addition would add to the number of persons who now are required by DCFS or to report to DCFS of any such suspicions. "

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Thank you. Does this Amendment in any way change the other provisions of the underlying Bill?"

Speaker Leitch: "Representative Phelps."

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

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "I'm sorry. I didn't hear your answer to that. Does this change the underlying Bill in any way?"

Speaker Leitch: "Representative Phelps."

Phelps: "I don't believe so, Representative. No."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Were there any witness slips about this Amendment that, you know, was there any vigorous opposition of any sort that maybe we ought to know about in terms of this legislation?"

Speaker Leitch: "Representative Schakowsky."

Phelps: "No, Representative. The Senate Sponsor here says it is true, that there were no objections."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "So, now with the passage of this legislation...is this the...does the underlying Bill here deal with the issue of fraud? Is this the one that has all the fraud provisions, Representative?"

Speaker Leitch: "Representative Phelps."

Phelps: "The underlying Bill, I believe, dealt with...that the DASA shall conduct public information for the state hispanic population as to the educational tools such as video tapes to women in English...Spanish in regarding AIDS

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awareness."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well this is such a fine Bill and made even better by this wonderful Amendment from the Senate and I see that the Senate Sponsor is here in the chamber, and I would like to commend both of the Sponsors for this excellent piece of legislation and would like to urge all of my colleagues on both sides of the aisle to vote a very vigorous green on this very fine Bill. Thank you very much."

Speaker Leitch: "Representative Phelps to close."

Phelps: "Thank you. I just want to add to concur, but the fact that I should become an honorary member of the Hispanic Caucus since my seatmate, Ben Martinez, has been on extended illness and our prayers are with him as he recovers and joins us in the Veto Session. But if the Hispanic Caucus would like to make plans to come to deep southern Illinois, we can start by making a tour down to Caven Rock Park. We'll just go 146 down by Elizabethtown, stop in Rosiclare and see the levy there and watch them glaze doughnuts at night. That is our activity. Then we just go on around Golconda where we have a nice Marina and then we go from there over to Vienna and see the Shawnee and the Vienna prisons and then we might even go to the Buttland Swamp in the Cass River where we can chase alligators and rattlesnakes and all those sort of things. And then you'll have more of an appreciation of Southern Illinois and then maybe I can be taught a little Spanish where I can read the Bills next time in their language. I encourage an 'aye' vote."

Speaker Leitch: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 175?' All those in favor shall signify by voting 'aye'; all those opposed shall vote

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'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', 0 voting 'no', and 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 175, and this Bill, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Lang."

Lang: "Thank you. I rise on a point of personal privilege. Can we have some order, Sir? Can we have some order?"

Speaker Leitch: "Can the Gentleman have some order, please?"

Lang: "Thank you, Sir, in all seriousness..."

Speaker Leitch: "...for a point of personal privilege."

Lang: "The most important thing any legislative Body has to do is pass its budget. We're up against a self imposed deadline by both Leader Daniels and Leader Phillip. I just heard that the Senate announced \$300 million in changes from the Governor's budget, but of course none of us know what they are. None of us have seen it. Democratic staffers have asked Republican staffers what is in it. The Republican staffers say, 'I'd like to tell you, but I can't or I'll lose my job'. It's sort of like the gag order on the Notegate scandal, Mr. Speaker. There is a rumor about a big hit in some department. We don't know what it is. But since we are not getting any answers and since we don't want to waste the taxpayers' money on this side of the aisle, why don't we just vote on the budget right now? Don't pass it out. Don't show it to us. Let's save the \$81 a day for each of us. Let's save \$15,000 of the taxpayers' money. This side of the aisle is prepared to vote on your budget right now. Let's vote on the budget."

Speaker Leitch: "On the Order of Concurrence, is House Bill 32.

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Mr. Clerk, what is the status of House Bill 32?"

Clerk McLennand: "House Bill #32 with Senate Amendments #1, 2 and 3, a Motion to concur has been filed in regards to Senate Amendment #1 and 2. A Motion to nonconcur in regards to Senate Amendment #3. Both have been approved for consideration."

Speaker Leitch: "Representative Parke on Amendment #1. We shall..."

Parke: "I'd like the issue divided."

Speaker Leitch: "We have already indicated that we shall divide the issue. Representative Parke on Amendment #1."

Parke: "Committee Amendment #1 removes all reference to the original Bill dealing with the plumbers' exemption. It, in essence, it's an update of department technology. We have added Senate Bill 429 which passed the Senate May 3, 47 'yesses', 5 'nays', which provides that the Illinois Department of Public Health shall work with all interested parties to adopt guidelines for proper installation of manufactured homes. It's an update of terminology used in the industry. Number three, we have added House Bill 1259 and House Bill 1260, was written by the Illinois Department of Public Health to clean up verbiage in their Acts pertaining to modular dwellings, mobile structured manufactured homes, et cetera. I would ask that the Body adopt Amendment #1."

Speaker Leitch: "The Gentleman moves concurrence in Senate Amendment #1 to House Bill 32, and on that question, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Yes, Representative, now originally, this was the Bill that excluded from the definition of 'plumbing', individual

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who hooked up a mobile home or manufactured home. Is that now not in this Bill at all?"

Speaker Leitch: "Representative Parke."

Parke: "That is correct."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So there is nothing in here regarding the Plumbing Code as it applies to manufactured or mobile homes?"

Speaker Leitch: "Representative Parke."

Parke: "That is correct."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Now you briefly described Senate Amendment #1 which was Senator Butler's Amendment, I believe, but it is a very intense Amendment and it is my understanding that this would create an entire new Act, the Illinois Manufactured Home Installation Act, and it would change references to mobile home park and would require \$100 licensing application. What is that all about? What is this licensing fee?"

Speaker Leitch: "Representative Parke."

Parke: "Representative Hoffman, I have been informed that...we are not sure we understand your question. We do not see any fee in it and maybe you are confused or we are confused. We are not sure that is correct."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Yes, inquiry of the Chair, Mr. Speaker. We are just dealing right now with Senate Amendment #1, is that correct?"

Speaker Leitch: "That is correct, Sir. There will be an individual recorded vote on each of the Amendments."

Hoffman: "Then just to further my questions. Now, who is in favor of this Manufactured Home Installation Act, Representative?"

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Speaker Leitch: "Representative Parke."

Parke: "The Illinois Municipal League has gotten their verbiage in this legislation and they are supporting it, and also the Department of Public Health."

Speaker Leitch: "Representative Hoffman."

Hoffman: "It also...it's my understanding that the Bill indicates that the warranties on these mobile homes will be voided if they are not installed by these professional installers. Why do we want to void the warranties on mobile homes simply because an individual would make a decision to have the wrong person install the mobile home?"

Speaker Leitch: "Representative Parke."

Parke: "Again, Representative Hoffman, I know this is a technical Amendment and it is confusing, but our staff indicates that they are not aware of that provision and perhaps you might find it in the actual Amendment because we don't believe that is correct."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Maybe we are talking about a different Bill. I apologize, but there is nothing in here that would say warranties for mobile homes or manufacturer's homes would be void if not installed by professional individuals?"

Speaker Leitch: "Representative Parke."

Parke: "I know on these technical Amendments, our staff has worked to give us the information. Could you ask your staff to tell us what line in the Bill...in the Amendment it is so that we can confirm your concern?"

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well they are looking and if they find it...they may be wrong and I may be wrong. I apologize. I'm not trying to muddy up the waters, it just is a very big Amendment. You were in the process of saying who was in favor of this

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legislation and I think we got cut off. Could you also indicate if anybody was opposed to the legislation?"

Speaker Leitch: "Representative Parke."

Parke: "The Illinois Municipal League was opposed, but with the Amendment, they are supporting it, and also the Illinois Mobile Home Association...Manufactured Housing Association. That is part of what we are trying to do, clean up the language so everybody is speaking from the same page."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well maybe my analysis is wrong, but let me just read you what my analysis says, maybe I wasn't asking the question correctly. What our analysis says...that this would require a person selling a manufactured home to encourage the buyer to use an installer accredited by DPH. The Bill also states the failure to properly install the manufactured home, may invalidate any implied or expressed warranties concerning the home. The determination as to who installs and how it is installed and the workman-like manner that it is installed is not really made by the individual."

Speaker Leitch: "Representative Parke."

Parke: "Again, I know this is a very confusing Amendment because it's technical in nature, but if you could just reference the line and what page, we would be happy to address your issue."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well I'm out of time. What we will do is, if it goes to somebody else and we find the exact line, we'll reference it to you with that individual. Thank you, Representative."

Speaker Leitch: "Representative Scott, the Gentleman from Winnebago."

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

Speaker Leitch: "He indicates he will."

Scott: "I was reading along with Representative Hoffman here. On page 20 of the Amendment, starting with line 28, it reads, 'The Department shall establish by rule a schedule of fees in order to cover a portion up, but not to exceed the cost of administration, enforcement of the Act'. I assume that is the fee he was talking about before. Is that a new fee that is going to be created or is that something that is being charged in a different way to these people right now?"

Speaker Leitch: "Representative Parke."

Parke: "Yes, Representative, but that does not...that is not new language and in essence, they can charge \$100 for the whole mobile park. This is not a new fee at all. It's there already."

Speaker Leitch: "Representative Scott."

Scott: "Well it is underlined in the Amendment. I assume that means it's new language. It says, 'The Department shall establish by rule...'. That is all new language I assume, because it is underlined."

Speaker Leitch: "Representative Parke."

Parke: "Yes, you are right that the language is there, but there is no new fees. It's just that the current fee stayed the same."

Speaker Leitch: "Representative..."

Parke: "And I'm informed, if you ever wanted to do that, that it would have to go through JCAR before they could do it anyway."

Speaker Leitch: "Representative Scott."

Scott: "I understand that, but I think the point Representative Hoffman was making was that there is potentially, a new

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schedule of fees..."

Speaker Leitch: "Excuse me, Representative Scott. You need some order in here. It is getting very, very noisy. The Gentleman is trying to ask his questions of Representative Parke. Could we please have some order in here? Representative Scott, proceed, Sir."

Scott: "Thank you, Mr. Speaker. I think the point that Representative Hoffman was trying to make was that there is, in this Act that we are creating here, there is a schedule of fees that is going to be at some point developed by the Department. Yes, it will have to go through JCAR, but there is a schedule of fees that is going to be developed. I mean, I think you would agree that that is the case with the language that is in here."

Speaker Leitch: "Representative Parke."

Parke: "I think we are saying the same thing, but our staff says that the \$100 fee was there before and is still there, that there will be no new fees with this legislation."

Speaker Leitch: "Representative Scott."

Scott: "Well, if we were just keeping the \$100 fee, why wouldn't we just reference that? Why would we say that the Department can establish a whole new schedule of fees? I mean, there isn't any limit on the bottom side or on the top side for this."

Speaker Leitch: "Representative Parke."

Parke: "My understanding in that, it's been done in other Bills and that it is easier to establish it this way than by statute."

Speaker Leitch: "Representative Scott."

Scott: "Well in the time we have left, let me hit one more area briefly that Representative Hoffman started with. On page 2 of the Amendment, starting with line 15, it starts with

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the Section 20, 'notice to buyers', where it reads, 'That a person selling a manufactured home one year after the effective date of the Act, shall encourage the buyer of that home to use an installer who has been accredited by the Illinois Department of Public Health and failure to properly install the home, may invalidate any implied or expressed warranties concerning the home'. Could you tell me what the intent of that language is, because I believe that is the language that Representative Hoffman was asking about earlier?"

Speaker Leitch: "Representative Parke."

Parke: "I have been informed by staff that the answer is that it has been established by statute and that that could not invalidate it anyway. And that is because there is nobody licensed at this time."

Speaker Leitch: "Representative Scott."

Scott: "I'm sorry, Representative. I don't exactly understand that. I heard you, but I don't understand what it means. There is not a license at this time?"

Speaker Leitch: "Representative Parke."

Parke: "You are correct. They are not licensed now. What we'd like to do is license them because they install these modular homes, and we are concerned about the safety."

Speaker Leitch: "Representative Scott."

Scott: "Thank you, Speaker, one last question. Are there any standards set out anywhere else in this Amendment that would list the standards for which these people are going to be accredited?"

Speaker Leitch: "Representative Parke."

Parke: "They are not in there at this time. The Department of Public Health wants to do this so they can establish the procedures."

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Speaker Leitch: "Representative Parke now moves that the House concur with Senate Amendment #1 to House Bill 32. On that question, all those in favor shall vote 'aye'; all those opposed shall vote 'nay', and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 99 voting 'aye', 15 voting 'nay', 1 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 32. Mr. Parke, on Senate...I'm sorry. Senate Amendment #1. Mr. Clerk or rather Mr. Parke on Senate Amendment #2. I'll get better in a minute."

Parke: "All of us Clerks look the same. Amendment #2 is a small technical Amendment suggested by the Illinois Municipal League to tighten the language in the Illinois...in the original version of Senate Bill 429. I'd ask for adoption."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg, for what purpose do you rise, Sir?"

Granberg: "If the Sponsor will yield, Sir."

Speaker Leitch: "He indicates he will."

Granberg: "Representative Parke, does Amendment #2 have anything that would lessen the standards for the construction or implementation...not implementation, but location of mobile homes or manufactured housing?"

Speaker Leitch: "Representative Parke."

Parke: "It's my understanding they are not."

Speaker Leitch: "Representative Granberg."

Granberg: "What technical changes does Amendment #2 make to the Bill?"

Speaker Leitch: "Representative Parke."

Parke: "If you look at Amendment 2, you will see it replaces 'proper installation' with 'the training of installers'."

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And page 2, line 2 says, inserting these, the following and then training."

Speaker Leitch: "Representative Granberg."

Granberg: "I'm looking for the Amendment, Representative Parke. Could you please explain what the rationale is for that change?"

Speaker Leitch: "Representative Parke."

Parke: "The Municipal League introduced this Amendment to develop...to clean up confusion in the Act."

Speaker Leitch: "Representative Granberg."

Granberg: "What was the confusion that needed cleaning up?"

Speaker Leitch: "Representative Parke."

Parke: "For what were the guidelines of the installers or the people that were doing the installing?"

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, I'm sorry. I didn't understand that answer. Could you please discuss that?"

Speaker Leitch: "Representative Parke."

Parke: "It is construction standards versing installer standards. That is the difference."

Speaker Leitch: "Representative Granberg."

Parke: "The Department..."

Speaker Leitch: "Terry, go ahead. Go ahead, Representative Parke."

Parke: "The Department is making standards for this ruling."

Speaker Leitch: "Representative Granberg."

Granberg: "And there are two separate sets of standards, Representative?"

Speaker Leitch: "Representative Parke."

Parke: "The fact of the matter is again, this is a technical Amendment and that is...you are mistaken, and it's only one. The Amendment replaces the term 'proper installation'

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with 'the training of installers'. Provides that the Department shall work with all interested parties to propose rules for the accreditation of courses for persons installing manufactured housing."

Speaker Leitch: "Representative Granberg."

Granberg: "You indicated in your last response that...you referred to two standards, installation and..."

Speaker Leitch: "Representative Parke. Representative Parke."

Parke: "Yeah, that...I know, it is confusing. What we did is we replaced the term 'proper installation' with the term 'the training of installers'. Again, it's technical in nature, but the Illinois Municipal League feels they have to have this clarification."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you. Representative, this Amendment does not deal with Section 20, which would provide that the state can invalidate any implied or expressed warranty concerning the home."

Speaker Leitch: "Representative Parke."

Parke: "I don't believe that is correct. It only deals with the one part."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative Parke, does Amendment #...I'm not sure if I should ask this question now or when we go to #3 for final passage, because I am concerned about Section 20 and how the Department of Public Health can state by rule, that the failure to properly install the home may invalidate the warranties. I'm not sure if the state should be in that business. So, would you...would that deal with Amendment #3? Should I wait for my questions until then?"

Speaker Leitch: "Representative Parke."

Parke: "The Department of Public Health said that they won't do

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that. So if you want to wait until you get to Amendment #3, that's fine."

Speaker Leitch: "Representative Granberg."

Granberg: "Okay, thank you, Representative, I'll wait until #3, then. And according to your representation, Amendment #2 makes technical changes only, pursuant to Amendment #1. So therefore, I would have no objection to the Concurrence Motion to Senate Amendment #2 to House Bill 32."

Speaker Leitch: "The question is, 'Shall the House concur with Senate Amendment to House Bill 32?' And on that question, all those in favor shall vote 'aye'; opposed shall 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. And on this question, there are 113 voting 'aye', 1 voting 'nay', and none voting 'present', and Senate Amendment #2 to House Bill 32, has been adopted. The House does concur with Senate Amendment #2 to House Bill 32. The Gentleman now moves that the House nonconcur with Senate Amendment #3 to House Bill 32. All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? I'm sorry. This was not final action, we're simply nonconcurring on this Amendment #3. Representative Granberg, for what purpose do you rise, Sir?"

Granberg: "Mr. Speaker, this is very, very important. I asked the Representative if I could ask questions about a very serious issue in this Bill. Section 20, where the state will set standards for what warranties will apply and when they won't apply. Now, we're nonconcurring with that Amendment. I had no chance to ask those questions. It can go back to the Senate and it'll be final passage. This is

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a very, very important issue."

Speaker Leitch: "Your point is well taken. Representative Parke, you are called upon to respond to the Gentleman's questions. Representative Granberg. Dump the Roll Call. Representative Granberg."

Granberg: "Representative...thank you very much, Mr. Speaker. Representative Parke, Section 20 of the Bill, refers notice to buyers, and it states; 'A person selling a manufactured home, one year after the effective date of this Act, shall encourage the buyer of that home to use an installer, who has been accredited by the Illinois Department of Public Health'. It further states, 'failure to properly install the home, may invalidate any implied or expressed warranties, concerning the home'. Why does the state have to say when a warranty can be waived or not goin... can not apply to a product sold to a consumer? What is the proper state role in this?"

Speaker Leitch: "Representative Parke."

Parke: "Well, Representative, first of all, I've been informed by staff that Amendment 3 does not deal with Section 20, at all, in the Code. But I will let you know that the reason why we are opposing Amendment 3, because it's opposed by the Department of Public Health, and the Illinois Plumbers have agreed to let us recede on this Amendment. So, I know that your concerned about a Section, but it is not in Amendment 3. We're not dealing with that Section of the Code."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, Representative Parke, I would think, Sir, when I asked you about Amendment #2, you said I would have the opportunity to ask you about that Section, when we dealt with Amendment #3. I took you at your word, Sir. This is

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a very important Section. Would you not like to answer questions about the Bill on its final passage?"

Speaker Leitch: "Representative Parke."

Parke: "Representative Granberg, let's not get real cute on this. You brought up it, when you were talking about Amendment #2. I said you could talk about it, if you wanted to. Now if you have something you want to talk about that's really important to you, other than wasting the time of this General Assembly, you can do that."

Speaker Leitch: "Representative Granberg."

Granberg: "To the Bill, Mr. Speaker. There are very serious questions in this legislation about the proper state role in removal of warranties that consumers buy. This Representative does not want to deal with the legislation. I rise in opposition. We're talking about trailers, we're talking about manufactured homes, we're talking about consumers having their rights waived to defective products. Now, if the Representative does want not...does not want to discuss this very important issue, I think it's coming upon us to defeat this Bill! This impacts all consumers in the state. The state now has a role in private regulation that we can waive warranties on goods, and the Representative does not want to discuss it? Well, this goes to the heart of the private sector. There are implied warranties on products. Now the state comes in and says, those warranties will not apply to consumer products. This is a very serious issue, when you're talking about manufactured homes. For each one of you, who have consumers in your district, who buy these things. When they buy these things and they know that their warranties are now waived because there's some issue about private...proper installation, they're going to come to you

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and say, why did you change that law, Representative? Why did you do that to me when these things cost \$10, 20, 30, \$40,000, and you waived my rights? You waived the warranties on those goods. Well that's not good enough for me. I'm not going to vote for this until I find out why we're doing that, what the proper state role is, because sometimes we have to say no. Why is the manufacture housing industry, why do they want those warranties waived? That's the question. Why do they want those warranties waived? Why should the state, why should there be a law to waive warranties? That's doesn't apply to anyone else. When you build a home, you don't waive warranties by statutes. You don't waive those warranties when you purchase a home. That's an implied warranty. That's the private sector. That's what we do. The government should not be involved in the private sector. I urge a 'no' vote."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Yes, Representative, I think that...the last speaker said it rather eloquently. We couldn't find the Section, but I believe Representative Scott ultimately found a Section. How do you respond to what the Representative said regarding the private sector and the waiver of warranties?"

Speaker Leitch: "Representative Parke."

Parke: "Representative Hoffman, I appreciate your reasonable approach to this, and I quite frankly, quite frankly, the previous speaker is confused. We're...we are asking not to accept Amendment 3. What we're trying to do is establish

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and protect the consumer, because we believe, that right now there's nobody that's licensed or regulated to install mobile homes. There's no guidelines either, and so, we were trying to look at a way of doing that. But we have now receded from Amendment 3. We do not want Amendment 3. As much as Rep...the previous speaker wants us to have it, we're not going to do that. When we say we recede, that means we don't want it anymore. Now you can make all out of it...you can if you want, but quite frankly, I have a right to recede from Amendment 3 and that's what we're going to do."

Speaker Leitch: "Representative Hoffman."

Hoffman: "The Motion, the Motion with all due respect, Representative, is to nonconcur on Amendment #3, and I think what the Gentleman from Clinton was saying is, that if we can stop it here, this Bill's in limbo and actually the underlying Bill is the problem, which is the cond...the warranty issue. Now, I think what we have to do is we have to get this cleared up, because to me, it's vitally important that we not pass a Bill that would do these types of draconian things, the Gentleman from Clinton described. Now, here's what the Bill...here's what the Bill says, 'Failure to properly install the home, may invalidate any implied or expressed warranties, concerning the home'. So what could happen, Representative, is the people that you buy this home from, come in and install it improperly, you then would have your implied or expressed warranties, invalidated. That would be through no fault of the buyer, no fault of the person living there. And I believe if that is the case...if that is the case, I don't think anybody in this General Assembly wants to be in favor of this."

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Speaker Leitch: "Are you finished, Representative?"

Hoffman: "Yeah."

Speaker Leitch: "Representative Parke."

Parke: "I guess I understand that we have confusion on this. But let me try and form it in another way. If you have a toaster and it says it should be plugged into a 110 outlet and you plug it into a 210 outlet, the warranty says it's not covered. That is the problem we have here. We're telling it...and I'd like to read all of Section 20, says, 'Notice to buyer. A person selling a manufactured home, one year after the effective date of this Act, shall encourage the buyer...encourage the buyer of the home to use an installer whose been accredited by the Illinois Department of Public Health. Failure to properly install the home may invalidate any implied or expressed warranties concerning the home.' It means if you don't follow the guidelines that are established or use the installers that are approved by the Department of Public Health, of course the warranty will be void. I mean that's common sense. That's fairness. You got to do it right. And by the way, we already approved the underlying Bill. There's talking like a...like there's some kind of additional Bill. We approved Amendments 1 and 2. That's the Bill. We all voted for it. It passed out. Now we want to make sure Amendment 3, that we nonconcur on it."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, I understand your point regarding Amendments 1 and 2, but I think the point by the Representative from Clinton, is the only way to stop it, is to stop it here, by voting 'no' on this Nonconcurrency Motion. I think, to be very frank with you, I think I made a mistake by voting on... voting 'yes', on Amendment #1. Because when you look

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at what's happening with the underlying Bill, listen to this paragraph and here's the problem. It says, it doesn't say failure to use a licensed installer, it says 'failure to properly install the home, may invalidate any implied or expressed warranties concerning the home.' Now, I could hire a licensed installer, they failed to do it properly. I've done everything I could. I've done everything I could, and I still lose my warranty. I still lose my implied or expressed warranty because they did not properly install it. That's the problem. It's a drafting problem. I don't think it's your intent, but that's the problem. I agree..."

Speaker Leitch: "The question is 'Shall the House nonconcur on a Senate Am...Senate Amendment #3 to House Bill 32?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay', and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 50 voting 'aye', 66 voting 'nay', and none voting 'present', and the Motion to nonconcur on Senate Amendment #3 is defeated. Mr. Clerk, please read House Bill 2226. Representative Biggert."

Clerk Rossi: "House Bill 2226."

Speaker Leitch: "Representative Biggert moves to nonconcur in Senate Amendment #1 to House Bill 2226. All those in favor shall signify by voting 'aye'; all those opposed...the voting is open. The voting is op... Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 111 voting 'aye' none voting 'no', and 2 voting 'present'. The House does nonconcur with Senate Amendment #1 to House Bill 2226. Representative Biggert now moves

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that the House nonconcur with Senate Amendment #2 to House Bill 2226. All those in favor show...signify by voting 'aye'; all those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? And on that...Mr. Clerk, take the record. And on that question, there are 111 voting 'aye', 1 voting 'nay', 2 voting 'present', and the House nonconcur with Senate Amendment #2 to House Bill 2226. Mr. Clerk, read House Bill 3."

Clerk Rossi: "House Bill..."

Speaker Leitch: "Mr. Clerk, on House Bill 3."

Clerk Rossi: "House Bill 3, a Motion to concur with Senate Amendments 1, 2, 3, 4, 5, 6, and 7, has been filed and approved for consideration."

Speaker Leitch: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Amendments 1, 2, 3, 4, 5, 6, 7, to House Bill 3 are series of Amendments which address various sunsets of licensures which have come up this year. I'll briefly go through each Amendment and explain what they address. Amendment #1, replaces after everything after the Enacting Clause. Amends a regulatory agency Sunset Act to extend to January 1, 2006, which is the repeal of The Illinois Roofing Industry Licensing Act, The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985, The Illinois Physical Therapy Act, and the Collection Agency Act. Effective immediately, except the changes to The Illinois Roofing Industry Licensing Act, the Physical Therapy Act of 1985, and the Collection Agency Act are effective to January 1...are effective January 1, 1996. Amendment #2, Amends the Elder Abuse and Neglect Act. It allows the Department of Professional Regulation access to privileged

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communications for the purpose of assisting an elder abused client. It also repeals the age and character provision for persons applying for physical therapist or assistant license. It requires that fines and fees collected under Illinois Roofing Industry Licensing Act be deposited in the General Professions Dedicated Fund. Senate Amendment #3, Amends the Barber Cosmetology, Esthetics, and Nail Technology Act of 1985. Changes the Act to provide for licensure, rather than certification for practitioners, teachers in schools, retains certification for salons and shops, creates a new article on barber schools and a new article on salons and shops. Article #4, in the material amending the Barber, Cosmetology, Esthetics, and Nail Technology Act, makes changes relating to hazardous chemicals and a number of hours of required study for certain persons who fail examinations. Senate Amendment #5 creates the Board and Care Home Registration Act. Senate Amendment #6 amends the Regulatory Agency Sunset Act, to provide for repeal of the Illinois Athletic Trainers Practice Act, on January 1, 2006. Senate Amendment #7 simply removes the language that was provided in Senate Amendment #5. Number 5...#7 wipes out #5, so the language in #5 is no longer in the Bill. I would entertain any questions."

Speaker Leitch: "Is there any discussion, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Before I ask any questions at all, I have a point of order, Sir. May I state my point?"

Speaker Leitch: "Yes Sir!"

Lang: "Thank you. On the previous Bill, House Bill 2226, there was no debate whatsoever on the Motions to nonconcur. We

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have a right to that debate, Sir. We were not given the right to debate that and the Chair made a serious error. In so doing, Mr. Chair...Mr. Speaker, in your haste, in your haste to move this along, if you'll have the Parliamentarian check the two Roll Calls, you'll see that an error was made. You'll see that the first Motion, which is sequence #50 on your Roll Calls, turned into a Motion to nonconcur on Senate Amendments 1 and 2. I think you intended it to be just on Amendment 1. Sequence #51, shows the vote on Senate Amendment #2. So in your haste to move this along, apparently because you don't know where the budget is either, in the haste to do that... maybe... maybe that budget's coming over in one of those limos. In your haste to do that, Sir, we have erroneous Roll Calls here, and if you'll take a look at them, and I'll give you an opportunity to do that, I think you'll see that I'm correct."

Speaker Leitch: "Mr. Clerk."

Clerk Rossi: "I corrected the official Roll Call for the nonconcurrency on Senate Amendment #1 to read that that was a nonconcurrency on that Amendment only."

Speaker Leitch: "Representative Lang, you may proceed on the Amendments to House Bill 3, Sir."

Lang: "I just want to make sure I heard the Clerk correctly. So the first one is just on Senate Amendment 1, even though it says 1 and 2?"

Clerk Rossi: "That's correct."

Lang: "And is that what the official record of the House shows, Mr. Clerk?"

Clerk Rossi: "Yes it does."

Lang: "You're not going to have anyone come in here and sign this later after the fact, are you? Alright, thank you. Will

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the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lang: "Thank you. Mr. Speaker, the reason that we didn't move to divide this, is that I know Mr. Saviano has worked very carefully and very closely with Representative Lou Jones, who is the Minority Spokesperson on his committee. They've worked very hard on these 7 Amendments. These are all agreed Amendments, I support them all. Each of them took quite a bit of time to put together. I'm not going to ask Mr. Saviano hundreds of questions, but maybe tens, and so bear with me a moment. So relative to the Amendment dealing with roofers, the Roofing Industry Act, was there discussion as to whether to extend the sunset and make it so that DPR would not license the profession any longer?"

Speaker Leitch: "Representative Saviano."

Saviano: "Repre...Representative, I have to be honest with you. Originally we were going to let it sunset, but the roofing industry came to me through various phones and letters, requesting that they continue to be licensed for the purpose of putting some teeth into the licensure, primarily by requiring a \$5,000 bond, with the Department."

Speaker Leitch: "Representative Lang."

Lang: "As to the collection agency Section of this, there is a fee increase that some would say is pretty large. But as I understand it, the collection agencies, themselves, have requested it, so they could properly police themselves, is that correct?"

Speaker Leitch: "Representative Saviano."

Saviano: "Yes, Representative Lang, you're entirely correct. In past years, as you know, the Department of Professional Regulation has had limited resources which monitor their various professions. The collection agency industry has

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realized that. They feel they have a duty to assist in the monitoring process to make sure they root out all sort of consumer complaints and problems, and this fee increase was necessary to insure that would happen."

Speaker Leitch: "Representative Lang."

Lang: "I'm sure we agree as the collection agencies do, that there is a very important need in this state to make sure that collection agencies don't run rampant to abuse people calling in the middle of the night, et cetera. Does your legislation insure that collection agencies will comply with the Federal Debt Collection Act?"

Speaker Leitch: "Representative Saviano."

Saviano: "Yes, that is right, Representative Lang. As you know, I've kept you posted on this Bill, the progress. This Bill was... has been worked over and negotiated and we've made sure that every possible consumer protection provision was in here to insure that the consumer was never ever abused."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. What changes are you making to the Psychologist Licensing Act?"

Speaker Leitch: "Representative Saviano."

Saviano: "Representative, apparently, the requirements across the nation have changed dramatically, and are kind of, to say the least, very diversified. We wanted to make sure we put some provisions in there, which would make it easier for your senior psychologists to become licensed in the State of Illinois. We want to attract the best in the nation. People who are experienced, and this provision will allow for that."

Speaker Leitch: "Representative Lang."

Lang: "In the past, there have been concerns over continuing education requirements for cosmetologists. What changes

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did you make for continuing ed requirements for cosmetologists?"

Speaker Leitch: "Representative Saviano."

Saviano: "We reduced the amount of hours from 20 to 16. We've brought in the exemptions so it is easier to get an exemption. As you know, the previous Cosmetology Act...myself and Representative Curran, at the time, were working on some of these provisions because it became so prohibitive for people to become licensed through the process, we allowed some of these exemptions and lessened the hours to provide that we would...we would be able to obtain more people who were willing to get into the industry."

Speaker Leitch: "Representative Lang. Yes Sir, you may have more time."

Lang: "Thank you. Just one additional question. My understanding is that in each of these cases, there...these Acts will sunset unless we do this right now, is that correct, Sir?"

Speaker Leitch: "Representative Saviano."

Saviano: "Yes, Representative. All of these different Acts, sunset December 31, 1995. It's imperative that we get this through now, so we allow time for the department to adjust to the new laws and rules and regs that we provide in these various Acts, so, we're ready to go on January 1."

Speaker Leitch: "Representative Lang."

Lang: "To the Bill. I thank Representative Saviano for his hard work along with Representative Lou Jones in this matter. It has been tedious and time consuming. If we do not pass this, these Acts will sunset. Certainly in the area of collection agents, we don't want unlicensed collection agencies running rampant in our state. And so I rise in

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strong support of this Concurrence Motion."

Speaker Leitch: "The Lady from Cook, Representative Shirley Jones. Representative Jones."

Jones, S.: "Thank you, Mr. Speaker. I would like to yield my time to Representative Dart, please."

Speaker Leitch: "The Gentleman from Cook, Representative Dart. For what purpose do you rise?"

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

Speaker Leitch: "He will."

Dart: "Representative, I have a handful of questions I want to ask you, but as you can see, these are rather thick Amendments and in the busyness of the day, I didn't get around to reading them completely. I know there's a lot of different things that are being regulated here. Are you doing anything in regards to regulating or otherwise licensing animals, such as aardvarks or airwigs?"

Speaker Leitch: "Representative Saviano."

Saviano: "You know, Representative, as Chairman of this committee, I've been somewhat criticized because I'm in favor of new licensures at times when needed. I don't know if I could go along with that though."

Speaker Leitch: "Representative Dart."

Dart: "What about in the food service industry such as regulation on pepperonis or pressed duck, definitely out?"

& Speaker Leitch: "Representative Dart."

Dart: "I would prefer to take care the salami and the cappacola you know what I mean?"

Speaker Leitch: "Representative Dart."

Dart: "And I might add that's an area you should spend more of your time in because that's...you obviously shown a great deal of talent in that area. Now also, I want to touch on the fact now, personal property, such as, hood ornaments,

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none of that in the Bill? Not even some of the Trans Ams that may sometimes be driving around in the Melrose Park area?"

Speaker Leitch: "Representative Saviano."

Saviano: "We have evolved in the area. We've gone from Trans Am to Infinities, now, believe it or not, and they don't hood ornaments."

Speaker Leitch: "Representative Dart."

Dart: "And now, there is some...you do have some type of changes you're making into the health care or nursing care area dealing with regulation and like? Are you doing anything in regards to the regulation of like catheters or anything like that?"

Speaker Leitch: "Representative Saviano on catheters."

Saviano: "I get a little squeamish about catheters, actually. So I've avoided that subject. I've...actually, Representative McAuliffe sits on the committee and I refer those issues to him."

Speaker Leitch: "Representative Dart."

Dart: "Thank you. I know that question was a little bit asinine, but I'll try to leave this puerlie line of questioning into something a little bit more serious here. Representative, how many different Acts are you in fact changing or the ones that are being sunset here? How many are you actually working with?"

Speaker Leitch: "Representative Saviano."

Saviano: "Let me...we have four that we're...we are reauthorizing for licensure."

Speaker Leitch: "Representative Dart."

Dart: "What four are those?"

Speaker Leitch: "Representative Saviano."

Saviano: "That is the Collection Agency Act. That is the Roofing

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Industry Licensing Act. That is Physical Therapy and the Barber and Cosmetology."

Speaker Leitch: "Representative Dart."

Dart: "You...also are you doing the same with the Athletic Trainers Practice Act? Is that in here or was that taken out?"

Speaker Leitch: "Representative Saviano."

Saviano: "If you remember, myself and Representative Brunsvold sponsored the Athletic Trainers Act licensure in House Bill 481. This merely puts in a sunset date in it."

Speaker Leitch: "Representative Dart."

Dart: "So there would not be any regulation of say, Representative Blagojevich's Speed-O's or athletic supporters, any of that stuff?"

Speaker Leitch: "Representative Saviano."

Saviano: "No, we tried to stay out of his shorts."

Speaker Leitch: "Representative Dart."

Dart: "That's incredible, Representative. I just wanted to...I just wanted to touch on real quickly, the area...I think it's Amendment #3, where the original language provided that in the absence of a prior agreement between the creditor and the debtor, governing interest charges, interest may be charged by collection agency on behalf of a creditor. Why was that Amendment necessitated?"

Speaker Leitch: "Representative Saviano."

Saviano: "Representative, when I presented the underlying Bill to the House back a little ways, if you remember I had Amend...I had to amend it to take that language out. We took the 8% interest language out of the Bill, pursuant to some concerns which were raised by some consumer groups."

Speaker Leitch: "Representative Dart."

Dart: "So that was an agreement with the consumers, everyone's on

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board with that change that you made there?"

Speaker Leitch: "Representative Saviano."

Saviano: "That was by agreement of all parties."

Speaker Leitch: "Representative Saviano moves the adoption of Senate Amendments 1, 2, 3, 4, 5, 6. Representative Saviano."

Saviano: "Yes, just in closing. I would like to thank the Members of the Reg. and Reg. Committee, the Minority Spokesman, Lou Jones, and our staff people, Mona Lamkin and Peggy Snyder. This has been a lot of work. We took on a job that we had a major, major legislation passing through and without the help of everybody on that committee and the staff, we wouldn't have got it done on time, and I would ask that all Amendments be concurred with. Thank you."

Speaker Leitch: "The question is, 'Shall the House concur with Senate Amendments 1, 2, 3, 4, 5, 6, and 7 to House Bill #3?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr Clerk, take the record. And on this question there are 104 voting 'aye', 9 voting 'nay', 2 voting 'present', and the House does adopt...does concur I should say, in Senate Amendments 1, 2, 3, 4, 5, 6, 7, in House Bill 3, and this Bill having received a Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

Lang: "Thank you, Mr. Speaker. Since it's very late at night. Since we have a lot of tired Members, in fact, we had one with a more serious problem today, because of tiredness and exhaustion, and because we don't yet have a a budget to work on, I hereby move to adjourn until tomorrow morning at

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Speaker Leitch: "Mr. Clerk, read House Bill 23...alright, Sir. The Gentleman's moved to adjourn. All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 52 voting 'aye', 63 voting 'nay', none voting 'present', and the Motion to adjourn fails. Mr. Clerk, read House Bill 2330."

Clerk Rossi: "House Bill 2330, a Motion to concur with Senate Amendments 1, 2, 3, and 4, has been filed and approved for consideration."

Speaker Leitch: "Mr. Clerk, has the Bill been read in its entirety?"

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

Lang: "I'm not ready to speak on the Bill, Sir. I'm just asking to divide the question. Separate debate, separate Roll Call on each one."

Speaker Leitch: "That is granted. The Lady from Cook, Representative Schakowsky. Did you have a question? Representative Zickus, would you please proceed."

Zickus: "Thank you, Mr. Speaker, Members of the House. I move to concur with Senate Amendments 1, 2, 3, and 4. The underlying Bill, Amends the Lead Poisoning Prevention Act, and in that it defines high risk area, as an area in the state, determined by the Department of Public Health, to be high risk for lead exposure for children through six years of age. Senate Amendment 1, expands on that and asks...says that the following items are also to be considered in determining high risk area for lead poisoning. And that would be age and condition of the housing, based on the Department of Housing and Urban Development definitions of slums and blighted. The

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proximity to highway traffic, or heavy local traffic, or both. Percentage of housing determined as rental or vacant. Proximity to industry using lead and established incidents of elevated blood levels in children. I ask for your 'aye' vote."

Speaker Leitch: "The Lady from Cook, Representative Schakowsky."

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

Speaker Leitch: "She indicates she will. Yes."

Schakowsky: "Under current law Representative, who needs to be screened? What children need to be screened for lead poisoning?"

Speaker Leitch: "Representative Zickus."

Zickus: "All children between the ages of six months and six years of age."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Since lead poisoning is a very important factor in causing illness and mental retardation and a number of long term problems for children, why is it that we want to limit the requirement for screening at all?"

Speaker Leitch: "Representative Zickus."

Zickus: "Some areas, Representative, are lower risk areas and it's not as big of a problem. We're trying to address the areas where the children are in the highest danger of getting lead poisoning."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "I understand that the incident may be, incidents may be higher in some communities, but none are immune and so why is it that we don't simply screen all children for this dangerous element?"

Speaker Leitch: "Representative Zickus."

Zickus: "All children are screened for risk, and it's those who show a high risk that would be tested."

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Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Though I believe that...that when voting on this, we need to consider the issue of whether or not we should be limit screening at all. And I personally don't think that we should. To Amen...let me ask you some questions about Amendment #1. Amendment #1 adds to the areas and the definition of screening as I understand it. But let me as you about my community, for instance. I live in a...in Evanston, which is a community that has lots of very old houses. Not all of them would fall into the definition of a pop...in fact, I'm not sure any of our community would fall into the percentage of the population that it... would fall under the definition of 'slum or blighted'. Nonetheless, we have very old housing stock, and I would venture to say that lead poisoning is a problem here. What are the areas that have to be determined as slum or blighted? Is it a zip code or an area code, or is it a town itself, or how do you define a slum or blighted area?"

Speaker Leitch: "Are you finished, Representative Schakowsky? Representative Zickus."

Zickus: "We would be using HUDS definition of high risk area, but most certainly, areas that have homes that were built prior to 1970 which have a higher risk to have the lead."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, maybe I'm wrong. I'm trying to understand if age has to be accompanied by the definition of slum or blighted, or is age in and of itself a factor?"

Speaker Leitch: "Representative Zickus."

Zickus: "Age in and of itself is a factor and is a separate entity. The underlying Bill did pass out of the House, 97 to 9. We're merely expanding on the definition of high risk to make the legislation stronger."

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Speaker Leitch: "Representative Schakowsky."

Schakowsky: "That is not how I read Amendment #1. If you'll look at the language its self. It says risk area. It says age and condition, not not age, condition. But (age and condition), using Department of Housing and Urban Development definitions of slum and blighted. Which I take to mean refers back age and condition. If I'm wrong, then I think the legislation is not clear."

Speaker Leitch: "Representative Zickus."

Zickus: "I look at it...you know, we're looking at a different...that age in and of itself is the criteria in addition to the others."

Speaker Leitch: "Representative Schakowsky. Representative Zickus."

Zickus: "And this did pass out of the committee last night, with no opposition."

Speaker Leitch: "It's very hard to hear in here. Could you hear that, Representative Schakowsky?"

Schakowsky: "Well, all I heard her say, it had passed out of committee with no opposition. I didn't hear an answer to the question about...lit... I don't know what she said about opposition. But the question was, is age, you say age by itself is a factor, I don't read that in this legislation, and I don't...I think that this Bill is pretty clear that it is age and condition and that blighted and slum refers back to age."

Speaker Leitch: "Representative Zickus."

Zickus: "We dis...we disagree."

Speaker Leitch: "Do you want to finish, Representative Schakowsky? I'll give you one more minute."

Schakowsky: "Okay, I thank you for that. This is an important issue and I hope that one of my colleague's will give me

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more time on that. Once again the community that I live in, which is neither slum nor blighted, but has a lot of...actually, let's take another comm...let's take a house, where someone is doing rehab on that house, and it might be a pretty expensive and nice house, but an old house. That happens in a lot of communities, and if it's not...doesn't meet one of these criteria, then what you're saying is, that even though that chil...the children in that house might be at risk of lead poisoning, that they will not be tested, is that correct?"

Speaker Leitch: "Representative Zickus."

Zickus: "Representative, if we can refer to the original Bill, it does..."

Speaker Leitch: "Representative Zickus, er...Schakowsky. Representative Dart."

Dart: "Thank you, Mr. Speaker, I was going to yield my time to Representative Schakowsky to finish her questioning."

Speaker Leitch: "Proceed."

Schakowsky: "Okay. I'm looking back at the original Bill. The lines of which were replaced. Where it says, in the original Bill it had, 'age of housing, percentage of housing determined as rental or vacant, et cetera'. Those lines have been now, replaced with, risk area, that uses the terms slum and blighted. So I...so now I interpret it, not to be a stand alone criteria, but one that is dependent on the words slum and blighted. Why would you... why would that be changed?"

Speaker Leitch: "Representative Zickus."

Zickus: "If you will look on line 2, it says, 'the department shall consider, but not be limited to the following factors to determine a high risk area'."

Speaker Leitch: "Representative Schakowsky."

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Schakowsky: "Mr. Speaker, you only gave me one minute of his time?"

Speaker Leitch: "I thought he indicated you wanted that to finish up your question. I didn't know you wanted all five. I'll give you some more."

Schakowsky: "Okay, but... then let's go back to the intent of this leg... If the intent of this legislation is to say that not all children any more need to be screened for lead, then there must be some criteria here in terms of neighborhoods, some way to say who is not going to be tested. Maybe that's the better way to put it. What will be the way of determining who will not be tested for lead now under your Bill?"

Speaker Leitch: "Representative Zickus."

Zickus: "All of the children will be screened. Those who are determined by the department to be high risk will be tested. The Amendment that we are discussing right now, merely expands on those conditions that the department should consider. It is something that is...will bring in more children and expand the definition. Everyone in the high risk area will still be tested."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "So are you saying that every...so you're saying that every single child will be individually determined whether or not that child will be tested based on whether they come from a high risk area, whether they come from a slum or blighted area, all those things that you've listed?"

Speaker Leitch: "Representative Schakowsky. I'm sorry, Zickus."

Zickus: "Yes, they're all going to be screened. And it will also be... the physicians can determine an assessment on a risk by risk procedure. But we want to assure that all children who live in a 'high risk' area, will be tested."

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Speaker Leitch: "Representative Schakowsky."

Schakowsky: "This is where I get confused. If it is a high risk area, then there must be areas, that...where it is not done by individual child. I mean if we're talking about a low risk area, why do we even bother to screen? I thought it's a high risk child. A high risk child, based on certain criteria. Am I wrong? Is it a high risk area that is the determinate or is it a high risk child, based on a number of factors?"

speaker Leitch: "Representative Zickus."

Zickus: "Well, a child that lives in an area that does not have older homes around it, homes built before 1970, that is not near heavy traffic, may not be...may not have as high a risk, that child will still be screened. If the physician at that point feels that he should be tested, they will be tested."

Speaker Leitch: "Representative Zickus."

Schakowsky: "No, Schakowsky. Hello. Me."

Speaker Leitch: "I'm sorry, I keep calling you Representative Zickus."

Schakowsky: "Okay. So does...you keep saying physician. You keep talking about physician. Who does this screening and the determination?"

Speaker Leitch: "Representative Schakowsky. No, Representative Zickus."

Zickus: "Physicians, local clinics, health departments."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "So it is not necessarily...is there some sort of a form that's going to be developed that would enable this decision to be made and is that required in the underlying legislation?"

Speaker Leitch: "Representative Zickus."

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Zickus: "Yes."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Who is in charge of developing that screening form?"

Speaker Leitch: "Representative Zickus."

Zickus: "The Department of Public Health."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Representative, I'm going to vote 'no' on this Bill, because I think that all children are at risk of lead poisoning. Seems to me the children move...they move from new hou...homes to old homes. Their circumstances change. Lead is a high enough risk to children and their well-being, that we ought to take the time and the resources that are needed to test children for lead. I know that Representative Ann Stepan when she was here, Representative Monique Davis has worked on the issue of lead. We want to protect our children. This Bill diminishes their protection and I urge a 'no' vote."

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

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

Speaker Leitch: "She will."

Davis, M.: "Representative, I'm listening to your debate and I understand that if a child lives in a perceived non-slum area, it is likely that child will not be tested?"

Speaker Leitch: "Representative Zickus."

Zickus: "I'm sorry, Representative, I couldn't hear your question."

Speaker Leitch: "Representative Davis."

Davis, M.: "Well, if a child lives in an area that is not perceived to be a slum area, that child will not be tested?"

Speaker Leitch: "Representative Zickus."

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Zickus: "Representative, that is not true. All children will be tested and screened. Those who live in areas that are considered to be at a higher risk are going to be tested. We already passed the Bill out, 97 to 9. This Amendment expands the definition of high risk area. This is something to protect the children. If you..."

Speaker Leitch: "Representative...are you finished Representative Zickus? Representative Davis, proceed."

Davis, M.: "Well, it appears that you are attempting to limit or decrease the number of children who are tested. There is a difference between screening and testing. Are you familiar with or are you aware of what happens to a child, who suffers from lead poisoning and is not treated? Do you know what happens to that child?"

Speaker Leitch: "Representative Zickus."

Zickus: "Yes, Representative, but... well, let's talk about the Bill. We're discussing Senate Amendment 1. We are trying to make this Bill a stronger Bill. We are trying to include more children than were included in the Bill as it was passed out of the House."

Speaker Leitch: "Representative Davis."

Davis, M.: "It appears there's a fundamental problem with this Amendment, because what you're doing is targeting children based on where they live. It says here, 'risk area, age, condition', using the Department of Housing and Urban Development's definition of slum and blighted. People who live or children who live near highways where traffic is heavy, where housing is determined to be close to industrial areas, where they are using lead and there's elevated blood levels. You know what you're really doing here, you're targeting the conditions where children may live at a particular time. Now, they can move you know,

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they could move over there where you live."

Speaker Leitch: "Was that a question, Representative?
Representative Zickus."

Zickus: "Representative, a child can a move into a brand new home and the doctor would take the previous residents and exposure into consideration. And if you will read the Bill again, and I will repeat it one more time, it says, 'The department shall consider but not be limited to the following'. Your interpretation is not the same. It is not the intent of the Bill to limit the children that will be screened or tested, merely to expand upon it."

Speaker Leitch: "Representative Davis."

Davis, M.: "Representative, this problem is so significant and it reeks such terrible devastation for the learning ability of a child, that I had legislation drafted and that legislation said, 'children should be tested, not only from six months to six years, but also as they're tested for physical examinations when they're in school'. The school requires that they exam in third grade, sixth grade, and eighth grade. Now it should be based upon a child's needs and not where a doctor perceives they came from. For example, a doctor in Springfield has absolutely no idea about the industry on 94th and Green. How could he possibly know? If a child lives currently on 94th and Green and then moves to Springfield, how does that doctor know Ms. Zickus, to test that child, according to your legislation? What would make him decide..."

Speaker Leitch: "You want to wrap it up, Representative Davis?"

Davis, M.: "Yeah, then..."

Speaker Leitch: "I'll give you one more minute."

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

Speaker Leitch: "Representative Zickus, would you answer that

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please?"

Zickus: "What was your question?"

Speaker Leitch: "Representative Davis."

Davis, M.: "I'll say it real fast. If a child moves from an industrial area, if a child moves from the Chicago area, where there's industry, there is possibly lead in the air and he moves to an area where their homes are not slighted or..."

Speaker Leitch: "Just a minute, Representative Davis. It's very hard to hear in here, she does want to hear your question. Could we have some order in here, please? Representative Davis, proceed with your question again."

Davis, M.: "Thank you, Mr. Speaker. If a child moves from an area where there was light industry or where there's lead in the air, based on industry or highway, and then the child moves to a lovely new area in Chatham, in Springfield, what would make the doctor realize, perhaps this child should be tested, not screened, but tested?"

Speaker Leitch: "Representative Zickus."

Zickus: "Representative, right now, the children are only tested before they go into day care and kindergarten. We're expanding that. And you take that child who lives, you know, in a lower risk area. In the Bill it says, it talks about risk assessment, and there would be a questionnaire that would be developed by the department for use by physicians and other health care providers, to determine risk factors for children through six years of age, residing in areas designated as low risk for lead exposure. So that same child that moved to a low risk area, is not going to slip through the cracks. That child will have a risk assessment, and if it's determined that he would be at high risk, then he would be tested. It's not necessary and

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some children are never exposed to the high levels of lead."

Speaker Leitch: "Do you want to bring your remarks to a close and speak to the Bill or the Amendment?"

Davis, M.: "Bring them to a close, yes. I'll do that."

Speaker Leitch: "Thank you."

Davis, M.: "Thank you, Mr. Speaker. To the Bill, to the Bill. I would just like to say the children in Illinois are important. To most of us, their learning ability is significantly important. And anything that would hamper that, we want to get a handle on early enough to remedy any problems. I don't know what the reason could be, besides mean spiritedness, to attempt to lower the number of children who would be tested for lead poisoning. If they're not tested and their brain chemistry and neurologically are damaged, the state is going to have to spend a heck of a lot more money than they spend on testing the children. Now, I recognize that children are human beings, but let's treat them as well as we treat race tracks."

Speaker Leitch: "The Gentleman from Champaign, Representative Tim Johnson. For what purpose do you rise, Sir?"

Johnson, Tim: "I move the previous question."

Speaker Leitch: "The Gentleman moves that the previous question. All those in favor shall say 'aye'; all those opposed shall say 'nay'. In the opinion of the Chair, the previous question has been put. Representative Zickus to close on Senate Amendment #1 to House Bill 2330."

Zickus: "Thank you, Mr. Speaker. We all care about children, and that is why we are expanding the language in this Bill to include children. To make sure that these concerns are taken care of. This Bill passed out of the House 97 to 9; passed out of the Senate 50 to 6. I ask for your 'aye'

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vote."

Speaker Leitch: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2330?' And on that question, all those in favor shall vote 'aye'; all those opposed shall vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 93 voting 'aye', 21 voting 'no', 2 voting 'present', and Senate Amendment #1...the House does concur in the adoption of Senate Amendment #1 to House Bill 2330. Mr. Clerk, Mr. Clerk for an announcement."

Clerk McLennand: "Committee notice. Rules Committee will meet at 11:45, Speaker's Conference Room. Rules Committee, 11:45, Speaker's Conference Room."

Speaker Leitch: "Amendment #2. Representative Zickus."

Zickus: "Amendment #2, combines the provisions of Senate Bill 746 and Senate Bill 791. This Amendment would authorize the Department of Public Health to isolate persons in quarantine places due to infectious diseases, with consent or with a court order. Makes refusal to comply with an isolation or quarantine order or the knowing dissemination of false information, a Class A Misdemeanor. The second provision would protect Aids and HIV data from disclosure by prohibiting DPH from disclosing information or records, relating to known or suspected AIDS or sexually transmitted disease cases in public or in any court action, before any board, tribunal, or agency. This Amendment further prohibits DPH from disclosing AIDS registry information, if that information identifies the reporting entity, the patient or the physician in any way. The courts have generally been receptive to isolation or quarantine requests, but local state's attorneys have not always been

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willing to assume the tasks, and this Bill would allow DPH to impose isolation or quarantine to court orders without requiring the participation of local state's attorneys."

Speaker Leitch: "And on this Amendment, is there any discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Would the Lady yield for a question or two?"

Speaker Leitch: "I'm sure she will."

Skinner: "Representative, in current law, HIV, the identities of those who are HIV infected, may be accessed by state's attorneys who are bringing criminal transmission of HIV charges against an individual. Does this confidentiality language change the access that a state's attorney or the police would have to public records, to determine whether an individual were HIV infected or not?"

Speaker Leitch: "Representative Zickus."

Zickus: "The answer's no, Representative."

Speaker Leitch: "Representative Skinner."

Skinner: "Well, Representative, I certainly understand why...why...thank you for your answer, and I certainly understand why we would not want public records to be accessed for civil cases against of one individual against another. For example, a case where one individual gave another HIV. It seems to me that we want to protect the confidentiality of the information in the Public Health Department. I also don't think it ought to be available in divorce cases and I assume that's what you're after, cases like that. It that correct?"

Speaker Leitch: "Representative Zickus."

Zickus: "The answer is yes."

Speaker Leitch: "Representative Skinner."

Skinner: "Thank you very much."

Speaker Leitch: "The Lady from Cook, Representative Schakowsky."

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For what purpose do you rise?"

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

Speaker Leitch: "She indicates she will."

Schakowsky: "Representative, where is the Aids Foundation in regards to Amendment #2? Are they in support of this or neutral or opposed?"

Speaker Leitch: "Representative Zickus."

Zickus: "They're neutral."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "I know you've just been discussing it, but could you explain to me how this effects confidentiality in terms of HIV positive or Aids infected individuals?"

Speaker Leitch: "Representative Zickus."

Zickus: "This would protect Aids and HIV data from disclosure by prohibiting DPH from disclosing information or records relating to known or suspected Aids or sexually transmitted disease cases in public or in any court action."

Speaker Leitch: "Representative Schakowsky"

Schakowsky: "Regarding the issues of isolation and being quarantined. Where did this come from? What's the genesis of this Section of Amendment #2?"

Speaker Leitch: "Representative Zickus."

Zickus: "The State Medical Society."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Let me understand...well, actually why don't you explain to me what that Section of the Bill does? Of the Amendment does?"

Speaker Leitch: "Representative Zickus."

Zickus: "Just one moment while I locate it. I had made comment on this before that the courts have generally been receptive to the isolation or quarantine request, and the

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local state's attorneys have not always been willing to assume the tasks. And this would allow DPH to impose the isolation or quarantine orders without requiring the participation of the local state's attorney. The intention...the intention, you know, to address the non-compliant TB patients."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "So this is a broadening of the powers of the Department of Public Health, to include a kind of police power now, to enforce a quarantine, even against a non-compliant tuberculous patient, for example. How would the department go about this, without the assistance of law enforcement?"

Speaker Leitch: "Representative Zickus."

Zickus: "It would still be by consent or a court order. With the patient's consent or a court order as it is now."

Speaker Leitch: "Representat..."

Zickus: "And to obtain a court order, DPH must prove by clear and convincing evidence that the public's health and welfare are significantly endangered by a person with a dangerously contagious or infectious disease, including non-compliant TB patients. And where there is significant amount of activity, likely to spread a dangerously contagious or infectious disease."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "To the Amendment, unless someone else sees any other problem with it on my side. It seems to me that, with the neutrality at least of the Aids Foundation and the concern that many people have and well we should about the spread of dangerously infectious diseases with all the news of the 'Abiola' virus, et cetera. It seems to me that this may be a reasonable approach, and I would urge an 'aye' vote."

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Speaker Leitch: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 2330?' And on that question, all those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 114 voting 'aye', none voting 'present'... none voting 'no', one voting 'present'. The House does concur with Senate Amendment #2 to House Bill 2330. Mr. Clerk, Sen.... Amendment #3."

Clerk McLennand: "Announcements. Executive Committee notice. The House Committee on Executive will meet, Friday, May 26th, at 12:30 a.m., Room 114. Executive Committee, Friday, May 26th, 12:30 a.m., Room 114. Message from the Senate. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title: Senate Bill #100, House Amendment #1, action taken by the Senate, May 25, 1995."

Speaker Daniels: "Amendment #3. Representative Daniels in the Chair."

Clerk McLennand: "Rules is meeting immediately in the Speaker's Conference Room. Rules immediately, Speaker's Conference Room."

Speaker Daniels: "Representative Zickus."

Zickus: "Amendment #3 contains the provisions of House Bill 1277 and House Bill 1838. House Bill 1277 would allow profit making health care entities, which are now just public and nonprofit entities to participate in arrangements with the Illinois Health Facility Authority and Financing, construction or acquisition of a project and in the refunding or refinancing of obligations, loans,

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indebtedness, or advances. The Illinois Health Facility's Authority Act, authorizes the Authority to provide financing and refinancing obligations, loans, indebtedness, or advances, incident to the construction or acquisition of health care facilities, usually hospital or nursing homes. At present the Authority can only deal with public and nonprofit entities and this Amendment would allow the Authority more flexibility in its financing and in its investment opportunities. It passed this House, 105, 0, 11. The provisions of House Bill 1838 would amend the Nursing Home Care Act. To extend for two years, the pilot project allowing the use of annual accreditation reviews of the joint commission on the accreditation of health care organizations, in lieu of inspections by the Department of Public Health. The Life Services Network of Illinois claims that many facilities feel that this accreditation process is more constructive process than that of the DPH and that it addresses the state's requirements. These provisions passed the House in Senate Bill 443, 110 to 1."

Speaker Daniels: "And discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "I've a couple questions about Amendment #3. It says that we're going to extend the termination date for this special pilot project, which was initially authorized in the 87th General Assembly to begin in 1990. And now we're going to extend the deadline for that for the third time. I mean, at what point do we say that maybe we don't want to do this anymore or that we can't get it together to do so, let's not do it? Why are we for the third time extending the deadline on this project?"

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Speaker Daniels: "Representative Zickus."

Zickus: "We're continuing to find better ways of doing the inspections and as a reminder, we did pass this out of this House with 110 'yes' votes, 1 'no' vote."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, it seems to me that at some point we ought to either do it or not do it, and instead of extending, so that'll have made it from 1990 to 1997, that we're doing the same pilot project. But, you also have here that it permits the Illinois Health Facility's Authority Act to invest in money market mutual funds, registered under the Investment Company Act with certain limitations. Let me just ask you this, Representative, we've seen a number of public entities like Orange County go belly up because of certain investments. I'm wondering if the kind of precautions that would protect this...the Health Facility's Authority Act from that kind of exposure, are built into this legislation? For example, are derivatives prohibited here?"

Speaker Daniels: "Representative Zickus."

Zickus: "There's nothing in this Bill that changes what the Health Facility's Authority can do. It just all...it just expands it."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, that's exactly what I was asking about. It expands the investment authority of the Illinois Health Facility's Authority Act Fund. So I...the Health Facility's Authority, so I wanted to know if there are protections to make sure that that money is invested wisely and doesn't expose the Authority to dangerous investments?"

Speaker Daniels: "Representative Zickus."

Zickus: "The state would not be responsible for paying off the

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funds."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, Representative, if we're expanding their authority to invest, it seems to me that we ought to at least provide some guidelines to the Authority. I have no further questions, thank you."

Speaker Daniels: "Representative Zickus. Representative Schakowsky."

Zickus: "I urge an 'aye' vote."

Speaker Daniels: "Okay, all those in favor signify by voting 'aye'; opposed by voting 'no'. This is on the Motion to Concur in Senate Amendment #3. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record Mr. Clerk. This Motion having received 112 'ayes', 1 'no', none voting 'present'. The Lady's Motion to concur in Senate Amendment #3 is hereby adopted. Further Amendments?"

Clerk McLennand: "Motion to concur in Amendment #4."

Speaker Daniels: "Representative Zickus."

Zickus: "I would like to refer this to Representative Durkin."

Speaker Daniels: "Representative Durkin."

Durkin: "Speaker, I'm asking for a concurrence vote on Senate Amendment 4 to House Bill 2330. What this Amendment does, it allows Cook County funeral directors the ability to issue, to self-issue, interment certificates. Additionally, what we have right now, in 101 counties in Illinois, funeral directors are permitted to complete the burial permit themselves. In Cook County, the Registrar is required to complete the permit. We're asking that the Cook County funeral directors be allowed to partake in that same type of authority that the remaining 101 counties in Illinois give to their funeral directors."

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Speaker Daniels: "Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "Representative, it seems to me that there is another provision of this legislation. Not only the right of funeral directors to file themselves as is done in other counties, but my analysis tells me that this makes the funeral director responsible for payment of some costs, which are incurred by the County Medical Examiner in disinterring and reintering and re-entombing a dead body. If the body has been interred or entombed and the funeral director has not previously certified that the physician in charge of the person's care for the illness or condition that results in the death, has been contacted and has been affirmatively stated that he will sign the death certificate. Is that true? Is that also part of the Bill?"

Speaker Daniels: "Representative Durkin."

Durkin: "That's correct."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you. And what does that mean?"

Speaker Daniels: "Representative Durkin."

Durkin: "That means any liability which results from disinterring, reintering, or re-entombing the body in the occasion, in which, in the event that there is a question as to the certification of the burial permits, all costs would be incurred...would be...would go to the funeral director. This was language which was proposed by the Illinois Funeral Directors Association."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Is this...does this Bill have anything to do with protecting funeral directors from liability? That seems to

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be going around these days, protection from liability."

Speaker Daniels: "Representative Durkin."

Durkin: "No, just the opposite. What it is, is that we're specifically stating in the legislation that liability will be...that the funeral directors will be liable for any cost, if there is a question as I stated previously, as to the certification of the death certificates. The costs are directly going to be incurred by the funeral director. We're not immunizing from any type of...from any type of liability. It's just the opposite."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, that is really refreshing, Representative. And I want to thank you for that. There's been very few Bills on the floor that actually makes someone take responsibility for something, rather than forgive them for any liability. Anyway, who brought this...the language of this Amendment was it in total brought by the industry?"

Speaker Daniels: "Representative Durkin."

Durkin: "That's correct. To assume the Illinois Funeral Directors Association."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Representative, you're not a funeral director, are you?"

Speaker Daniels: "Representative Durkin."

Durkin: "Not in this life."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, just for the mere fact, that this is the first Bill, that I think I can recall that's brought by an industry that says it wants to take more responsibility for something. I think it deserves an 'aye' vote. Thank you."

Speaker Daniels: "Further discussion? Representative Pugh."

Pugh: "Thank you, Mr. Speaker. You neglected to state that I was

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from the County of Cook, but that's okay."

Speaker Daniels: "The Gentleman from Cook, the County of Cook, Representative Coy Pugh. Distinguished Gentleman from the County of Cook."

Pugh: "Thank you. Thank you, very much, Sir. Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Pugh: "Representative Durkin, if the mortician makes a mistake, does the county have any liability as a result? Can I see the Bill?"

Speaker Daniels: "Representative Durkin."

Durkin: "No, as I previously stated. If there is a question as to the...a wrongful burial based on a...the lack of certification or question as to the veracity of the certification of the death, of the burial permit, the funeral director is strictly liable for all the costs for disinterring, reintering, and re-entombing the deceased."

Speaker Daniels: "Representative Pugh."

Pugh: "So, does the language here state that if they do not submit the certification, that they will not be liable, or that they will be liable...I'm sorry, but if they simply file the certificate, they won't be?"

Speaker Daniels: "Representative Durkin."

Durkin: "As long as the certificate is certified, as we've seen stated in the language, which states that the...which they've spoken to the physician and which the physician has stated that he will sign a death certificate and that's certified by the funeral director. That is the language which is existing statewide for the past fifteen years in 101 counties. That is the, like I said, that the liability goes to the funeral director and not to any public entity."

Speaker Daniels: "Representative Pugh."

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Pugh: "So, current...the current law states that the certificate doesn't have to be in the medical examiner's hand before it can be filed, right? Before they can bury someone."

Speaker Daniels: "Representative Durkin. Representative Durkin."

Durkin: "Well, the medical examiner does not...isn't used in these types of situations. Only when there is an inquiry as to the cause of death on certain cases, particularly homicide cases. But, I think what you're...under the current law, the current law which is on the books for the 101 counties, the funeral directors are allowed to self issue burial permits. This is what we're trying to do in Cook County, with respect to our funeral directors."

Speaker Daniels: "Representative Pugh."

Pugh: "So that means that they can bury someone without an actual death certificate in hand, is that correct?"

Speaker Daniels: "Representative Durkin."

Durkin: "As they do in 101 counties for the past fifteen years, yes."

Speaker Daniels: "Representative Pugh."

Pugh: "So, how do they file for insurance if they don't have a death certificate?"

Speaker Daniels: "Representative Durkin."

Durkin: "Well, you're dealing with the deceased, you know...I don't know what insurance you're talking about. It's kind of a general question, but an insurance claim can be filed any time afterwards and under the law, there is, within seven days, a death certificate has to be filed with the registrar of the county."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, wasn't this Bill defeated in committee?"

Speaker Daniels: "Representative Durkin."

Durkin: "I wouldn't say defeated, it just failed to reach the

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threshold requirement for movement to the House floor."

Speaker Daniels: "Representative Pugh."

Pugh: "Kind of like being re-entombed or something to that effect, right? Representative, is it true that the county board is vehemently opposed to this particular piece of legislation?"

Speaker Daniels: "Representative Durkin."

Durkin: "The county board, they opposed it in committee, but the proponents are the Funeral Directors Association, the Illinois Department of Public Health, Cook County Funeral Home Owners Association, Illinois Select Morticians of Chicago, Illinois Funeral Directors Services Incorporated, Funeral Ethics Association, the Illinois Coroners and Medical Examiners Association, and the Chicago Board of Health."

Speaker Daniels: "Representative Pugh. Representative Pugh."

Pugh: "Yes, Sir. Can you answer the question, is...the Bill was defeated in committee because the county board opposed the legislation, am I correct?"

Speaker Daniels: "Representative Pugh, you're out of time. But Representative Durkin, will you please answer that question Sir?"

Durkin: "The Bill was opposed by the Cook County Board in committee, as I previously stated, the Bill failed to reach the threshold requirement for movement to the floor at that time."

Speaker Daniels: "The Lady from DuPage...Cook, Representative Wojcik."

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

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

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close."

Durkin: "I ask for a favorable vote."

Speaker Daniels: "Representative Durkin moves for concurrence in Senate Amendment #4. 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? Mr. Clerk, take the record. This question has 66 'ayes', 50 'noes, and none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 2330, and this Bill having received the required Constitutional Majority, is hereby declared passed. Excuse me, Amendment #4, the House concurs with Senate Amendment #4 to House Bill 2330, and this Bill having received the Constitutional Majority, is hereby declared passed. House Bill 377, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 377, a Motion to concur with Senate Amendments #1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 has been filed and approved for consideration."

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

Bugielski: "Thank you, Mr. Speaker, and Members of the House. I am carrying this Bill, the concurrence, on House Bill 377 for Representative Deuchler tonight, who is ill and this is...but we are asking...this...is a concur on Senate Amendments 1 through 10. This is a conglomeration of a lot of financial institution entities that everyone got together on. These are all Agreed Amendments, that have come out through the committee. This is a Committee Bill that came out and we...a lot of the Bills that were...we had problems with before, all the Amendments now and everyone has signed off on it. It is an Agreed Bill on all Amendments 1 through 10."

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Speaker Daniels: "Representative Granberg."

Granberg: "Yes. For the record, Mr. Speaker. Representative Bugielski..."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Bugielski, there is no...there is no opposition to any portion of this Bill, to any Amendments?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "These are all agreed upon. Everyone has agreed upon this."

Speaker Daniels: "Representative Granberg."

Granberg: "Do you...would the people around you nod if that is true, please? Would all the parties nod if that is true? Representative Bugielski, do you have something to read into the record as well?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "All the parties have agreed to this but I'm having a very hard time understanding because I have a lot of staff around me."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, thank you. I thank the Sponsor for his answers and we rise in support, and I would think for Representative Deuchler's sake, we wish her well and on her behalf I think we ought to adjourn this House after this Bill because so it doesn't happen to anyone else. Thank you."

Speaker Daniels: "Further discussion? Representative Davis."

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

Speaker Daniels: "Indicates he will."

Davis, Steve: "Representative...Representative, I think we should be very fastidious whenever we start dealing with a number of Amendments such as this and I tell you, I get a real queasy feeling in my stomach when we give you carte

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blanche...give you carte blanche to run this number of Amendments on a Bill like this, but I don't want to bicker about this for too long and I certainly don't want to digress into an impasse concerning this piece of legislation, but I do have one question. Is there anything about augers in this piece of legislation?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "This has nothing to do with aardvarks and it's a very incredible solution that we came up to getting all of this in agreement and it has nothing to do with hood ornaments either."

Speaker Daniels: "Representative Davis."

Davis, Steve: "Is there anything in this legislation that would affect movie stars, to your knowledge?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "It has nothing to do with movie stars nor pepperonci either."

Speaker Daniels: "Representative Davis."

Davis, Steve: "Representative, I'm out of words here but...but do you know what a mugwump is? A mugwump?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "Is it anything like a pressed duck?"

Speaker Daniels: "Representative Davis."

Davis, Steve: "No, but I think it's closer to a ratite than a pressed duck. But I would rise in...how much time do I have left, Speaker? Could you explain to me what's in Amendment 3?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "No, I don't...we just...we've...you're asking so many infantile and asinine questions."

Speaker Daniels: "Representative Davis. Representative Davis."

Davis, Steve: "I think I'm going to bring my comments to a close,

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signify by saying 'aye', opposed 'no', the 'ayes' have, and the House refuses to recede on House Amendment #1. And the Gentleman, Representative Kubik requests a Conference Committee be appointed. Representative Spangler."

Spangler: "Thank you, Mr. Speaker. I rise on the point of personal privilege here. Does anybody in the House know what Representative Schakowsky, Representative Rutherford and Representative Hoeft have in common? It's their birthday today, Mr. Speaker."

Speaker Daniels: "Now that's at least 175 years between them. Representative Hartke."

Hartke: "Well, maybe we ought to ask Representative Phelps to sing them happy birthday."

Speaker Daniels: "Representative Phelps."

Phelps: "Only if everybody joins me so they can drown me out then. Okay, for the three. Happy birthday to you, happy birthday to you, happy birthday the Honorable Three, happy birthday to all of you."

Speaker Daniels: "Happy birthday. Rules Committee."

Clerk McLennand: "Rules has met, Representative Churchill Chairman of Committee on Rules, which the following joint action Motion were referred, action taken on May 25, 1995, reported sent back due for consideration: House Resolution #50; House Bill 838, Conference Committee Report #1; Senate Bill 368, Conference Committee Report #1. On the Order of Concurrence, on nonconcur, House Bill 5, Senate Amendments #1 and 2; On the order of Nonconcurrency, Senate Bill 19, recede on House Amendment #51; Senate Bill 79, recede House Amendment #1; Senate Bill 587, recede House Amendment #1; and Senate Bill 949, recede House Amendments #1 and 2."

Speaker Daniels: "House Bill 32, read the Bill Mr. Clerk."

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Mr. Speaker, but I do want to commend Representative Bugielski in his fine effort on this piece of legislation. I think everybody in this chamber should be extremely pleased with Representative Bugielski and I would urge each and everyone of us for an 'aye' vote. Thank you."

Speaker Daniels: "Representative Wojcik."

Wojcik: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Wojcik: "Being on the prevailing side, do you have a fiscal note? Is it signed and is it on the proper letterhead?"

Speaker Daniels: "Representative Bugielski."

Bugielski: "I would have to refer to the Clerk, but I do not believe that a fiscal note was requested from your side on this."

Speaker Daniels: "Representative Wojcik."

Wojcik: "In that case, I move the previous question."

Speaker Daniels: "Representative Black. The Gentleman, Representative Bugielski, moves the House concur in Senate Amendments #1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 112 'ayes', none voting 'no', 4 voting 'present', and the House does concur with Senate Amendments #1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 to House Bill 377, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Senate Bill 907, read the Bill."

Clerk McLennand: "Senate Bill 907, a Motion to refuse to recede from House Amendment #1 has been filed."

Speaker Daniels: "The Gentleman, Representative Kubik, moves to refuse to recede to House Amendment #1. All those in favor

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Clerk McLennand: "A Motion was filed to nonconcur in Amendment #3 has been filed."

Speaker Daniels: "Representative Parke."

Parke: "Thank you, Mr. Speaker. We have a understanding on this. We would like to have the Senate...I would like to have a nonconcurrency on Senate Amendment #1 and we would like it to go back to the Senate so they will refuse to recede, so we can put it in a Conference Committee."

Speaker Daniels: "Number three, Sir?"

Parke: "Yes, number three."

Speaker Daniels: "Senate Amendment three. On that, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Thank you, Representative Parke. We have reached an agreement on the language. It is our intention as Representative Parke indicated, to put this into conference. We will change the wording in Section 20, and I thank the Representative."

Speaker Daniels: "Okay, the Gentleman moves to nonconcur in Senate Amendment #3. All those in favor signify by saying 'aye', opposed by saying 'no', the 'ayes' have it, and the House nonconcur in Senate Amendment #3. House Bill 2407, read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 2407, a Motion to concur with Senate Amendments 1 and 2 has been approved for consideration."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2407, I move to concur in Senate Amendments #1 and 2. If there are any questions, I'd be glad to try and tell you what the Amendments do."

Speaker Daniels: "Okay, any discussion on Amendment #1? Representative Lang."

Lang: "I was just asking to divide the question. I think

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Representative Schakowsky would like to speak to the Bill."

Speaker Daniels: "Representative Schakowsky, on Amendment #1."

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

Speaker Daniels: "He indicates he will. So there's not a Motion
to divide so, we'll keep one and two together and roll the
Bill. Representative Schakowsky, any questions?"

Schakowsky: "Yes."

Speaker Daniels: "Okay, ask away."

Schakowsky: "I just have a couple of questions. One that deals
with the issue of...the Amendment states that the
commission may defray the expenses of the operation of the
district by general assessment, special assessment or the
in imposition of service or user fees. I'm wondering what
kind of fees that we...or assessments we might be talking
about the district levying or the commission levying?"

Speaker Daniels: "Representative Black."

Black: "Yes, if you would continue reading, you would see later
in the Amendment, the Act spells out that such assessments
or fees are voluntary and require the consent of the major
members of the Illinois Medical Commission, including Cook
County Hospital, Rush, University of Illinois Chicago
Hospital, VA Medical Center and the State of Illinois
Hospital."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you for that answer. The...there is a quick
take provision in this, is that not true? And I wonder if
you could describe the rights of the commission under this
quick take provision?"

Speaker Daniels: "Representative Black."

Black: "Well, I'll tell you what I would like to do
Representative, instead of going through this little drill,

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let me just tell you what this is. This Bill affects the City of Chicago, alright? The City of Chicago, the County of Cook, all the hospitals in the area are in favor of this, so let me just tell you a little bit about what this is. The Illinois Medical Center District comprises 560 acres of land on the near west side of Chicago, just west of the University of Illinois Chicago Campus. The Chicago Medical Center district is the largest medical center in the country. Located within this district are Cook County Hospital, Rush Presbyterian, St. Luke's Hospital, Veterans Administration West Side Center, University of Illinois Chicago Hospital and College of Medicine, and various State of Illinois social service agency institutes, including the Department of Rehabilitation Services Children School, the Environment Protection Agency, and the Department of Public Health's laboratory. Over four million patients are seen here annually and over 32,000 people are employed in the 40 health care research and educational institutions in the district. Now Representative, in the interest of time, this is signed off on everybody...by everybody in this district, John Stroger, the City of Chicago, all of the medical centers I have mentioned. Now, if you would like to stand in opposition to this, I invite you to do so."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Representative, I appreciate the content of the explanation that you just gave. I think the tone of it was really quite unnecessary. I do in fact, stand in support of this legislation, and I...Representative, I really don't appreciate the rudeness of your response, but I..."

Speaker Daniels: "Representative Jones, the Lady from Cook."

Jones, Lou: "Yes, Mr. Speaker. This is in my district. This is a good Bill, and I wish everybody would vote 'aye' on this

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Bill, and I move the previous question. Thank you."

Speaker Daniels: "The Gentleman, Representative Black, moves that the House concur in Senate Amendments #1 and 2 to House Bill 204...2407. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 115 'ayes', none voting 'no', and none voting 'present', and the House does concur in Senate Amendments #1 and 2 to House Bill 2407, and this Bill having received the Constitutional Majority is hereby declared passed. Senate Joint Resolution 47, read the Bill Mr. Clerk."

Clerk McLennand: "Senate Joint Resolution #47, creates a Special Joint Investigative Committee on Metropolitan Airports. Rules recommends be adopted."

Speaker Daniels: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. That's exactly what this does, it creates a Special Joint Investigative Committee on metropolitan airports, and I'd be happy to answer any questions."

Speaker Daniels: "Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, this is a Joint Resolution to investigate...what is it to investigate?"

Speaker Churchill: "To investigate the municipal airports of O'Hare, Midway and Meigs."

Speaker Daniels: "Representative Dart."

Dart: "Is there any provisions for...in this...when...your investigating area is up in the northeastern area of the state, correct? Is there any other airport authorities or

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any other bodies up in the northeastern part of the state that you are investigating at this same time with this resolution?"

Speaker Daniels: "Representative Churchill."

Churchill: "This particular Resolution only does O'Hare, Midway and Meigs."

Speaker Daniels: "Representative Dart."

Dart: "Is there a reason why you did not include, let's say, DuPage Airport which is also in the northeast quadrant or is the reason we're not investigating is because the Feds are presently investigating and you feel you don't need to because the Feds are going to do it?"

Speaker Daniels: "Representative Churchill."

Churchill: "Well, partially the latter reason, and just because this will be a major task in and of itself."

Speaker Daniels: "Representative Dart."

Dart: "Well, it seems to me that the responsible thing to do is if we're going to investigate one airport, let's investigate the other one that's within a cannon shot of the two. Is there any...is there any investigation going on in with regards to, let's say the Peotone Airport and that area as well as far who's getting the contracts, where this money is going, who owns the land out there? Is there anything in this Bill...Resolution that is going to deal with that?"

Speaker Daniels: "Representative Churchill."

Churchill: "No."

Speaker Daniels: "Representative Dart."

Dart: "Is there anything in this Resolution now that we are out investigating things that deals with Notegate with the fact that we have fiscal notes we don't know who signed?"

Speaker Daniels: "Representative Churchill."

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Churchill: "No."

Speaker Daniels: "Representative Dart."

Dart: "What about the \$30 million giveaway to the hotels, is that being investigated with this?"

Speaker Daniels: "Representative Churchill."

Churchill: "The investigation areas of O'Hare, Midway and Meigs."

Speaker Daniels: "Representative Dart."

Dart: "Well, to the Resolution, Mr. Speaker. This is simply put, a witch hunt. The Sponsor could not get O'Hare any other way, so this is the way we're going to go about doing it, and tweaking people's noses. O'Hare takes in all of \$116,000 of state money, and that is it. That's all its gotten over the last three years, but yet we're going to be investigating that. That's at the same time we have what's been commonly referred to as Notegate around here, where we have people filing fiscal notes that are public records, that are all forged, they're all doctored and we're pushing that one aside. We're having a \$30,000...\$30 million giveaway and no one is investigating anyway. Let's take a look to DuPage County Airport while we're doing it. I mean the Feds have...the Feds have begun their own investigation of that, which we ought to give them credit for that. Maybe there would be some duplicative in this, because of the fact that the Feds are on it, but here we have DuPage County Airport, where we have them buying property for golf courses. They have a...they had built a 55 sq. ft., \$14 million deluxe marble terminal building which is budgeted for \$600,000 a year to maintain, but collects only \$140,000 in rent. Does that reek of something a little bit corrupt there maybe? Just a tad corrupt there maybe? Maybe just a little bit. Built this \$17 million golf course and Country Club, including debt service. The golf course and Country

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Club losses vary from \$42,000 to \$400,000 a month. The restaurant cannot even sell hamburgers at a profit at this place. They purchased a...spent \$67 million a year while comparable general aviation airports spend \$3 million a year, allowing the state and federal I guess, to favor DAA to short change other general aviation airports in Illinois. They've acquired \$100 million in debt. They collect \$20 million in DuPage County Property Taxes in 1994. Ladies and Gentlemen, there is a scandal for you, there is a scandal. Instead of going out after your witch hunts, you have no evidence of it all, and I know about investigations, I have been involved in a couple myself. This is the scandal. You know it and I know it. Yet, like all other convenient scandals, whether it's DuPage County, the airport that the Feds are investigating or whether it's Notegate, or whether it's the \$30 million giveaway that are hotels, we have conveniently turned our backs on those, and we've decided to go after O'Hare Airport which takes in a whopping \$116,000 estate money in the three year period. This is crazy. We all know what's up here, and we have plenty of scandal here, you know where it is, and guess what, it's in your backyard, but we're turning our backs to it. The taxpayers know it and the people know it."

Speaker Daniels: "Representative Johnson, the Gentleman from Champaign."

Johnson, Tim: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no', the 'ayes' have it. Representative Churchill moves for the adoption of Senate Joint Resolution 47. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Take the record, Mr. Clerk. On this question, there are 62 'ayes', 51 'noes', 2 voting 'present', this Resolution having received a Majority, is hereby declared passed. The Senate Joint Resolution 45. Read the Resolution, Mr. Clerk."

Clerk McLennand: "Senate Joint Resolution #45, authorized Tollway 30 to expand the system to include a O'Hare Airport Bypass with an extension, Rules recommends be adopted."

Speaker Daniels: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the so called western access to O'Hare that would create a transportation system so that people can come in the western side of O'Hare. Would appreciate its adoption and would answer any questions."

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

Skinner: "Mr. Speaker, I think this is a bad idea. And I think it's a bad idea because the tollway has been ripping off the motor fuel taxpayers of the met...Chicago metropolitan area. Now this goes back to the Resolution...this goes back to the Resolution we passed, that is you passed, I didn't pass, two years ago to build three new tollways. And I don't have a real hang up about the toll ways except they're going through some wetlands and we shouldn't probably do that. But I do have a real hang up about the Department of Transportation and its downstate mentality of giving away the right-of-way that we have paid motor fuel taxes for since 1963. The current market value of this land is \$50.8 million. Now the Department of Transportation graciously agreed with the tollway to allow it to continue purchasing property in the right-of-way, and since September 1993, the tollway has agreed to give us

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back 50 cents on the dollar. So, the \$8 million that has been spent since then, of that 8 million we are going to get 4.1 million back. So, basically, the tollway is going to get \$50.8 million worth of property for \$4.1 million. Now, that may mean nothing to anyone else in the state until we start talking about the next motor fuel tax increase and how we split it up. This is 50...51 right turn lanes in the Chicago Metropolitan area that we're not going to have, and so that mean that next time when we renegotiate the deal, the pressure coming from Legislators in the six county area will be that much greater then it would be otherwise if the tollway paid what it ought to pay. I see no reason to increase the empire of an organization that refuses to pay...pay its own way, and on top of that, refuses to change its advertising. It obviously is not toll free by 1973 and indeed it's a taxpayer funded road system and they ought to start advertising it's a taxpayer funded road system. Thank you very much, Mr. Speaker."

Speaker Daniels: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye', opposed 'no', the 'ayes' have it. The Gentleman moves for the adoption of Senate Joint Resolution 45. 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? Have all voted who wish? Have all voted who wish? The Clerk...have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 60 'ayes', 55 'noes', 1 voting

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'present', and this Resolution having received the Majority vote is hereby declared passed. House Resolution 45 read the Res...47, read the Resolution. House Resolution 47."

Clerk McLennand: "House Resolution #47, requests the State's Attorney of St. Clair County, the Attorney General of Illinois, and the U. S. Attorney for the Southern District of Illinois to conduct an appropriate investigations and prosecute voting fraud. Rules recommend to be adopted."

Speaker Daniels: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I would like to bring the House's attention to the...an addition of the...Belleville News Democrats, it sure caught my attention, the headline reads, 'Party spends big for votes', and I was reading a single quote from it, from Precinct Committeeman, Mr. Staples, a Democrat Precinct Committeeman, and how he spent \$790 in last November's election. Quote, 'I went door to door and got so many people to vote', said Staples, the Precinct Committeeman in East St. Louis, 'They voted for me and I gave them money. I usually gave them \$3 and some of them got two'. Mr. Speaker, the Belleville News Democrat did a lot of research into the Democratic parties policies on election day, where in they spent in the last election, the last general election, the St. Clair County Democratic spending on one day, election day, cash money, \$85,000 spent on what we call below the hill or the bluff in St. Clair County, and above the hill, another \$32,000. Money that was spent, given to precinct committeemen as Mr. Staples quotes, for the purpose of buying votes. The Edith Moore and other committeemen, says she doesn't buy votes, but she recognizes that the practice is common in the city's poorer precincts. If that's the way you win elections, and believe me they win elections in St. Clair

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County, they win them by buying votes. Five county wide offices, Mr. Speaker, five county wide offices where the Republican Cam..."

Stephens: "... where the Republican candidate led five offices, led going into the voting of the East St. Louis votes, but because of the practice of Mr. Staples and the other precinct committeemen, and because bought votes are bought and sold in East St. Louis and in St. Clair County, in general, everyone of those Republicans lost. One candidate was winning by 5,000 votes when he went in, but he came out a loser, Mr. Speaker. He was not the only loser on election day. The American voters, the American system, the freedom to run for election and not having bought away from you, is what lost. We lost as Americans on that day, and we've got to put an end to, and this Resolution begins the end of that practice. And we call for the State's Attorney and I salute him, he's already stepped forward. Bob Hada, I hope he's successful. He's got a tough job because he indeed has to deal with that same Democratic Party for support, and I salute him for having the courage to stand forward. The state police are investigating. Furthermore, we're asking the U.S. Attorney in the district, in the Southern district to get involved. If they don't get the job done, we'll call on Jim Ryan, he'll get the job done. The Election Commission is looking into it. Ladies and Gentleman on your side of the aisle, or on our side of the aisle, it doesn't matter. Buying votes is wrong."

Speaker Daniels: "Any discussion?"

Stephens: "And we're going to stop it."

Speaker Daniels: "All right, any discussion? The Lady from St. Clair, Representative Younge."

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Younger: "Thank you, Mr. Speaker. I'll simply say that this is an excellent example of wasting the time of this House. I think that the papers are full of the fact that the State's Attorney is investigating and the other parties that are mentioned in this Resolution are investigating this situation. And it's an excellent example of wasting this House's time when we ought to be trying to figure out the Medicaid problems, how we ought to be trying to figure out how to keep the hospitals open, and I'm going to vote 'no', because I don't think it's this House's prerogative. What we ought to be doing is solving the problems of this state."

Speaker Daniels: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no', the 'ayes' have it. Representative Stephens moves the passage of House Resolution 47. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 76 'ayes', 33 'noes', 4 voting 'present', and the House does adopt House Resolution 47. Mr. Clerk, announcements?"

Clerk McLennand: "Committee on Executive will meet immediately in Room 114, upon adjournment. Executive Committee, immediately upon adjournment in Room 114."

Speaker Daniels: "Representative Churchill, now moves that the House stand adjourned until Friday, May 26, 1995, at the hour of 9:00 a.m. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the

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'ayes' have it, and allowing for Perfunctory time for the Clerk, the House now stands adjourned until Friday, May 26, 1995, at the hour of 9:00 a.m."

Clerk McLennand: "House Perfunctory Session is order, is in order and will stand at ease. House Perfunctory Session will be in order. Committee Report, Committee Report from Representative Stephens, Chairman of Committee on Executive, to which the following joint action Motions were referred, action taken on May 26 (sic-25), 1995, reported sent back due for approved for consideration: Concur, on the Order of Concurrence, House Bill 1248, together with Senate Amendment #1; House Bill 2108, together with Senate Amendments #1, 2, 5, 6 and 8. Being no further business, the House Perfunctory Session stands adjourned, and the House will reconvene on Friday May 26, at the hour of 9:00 a.m."

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HOUSE OF REPRESENTATIVES
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