

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

72nd Legislative Day

October 31, 1995

Clerk McLennand: "The House Perfunctory Session will be in order.

We'll be led in prayer by the Clerk."

Clerk McLennand: "Dear Lord, bless this House of Representatives and all who serve and work here on behalf of the people of the great State of Illinois."

Clerk McLennand: "We will now be led in the Pledge of Allegiance by Mona Martin."

Martin, Mona: 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."

Clerk McLennand: "Introduction - First Reading of Bills. House Bill 2538, offered by Representative Saviano, a Bill for an Act to amend the Riverboat Gambling Act. House Bill 2539, offered by Representative Lang, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2540, offered by Representative Saviano, a Bill for an Act to amend the Illinois Pension Code and to amend the State's Mandate Act. House Bill 2541, offered by Representative Saviano, a Bill for an Act to amend the Illinois Pension Code and to amend a States Mandate Act. House Bill 2542, offered by Representative Saviano, a Bill for an Act to amend the Illinois Pension Code and to amend a States Mandates Act. House Bill 2543, offered by Representative Poe, a Bill for an Act to amend a Department of Veterans Affairs Act by changing Section II. Introduction First Reading of these House Bills. Motion has been filed on House Bill 1106 to accept the Governor's Amendatory Veto. Rules Committee. Introduction of Resolution. House Joint Resolution #51, offered by Representative Cowlshaw. House Joint Resolution #52, offered by Representative Cowlshaw. House Joint Resolution #53, offered by Representative Cowlshaw

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and House Joint Resolution #54, offered by Representative Cowlshaw, referred to the Rules Committee. Introduction First Reading of House Bills. House Bill 2545, offered by Representative Lopez. A Bill for an Act making it appropriation to Department of Commerce and Community Affairs. First Reading and Introduction of this House Bill. Attention, Rules Committee will meet on Tuesday, October 31, at 11:00, A.M., Speaker's Conference Room. Rules Committee, 11:00, A.M., Speaker's Conference Room. Introduction First Readings, House Joint Resolutions. House Joint Resolution #55, offered by Representative Kaszak. House Joint Resolution #56, offered by Representative Ronen. House Joint Resolution #57, offered by Representative Brunsvold. House Joint Resolution #58, offered by Representative Ronen. Rules Committee, introduction First Reading of House Bills. House Bill 2544, offered by Representative Hoffman. The Bill for an Act in relation of Bonds amending named Acts. Introduction First Reading of this House Bill. House Perfunctory Session will stand at ease. House Perfunctory Session will be in order. Committee Report, Committee Report from Representative Churchill, Chairman of Committee on Rules to which the following Bills, Resolutions, were referred action taken on October 31, 1995. Reported the same back for following recommendations, do approve for consideration House Joint Resolutions #51, 52, 53, and 54. Committee Report from Rules Committee met on October 31, 1995, and approved for consideration the following Motions, Motions to override Total Veto on House Bill 1810, Motion to accept the Amendatory Veto on House Bill 1106, Motion to override Amendatory Veto on House Bill 1202. Committee Notice, House Committee on Elections in State Government will meet

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on Tuesday, October 31, at 12:15, in room 114 to consider in the following Floor Amendments. Floor Amendment #2, to House Bill 2416. The Commerce Industry and Labor Committee will meet on Tuesday, October 31, at 12:15, in room 118 of the Capitol considering the following Floor Amendments. Floor Amendment #3, to Senate Bill 15, that was on Tuesday, October 31, at 12:15. Introduction to Resolutions, House Joint Resolution #59, offered by Representative Cowlshaw, Rules Committee. Introduction of the First Reading of House Bills. House Bills 2546, offered by Representative Monique Davis. A Bill for an Act making an appropriation to the Illinois Community College Board. Introduction First Reading of this House Bill. The House Perfunctory Session will stand in recess until 3:00 P.M. this afternoon. The House Perfunctory Session will be in order. Committee Reports, Committee Report from Representative Parke, Chairman of Committee on Commerce, Industry, and Labor, to which the following Bills were referred, action taken on October 31, 1995. Reported the same back with the following recommendations, do approve for consideration Floor Amendment #3, to Senate Bill #15. The House Perfunctory Session will stand at ease. The House Perfunctory Session will be in order. Committee Reports. Committee Report from Representative Andrea Moore, Chairman of Committee on Elections in State Government, to which the following Amendments were referred, action taken on October 31, 1995, reported same back with the following recommendations, do approve for consideration Floor Amendment #2 to House Bill 2416. Being no further business, the House Perfunctory Session stands adjourned, and the House will reconvene in full Session on Wednesday, November 1, at 12:00 noon.

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Speaker Daniels: "The House will be in order. The Members will be in their chairs. Speaker Daniels in the Chair. The chaplain for the day is Pastor David Gibbs of the United Presbyterian Church in Stanford, Illinois. Pastor Gibbs is the guest of Representative Bill Brady. Guests in the Gallery may wish to rise for the invocation."

Pastor Gibbs: "Let us pray. Dear God, I ask that You would bless this Body gathered here today. Put Your great and strong arms of love and justice around them, to help them do Your work. Give them wisdom and give them a spirit of energy to do Your work in good and due order. We also, today, remember those young people whose lives were lost in the Fox River Grove incident. Be with them and their families. Be with everyone here that is gathered from busy and hectic schedules, even troubled family life. Help them to focus on their work. Be with them in Jesus' name. Amen."

Speaker Daniels: "Thank you, Pastor Gibbs. We will be led in the Pledge of Allegiance by Representative Verna Clayton."

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

Speaker Daniels: "Roll Call for attendance. In the Speaker's Gallery, if I may have your attention. Members of the House. Members of the House, if I may have your attention. In the Speaker's Gallery are the Aroma Park Lions Little League 1995, State Champions, from Representative Phil Novak's district. Congratulations on your State Championship title, and welcome to Springfield. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Actually I have two very happy

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announcements today. One is that Representative Martinez is not excused. Representative Martinez is with us and I know you will all welcome him back. The second piece of news is about an absence and I hope the record will reflect that Representative Schoenberg is not here today, but the reason he is not here today, is indeed a very happy one. He and his wife, Lynne Sered, have a new baby in their family. A little girl, Michal, born October 30th, 5lbs.. 4ozs.. So I know you'll all welcome the new Schoenberg child."

Speaker Daniels: "Representative Martinez, welcome back. Representative Cross is recognized for any excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. I'm pleased to report that we're all here on the Republican side. Thank you."

Speaker Daniels: "With leave of the House the journal will so indicate Representative Currie's remarks and Representative Cross'. Mr. Clerk, take the Record. There are 117 Members answering the Roll and a quorum is present. Committee Reports."

Clerk McLennand: "Committee Report from Representative Tom Johnson, Chairman on Committee on Judiciary for Criminal Law, to which the following Bill was referred, action taken on November 1, 1995. Reported the same back with the following recommendation. Do pass as amended, House Bill 2517."

Speaker Daniels: "Supplemental Calendar announcement."

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

Speaker Daniels: "House Bill 1002, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1002 was a Bill that registered ticket brokers in the

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State of Illinois. This Bill passed the House by a vote of 102 to 8, passed the Senate 55 to 1 to 0. The Governor's office and the Governor offered some agreed language. We worked with them on this language. We had some concerns that the Bill, as it was presented, excluded out-of-state ticket brokers from operating in the State of Illinois. We worked on the language and inserted it and that's what resulted in the Amendatory Veto. I would move to accept the Governor's Amendatory Veto and ask for an 'aye' vote. Thank you"

Speaker Daniels: "Representative Lang."

Lang: "Parliamentary Inquiry, Mr. Speaker."

Speaker Daniels: "60 votes. State your inquiry."

Lang: "Thank you, Mr. Speaker. The question is, how many votes will this Amendatory Veto take to pass?"

Speaker Daniels: "60."

Lang: "I refer the Speaker and the Parliamentarian to an Illinois Supreme Court case called Mulligan vs Joliet Regional Port District, 123, Ill. 2nd, 303. On page 317 of that case, it says 'we hold that a Bill that is subject ..the subject of an Amendatory Veto under Article 4, section 9e the Illinois Constitution is not passed for purposes of determining its effective date until the final vote, approving the Governor's recommended changes as taken to the General Assembly.' Since this Bill has an immediate effective date, and since Bills at this time of the year that have an immediate effective date require 71 votes, so should this Bill and all Amendatory Veto Motions to accept where there is an immediate effective date, and I would ask the Chair to so rule."

Speaker Daniels: "Under Article 4, Section 90, of the Constitution, specific recommendations may be accepted by a

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Majority vote. In the opinion of the Chair, the Motion before us requires 60 votes for passage. Representative Lang."

Lang: "I would move to overrule the Chair."

Speaker Daniels: "The gentleman moves to overrule the Chair. The question is shall the Chair be overruled or sustained? Shall the Chair be sustained? All those in favor of sustaining the Chair, signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 71 'ayes'; 38 'noes', and the gentleman's Motion to overrule the Chair fails. Representative Saviano, further discussion. Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would just ask for an 'aye' vote here. This is a good Bill. It had some technical cleanup work in the Governor's office and I thank you for your approval on this matter."

Speaker Daniels: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 1002. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is Final Action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 115 'ayes'; an extraordinary Majority. This Motion having received the necessary Constitutional Majority, an extraordinary Majority, the Motion passes and the House accepts the Governor's specific recommendation for change regarding House Bill 1002. House Bill 1106, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I move to accept the Governor's specific recommended change to House Bill 1106. Any

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discussion? Representative Lang."

Lang: "I assume if I make the same parliamentary inquiry I will get the same answer, Mr. Speaker. Is that correct?"

Speaker Daniels: "Yes, Sir. That is correct."

Lang: "Then may I ask the sponsor a question? Will the sponsor yield?"

Speaker Daniels:: "He indicates he will."

Lang: "Chief, where are you? Hi, Chief. Chief, let me ask you this. The Governor made a change in this Bill that you did not accept previously, and that you now accept and as I understand it, that change would allow the University of Illinois trustees to make this decision. Is that correct?"

Speaker Daniels: "Representative Winkel."

Winkel: "The Bill as we originally passed it out of this chamber, would have been mandatory in nature and I much prefer that. The Governor changed one word from shall to may and by that change, the language now reflects the current state of the law. And for that reason, at least we have something on the books that affords some tangible, at least written, protection to the Chief and that's why now I support this Motion to accept."

Speaker Daniels: "Representative Lang."

Lang: "Well, so in other words, I was correct. The Governor now said that 'your Bill's okay. but we should allow the University of Illinois' trustees to make that decision, one way or the other.' Is that right, Sir?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, certainly this sends a strong message to any future board of trustees, to the present board of trustees at the University of Illinois. That it is the legislative intent of this chamber that we put some statutory measure on the books, that offers some protection

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for the chief and that we retain Chief Illiniwek as the honored symbol at the University of Illinois at Urbana, Champagne."

Speaker Daniels: "Representative Lang."

Lang: "Well I think there are many who would dispute what your conclusion just was, but it's clear that the Governor said that the University trustees should have the decision making power here. isn't that the law today? Don't the University of Illinois trustees today have the right to make this decision?"

Speaker Daniels: "Representative Winkel."

Winkel: Representative, if you want to debate that issue, take that back to your district and debate it. I can tell you that in my district the people overwhelmingly want the board of trustees to retain Chief Illiniwek as the honored symbol at the University of Illinois."

Speaker Daniels: "Representative Lang." Lang: "Well I see nothing has changed since the Spring Session. You folks don't want to answer questions, so instead of asking you questions, to the Bill, to the Motion, Mr. Speaker."

Speaker Daniels: "To the Motion."

Lang: "The Governor of this state, rightfully, and I agree with my Governor when he is correct, which is rare, but in this case he was correct. the Governor of this state rightly said this a responsibility of the University of Illinois trustees, but all this Bill does is reiterate what the law says today, Ladies and Gentlemen. The law today without this Amendatory Veto, without House Bill 1106, gives the University of Illinois trustees the right to make this decision. So now Representative Winkel, the Chief, has a Bill to do what the law already allows us to do. In addition, the Republican side of the aisle, Representative

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Rutherford, I think, is working on something called 'Common Sense Day'. Let's not put legislation on the book that is a waste of time, that is worthless, that has no meaning, that is duplicative. What is this if it is not duplicative? What is the purpose of this legislation? Once the Governor took the guts out of it, all he did was change the Bill to one that reiterates the current state of affairs. This Bill doesn't change the law. We could pass this Bill and nothing will have changed. So I would then expect Representative Rutherford and others who are so keen on 'Common Sense Day' on the Republican side of the aisle, to be voting 'no'. What's the purpose of adding a Bill to the statute books of the State of Illinois that doesn't do anything? Chief, you had an opportunity to do something. You couldn't get it done. And now, so you won't go back to your district empty handed, you want to go back to your district with a piece of legislation that does nothing. And the current law does exactly what this legislation does. So come on all you folks that interested in 'Common Sense Day', all you folks that interested in taking garbage out of the statute books. Don't add garbage to the statute books. Don't add this. Tell the Chief to go back to his district and work with those constituents that he thinks so much support this issue, to go talk to the U. of I. trustees. Let them do their job. Let's not put statutes on the books that are worthless or a waste of paper."

Speaker Daniels: "Representative Curry."

Currie: "Thank you, Speaker and Members of the House, I rise in opposition to Representative Winkel's Motion. I opposed him when he offered the override Motion, for I think the Governor was right. This is a decision that should not be made by us, but should be made by the trustees of the

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University of Illinois, working in conjunction with students, faculty and alumni. But there is something about the Governor's Amendatory Veto with which I do not agree. And that is his view, he says, 'contrary to the views of some, Chief Illiniwek is an appropriate, respected and respectful symbol for the University of Illinois'. Judging from the tenor of the debate on this Bill when it first came before us, on the override Motion that we discussed ten days ago, I would urge, Speaker and Members of this House, that it is not clear that everyone in this community, that everyone in this state, believes that the Chief indeed is an appropriate and respected symbol. Without adoption of the Amendatory Veto, The Chief will continue to be as long as the University of Illinois trustees permit it, will continue to be such a symbol. but there is no excuse for the people in this chamber to go on record, taking a position, on the underlying issue whether or not that symbol makes sense. We could as easily be looking at legislation that lists the entirety of symbols that may be appropriate for the University of Illinois trustees to declaim. We haven't done that there is no excuse for doing this. Without passage of this Bill, the Chief will be as long as the trustees permit it. A symbol with which some of us would disagree. Passage of this Bill is only to enshrine what for many is not an appropriate symbol and it does so without making a substantive difference in the question whether that symbol persists. It does so to the tune of substantial taxpayer dollars to pass a law, to put it on the books, that is not going to make a particle of difference. You want to save money, you want to save your taxpayers, you want to recognize diversity of opinion across the population of the State of

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Illinois. The right vote on this Amendatory Veto Motion is a 'no' vote."

Speaker Daniels: "Representative Pugh."

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in opposition to this legislation. But first I must commend Representative Winkel for having the tenacity and perseverance and the guts to ...push forth this idiotic piece of legislation. I think that if we have the the idea or the it's already mandated that the that the University makes the decision according based on administrative rules. Why do we need this legislation? If we are talking about and I reiterate something that Representative Lang mentioned was, was common sense. If we're sent by the people to do common sense kind of things, this piece of legislation, although it might make might make history in your community, Sir, it does not make sense. This piece of legislation, if the universities are currently responsible for determining who is going to be their mascot, what is the purpose of this legislation? Is it for the purpose of good press release? Is it for the purpose of further denigrating the symbol of the Native American. And lastly, Sir, when you talk about respecting and revering ah... a group of people. How in one tone do you talk about respecting and revering a group of people when you're reducing them to a symbol. I submit to you that this piece of legislation is flawed, it's senseless and although it might make history in your community, it does not make sense."

Speaker Daniels: "Representative Winkel to close."

Winkel: "Thank you, Mr. Speaker, I urge a 'yes' vote on the Motion to accept the Governor's recommended changes to House Bill 1106. Thank you."

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Speaker Daniels: "Question is, shall the House accept the Governor's Specific recommendation for change with respect to House Bill 1106? All those in favor, signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is Final Action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Flowers."

Representative Flowers: "Mr. Speaker, I would like the vote to reflect me voting 'no'."

Speaker Daniels: "You need unanimous consent. Does the Lady have unanimous consent of the House to change her vote from an 'aye' to a 'no'? Unanimous consent is granted. Mr. Clerk, change her vote to a 'no'. With unanimous consent of the House. This question, this Motion there are 82 ...We are only going to do it once. Representative Blagojevich."

Blagojevich: "Mr. Speaker, I would seek the same ah...ah... accommodation to be able to change my vote from a 'yes' to a 'no'."

Speaker Daniels: "No. There's an objection. This question, this Motion there are 82 'ayes'; 29 'noes'; 4 voting present. And this Motion having received the required Constitutional Majority, an extraordinary majority, the Motion passes and the House accepts the Governor's specific recommendations for change regarding House Bill 1106. Majority Leader, Churchill in the Chair. Representative Churchill in the Chair."

Speaker Churchill: "Amendatory Veto Motions. House Bill 1202. Representative Wait. Representative Wait. The Chair recognizes the gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker. This is House Bill 1202 that deals with the trucks. Basically ah... what this Bill would allow to slide the rear axles back three feet. This

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was going to apply throughout the whole state, but the Governor felt that it was unfair to require to the local communities without their say so. So under the present law the local officials would still have to designate the routes and decide if they wanted to have ah.. ah.. on the local roads. This basically guarantees local control. With the Amendatory Veto currently, now IDOT is in support of it. Municipal League, DuPage Mayors, managers, county engineers, and the township officials. I would simply appreciate a favorable vote on this Mandatory Veto."

Speaker Churchill: "The Chair recognizes the gentleman from Effingham, Representative Hartke."

Hartke: " Thank you very much, Mr. Speaker, Members of the House. When this piece of legislation originally came up, I supported this piece of legislation, because it was to fix a problem that we have in the rural area, dealing with the transportation of many products from the country to the market place. It would have extended some axle lengths and so forth. This Amendatory Veto takes out that provision. It takes out that provision and makes things illegal for those individuals. They have been doing it in the past. It doesn't make any sense to not make them legal because it has been happening. The only thing that it is going to do is opening them up, subject to fines and so forth on our local roads. There is a fear out there that this will be abused and many of our local roads will be taken up and I can appreciate the township officials' position on that Bill. I would have liked to personally have completely overrode the Governor's Veto but being we have no action right now to do that and it will probably not be called for that vote since this is called first. I guess we have to accept half a loaf and so I would say 'well, let's look at

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it next year, look for legislation to come to try to finish what the Governor took out of this good piece of legislation'. So I stand in support of the Amendatory

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

Pankau: "Thank you, Mr.. Speaker. When this Bill came to the floor, to my knowledge, the only known opposition to it was from DuPage Mayors and managers. They have been in contact with all of us and now favor the Amendatory Veto. So I rise to also ask you to accept the Amendatory Veto on this Bill. Thank you."

Speaker Churchill: "There being no further...I'm sorry. The gentleman from

Bureau, Representative Mautino."Mautino: "Thank you. Question of the Sponsor."

Speaker Churchill: "Please proceed."

Mautino: "Representative Wait, what will be the effect in the rural areas. Some of our downstate truckers, I understand that the Amendatory Veto will make them, make their operation illegal for example if they were going out to haul corn. These changes in the Amendatory Veto itself will cause them to be out of compliance?"

Speaker Churchill: "Representative Wait."

Wait: "What this does is basically revert to what the current law is. If they are legal now, they'll be legal. If they're illegal currently, they'll still be illegal. But it still would allow the local communities, the local uh...roadship uh...township road commissioners if they want to designate those uh...for different levels semis, they would still be allowed to do that. But it leaves it in local control."

Speaker Churchill: "Representative Mautino."

Mautino: "Yes, Mr. Speaker, could uh...with the volume of noise

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in here, I could not hear the answer. I'll go on to...I don't believe I had an answer to that question. The original Bill, itself, fixed this problem we had where the guys had been operating out of compliance and our downstate farmers who would be hauling grain would then be in compliance. The Governor's Amendatory Veto has basically turned that back and puts them out of compliance. So they would be operating illegal and then you're leaving it to the road commissioners to enforce it. Is that kind of what we're looking at here?"

Speaker Churchill: "Representative Wait."

Wait: "Yes, this would put it back in local hands, just the way that it is now. If the local road commissioner feels that they should have...the roads can hold uh...uh... longer trucks where they slide the wheel base back. They would still be allowed to do this. It does not change that one iota."

Speaker Churchill: "Representative Mautino."

Mautino: "So, then instead of fixing the problem, we're going to have our farmers basically running illegal. I think that was part of the intention under the current law. As far...does this make Walmart's fleet illegal that's running? Would they, would they be out of compliance as well?"

Speaker Churchill: "Representative Wait." | Wait: "Well, currently if they are legal, they would be legal. This does expand it though on a Class 1 and Class 2 roads and within a mile of those roads. So it does expand it.:

Speaker Churchill: "Representative Mautino."

Mautino: "Who is in uh...Who did oppose this Bill? Who was in opposition to the original Bill?"

Speaker Churchill: "Representative Wait."

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Wait: "To the original Bill, basically, it was the municipalities, the DuPage mayors uh...were basically the ones opposed to it because they felt some of these intersections were not large enough for these large semis to get around and uh... but now also I'll say the township officials were against it and so were the municipal leagues. But now with this Amendatory Veto, all those people now are in favor of it. Like I say, the municipal league, the DuPage mayors and county engineers and township officials now are in favor of it with the Amendatory Veto."

Speaker Churchill: "Representative Mautino."

Mautino: "Are the midwest truckers happy with this Bill? Are they in favor and support of it?"

Speaker Churchill: "Representative Wait."

Wait: "Uh... basically the Illinois Transportation Association is neutral and the midwest truckers would rather have the original legislation but are somewhat satisfied with overall progress, and hopefully we can come back next year and address some specific problems that the midwest truckers have that would address it maybe just for downstate, where we wouldn't have the problems or the opposition from the DuPage mayors."

Speaker Churchill: "Representative Mautino."

Mautino: "So then the DuPage county mayors and everyone will be happy with this but then the farmers downstate Illinois will still be out of compliance. Why don't we just vote for the override on this Bill instead of having to come back and fix it?"

Speaker Churchill: "Representative Wait."

Wait: "Well, the farm Bill, for example, they... and we know they're pro-active but they did not take a position on this Bill. I know there have been some other Bills out there to

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maybe address this specific problem but right now we think that this is meaningful step forward and that's why I'm moving for acceptance on this Bill."

Speaker Churchill: "Representative Mautino."

Mautino: "I didn't uh...wasn't able to hear the complete answer there. I do have some concerns I think that maybe the Farm Bureau. I hadn't heard from them on it. Some of their members may be affected and I think we may want to take a little time and look at this Bill before accepting something that going to put our people out of compliance. Thank you." Speaker Churchill: "There be no further discussion, the Chair recognizes Representative Wait to close."

Wait: "Yes, as lead Sponsor on 1202, I'd simply recommend that we accept the Governor's Amendatory Veto and I'd certainly appreciate your vote. This goes a long way in curing a lot of problems that we have with the truckers. It's a compromise position and I'd simply ask for your favorable vote. Thank you."

Speaker Churchill: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 1202? All those in favor, signify by voting 'aye'; all those opposed signify by voting 'naye'. 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 Motion, there are 106 voting 'aye'; 9 voting 'no'; and 1 voting 'present'. This Bill having received the required Constitutional Majority, the Motion passes and the House accepts the Governor's specific recommendations for change regarding House Bill 1202. House Bill 1221. The Chair recognizes the gentleman from Lake, Representative Salvi."

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Salvi: "Thank you, Mr. Speaker. This is House Bill 1221, it is a very simple Bill. You may recall, it prohibits discrimination in the process of adoption. It says that will not look at your race or the race of the child in the process of adoption. We will not discriminate against the child nor will we discriminate against the parent in adoption. There are thousands of wonderful children stuck in the system, in the DCFS system with no place to go. And there are thousands of loving, qualified families who are willing to adopt these children. Unfortunately, because of racism, because of discrimination based on the color of a person's skin. Unfortunately, these adoptions are not allowed, unfortunately, social workers to often say 'no, we're not going to allow you, you qualified family to adopt this child. We'd rather the child rot on the streets because of the color of your skin'. We all I think can agree that that's wrong and this Bill simply says 'we will not allow discrimination in the process of adoption'. Now, the Bill had additional provisions that I think some of those provisions were good. I felt that the additional provisions would have helped in some other areas but the Governor, I think, correctly looked at the Bill and the Governor was told by the federal government that those additional provisions that reformed the Department of Children and Family Services, were in violation of the federal law, called the Multi-ethnic Placement Act. I looked at that and I think the Governor was right. Those additional provisions that did not affect the basic premise of the law, did violate the Multi-ethnic Placement Act, the federal act which says that you can never delay, for any reason, on the basis of race the adoption of a child. And so I have agreed to the Governor's Amendatory Veto and I

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move that we accept that Amendatory Veto and allow the basic, fundamental aspect of the Bill to go forward which is that we cannot discriminate on the basis of race in adoption.'

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

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am the Sponsor of Amendment #5 to House Bill 1221, and I fought long, and I fought hard on this issue and for anyone to say today that race doesn't matter, is not true and the fact of the matter is this Bill and what the Governor has done has diluted the purpose of this Bill. This summer, I was summoned by the Governor's office to come and work out a workable plan to address the issues, to address the changes. I've never had the pleasure of sitting down talking with the Governor to direct...about this issue specifically. I spoke with his staff people. They gave me the challenge, they said, 'you go back to HHS, work out the differences and we will support this legislation'. Well, guess what, Ladies and Gentlemen of the House, I did just that. I have a letter here dated August 1, and it's to the Governor of Illinois and it says State Representative, Mary Flowers, has sent us the attached letter providing language that she proposed, substituting for the language in House Bill 1221 that we previously identified as being a violation of the Multi-ethnic Placement Act. We have received the proposed changes and find that this will now comply. I have this here in my hands, Ladies and Gentlemen. What the Governor did to this Bill is a insult to anyones intelligence. I worked very hard. I do know that any child is better off in a loving home as opposed to an institution. DCFS said

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that could not upon the termination of a child within three months, place a child in a loving home. This Bill was...what the Governor has done with this Bill was to make it convenient for DCFS who is going around destroying all kinds of families. Race does matter. This Bill had a recruitment plan. HHS says that we should have a plan of action. It states in their records that they sent to the Governor's office, and I want to read to you that, 'there should be an plan to move the kids out of the system. There should be no child waiting on parent, there should be parents waiting on children. We are confused about what is going on here. I would appreciate your 'present' vote or either your 'no' vote on House Bill 1221, because it was not bargained with in good faith, and I don't back down off of a fight, and I was willing to fight the fight and walk the walk and talk the talk but I was given that opportunity and I resent that. Thank you."

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

Granberg: "Thank you, Mr. Speaker. Since you've taken the Chair, Sir. I'd like to ask you to rule on the requisite number of votes to accept this Amendatory Veto. It is our opinion, based on the Supreme Court case of Mulligan verses the Joliet Regional Port District, the case that Representative Larry Wennlund argued, successfully, and based on Representative Wennlund's legal expertise...I'm sorry, he lost the case, I'm sorry, Larry. Based on Representative Wennlund's petition before the court, we would submit that it would require 71 votes and I would ask you, Mr. Speaker, to so rule."

Speaker Churchill: "The initial question is as to the number of votes required for this Bill, the Motion requires 60 votes

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for passage. Further discussion. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr.. Speaker. I echo a lot of the concerns that were raised by Representative Flowers in regards to this Bill. This Bill was the uh...the culmination of a lot of peoples hard work and a lot of people put a lot of time and effort into it. The Governor's Veto Message, although it maintains a lot of the Bill in here, is disingenious in numerous ways and for that reason I would have to agree with Representative Flowers in being concerned about favoring this. As I mentioned, there were a lot of people who put a lot of time in this. I know Representative Salvi and Representative Flowers spent hours on it. I talked with them at times about this Bill as well and they put a lot of hard work into it. The Governor's Veto Message, though, undercuts a lot of what the Bill stood for, a lot of what was at the heart of this and at the heart of this was to try to get children adopted quicker. To try to make sure that we are moving children out. The Governor, in his message, makes some reference to this creating further adoption barriers. I ask you, what bigger barrier do we have than that disaster called DCFS. That's the biggest barrier. We all know that and have we done anything to try to change that? Anything to try to reform that? No, as a matter of fact, now we are going after relatives and we're trying to do everything we can to discourage them from getting involved with the situation. So it's, it's a bit curious to see the Governor talking about barriers to adoption. His agency, his department is the biggest barrier we have. The second part of it that what I find rather amusing, is his reference to the Multi-ethnic Placement Act and a risk of losing foster care money as a

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result of it. For starters, Representative Flowers mentioned, she got a letter saying that is not the case, that is just not true, that's not right. Secondly, if I recall correctly...I seem to recall our Governor taking trips down to Washington and telling people over and over again how we've got to give more power to the states and stop with all the red tape and these requirements of the federal government. And so he's down there pushing for block grants. Well, guess what? He's getting his wish and he's going to be able to have all this money to do what we do best around here which is to lose it or misspend it. And the Multi-ethnic Placement Act we don't risk any loss of money there and more importantly for those who have been following what's been going on at the federal level, they're block granting that all now. So we can't lose it under that. So that also is an impossibility. So his message is disingenuous and has in it different things that simply are not true. As Representative Flowers mentioned, this is something that touches a lot of people's hearts and means a lot to a lot of people. But unfortunately what this represents is a step backwards and for that, I, too, will be voting 'present'."

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

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

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

Hartke: "Representative Salvi, I admire you for what you are trying to do. Al, I have a question to ask you. Representative Flowers indicated that during the process, after the Bill was passed and there was some concern whether the Governor was going to sign the Bill,

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Representative Flowers went to length to try to find a solution to proceed problem. Were you aware of that action that she was taking with the Governor?"

Speaker Churchill: "Representative Salvi."

Salvi: "Yes, yes, I was. I was aware of it and I was a part of it."

Speaker Churchill: "Representative Hartke."

Hartke: "Do you feel in your heart that, that her position, and so forth, could have also solved the problem and still made this a very viable and effective Bill?"

Speaker Churchill: "Representative Salvi."

Salvi: "It didn't matter to me to the extent that the thing that was important to me was the heart of the Bill which is still there. The difference is expressed very eloquently by Mary Flowers to the Governor regarded an Amendment that I did not have a problem with. The Governor, however, pointed to the fact that it violated Multi-ethnic Placement Act, which is Carol Moseley's, Carol Moseley Braun's Bill. And I was hoping that they would able to resolve their differences. I know that they were going back and forth. And I know that ultimately the Governor's office felt that they were not able to accommodate Mary Flowers, that her suggested language was not acceptable to the federal government. Until she came up with language that would have altered the Amendment, that would have substantively changed the Bill, that the Amendment that she originally attached to the Bill. And so, based on that, it's my understanding that the Governor felt that it was best to simply Amendatorally Veto the Bill. It did not affect the heart of the Bill which as you know I have been working very hard on. And, therefore, I just am willing to accept the Governor's Amendatory Veto."

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Speaker Churchill: "Representative Hartke."

Hartke: "Well, I'm sure uh...you're a student of this process here and if the Governor had Amendatorally Vetoed the Bill by adding language that would have possibly changed the intent and the substance of the Bill, it would have been a constitutional question of separation of the, of the offices here of the Governor and the General Assembly. However, I would hope that at some point in time that you and Mary will be able to get together on a new piece of legislation next year. Uh...I just wish there was a way that it could be worked out now. To you and I six months or a year are very important because of timing. The timing you agree is very important, not only in politics but also when young children's lives and adoption is much better than being hung out with, you know, in limbo, so to speak. So I would ask and hope and pray that you and Mary would get together next year, jointly offer Mary's solution to the problem so that we can solve this. You and I are both interested in what happens with DCFS and the kids and so I think it's important that we look at it from that perspective. I don't want to vote 'no' on this at all, I don't want to vote 'present'. I want to see this go, for the kids, but I think it could have been better. I think we ought to resolve ourselves to that position."

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

Davis: "Well we'll take that any time and thank you very much. Will the Sponsor yield for a few questions?"

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

Davis: "Representative, I understand that the Governor's Amendment eliminates the language that limits the efforts to find people of similar faith similar ethnicity. Exactly

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how does the Governor's Amendment address that? Is he saying there is no time limit or one does not have to seek those kind to adopt the people, Representative?"

Speaker Churchill: "Representative Salvi."

Salvi: "The Bill still says, as I understand it, that even with the Governor's Amendatory Veto, the Bill still says that the department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. Special efforts shall include contacting and working with community organizations, religious organizations that may include contracting with these organizations, utilizing local media and other local resources in conducting outreach activities. So Representative the Bill still calls for making special efforts to find families of the same race for the children."

Speaker Churchill: "Representative Davis."

Davis: "But if they want to do it for one day, in other words, if they say well we're going to put out some feelers for today and they're not successful, they don't have to continue to seek people of similar ethnicity. Is that correct? The following week they could just send that child off to ah.. totally new culture and a totally new environment. Representative, what about the section that requires...okay what about the section that requires the department to recruit minority staff so that the department will have people who represent the children that we're talking about or who understand the special needs or problems that certain children have."

Speaker Churchill: "Representative Salvi."

Salvi: "I'll answer your first question, first. The Bill with

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Mary Flowers' Amendment on it originally did provide, not only for special efforts generally to recruit African-American families but also to specifically look for African-American families for African American children. However, the Multi- ethnic Placement Act, sponsored by Senator Carol Moseley-Braun, prohibits specifically finding same race families for children and so the Governor had to veto that because it would have violated the Multi-ethnic Placement Act, sponsored by Senator Carol Moseley-Braun. There cannot be any delay for finding a specifically same race family for a child. That is the federal law. That's the part the Governor crossed out and I think that he was correct in doing that. Now with regards to the second thing you asked for, Representative, I don't believe that ...that there ever was a provision with regards to finding minority staff or having a specific amount of minorities in the staff. I believe that was discussed but I did not ever agree to having that in this Bill."

Speaker Churchill: "Representative Davies."

Davies: "It was a part of that, but to the Bill, Representative, I would merely state that it's strange that we want to abide by the federal law that Carol Braun has passed but we don't want to abide by the voter rights...voter rights..the Voter Registration Law. That's also federal law. We going to choose which federal laws we're going to support here? Now the Voter Registration Law is also a federal law so if we're going to abide by a federal law of this legislation, let's abide by a federal law on the Voters' Rights and the Voter Registration legislation and we saw with the O. J. Simpson trial that we view things very frequently, differently. African-American children should not be with people who are really opposed to their way of life or their

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culture. It will be psychologically damaging to African-American children to be with people who really don't respect, love or care about them. These are children. These are not puppies, these are not cats or kittens, these are human beings. And they grow up, and they grow up and they have a particular way of looking at things, a culture, a religion, and to snatch them away from that would be

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

Mulligan: "Thank you, Mr. Speaker. There was one issue in this original Bill that I brought up that was overlooked when the Bill was passed out and I was told would be addressed. And it's my understanding that part of the Amendatory Veto would address that problem. The main problem was that the time period when it started the clock ticking to look for a similar race or ethnic background child was when the parents' rights were terminated, not when the child is originally placed. A child may be in placement for any number of years. In my district, I had one family that had sisters for seven years before the parents' rights were terminated. That is not the appropriate time to start looking for a child of similar background, religion, ethnic, race, whatever because by that time the child is probably already bonded with the family. So to start that process all over again, opens a whole new can of worms. What you want to do is look for a similar family at the time the child is placed in the foster care, not later on because that family may be their permanent family. And this was pointed out both in debate to DCFS and to the Governor's office. I thought that that would be a part of the Amendatory Veto which is my understanding that it does

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address that provision of the Bill which I thought was very unfair to a child and would possibly create multiple 'Baby Richard' situations. So I think that is a very important factor. To go back to the original Bill would put that back in and would eliminate the fact that the child is probably been in that foster home for a long time. So I think that the proper time to look for that is at the placement in foster care, not somewhere down the line because it takes us too long to terminate parents' rights in some issues."

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

Lang: "Thank you. Mr. Speaker, the Body is even more chaotic than usual. Could we get some order before I proceed?"

Speaker Churchill: "Ladies and Gentlemen, please pay attention to Representative Lang."

Lang: "And now I have a Parliamentary Inquiry if I could be so kind, Mr. Speaker."

Speaker Churchill: "You mean I gotta be quiet so you could do that?"

Lang: "Oh, absolutely. I think the Body should hear the Parliamentary Inquiry."

Speaker Churchill: "And what is your inquiry, Sir?"

Lang: "Well I was listening to your discussion with Mr. Granberg regarding his question as to how many votes this Bill would take to ah...how many votes this Motion would take to accept. And I heard you as the prior Speaker in the Chair indicate that it would take sixty, but I didn't hear any ruling as to why it would take sixty and I would like to inquire it from the Parliamentarian when he's done chewing as to why this only takes sixty when there are two Supreme Court cases on point which I could read to you in total if

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I needed to but...Um...and why when one of those case was lost by a member of your side of the aisle who knows very well what the ruling in those cases were, I would think we're entitled to a ruling as to why the Chair believes this only takes sixty votes."

Speaker Churchill: "The ruling has been made, as you requested. The ruling has been made. Representative Lang."

Lang: "Thank you. Well, I do want to read this into the record then, Mr. Speaker and then you're entitled to make any ruling I suppose that you want. 123 Illinois, Section 303, Mulligan verses Joliet Regional Port District, page 317. 'We hold,' and this is the Supreme Court of the State of Illinois, Sir. It's not you, it's not me, it's not even Mr. Wennlund who lost this case, it's the Supreme Court of the State of Illinois who interpret the constitution that you are uphold to...uh.. sworn to uphold. 'We hold that a Bill that is subject of an Amendatory Veto under Article 4, section 9e, of the Illinois Constitution of 1970, is not passed for purposes of determining its effective date until the final vote approving the Governor's recommended changes as taken in the General Assembly'. In addition, People ex rel. Klingler v. Howlett, 50 Ill., Section 242 in 1972 case. It states very clearly uh... they're interpreting another case called Morgan, Board of Education verses Morgan which is a 1925 case. And that defines the time that a Bill is passed as the time of the last legislative act necessary so that the Bill would become law. That would be today. If these Bills requiring, if these Bills require or would allow for an immediate effective date, Sir, the immediate effective date at this time of the year cannot occur without 71 votes. If today is the day that the last legislative act is taking place, pursuant to these

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Supreme Court cases, then ,Sir, if you would deny this Parliamentary Inquiry and if you would certify that this only needs sixty votes, you would be in violation of these two Supreme Court cases. These two Supreme Court cases would indicate that passing this Motion with sixty votes is in violation of the Constitution of the State of Illinois. And if you, Sir, as the ...as the Speaker at the moment would choose to rule in that way, you would be violating the Constitution. I don't think you want to do that. We took an oath at the beginning of this term to uphold the Constitution and I think you have a duty and a responsibility, Sir, to uphold that Constitution. And I would ask you to reconsult the Parliamentarian to rethink your position on this."

Speaker Churchill: "Thank you, Representative Lang. We certainly want to be within the confines of the Constitution under Article 4, section 9e of the Constitution. Specific recommendations may be accepted by a majority vote. In the opinion of the Chair, this Motion before us requires 60 votes for passage and practical reality in the event that the decision were to be overturned, the real question is when does the Bill take effect and we believe that 60 votes is all that is required for it to take immediate effect. Representative Lang."

Lang: "I would move to overrule the Chair."

Speaker Churchill: "Ladies and Gentlemen, the Question is, Shall the Chair be sustained? All those in favor will vote 'aye'; and the opposed will vote 'naye'. 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 65 voting 'aye'; 49 voting 'no'; and 1 voting 'present', and the Chair is sustained. Is

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there further discussion? The Lady from Cook,
Representative Schakowsky."

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

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

Schakowsky: "Um...I don't know if this was asked but this is a part that really concerns me and I'd appreciate your clarification. I understand that the Governor's change would eliminate the provision that requires notice to specify persons who are caring for the minor after the termination of parental rights. It seems to me to be a non-controversial point that the people who are caring for a child and the way the Bill originally, the language was, notice shall be given 'to any adult to whom the minor is currently residing. Any adult with whom the minor has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the minor as identified in the agency case plan'. So it spells out very clearly who should be notified about the availability of this child and certainly it would give really the first crack to people who have demonstrated concern. Why would we want to eliminate such a common sense element from this legislation?"

Speaker Churchill: "Representative Salvi."

Salvi: "Representative, I supported that provision. I was the Spon...I am the Sponsor of this Bill. I support the goals of the provision that you just read. But I've been told by the Governor's office and by lawyers who do... who have analyzed this Bill. That, that language as well was violative of federal law. Now, if we could pass this Bill with the original language plus all of the other reform that you discussed and Representative Flowers discussed, that would be great. But whether or not there are punitive

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measures in the federal law whether or not the federal government can come down on us and take some money away, doesn't matter to me. The fact of the matter is, there is a federal law that we would be violating if we went forward with that language and so I, therefore, am willing to accept the Governor's Amendatory Veto."

Speaker Churchill: "Representative Schakowsky.

Schakowsky: "You keep reiterating the fact or the supposed or..or the allegation that this would violate somehow the Metzenbaum Moseley-Braun Act. I know it was already called to your attention but why do we continue to disregard a letter from the U.S... Department of Health and Human Services that says that 'we have reviewed the proposed language and find that it would comply with NEPA'. If we think we can be in compliance, why don't we go for it?"

Speaker Churchill: "Representative Salvi."

Salvi: "Again, that language that they were looking at, was not the language in this Bill. The language in this Bill would clearly have violated the federal law. The Department of Health and Human Services said so, there was no hesitation or question about that. The language that they are referring to in that letter, Representative, has to do with language that Representative Flowers, in good faith, drafted during the Summer after the Bill had passed. That was not the language that the Governor was dealing with. The Governor's office, as I understand it, felt that that new language that Representative Flowers suggested, while it wouldn't have violated federal law, would have substantively changed the whole purpose of this Bill. It would have made it a completely different Bill. And I agree with that. The issue is not whether or not Representative Flowers can come up with language that

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wouldn't violate the Health and Human Services uh...or the Multi-ethnic Placement Act. I'm sure she can, and she did. The issue we were presented with was whether or not this particular Bill and the purposes of that provision in this particular Bill violated Carol Moseley-Braun's Act. It does and there is nothing that we could have done to adjust it, to change that fact and so the Governor crossed that one section out that puts a time limit on finding uh...same race families. I think that was a reasonable decision, a prudent decision by the Governor. I support that decision."

Speaker Churchill: "Representative Shakowsky."

#Schakowsky: "I just think it's interesting that side of the aisle is now concerned with what the feds are do...."

Speaker Churchill: "If there be no further discussion, Representative Salvi to close."

Salvi: "Thank you, Mr. Speaker. The issue today is no different than the issue that was presented before this Body when the Bill came originally, and that is, should there be discrimination, should we sanction discrimination on the basis of race in the process of adoption? The answer to that question is, no. I would have liked to have had additional reform in this Bill as drafted by Uh...Representative Flowers, however, that provision violated federal law. The Governor very prudently crossed that out. I support that decision. The Bill now as Amendatorally Vetoed, simply says, that we will not accept discriminating against people based upon the color of their skin or their race. I urge you to accept the Governor's Amendatory Veto on House Bill 1221. Thank you."

Speaker Churchill: "The question is, shall House accept the Governor's specific recommendations for change with respect

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to House Bill 1221. All those in favor, signify by voting 'aye'; all those opposed, signify by voting 'no'. The voting is open. This is Final Action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the Record. On this Motion there are 64 voting 'aye'; 11 voting 'no'; and 40 voting 'present'. And on this Bill, having received the required Constitutional Majority, the Motion passes and the House accepts the Governor's specific recommendations for change regarding House Bill 1221. Ladies and Gentlemen, today we welcome a delegation from the National Association of Chairmen of Prefectural Assemblies of Japan. The purpose of their visit is to acquire information about state emergency preparedness as it relates to flood disasters. Members of this delegation are participating in a program sponsored by the National Conference of State Legislatures. They will be touring several states to learn how they respond to natural disasters. Welcome to the House of Representatives. And also today, November 1, is ROTC Appreciation Day. In the Speaker's Gallery, we have the faculty advisors and cadet commanders from Illinois colleges and universities. Please welcome them. The next Bill will be House Bill 1267. The Chair recognizes the gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1267, has passed the House of Representatives provides for the state board of education to establish a school to work teaching and training institute to assist educators for preparing students for a school to work. And uh...the Governor's Amendatory Veto specifically eliminates the state board of education's role in administering the school to work institute and also the

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board that had been set up under the Bill has been changed and the jurisdiction will now come under the Illinois Human Resource Investment...Investment Council which will oversee the institute with the Governor's Veto. So at this point in time, I would certainly entertain any questions and I would ask the Members of the Body to accept the Governor's recommendations for the Amendatory Veto."

Speaker Churchill: "Representative Tenhouse, you are specifically asking for the second Bill on the Calendar which is a Motion to accept. Is that not correct?"

Tenhouse: "That is correct. We had asked to accept the Governor's recommendations on the Amendatory Veto."

Speaker Churchill: "Thank you, is there any discussion? The Gentleman from Cook, Representative Dart,"

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

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

Dart: "Representative, what was the reason why the Governor made these changes?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "I think the uh...Governor felt that uh...since we already had the Illinois Human Resource Investment Council in place, that would be basically duplication because it would be very similar they felt in terms of the composition of the uh...the makeup of the group. And that's the reason that they thought that rather than establish another their...the Governor's recommendation rather than establish another thirteen member commission that we should accept uh..er..go ahead and let the jurisdiction come under this IHRIC."

Speaker Churchill: "Representative Dart."

Dart: "The uh...today the group that now is going to have this,

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have they agreed to accept this and have the ability to do this?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "The uh...there are several groups that were involved in formulation on this issue but the two lead groups, basically three lead groups. There is a Illinois Manufacturing Association, Illinois Vocational Association, and Illinois Educational Association um...I don't think they're overly, let's just say we're not thrilled simply because with an independent group you would have a chance to deal specifically with this, but I do have a letter here specifically stating that they would accept the Governor's Amendatory Veto and ask that I proceed with that as opposed to the total override."

Speaker Churchill: "Representative Dart."

Dart: "Will they have the ability to take care of this though because in the original form with the independent group, it seems....you said they would have had the independence but they also would have had the time and the ability. By pushing this in with another group, though, are they going to be able to have the ability, physically, to do it, though?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "Representative Dart, that is a concern that I had. Frankly, one of the reasons I filed both Motions. Uh...I wanted to make sure that individuals who were somewhat comfortable with the fact that or that we had some comfort level here otherwise I would have pursued a total override. I don't think we're ah...in speaking to the the constituent groups that are involved, I don't think they're thrilled but I think they have been insured by the Governor's office that they will be represented on this council and I think that

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they felt that that gave them enough assurance and as a result, they are willing to accept the Amendatory Veto."

Speaker Churchill: "Representative Dart"

Dart: "And so the result is, are they going to change the composition of then of the board to accommodate these people, though?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "Yes, because one of the things under the Illinois Human Resource Investment Council there's a lot of flexibility in terms of there's no specific number set. It just gives percentages and basically says well for instance, let me read it here 'the directors of DECA, Department of Employment Security, Superintendent of the State Board of Education, and the Executive Director of the Illinois Community College Board, must be on the council. These five members may not constitute more than 60% of the total membership. At least 15% but not more than 60% of the members must be representatives of business, industry and agriculture including those representing private industry councils with Illinois, within Illinois. At least 15% but not more than 60% must be representatives of organized labor, nominated by recognized state labor federations. And the council must also include at least one representative of the following: Local public education, post secondary institution, a secondary or post secondary vocational education institution and a community based organizations. And again, representatives from these entities may not make up more than 60% of the members. Permissively the IHRIC may also include additional members selected from the following groups: Local welfare organizations, units of local government, public housing groups, state legislators, state and local programs that

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receive federal resource funds and special education groups'. So there's a lot of flexibility. Um...certainly the competition is going to be a lot broader than we would have seen under the original Bill."

Speaker Churchill: "Representative Dart."

Dart: "The on other thing I was interested in, in your original Bill you had provisions in there for the members of the council. There was requirements as far as qualifications for people that were going to be on this. I don't see any uh...the council that's going to take this over now, is there any assurance what so ever that the qualifications which you had in the original Bill which made eminent sense are going to be carried over into this council so that these people though they do have the lattitude to appoint them they are going to appoint qualified people or is this a commitment you received or how exactly is that going to have handled?"

Speaker Churchill: "Representative Tenhouse"

Tenhouse: "Again, this is a commitment that was received not only to myself but also especially to the Illinois Vocational Association of Illinois Manufacturers and that assurance has been made, I think."

Speaker Churchill: "Representative Dart. Further discussion. The Chair recognizes the Lady from Cook, Representative Davis."

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

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

Davis: "Representative Tenhouse, I'm going to give you a quote from the 1991 State of the State Message from Governor Edgar and the quote is as follows: 'We must insure that there is no doubt that state officials are acting on the behalf of all Illinoisans, not themselves, their friends or

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other special interests'. Now my question is, based on that statement, how do we as legislators react to the Governor making each and every one of the appointments to this council."

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "Well, I think when you get to the other, ultimately, even though organizations are going to making recommendations. I think even under the other, we would have seen the Governor ultimately making the presentations as far as the people representing us the committee. I think the other point that needs to be brought out there, too, is if you remember on the House floor the reason this Bill passed unanimously in the Senate, it had some controversy here at the late night if you remember some of the late nights we put in, Representative Davis. Uh...the Minority Leader got up and spoke very eloquently on the fact that this was duplicative and we had another commission that was going to be created. I don't know whether the Governor took this into account, or not, but if you remember in terms of the text of that discussion that we had on the House floor back when it was on Third Reading."

Speaker Churchill: "Representative Davis."

Davis: "Representative Tenhouse, will be the over sight of the commission? Is it...will it be just one person?"

Speaker Churchill: "Representative Tenhouse."

Davis: "Will only the Governor oversee this group?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "The staff informs me that it is an independent group that's an Illinois Human Resource Investment Council."

Speaker Churchill: "Representative Davis."

Davis: "It's an independent group and they will only be

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responsible to the Governor. Is that correct? The Governor will appoint them and they will not have responsibility to report to any other group or any other persons?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "It's our understanding that they will report to the Governor."

Speaker Churchill: "Representative Davis."

Davis: "Representative, isn't that in direct conflict to what we've been talking about when we talk about local control and we talk about waving other mandates and then when we come to such an important group who will monitor such an important activity? We are going to have one person appoint this group, one person./ They will be responsible to only one person. Now the group we're talking about here, they're going to be working, they are going to be an oversight for the Illinois Coalition for Workplace Training. Now as the legislative group that I represent, we would like to make sure that our community takes part in that workplace training. We would like to make sure that those state dollars are used by all Americans in the State of Illinois, and not just a few. Now, Representative Tenhouse, how can you assure us there will be some fairness in the appointments? How can you assure us that all communities in the State of Illinois will be given some opportunity for workplace training?"

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "I guess, Representative Davis, you make a very persuasive argument there's no doubt about that. But as we look at this issue, I think we also have to understand that we have been assured certainly the same concerns that you raise were at the center of the reason that I filed both

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Motions on one to override as well as one to accept the Amendatory Veto. Only with the assurances that the groups that have really been the lead on this and their willingness to accept the fact that they're comfortable with the Governor's comments and the Governor's staff's recommendations, that's the reason we are pursuing this as an Amendatory Veto."

Speaker Churchill: "Representative."

Davis: "I appreciate your indulgence in answering these questions and I know it does bring sweat to your brow. Because what we are about, is not about one man rule and one man leadership, even though that's what this Bill does, we may offer our support."

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

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

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

Lang: "Representative, I have some great concerns about what the Governor has done here and I'm frankly surprised that you don't. He seems to have stripped all of the local involvement out of this Bill and turned it into another area where the Governor can appoint people at his whim to do his will. Now you have been one for local control. You voted against mandates. You voted to take away mandates from schools. You voted for a number of things to provide for local control, so I kind of like an explanation as to why you think it's a good idea to take away local control or local involvement from this group and give it to the Governor."

Speaker Churchill: "Representative Tenhouse."

Tenhouse: "Again, a very compelling argument. But again when you turn around and look at this whole situation, I think you

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have to look at the fact that we have assurances that in fact they're in the comfort level, yeah, I mean I would much rather see it be independent, but if you will remember correctly, Representative, you are one of the people who lead the charge on the floor who complained about the fact that this was an independent group when this original Bill was introduced as House Bill 1267. So I guess I find it a little bit hard to understand, too, in terms of...you know it looks to me like it should be one way or the other."

Speaker Churchill: "Representative Lang."

Lang: "Well I may have said independent, Sir, but I don't think I ever said we shouldn't have local control. Has it occurred to you that in this last year, we now allow or are going to allow the Governor to appoint the University of Illinois Trustees. That he's going to appoint board members to all of the universities in this state where we'll go from some twenty some odd board members to about eighty board members. That under another Bill we're going to have, he's going to want to appoint new commissioners to the Commerce Commission, then under another Bill he's going to want to reappoint all of the arbitrators for the Workers Compensation System. Where does this start and stop, Sir? Boards and Commissions all over this state are being usurped by the Governor of this state. You stand here as a legislator who proposed local involvement and local control in this Bill and yet for some reason, you don't want to stand up to the Governor. You want the Governor to take over this organization as he's taken over all of these other groups. As if we continue to let him, he will do. Why do you want to let the Governor take over one more organization in the state of Illinois."

Speaker Churchill: "Representative Tenhouse."

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Tenhouse: "The same answer as we had before. I think we have to take this issue by issue. Uh...again if I would have had my druthers, I would have rather seen it been an independent body under the State Board of Education. But, again, under the circumstances and the way this was and the assurances given by the Governor's office. The people, including myself, are comfortable with this proposal and are willing to accept the Amendatory Veto."

Speaker Churchill: "Representative Lang."

Lang: "Well, I didn't really hear the answer. You generally on this floor when you don't the answer it means the speaker does not want you to hear the answer. But I think we know that the answer was that well the Governor said that we're going to pass this so we're going to go ahead and pass this this way. I think it's an atrocity frankly that we continue to turn over the reins of government to the Governor. Why don't we all just pack up and go home and pass one shell Bill allowing the Governor to do whatever the hell he wants to do with every board and commission in the State of Illinois."

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

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. True, there are some issues here that have been raised that all of are not thrilled about, but I think that the point is, this is an issue that's been before this Body for several years. It's enjoyed bipartisan support from members of both sides of the aisle and it's time that it happened and certainly as we move ahead and what the acceptance of this Bill by educators and industry alike it's uhh...I would ask for a favorable vote, so I would ask for your 'aye' vote on this Motion to accept the Governor's

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changes."

Speaker Churchill: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 1267? All those in favor signify by voting 'aye'; and the opposed vote 'naye'. The voting is open. This is Final Action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flowers, are you okay? Okay. Mr. Clerk, take the Record. On this question there are 97 voting 'aye'; 17 voting 'no'; and 1 voting 'present'. This Bill having received the required Constitutional Majority, the Motion passes and the House accepts the Governor's specific recommendations for change regarding House Bill 1267. The Chair now recognizes Representative Hughes for a Motion to nonconcur on House Bill 211. Representative Hughes."

Hughes: "Thank you, Mr. Speaker, I move to nonconcur with Senate Amendment number 1 to House Bill 211 in respectfully request that a conference committee be appointed."

Speaker Churchill: "You heard the Motion. All those in favor, signify by saying 'aye'; any opposed say 'naye'. In the opinion of the Chair, the 'ayes' have it and the Motion carries. The House nonconcurrs with Senate Amendment number 1 to House Bill 211. Ladies and Gentlemen, the Chair is prepared to adjourn but before we do that, we have an announcement from Representative Brunsvold. The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Democrats would request a caucus immediately in room 118. I'd like all Democratic members to proceed to 118 quickly so we can get our business completed. That's it, Mr. Speaker."

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Speaker Churchill: "The Democrats will caucus immediately after adjournment. The Clerk is wandering around the floor asking Members to provide him with times when they would like to...alright we'll go with Representative Wojcik. Do you have an announcement Representative Wojcik?"

Wojcik: "Thank you, Mr. Speaker, yes, I would like to announce to the Republicans not to forget the Clerk's dinner this evening. It's at six o'clock, the food will be delicious and the camaraderie wonderful."

Speaker Churchill: "The Chair was recommending to the Members that you discuss with the Clerk or the Assistant Clerk your personal demonstration of the computer programs and they have time slots for you so you should get to the Clerk or the Assistant Clerk and get yourself on one of those time slots. Representative Black now moves that the House stand adjourned until Thursday, November 2, 1995, at the hour of 12:00 noon. All those in favor, signify by saying 'aye'; any opposed say 'nay'. Representative Black."

Black: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I have an inquiry of the Chair."

Speaker Churchill: "Inquire away."

Black: "Yes, I demand an immediate investigation into what the...my colleagues on the other side of the aisle have done with Representative Terry Deering. there was somebody in Representative Deering's chair today, but I know Representative Deering and I've worked with Representative Deering and that wasn't Representative Deering. Now I demand an immediate investigation to find out what the Democrats have done with Terry Deering and I would trust we could get that answer by the time we go into session tomorrow. This is an outrage."

Speaker Churchill: "I believe he is hiding under his desk,

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Representative Black. Okay, the 'ayes' have it and the House now allowing Perfunctory time for the Clerk, stands adjourned until Thursday, November 2, 1995, at the hour of 12:00 noon." Clerk Rossi: "(sic Perfunctory Session will come to order). Introduction of First Reading of House Bills. Introduction - First Reading of Bills. House Bill 2547, offered by Representative Erwin, a Bill for an Act concerning supplemental appropriations. House Bill 2548, offered by Representative Deuchler, a Bill for an Act to amend the Illinois Pension Code. First Reading of these House Bills. Introduction of First Reading of Resolutions. House Joint Resolution 60, offered by Representative Cross and House Joint Resolution #61, offered by Representative Lang. Rules. Discharge Motions with regard to House Joint Resolution 48, House Joint Resolution 55, House Joint Resolution 56, House Joint Resolution 57, House Joint Resolution #58, House Joint Resolution #61, and Floor Amendment #3 to House Bill 2416, are referred to Rules."

Clerk McLennand: "Being no further business, the House Perfunctory Session stands adjourned and the House will reconvene on Thursday, November 2, 1995, at the hour of 12:00 noon."

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Speaker Daniels: "The House will come to order. The Members will be in their seats. Speaker Daniels in the Chair. The Chaplain for the day is retired Pastor Ernest Gerike of the Trinity Lutheran Church of Bloomington. Pastor Ernest Gerike is the guest of Representative Bill Brady. Guests in the gallery may wish to rise for the invocation. Pastor Gerike."

Pastor Ernest Gerike: "Thank you very much, Mr. Daniels. May we bow for word of blessing. God of all grace and glory, You are majestic beyond our comprehension. We humbly plead, fill us with Your spirit that we may honor and adore You in everything we think, say, or do. In this attitude of submission, we commend to You the chosen leaders who meet in this hall. Help us to remember that they are also mere human beings. Sometimes misstatements are made, truth is overdrawn, feelings run high, anger is expressed and shown. Therefore, please teach us the lesson of forgiveness which You invented and practice, through Your gift of the Lord Jesus Christ. Grant to these leaders, rich and deep wisdom as they give consideration to budget items, vetoed Bills, and voting rights and ethical standards and even a proper view of Chief Illiniwek. Father, please bless these folks that all deliberations may echo in support a high moral tone. Give guidance and direction that the family life of these leaders may flourish and be successful. We commend all to Your loving care in Christ our Lord. God is our refuge and strength. Amen."

Speaker Daniels: "Thank you, Pastor Gerike. We'll be led in the Pledge of Allegiance by Representative Cal Skinner."

Skinner: "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

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all."

Speaker Daniels: "Representative Currie is recognized on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Please let the record show that Papa Schoenberg will not be with us today."

Speaker Daniels: "Record will so reflect. Representative Cross."

Cross: "Thank you, Mr. Speaker. I'm happy to say that all the Republicans are here today. Thank you."

Speaker Daniels: "Thank you, Representative Cross. Mr. Clerk, take the record. They are 117 Members answering the Roll and a Quorum is present. Committee Reports."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Resolutions were referred, action taken on November 2nd, 1995, reported the same back with the following recommendation/s: 'do approve for consideration'. Placed on the order of third reading, Senate Bill 598; and Senate Bill 908. Placed on the order of concurrence, House Bill 1653. and concur motion to Senate Amendment #1 to House Bill 1653."

Speaker Daniels: "Supplemental Calendar announcement."

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

Speaker Daniels: "House Bill Second Reading. House Bill 2416. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2416. A Bill for an Act that amends the election code. Second Reading of this House Bill. Amendment 1 was adopted in Committee. Floor Amendment 2 has been approved for consideration."

Speaker Daniels: "Hold it on Second Reading. House Bill 2517. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2517. A Bill for an Act to provide for community notification of the release of certain sex

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offenders. Second Reading of this House Bill. Amendment 1 was adopted in Committee. Committee Amendments 2, 3 and 5 have been referred to rules. Committee Amendment 4 referred to subcommittee. Floor Amendments 6,7, and 8 have been referred to rules. A fiscal note, correctional budget and impact note, judicial note and home rule note have been requested on the Bill 'as amended' and they have been filed."

Speaker Daniels: "Third Reading. Amendatory veto motions, House Bill 2465, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. In reference to House Bill 2465, I would move to accept the Governor's specific recommendations for change in House Bill 2465. The original Bill had called for an appointment of a committee for the purpose of create a task force that shall report to the Governor and the General Assembly. I'm sorry, Mr. Speaker. The welfare reform task force was created to study and develop proposals for the program to replace the current AFDC program which is due to expire on December 31st of 1998. The subject of the amendatory veto is the makeup of that committee. The original committee would have had two members appointed by the Speaker, two by the President of the Senate, and one by each of the Minority leaders and three by the Governor. The governor asked for a little more public input. He wanted six of the members to be appointed by the Governor and I think that more public input on such a serious issue as replacing the current AFDC program is in order and I move to accept the Governor's specific recommendations for change."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "He indicates he will."

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Granberg: "Representative Stephens, if I understand you correctly, under the previous legislation that was passed and sent to the Governor, that there were, I believe, three appointments that the Governor would have. Is that correct?"

Speaker Daniels: "Representative Stephens."

Stephens: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "And now we're going to increase that number from three to six. Is that correct?"

Speaker Daniels: "Representative Stephens."

Stephens: "That is correct, also."

Speaker Daniels: "Representative Granberg."

Granberg: "Are there any restrictions on whom the Governor might appoint to serve on this Body?"

Speaker Daniels: "Representative Stephens."

Stephens: "Only that they will be gubernatorial appointments."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, I understood the reason for the original Bill, Representative Stephens. In fact, I supported you in that, but I don't understand why the Governor should have total control over the appointments. With no prerequisites or conditions for whom he might appoint, hypothetically, he could appoint directors. He could appoint his cabinets. Are there no limitations on who he might appoint to serve on this Body?"

Speaker Daniels: "Representative Stephens."

Stephens: "The Governor has given no indication of who his specific appointments are going to be and your comment about total control is incorrect."

Speaker Daniels: "Representative Granberg."

Granberg: "Are there any qualifications for whom might sit on

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this Body?"

Speaker Daniels: "Representative Stephens."

Stephens: "In the original legislation or in the amendatory vetoed form, there were no specific requirements."

Speaker Daniels: "Representative Granberg."

Granberg: "I'm sorry, Representative Stephens, I couldn't hear what you had said, Sir."

Speaker Daniels: "Representative Stephens."

Stephens: "The answer to your question was no."

Speaker Daniels: "Representative Granberg."

Granberg: "That helped. Thanks. So there are no qualifications that are deemed by the Amendatory veto so the Governor can appoint whomever he wants, wherever they want and we just expand the Governor's appointment powers with no qualifications for anybody who will sit on this Welfare Reform Task Force. There are no qualifications, no expertise qualifications, no practical experience qualifications, no qualifications whatsoever."

Speaker Daniels: "Representative Stephens."

Stephens: "Mr. Speaker, we're talking about the Governor of the state of Illinois. For the Gentleman to imply that he's going to appoint unqualified people is sheer political demagoguery. I'm insulted by his remarks and I move for acceptance of the amendatory veto."

Speaker Daniels: "Representative Granberg, would you care to address the Bill?"

Granberg: "Thank you, Mr. Speaker. I certainly would not want to insult the Gentleman. I can't imagine the Governor would ever make a bad appointment to any board in this state. My gosh, certainly that has never happened. Every qualification has always been met. Every person sitting on every board in this state has been extremely qualified."

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They've been outstanding individuals. All of these people involved in government because that's why we don't need to have any qualifications because the Governor's going to appoint whoever he wants. With no input from this Body, no input from the public sector, we're just gonna say, Governor, you appoint them. We trust you. We think you're great. We don't need any qualifications. We don't need any expertise. Just go ahead and do it. This Gentleman has more appointment powers since Huey Long. Now if we want to go into demagoguery, why don't we just absurd do these things. Why don't we just quit from this Body and let the Governor let the executive branch take over? That's what we're doing. We're not asserting our roles, individuals in this Chamber and I think that's demagoguery because we are not flowing through on what we're supposed to do. We are elected officials. We're supposed to assume that position and not just carte blanche, give the executive everything he wants to do, Representative. I have no qualms with what you're trying to do, but I'm getting a little sick and tired of just allowing the executive to do whatever they want to do without input from our constituents and I think it's time we said no. It's time we asserted ourselves. It's time we assert our role as Legislators, as Members of this House. As Members of the House who represent the people, supposedly, and not just the Governor of this state. We have a duty to our Representatives and I think it's about time we started to assert ourselves."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hartke: "Representative Stephens, in the original Legislation, I

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don't think we set out on who would serve as Chairman, but the Chairman would be elected. Is that correct, from the appointees?"

Speaker Daniels: "Representative Stephens."

Stephens: "Excuse me. In the original there was no designation of who the Chairperson would be. In the amendatory veto, one of the Governor's appointees will be the Chair. It doesn't say which one and as to the other remarks about the legislative input, I would remind the Body that half of the Members of this task force will be appointed by the Legislature: two by the Speaker, two by the President, one by each of the Minority leaders, six by the Governor and as far as I'm concerned, this makes good sense. It's a solid proposal and I think the Governor's correct."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, I had a difficult time hearing all your response, but I think you said that in the original Legislation, the General Assembly had nothing to say about who the Chairman was, but with the change now presented in the amendatory veto, the Governor would appoint the Chairman from his appointees. Is that correct?"

Speaker Daniels: "Representative Stephens."

Stephens: "I'm sorry, I didn't hear the question."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, Mr. Speaker, a little noisy here in the Chamber. I'm having trouble hearing him and he's having trouble hearing me."

Speaker Daniels: "Would the Gentleman around Representative Hartke on the Democrat side on the aisle, please hold down your discussion?. On the Republican side of the aisle, please give the attention to Representative Hartke?"

Hartke: "Let me rephrase that question, Representative Stephens.

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Under the original Legislation, we did not designate who the Chairman of the committee, the task force would be. Is that correct?"

Speaker Daniels: "Representative Stephens."

Stephens: "That is correct and in the amendatory veto, the Governor's amendatory veto says that the Members shall be appointed by the Governor, those six, and one of them will serve as the Chair of the Welfare Reform Task Force. I think that's very much in order."

Speaker Daniels: "Representative Hartke."

Hartke: "And so the original qualifications also have been eliminated and I know that the Governor will do his best to create a task force of those individuals who can give him sound advice. I have no problem with that because if I were in his shoes, I would want to have a group of individuals who would give me sound advice for...to develop a program with sound public policy. However, I think that when he appoints and has the majority of the Members appointed by him, he is somewhat adding to the Legislative intent by saying I want the authority, I want the right to appoint my chairman. We set it up to give him that expertise in allowing him his appointee is the Department of Public Aid and the wisdom in collective advice of the General Assembly to the original legislation was to appoint one of those Members as the director of Public Aid. That is now taken out and I don't know, but I would think that was the intent of our Legislation so I think that the Governor in his amendatory veto is going beyond his authority by adding to this Legislation. I think that the amendatory veto constitutional question is that he should, has a right to reduce or to correct, but not to add and think that he is adding to the Legislation in this

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instance. Would you agree with that?"

Speaker Daniels: "Representative Stephens."

Stephens: "No, I couldn't agree to the entirety of your comments because first of all you suggested that the Governor had the majority of appointments. He has six. Legislative Body has six. So, no, I do not agree."

Speaker Daniels: "Representative Hartke."

Hartke: "But he is adding to the intent by adding more Members to that Body, is that not right?"

Speaker Daniels: "Your time has expired, Representative Stephens. Would you answer that question, please?"

Stephens: "The intent of the Legislation was to create a task force. The Governor has used his wisdom to make sure that task force represents a broad spectrum at his discretion and that adds to the appointments the you, Mr. Speaker, will make and the President of the Senate and the Minority leaders of both bodies. I think that this task force in this form will best serve the public."

Speaker Daniels: "Representative Deuchler."

Deuchler: "Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Deuchler: "Representative Stephens, in seeing your Bill yesterday, Representative Clayton and I did sign on as you can now see on the board with great interest in what you are trying to achieve here. I'm wondering and great concern, of course, that the Welfare Task Force operate with good programs. Of course, with the changes in Washington, we know that there may be some questions and problems, but a great opportunity exists as well and I certainly want to commend you for moving forward with this Legislation and the amendatory veto acceptance. Do you envision this Task Force as working with the

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Inter-Governmental Commission which is the block grant mechanism for the Legislature. Will these two groups be working together to develop these proposals?"

Speaker Daniels: "Representative Stephens."

Stephens: "Representative, the purpose of the Task Force is to deal with the issue of the expiration of the Aid To Families With Dependent Children as we currently know it. Whatever body, committee, task force or other group that has interest, I'm sure that this Task Force will interact with all of the above. This Legislation was necessary as a result of one of the most significant pieces of Legislation we passed in the last General Assembly and that was the reform of the Welfare System and specifically, AFDC, as we know it. The significance of this Task Force should not be overlooked. There's nothing that will leave no stone overturned and they will report back to us and that will just be report and then it will be up to this Body and the Senate working with the Governor to create a new idea about the way welfare works in Illinois. So, yes, they will work with the body that you referred to and all others."

Speaker Daniels: "Representative Deuchler."

Deuchler: "Just a further clarification on that point. The Inter-Governmental Commission is a legislative body that has been directed in the statutes to be a conduit on block grants. So, I was pleased to hear you say that they would be working together with the Task Force, the Welfare Task Force, to develop these, no doubt, legislative proposals. Are there proposals now that you have developed?"

Speaker Daniels: "Representative Stephens."

Stephens: "No."

Speaker Daniels: "Representative Deuchler."

Deuchler: "I just stand in support of this Legislation."

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Speaker Daniels: "Representative Cross. Representative Klingler, did you have your light on, Ma'am? Representative Dart."

Dart: "Thank you, Mr. Speaker, I have a Parliamentary Inquiry. Based on the recent Constitutional Supreme Court cases, is this gonna take 71 votes?"

Speaker Daniels: "No, it'll take 60."

Dart: "In the Mulligan case, this is only gonna take 60 votes?"

Speaker Daniels: "Yes, Sir."

Dart: "Thank you."

Speaker Daniels: "Further discussion? Representative Cross."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Stephens now moves that the House adopt the Governor's specific recommendations for change to House Bill 2465. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 74 'aye', an extraordinary majority, 42 'no' and none voting 'present'. And this Motion, having received an extraordinary majority, the Motion passes and the House accepts the Governor's specific recommendation for change regarding House Bill 2465. Order of Conference Committee Reports, Senate Bill 293, Representative Krause."

Krause: "Thank you, Mr. Speaker. I'd like to at this time present the Conference Committee Report to Senate Bill 293. As the House will recall the underlying Bill 293 was passed out of the Health Care Committee in spring as well as on the House Floor by a vote of 97 'yes', 4 'noes' and 13 'presents'. This Bill, the underlying Bill, creates the

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Mental Health Treatment Preference Declaration Act, that permits an individual to name an attorney in fact while they are competent to make decisions, preferences and instructions relative to mental health treatment. In addition, the Conference Committee now coming from the Senate incorporates four Senate Bills, two of which are Department of Mental Health Agency Legislation, one being Senate Bill 388, which allows registered nurses and physicians to be hired by the Department without certain evaluation procedures, allows the Chester Forensic Facility to combine persons to their rooms for up to ten hours a day under certain conditions. In addition, Senate Bill 816 provides that upon written request from a State's Attorney, the director of a mental health facility will notify the official regarding the release of a named patient. In addition, Senate Bill 1048 is incorporated. This is an agreed Bill by the Department as well as Representatives from courts and state's attorneys offices to provide and to clarify circumstances under which involuntary administration of psychotropic medication will be allowed for adults and fourth, Senate Bill 596 provides that is a child between 12 and 18 refuses to allow access to certain mental health records, a parent or a guardian may obtain access to information, diagnosis, and treatment if the therapist does not find a compelling reason to deny access. That is now what is incorporated in the Conference Committee report to Senate Bill 293 and I will ask the House for approval."

Speaker Daniels: "Any discussion? Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "Can you explain to me how this Conference Report, is

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this different from other versions that we voted on?"

Speaker Daniels: "Representative Krause."

Krause: "We did, as you know, vote on the underlying Bill 293 that was adopted. On the other Legislation, some of it, if I recall right, did not get presented on the House Floor. These other items that are included now in the Conference Committee, they obviously were voted on in the Senate. They were not here in the House."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "The Bill changes the name of the Meyer Mental Health and Developmental Center in Decatur. Isn't that facility closing and if so, why aren't we just simply deleting any reference to that facility altogether?"

Speaker Daniels: "Representative Krause."

Krause: "It is not closed as yet."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, they haven't stopped accepting patients. The Bill repeals the requirement for the Department of Mental Health and Developmental Disabilities to establish area service councils that are to facilitate communication between providers and the agency, but my understanding is that under the new director that she is now proceeding with a reorganization plan to establish new community service networks. Why are we dismantling one set of bureaucracies, if you will, simply to create a new?"

Speaker Daniels: "Representative Krause."

Krause: "Those new networks would be done administratively is what staff advises me."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Are we not defining, we're gonna redefine them by statute, is that not the case?"

Speaker Daniels: "Representative Krause."

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Krause: "I think these are different than what you are referring to as far as the area councils, is what I am being advised."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Is there any opposition to this Legislation, this Conference Committee Report?"

Speaker Daniels: "Representative Krause."

Krause: "As I recall at the Committee Hearing, there was opposition to the underlying Bill. The underlying Bill of 293 was opposed by Equip for Equality, the Hospitals Association and I believe now, a committee of the State Bar, I've been notified by staff."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Could you explain the opposition, particularly that of the Bar Association?"

Speaker Daniels: "Representative Krause."

Krause: "My understanding of the Bar Association, I've not received any communications from them and so I am going to go on the basis that their opposition or the committee because previously when the Bill was submitted in Committee and that Bill has not changed, they had not expressed an opposition, but my understanding is that their opposition is based on that item that the power of attorney becomes irrevocable is my understanding and that to revoke it requires, while competent, one physician. If I am clear, that's my understanding, Representative. I've not received anything from them."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Can you explain the immunity provisions that are in the Bill and really why it's necessary?"

Speaker Daniels: "Representative Krause."

Krause: "There's immunity provisions both as they relate to the

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principal, the attorney in fact and then there are provisions in here as they relate to the physician, but their immunity's only based on good faith as well as, I think, the standards of reasonableness and I think that is run through in a number of other statutes that you find. It is not an immunity from gross negligence. It is not an immunity of a waiver. It is merely to say again that ..."

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

Krause: "Both that the principle if acting in good faith, that there's not an action against the attorney in fact and that the physician is acting in good faith and standards of reasonableness as to their conduct in their profession, they are not."

Speaker Daniels: "Representative Dart."

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

Speaker Daniels: "She indicates she will."

Dart: "Thank you. Representative, I have a couple of questions. Initially, I want to ... provisions of this...deal with state's attorneys being notified about the discharge of people from mental institutions. Can you explain to me the genesis behind this and what was the need for this?"

Speaker Daniels: "Representative Krause."

Krause: "It was a request by the state's attorneys. The Cook County State's Attorney initiated that request."

Speaker Daniels: "The major changes I see from reading this is it changes from permissive to a mandate on these directors. The state's attorney of, I believe the Cook County State's Attorney was a proponent of this. Do we have an idea of the number of people that are now gonna be, they're gonna have to be informed of?"

Speaker Daniels: "Representative Krause."

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Krause: "No, we do not have a number. The staff does not."

Speaker Daniels: "Representative Dart."

Dart: "Well, I mean do we even have a ball park of just of how many people cause this could be quite a burden on numerous individuals here because now all of a sudden we're taking them from a permissive state status to where it's going to be mandated that there's gonna have to be this information spread to the state's attorneys. Do they have the capability because when I was there I don't know how exactly they would be able to take in this information and do anything with it, frankly. What is it that they have said that they're going to be able to do with this information?"

Speaker Daniels: "Representative Krause."

Krause: "I think both the department and the state's attorney's office themselves clearly in looking at this believe that they have the capability to do it since the Cook County State's Attorney office itself initiated the request, I am sure that they looked into their going forth on this."

Speaker Daniels: "Representative Dart."

Dart: "Thank you, Representative. In another vein here, I was reading through the information dealing with the Preference Declaration Act and the changes involved in that. Apparently from the changes that are being made now, you're setting up a scheme where there is no mechanism whatsoever available for an individual who once has their power of attorney in fact given, they cannot revoke that at anytime. Is that not correct?"

Speaker Daniels: "Representative Krause."

Krause: "That is correct. It's irrevocable once it is signed, but there's been no changes made in that, Representative, since it was presented on the House Floor initially on

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that, but I think it is important to remember that this is as you know is a voluntary declaration that the person upon signing it initially is aware of everything that is in there and I think that as he reviews it, if there is any concern, it's like a power of attorney for health care. I don't think someone's going to enter into it. It is voluntary upon signing it."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. I would intend to agree with you, Representative, that a, it would be voluntary at least, initially, and also I agree with you that by and large, I would imagine that in ninety some percent of the cases we're talking here that the people who are getting this power of attorney in fact are gonna be doing the right thing for the right reasons. However, this is opposed by the Guardianship and Advocacy Commission, the Bar Association and the Illinois Hospital and Health System Association and I believe a lot of their concern is based on the fact that there are people out there and I think we'd be lying if we didn't say it, there are people out there who should look at some of these individuals as burdens and would prefer to have them put in a state where they're just basically not a problem to anybody. That being the case, when you have a situation like this that cannot be revoked in anyway, does that not pose problems both maybe constitutional problems, but also just problems in fact on how it's gonna be worked?"

Speaker Daniels: "Representative Krause."

Krause: "No, I do not believe that it does. I think what this Legislation has been looked and studied, as you know, for two years it has been around. I think there's been a lot of input. I think it is the right step to go forth in a

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more unique type of area of mental health and I think the individuals who have looked at this are very concerned that they can have periods where they may be disabled and what occurs is if they did not have this, they are not going to take their medication. What this does is to have the principal or agent of someone who does know their condition and who will then under the situation be sure and require that they take the medication or the other treatment that they put in here."

Speaker Daniels: "Representative Krause, did you finish? Further discussion of the Bill? Being none, Representative Krause to close."

Krause: "Thank you very much, Mr. Speaker, and at this time I ask for approval for Conference Committee Report #1."

Speaker Daniels: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 293?' All those in favor signify by voting 'aye'; opposed by voting 'nay'. The voting is open. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 114 'ayes'; none voting 'no' and the House does adopt Conference Committee Report #1 to Senate Bill 293. And this Bill, having received Constitutional Majority, is hereby declared passed. Resolutions HJR43, Representative Cross."

Cross: "Thank you, Mr. Speaker. About a year ago, this General Assembly passed a Resolution creating a Legislative Committee and Task Force to examine the Juvenile Court Act. That Committee has been meeting the past year. We have not concluded our work and on the request of that Committee that we extend the life of that Committee another year. It's currently to expire the end of this year. The

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Chairman of that Committee as well as the whole Committee would like some additional time and that's the basis for this Resolution and I'd appreciate a favorable vote."

Speaker Daniels: "Any discussion? Being no discussion, the question is, 'Shall House Joint Resolution 43 be adopted?' 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. This question, there are 115 'aye', none voting 'no', 1 voting 'present'. And this Resolution, having received Majority vote, is hereby declared adopted. Senate Joint Resolution 36, Representative Kubik. Representative Lawfer, excuse me, Representative Lawfer. Excuse me, Representative Lawfer. Ladies and Gentlemen of the House, we're joined by Rochester High School of Rochester, Illinois from the 99th Legislative District, Senior High Government's class. Welcome to Springfield. Representative Poe represents their area. Senate Joint Resolution 36, Representative Lawfer."

Lawfer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to present Senate Joint Resolution 36. This is a Resolution that was passed out of the Senate without any descending votes and urges the creation of a Building Task Force to study the consolidation and simplification of building codes, standards, and requirements and in return, make recommendations to the Governor and the General Assembly by August 1st, 1996. Currently, the state of Illinois has over eighty Rules and Regulations that need to be codified so that we can simplify building codes and in effect, reduce the cost of housing. I think this would be a good step not only in reducing the cost of commercial buildings, but also residential housing.

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I would be glad to answer any questions that anybody has in this regard."

Speaker Johnson, Tim: "Representative Johnson in the Chair. The Gentleman from Cook, Representative Laurino. Representative Laurino."

Laurino: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to take a moment of your time to let you know that we are graced this morning with the presence of former State Representative Pam Munizzi and former State Senator Pam Munizzi. She's standing right to my rear."

Speaker Johnson, Tim: "Thank you, Representative Laurino. Further comments on the Resolution? The Gentleman from Cook, Representative Lang. Give Representative Lang your attention."

Lang: "Thank you, Mr. Speaker. It's a pleasure to have someone in the Chair who's concerned about someone paying attention to what I have to say. Thank you very much."

Speaker Johnson, Tim: "We always pay attention to what you have to say, Representative Lang, proceed."

Lang: "Well, thank you. Will the Sponsor yield?"

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

Lang: "Thank you. Representative, I was listening, honest I was. I have no idea what you said, have no idea what you meant, have no idea what this Resolution is about, have no idea why you're the Sponsor. Can you answer any of these questions for me?"

Speaker Johnson, Tim: "Proceed. Representative Lawfer."

Lawfer: "Well that was a whole series of questions, but let me start again from the top. This is a Task Force to study the consolidation and simplification of the building codes, standards and requirements. We have over sixty sets of state statutes, regulations, all of which deal with

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building, whether it be residential, commercial. This Task Force would work together to simplify these so that they could be codified so that it would cut down on the cost. Not only would this help in commercial costs, but it also would help in reducing the cost of residential housing. It's estimated that nationwide, unnecessary rules and regulation raise the cost of housing about 30 to 35% and for every thousand dollars a cost for residential house puts twenty-one thousand people out of the potential housing market. This is good for not only reducing tax money to build commercial buildings, but also makes housing more affordable."

Speaker Johnson, Tim: "Further questions, Representative Lang?"

Lang: "Thank you, so this is sort of what we might call a common sense day for state buildings. Is that what we'd call this?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "I would not disagree."

Speaker Johnson, Tim: "Representative Lang."

Lang: "We're certainly all interested in common sense on this side of the aisle. Let me ask you this question, who's responsible for the maintenance and construction of these state buildings now?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "I think a lot of that is the Capitol Development Board. I'm not sure that all of it is by that, but a majority of it is by the Capitol Development Board."

Speaker Johnson, Tim: "Representative Lang, I didn't turn the timer on."

Lang: "I couldn't hear the answer, I'm sorry. Could we get some peace and quiet in here, Speaker?"

Speaker Johnson, Tim: "That's a good suggestion. If we could

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give Representative Lang and Lawfer your attention so we can consider this Resolution and everybody understand what the parameters of it are would be appreciated, so Representative Lang proceed."

Lang: "Well, I'm gonna ask the same question 'cause I didn't hear the answer. You want to save this money by having this Task Force take a look at all this "morassive" rules and regulations. Regarding the maintenance and expense at state buildings, who's responsible for this today?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "A lot of this responsibility does rest with the Capitol Development Board and they would be part of this Task Force."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "Why don't we just ask the Capitol Development Board then to do their work? Why do we need to create a Task Force to do this? You own property, Sir, you don't need a Task Force to determine how to handle your property and maintain your property. Why should the State of Illinois need to do that?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "Many of these codes, of course, cover public buildings that the Capitol Development Board covers, but on the other hand, we're talking about private buildings, residential buildings, so this would be not only to codify the rules and regulations for municipal buildings or government buildings, commercial buildings, but also private industry. The home builders are very much interested in this and to my knowledge, they have all endorsed this Resolution."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So you want to have a state Task Force to discuss what ought to be done with private buildings that are owned by

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private individuals?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "We're dealing with the code here, not with private builders. We're dealing with the code that the private builders have to work under, the state code."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And we have no organized body within the State of Illinois now to review these code regulations?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "No, we don't, not to do what we want to do with this Resolution."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Who created these codes?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "A lot of these codes were drafted by various industry groups and then moved into statute. Some of it was ..."

Speaker Johnson, Tim: "Your time has expired but I'll give you both another minute. Go ahead. Representative, complete your response, Representative Lawfer."

Lawfer: "A lot of this was formed together by different trade groups, the plumbers, the electricians, piece meal put together some codes. The purpose of the Task Force here would be to look at the codes to see how they fit together and to make them more uniform so that people could comply with them and then there again, lowering the cost."

Speaker Johnson, Tim: "Representative Lang for a final question."

Lang: "Why don't we just turn this over to Representative Rutherford's common sense group? If it doesn't make sense to have this "morassive" regulation, why don't you just let the Representative deal with it? Why do we need a new Task Force?"

Speaker Johnson, Tim: "You have nine seconds, Representative

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Lawfer."

Lawfer: "I think that this Task Force would have the expertise to do a lot of that and could do it much quicker."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Wennlund. Representative Wennlund, what purpose do you rise?"

Wennlund: "Thank you, Mr. Speaker. I rise in support of this Resolution and I want to explain the reason for it. Currently, these building codes that now are administered by twelve different state agencies with over sixty sets of different building codes which make it impossible for builders in Illinois of residential housing or any other type of commercial or industrial buildings to effectively comply with the law. What's happened over the years is all of these twelve different agencies have come up with their own sets of regulations dealing with the construction industry. They are so impossible to find in the statutes and in the regulations that exist and to put them all in one place and to simplify them so that all builders and the building public in Illinois and home buyers will know that their homes were constructed in accordance with the codes that make sense, that are not conflicting and that are easy to find. That's why I rise in support of this. Virtually every construction industry and every union supports this Resolution because they have to deal with it on a day to day basis and they can't find the law because it's split up and administered by twelve different state agencies. That's ridiculous. What it takes is the reason this Task Force is necessary is because it takes expertise in understanding the Plumbing Code for instance. This has nothing to do with Representative Rutherford's simplification process or repealing outdated laws. This

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has to do with simplifying and codifying laws to protect the public in Illinois, to protect the consumer, to protect the home builder so that all builders will know in deed what the law is with respect to building codes in Illinois. If you've ever looked at the Plumbing Code, it's almost impossible to figure out because part of it's enforced by the EPA, part of it's enforced by the Department of Public Health and another part of it, believe it or not, is enforced by DNR. This Resolution and this Task Force will simplify that entire process and this is a consumer-oriented Bill Resolution because it will make it easier for builders to comply with the codes and we'll know that the consumers are protected. I rise in support of it and ask for your 'aye' vote."

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

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

Speaker Johnson, Tim: "The Sponsor indicates he'll yield."

Dart: "Well, Representative, I'm a little mystified by this that the whole purpose is to simplify this. We've been talking about how there's twelve agencies that why is it that we need a Task Force to do this? Wouldn't it be simpler in line with this whole simplified thing to have the twelve agencies come together in themselves to take care of this because we're all interested in simplifying this. It seems like, you know as I said, we're talking about common sense, we ought to have a day for the nonsense around here because it seems to be six and one half dozen of the other. Why is it we need this Task Force? Why can't these twelve agencies who have created this mess supposedly, sit down and figure out where they're overrunning and when there's duplication and the like? Why is it another of our many,

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many task force is gonna have to be created?"

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

Dart: "Yes, it was."

Speaker Johnson, Tim: "In response, Representative Lawfer. Give Representative Lawfer your attention."

Lawfer: "Representative Dart, there's more than just the agencies involved in here. You're dealing now with not only the agencies, but all the industries, the different agencies, whether they be electrical, plumbing, insulation, so we're dealing with industries here in the building arena, not just the agencies that are part of the Code. So we're dealing here with not only agencies, but private industry and they're all part of the Task Force."

Speaker Johnson, Tim: "Further questions, Representative Dart."

Dart: "Doesn't that make common sense that these private agencies would already have removed from their codes the requirements and ordinances that are no longer effective and actually get in the way? I mean are these people so dumb that they can't do it themselves so they have all these things on the books that confuse themselves?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "That would be an ideal way if we didn't realize that this thing has been built up piece meal over a period of time and so this would be a coordinated approach to cut through, get away from the so called splinters that have developed during this segment of rule making and statutes over a long period of years."

Speaker Johnson, Tim: "Representative Dart."

Dart: "It just seems to me, Representative, these people would be in the best place to determine which ones would be and which ones would not be the ones that are working and that, you know, the Task Force, all good and fine, but as I said,

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it would seem to me that they would be in the best position to know which ones don't work and that over the course of the years as these piece meal ones have been going on, just like they've been adding things, they can subtract them just as easily as well. Why is it they can't do it just like they by piece meal, add a couple? Why can't they piece meal remove a couple, too?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "I think this Task Force would review that so that we would know which ones needed to be removed and by a thorough discussion of all the regulations and that there would be no favorite or a favored party involved in here to look at the broad approach and it would be more efficient this way."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Are there gonna be, the people on the Task Force, are they gonna be compensated in anyway per diem, travel expenses or anything like that?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "The Task Force members will not be given any money, however there will be administrative costs for this."

Speaker Johnson, Tim: "Proceed."

Dart: "What will be the administrative cost?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "It will be minor clerical work."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Do we have a ball park figure on this one?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "It will be minimal clerical work."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Can you define minimal?"

Speaker Johnson, Tim: "Representative Lawfer."

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Lawfer: "It would just be the amount that's needed to put the report together."

Speaker Johnson, Tim: "Representative Dart."

Dart: "You got me there. Now is there a deadline by when this Task Force is gonna come back with this report and is this something where we're gonna have a Minority and Majority report from this or is it your understanding that all of these groups are gonna be in complete agreement with the report from the Task Force?"

Speaker Johnson, Tim: "Representative Lawfer."

Lawfer: "I do not anticipate a Minority, Majority report because the Task Force will consist of two House Members, one chosen by the Speaker, the other by the House Minority Leader. There'll be two Senate Members, one chosen by the President and the other by the Senate Minority Leader and that is required and those recommendations are needed to the Governor and the General Assembly by August 1 of 1996."

Speaker Johnson, Tim: "Representative Dart, you have ten seconds."

Dart: "So there'll be back by August 1 with a report that everybody will be in agreement with, that's your understanding?"

Speaker Johnson, Tim: "Representative Lawfer, you have no time. The Chair recognizes the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I obviously rise in support of this Resolution. I've heard some discussion about perhaps we shouldn't have task forces and in particular I noticed on the Calendar, HJR28, which creates a commission to review some other aspects of the law. What this Task Force is trying to do is to review in a comprehensive way the building codes in

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Illinois. It has Representatives not only from the state, but from the construction industry, from architects, from unions, and all of these people will get together and come up with a unified code which makes a lot of sense. If you're moving around the state and you've got all of these various different types of rules and regulations, it's very, very tough to follow. So what we're trying to say is that there ought to be a unified code, an understandable code so that we don't, you know you don't because you're in one part of the state have to abide by one set of rules and then in another part of the state abide by another set of rules. It doesn't make any sense so the idea's to try to come up with some resolution amongst the people who actually have to live with this code so we're going to put people in the construction industry there and people who regulate the code and I think it's an excellent idea. It allows the people who use the code and have to abide by the code input into making this a much, much more simple and easy to use code. So I would urge your support and I think that this is an excellent idea. There's a long list of people who are proponents of this and they range anywhere from architects to construction engineers to the insurance industry, the home builders, mechanical subcontractors, the Illinois Municipal League, all of these groups have come together to support this concept so I urge your support of this Resolution."

Speaker Johnson, Tim: "Thank you, Representative. If the Chair could announce the presence of students from Danville High School and their instructor, Tonya Wheelen, in the gallery. These students and teachers are the guests of Representative Bill Black. No one else is seeking recognition, the Chair recognizes the Gentleman from Jo

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Davies, Representative Lawfer to close."

Lawfer: "Thank you, Mr. Speaker. I believe that Representative Kubik's remarks are what's necessary for closing and with that I would ask for a favorable vote on Senate Joint Resolution #36. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Senate Joint Resolution 36 pass?' Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', none voting 'no', none voting 'present'. And Senate Joint Resolution 36 passes. If we could just be at ease for a moment. The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I'd like to make an announcement regarding the Sportsman Caucus which our hundred Member from the House and Senate participate in a week from Tuesday on the fourteenth, we'll be having our third annual reception and auction at the Prairie Capitol Convention Center in the Buddings room downstairs. This year we're gonna have vehicles, a fish car from General Motors, some boats from Ranger as well as a shooting training apparatus that Conservation now has purchased and is using for training the youth on shooting. I'd like to remind the Members that we'd like to see every Caucus Member there and as far as that invite the rest of the House Members to attend the Sportsman Caucus on the fourteenth which would be the Tuesday we come back when the second week of Veto Session."

Speaker Johnson, Tim: "Thank you, Representative Brunsvold."

Brunsvold: "I'm not done yet."

Speaker Johnson, Tim: "Proceed."

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Brunsvold: "I would also like to remind the Members we pay no dues so this is our fund raiser. We ask one thing that you go to a vendor in your district and maybe ask for a gift for the Sportsman Caucus that we can use as prizes or to auction off at the fund-raiser so if you would do that sometime next week and then get it to either Senator Bob Madigan's office or my office, we'll use that for our fund-raiser auction so thank you very much. Thank you, Mr. Speaker, for allowing me to announce the Sportsman's Caucus event on the fourteenth."

Speaker Johnson, Tim: "Representative Barbara Currie. Representative Barbara Currie, with your active participation in the Sportsman Caucus, I thought perhaps you had a comment on that. Thank you. Proceeding now to the order of resolutions, proceed to the order on page 4 of the regular Calendar of HJR20, the Chair recognizes the Gentleman from Cook, Representative Pedersen. Representative Pedersen, proceed."

Pedersen: "Thank you, Ladies and Gentlemen of the House and Mr. Speaker. House Joint Resolution 20 resolves that the State of Illinois claim sovereignty under the 10th Amendment to the Constitution of the United States that the Federal Government should cease mandates that are beyond the scope of its constitutionally delegated powers. There has been a trend in this country for years where the Federal Government has been giving us all kind of mandates."

Speaker Johnson, Tim: "Just a moment. I'm having a difficult time hearing you and I'm assuming others are as well. If we could give Representative Pedersen your attention on this Resolution. Proceed."

Pedersen: "There has been eroding state powers. I think throughout the country there's all kinds of interests in

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the state's standing up and fighting back and this is just a sense of that feeling that we should cease, that the Feds should cease their mandates and I would ask that you vote 'aye' on this Resolution."

Speaker Johnson, Tim: "On the Resolution, the Gentleman from Cook, Representative Lang, proceed."

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

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

Lang: "Representative, what are you asking for is the bottom line of this Resolution that the Feds stop mandating anything to us?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Mandating things that are beyond the scope of its constitutionally delegated powers."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So does that mean you're opposed to the Motor Voter Mandate?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "That's a good example."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So when your Party has a proposal on the floor later today or tomorrow or next week, whenever it is to deal with this, will you be voting no?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "We'll have to see when the time comes."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I assume you'll still be opposed to mandates then. Are you gonna follow through on this philosophy when the time comes to vote on the issue of Motor Voter? Representative Moore sitting behind you might be interested in knowing that, it's her Bill."

Speaker Johnson, Tim: "Representative Pedersen."

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Pedersen: "Well, we all would. This is really a different subject and it has nothing to do with this Resolution."

Speaker Johnson, Tim: "Representative Lang."

Lang: "What kind of mandates are you referring to here?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, historically there have been four developments. First, the Federal Government has assumed powers reserved to the states under the 10th Amendment. Second, interpretations of the Commerce clause in effect authorize federal preemption on any issue which has some connection with the Interstate Commerce. Third, the Federal Government has threatened to withhold, withdraw, or divert federal funds to coerce compliance with federal policies and finally, the states have failed to challenge these federal intrusions. This is just the beginning of starting to challenge what they're doing to us."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. As I recall, the Illinois Municipal League is working on a Constitutional Amendment in the area of mandates. Would that involve these kind of mandates or is that only the mandates that we impose on local government?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, that's another subject. I'm not familiar with what the Municipal League is doing."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I'm not sure what you said, Representative. Could I get an explanation of your answer?"

Speaker Johnson, Tim: "Representative Pedersen in further explanation."

Pedersen: "This is an Amendment dealing with the Feds and has nothing to do with what the Municipal League is trying to do. We'll take that up when the time comes."

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Speaker Johnson, Tim: "Representative Lang."

Lang: "Does your Bill define which kind of mandates the Federal Government might impose on the states and which kind of mandates it might not impose on the state?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "It just says that the Federal Government should cease mandates that are beyond the scope of its constitutionally delegated powers."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, how do we define that, Sir? It's your Resolution, not mine. You want 117 others of us to join you in this Resolution, but you don't tell us what the Resolution does. What kind of mandates, Sir? Give us some examples of the kinds of mandates that should not be imposed on the states, voting rights' mandates, taxation mandates. What kind of mandates are you referring?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "All we're trying to do is put the Federal Government on notice that they should stop doing this and when something comes up that we don't like then we'll deal with it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, what happens if they don't do this. Let's assume we pass this today, Representative, and you drop it in the mail and you send it to Newt and to Bob and to Bill and all those folks in Washington, D.C.. What if they don't listen? I mean, what if, what are we gonna do then? Shall we do what they did in Canada? Shall we be like Quebec and try to secede from the country because the Federal Government won't abide by this Resolution?"

Speaker Johnson, Tim: "Representative Pedersen, do you wish to respond?"

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Pedersen: "I think that we can address those things as they come up. All we're telling them is that we're tired of what they're doing and we want them to stop."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So I gather then that you're not sure what you'll do if we send this on to the Federal Government and they continue to heap mandates on the State of Illinois. You might be for a separatist movement. You might want to have Illinois secede so we don't have to be burdened by these federal mandates. Is that your plan, Sir?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "I doubt if it'll come to that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, if you're not gonna comment, I don't have any more questions."

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

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

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

Davis, M.: "Representative, are you aware that one of your Co-Sponsors on this Legislation recently quoted Senator Carol Mosely Braun in reference to a federal mandate that he was attempting to near or here in the state, it was in biracial adoptions?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "No."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Well, Representative, is what, does this House Joint Resolution say that you're really fed up with Newt Gingrich and the Republican controlled Congress and the Republican controlled Senate that you, too are fed up with their mandates?"

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Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "No."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Would you tell us, Sir, what it is you are tired of,
what is it you want to resolve?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Well, the Constitution delegated from the State
certain powers to the Federal Government and all we're
trying to do is to get the Government to stop mandating
things that were not provided for in the Constitution."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Have you written to Newt Gingrich? Have you written
to Bob Dole?"

Speaker Johnson, Tim: "Representative Pedersen."

Pedersen: "Oh, yeah I write to lots of people, even the
President."

Speaker Johnson, Tim: "Representative Davis."

Davis, M.: "Well, to the Resolution."

Speaker Johnson, Tim: "To the Resolution."

Davis, M.: "I believe until he more clearly defines what it is he
wants the Federal Government to stop doing, we would be in,
I would feel violation of our responsibility to simply say
to this Body that we're tired of federal mandates when it
is not defined of what mandates we're speaking. Are we
speaking of educational mandates that require that you feed
children certain nutritional requirements in their lunches?
Are we speaking of mandates that talk about the right to
everyone to vote that you're violating a Constitutional
right when you put barriers up for people to have the right
to vote? Forty-eight states are adhering to the Motor
Voter Bill, 48 states are adhering to federal mandate and
Illinois has decided that it doesn't want to do that? Are

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we speaking of federal mandates that tell us the speeds that certain weighted trucks must travel? Are we talking about the mandates that say we must give health care to senior citizens who have paid into this system for years only to be mistreated in their days of old age when they're unable to care for themselves or maybe it's the federal mandate against for disabilities. Maybe it's the federal mandate that mandate that we give certain rights and services for people who are disabled. Tell us, Representative, which mandates are you speaking of?"

Speaker Johnson, Tim: "Was that a comment or do you want a response?"

Davis, M.: "Representative, I don't think he can respond. I will end my comments and urge you to vote 'no' on this Resolution. "

Speaker Johnson, Tim: "Okay, that's fine. Thank you, Representative. The Chair recognizes the Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, 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 would say 'no'. The 'ayes' have it. The main question is put. Representative Pedersen to close."

Pedersen: "We are a sovereign state. It's time for us to exercise our powers and we can handle these problems ourself without the Feds dictating to us how to do it. I recommend an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall HJR20 pass?' Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 102 voting 'yes', 8 voting 'no', 5 voting 'present' and HJR20 passes. Proceed now to HJR26. The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker and Ladies and Gentleman. House Joint Resolution 26 coincides with the previous Resolution which we just passed. It simply states that the U.S. Courts, the United States Supreme Court and any inferior Courts of the United States Supreme Court should not have the ability to force the levy of taxes. It follows along the same logic as our previous Resolution stating that the rights, the sovereign rights of this belong to the State Government. I ask for your favorable vote."

Speaker Johnson, Tim: "On the question, the Chair recognizes the Gentleman from Cook, Representative Lang."

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

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

Lang: "Thank you. Representative, once again that cogent, succinct discussion of what this Resolution does was lost on me, so can you give me a version I can hear and understand of what you're trying to do here, Sir?"

Speaker Johnson, Tim: "Okay, if we could give Representative Brady and Representative Lang your attention so we can understand the purport of this Resolution. Proceed, Representative Brady."

Brady: "This Resolution suggests that the power to levy taxes belongs to the sovereignty of the State of Illinois and to the Constitution of the both the State of Illinois and the United States. It follows that the Supreme Court, nor any inferior court under the United States Federal Supreme Court should not have the authority to force the levy of tax."

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Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "The Supreme Court should not have the power to force who to levy a tax?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Any federal court should not, the Legislation states that the United States Supreme Court, nor any other federal court should have the authority to levy a tax."

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

Lang: "Perhaps you can give us some examples of where a court has levied a tax."

Speaker Johnson, Tim: "Representative Brady, you wish to respond?"

Brady: "I'm sorry, I didn't hear the question."

Speaker Johnson, Tim: "Representative Lang, do you want to restate the question?"

Lang: "Perhaps you could give us some examples of where courts have levied taxes so we know your point."

Speaker Johnson, Tim: "Representative Brady."

Brady: "I believe in the State of Missouri the federal courts force the levy of a tax to meet a federal mandate."

Speaker Johnson, Tim: "Representative Lang, I assume you would join me in asking some of the little caucuses to break up around the floor so we could hear your question. Please give Representative Lang your attention."

Lang: "Thank you. Representative, what was that tax and why did the court impose it? Read quick now."

Speaker Johnson, Tim: "Representative Brady."

Brady: "I can't cite that specifically, Representative. I know that this is a Resolution that I think 10 other states have rights adopted. It deals with the sovereign rights of states and that's the simple issue."

Speaker Johnson, Tim: "Representative Lang."

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Lang: "Well, now let's see, if we're gonna get simple, I'll just sit down and talk about this. Now let's see what you're saying. You're saying that you want us to pass a Resolution that's gonna be sent all over the world, probably on Internet and all over the place and this is gonna say that courts cannot impose tax on states. Then I ask you, well what taxes have been imposed and then you say, something in Missouri, I don't know what it was about and now you want us to pass a Resolution from the State of Illinois to deal with this and you don't know what the heck it's about. So, what's it about? Give it to Jerry Clark or somebody that can answer the question, would you?"

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

Brady: "You talked so fast, Representative Lang, I couldn't understand your question."

Speaker Johnson, Tim: "Representative Lang, do you want to repeat the question?"

Lang: "What's the Bill about? What's the Resolution about? You don't, are you telling me that under no circumstances whether you know them or not, can you possibly fathom a reason why a court would order a state to follow a federal mandate? What about Motor Voter?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "It might be a prime example, Representative. I don't know of any court that has forced a tax for Motor Voter which is what this deals with. I do know of an issue that was brought to my attention in the State of Illinois where the federal courts in Rockford are forcing a tax levy regarding a school district. What we're trying to do here is deal with the parameters of the Constitution, the sovereign rights of the state. If you support that, vote 'aye'; if you don't support that, vote 'no'."

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Speaker Johnson, Tim: "Representative Lang."

Lang: "I kind of like to know what you're asking me to support. That's not what your Resolution says. Your Resolution says something about taxes. Now you're talking about mandates and the sovereign right of the state. The esteemed colleague of yours over there, Representative Peterson or Pederson, whatever way we're pronouncing it this week, had a Bill that dealt with mandates. We just passed it out of here. You voted for that. How many should we have? Are we gonna have another Resolution after this on this issue, 10, 20, 30? How many shall we have? I still don't know what this Resolution does. Do you want to tell me?"

Speaker Johnson, Tim: "Representative Brady, you have 15 seconds to respond. Proceed. You've responded. The Chair recognizes a Gentleman from Vermillion, Representative Black. Representative Black, proceed."

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

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

Black: "Yes, Representative Brady, as usual the Gentleman from Skokie had some very insightful questions and he peaked my curiosity. I, too, am concerned about federal courts levying a tax on a state and I heard you mention the city of Rockport, Rockfalls. What was it?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "It was suggested to me the city of Rockford."

Speaker Johnson, Tim: "Proceed."

Black: "So it was the city of Rockford, well, that's the state's second largest city. I mean, that's big, second largest city is big and some court, a federal court levied a tax of some kind on the city of Rockford?"

Speaker Johnson, Tim: "On the geography point, Representative

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Brady."

Brady: "Actually, it's my understanding that it's a school district, a big school district. The federal court is attempting to force a tax levy on a very large school district. You're right, Representative."

Speaker Johnson, Tim: "Representative Black."

Black: "Would this tax have been a property tax?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Yes."

Speaker Johnson, Tim: "Representative Black."

Black: "Wow. I'm shocked. I'm appalled and I know I would be joined by the Gentleman from Skokie saying that if indeed this happened I'm not privy to this levying of a tax by the courts. I don't live in the state's second largest, city nor did I ever attend the big school district up there in Rockford. I'm from a smaller community, but I would think that now we're on a bipartisan issue here. I mean the city of Rockford, being the second largest city, chasing Chicago as I understand it, day by day to become the largest city in the state of Illinois, having a burdensome tax placed upon the citizenry of the second largest city in the State of Illinois, the great city of Rockford, down here last year lobbying. What a wonderful T-shirt they gave me. I have nothing but fond memories of Rockford Day. Now we should put aside our partisan differences, Ladies and Gentlemen, and rally, rally round to the cause of the city of Rockford. I say to you, how dare a court levy a tax on the second largest city in the State of Illinois without the citizenry's approval and I dare say and I don't invoke his name lightly, but if Representative Georgie was with us, he would I'm sure put a stop to this I'm confident. We will not be trifled with in the State of Illinois and I

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joined those honored Representatives in the city of Rockford, stand with you shoulder to shoulder, elbow to elbow, knee to knee, I say to you, no taxation without representation. We have had enough. We have had enough. I tell you it's Rockford now, Ladies and Gentlemen, but what will it be tomorrow if we don't nip this in the bud? It could be Skokie. It could be Centralia. It could be wherever in the world Terry Deering used to live and you still haven't told me what happened to him. You've got to stop this right now. I can see this spreading throughout the State of Illinois, taxation levied upon us by the Federal Courts appointed. Well, who knows who appointed them? It might go back to the days of Harry Truman. They have lifetime appointments. Let's hear it for Herbert Hoover. Time is growing short, Ladies and Gentlemen. Rockford today, Chicago tomorrow. Are you going to sit here and let the largest city in Illinois and the second largest city in Illinois be trifled with by the federal judiciary? I know you better than that. I know you won't allow it; so join with us and express our outrage at this usurpation of power of the state and of the great city of Rockford. Do what's right. Pass this Resolution."

Speaker Johnson, Tim: "With attribution to Thomas Payne, thank you for your comments. The Chair recognizes the Gentleman from Winnebago, Representative Scott, the former City Attorney of the second largest city in Illinois."

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

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

Scott: "Thank you. First of all, before that, Representative Black, you can stand knee to knee with me anytime. I'll accept that. Representative Brady, isn't it a fact in the

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city of Rockford that there is a desegregation lawsuit and that the court has merely stated, as courts will do in a finding of discrimination, that there's certain remedies that have to be complied with? The court's not the people that have imposed the tax, is it?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "I really am not an expert on the case."

Speaker Johnson, Tim: "Representative Scott."

Scott: "I mean I don't think anybody's really gonna have a problem with what you're suggesting because I don't think it's done right now. I mean I think it's a feel good, sound good piece of a resolution that really doesn't do anything. In fact, what's happening in Rockford is this. There's a desegregation lawsuit that's been lost by the district. There are remedies that are being court ordered by the federal magistrate in that case. The Rockford school district has chosen to use the Torte Immunity Fund which is based on property tax as their way of paying for the remedies. That's not ordered by the court. That's something that the school district has chosen to do. So you don't have that case in Rockford. I don't know if you had it in Missouri or some place else at some time, but you don't have it in Rockford. I don't think there's any problem with it because it's not happening right now. It's just so everybody is disabused of the notion that that's actually happening in Rockford right now. I just wanted to let you and the other Members know that. Thank you."

Speaker Johnson, Tim: "Thank you, Representative Scott. The Gentleman from Kendall, Representative Cross."

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

Speaker Johnson, Tim: "He indicates he will. No, he indicates he won't. Proceed, Representative Cross."

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Cross: "Representative Brady, can you refresh for us and tell us what the 10th Amendment of the Constitution of the United States says?"

Speaker Johnson, Tim: "He indicates he will not respond. Proceed, Representative Cross."

Cross: "Representative, I have absolutely no idea still really what this Bill does. Could you explain for us once again or try to, what you're attempting to do?"

Speaker Johnson, Tim: "Representative Brady now indicates he will respond. Representative Brady."

Brady: "The 10th Amendment states that the power is not delegated to the United States by the Constitution or inhibited by the states or reserved to the states, respectively, or to the people."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Thank you, Representative. From my understanding of this problem, Bill, the state's authority has eroded, Representative Brady, I apologize. The state's authority has eroded in about four different areas. Could you tell us what those four areas are?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "I'm glad you brought this up. First, the Federal Government has assumed powers reserved to the states under the 10th Amendment. Second, interpretations of the commerce clause, in effect, authorize federal preemption on any issue which has some connection with interstate commerce. Thirdly, the Federal Government has threatened to withhold, withdraw, or divert federal funds to coerce compliance with federal policies and finally, state governments have failed to challenge these federal intrusions."

Speaker Johnson, Tim: "Proceed, Representative Cross."

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Cross: "Representative Brady, my understanding is there have been some studies done in the past concerning the costs to various states. Are you aware of any studies maybe back in 1991?"

Speaker Johnson, Tim: "Proceed, Representative."

Brady: "Yes, Representative, I am."

Speaker Johnson, Tim: "Further questions?"

Cross: "Could you tell what those might be, Bill, or Representative Brady?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Yes, Representative, the '91 study by the State of Maryland estimated that 25% of the state's general fund spending was driven by federal requirements. The survey conducted by the State of Ohio found that unfunded federal mandates were imposed costs of more than 1.74 billion on the state from 1992, including 1993, including 1994, and 1995. In Ohio, transportation mandate costs will increase from \$4.9 million in 1992 to nearly \$56 million in 1997. A lot of money."

Speaker Johnson, Tim: "Proceed."

Cross: "Representative, apparently when Representative Lawfer had his resolution up, the suggestion was that he contact Newt Gingrich with his concerns. Have you talked to any Members of the United States Supreme Court about your problem?"

Speaker Johnson, Tim: "Representative."

Brady: "No, but I talked to Newt last night, when I heard we were going to call this today and he's excited. In fact, when I talked to Bob Dole, he wanted to fly in to celebrate this accomplishment today."

Speaker Johnson, Tim: "Representative Cross."

Cross: "So Senator Dole and Representative Gingrich are both supportive of this Bill? Is Congressman Ewing supportive

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of this resolution?"

Speaker Johnson, Tim: "Representative, proceed."

Brady: "I was unable to reach Representative Ewing. I understand that Representative Rutherford had him on the phone all night."

Speaker Johnson, Tim: "Further questions? Bring your comments to a close, Representative."

Cross: "I appreciate giving me the time to ask these questions, Mr. Speaker. I think I have a few more seconds, so Representative Brady, would you be willing to allow some of us or others of us to join you as a co-sponsor on this Bill or resolution? It seems like a great idea."

Speaker Johnson, Tim: "Representative Brady."

Brady: "I most certainly would. In fact, I might even consider changing myself from being chief Sponsor to allowing Representative Black be chief Sponsor. He did such a fine job and if he was interested, I'd be very interested in that and Representative Cross, may I ask that you be immediately added as a sponsor of this piece of legislation."

Speaker Johnson, Tim: "No further questions. The Chair recognizes the Gentleman from McLean, Representative Brady to close."

Brady: "This is a very important piece of Legislation. In fact, with the passage of this it may be the pinnacle of my legislative career. I ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall House Joint Resolution 26 pass?' Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 8 voting 'no', 1 voting 'present'. And

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HJR26 passes. The Chair recognizes now the Lady from St. Clair, Representative Younge on SJR41. If I could before that, Representative Currie had asked if she could be recognized on a previous vote. Representative Currie and with your indulgence, Representative Younge. For what purpose do you rise? Representative Currie. Barbara Currie."

Currie: "Thank you, Speaker. I would like the record to reflect that on House Joint Resolution 20, my vote inadvertently was cast as an 'aye'; it should have been a 'no'. Thank you."

Speaker Johnson, Tim: "The record will so reflect. Now, the Lady from St. Clair, Representative Younge on SJR41, proceed."

Younge: "Thank you, Mr. Speaker. It's my privilege to present SJR41, which names the regional state office building in East St. Louis, located at Collinsville Avenue and Broadway, the Kenneth Hall Regional State Office Building. Senator Hall served in both the House and the Senate and he was a man who was always on time and always prepared to meet with people. He loved his constituents. He loved this House. He loved the Senate and he served over 30 years in these two Bodies. He was in the House for the 1966 and in 1971, he went to the Senate. It is a privilege for me to present this resolution, honoring Senator Hall for his service and his love and his faith to the people of the State of Illinois and I move for the adoption of SJR41."

Speaker Johnson, Tim: "Any discussion? Seeing no discussion, the question is...Representative Brady indicates he does have a question so the Chair recognizes the Gentleman from Mclean, Representative Brady."

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

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Speaker Johnson, Tim: "Indicates she will."

Brady: "Representative Younge, I know that Senator Hall was a very important person to you and frankly, the brief time I had to know him, I gained a lot of respect for him. Could you tell me again what this resolution does?"

Speaker Johnson, Tim: "Representative Younge."

Younge: "Thank you. We have an East St. Louis regional office building. At this time it is called the state office building. As a result of the passage of SJR41, this building will be known as the Kenneth Hall Regional State Office Building."

Speaker Johnson, Tim: "Further questions, Representative Brady?"

Brady: "Representative, I think this is a great idea. Does everyone in your district agree with this?"

Speaker Johnson, Tim: "Representative Young."

Younge: "Yes, absolutely, 150 %."

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I applaud you for your efforts and I rise in strong support of this resolution and I want to thank you for bringing this to our attention."

Speaker Johnson, Tim: "Further discussion? Seeing none, the Chair recognizes the Lady from St. Clair, Representative Younge to close."

Younge: "Thank you, Mr. Speaker. I move for the adoption of SJR41."

Speaker Johnson, Tim: "The question is, 'Shall Senate Joint Resolution 41 pass?' 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' and SJR41 is adopted. You can stand at ease for

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a moment. The Clerk of the House, Mr. McLennand has an announcement with respect to computer training. Mr. Clerk."

Clerk McLennand: "Those Members that were signed up for the 1:00 floor automation demonstration in 122A, they will meet immediately after Session. Those Members scheduled for 2:00 will meet one hour after Session. Those set up for 1:00 will meet immediately after Session. Those set for 2:00 will meet one hour later."

Speaker Johnson, Tim: "Thank you, Mr. Clerk. We'll continue to stand at ease. House is in order. On the order of House Calendar, Supplemental Calendar #1 in the order of concurrence, the Chair recognizes on the matter of HB1653, the Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I move that the House nonconcur with Senate Amendment #1."

Speaker Johnson, Tim: "The Gentleman moves for the House nonconcur with Senate Amendment #1 to HB1653. Those in favor signify by saying 'aye'; those opposed by saying 'no'. The Motion carries. The House does nonconcur with Senate Amendment #1 to House Bill 1653. We'll continue to stand at ease. On the matter of Introductions, the Clerk, Mr. McLennand."

Clerk McLennand: "Introductions, First Reading of House Bills. House Bill 2549, offered by Representative McAuliffe, a Bill for an Act making an appropriation. House Bill 2550, offered by Representative McAuliffe, a Bill for an Act to amend the Illinois Pension Code. Introduction, First Reading of these House Bills."

Speaker Johnson, Tim: "Thank you. The House will continue to stand at ease. Mr. Clerk, Introductions."

Clerk McLennand: "Introduction of Resolution. House Resolution

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#57, offered by Representative Skinner. House Resolution #58, offered by Representative Irwin and House Joint Resolution #62, offered by Representative Tenhouse. These are referred to the Rules Committee."

Speaker Johnson, Tim: "Thank you, Mr. Clerk. House will come to order. On House Calendar Supplemental #1, under the heading of Senate Bills Third Reading appears Senate Bill 598 and on that Bill the Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Chairman and Ladies and Gentlemen of the House. Senate Bill 598 passed the Senate, I believe, by an overwhelming majority. It got hung up last spring in some negotiations between various parties in the telecommunication."

Speaker Johnson, Tim: "If I could, Representative Black, your indulgence just a moment, Representative, the Clerk is asked to read the Bill."

Clerk McLennand: "Senate Bill 598, a Bill for an Act that amends the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Proceed, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill passed the Senate by an overwhelming majority last spring. It passed out of committee in the House on an attendance roll call. The Bill has been amended and the Committee Amendment #2 becomes the Bill. The Bill now applies only to telecommunication carriers. It does not apply to those utilities in the energy business and that was at the request of the Illinois Commerce Commission. Now the Legislation 'as amended' is trying to reduce and streamline duplicative and wasteful level of regulation of

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telecommunication contracts, while at the same time retaining proper consumer protection. Current law requires the ICC to perform two extensive and costly reviews of a contract between the telecommunication company and its affiliate. Now this first review takes place when the contract is entered into or changed. That review has no impact on customer rates. The second review of that same contract takes place when the company would come before the ICC requesting a potential change in customer rates, either up or down, and at that time, the Commission repeats its entire review of the contract that it's already done. All we're asking you to do with this Legislation is to eliminate the first review that has no impact on whether or not rates go up or down, keep the second review which does have, give the Commission then the authority to review any impact on rates and I think it makes imminent good sense. It simply reduces and streamlines the process. It's bound to save administrative costs and yet, still protects the interest of the consumer. I believe that you'll find that Indiana, Iowa, and Wisconsin already treat the review of these affiliated contracts in the manner that we are proposing. The Commerce Commission does support the Bill 'as amended' and I would ask your favorable consideration of Senate Bill 598 and I'll be glad to answer any questions you might have."

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

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

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

Schakowsky: "Representative, do you know of opposition to this Legislation?"

Speaker Johnson, Tim: "Representative, proceed."

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Black: "'As amended' in Committee, that removed the Commerce Commission opposition to the Bill. My file does not indicate any opposition so I am not aware of any opposition at this point."

Speaker Johnson, Tim: "Representative Schakowsky, anything further?"

Schakowsky: "Have you heard from the cable t.v. companies? I'm hearing that they have expressed some opposition to this Legislation."

Speaker Johnson, Tim: "Representative Black."

Black: "I talked to representatives of AT&T this morning. I have not talked to any representative from MCI or the Cable Television Association and I don't want to put words in the mouths of those who represent AT&T. I don't believe based on our conversation this morning that AT&T is opposed to this Bill. They do have some concerns that this Bill will have the opportunity to advance before an omnibus Bill that they were working on last spring is advancing. So to the best of my knowledge and being as honest with you as I can, I don't believe that they have any opposition of this particular Bill. I do think that they would have preferred that the telecommunication industry come up with some kind of agreed language and I know Representative Kubik worked on that all last spring and to the best of my knowledge, no agreement was reached and we then, it's my understanding we were then given an opportunity to go ahead and move this Bill on its merits."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "For those of us who are not all that familiar with this kind of utility transaction, could you give me an example of the kind of transaction that would no longer need to get ICC approval?"

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Speaker Johnson, Tim: "Representative Black."

Black: "Certainly be glad to try, Representative. It's my understanding that currently two, for all practical purposes, two identical reviews take place when a contract is to be entered into or changed between the utility, the telecommunication company in this case and its affiliate. Now the first review is done when that contract is first suggested or entered into and has no impact on that particular contract or the language thereof. The second review is then done and literally goes over the same ground. If the telecommunication company in this question comes in at a later date and asks the Illinois Commerce Commission to change the rate structure, then that second review which is my understanding, 90% is absolutely the same thing that was done in the first contract or the first review. The second review of the contract will determine if expenses incurred are reasonable for granting any increase or decrease. So the first review, in my words, is simply window dressing or maybe research. That's the one we would like to eliminate. The second review which again would have to be a thorough review of any action and that's the review that would give the Commerce Commission the ability to vote on the impact of any contractual changes so I don't think we're weakening consumer protection at all. We are simply trying to eliminate a paper trail, I guess if that's the right word, on the first review that has no impact on the contract at that time."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Are you saying then, that there is no opportunity for the company to change consumer telephone rate, to change consumer rates without ICC approval?"

Speaker Johnson, Tim: "Representative Black."

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Black: "That is my understanding. Let me quote from you for some information from the Illinois Commerce Commission. These first and second reviews end up addressing the same issues, but it is only the second review which can result in any customer rate change. Accordingly and for the sake of administrative efficiency and cost savings for both the Commerce Commission and the utility, there is no good reason to continue to undertake the first review. However, the second review must remain intact."

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

Schakowsky: "No, thank you."

Speaker Johnson, Tim: "Your time is concluded. The Chair recognizes the Gentleman from Cook, Representative Lang."

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

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

Lang: "Thank you. I don't have a lot of technical questions about the Bill, Representative. I've just been hearing conflicting reports today about who's for this Bill and who's not for this Bill. Yesterday some people got me off the floor, people I respect and who I always believe, told me everyone was okay on this Bill. I got a friend to call this morning from someone who told me everyone is not okay on this Bill and that was this morning and I haven't heard from anybody since. So could you shed some light as to what's going on? Start me off with the cable t.v. folks, are they okay on this?"

Speaker Johnson, Tim: "Representative Black."

Black: "I'll do the best I can. I have not talked with the cable t.v. people today. In fact, I haven't talked to them since last spring. Maybe Representative Kubik who was carrying the package that was trying to get cable, MCI, AT&T,

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Ameritech, GTE, all on board one Bill last spring and for whatever reasons that didn't work. I did meet with some Representatives from AT&T this morning. I don't think and again I can't say unequivocally that they are supporting this Bill and in fact, I don't believe they would, but I think their opposition to the Bill is that they would prefer to move an omnibus Bill where everyone's concerns are addressed, rather than let this Bill that affects telecommunication carriers period, move forward. In other words, it's kind of the procedure that we often see here. Some of our friends go back and hold up Bills that we're working on for some of our friends and try to get all of our friends together. Well, sometimes that doesn't happen and this was the case last spring where it didn't happen and I continue to push to move 598 since we had no opposition from the Commerce Commission and no opposition from anyone outside the industry as near as I can tell, but I would not purport to you, I do not believe that cable t.v. would call you or me and say, we think this is a wonderful Bill. I don't know that they have problems, substantive problems with the Bill. I think they have problems with this Bill moving without them being included in some kind of a comprehensive Telco package."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, first let me tell you that I'm very familiar with Representative Kubik's Bill because I'm his Co-Sponsor, which may explain why the Bill hasn't gone anywhere yet. Be that as it may, I think there would be a concern within the industry about anything you might be doing here that would have impact on the effort to provide for competition in local telephone services. Is there anything in this Bill that would have impact in your view on that effort and

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you've been a part of those hearings, I know?"

Speaker Johnson, Tim: "Representative Black."

Black: "To the best of my ability, Representative, and I've been involved in the Telco discussions even at the NCSL level in Washington, I see nothing in this Bill that I construe that would give Ameritech or GTE or an independent telephone company any excess advantage over AT&T or cable. I don't think it's an issue of service or penetration of market as much as it concentrates on procedures before the Commerce Commission and the Commerce Commission still has final say. So as honestly as I can tell you, I do not see this as an issue of one telecommunication carrier having an advantage over another. I really think that the issue is macro in nature. They'd all like to be included in one omnibus Bill and I'm not sure that can happen in the veto session. If it happens later, hopefully I'll be able to support that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well I don't know if you're willing to do this or not, Representative, but because of the confusion about who's for it, who's not for this Bill, I'm wondering if you'd have any interest in holding this 'til tomorrow so we can make some determination as to where all the opinions lie here? That's up to you, it's your Bill. It might pass if you don't hold it, but if it's something that nobody's opposed to, I would like to vote for it with you, but if there's problems, the I'd like to know what those problems are. Would you have any problem holding this?"

Speaker Johnson, Tim: "Representative Black, you want to bring your comments to a close?"

Black: "Let me take the Gentleman's suggestion under advisement. Could we just stand at ease, perhaps or see if anyone else has any questions? The Gentleman raised a legitimate point

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and I'd like to have a couple of minutes and maybe we can acquiesce to his request which might in fact be very reasonable, if we could just a little time."

Speaker Johnson, Tim: "Then in that case you're requesting that this Bill be temporarily taken out of the record and we stand at ease or do you want to respond to other questions?"

Black: "I'd be more than happy to respond to other questions while we're trying to see if there might be some advantage to maybe getting the parties together and waiting for another day, but I would not like to take it out of the record at this time. I just need to buy a little time, Mr. Speaker."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke. Let me, before your questions, indicate that in the gallery there are 32 members of the Rockford Area Chamber of Commerce Community Leadership Program. Welcome to Springfield. Proceed, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. I don't know if Representative Black will be able to answer the question if he's not paying attention, but I see we have a Representative here who may be able to answer those questions. I have a concern about this Bill. I don't think I'm opposed to it. I think the intent of the present situation as we review contracts put forth by telephone companies, the ICC has an opportunity to review those contracts and although no action is taken to disallow what happens, it is a cost for the utility companies and the telephone companies to review those. I think it was put in possibly several years ago, this action, as a forewarning to consumers that this contract or this agreement between

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utilities has taken place. What the utility companies want to do is to avoid that extra cost and I was wondering if Mr. Black would have some idea on what kind of cost savings it would be if we implemented this law?"

Speaker Johnson, Tim: "Representative."

Black: "I think it's an excellent question. Unfortunately, the liaison for the Commerce Commission is here and said it's never been quantified. They're certain it would save money, but I'm not about to pull a figure out of the air. They say they've just never been able to quantify the cost savings."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, it's my understanding that if this Legislation should pass, the original contract which is now reviewed when a rate increase is requested, they go back to the previous contract to see if that did have an effect on their request today for a rate increase. I suppose that it would be time saving not only the Commerce Commission, but also the utility company in this request. It would save both sides time and time is money." However, I do believe that the consumer should be aware that they will not have this 3,4,6,8, maybe 10 month forewarning that a possible rate increase maybe forth coming because of that contract took place prior to that. I think that the ICC still has the right to review those rate increases and requests and so to make judgment on them, however the only thing we're doing with this Legislation in my mind is two things. One we're shorting the reaction time by consumers and so forth to a possible rate increase and it will then take ICC some time as well as the utility company to get up to speed on what is happening on this request. So I think the review process is still there. It will be a cost saving measure

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so I don't think it's a bad idea. When we're looking at trying to reduce cost, whenever the utility company has an increase in costs in their efforts, that is reflected on the consumers' bill. So this maybe saving money on both sides."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Rock Island, Representative Boland. Representative Boland, proceed."

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

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

Boland: "Just a couple of questions and perhaps I didn't hear this earlier. Could you tell me what is CUB's position on this?"

Speaker Johnson, Tim: "Representative Black."

Black: "To the best of my knowledge, my working file and my floor file has nothing from CUB on this issue. The liaison from the Commerce Commission says that the Commission is not aware of any correspondence from the Citizens Utility Board on this particular piece of legislation."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Rock Island, Representative Boland, further questions."

Boland: "Yes, thank you. Can you give me some time frame on how much this will shorten the process?"

Speaker Johnson, Tim: "Representative Black."

Black: "Well, you know again it's kind of hard to quantify. It's eliminating one step in the process. I don't know whether you could say it would save weeks or six months. As Representative Hartke said earlier, it really eliminates a duplicative effort. Now they still have to file the contract so the Commission is aware that they have entered into an agreement. Then if they come back before the Commission at a later date indicating that because of the

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contract they will now request a rate increase or decrease, the Commission's aware of the contract and then must do the complete review which in some cases can take months and that's where the consumer protection hopefully is kept intact. We're just really, I think, trying to eliminate some of the paper trail in a two-tier process."

Speaker Johnson, Tim: "Further questions? It's further question, proceed."

Boland: "Thank you. One last one, is this really necessary since we know that deregulation is coming down the pipe very soon?"

Speaker, Johnson, Tim: "Representative Black."

Black: "I'm sorry, Representative. Were you referring to changes at the federal level? I think that's a very legitimate question. The telecommunication companies that are interested in this Bill feel that yes, we do. Whatever we do at the state level can certainly be superseded very quickly by action at the federal level. It's my understanding that the telecommunications Bill at the federal level will most likely be vetoed by President Clinton and then I guess we're back to square one. One of the great difficulties I've found in the telecommunications industry is that technology moves so quickly today that we can spend and did spend on the Telco rewrite three years ago, we spent months and months and months of effort and it was a bipartisan effort. What we passed three years ago and we thought was landmark Legislation is probably obsolete already and we thought we would get about a five to seven year moratorium. So I really think that your question is right on target. I'm not sure that anything we do can take into account the rapidity of technology changes and how it's gonna impact the telecommunication business."

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Speaker Johnson, Tim: "Further questions, Representative Boland?"

Boland: "One last one. Now I have heard rumors that the long distance people were opposed to this. Can you clarify that?"

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

Black: "To the best of my knowledge and if the folks are in the gallery or in the back, they could get a message to you, I'm sure quickly. To the best of my knowledge, having talked with AT&T today, they are not opposed to this particular Bill. What they would have preferred was that all of them come together into an omnibus Bill to address far beyond what this Bill addresses. What they would like addressed is competition in local markets, whether Telcos can get into the cable t.v. business, what cable t.v., how that fits in the Telco business and wireless and cellular, but I really believe and I hope I am not misstating and I think I'm on firm ground here, I don't think the long distance carriers are necessarily opposed to the content of this Bill. I think they would have preferred an omnibus Bill, we were not able to do that."

Speaker Johnson, Tim: "Representative Boland."

Boland: "The last one, I've just been informed for your benefit and the other Members that CUB is neutral on this Legislation. Thank you."

Speaker Johnson, Tim: "Further questions. The Gentleman from McLean, Representative Brady."

Brady: "Will the Sponsor yield?"

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

Brady: "Will the Sponsor yield?"

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

Brady: "Representative Black, is it true that this Legislation could in fact cause better efficiencies within the

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telecommunications industry and in fact, reduce some costs to the consumer?"

Speaker Johnson, Tim: "Representative Black."

Black: "I certainly think it would. I think this particular Legislation would give telecommunication carriers certainly greater if internal efficiency on trying to keep up with a rapidly changing market and an extremely competitive market I might add and I think it makes imminent good sense from that stand point and I also think the Commerce Commission was right on target last spring in saying, we have no objection to the telecommunication companies being this Bill, we do have objection to the energy producing companies, the Commonwealth Edisons, the Illinois Powers, and as a result of their objection and concern, we took the energy companies out. This only affects telecommunication carriers."

Speaker Johnson, Tim: "In seeing no further questions, the Chair recognizes the Gentleman from Vermilion, Representative Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House, and I do appreciate the Gentleman from Skokie's offer to perhaps let this Bill rest for 24 hours. Some Members of his side of the aisle have come over and said we would prefer to vote on it. This Bill has had a gestation period of almost two years and I, too, would like to move it to what I hope is a successful conclusion. I think it has had a very fair and very open debate. The fact that the Citizens Utility Board is neutral on the Bill, I think eliminates some of the concern that many of you might have about it. The fact that we have answered the Illinois Commerce Commission's concerns, I think, should eliminate even more objections that popped up. Over

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the two years what we've tried to do in this Bill is to amend the Public Utilities Act by simply eliminating unnecessary duplicative and wasteful government review of utility contracts. All we're doing in this Bill with telecommunication companies is trying to streamline the regulatory process, reduce the burden on the regulators, that being the Commerce Commission, while at the same time insuring that the interests of Illinois consumers are in fact adequately protected. I think it's a win, win situation. It's going to eliminate unnecessary bureaucracy and red tape and still protect the interest of the consumer. I wish I could give you a definitive answer and tell you that all of the telecommunication carriers favor this Bill. To the best of my knowledge, they have no specific objection to the language of this Bill. They would rather have seen something come together that would have impacted the long distance carriers, the local providers, and cable t.v. Ladies and Gentlemen of the House, that's a very complicated issue and I stand ready to work with those people to see if we can, in fact, come up with that kind of language that would get everyone at the table to a successful conclusion next spring, but in the mean time, in all due respect to various concerns, I would ask your favorable consideration of Senate Bill 598 that passed the Senate by a unanimous margin and I ask for your support at this time for Senate Bill 598."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 598 pass?' The Chair indicating this, will take 71 votes. All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question, there are 114 voting 'yes', 2 voting 'no', 1 voting 'present'. And this Bill, having received a Constitution Majority, is hereby declared passed. The Chair now recognizes the Gentleman from Rock Island, Representative Brunsvold. Give Representative Brunsvold your attention and the Chair."

Brunsvold: "Thank you, Mr. Speaker. The Democrats would like to go to caucus conference for one hour in room 118."

Speaker Johnson, Tim: "Representative Brunsvold has indicated a desire for a Democratic conference for one hour. We'll return at the hour of 3:30 p.m. The Republicans will not have a conference in the mean time and I would indicate, the Chair would indicate that when we return, we have further business, further votes to take and everybody should be so advised. Your request is granted and the House stands in recess until the hour of 3:30 p.m."

Clerk McLennand: "For Republican Members that were scheduled for 2:00 p.m. computer training, please proceed down. It will begin at 2:30 and will go from 2:30 to 3:30. Republican Members who signed up for 2:00 p.m. computer training, please proceed to room 122A for 2:30 to 3:30 training. Attention Members, the 3:00 p.m. Township Government Task Force scheduled for 3:00 p.m. will be delayed until further notice. Attention, Members of the House of Representatives, the House will delay reconvening until 4:00 p.m.."

Speaker Johnson, Tim: "The House will come to order. Mr. Clerk, Introductions."

Clerk McLennand: "Introduction and Resolutions. House Joint Resolution #27, offered by Representative Skinner, assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 2551, offered by Representative

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Irwin, a Bill for an Act concerning state real estate transactions. Introduction, First Reading of this House Bill."

Speaker Johnson, Tim: "The House will stand at ease momentarily. The Chair could have the attention of the chamber. With us today in the gallery are two United States history classes from Saumonet Baptist School. The classes are the guests of Representative C. Spangler. Welcome to Springfield."

Speaker Daniels: "The House will come to order. Members will please be in their seats. Those not entitled to the floor will please retire to the gallery. Supplemental Calendar #1. Senate Bill 908. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 908, a Bill for an Act that amends the Metropolitan Water Reclamation District Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. With consent of the House, I would like to present this Bill. The Amendment to this Bill in the Senate makes monetary award program grants available to students of proprietary schools of higher education in Illinois that are accredited with the Commission on Institutions of Higher Learning of the North Central Association of Colleges and Schools and offer academic degree programs that have been approved and regulated by the Board of Higher Education under the Academic Decree Act for at least three years and do enroll a majority of their students in the approved academic degree programs. I believe that this has widespread bipartisan support. I'd be happy to answer any questions."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook. Ladies and Gentleman, this is Senate Bills Third Reading, Senate Bill 908. The Gentleman from Cook,

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Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of Senate Bill 908. We ought to be doing everything we can to encourage as many people as we can to go to either colleges or somewhere where they can get training for their careers and I think this Bill is a good start to do that. So I support the Gentleman's Bill and ask for green votes."

Speaker Daniels: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I am in accord with the prior speaker and I appreciate his support for this Legislation. It seems to me, although I know that there are some concerns that have been raised about those institutions, from those institutions that now receive these dollars and would therefore receive somewhat fewer of them if we include proprietary schools. However, the interest of the state, it seems to me, is not in making up student's minds for them as to where they can get financial help and where they can't, but rather it is in the interest of the state to promote as much choice amongst educational opportunities and as many of those opportunities as possible for every student in Illinois. Devry is one of the institutions that would qualify. There are a good many people who live in my area of the state who have attended Devry and who today have wonderful jobs that are not only providing them with a great opportunity for their future, but they are taxpayers who are helping us to pay our bills as well. For all of those reasons and because I truly do believe this is in the best interest of the State of Illinois, I, too, rise in support of Senate Bill 908 'as amended' and I thank you,

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Mr. Speaker."

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

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I, too, rise in support of Senate Bill 908. I think it's a question of fairness and choice. As you know, math funding is awarded to students and not to institutions and it's for that reason, I believe, that it is only fair that these students are able to determine where they want to receive their education. The institutions in question here are Devry and Midstate institutions and both of those institutions, 70% of those graduates there receive a bachelor's of art, a bachelor's of science and the remainder receive associate degrees. Like public institutions, they are regulated by the Board of Higher Ed as colleges and universities. Last year over 90% of the recent graduates from Devry began their careers in those chosen profession. It is for this reason that I rise in support of Senate Bill 908 and I hope that all Members will join us."

Speaker Daniels: "Further discussion? The Gentleman from Bureau, Representative Mautino."

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

Speaker Daniels: "He indicates he will."

Mautino: "Representative Ryder, I haven't had the opportunity to see the Amendment or be privy to any of the discussions on it. What is the cost of this transfer?"

Speaker Daniels: "Representative Ryder."

Ryder: "In a direct sense, Representative, there's no additional cost. This would entitle more students to have a choice of whether they go to a proprietary or non-proprietary school."

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The cost of the monetary award program is determined by the Legislature and last year and this current fiscal year, we exceeded our expectations and fully funded the monetary award program. First time in several years for which we should all be complemented. What this Bill does is not decrease, it does not increase costs, it increases a number of students that can look to the state for some monetary assistance and therefore we choose the total amount of money to be placed into the pool for which those students are able to compete. If you were to take the number of students that are added by this and if everyone of those students were to seek the full maximum amount under the monetary award program and if every other student who has received assistance in the past were to ask for some assistance, it would cost more than what we had this year, but I can't tell you the exact amount."

Speaker Daniels: "Representative Mautino."

Mautino: "In the discussions, do we have any idea how many students would then be, let me put it this way, are the community colleges in favor of this? Is there any opposition which has been voiced to the Bill and if so, who is opposed?"

Speaker Daniels: "Representative Ryder."

Ryder: "I believe that we have worked with the community colleges and indicated an earlier Amendment to be agreeable to them. I've been informed today that as the Bill now stands, they do not stand either neutral or agreeable, but in fact, they would oppose the Bill."

Speaker Daniels: "Representative Mautino."

Mautino: "So the community colleges are in opposition to the Bill? Is that because they are looking at a potential loss of funds or a transfer and if so, when they stated that

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objection, how much of a decrease are they expecting to see?"

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Allow me to explain it like this, Representative. If the pool of money available on this program remains the same and we increase the number of students that can access that pool, then the amount that each student could ultimately achieve would be less. Since community colleges have access to this pool and those that attend proprietary colleges do not, obviously the haves want to keep the haves and keep the have nots on the outside. That is, I believe, the basis for which the community colleges have expressed their opposition. I compliment them because they did try to work with us earlier when they thought that we were only allowing one additional school and they agreed to that. They said that was okay. But the current language allows two schools, four campuses and now they oppose it because it again you've expanded the number. I apologize because we simply appropriate the amount of money in the pool. How many people apply for the amount of money in the pool is what determines whether they receive more or less under this Legislation."

Speaker Daniels: "Representative Mautino."

Mautino: "Do you know why it is that the Student Assistance Commission has stated that we're bringing in a \$10 million obligation to the system which is not funded?"

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Student Assistance Commission took the maximum number of students that would be brought in to the pool and gave them the maximum award based on this year's appropriation to get to that figure."

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They overstated it by \$2 million dollars, I believe, perhaps as much as three, but in this situation, we are the ones that set the total amount for that pool and it would be my intention to fully fund that program again next year so that we don't have winners and losers, but that we can have winners and winners. I understand the concern of the community colleges, they don't want to give up something that they've already got and allow others the opportunity to have that. I understand that. They're entitled to that. That's okay, but we would like to have winners and winners and it's my intent to fully fund this appropriation."

Speaker Daniels: "Representative Mautino, you're out of time. Can you bring your remarks to a close? Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I ask you to support this proposal. I think this is an extremely good proposal. It's a proposal that allows people who may not have access to the educational system, the non-traditional educational system that access. If you look at the success of the institutions that are going to be involved in this program, 90% of their graduates are placed in jobs and these are good, solid, well-paying jobs. They're jobs that are not contained within the traditional educational system, but don't we also have a obligation to those people to try to provide some academic requirements, some academic help in finding employment for the future? I think this is an extremely good proposal. I think it makes a lot of sense. I want to thank Representative Ryder for his very good explanation of the Bill and I seek your support of Senate Bill 908."

Speaker Daniels: "The Gentleman, Representative Kubik has moved

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for the passage of Senate Bill 908. The question is, 'Shall Senate Bill 908 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 92 'ayes', 22 'no', 1 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Clerk, for an announcement."

Clerk McLennand: "Those Democrat Members signed up for computer training today should attend in room 122A immediately after Session. Computer training for those Democrat Members signed up for today, room 122A, immediately after Session."

Speaker Daniels: "Mr. Clerk, could you tell me the status of House Bill 2517?"

Clerk McLennand: "House Bill 2517 was moved to the Order of Third Reading, earlier today."

Speaker Daniels: "Return that Bill to the Order of Second Reading. Clerk, for an announcement."

Clerk McLennand: "The Township Task Force scheduled for 3:00 p.m. will meet in Room 122B, 15 minutes after adjournment. Again, the Township Task Force scheduled for 3:00 p.m. will meet 15 minutes after adjournment in Room 122B."

Speaker Daniels: "Representative Ryder now moves that the House stand adjourned until Friday, November 3, 1995 at the hour of 9:00 a.m.. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and following, allowing time for perfunctory session for the Clerk, the House now stands adjourned until Friday, November 3rd, 1995 at the hour of 9:00 a.m."

Clerk McLennand: "Democrat Members assigned to computer training this afternoon should report immediately to Room 122A."

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Cirks, Jeremy, substitute for the Clerk: "Being no further business, the House Perfunctory Session will be adjourned. The House will reconvene at 9:00 a.m. on Friday, November 3rd."

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