

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

78th Legislative Day

November 15, 1995

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. The chaplain for the day is Dr. Lonnie H. Lee of the Westminster Presbyterian Church in Springfield. Dr. Lee is the guest of Representative Gwenn Klingler. Guests in the gallery may wish to rise for the invocation. Dr. Lee."

Chaplain Lee: "Let us pray. Almighty God, we commend this state to Your merciful care that we may live securely in peace and may be guided by Your providence. Bless those who hold office in this government, that they may do their work in a spirit of wisdom, kindness, and justice. Help them to use their authority to serve faithfully and to promote the general welfare and may they always be guided by Your light and Your truth. Amen."

Speaker Daniels: "Thank you, Dr. Lee. We'll be led in the Pledge of Allegiance by Representative Fantin."

Fantin: " : "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. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Please let the record show that Representatives Kotlarz and Martinez are excused today."

Speaker Daniels: "The Journal will so reflect. Representative Cross is recognized for any excused absences on the Republican side of the aisle."

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

Speaker Daniels: "The Journal will so reflect. The Clerk will

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take the record. There are 116 Members answering the roll and a quorum is present. The House will come to order. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Report. Committee on Rules. Committee on Rules ... the following Bills on the order of motions with respect to Vetoes. Motions to override a total Veto, Senate Bill 245. Motions to accept an amendatory veto on Senate Bill 276. This action is signed by Robert Churchill, Chairman of Committee on Rules, taken November 15th, 1995."

Speaker Daniels: "Supplemental Calendar announcement."

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

Speaker Daniels: "Ladies and Gentlemen of the House. Ladies and Gentlemen of the House. Ladies and Gentlemen. Under the order of Amendatory Veto Motion, Senate Bill 276, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 276 passed out of this chamber with 107 'aye' votes last spring. Passed out of the Senate 53 to 1. The governor, this is the Alternative Fuels Act. Nothing new. The governor exercised his amendatory veto authority on this Bill. Basically what he did was to say that instead of the EPA collecting and disbursing the fee provision under the Alternative Fuels Act, that it should be the Secretary of State. The Secretary of State's office is neutral on that particular change and so with that being the primary emphasis of the governor's Amendatory Veto, I would ask the Members of this Body to accept the Governor's Amendatory Veto of Senate Bill 276. Be glad to answer any questions you might have."

Speaker Daniels: "Any discussion? Representative Skinner."

Skinner: "Mr. Speaker, I stand on the House Floor, probably as

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the only one that's ever owned an alcohol burning car. When I was running for Congress in my one bout of Potomac Fever, I drove a Pinto that was fueled with 85% alcohol and 15% water. I paid for it myself. It seemed to me if the technology is going to be economical in the long run, that folks who have a very large financial interest in the success of alternative fuels ought to be the ones that pay for the R & D. That's quite apart from the regional argument against this Bill which is that this is a tax on the Chicago metropolitan area to be exported downstate."

Speaker Daniels: "Excuse me, Representative Skinner. Ladies and Gentlemen of the House, I know everyone's happy to be back at work. Representative Skinner."

Skinner: "Goodness knows the suburbs export enough money to the rest of the state and that ought to be reason enough to vote against this."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Black, I supported your legislation in the Spring, but for the Members' benefit, Sir, could you please indicate to our Members on this side of the aisle, who is now in opposition to your legislation that might not have been there during the Spring Session?"

Speaker Daniels: "Representative Black."

Black: "I don't know what changed on this Bill between last Spring and now and I don't know that I have time to read the opponents that have suddenly come out of the woodwork in opposition to this Bill. There are a number of them and there are a number of supporters, dozens on each side of the issue. But so that some Members would know and I think it's a very legitimate question, the Illinois Retail

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Merchants Association is certainly opposed to the Bill. The American Automobile Leasing Association, AT&T Automotive Services, the Illinois Association of Tobacco and Candy Distributors, the Illinois Press Association, et cetera, I think that gives you a representative list and it's a very fair question and I will not stand before you and purport to you that things obviously haven't changed between last Spring when 107 of it supported us and what we're asking you to do today. Obviously, there are opponents to this Bill and there are on the other side, many, many strong supporters of the Bill. The previous Gentleman pointed out that it seems to have an impact on the federally non-attainment areas under the federally mandated Clean Air Act and if I were living in the suburbs, I don't know what my position would be. I still think that the areas that will be impacted by this Bill are federally mandated to by 1998 to clean up the air and this is going to allow that to happen. But obviously the Bill has generated some controversy since we visited it last Spring."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Black, thank you for taking the time.

As you know, when we supported this Bill in the Spring, there was no discussion about the opponents and so for the edification of our Members, I think they should know that there are opponents, including the Retail Merchants Association and I think their main opposition is the area you mentioned and the fact that this does include a new fee. Representative Black, I intend to support your Bill once again. But again for the purposes of the Membership, could you please repeat what the fee increase is that the retail merchants are discussing?"

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Speaker Daniels: "Representative Black."

Black: "Yes, the fee, the legislation calls for a \$20 per vehicle fee for the next four fiscal years, '96,'97,'98, and then it will sunset, the fee will sunset. This will be placed on those vehicles, on fleet operators, that's 10 or more vehicles in your fleet in the Chicago and suburban area. And that is because they are federally mandated to convert to alternative fuel, such as natural gas, electricity, propane, ethanol, beginning in 1997. Downstate vehicle fleet operators are not mandated. We're not in the non-attainment clean air zone so that fee will not be placed on most downstate or non-attainment areas because we're not mandated to do so. And certainly as the Gentleman said earlier, suburbanites don't like that, but the question is, is the ozone problem and the dirty air in that area a situation that we will address or not address? So it's really something of that simple."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Black, thank you for taking the time once again to explain that for our Members. Again I rise in support of your legislation. I know you've worked very hard on this. I think it's important to go forward in these developments and these issues, not only for the environment, but the promotion of agricultural by-products. So again I rise in support of the Bill and I ask my colleagues to do so as well."

Speaker Daniels: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker, Members of the General Assembly. Will the Sponsor yield for a few questions?"

Speaker Daniels: "He indicates he will."

Pankau: "Representative Black, you sort of glossed over the fact that the governor made some other changes in this Bill and

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so that we all understand exactly what happened between the Bill that was originally introduced that virtually all of us voted for and what we're presented with today. If you could help me clarify some of the changes that I've heard have been made in this Bill, that what the effects are. For instance, I understand that not all of the non-attainment areas in the state are included in this, that there is a Chicago metropolitan non-attainment area, but there is also a ..."

Speaker Daniels: "Ladies and Gentlemen of the House, both sides of the aisle, conversations can be moved to the rear of the Chambers. Representative Pankau."

Pankau: "I understand around the St. Louis area and I don't know the names of the counties, but that is also a federal non-attainment area that has the same status as the metropolitan Chicago area and that area is not included in collecting the fee. Is that correct?"

Speaker Daniels: "Representative Black."

Black: "I think that's a very legitimate question. However, I'm always amazed in the process of how many trojan horses are put up as a reason to be able not to vote for something that we voted for last Spring. The metro-east area was never in this Bill, was never in the Bill and nothing has been changed on that whatsoever. The covered areas as in the original Bill states very clearly the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and the townships of exableand Goose Lake and Grundy county and the township of Oswego in Kendall county. Those are the covered areas that were included in the original Bill that we saw last Spring. There have been no changes, no deletions, no additions."

Speaker Daniels: "Representative Pankau."

Pankau: "But it is correct, Representative Black, that not all of

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the state's non-attainment areas are going to be paying for this. However, the entire state can access the money that is collected from this. Is that correct?"

Speaker Daniels: "Representative Black."

Black: "Yes, that is my understanding. You are correct."

Speaker Daniels: "Representative Pankau."

Pankau: "And also, Representative Black, is there a definition of who the fleet operators are? For instance, if you have a small business, which my husband and I once did, we had an auto body repair shop. We had several loaner cars. We had a couple tow trucks and if you took our loaner cars, our parts delivery vehicles, and our tow trucks together, we probably had 10 vehicles. Does that mean that we're not talking major corporations here, we're reaching down to the small businesses also that are going to be paying for this?"

Speaker Daniels: "Representative Black."

Black: "The only definition that we find in the Bill is 10 or more vehicles. The governor did make some language changes in the Bill to make this more friendly to small business. For example, he deleted the first come, first serve provision and he's made it very clear in the language that he wants incentives preference given to applications that propose a partnership between the fleet operator or owner and a fueling service station to make alternative fuels available. In other words, he's very interested in doing just exactly what you're saying, making sure that, that small business fleet owner will have access to these conversion funds, not just the large corporations."

Speaker Daniels: "Representative Pankau."

Pankau: "And how does that small business owner do that, Representative Black? There's nothing in the Bill that

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allows me who is going to be paying a small business owner who's going to be paying the fee to access that money. It only allows for major corporations doing quote, unquote research to access that money."

Speaker Daniels: "Representative Black."

Black: "All I can do is quote the language of the Bill and I think some of that will have to be addressed by the rule making process in the Secretary of State's office. However, by directing the Alternate Fuel's Advisory Board to fund grants that provide for contractual partnerships between fleet operators, owners, and fueling service stations, the governor feels that this will ensure that the funds generated from the \$20 fee will be used to establish alternative fueling stations available to all fleets, as well as the general public. So I think your point is well taken. I do have a great deal of confidence that the Secretary of State will handle this in a fair and equitable fashion."

Speaker Daniels: "Representative Pankau, your time is almost out. Would you please bring your remarks to a close?"

Pankau: "To the Bill then, Mr. Speaker. For these reasons and a few others that I did not have time to ask about, I stand in opposition to this Bill. I ask others to also stand in opposition. This was a good idea. This was a good Bill, but the amendatorily vetoed parts of it have made it very, very difficult. And it leaves a lot of questions unanswered. I ask you for a 'no' vote."

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

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

Speaker Daniels: "He indicates he will."

Erwin: "Thank you. Representative Black, I apologize if you've already addressed this. But can you tell me where the fees

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go, into what fund these fees go to, and for what purposes those funds are used?"

Speaker Daniels: "Representative Black."

Black: "Yes, Representative, it does create a new fund called the Alternative Fuels Act, will establish a program of rebates for people who purchase alternative fuel vehicles or convert existing vehicles to use alternative fund, or fuels, I'm sorry. The program will be funded by collecting an annual user fee of \$20 per vehicle in a fleet of 10 or more vehicles, creates the Alternative Fuel and Advisory Board, requires these vehicles do register and display a decal that will be issued by the Secretary of State. I don't think I've addressed how the fund will be accessed because I don't think that's in the underlying language."

Speaker Daniels: "Representative Erwin."

Erwin: "I take it, however, from listening to the discussion with Representative Pankau that it is the intent of this legislation to have statewide access. In other words, if I could put it another way, this \$20 per fleet vehicle user tax in the Chicago metropolitan area will go into a fund where all counties, all regions of the state will access. Is that correct?"

Speaker Daniels: "Representative Black."

Black: "Yes, Representative Erwin, I think you've hit probably if there's a problem with the Bill, I think you have hit that problem. The rebates to convert or purchase alternative fuel vehicles would be available to those fleet operators regardless of where they are doing business in the State of Illinois, even though the fund would be generated simply by those counties that we named earlier. I am not about to stand before you and defend that as being the most fair and equitable way to do it. I would say that with Jaycar and

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the kind of people that will be establishing the rules, I would hope the rulemaking process would address that so that obviously, fleet operators, such as my brother in my home district, I don't think should be able to be in the first dozen groups to convert his vehicles to alternative fuels and someone in your area that actually pays that fee would go to the end of the line. I wish I could give you a more definitive answer and assurance that that won't happen. I do have to say that I would happen the rules would recognize the fact that the fund is open statewide and yet only collected in about five counties."

Speaker Daniels: "Representative Erwin."

Erwin: "Thank you. Representative Black, I do appreciate your candor and your views on this Bill. I do however rise in very strong opposition to this. You know, I have to say that not only do I think that this is just an unfair balance in charging a user fee in only the Chicago metropolitan area. Ironically, it is our area where owners of vehicles do go through auto emission's testing and have gone through that for many years, I'm happy to say with a good impact on our air. But secondly, it's the fleet operators that have the newest vehicles, who contribute the least probably to the poor air quality. So, I mean, at a very minimum every fleet operator should have to pay this tax. I would say further though that I have to say I really think it's a duplicative fund and something that I think there are federal tax incentives that encourage alternative fuels. There are other means that we do this. I for one would rather see some of the money go to mass transportation in the Chicago area. So for all of my colleagues in Chicago, DuPage, Lake, and DuPage county, I hope you're paying attention to this because this is a tax

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on only your businesses that buy fleets of new vehicles that contribute very, very little to poor air quality and they're the only ones paying the tax when frankly everybody in this state is going to reap the benefits. So I would urge a strong 'no' vote with all due respect to the Sponsor."

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

Noland: "Thank you, Mr. Speaker. I rise in support of this Amendatory Veto to accept it. This is the Alternative Fuels Act. This is not an ethanol fuels Act. This will provide needed research for all alternative fuel cars, propane, natural gas, and the like. I'm supportive of this issue. It's a pro-business, pro-environment, it's a good issue. Please vote 'yes'."

Speaker Daniels: "Further discussion. The Gentleman from Kankakee, Representative Novak."

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

Speaker Daniels: "He indicates he will."

Novak: "Representative Black, I know the original Bill. I know there was some changes made in the Bill and I intend to support this as well, but ..."

Speaker Daniels: "Excuse me, Representative Novak. Ladies and Gentlemen, would you please give Representative Novak your attention. Ladies and Gentlemen. Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Black, as I indicated, I know I supported the Bill in its original form and I intend to support it again. It's just unfortunate that we have to have non-attainment areas and then we have non-non-attainment areas and it seems as though geographically, one part of the state if pitted against the other part of the state to get a good program, I think, off

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the ground. But, I just had a couple of questions I wanted to ask you. Number one, it indicates money for ethanol research is going to be sort of siphoned off from some of these fees. Could you give me an idea of what percentage or how much it would be on an annual basis?"

Speaker Daniels: "Representative Black."

Black: "I think it's a very reasonable question and in all due respect, the Bill is silent on those percentages. I can't stand before you and say it'll be 20%, 30%, 10%. Obviously, it's an area of research many of us are interested in and again, I would hope that fairness would prevail. I think we need to keep in mind that there is a sunset provision in this Bill on this registration fee. It stops in fiscal year 1999, I believe, because '96 is probably gone now because of the delay in this measure. So obviously, if things are not done in a reasonably fair and equitable manner, there's no way this fee is going to be reimposed if folks think that certain alternative energy sources are being ignored by the research money."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Representative Black. The reason why I raised that question is, I know we have a super mega corporation in Decatur, known as ADM, and they probably produce the most ethanol of the entire country. Illinois leads the state in producing ethanol. But as you indicated about Jaycar in the rule making process, I am a member of Jaycar and it's a bipartisan committee so we're going to look at all these aspects of that Bill very closely. I wish we could broaden the ethanol market in Illinois and have more independent producers of ethanol to stimulate more competition and maybe we can do that through the rule making process and through some of the ethanol research

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dollars in how they're going to be allocated. But one other question I wanted to ask you a few year ago, I think in 1993, as a matter of fact, I carried the Bill, we had to designate more non-attainment areas in the State of Illinois under the auspices of the U.S. EPA, through our EPA and if we didn't do that, we stood to lose hundreds of millions of dollars in road funds. Now what we did in 1993 was what we added more zip code areas into the non-attainment areas and I know for the first time in my legislative district, one township in south eastern Will now became a non-attainment area and had to go under that new automobile testing program as well as Kendall County and some other areas of the collar counties. The question I want to pose to you is, subsequent to the effective date of this Bill, assuming it becomes law, certain other areas of outside the collar counties may become non-attainment areas under the standards of the U.S. EPA. What happens if they become non-attainment areas? Are they automatically absorbed under the auspices of this law or do we have to come back and amend this Bill to include the new non-attainment areas?"

Speaker Daniels: "Representative Black."

Black: "My understanding of this legislation, since it lists specific areas that are covered, if areas were to be added by the Federal Environmental Protection Agency, we would have to change this Bill. I do not believe that the parameters of this Bill would allow that fleet owner to have to pay the fee because of an addition, say a year from now because they are not in this Bill. The Bill is very county specific and if the Federal EPA were to expand that non-attainment area, I really, I'm not a lawyer, but I certainly don't see how they could be automatically added

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to this fee structure under this existing Bill because they are not listed in this Bill. There's no open end provision that I can see in this Legislation."

Speaker Daniels: "Representative Black."

Novak: "Speaker? Yes, thank you, Representative Black. I think that's a reasonable answer and I would say it wouldn't be unreasonable for me to state for purposes of Legislative intent, I think we could all agree that it should be, the non-attainment areas and the provisions of the Legislation should be relegated to those just indicated in the Bill."

Speaker Daniels: "Representative Novak, your time has expired. Further discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Daniels: "Indicates he will."

Mulligan: "Representative Black, as you know, I supported this Bill before and I had hopes of supporting it again. If business that's listed as a supporter of this Bill came to me and explained to me what he thought in the Bill, what was in the Bill and now as the discussion is progressing, I'm finding that, that may not be the case. He told me that he thought that 20% of the money would go for ethanol research only and not more and you're saying that that's not the case?"

Speaker Daniels: "Representative Black."

Black: "On page three and four of the Bill, under the research language, I see no percentages in the original Bill and I know the Governor made no amendatory changes. If there are specific percentages allocated for research in a specific area, such as ethanol, natural gas, electric, I don't see that. The only percentages that were in the original Bill

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is that 80% of the money collected would be go to fund the programs authorized in section 30 and 20% shall be appropriated to fund the programs authorized in section 25 and I believe section 25, ... me, correct me, I think that's the research section of the Bill. So maybe that was the confusion, but in that 20% that's allocated to research, it does not break down what the percentage would be of those dollars allocated to ethanol, natural gas, electricity, or any other alternative fuels."

Speaker Daniels: "Representative Mulligan."

Mulligan: "The Gentleman that I spoke to was under the impression that if you converted a vehicle, you would be able to recover 80% of \$5000 for converting that vehicle."

Speaker Daniels: "Representative Black."

Black: "Yes, that's absolutely correct. That is the grant process by which they would access this fund. If they convert, they would get 80% of the cost of that conversion and there's figures in the Bill, I can find them if you want. But specifically on conversion or purchasing new, that's where you access the funds to come into compliance with the Alternative Fuels Act."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Also, would the definition of a 10 vehicle fleet that had to pay the user fee also be of the definition of a vehicle fleet that would be liable to comply under the Clean Air Act?"

Speaker Daniels: "Representative Black."

Black: "I'm not sure I understand the question. I know there are some fleets that are exempt and I'm not sure I heard the question."

Speaker Daniels: "Representative Mulligan."

Mulligan: "If the user fee was assessed on a 10 vehicle fleet, as

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in Representative Pankau's question previously, would that also be the same definition of the people that would have to convert, according to the Clean Air Act, 10% of their fleet in '97, 20 in '98, 30 in '99?"

Speaker Daniels: "Representative Black."

Black: "If I understand the question then, do you mean is this Legislation tracking the Federal Legislation exactly as to how you convert your fleets?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Basically, what I'm trying to understand is if the people that are paying the user fees are the same ones that can benefit because they will have to comply and so it would be to their advantage if they paid the fee to convert and then get a rebate on the money because if that were the case, the money they would get back would certainly cover the user fee."

Speaker Daniels: "Representative Black."

Black: "I think that's an excellent point, Representative, and we discussed this a little bit with Representative Erwin a while ago. I would hope that the rules recognize that, that those paying the fee should be among the first to access the grant for conversions. Unfortunately, there's no specific language in the Bill that would say that. But obviously, those fleet owners who are paying the fee will access this fund and you're absolutely right, in all probability, if they begin to convert their fleet, they probably will at the minimum, break even and some of them will be money ahead, I would assume. That is an assumption on my part."

Speaker Daniels: "Representative Mulligan, your time's almost expired."

Mulligan: "Mr. Speaker, I think this is a good Bill, but I think

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it still needs some more work. It is my understanding from the people that I've talked to that natural gas costs 93¢ a gallon. When you convert, you get 5¢ a mile, rather than 8.5¢ a mile. But if the other areas are not well defined as to who can access the money, I would like to see Representative Black bring back the Bill and define those areas better next year and I'm still considering what I'm going to about it, but I think there's great potential here."

Speaker Daniels: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Bill amounts to is really just another farm subsidy. It's a tax on six out of 102 counties to benefit the farmer, to promote the use and sales of ethanol. So we're going to tax some \$5 million bucks a year of people in six counties to help the downstate farmers. That's what this Bill is all about and you ought to vote 'no' on it. It's totally unfair as is they all are unfair. We ought to eliminate these subsidies, not add to them. Vote 'no'."

Speaker Daniels: "Further discussion? The Gentleman from Coles, Representative Weaver."

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

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

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I think this Bill has received an extensive and very fair debate. Let me just try to summarize. There are many supporters of this Bill who own and operate fleets and they support this Bill. They're concerned about the feasibility and economic ramifications

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associated with having to comply with the Illinois Clean Fleet Program that's Mandated by the Federal Government. And that Mandate begins in 1998. This Bill contains a pro-active pro-business, not just ethanol, natural gas, electric. Who knows what technology in the future will be on alternative fuels and clean fuel programs. The programs that are contained in this act will provide economic incentive required to stimulate fleet operators to introduce alternative fuels such as propane, natural gas, biodiesel, electric, and many other items. You know if I might, without some of the emotion of the Bill, most of us are old enough to remember in this Chamber the first Arab oil embargo back in the 70's and the long lines that we had to endure at gasoline stations when we tried to fill up. You remember the odd-numbered license plate got one day to fill up and the even-numbered license plate got another day to fill up. Twenty-five years after we've been through that embargo and a war fought in ..."

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

Black: "Thank you very much, Mr. Speaker. Twenty-five years after we first saw what our energy dependence on foreign oil could do to us, we still stand here today arguing about what we have already had to fight a war over. You can boil Desert Storm down into all kinds of good reasons, but I've always thought the real reason was that our Arab oil supply was threatened. Now how many more Desert Storms do we have to go through in this country? You're either going to move towards energy independence or you're not. We stand here 25 years after the Arab oil embargo, importing more oil today than we did then. This is insanity. We cannot continue this path. This vote will move us towards that

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day, not only for clean air, but for heaven sakes, towards energy independence. I realize that many of you are uncomfortable with the fee structure and how this will be accessed. I make no apologies for my area being in a non-attainment area. You know there are times I wish some of our downstate districts had some of your problems, with people moving in and population expanding and factories locating. I wish we had to deal with some of those problems, but unfortunately, we don't have to at this time. Maybe later we will. Maybe if you'll help us stimulate the agricultural economy, good times will be in all 102 counties, not just a select few. Ladies and Gentlemen, I could stand up here and pontificate. Many of our tax dollars downstate go to fund your mass transit district. We don't have the CTA, the MTA, or the RTA in my district. Most of us don't even have mass transit districts, but some of our tax dollars subsidize what you count on and utilize every day. The bottom line is this. I think the Bill is simple. It passed out of here by a wide majority last Spring. We're either going to move toward alternative fuel vehicles as Mandated by the Federal Government or we're not. Your 'yes' vote in accepting the Governor's Amendatory Veto will take us a long way towards energy independence and clean air. And that clean air is not limited to be the concern of just 6 or 7 counties, it benefits everybody in the State of Illinois. I urge you to vote 'aye'."

Speaker Daniels: "What purpose does the Lady from DuPage, Representative Pankau, arise?"

Pankau: "Mr. Speaker, should this Bill receive the requisite number of votes? I ask for a verification."

Speaker Daniels: "The question is, 'Shall the House accept the

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Governor's specific recommendation for change with respect to Senate Bill 276?' 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. This question, there are 65 'aye' 44 'no', and 7 voting 'present'. There has been a request for a verified roll call. The request will be honored. Mr. Clerk, poll those voting in the affirmative."

Clerk McLennand: "Those Members voting in the affirmative are Ackerman. Black. Blagojevich. Bost. Brady. Brunsvold. Cowlshaw. Cross. Currie. Curry. Dart. Deering. Deuchler. Fantin. Feigenholtz. Giles. Granberg. Hannig. Hanrahan. Hartke. Hassert. Hoffman. Holbrook. Howard. Hughes. Johnson, Tim. Jones, John. Jones, Lou. Jones, Shirley. Kaszak. Kenner. Klingler. Lawfer. Leitch. Lindner. Mautino. McGuire. Mitchell. Moffitt. Moore, Andrea. Morrow. Myers. Noland. Novak. Phelps. Poe. Pugh. Rutherford. Ryder. Saltsman. Schakowsky. Scott. Smith. Spangler. Stephens. Tenhouse. Turner, Arthur. Turner, John. Wait. Weaver. Winkel. Winters. Wirsing. Woolard. and Younge."

Speaker Daniels: "Representative Currie, for what purpose do you arise?"

Currie: "Thank you, Speaker. I have a Parliamentary Inquiry. The way I would understand the ruling, the court's ruling in the case of Mulligan versus the Joliet Park District, I would think this motion might require 71 votes. Could you tell me what your Parliamentarian believes is the required number of votes to accept the Amendatory Veto?"

Speaker Daniels: "This motion requires 60 votes for passage. Representative Lang."

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Lang: "Thank you, Mr. Speaker. I was going to make the same point. I assume if I make the same point, you'll make the same ruling."

Speaker Daniels: "Yes."

Lang: "Well, then I have nothing to say."

Speaker Daniels: "Representative Cowlshaw, for what purpose do you arise?"

Cowlshaw: "I seek permission to be verified, please. Will you do that? Thank you."

Speaker Daniels: "Representative Cowlshaw was verified as voting 'yes'. Representative Ryder. Representative Ryder is verified. Representative Johnson is verified. Tim Johnson, that is. Okay, Representative Pankau, questions of the Affirmative Roll?"

Pankau: "Is Representative Coy Pugh in the Chamber. Representative Pugh is in the second to last row."

Pankau: "Representative Schakowsky."

Speaker Daniels: "Representative Schakowsky is standing by the aisle."

Pankau: "Representative Art Turner."

Speaker Daniels: "Representative Art Turner? Representative Art Turner, is the Gentleman in the Chambers? There's an Art Turner, remove him from the roll."

Pankau: "Representative Lou Jones."

Speaker Daniels: "Representative Lou Jones? Is the Lady in the Chamber? Representative Lou Jones? Representative Lou Jones, remove her from the roll. Representative Art Turner has returned to the Chambers. He verified as 'yes'. Return him to the roll. Representative Hartke wishes to be verified. Representative Pankau."

Pankau: "Representative Laurino is voting 'present'. I'm sorry. Representative Morrow."

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Speaker Daniels: "Representative Morrow? Is the Gentleman in the Chambers? Representative Morrow? Representative Morrow, in the Chambers? Remove him from the roll."

Pankau: "Thank you, Mr. Speaker. I don't have any more."

Speaker Daniels: "No further questions. On this issue, there are 63 'ayes', 44 'no', 7 voting 'present'. This Motion, having received a Constitution Majority is hereby declared passed. And the House does concur on the specific recommendations for change to Senate Bill 276. Introduction and Resolutions."

Clerk McLennand: "House Resolution #60, offered by Speaker Daniels and Representative Madigan."

Speaker Daniels: "On the order of nonconcurrency, page 2 of the Calendar, Senate Bill 388. Representative Hughes. Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I move that the House refuse to receive from House Amendment #'s 1 and 2 from Senate Bill 388 and respectively request that the first conference committee be appointed."

Speaker Daniels: "The Lady has moved that the House refuse to recede from House Amendments #1 and #2 to Senate Bill 388. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it and the House does refuse to recede from Amendments #1 and #2 to Senate Bill 388. And the House requests a conference committee be appointed. Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was verified off on Senate Bill 276 and I'd like to be recorded as voting 'aye' on that Bill."

Speaker Daniels: "The record will reflect that had you been here, you would have recorded as 'yes'. Thank you, Sir. Representative Wojcik. Page 2 of the Calendar, Senate Bill 95. Representative Deering."

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Speaker Wojcik: "Representative Wojcik in the Chair."

Deering: "Thank you Mr. Speaker, Madam Speaker. Senate Bill #95 was vetoed by the Governor. This Bill Amends the downstate police article of the Pension Code to allow surviving spouses of police officers to continue to receive their surviving spouse's benefit, should they remarry. It passed the Senate 53 to nothing in the spring. It passed the House 108 to nothing and it's supported by, of course, various police and senior citizens organization throughout the state. I would like to just make one comment here. The inequity imposed on police widows who desire to remarry looks even greater when it's noted that the General Assembly, the Chicago Police and Fire Fighters, IMRF, Chicago Park District, metropolitan reclamation districts, SERS, TRS, Chicago Teachers and Judges Pension Systems already allow this benefit to take place and what we want to do is bring these widowed or widower spouses, the opportunity to continue receiving this benefit that I and many other of my colleagues feel that they justfully deserve. I'll be more than happy to answer any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Speaker. I rise simply in discussion of this Motion and what I'd like to do if I can is to simply state or in this case, restate the reason why the Bill was vetoed in the first place. The Governor vetoed the Bill not because of the purpose of the Bill. In fact, the Governor's vetoed message says this Bill has a laudable purpose. It creates, but it does create an unfunded Mandate on municipalities. Under the State Mandate's Act, reimbursement to municipalities for the increased cost incurred would normally be required, but the Bill Amends

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the State Mandate's Act to relieve the state of this liability. The Governor stated that he did not believe that the state should impose an additional unfunded Mandate on municipalities and his note went on to indicate that the cost of Mandating 100% benefits is obviously more expensive than the cost of 54% benefits to widows and widowers of fire fighters. So you have a situation of which you're going to make a decision. And the decision is this, under the current rules, widowers or widows understand what benefits they are to receive. This expands those benefits. I think the Sponsor would agree that it expands those benefits, which means that some people can receive more than they receive now. Who's going to pay that? It will be paid by local municipalities and pension funds. Will it create a large amount of distress on those funds? I don't think so, but it could. Will it cause some problems for municipalities who contribute to those funds? It could and for that reason the Governor vetoed it, consistent with his pledge not to place any more unfunded Mandates on municipalities. The Governor in this situation kept his word concerning unfunded Mandates. We need to consider where we are in this circumstance concerning unfunded Mandates. I rise for that purpose and to make that offer of explanation. Thank you, Speaker."

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

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

Speaker Wojcik: "He indicates he will."

Lang: "Representative, as I understand it, there was no opposition to the Bill. And in fact, there was an Agreed Bill, agreed to by both police officer associations and Local Governments and Pension Boards. Isn't that correct?"

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Speaker Wojcik: "Representative Deering."

Deering: "Yes, that's correct, Representative."

Speaker Wojcik: "Representative Lang."

Lang: "And although the Governor talks about his concern about Unfunded Mandates to Local Government, we've usually handled pension matters hereon the agreed Bill process. Isn't that also correct?"

Speaker Wojcik: "Representative Deering."

Deering: "Yes, Representative, any pension Bill that in the most recent past that has passed has always been under the agreed process."

Speaker Wojcik: "Representative Lang."

Lang: "Well, so, apparently the Governor has abandoned the agreed Bill process and addition, has said that since any additional cost to Local Government, even if they agree to it is too much that he's saying that even if municipalities want to pay this, he's just not going to be in favor of any additional pension benefits at all. Isn't that what you think he's saying here?"

Speaker Wojcik: "Representative Deering."

Deering: "A very possibly could be those comments."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. I thank the Sponsor for his answers. To the Motion, Madam Speaker, Ladies and Gentlemen. I strongly support the Gentleman's Motion to override this Veto. I don't know what the Governor thinks he's getting at here. It's an agreed Bill. We've always handled pensions by the agreed Bill process. Everybody involved, including the Local Governments who would be paying these minor additional amounts have agreed that this is a reasonable Bill to bring parity to the system. If the Governor is going to say that he's against this because it's an

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Unfunded Mandate, even if the parties agree, then what he's really saying is that he's never again going to sign a Bill to improve pension benefits. Now where are we going to get the best and brightest people to serve as public officials, whether it be in this Body or the police or the fire or teachers, if we don't take care of their pension benefits properly. I don't know what the Governor is thinking. Here's a Bill that's agreed. It's agreed regardless of the cost. It's a minor cost, but it wouldn't matter if it's a major cost. The Parties have all agreed to do this. If the Governor really wants to tell the public servants of the State of Illinois, the police, the fire, the teachers, the public employees, that no matter who agrees, no matter what the cost, he's going to be opposed to any additional pension benefits to them, then that's a message that we ought to take around the state. In fact, the Republicans that vote for this Bill ought to take that message around the state. What kind of Governor says to the public employees of this state, forget about it, we don't care. Well, Ladies and Gentlemen, I think the people in this Assembly do care about public employees. This is an opportunity to say to the Governor, Governor we are going to draw a line in the sand, you can't cross this line because we're going to protect public employees. We're going to make sure that public employees want to work for the police departments and the fire departments of the State of Illinois because if we don't keep the pension benefits where they ought to be, particularly when all the Parties agree, then they're going to be leaving in droves. Then we're not going to be able to hire new ones that we think are competent to protect us in our cities, in our villages, in our townships across the State of Illinois.

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So I join the Gentleman in his override motion and I think we should send a strong message to the Governor of this state that we're for the protection of the rights and the benefits of our public employees."

Speaker Wojcik: "Any further discussion? Seeing none. Pardon me, Representative Deuchler."

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

Speaker Wojcik: "He indicates he will."

Deuchler: "Representative Deering, I'm wondering about your legislative intent on the underlying Bill. What is your intent to ask that this benefit to widows be retroactive to those who have faced this issue before as widows and have remarried in the interim time, but are still living, such as a constituent that I had in my office a few years ago with tears in her eyes, talking about her marriage of 30 years to a policeman in Aurora and she had lost her benefits. Would she be covered under your Bill?"

Speaker Wojcik: "Representative Deering."

Deering: "Representative, the Bill's perspective is not retroactive."

Speaker Wojcik: "Representative Deuchler."

Deuchler: "To the Bill. I remember."

Speaker Wojcik: "Representative Deering."

Deuchler: "I remember Representative Virginia Frederick when she brought this same issue to the House Floor a number of years ago. The issue was and she very well knew this issue as a widow herself of a teacher, the issue was would teachers, would widows of teachers keep their pension benefits? Through a very good piece of Legislation, she was able to get that principal in place and see that widows of teachers kept their benefits so I would have liked to see this retroactive, but as a prospective, I will support it."

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I think the principal is very sound and thank you, Representative Deering, for bringing this issue forward."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just want the Body to know that this is a Bill that's been worked out for a number of years. I think Representative Deering and along with the various law enforcement groups in the state have a good Bill. I'm hopeful that we've addressed some of the concerns that groups have brought to us and I would just ask the Members of our side to join when Representative Deering in passing this Legislation because it's really needed and I would ask for a 'yes' vote."

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

Deering: "Thank you, Madam Speaker. Just like to make one comment here in closing that it's been argued that this would be an additional Unfunded Mandate on Local Government. That's not the case. These monies are already in place. These monies are paid by people who are working in these services now, the policemen and it would not be an Unfunded Mandate on Local Government and I respectfully ask for an 'aye' vote. Thank you."

Speaker Wojcik: "The question is, 'Shall Senate Bill 95 pass, the Veto of the Governor to the contrary, notwithstanding?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 63 'ayes', 115 'ayes', no 'nays', and none voting 'present'. Having received the

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required Constitutional Majority, the Motion to override passes. On Supplemental Calendar #1 is Senate Bill 245. Representative McAuliffe."

McAuliffe: "Thank you, Madam Speaker. I would move to override the Governor's veto of Senate Bill 245. This Bill allows university police officers to collectively bargain. It's a Bill that passed out of the House originally, 113 to nothing and it passed the Senate on the override, 53 to 5. And I would solicit your 'aye' votes. It allows the University of Illinois police officers to be represented by the FOP and strongly supported by the FOP."

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

Granberg: "Will the Gentleman yield?"

Speaker Wojcik: "He indicates he will."

Granberg: "Representative McAuliffe, I remember this debate during the Spring Session. At that time, I thought there was no opposition to the Legislation. So what an effect did the Governor, what was the rationale for the Governor in vetoing this Legislation?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "I think the university asked him to Veto it, but I haven't spoken to the Governor so I really don't know."

Speaker Wojcik: "Representative Granberg."

Granberg: "I assumed you spoke with the Governor on a daily basis, Representative, so I thought you would know exactly what his rationale was for his Veto. But you've indicated you think it's because of the university opposition?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "I believe it was the university. I speak to the Governor once a year, usually."

Speaker Wojcik: "Representative Granberg."

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Granberg: "So Representative McAuliffe, I believe you indicated that the Federation of Police is still in support of this legislation. I believe most of ..., in fact, there is no formal opposition. All the law enforcement bodies are in fact in support of your Bill. Is that correct?"

Speaker Wojcik: "Representative McAuliffe."

McAuliffe: "To the best of my knowledge, all the law enforcement organizations in Illinois are in favor of this Bill."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you, Representative. Thank you, Madam Speaker. On the Bill, I rise in support of the Legislation. This was debated fully during the Spring Session. There is a great deal of merit to this. There was no formal opposition. This occurred after the Bill was passed based on apparent university concerns. However, I think those concerns are unfounded. I believe all the Members on this side of the aisle intend to support our friends in the police. We are going to be there to help Roger override this Veto. We believe Representative McAuliffe is right. The merits are there for this Bill and we stand in support of the override."

Speaker Wojcik: "Is there any further discussion? There being none, Representative McAuliffe to close."

McAuliffe: "Simply ask for an 'aye' vote."

Speaker Wojcik: "The question is, 'Shall Senate Bill 245 pass, the veto of the Governor to the contrary notwithstanding?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 115 'ayes', no 'nays', 1 voting 'present'. And having received the required

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Constitutional Majority, the Motion to override has passed. On page two of the Calendar under conference committee reports, appears House Bill 41. The Gentleman from Jersey, Representative Ryder is recognized."

Ryder: "Thank you, Speaker. This is our chance to reduce government. There are some folks who made a practice of handing out some awards over the Spring. Well, we'd like to hand out an award on this one. Your support for this Bill will reduce the number of commissioners in the Commerce Commission from seven to five. It will reduce the cost because staff will also be reduced. It will reduce the cost by almost a half a million dollars, \$426,000 to be exact. It will call for new appointments. The purpose of this is to reduce within the Commerce Commission, the number of commissioners. Currently, there are two vacancies. Therefore, five commissioners are taking care of the business at this point. It is our intention that those five will continue until their successors are reappointed. This Bill has been previously presented to the Floor, but it was defeated because there was some objections to language concerning the Freedom of Information Act. All of that language and therefore all of that opposition has been removed. I'd be happy to answer any questions."

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

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

Speaker Wojcik: "He indicates he will."

Novak: "Representative Ryder, I want to thank you for giving the information to the Body about the objections from the Press Association and from the other groups that objected to the provisions concerning the Open Meetings Act. But I do have

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a couple of questions I would like to ask. Are there currently any vacancies on the Commerce Commission?"

Speaker Wojcik: "Representative Ryder."

Ryder: "As I previously stated, there are two vacancies, seven total Members, two are vacant, five active, seven minus two, five. Got it?"

Speaker Wojcik: "Representative Novak."

Novak: "Yes, I took basic math. Thank you, Representative. How long have these vacancies been current?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Since about the last time you defeated this Bill. The vacancies occurred in May."

Speaker Wojcik: "Representative Novak."

Novak: "Well, maybe I'm wrong, but I thought it was my understanding that one of the reasons why you're reducing the size of this Commission and I know this is all part of this smaller government philosophy on your side of the aisle. I mean, kind of runs contrary to the school waiver law, but anyhow I thought that one of the reasons why is because the Governor couldn't get qualified Members to be appointed to the Commission. That's why we're reducing the size. Is that correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, I certainly wouldn't cast any aspersions on the current five Members that are there. I don't think there's been any lack of candidates competing for these spots in the past nor would I expect that to be the case in the future. Many folks consider public service to be an honor and they participate for that reason because they believe they're doing a service for themselves and the community. I don't believe that the reason is for lack of candidates, but rather to have five instead of seven, to

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have smaller government instead of larger and to save \$426,000 dollars."

Speaker Wojcik: "Representative Novak."

Novak: "Well, I certainly agree with you, Representative Ryder. Looking at the analysis in front of me, the salary is pretty attractive. It's \$72,000 dollars for a current member and the chairman makes \$83,000. Now is this not correct with the COLA they're going to receive come July and with the subtraction of the two commissioners, will the salaries for the two less commissioners be spread to the current five commissioners when they're reappointed and subsequently, they'll receive an increase in pay?"

Speaker Wojcik: "Representative Ryder."

Ryder: "The commissioners as they current exist come under the Compensation Review Act and as a result, only new appointees would be entitled to any increase in compensation. In the event that there are new appointees, then they would be entitled to the recommendation. The savings of \$426,000 has taken into consideration the increases in salaries to which you refer. So the \$426,000 of savings is a net savings, a net savings."

Speaker Wojcik: "Representative Novak."

Novak: "So the \$426,000 dollar figure includes the staff people, less staff people because you had less Commission Members and it also includes the salaries saved by not paying two more Commission Members. Is that correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Not only is that correct, but you have now graduated from basic math to intermediate because it also includes anticipated increases upon new appointments. So it is an absolute net savings."

Speaker Wojcik: "Representative Novak."

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Novak: "Yes, Representative, I've just graduated to the intermediate level. I know there is net savings, but what I was trying to say is that when the Governor makes the new appointments to the Commission, will those individuals receive a salary increase, excluding the COLA?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, we may have to backtrack here. I'm not sure I'm catching up with your intermediate math. The COLA is the increase. It's the recommendation of the Compensation Review Board. In the event that new Members are appointed to current Members are reappointed, they are automatically entitled to that and that increase which would be a natural result of this Bill is calculated when we come up with the \$426,000 dollars worth of savings."

Speaker Wojcik: "Representative Novak."

Novak: "So it would be safe to say that when the Governor makes the new appointments, the new commissioner appointees will be hired in at a higher salary than the current salary of the existing commissioners. Is that correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Yes."

Speaker Wojcik: "Representative Novak."

Novak: "I just wanted to clarify that for the record. I certainly don't have any opposition. I think, you know, the commission can function just as well with two less employees and certainly if we can save some dollars here and there. I know it's not a lot of money, but if we can save some dollars here and there, I think we can get all of the support of the Members of the Legislature. One last question, where is the Citizens Utility Board on this Bill? Have they taken a position at all?"

Speaker Wojcik: "Representative Ryder."

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Ryder: "Representative, I can't say that I'm in constant contact with the Citizens Utility Board, but they have not contacted me on this and I am informed by competent staff that they have not taken a position."

Speaker Wojcik: "Representative Novak."

Novak: "And one last question, Representative. Do we stipulate...dowestipulate in the selection process by which the Governor uses for the commission members that certain members have to be members of the general public where they have no ties or any interests or any indirect interest to either utilities, any type of utilities. Do we require that members of the general public serve on that commission that represent the consumers?"

Speaker Wojcik: "Representative Ryder."

Ryder: "The only requirement under this language is that no more than three can be from one political party. That's the only requirement. Otherwise, it is my hope and desire that the Governor appoints absolutely the best people possible."

Speaker Wojcik: "Representative Novak."

Novak: "I agree, Representative Ryder. I hope he appoints the best people possible to make the fairest decisions for all the rate payers in Illinois. I just certainly urge my colleagues to support Conference Committee Report, House Bill 41. Thank you."

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

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

Speaker Wojcik: "He indicates he will."

Schakowsky: "Representative, you said that this Bill was changed in one important respect. You said freedom of information, but didn't you mean the Public Meetings Act. Can you explain how that is changed?"

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Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, thank you, I did incorrectly state public information and I meant to say Open Meetings Act. The reason that there was some language put into the Bill originally is that the Open Meetings Act would require open meetings, notification to the press whenever a majority of a quorum converse. When you reduce the board from seven to five, by the way, Illinois is only one of four states, three states in the nation that still have seven. The rest of the states have five or three. But under our law, when you reduce it to five, a majority of a quorum is two and there was some thought that, that would inhibit the opportunity for commissioners to share information and to share their thought processes. However, that was objectionable. The language that would exempt them from the Open Meetings Act was objectionable to the Press Association. The Bill because of that, in my opinion, was defeated and as a result, a sadder but wiser person now, I present myself to you without any language concerning the Open Meetings Act."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "Sadder but wiser, I have one more question. So you're saying now that two Members of the Illinois Commerce Commission do constitute a Majority of a Quorum and now in fact when they meet or converse on matters will have to post notice, et cetera. I mean, if that objection was in your view valid, how does it not make it difficult now under this Bill?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, I believe that if they meet to discuss the business of the Commission, opinions of the Commission, pending matters before the Commission, that, that formal

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conversation does have to comply with the Open Meetings Act. I am not suggesting that they can't go to a social event together or that they can't meet together in a social business non-business context. That's beyond my purview to decide, but I believe the Open Meetings Act does require that whenever a majority of a quorum meets, that it has to comply with the Open Meetings Act."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "So was the primary purpose then of this legislation to reduce by about \$400,000 dollars the cost of doing business of the Illinois Commerce Commission?"

Speaker Wojcik: "Representative Ryder."

Ryder: "The primary purpose it to reduce by two commissioners, from seven to five. When you make that reduction and you also have a concurrent reduction in staff because of that, the net savings even with increased salaries would be a savings of \$426. Every other state in the nation, with the exception of three, do it with five or three. Some of the biggest states that have commerce commissions that regulate far more than the State of Illinois are able to get by with three or five, like California or Texas. So we are, we made increase the work load of the five, we're decreasing the burden of the taxpayer."

Speaker Wojcik: "Representative Schakowsky."

Schakowsky: "Was there any, was dissatisfaction with current commissioners any part of the decision to reduce and then reappoint?"

Speaker Wojcik: "Representative Ryder."

Ryder: "No, absolutely not and in the event, Representative, that all seven members were, all seven positions were filled, I'm not sure that I'd be coming to you on this situation. It's only because of an anomaly that we know have five

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active members and two vacancies that we have the ability to do this without any appearance that there was a dissatisfaction or a change of the guard. Although the Governor under the Bill does have the ability to appoint replacements, just like the Governor has the ability today. So I am clearly not unhappy with any individual in the manner which they approach their jobs. Although some decisions of the Commerce Commission I don't agree with, others I do. I'm sure that's the same with everyone else or any other agency of state government."

Speaker Wojcik: "Representative, would you bring your questions to a close? Representative Schakowsky."

Schakowsky: "I just have one last question. How long have there been two vacancies on the Illinois Commerce Commission?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Since May of this year, 1995."

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

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

Speaker Wojcik: "He indicates he will."

Deering: "Representative, I have a fax copy of the Bill here and maybe that's why this is not clear. But on page four of this Bill, line 15, basically says the authority to retain up to three, I'm sorry, two is the new language. What's crossed out, is that a three or is that a one?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, three is reduced to two. That's a reduction of one. If you have problems with that, you might talk to your seatmate because he's graduated intermediate math and he can help. It's a three, Representative. I don't mean to make light of your question. It is a reduction."

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Speaker Wojcik: "Representative Deering."

Deering: "Thank you, Representative, but that's who I got that information from so maybe he wasn't telling us the truth a while ago when he spoke. But nevertheless, I understand under current statute, if a commissioner is found to be in violation of his or her code on the board, that there's steps that can be taken to expel that person from office. Is that still remain the same with a reduction of commissioners or are they being protected more?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, there's no further protection or no less protection under this Bill. They are under the same scrutiny that they are today, will be the same after this Bill hopefully goes into effect. It is simply a reduction in the number of commissioners, a reduction in the number of assistants, a reduction in government."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you, Representative, I have no further questions."

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

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

Speaker Wojcik: "He indicates he will."

Lang: "Representative, there's one portion of this Bill that I just want to make sure I understand. So the seven current Members of the Commerce Commission as of the effective date of this Bill will be out of business and then the Governor's going to appoint five. Is that correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, the current five members that are appointed will continue in their position until their successor is appointed. The Commerce Commission is not

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going out of business as you stated in your question."

Speaker Wojcik: "Representative Lang."

Lang: "But the five members that we will end up won't necessarily be five of the seven we have today. Correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "The Governor has not shared with me because I don't think the Governor's made any decision on that. But clearly under the Bill, the Governor has the ability to reappoint the five or to appoint five new people. I think that answers your question. Does it not?"

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. Madam Speaker, Ladies and Gentlemen of the House, to the Motion. I rise in strong opposition to this first conference committee report. We have seen this year in the Illinois General Assembly and in the State of Illinois, a dramatic effort by the Governor of the state to take over everything. He took 20 members of the state of the boards of universities in this state, turned them into 86 or so and now he appoints them all. The elected members of the University of Illinois out of business, appointed now by the Governor of the State of Illinois. By the way, that was overturned in the court recently. But eventually that will happen as well. There have been any number of these. The college boards. There was an effort to change the Worker's Compensation Arbitrators, the members of the Aeronautical Board of Advisors, the members of the Economic Development Board, the members of the Metropolitan Parent Exposition Authority, the members of the Mortgage Insurance Agency, the members of the Pollution Control Board, the members of the Prisoner Review Board. All to be reappointed by Governor Edgar under Bills we have passed in this General Assembly just this year. Where will this

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stop? Where is this going to stop? Do we want to turn over all of the reigns of government to Governor Edgar to do everything he wants to at his whim? I don't think so. Do we want to allow him in this situation to do administratively what he can't do legislatively? And so he can't pass certain Bills on the Floor of this house to control the actions of the Commerce Commission, so instead what will he propose? Instead he proposes to change all of the commissioners on the Commerce Commission, interview them in advance and tell them in advance exactly how they should rule on rate increases, on rules and regulations, and on everything else that effect rate payers in the State of Illinois. Now we would be foolish to allow this. Under the current law when these commissioners terms expire, the Governor has every right under the law to reappoint them. In fact, some of us have had a Bill for years to require the members of the Commerce Commission to be elected, but they aren't. Today they're appointed. They're appointed by a Governor who can do it at the end of their terms. But if you allow him simply to appoint five people at his will, at his whim, on the effective date of this Bill, you will have taken the Commerce Commission and turned it over to the Governor, all at once. So if there are one or two people today on the Commerce Commission who don't agree with the Governor, who don't agree with some about rate increases, they will be gone. They will be gone and the Commerce Commission will be refashioned in the Governor's image on that date, with nothing for us to say about it and no oversight and ability for the Members of this House to have any input into that decision making process. So we go from Bill to Bill, from issue to issue, from appointee to appointee, and the bottom line of all it is that Governor

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Edgar wants it all. He wants to take over everything. Now why don't you just pass one simple Bill, Majority Party, that does it? Why do you continue to try our patience with a bunch of individual Bills? Why don't you just put one Bill on the table that gives the Governor the right to do everything you want him to do all at once and you can save the taxpayers a lot of money? Vote 'no' on this Bill."

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

Hartke: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hartke: "Representative Ryder, what is the term or length of office that commissioners serve?"

Speaker Wojcik: "Representative Ryder."

Hartke: "The term or length of office."

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, under this Bill, the appointees would have five year terms, but their specific staggered appointments so that the terms expire over the next three years, I believe, and then so they'd serve short terms and then, five thereafter. So it's a staggered to start."

Speaker Wojcik: "Representative Hartke."

Hartke: "The current members of the board serve for that staggered appointments as well and that's why we have two of them that have now expired. Is that correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Partly correct and partly not correct. The two that are no longer there resigned. The current members serve staggered terms and in contradiction to the previous speaker, all of those staggered terms come due during the next three years so the current Governor's going to reappoint anyhow. But, yes, they all serve staggered

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terms."

Speaker Wojcik: "Representative Hartke."

Hartke: "Of the five members that are now still holding their terms, what is the political persuasion of those five members?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, I'm informed there are three Republicans, one independent, and one Democrat."

Speaker Wojcik: "Representative Hartke."

Hartke: "There is a possibility then that the Libertarian Party, the Democrat Party, the Republican Party, the stag party, the whatever party you want, could each have a member on that committee. Is that correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, I heard the listing of the parties, but I didn't hear the question."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well, no party should have a majority. Correct?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Just the opposite. No party can have more than three."

Speaker Wojcik: "Representative Hartke."

Hartke: "Okay. How does the Governor determine the political persuasion of the members? Does he do that how?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, I've not been part of that selection process, nor do I intend to be in the future. But it would seem to me that there are a couple of ways in which your political persuasion might be determined. One would be examining your voting record. The other would be to ask you what you consider yourself to be. Perhaps one or the other might work. In your case, I have no doubt."

Speaker Wojcik: "Representative Hartke."

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Hartke: "What about a very respected individual like Colin Powell, how would he fit in and how would the Governor judge that?"

Speaker Wojcik: "Representative Ryder."

Ryder: "It's my understanding, Representative, that they need to be residents of the State of Illinois and while the good General is a fine individual, he has not yet established residency in this good state."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well he could be considered an independent though, if he would move here and would be eligible. Is that the only requirements for members of the Commerce Commission?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative, I don't know of any requirements on the individual members, other than collectively, there can be no more than three of the same political party."

Speaker Wojcik: "Representative Hartke."

Hartke: "So you and I could qualify then at some point in time?"

Speaker Wojcik: "Representative Ryder."

Ryder: "Representative Hartke, I guarantee you that you could qualify because you're a man of vast knowledge and experience, someone who knows a whole lot about utilities. Someone who's paid his fair share, I'm sure during the years and someone who knows how important utilities are to this great State of Illinois. I, however, fall short in that regard and I know that I would not be eligible to be considered because I don't have your vast expertise. I don't have the rest of the 30 seconds to speak that you're not going to be able to address. As a result of that, Representative Hartke, I think that the Governor will be picking, not perhaps people of my qualifications, but someone who contains the kind of breadth of knowledge about

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a very important subject that is important to every single taxpayer in this state and as a result, there would be a lot of qualified people and I know that the Governor would select the very best qualified people to serve in that capacity."

Speaker Wojcik: "Any further discussion? There being none, Representative Ryder to close."

Ryder: "Ladies and Gentlemen of the House, you have an opportunity today to say that less government is better. You have an opportunity today to suggest that we can do with five, what's currently allowed by seven. The same safeguards for monopoly of any political party that existed before, exists now. The same opportunities for appointment that exists before, exists now. And I would suggest to the person that serves as Floor Leader on the other side, to quote his seatmate, I got a news flash for you and that news flash is that if we do nothing, the current Governor has the ability to appoint, reappoint, or appoint new people over the next three years anyhow. So as a result, we're simply saying, let's do it with less. That being the case, I'm in favor of less government. I'm in favor of doing more with less and I hope that you are, too. I ask for your 'yes' vote."

Speaker Wojcik: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 41?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 'ayes', 7 'nays', 1 voting 'present'. And the House does adopt Conference Committee Report #1 to House Bill 41. And this Bill,

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having received the required Constitutional Majority, is hereby declared passed. Committee Announcements."

Clerk McLennand: M\$ "Committee Notice. Rules Committee will meet Wednesday, November 15th, at 2:00 p.m., Speaker's Conference Room. Rules Committee, 2:00 p.m. in the Speaker's Conference Room."

Speaker Wojcik: "We will now proceed to the order of Senate Bill. Third reading. Mr. Clerk read Senate Bill 946."

Clerk Rossi: "Senate Bill 946 is a Bill for an Act Amending the School Code. Third reading of this Senate Bill."

Speaker Wojcik: "The Chair recognizes Representative Biggert."

Biggert: "Thank you Madam Speaker. Senate Bill #946 is a Bill... is a Bill to clarify the law in that school field trips are eligible for state reimbursement. This was amended in committee to insure that a...three things. Number one is that this will begin with the 1996-97 school year. A the cost of providing transportation for peoples on an education field trip shall be subject to reimbursement if it is an educational field trip; as a one day field trip that is sponsored by the school board of the school district; takes place on a regular school day and begins and ends on that day at an attendance center within the district. I think this is an important Bill for the children of the State of Illinois. In order to be able to participate in educational trips which will enhance their education, and I would ask for a favorable vote."

Speaker Wojcik: "Is there any discussion? The Gentleman from Washington. Representative Deering is recognized."

Deering: "Thank you Madam Speaker. I'm joined with a requisite number of my colleagues in remove to take this off Short Debate. Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

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Deering: "Representative just looking at the Amendment first off let me ask does Amendment 1 become the Bill or is Amendment 1 an addition to the Bill?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Representative Amendment 1 becomes the Bill."

Speaker Wojcik: "Representative Deering."

Deering: "I've noticed by reading through the Amendment it's talking about taking one day educational field trips and they can be reimburse through the transportational reimbursement. A...can you tell me that if I'm in a school district a school district in Springfield and I want to hop a plane out here at the local airport and want to fly to California to see something, and can be back within the same day. Is that grounds for reimbursement?"

Speaker Wojcik: "Representative Biggert."

Biggert: "No."

Speaker Wojcik: "Representative Deering."

Deering: "Where does it say that in here? It does not specify school busses or any other mode of transportation. Where does it say that in this Amendment?"

Speaker Wojcik: "Representative Biggert."

Biggert: "I think that if you a look at line nine where it talks...or line eight...says it will be subject to reimbursement by this date under section 29-5, as transportation to and from an attendance center, and I don't think we have any one flying on planes to and from the attendance intended centers."

Speaker Wojcik: "Representative Deering."

Deering: "Representative, I guess I respectfully disagree with you there. I read that as to say you can be reimbursed by the state under section 29-5 as transportation to and from an attendance center. Now, I'd take that as to say, I send

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my kids to school in the morning; they're picked up at the attendance center they go on a field trip and then they come back to the school, once again the attendance center at the end of the day. That's how I take the intent of those two lines right there."

Speaker Wojcik: "Representative Biggert."

Biggert: "Representative Deering I think that...that what your saying now a this would be...if that were true it would be able to do it now under the current statute as provided. So I don't think that that's really reasonable. Another part of this Bill is to be sponsored by the school board of a school district, and in no way would any school district sponsor flying to and from."

Speaker Wojcik: "Representative Deering."

Deering: "Well, I kind of disagree if it's cause for reimbursement. I'm sure a lot of school districts or school boards might look at that. A question. Is this just for public schools or is this for private or parochial schools also?"

Speaker Wojcik: "Representative Biggert."

Biggert: "I believe that under this part of the statute this is applicable to public schools."

Speaker Wojcik: "Representative Deering."

Deering: "Only to public schools?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Yes."

Speaker Wojcik: "Representative Deering."

Deering: "Who is proposing this, Representative?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Who is proposing this? This was at the suggestion of a...The Robert Crown Center, for health education, which is located in my district, and they have a various school

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districts come from all over the state...on field trips and then they uhm...come for different segments of time during the day."

Speaker Wojcik: "Representative Deering."

Deering: "Okay, Representative, a two part question. Where's the money coming from for this reimbursement? How many southern Illinois or down...extreme down state schools go to this Robert Crown Institute, a...for field trips?"

Speaker Wojcik: "Representative Biggert."

Biggert: "It's coming from the transportation reimbursement from the state. In the budget."

Speaker Wojcik: "Representative Deering."

Deering: "So would we then increase the budget in subsequent years to cover existing cost that are existing reimbursements and the additional cost for the Robert Crown Institute. Where nobody from southern Illinois apparently goes; since you didn't answer that portion of the question."

Speaker Wojcik: "Representative Biggert."

Biggert: "There are various school districts that do come to southern Illinois to this center. It would also apply to any other center. I know that there's a very similar one in Peoria, that many students go to."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you Representative."

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

Flowers: "Madam Speaker, I would like to yield some more of my time to Representative Deering."

Speaker Wojcik: "Representative Deering."

Deering: "OkKay a...thank you Representative. Now you were talking about a...a this money as a reimburse through the

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transportation fund. Those monies coming out of GRF through the appropriation process?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Yes."

Speaker Wojcik: "Representative Deering."

Deering: "Can you tell me in the FY96 Budget, did the transportation line item get an increase or did it get cut for funding?"

Speaker Wojcik: "Representative Biggert."

Biggert: "It's increased."

Speaker Wojcik: "Representative Deering:"

Deering: "It's an increase over the FY95 Budget. Thank you Representative...a will we then in relation to my prior question...will we then increase the transportation line item to cover these cost in subsequent years over and above what we've funded in the past. So we don't take a...or have to be faced with the decision of cutting some worthwhile reimbursements, to fund reimbursements to this center or to other centers on...on field trips. Not specifically picking out this center."

Speaker Wojcik: "Representative Biggert."

Biggert: "First of all Representative Deering, this was a suggestion by the center in my district, but this applies to all educational field trips. And does not...it includes many many more than just one or two centers, and it is tied in to the Illinois State goals for learning. Which has been a...which is part of the Illinois State Board of Education School Improvement and Assessment. In order to qualify for these trips it has to deal with language arts, social sciences, and fine arts. So as this Bill was first drafted it was very broad. I felt that it really could apply to recreational or it could apply to athletics. So

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it was redrafted to be much more restrictive and to apply to the educational goals of the community. So that it's not to address a...just one or two centers, but to all of the children of Illinois and to provide them with the enrichment a...to their educational a...life. Which will increase a...their education in Illinois."

Speaker Wojcik: "Representative Deering."

Deering: "Once again Representative, are we going to put additional money into the transportation line item; to fund this extra reimbursement at the expense of other worthwhile reimbursements that we've been funding in the past? Now you never answered that question in any of what you just said in your last comment."

Speaker Wojcik: "Representative Biggert."

Biggert: "Representative Deering, I don't know. We ask for a fiscal note and they said it's indeterminable. I can't answer you. It would depend on the school districts requesting this."

Speaker Wojcik: "Representative Deering."

Deering: "Representative, would you then a...pull this Bill out of the record until we have a fiscal note a...a attached onto this Bill?"

Speaker Wojcik: "Representative Biggert."

Biggert: "I have the fiscal note."

Speaker Wojcik: "Representative Deering."

Deering: "And can you tell me what the fiscal note impact implies?"

Speaker Wojcik: "Representative Biggert."

Biggert: "The fiscal note says, that the fiscal impact to the State, if this legislation were to be implemented, cannot be determined. The cost is dependent on how many school districts held one day educational field trips. How many

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field trips through out the year were held, and the distance traveled. Other factors which could also be added to the fiscal impact include the renting, operating the bus and the cost of the drivers. In the situation that we've been talking about is really the cost of an extra driver, if a school attends something like the center when the bus is to be at another district and they have to employ a driver."

Deering: "Yeah, Representative a...it's my understanding that some of these reimbursements were being done until recently. The State Board of Education Legal Department a...refused to reimburse and that's why we're looking at this Bill. A...can you tell me if in fact that's true and why they...why the Legal Department said that these reimbursements were not legal according to Illinois Law."

Speaker Wojcik: "Representative Biggert."

Biggert: "That's incorrect Representative Deering. The finance section of the State Board has said that schools...school field trips a...the only school field trips that qualify for the state reimbursement are those required under individualized education plans for special education students. The Legal Department at the board however is of the opinion that these field trips are part of the instructional program, and should be reimbursable by the state, and they've sighted a 1979 appellate court case as evidence. So the Legal Department has said that the State Board rules on...on field trips or...are a misleading and need to be clarified. Which is what..."

Speaker Wojcik: "Representative, I'm going to give you one more minute. Bring your questions to a close. Representative Deering."

Deering: "Thank you Madam Chairman or...Madam Speaker, you look

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marvelous today. Representative, is there a...one final question. Is there a limit? Is there a limit on the amount of reimbursement? A is it reimburse up to a certain amount or will we reimburse, no matter what the total cost would be?"

Speaker Wojcik: "Representative Biggert."

Biggert: "It's as far...there's no...level for each trip. I think that the a...what I understand is that if the...let's say the whole transportation amount is used then these claims would be pro-rated. So there could be instances where there would not be enough money to fund all these based on the budget."

Speaker Wojcik: "Is there any further discussion? The Lady from Dupage, Representative Cowlshaw is recognized."

Cowlshaw: "Thank you very much Madam Speaker. Ladies and Gentlemen of the House, I rise in strong support of Senate Bill 946. This is a means of encouraging the kinds of field trips for students in our public schools; that will greatly enrich the curriculum for those students. To be sure there is a limit within this Legislation, as to which kinds of activities are reimbursable. That is, if they decide to go to watch a ball game that is not reimbursable, but if they decide to go to a place like The Robert Crown Center for Health that is clearly a part of their curriculum. Then that transportation becomes reimbursable to the extent that the state reimburses any of the transportation. This is a good sound plan. It encourages an enriched curriculum. I urge everyone to vote yes."

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

Hartke: "Thank you very much Madam Speaker. I would like to yield my five minutes to Representative Deering."

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Speaker Wojcik: "Representative Deering."

Deering: "Thank you Representative. A...Representative a...or better yet to the Bill Madam...Madam Speaker a...I kind of train of thought until the prior speaker just stood up and so eloquently spoke on how important this is to school children in school districts throughout the state. Now I understand she has a Naperville School District, which is up in the suburbs. Once again under the tax caps. They're probably having troubles; so they can send their students out to some of these field trips. Well they wanted the tax caps let them be like the down state districts. If they can't afford to go let them do with what they have, and what the teachers and the appurtenances they have in their schools, and let them teach their students that way. Just the same as we downstaters do. This is terrible precedent to set."

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

Granberg: "Thank you Madam Speaker. I wanted to yield my time to Representative Deering as well."

Speaker Wojcik: "I think the Representative has concluded. Any further discussion. The Gentleman from Effingham, Representative Hartke."

Hartke: "Let us figure out a Parliamentary Inquiry."

Speaker Wojcik: "State your inquiry."

Hartke: "This would require 71 votes for passage?"

Speaker Wojcik: "Representative it requires 60. Is there any further discussion? Representative Biggert to close."

Biggert: "Thank you Madam Chairman. I think as Representative Cowlshaw much more eloquently than I can stated. This really is to provide the means for students of Illinois to participate in an enrichment to their educational program,

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and I would ask for a do pass."

Speaker Wojcik: "The question is shall Senate Bill 946 pass? All those in favor vote aye. All those opposed vote nay. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 66 ayes, 50 nays, none voting present, and this Bill having received a Constitutional Majority is here by declared passed."

Speaker Wojcik: "Your attention, please. Mr. Clerk, announcements."

Clerk McLennand: "Committee notices. The Higher Ed Committee will meet at 4:15 p.m. in room 114. The Environment Committee will meet in room 118 at 4:15 p.m. At 4:45 p.m. the Revenue Committee will meet in 114 and the Elementary Education Committee will meet in 118. Again at 4:15 p.m. Higher Ed in room 114. Environment in room 118. At 4:45 Revenue in room 114 and Elementary Education in room 118."

Speaker Wojcik: "Allowing Perfunctory time for the Clerk, the House will now stand in recess until 5:30."

Clerk McLennand: "House Bill 2573 offered by Representative Maureen Murphy. A Bill for an Act to Amend the Election Code. Introduction, First Reading of these House Bills. Perfunctory Session, Committee Reports. Committee Report from Representative Cowlshaw, Chairman for the Committee on Elementary and Secondary Education to which the following Joint Action Motions were referred. Action taken on November 15th. Reported the same back, do Approve for Consideration. Concur in Senate Amendments 3 and 4 to House Bill 854. Committee Report from Representative Persico, Chairman from the Committee on Energy and Environment to which the following Joint Action Motions

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were referred. Action taken on November 15th. Reported the same back, Do Approve for Consideration. Conference Committee Report #1 to House Bill 901. Committee Report from Representative Maureen Murphy, Chairman from the Committee on Revenue to which the following Joint Action Motions were referred. Action taken on November 15th. reported the same back, Do Approve for Consideration. On the Order of Concurrence, Senate Amendments #1 and 2 to House Bill 1461. Approve for Consideration, Conference Committee Report #1 to House Bill 211. Committee Report offered by Representative Wirsing, Chairman from the Committee on Higher Education to which the following Joint Action Motions were referred. Action taken on November 15th, reported the same back, Do Approve for Consideration. Concurrence Senate Amendments #1, 2, and 4 to House Bill 820 and on Do Approve for Consideration, Conference Committee Report #1 to House Bill 122. Messages from the Senate. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in the Adoption of the following Joint Resolution. House Joint Resolution #38 together with Senate Amendment #1 in the Adoption of which I'm instructed as to concurrence of the House, passed by the Senate as Amended November 15th. Introduction of Resolutions. Senate Joint Resolution #60 offered by Representative Cowlshaw. Introduction of First Reading of House Bills. House Bill 2571 offered by Representative Persico. A Bill for an Act to Amend the Public Utilities Act. House Bill # 2572 offered by Representative Parke. A Bill for an Act to amend the Minimal Wage Law and House Bill # 2573 offered by Representative Maureen Murphy. A Bill for an Act to Amend the Election Code. Introduction First Reading of these

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House Bills."

Speaker Daniels: "The House will come to order the Members will please be in their seats. Those not entitled to the Floor, please retire to the Gallery. Supplemental Calendar Announcement."

Clerk McLennand: "Supplemental Calendar #2, is being distributed."

Speaker Daniels: "On the Order of Conference Committee Reports. Supplemental Calendar #2. House Bill 122, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I Move the acceptance of Conference Committee Report #1 to House Bill 122. Very briefly, I will try to tell you that basically what is embodied now in this Conference Committee Report is, as I understand it, agreed language between the Community College community, the Board of Higher Education. You will all remember we passed overwhelmingly a Bill that would separate the community colleges from the Board of Higher Ed. The Governor Vetoed that Bill had some concerns with it. And what now makes up the bulk of this Conference Committee Report is the agreed language with the Community Colleges and the Board of Higher Education, the Governors office, the community college board, providing for various changes in how the Joint Education Committee will be appointed. It provides for an annual report by the committee to be submitted to the Community College Board, the Human Resources Investment Council and the Governor and in addition to the submissions of the report presently required to the State Board of Education and the Board of Higher Education. It provides that the Joint Education Committee shall be responsible for making recommendations

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concerning the submission of any work force development plan or work force training program required by Federal law or under any block-grant authority. It also includes the provision of Senate Bill 1094, which was some Pension Code provisions that passed the House 116 to nothing. This has an optional university retirement plan called a ORP that would provide retirement benefits through the purchase of annuity. Both the employer and employee would make contributions to this annuity. This is a voluntary program. It also allows active and retired members of the teachers retirement system to purchase pension credit for periods prior to July 1 of 83 during which the teacher ceased employment due to pregnancy provided that the teacher returned to teaching following the pregnancy. Lastly there was section in this Bill that I became aware of late last Spring. Some time ago, the General Assembly passed a law that said the children of a peace officer, state trooper or Department of Corrections employee, who is killed in the line duty could qualify for a tuition wavier to any Illinois Public College or University. What happened in this particular case or in my part of the state, there was a state trooper killed in the line of duty. His child is now ready to go to college, subsequently the surviving spouse moved to Indiana. I think it was the intent of the General Assembly that the tuition waiver would follow the child of that peace officer killed in the line of duty, but the Student Assistance Commission feels strongly that they need statutory authority in order to do this and that is also in this Bill. I would be more than happy to answer any questions, Mr. Speaker."

Speaker Daniels: "Any discussion? The Gentleman from Cook,

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Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the sponsor yield?"

Speaker Daniels: "He indicates that he will."

Lang: "Thank you. Representative Black, I listened to what you had to say, but I'm not quite sure I understand a couple of things. As I understand it, relative to this section regarding the appointments to this Joint Education Committee or this Board. There was a Bill that the Governor Vetoed. Was that a Amendatory Veto or a total Veto?"

Speaker Daniels: "Representative Black."

Black: "Are you referring to the Separation Bill? I think it was 549. That was totally Vetoed. Where the community colleges would operate separately not under the jurisdiction of the umbrella of the board of Higher Ed. He totally Vetoed that Bill and the language that we are putting into this Conference Committee is language agreed to as best I understand it by the community college system, the board, the community colleges, the Governors office, the Board of Higher Education. It does not separate them out, but it does, I think give them some additional responsibility and abilities that the community college people think they should have."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Well, then was it just your legislative strategy rather than to override the Governors Veto to redraft it and make it part of this Conference Committee Report?"

Speaker Daniels: "Representative Black."

Black: "Yeah, I don't know whether that would be a accurate portrayal. I know many of us who voted for it, feel strongly about community colleges. And, all of us have a

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community college in our district now. But sometimes in the heat of the moment, we do things that upon reflection were not convinced is really the best course of action. We could have each of the community colleges down here lobbying separately if you take this to its extreme. I think many of us felt that rather than override the Governors Veto maybe we should step back and see if the community colleges could in fact reach an agreement where they would feel that their positions and their...they enroll most of the students in Higher Ed. And, I think all that they were asking for was a little stronger voice and more equitable consideration in budgetary and other matters. It is the feeling of the community college system that they have that with this language and that they now do not need to be separated from the Board of Higher Ed."

Speaker Daniels: "Representative Lang."

Lang: "And so you are referring to the changes particularly on page 29 and 30 of the Conference Committee Reports, Sir?"

Speaker Daniels: "Representative Black."

Black: "You have me at a disadvantage, because I don't have a copy of the Conference Committee Report, but I'm sure if our staff, Mr. Davies is here or is in sound of my voice I will have it very shortly. All I have is the synopsis. I don't have the pink copy. Oh look. Ask and you shall receive. What page were you on? Page 29, you said? I think the heart of the issue is on page 29 about the...about what will make up the joint education committee. The material that is underlined."

Speaker Daniels: "Representative Lang."

Lang: "And as I understand it, the changes relative to pension benefits are all agreed by the parties. Is that also correct?"

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Speaker Daniels: "Representative Black."

Black: "Yes, that is my understanding and I will be glad to try to answer any questions that you have. That embodies with a few refinements, the language of Senate Bill 1094 that we passed unanimously in this Chamber earlier in the Session."

Speaker Daniels: "Representative Lang."

Lang: "Thank you for answering my questions Mr. Black."

Speaker Daniels: "Representative Young."

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

Speaker Daniels: "He indicates that he will."

Young: "Representative Black, I want to call your attention to lines 25 thru 32 on page 29 of House Bill 122. Would you tell me please the make up of the Human Resources Investment Council? Who serves on that and what does it do?"

Speaker Daniels: "Representative Black."

Black: "Well, I won't try to bluff. I have no idea. I'm sure it has something to do with Human Resources. If you can hang on just a second, we started before staff was up here and if I can get Dr. Davies here, I'm sure we can answer your question. This is my understanding that the Human Resources Investment Council is already constituted, so I'm sure that we could get you the exact information here very shortly."

Speaker Daniels: "Representative Young."

Young: "The reason for asking that question is that this Bill establishes a standing Joint Education Committee, made up of the Board of Higher Education, the Illinois Community College Board and the Human Resources Investment Council. And we should know who that is. Would you explain please the exact power over a work force development programs that this new Joint Education Committee will have. Will it have

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the power to make recommendations? can the board...does the board have to accept the recommendations of these entities or just what? Would you explain the nature and extent of power that is created through the creation of this Joint Education Committee?"

Speaker Daniels: "Representative Black."

Black: "Your question is right on task. the Human resources Investment Council, not yet all appointed would be advisory only. Their recommendations would not have to be accepted. It is my understanding that what they do is to try coordinate the various job training programs. And, as you and I both know there are a number of those, veritable alphabet soup of job training programs out there. From what staff and others are telling me, this is to try to bring together some cohesive recommendations on what kinds of programs should be in fact run. Where they might best be run, but advisory only. They would not just have the authority to just simply say, this is how we see this being done. I think, if you may permit me an observation, it is probably something that we need to do with what we think is going to happen with block grants, but it is advisory. It does not have any statutory authority to change, they can only recommend."

Speaker Daniels: "Representative Young."

Young: "Thank you, Mr. Speaker. Then this Joint Education Committee would only advise the Board of Higher Education. Is that the affect of this Bill?"

Speaker Daniels: "Representative Black."

Black: "Yes, the staff assures me that, that is exactly what the intent is."

Speaker Daniels: "Representative Young, have you completed now?"

Young: "Yes, thank you very much."

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Speaker Daniels: "There being no further discussion, Representative Black Moves for the Adoption of Conference Committee Report to House Bill 122. All those in favor signify by voting 'aye'; opposed by voting 'noe'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wojcik, have you voted now? Okay, everybody on? 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 114 'ayes'; 1 voting 'noe', none voting 'present' and this Bill, Conference Committee Report #1 to House Bill 122 having received a Constitutional Majority, an extraordinary majority is hereby declared passed. On the Order Supplemental Calendar #2, House Bill 211. Representative Hughes."

Hughes: "Thank you, Mr. Speaker. The First Conference Committee Report on House Bill 211 contains language which enhances the educational requirements for township assessors. This Bill...this Bill was suggested by Illinois Assessors Association has the support of township officials, Illinois Department of Revenue, Cook County Township Assessors Association, County Assessment Officers Association and the Illinois TaxPayers Federation. This is a Bill, which will strengthen the educational requirements of township assessors. It has no known opposition that I am aware of. It is a good Bill. We rely heavily on property taxes. This will help ensure our taxpayers that their assessment program is a fair and equitable one. I would urge a 'yes' vote. It has bipartisan support. If you have questions I would be happy to answer them."

Speaker Daniels: "Representative Hartke."

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

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yield?"

Speaker Daniels: "She indicates that she will."

Hartke: "Yes, Representative Hughes, it is my understanding that the township officials of Illinois and the Assessors Association are in support of this Legislation."

Speaker Daniels: "Representative Hughes."

Hughes: "That is correct."

Speaker Daniels: "Representative Hartke."

Hartke: "In plain words, assessors in small townships now before they file dominating petitions or file for office, they must complete a course, approved by the Department of Revenue?"

Speaker Daniels: "Representative Hughes."

Hughes: "For the smallest townships, those with an assessed value nonfarm, under 10,000,000 they must complete prior to filing petitions, the introductory course provided by the Department of Revenue."

Speaker Daniels: "Representative Hartke."

Hartke: "What percent of the assessors at the present time, are now qualified for this course?"

Speaker Daniels: "Representative Hughes."

Hughes: "I cannot give you a percent. Most of them are...Most of them are qualified with the introductory. This will expand the more rigorous CIAO qualification, to it will, it will probably quadruple the number of assessors that would fall under the more stringent requirements."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, the other night we were in Peoria and we were given a fact sheet on the assessed valuations in the townships of Illinois. And it is my understanding that 60 to 70% of the township assessors probably will now fall under this criteria. Is that correct?"

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Speaker Daniels: "Representative Hughes."

Hughes: "Yes, that is correct."

Speaker Daniels: "Representative Hartke."

Hartke: "In order that we have fair assessment in the State of Illinois, I feel that we must have good qualified individuals for this. I think that we will upgrade the profession and the position of an assessor in the townships. So, I stand in support of the legislation."

Speaker Daniels: "Representative Cross, Representative Hoeft, did you...was it your light that was on?"

Hoeft: "Thank you, Mr. Speaker. I Move to call the question."

Speaker Daniels: "The question is 'shall the main question be put?' All those in favor say 'aye'; opposed 'noe'. The ayes have it. The lady, Representative Hughes, Moves for the Adoption of Conference Committee Report #1 to House Bill 211. All those in favor signify by voting 'aye'; opposed by voting 'noe'. 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 113 'ayes'; none voting 'noe', 1 voting 'present' and this Conference Committee Report #1 to House Bill 211 is hereby declared passed with an extraordinary majority. House Bill 854 on the Order of Concurrence. Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. House Bill 854, basically has been changed and now has two Senate Amendments that basically change the Bill and allows for community unit school districts the right to elect their Boards of Education at an at large manner. This is technical clean-up that was left out of the school code years ago. We did pass House Bill 689 allowing school districts electing Board Members by Congressional Township to elect

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their board members at large through referendum, however community consolidated school districts were left out of that language. And all we are doing is simply adding community consolidated school districts to that particular language. The second Amendment, Amendment # 4 to House Bill 854, is a technical change that recognizes school districts in cases in which, before the effective date of this Act, the regional superintendent of the schools was required to publish notice of a referendum to establish a community unit school district and territories comprising of two community unit school districts, two community consolidated school districts and two community school high school districts. Such notice was not published by the regional superintendent of the schools. Because of that technical flaw, the new consolidated school district has been notified by the bonding company that they will not be allowed to issue the bonds to build their new high school. Would they need the change stating that we recognize them as a legal entity? The election passed in all the communities. The school district is up and running, has been since the beginning of the school year. They are anxious to start building on their new school in 'Manlius', Illinois. The bonding company says if we recognize them as a up and running legal school district, then they can start their new building. This language will allow them to sell their bonds and build their new building. I recommend passage of House Bill 854. I would be happy to answer any questions."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, will the Gentleman yield?"

Speaker Daniels: "He indicates that he will."

Granberg: "Representative Mitchell, it is my understanding there

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is no opposition to this Bill or to the Concurrence Motions on the Senate Amendments #3 and # 4. Is that correct?"

Speaker Daniels: "Representative Mitchell."

Mitchell: "Yes, Representative that's absolutely correct. As far as I know there is absolutely no opposition."

Speaker Daniels: "Representative Granberg."

Granberg: "And Representative Mitchell, it is also my understanding that this affects Representative Mautino's district in reference to the five school districts in Bureau County. Is that correct?"

Speaker Daniels: "Representative Mitchell."

Mitchell: "I'm not at all sure that Representative Mautino. He may have some of them, Representative Leitch, myself and I think Representative Mautino has some Bureau Valley people, but I'm not sure they are in this particular district. I believe it is Representative Leitch's district, however Representative Mautino is well aware of the problem in Bureau Valley."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Mautino has indicated that he has worked with you for the approval of these Senate Amendments. I would just say thank you for your cooperation and we Concur...we would agree with the Concurrence Motions on Senate Amendments # 3 and # 4."

Speaker Daniels: "The Gentleman, Representative Mitchell has Moved that the House does Concur in Senate Amendments #3 and #4. All those in favor signify by voting 'aye'; opposed by voting 'noe'. The voting is open. Have all voted who wish? Have all voted who wish? This is Final Action. Have all voted who wish? Will the Clerk take the question...the record. On this question, there are 115'ayes', none voting 'noe', none voting 'present'. The

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House does Concur with Senate Amendments #3 and #4 to House Bill 854. House Bill 820, Representative Cowlshaw. Excuse me, let me just add to the last Bill. And this Bill having received the required Constitutional Majority, extraordinary Majority, is hereby declared passed. House Bill 820, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker and Ladies and Gentleman of the House. I Move to Concur with Senate Amendments #1, #2 and #4 to House Bill 820, which has to do with, despite what it says on the board, that is not an accurate description of what this Bill as Amended, would do. This Bill has to do with the issuance of Revenue Bonds by the Illinois Student Assistance Commission or ISAC for the purpose of providing scholarship help to students, who are in certain instances have exhausted their opportunities, the limits of what help is available to them for scholarships and loans from the Federal Government. It grants ISAC the authority to originate student loans so that the commissions loan activities are no longer restricted to Federally reinsured student loans only. It would allow ISAC to design and market alternative or supplemental student loan programs for post secondary students. Alternative or supplemental student loans typically are for students, many of whom are enrolled in graduate schools, who need loan assistance beyond the amounts available through the traditional Federal Student Loan Program. It is important Mr. Speaker and Members of the House to note that the source of Revenue is the refinancing of ISAC Revenue Bonds, state law already specifies that ISAC Revenue Bonds do not constitute a debt of the State of Illinois. Therefore, there is no full faith and credit of the state behind these ISAC Bonds.

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There is no liability on the part of the taxpayers. There is only liability on the part of the student who receives the loan, which that student is expected to repay. The reason this issue is being brought to us now, rather than next Spring is because the ISAC arrangement with the University of Chicago as a possibility, now this is very preliminary, but they responded to an RFP from the University of Chicago and submitted a preliminary bid. And that has been very well received. The other lead bidders all consist of out-of-state entities. The capacity here to be selected as the winner bidder is of course contingent upon passage of this Bill. The University will be confirming with bidders, this month, that is in November, to resolve various operational issues and we will be selecting the winner next month, that is in December. The magnitude of what we are talking about here in relation to the amount of money available for student loans is approximately 26,000,000 dollars available to students, especially graduate school students, who have exhausted the Federal loans and other Federal Scholarships that might be available to them. And finally these are credit based-bonds. The granting of these things is based entirely upon the credit of the student, who is going to have to repay this...repay this loan. And I guess that is about as comprehensive a picture as I can give you in fairly brief presentation. I would be glad to answer any questions. Thank you, Mr. Speaker."

Speaker Daniels: "Any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the sponsor yield?"

Speaker Daniels: "She indicates that she will."

Hoffman: "Representative, it is my understanding that we need

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this in order to ensure that someone from another state does not come in here and take care of this supplemental program or loan program prior to the time that we get it set up here in Illinois. Is that right"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "That is absolutely accurate. The only bidder in Illinois, the instate bidder is ISAC. And so the bankers in Illinois of course would also like to see this Bill passed. Because they would like to be the entities that sell these bonds rather than having all these bonds sold by banks in other states. It is a matter of keeping our business at home."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, essentially what this is doing is establishing a secondary market for these types of loans. This is done in other states and this will allow them to do it here in Illinois, which will allow this type of supplemental loan program for instance, graduate students, who can't get enough money in order to meet the amount of education. Is that right?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "That is not only accurate, but perhaps I should have asked you to present the Bill."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Boy, I wish I knew what I was talking about and I would have done the Bill. No, I...the information that I received, I think that it is a good Bill. I don't see any opposition. I think that this is good for the graduate students in Illinois and I urge an 'aye' vote."

Speaker Daniels: "The Lady, Representative Cowlshaw, now Moves that the House Concur in Senate Amendments #1, #2 and #4. All those in favor signify by voting 'aye'; opposed by

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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 111 'ayes', 2 voting 'noe', 2 'present' and the House does Concur in Senate Amendments #1, #2 and #4. The Bill having received a Constitutional Majority, and extraordinary Majority is hereby declared passed. Mr. Clerk, announcements?"

Clerk Rossi: "The Rules Committee is meeting immediately in the Speakers Conference Room. The Rules Committee is meeting immediately in the Speakers Conference Room."

Speaker Daniels: "On the Order of Conference Committee Reports, House Bill 901, Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I Move to accept or Adopt Conference Committee #1 to House Bill 901. Basically, this Bill becomes the trailer Bill that I talked about a few weeks ago that was presented and discussed and negotiated between the Governor's office and the Illinois EPA and Industry to deal with the Brownfields Legislation. I would be remissed if I didn't say to this Body that since House Bill 901 has received a great deal of publicity in terms of the underground storage tank, that language has been removed, this no longer deals with the LUST Program. It deals only with the Brownfields legislation. I would like to go over a few of the major components of House Bill 901 from the first Conference Committee Report. All the language that was the originally in House Bill 544 that dealt with the Brownfields including the proportionate share is now part of the first Conference Committee Report. In addition to that, we have tried to set up a Revenue Stream to begin to clean up the hazardous waste sites or the orphan sites, I

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should say. And basically, what this Conference Committee report does is that it transfers \$500,000,000 dollars quarterly from the Solid Waste Management fund to the Hazard Waste Fund, totalling \$2,000,000 dollars annually. Funds in the Solid Waste Management Fund were used for two purposes, loans to local governments to develop solid waste management plans and to provide loans or assistance to local governments for a recycling programs. We have not touched the recycling aspect of this program. The deadlines for submitting plans have expired under current law and thus we feel that the original purpose of this fund is now unnecessary. It also provides for a no further remediation letter assessment in the amount of the lesser of \$2500 or an amount equal to the cost incurred for the site by the agency. All money from this fee shall also be deposited in the Hazardous Waste Fund for cleanup purposes. Another aspect of this Conference Committee Report is..."

Speaker Daniels: "Sorry, Representative Persico."

Persico: "Thank you, Mr. Speaker. It also allows the Pollution Control Board to adopt rules for determining proportionate and share of liability, of liability within 18 months of the effective date. It also provides that no further remediation letter is avoidable if a party fails to pay the assessment that is required. It allows for a remedial applicant to file an affidavit stating that no further remediation letter in his possession was issued by operation of law, if that is the case. Further more, it establishes a 10 member site remediation advisory committee appointed by the Governor. Each of the following organizations recommend one member to the Chief Executive, the State Chamber, the IMA, the Chemical Industry Council, Consulting Engineers Council, the Illinois Bankers

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Association, the Community Bankers Association and the National Solid Waste Management Association. The remaining three individuals will be appointed or will be determined by the Governor. This Bill will take affect on July 1st, 1996. I would be happy to answer any questions that you may have."

Speaker Daniels: "Any questions? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Granberg: "Representative Persico, it is my understanding that this Bill has been stripped of any provisions dealing with the underground tank issue. Is that accurate?"

Speaker Daniels: "Representative Persico."

Persico: "That is correct, Representative."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Persico, why don't we leave that provision in there so, we can get a vote on this, so we can deal with our friends in the industry and resolve this issue?"

Speaker Daniels: "Representative Persico."

Persico: "Well, Representative, I think they have friends on both sides of the aisle and we will be, from my understanding, having a vote on this matter."

Speaker Daniels: "Representative Granberg."

Granberg: "One last question. Do you know why this, why this Bill or that provision was removed from this Bill and put on a child sexual offender piece of legislation?"

Speaker Daniels: "Representative Persico."

Persico: "Representative, I believe they wanted to needed to find a home for this trailer Bill dealing with Brownfields Legislation and this happened to be the best Bill

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available."

Speaker Daniels: "Representative Granberg, no further questions.
Representative Skinner. Representative Skinner.
Representative Novak."

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

Speaker Daniels: "He indicates that he will."

Novak: "Yes, Representative Persico, can you tell me how much
money this Revenue source is going to provide towards the
cleanup on the Brownfield orphan sites?"

Speaker Daniels: "Representative Persico."

Persico: "Yes, Representative. \$2,000,000 dollars annually will
be raised from the Solid Waste Management Fund that
previously went to the planting segment of that. 1
million, approximately \$1,000,000 dollars will be raised by
industry with the paying of an assessment for a no further
remediation letter. And I believe that a few other million
dollars will be raised in terms of what is normally raised
when they cleanup these sites. So its approximately, from
my understanding \$5 to 5,500,000 dollars."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you Speaker. Where are most of these sites
concentrated?"

Speaker Daniels: "Representative Persico."

Persico: "I would guess in the greater Chicago land area."

Speaker Daniels: "Representative Novak."

Novak: "Yes, is the City of Chicago a proponent of this
Legislation?"

Speaker Daniels: "Representative Persico."

Persico: "The City of Chicago is a proponent of this Legislation
now."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. We had a pretty good discussion

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about this Bill in Committee, about a half an hour or an hour ago and it passed out all most unanimously. There were some concerns about the Revenue stream, because it has some type of impact on the Solid Waste Management fund. And it impacts some counties in Illinois about 13 or 14 counties that have yet to submit their solid waste management plans to the EPA for certification and then for reimbursement for the costs of the plans. Also was brought up about implementation of the Solid Waste Management plans. Those concerns were raised. We talked to the Representative of the EPA. They assured us that they were going to the best in their power with the resources available that these 13 counties at least be put on notice that they have about six months to get their plans completed so that they can get them into the Illinois EPA for reimbursement for the solid waste management plans. I think this is a pretty good start although, it is woefully inadequate as far dollars are concerned to begin the cleanup the remediation or for the remediation of these sites in Illinois, but it is a good start. I am going to support the Bill and I would ask my colleagues to support it. But I would hope that we could revisit this, Representative Persico next year and try to find a better funding source, maybe more a broader funding source, so that we can really attack this problem from a wider perspective. So I would ask my colleagues to support this Bill."

Speaker Daniels: "Representative Skinner."

Skinner: "Mr. Speaker, in Monday's Chicago tribune, Deputy Governor Peter's says that this fund would start off with \$4 to \$5,000,000 and would be replenished from fees on waste disposal. This Conference Committee levies no fees

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for waste disposal, that is for businesses other than what they pay through their regular garbage fees. We are going to have \$2,000,000 dollars to clean up probably hundreds of millions of dollars of industrial waste sites. One other paragraph in the article says in the 1980's we spent 34,400,000 to clean up 86 toxic sites. That it is in the late 80's. That is about \$600,000 a site. Now, assuming no inflation, it means that we can clean up three sites per year. And I would assume that there has been great inflation, because the LUST victims, who have been calling me are saying they put out \$800,000 to clean up one tank of gasoline that has leaked in their area. Now, we are not talking about gasoline, necessarily here we maybe talking about something that is even worse. I think that this Bill, basically, sticks, the cleanup of industrial waste sites on the backs of homeowners as they pay their garbage bills or their garbage taxes. I see one other, one other hand in a pocket, which I don't think to much of. I think what we have here is the City of Chicago's hand in suburbanites pockets. Most of the Brownfields are in the City of Chicago. They are going to end up getting most of the benefit that comes out of this proposal and suburbanites as usual are going to end up paying for it. I commend the Sponsor for the subject matter of his Bill, but I can't support it."

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

Ronen: "Thank you, Speaker. I rise in reluctant support of this Bill. I support it because Brownfield remediation is a critical problem in this state and in the city that I represent, the City of Chicago, but my support is reluctant in that this is a less than perfect solution. The former

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Speaker talks about Chicago being a beneficiary. In fact, the fact of the matter is, Chicago is one of the biggest losers here. A piece of this Legislation, calls on taking money from the Solid Waste Management Fund to address this problem. That means that the City of Chicago and other local municipalities through out the state are going to be losing money. What we are doing here is robbing Peter to pay Paul. So, lets be clear about that. This is only a short-term solution. We support this, The City of Chicago supports this, because it is the only solution right now. And Brownfield remediation is a critical, critical concern to the Mayor of the City of Chicago. He has sponsored Federal Legislation in that regard. I join with Representative Novak, in hoping that we can come together next year to find a better funding source, a better solution. And I would hope that next year, when those negotiations take place, that both the City of Chicago and the Illinois Environmental Council will be part of them. Thank you."

Speaker Daniels: "Representative Salvi."

Salvi: "Thank you, Mr. Speaker. I too want to commend the Sponsor and all the people that were involved in this. A lot of hard work went into this and I think that they were well intentioned. However, I'm going to vote 'no' on this Bill. Because we are...what we are doing with this Conference Committee Report. We raiding a fund, a small fund, which is paid for by homeowners, which is effectively implementing programs such as the Household Hazardous Waste Program, the Forester's grants for counties, planning grants and other items as well. This tiny little fund, which is doing a good job in what it is doing, is being raided to provide a small amount of help, which is going to

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be wolly inadequate to take care of orphan shares in cleaning up industrial waste sites. I think that it is a mistake, because we are putting on not only on the backs of owners, but on the backs of taxpayers. That which should be borne by those who are polluting the property. Now, the trial lawyers don't have a position on this issue, even though it involves joint and civil liability and the business interests. They support it because, several businesses, you know instead of the businesses paying for these sites, the taxpayers will be paying for these sites. So, there really aren't any interest groups that are here today screaming about this Bill. But it is bad public policy. The concept of joint and civil liability with regards to environmental law is very important. If we could point to three different companies and say, we don't know who is liable to what extent, but you figure it out yourself, because the Attorney General can sue anyone of you. And you will be liable for the full amount of this damage. That is a real strong whip that we have. And as was testified to in the Environmental Committee today, either with joint and civil liability, people pay their proportion ate share. But the key point is when there was an orphan share, the taxpayers didn't end up bearing the burden, the homeowners didn't bear the burden. And so I urge you to vote 'no'. I know it is going to pass, but as a matter of principle, I'm going to vote 'no' on this and hope that, that will send a message that we want the businesses that caused industrial pollution to pay for the industrial pollution."

Speaker Daniels: "Representative Cross."

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

Speaker Daniels: "The question is 'shall the main question be

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put?' All those in favor say 'aye'; opposed 'no'. The ayes have it. The Gentleman, Representative Persico Moves for the Concurrence in Conference Committee Report #1 to House Bill 901. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 97 'ayes'; 10 voting 'no'; 9 voting 'present'. And the House does Adopt Conference Committee Report #1 to House Bill 901 and this Bill having received an extraordinary Majority is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Churchill, from the Committee on Rules, reported the following Legislative measures had been assigned as follows. Referred to the House Floor, Conference Committee Report #1 to House Bill 32 and Conference Committee Report # 1 to House Bill 1868."

Speaker Daniels: "Committee Announcements."

Clerk Rossi: "The House Committee on Judiciary Criminal Law will meet on Thursday, November 16th at 8:00 a.m. in room 114 of the Capitol to consider Conference Committee Report #2 to Senate Bill 721. Again the, the House Committee on Judiciary Criminal Law will meet tomorrow at 8:00 a.m. in room 114 of the Capitol to consider Conference Committee Report #2 to Senate Bill 721."

Speaker Daniels: "Ladies and Gentleman of the House, we have a Resolution to be acted upon if all Members of the House could please give their attention and please rise for this Death Resolution, upon then which we will then Adjourn. Members of the House. House Joint Resolution 65, Representative Lang."

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Lang: "Thank you, Mr. Speaker. House joint resolution 65, mourns the Death of the Prime Minister of Israel, Yitzhak Rabin, who was assassinated a couple of weeks ago. We all saw the pictures on tv of the funeral. Yitzhak Rabin was a hero in his Country in the struggle for peace. He lead his country in war and he lead his country in peace. He was a leader, who always did what he felt was best for his country, despite all political risks. This effort by Mr. Rabin to do this provides a lesson to us, here in Illinois and in the United States that we as elected officials and Government Leaders be true to our principles as Mr. Rabin was to his. That we adopt philosophies and a set of nonnegotiable principles as he did. In his country, his nonnegotiable principle was security and peace for his country and his people despite all of the personal risks to him, which inevitably led to his death. Yitzhak Rabin died seeking his most important desire and the desire of the people of his country for the yearning for peace with security for all the residents of the State of Israel and all the residents in the Mideast. And Mr. Speaker, we could go on and on about the life of Yitzhak Rabin, but I would just simply ask that all Members be added as Co-Sponsors."

Speaker Daniels: "With leave of the House, all Members will be added as Co-Sponsors of this Resolution. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. This is not simply a expression of mourning for a great soldier and peace-maker and farmer and family-man and the first Sabra or Israeli-born Prime Minister of Israel, but it is also a call for peace that is part of the Resolution, an expression of our support for the peace

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process. So voting in support of this Resolution, we ourselves are committing ourselves to peace."

Speaker Daniels: "Representative Lang, now Moves that the House Adopt House Joint Resolution 65. All those in favor signify by saying 'aye'; opposed 'noe'. The 'ayes' have it and House Joint Resolution 65 is Adopted. Representative Black, now Moves that the House stand Adjourned until Thursday, November 16th, 1995 at the hour of 9:00 a.m. All those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it and allowing for perfunctory time for the Clerk, the House now stands Adjourned until Thursday, November 16th, 1995 at the hour of 9:00 a.m."

Clerk McLennand: "Perfunctory session is in order. Committee Notice for Members. The House Committee on Judiciary for Criminal Law will meet at 8:00 a.m. in room 114, Judiciary Criminal Law, 8:00 a.m. in room 114. Introduction - First Reading of House Bills. House Bill #2574, offered by Representative Mulligan, a Bill for an Act concerning selection of women's health care providers, amending named Acts. Introduction First Reading of these House Bills. There being no further business, the House Perfunctory Session stands Adjourned. The House will reconvene on Thursday November 16th at the hour of 9:00 a.m."

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