

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Scott Porter. Reverend Porter is with the Abiding Word Christian Center of Sterling. He is the guest of Representative Jerry Mitchell. The guests in the gallery may wish to rise and join us in the invocation."

Reverend Scott Porter: "This morning is a special day. For the first time in U.S. history a Bill enacted a permanent national day of prayer in 1988. It was signed by President Ronald Reagan, an Illinois native from Tampico, where he was born and raised in Dixon. He signed the Bill into law in the Oval Office on May 8th, 1988. President Reagan said that the citizens of this great nation gather together on that day in homes and places of worship to pray, each after his or her own manner. And this year President Clinton signed a proclamation stating, 'In every era of American history devout men and women from every nation have come to our shores seeking the freedom to worship according to their own conscience. Recognizing the sacredness of this fundamental right, our founders wisely guaranteed it in the First Amendment to the Constitution. Prayer has always been an integral part of American life. In every city, town and rural community across our country people of every religious denomination gather to worship according to their faith. In churches, synagogues, temples and mosques, Americans come together to pray. We pray for the health and happiness of loved ones, for inner peace and peace among nations and for the wisdom and courage to face the challenges of the new millennium, and always we raise our voices and hearts in prayers of thanksgiving for the blessing of freedom. Now, therefore, I, William Clinton,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

President of the United States of America, hereby proclaim May 7th, 1988...1998 as a national day of prayer. I encourage the citizens of this great nation to pray, each in this or her own manner, seeking strength from God to face the problems of today, requesting guidance for the uncertainties of tomorrow and giving thanks for the rich blessings that our country has enjoyed throughout our history'. Let us pray. Our heavenly Father, in Your mighty name I give thanks for the United States and its government. I hold up in prayer before You the men and women who are in positions of authority. I pray and intercede for our President, Representatives, Senators, the judges of our land, the policemen, as well as the Governors, mayors and city councils of the State of Illinois and for all those who are in authority over us in any way. I pray that the spirit of the Lord rest upon them. I pray that skillful and Godly wisdom will enter into the hearts of the Members of the Illinois State Legislature, the House of Representatives and the Senate; that knowledge will be pleasant to all who sit here, that discretion will watch over their hearts and minds, understanding will keep them and deliver them from the way of evil and from evil people. Father, I ask that You compass about Governor Edgar and the Leaders in this Statehouse, of the people, with men and women who make their hearts and ears attentive to Godly counsel, to do that which is right in Your sight. I pray that You will cause those gathered here to be men and women of integrity who are obedient concerning us, that we may lead a quiet and peaceful life in all Godliness and honesty. I pray that the upright shall dwell in government, that men and women who are blameless and complete in Your sight, Father,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

shall remain in these positions of authority and that the wicked shall be cut off from government and the treacherous shall be rooted out. Father, Your word declares in Psalms that, 'Blessed is the nation whose God is the Lord'. Today I ask Your blessing, You who is our refuge and stronghold in times of trouble and desperation. I pray that the People of the State of Illinois will dwell safely in this land and that we prosper abundantly. Father, God, it is written in Your word that the heart of the ruler is in Your hand and You turn it whichever way You desire. I thank You that the heart of the men and women here today is in Your hand and that their decisions are divinely directed of the Lord. We give thanks unto You, You that the good news of the gospel is published, preached and proclaimed in our nation, the word of the Lord prevails and grows mightily in the hearts and lives of the people. We give thanks for the United States of America, for the State of Illinois and for the Leaders You have given to us. God, bless America and all that we put our hand to do and all that we conceive in our hearts and minds to accomplish to Your glory. In Jesus' name I pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hartke."

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences on our side of the aisle today."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. If the record could reflect that Representative Black is excused today. Representative Black."

Speaker Madigan: "Mr. Black is not with us today?"

Cross: "Well, he's always with us, Mr. Speaker, but we'd like to have the record reflect that he's not with us."

Speaker Madigan: "Well, let the record reflect that the Democrats have gone into a state of mourning."

Cross: "Well, you may mourn, but he's excited. He's a new grandfather as of, I believe, yesterday."

Speaker Madigan: "So there's another Black in the world."

Cross: "Apparently, and we're quite excited about that."

Speaker Madigan: "Very good. We're on the Order of the Attendance Roll Call. There's an indication that one Member is absent, yet the scoreboard indicates that three people are not voting. The Clerk shall take the record. Record Mr. Schoenberg as 'present'. The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative David Phelps, Chairperson from the Committee on Elementary and Secondary Education, to which the following measures were referred, action taken on May 6, 1998, reported the same back with the following recommendation: to 'be approved for consideration' Floor Amendment 2 to Senate Bill 1598. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #8 to Senate Bill 1878; 'do

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

pass Short Debate' Senate Bill 1293. Representative Tom Dart, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measures were referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment 2 to Senate Bill 1328. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following Amendment was referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment 1 to Senate Bill 1506. Representative Gary Hannig, Chairperson from the Committee on Livestock Management, to which the following measure was referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #4 to Senate Bill 1707. Representative Shirley Jones, Chairperson from the Committee on Public Utilities, to which the following Amendments were referred, action taken on May 6, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment 2 to Senate Bill 1567. Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following measures were referred, action taken on May 6, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #2 to Senate Bill 1350."

Speaker Madigan: "On the Order of... Mr. Biggins, for what purpose do you seek recognition?"

Biggins: "Well, thank you, Mr. Speaker, and I appreciate the opportunity to speak on a point...point of personal

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

privilege, I guess. But, you know, I want to talk about something that's very important and I know the chamber does not know about this except those that serve on the Executive Committee of the Illinois House. There's been a Quick-Take Bill that has been introduced, passed once with shifting of Members, substituting of Members who wouldn't vote for it on the parcels of property in Highland Park, Illinois. It's the purpose of acquiring the properties, is to expand the retail business operation. It is not for public health, it is not for public safety and this quick-take measure was passed on a partisan roll call last week. It was later found and stories in the Highland Park local papers and Chicago Tribune have pointed out that this quick-take involved many other properties, not just the ones that we were told were going to be acquired by the quick-take provision. The measure passed out on a partisan roll call, substituting, waiting for 20 minutes while other Members were brought in. We had another Executive Committee hearing yesterday on it. I am now told that the two parcels subject to the Amendment, included in the Amendment, include a property that was not told to the committee. Includes a funeral home in addition to a property owned by a Mr. Lobe and, therefore, and I asked during the committee for the Chairman to tell us the permanent parcel identification numbers which were not given to us. We were given legal descriptions. We were not given a listing of the...in the Amendment. And, again, we had a substitution of another Member last night on the committee. I think the people of Highland Park have a right to know what properties are being quick-taked in this Amendment and what the chicanery is that's going on with it. I've asked the Chair...I told the Chairman about my

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

concerns and he's been very forthright in discussing this situation. I would also request that the Representative from Highland Park take a position on this quick-take, public position, which he has avoided - has not shown up at any of the hearings, has not offered an opinion. And I think that they should give us a guidance if we're voting in committee and later on the House floor on a quick-take proposal. We should have it explained to us. We should have the person representing the district have a position one way or the other and I think that there's been an obstruction of information here that is very critical. If the people of Illinois thought and knew that we're doing quick-take provisions for the personal...for the profit of a retail operation and not for public health, not for public safety, I think they would not like it; and I don't expect this chamber to pass such a situation and I would ask the Chairman of the committee to please comment on my comments right now. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Mr. Speaker. I don't know that this is the appropriate forum in which to discuss this particular situation that, indeed, was introduced. Representative Biggins did suggest to me that certain parcels were included in my Amendment that I was not aware of. I was given every assurance, not only from the City of Highland Park, but certainly our staff in the preparation of Amendment #8, that, indeed, the only territory, the only properties that were included in this attempt to quick-take certain territory in Highland Park was only affecting one owner's personal property, one owner's real estate. I would await the study of the parcel as it has been identified in Amendment #8 to determine, indeed, if this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

quick-take extends further than the Gentleman identified as Mr. Lobe and his property would recommend. So, I would ask that we withhold any further discussion on the floor of the House this morning until we have determined that, in fact, the territory included in Amendment #8 extends beyond the property owned by Mr. Lobe."

Speaker Madigan: "Mr. Biggins."

Biggins: "If you give me the permanent index numbers, I'll give you an answer in 30 minutes or I can get it myself on my own way, anyway. But if I could have some cooperation from the person sponsoring the Bill, Chairing the committee and supposedly telling us the entire truth and defending the people that live in Highland Park, then I would appreciate your cooperation. So I'm sure I'll have it if you have that opportunity and give me that information."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I think Chairman Burke is probably right, this may not be the time and forum to further this, but we did in committee suggest that Amendment 8 was not the low property totally, that there was inconsistencies in that Amendment. I believe, to the Body, as we look at quick-take and, Chairman Burke, I believe that Representative Biggins's request for the permanent parcel index numbers for this property has now arisen to the point from public attention, that this may well be what we need to have henceforward if we're going to try to take away peoples personal, private property by quick-take, rather than just legal descriptions. We now feel we have two errors that the people of Highland Park have had beset upon them. So if we could look to get those permanent index numbers, I assure you, as you look to try to correct this in your Executive Committee, again, this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

will be what we're going to look to expect to receive and I appreciate that."

Speaker Madigan: "Is Mr. Fritchey in the chamber? Mr. Fritchey. We're on the Order of Senate Bills, Second Reading. Mr. Peterson. For what purpose does Mr. Parke seek recognition?"

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have filed a Motion with the Clerk and pursuant to Rule 18(g), I move that the Rules Committee be discharged from further consideration of House Bill 2490 and that the measure be advanced to the House for immediate consideration. Mr. Speaker, I'm please that you're in the Chair today because the days of the General Assembly seem to be getting less and less from our date on the 22nd, and so far we've done absolutely nothing in the terms of tax relief for the citizens of Illinois. Now, House Bill 2490, which I'm the proud Sponsor of, provides an immediate tax break to all Illinois taxpayers. In fact, Mr. Speaker, I believe in a newspaper article, which I've been looking for so I can quote it to you, you referenced this idea; and what it was is that I wanted to double the personal exemption, personal income tax exemption for individual taxpayers. And this is in reference to the huge surplus that we are now finding that we have in the State of Illinois. We've been told to wait for the right time for tax relief, but, Mr. Speaker, I think we're getting worried that we're going to run out of time, and quite frankly, I'm tired of waiting and I think the taxpayers are too. So I think that we need to proceed on this matter now. I'd like to return the...some of the \$750 million surplus back to the taxpayers before we finalize the budget. I'd like to reference in the State Legislature, January of '98. It

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

says there, that altogether 44 states have cut taxes at least once in the last three years; twenty states have cut taxes in each of the last three years. That means 44 states. There's only six that didn't and we're one of them, and I think it's time for us to move forward with this Resolution. I think the priorities are that if we tell the budget negotiators that we passed this legislation, they're just going to have less money to negotiate because taxpayers know, as we all know, if we have surplus money we're just going to spend it. So why not give it back to the taxpayers? It's their money. I think they deserve it. So, Mr. Speaker, pursuant to Rule 49 I am joined by the requisite number of my colleagues and demand a record vote on my Motion. If the Chair persists in its ruling of recent days that I'm not entitled to a roll call on this Motion, I will then move to overrule the Chair and following discussion on that debated Motion...debatable Motion, I will ask for a record vote on the question as well. Now, of course, the way we've approached this is confrontational and I prefer not to do that, but unfortunately I'm going to have to move in that direction. But maybe we can take this Motion up and then maybe you can give us some background of what you think you'd like to take the chamber in the next two weeks on property tax relief or tax relief for the citizens. So, I've made the Motion, I would like some ruling of the Chair, please."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I'd object to the Motion and I would remind the Body that unlike other issues upon which we actually cast votes so that a roll call request would be appropriate, when it comes to a Motion to take a Bill out

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

of the Rules Committee, the rule is, you have to have unanimous consent. There is nothing to vote upon if there is an objection and on this Motion, at this time, there is an objection."

Speaker Madigan: "The Lady's point is well-taken. The Chair recognizes Mr. Parke for the purpose of a Motion."

Parke: "Thank you. I appreciate that. That's consistent with what has been the answer in the past and as I stated earlier, then I would ask for a Motion to overrule the Chair, please."

Speaker Madigan: "The Gentleman's Motion is that the Chair be overruled. Mr. Cross."

Cross: "On the Motion, Mr. Speaker, which I believe is debatable if we read the House Rules correctly. I guess I'm puzzled and offended by the Chair's ruling in response to Representative Currie. It's rather presumptuous to not let us take a vote on Representative Parke's Motion. The rules are extremely clear about the fact that at the request of any Member, a vote may be taken, a roll call vote. The Constitution talks about roll call votes and your very own rules talk about a roll call vote. And to suggest that we don't need a roll call vote because to know the outcome, is as I said, a bit presumptuous. Getting back to Mr...Representative Parke's issue of his Bill, it's rather a sad state of affairs that Illinois is lagging behind in property tax relief and tax relief in general to families of Illinois. Only yesterday the State of Missouri's General Assembly provided tax relief to their homeowners and renters. You, Mr. Speaker, as you well are aware, in your home page, talk about the need for tax relief; and for us to ignore it day in and day out is an insult not only to this chamber, but to the citizens of the State of Illinois.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

And I'd also like to remind you, Mr. Speaker, that since 1969, when we enacted an income tax in this state, we have not raised the exemption level one bit. It's remained at \$1,000. If we follow inflation or the rate of inflation, that exemption should be at a level of over \$4,000 today. So I would encourage all Members of this chamber to stick with the Republican side of the aisle and support Representative Parke's Motion to override the Chair. Thank you."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "Yes, thank you, Mr. Speaker. I rise in strong support of Representative Parke's efforts here to discharge this Bill from Rules Committee. I've been here for six years now and I guess the...it's finally sinking in that the power that is vested in leadership in this chamber is, in fact, trampling on the rights of all of us in this chamber to represent the people of the State of Illinois, the 100,000 residents or citizens that each of us represent. We propose legislation we're sitting on close to a billion dollars of surplus in this state as I speak today. The projections are, in fiscal year 1999, we're going to see another billion dollars. Now, you know, at some point in time the taxpayers of this state have an absolute right for us to quit robbing their pocketbooks and continuing to grow the size of this government in Springfield, just so that we can say we can sit on these surpluses and we might need a rainy day fund. I suggest to all of you today, if any of you have any thoughts or any idea of basic economics, the larger we grow this budget in a down time, the far more difficult problems we are going to have to sustain that budget. We should quit just taking money and growing budgets down here and it's high time that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

we as Members have an opportunity to actually vote on an issue that is critical to the taxpayers of the State of Illinois, and that is, that when we're taking too much of their money, at least let's put it back in their pocketbooks. And I think that this idea that we cannot even get a vote as Members in this chamber, I suggest to all of you, as Members, we ought to be outraged. We have a court in this state that says we can't legislate more than one thing in a Bill. Now we have leadership in this chamber that says we can't even vote on legitimate proposals that we as Members put in on behalf of our constituents. Let's have the votes. Let's have the debates. Let's vote these things up or down and then let's let the people of the State of Illinois determine whether they want to re-elect us or throw us out. The time has come to discharge these critical Bills so that all of us, as Members, can have a vote on this. Thank you."

Speaker Madigan: "Mr. Rutherford for five minutes."

Rutherford: "Thank you, Mr. Speaker. I stand in support of Representative Parke in this position, and yes, in itself, the fact that we have the funds in the treasury and the like, but I think the thing that probably disturbs me most in this is the fact that Representative Parke's Bill has not had the opportunity to have public debate, to have witnesses, to have dialogue, to have the public come in and actually take a good analytical look at it, to have Representatives that serve on the committees, whether it be the Revenue Committee or whether it'll wind up in another committee, to actually be able to debate and dialogue this legislation which I think is very important for the people of the State of Illinois. And Representative Parke has his right, as being a duly elected Representative from his

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

district, to introduce legislation which is important to him and as a statesman, which is important to the people of the State of Illinois. Representative Parke's Bill has not been discharged from your Rules Committee and I...has not had the opportunity to go to a full committee for review and screening, and for that reason I stand in support of overruling the Chair in regards to the Motion to discharge the Rules Committee."

Speaker Madigan: "Mr. John Turner for five minutes."

Turner, J.: "Thank you, Mr. Speaker. I rise in support of the Motion as well. I commend Representative Parke for asking the Speaker to remove the Bill from the Rules Committee and discharge the same. Certainly it's hard to follow-up on what Representative Rutherford and Representative Johnson have already indicated, but it's clear that the state has a right to have a rainy day fund and we have a rainy day fund. We have a billion dollar rainy day fund. That's too big a rainy day fund. Well, there are other folks that deserve a rainy day fund as well and that's the taxpayers of the State of Illinois. Let's return some of the tax money that we've taken from them into their rightful hands so that they can use it. With a billion dollars this year and with a billion dollars in natural revenue growth projection for next year, there's no reason now not to provide the property tax...or income tax relief. I would suggest to the Members on that side of the aisle that if they vote to sustain the Chair, that they are in essence voting against giving their constituents income tax relief. The tax relief is available. It's available if we're allowed to vote on it. If we can't vote on it, there will be no tax relief. I ask the Speaker to reconsider his decision to not discharge. I ask the Speaker, also, to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

allow us to have a roll call vote. I ask the Speaker not to put his party in the position of having to sustain the Chair and thereby voting against tax relief for the people across the State of Illinois and in their particular districts. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Skinner for five minutes."

Skinner: "Mr. Speaker, both you and I served in this House when 60 votes could do anything. Sixty votes could discharge the Rules Committee. It's time to go back to that basic democracy. We need to debate things like are being debated in the Missouri Legislature. The Missouri Legislature has a state constitutional provision which says that the state budget, that state spending cannot rise faster than the increase in the cost of living. The result was, last year the sales tax in the State of Illinois (sic-Missouri) went down two cents per hundred. Now that's an incredible decrease that we could have had in this state as well, if we had decided to give money to the taxpayers rather than to continue fattening up the bureaucracy. This year in Missouri, they're debating on whether to give back, I think it's \$120 million, which the Democratic Governor wants to give back to the taxpayers, or \$190 million, which the House of Representatives wants to give back to the taxpayers. And, indeed, the debate seems to be on how much the income tax shall be cut. Now, the Speaker, you, Mr. Speaker, have suggested that you favor something akin to Representative Parke's plan. We've yet to see it reach the House floor. It's time to have debates on whether we should have a property tax cut that's funded through the income tax, some type of a deduction, or whether you wish to make it a more broad-based tax cut that everyone would benefit from such as what Representative Parke suggests.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Now Representative Parke is following in the tradition of Representative Don Totten who convinced me the only way to cut government is to make sure government doesn't get money. The only way to do that is to cut taxes or not to raise taxes. We note that Democrats running for election in the State of Illinois are trying to look like Republicans. Well, we would like you to give...give you the opportunity to look like Republicans by joining us in this vote. Even you, George. You could look like a Republican by voting for tax cuts. I intend to vote to overrule the Chair and, you know, it has happened in the past. I remember when Representative Lechowicz was overruled when he was in the Chair. In fact, I led the effort. Of course there were more Independents in the Illinois House then, than there were now."

Speaker Madigan: "Mr. Biggins for five minutes."

Biggins: "Well, Mr. Speaker, I think I'd like... If I may ask the Chair to give me more than five minutes because I have further information on the 'quick-take-gate' in Highland Park. I'd like to inform the Members..."

Speaker Madigan: "Mr. Biggins, we are on the Order of a Motion to overrule the Chair. We'd be please to return to you when we are off of that order."

Biggins: "Mr. Speaker, I respect that decision and I'll...to talk about this later."

Speaker Madigan: "Mr. Parke to close."

Biggins: "I would like to talk..."

Speaker Madigan: "Mr. Parke to close."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I..."

Speaker Madigan: "Mr. Biggins."

Biggins: "Mr. Speaker, I'm prepared to speak upon the Motion at

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

hand. I also respect your decision and agree with your decision to postpone my revelations about the quick-take in Highland Park until a few minutes from now. But I would like to speak upon the matter at hand, the Motion on the board. May I do that, Sir?"

Speaker Madigan: "Proceed, Mr. Biggins."

Biggins: "Well, let me get this straight. We have a billion dollars in the bank. We can't afford retirement pay for teachers. We can't afford health insurance for retired teachers. We can't afford money for people that provide day care, health care to our most indigent citizens and we can't afford a relief in taxes on the Illinois citizens. We can't afford property tax relief because we need a rainy day fund. Well, it was raining this morning when I left my apartment and I think that today is the day we spend the rainy day fund and we give relief. We give pay increases to those that need it and we provide the citizens of our state a reason for us being here, which is to grant them tax relief when we have too much money. If a person at home has more money than they need, sometimes they go out and spend it. Well, let's spend it. We don't need it for saving for the future. I mean, who cares if the next Governor has got a billion dollars in the bank. We need to give relief when we have extra money. We should give it back to the citizens that we represent. So, therefore, I support Representative Parke's Motion and will explain the Highland Park situation later. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Parke to close."

Parke: "Thank you, Mr. Speaker. I have a article from U.S. Today dated December 16th, 1997. It quotes in here 25 states cut personal income taxes this year. Thirteen reduced sales taxes, 11 trimmed business taxes. California, New York,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Pennsylvania and Iowa cut all three. In a way, I'm kind of embarrassed. I don't know if I've ever...I may have asked to overrule the Chair once before in all the years I've been down here, but I just think that, and I can't believe that the majority of the Body, my colleagues, wouldn't want to have an opportunity to vote on reducing the tax burden on the citizens of this state. I don't think this is out of line. You've made reference to this very idea of doubling the personal exemption from 1000 to 2000 yourself and I know you're negotiating and I appreciate that. But I guess we're trying, as you're obviously aware, we're trying to force the issue to try and see if we can get you to actually discharge this Bill. But the fact of the matter is, if this Bill is not discharged from committee, could you please give the Body some sense of what you'd like to see happen before we adjourn in terms of property tax or income tax relief. and is it your intention to try and do that? So, I appreciate you allowing us to debate this and I find that at least refreshing. So, thank you, Mr. Speaker, and I'll wait for the roll call."

Speaker Madigan: "The question is, 'Shall the Chair be sustained?' Those wishing to support the Chair will vote 'yes'; those against the Chair will vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 'ayes' and 57 'nos'. The Gentleman's Motion fails. Mr. Biggins."

Biggins: "All right. Mr... Thank you, Mr. Speaker. The Highland Park situation involves a private developer trying to acquire, via our cooperation, an existing business on a vacant lot. Now the information provided to the Executive Committee said something else. But the fact is that the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

parcel numbers for the two properties that the Village of Highland Park is seeking quick-take legislation - I'm going to read them into the record, 16-23-308-024, on that sits a laundromat and a parking lot. Also included is parcel #16-23-308-022, which sits a funeral home. This information was not made known to the Executive Committee. We, instead, got a legal description which does not afford us the proper information. There's also a vacant lot, lot #023 ending, that's not included in the legislation, but was not...this issue has not been explained to the Members of the Executive Committee even though they subbed in more people than I think were actual Members of the committee to get this thing passed. And, so, I would have like to let the Members know when this matter may come before this Body, that the people behind this are attempting to take private property for the purpose of building another retail store without regard to public health, without regard to public safety, without an environmental study. There could be grass lost in this for the vacant lot involved and I would like everybody to know the truth, which is the first time it's been told on this Amendment. Thank you, Mr. Speaker, for giving me this opportunity. I'll go back to my discussion with the officials on this matter."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1599?"

Clerk Rossi: "Senate Bill 1599 is on the Order of Senate Bills, Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. On page seven of the Calendar on the Order of Senate Bills, Second Reading, there appears Senate Bill 1224. Mr. Fritchey. The Gentleman wishes to leave his Bill on the Order of Second Reading. On the same order there appears

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Senate Bill 1267. Mr. McCarthy, do you wish to move your Bill? The Gentleman wishes to keep his Bill on the Order of Second Reading. Senate Bill 1328, Mr. Dart. Mr. Dart. Mr. Dart. Mr. Dart, 1328. Leave the Bill on Second Reading. Senate Bill 1420. Monique Davis. 1420, Monique Davis. Do you wish to move the Bill? Leave the Bill on the Order of Second Reading. Senate Bill 1424, Mr. McCarthy. Leave the Bill on the Order of Second Reading. Senate Bill 1471, Representative Kosel. Representative Kosel. Representative Kosel. Leave the Bill on Second Reading?"

Kosel: "I have an Amendment that I believe has been referred out of Rules that I would like to have considered. Floor Amendment."

Speaker Madigan: "Okay. Mr. Clerk, what is the status of Senate Bill 1471?"

Clerk Rossi: "Senate Bill 1471, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Kosel, has been approved for consideration."

Speaker Madigan: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is a technical Amendment changing the type of insurance that is going to be required under this Bill. This Bill requires that a certificate of insurance be filed with the Secretary of State's Office should a person wish to have court supervision for a ticket for driving without insurance. The insurance has changed to an SR22 insurance certificate and it cleans up some problems the Secretary of State had with the original piece of legislation. I would ask for your consideration of the Amendment."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Is there any discussion? There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. The Amendment is adopted. Are there any further Amendments."

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Senate Bill 1491, Mr. Saviano. Is Mr. Saviano in the chamber? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1491, a Bill for an Act amending the Medical Practice Act of 1987. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1500, Mr. Reitz. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1500 has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Hoffman, has been approved for consideration."

Speaker Madigan: "Mr. Hoffman, on the Amendment."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 is essentially an Amendment that Representative...the same Amendment that Representative Davis had attached to a House Bill that died on...died on Third Reading just because it didn't get called. Essentially, what this would do is, it would create the Revolving Loan Fund for port districts in the State of Illinois and I would ask that it be adopted."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Mr. Cross."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

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

Speaker Madigan: "Sponsor yields."

Cross: "Jay, are there any opponents to this Bill?"

Hoffman: "Excuse me. Could you repeat that please?"

Cross: "Are there any opponents to the Amendment?"

Hoffman: "None that I know of."

Cross: "And are...will this... Is this an initiative of DCCA's?"

Hoffman: "It's not a DCCA initiative, but they're okay with it. It's an initiative, actually, of I believe the 13 port districts in the State of Illinois."

Cross: "And who administers the... It's a revolving loan program?"

Hoffman: "Yes, that's what it would be."

Cross: "Who administers it?"

Hoffman: "It'd be administered by DCCA. It would be administered by DCCA."

Cross: "What... How much are we going to use...money are we going to use to fund it?"

Hoffman: "Excuse me. I'm sorry."

Cross: "Will we need any money? Were we going to put any money in to fund this?"

Hoffman: "Yeah. This..."

Cross: "The General Revenue?"

Hoffman: "All this does, Tom, is this is just the substantive language. We're going to be trying to work in the context of the budget negotiations to try and put some money into this. But it's... This is not a mandatory program, it's a discretionary program and it won't happen unless there's money, obviously."

Cross: "All right. Thank you very much."

Speaker Madigan: "Mr. John Turner."

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, did you say how many port districts we have in the State of Illinois?"

Hoffman: "Thirteen."

Turner, J.: "Now, it's my understanding these are spread out pretty much all over the state. This isn't just in the north part of the state or the south part of the state?"

Hoffman: "It's all over the state. I think one of the most southern most is actually, I believe, the Kaskaskia Port District, which may have a portion of Representative Stephens' and Reitz's down in that area."

Turner, J.: "Was that Reitz or Reitz?"

Hoffman: "It depends... It used to be Reitz when the third baseman for the Cardinals name was Reitz, but I think it's Reitz now."

Turner, J.: "Well, I think that third baseman also played for the Cubs, if I'm not mistaken. If I could digress a minute. I think I should tell everyone in the chambers, if they're not aware, that Kerry Wood, the new pitcher for the Chicago Cubs in his fifth start, struck out 20 batters yesterday to tie a major league record. So, Cub fans, it's going to be a great year. Anyway, back to this Bill, Representative. Now... Is there any kind of tax increase that would be involved to fund this particular program?"

Hoffman: "No, there's no tax increase, no fee increase in this Bill at all."

Turner, J.: "And I think we covered in the committee, but for the rest of the Body we should probably do this as well. It's basically money that will be provided on a low interest loan and then there will be some matching funds from the port districts as well. Is that correct?"

Hoffman: "Yes. What this provides for is that at least 50

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

percent of any capital project must come from the...at least from some other source other than this low interest loan program. In other words, the low interest loan program can only provide up to 50 percent of any given project."

Turner, J.: "And do you have your Bill handy, by the way?"

Hoffman: "My Amendment?"

Turner, J.: "Your Amendment. I'm sorry. Do you have it with you?"

Hoffman: "I will get a copy of it."

Turner, J.: "Well, that's all right. Are there criteria..."

Hoffman: "I do have it. I do have it now."

Turner, J.: "...spelled out in the Amendment for when this money will be released to the port districts?"

Hoffman: "Well, it says on the second page what is needed in order to receive a loan from the program. Second page, paragraph four, line 22, and it goes on down through on to page three."

Turner, J.: "I think we also covered or at least the question was asked. Perhaps it was by Representative Hartke. I'm not sure. Is there a specific amount of money involved here or did you suggest that the amount of money would be determined by the budgetary process?"

Hoffman: "The amount of money. Obviously you can't loan out money that you don't have, so, the amount of money ultimately will be determined by the budgetary process. If there is nothing put into this fund, obviously, the program won't be able to start this year, but we'll have the substantive language there so that we can begin to work on funding it."

Turner, J.: "And how will DCCA decide if there is only a limited pot of money which there always is in these cases. How

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

will DCCA decide which port district gets the dollars and the benefits and make the distinction as to who is worthy and who is not?"

Hoffman: "Well, the... On page two, Representative. It's on paragraph two. It says the loan funds for the programs shall remain available to Illinois port districts on a competitive basis in order to obtain assistance. So the program or the port district must submit a comprehensive application. And then it goes on down through page two, essentially indicating what the port districts must show and also, I believe, that it says in the beginning of the Amendment that DCCA is to come up with rules and regulations in that regard."

Turner, J.: "So there won't be any politics involved as to which port district gets the loan benefits and which ones do not?"

Hoffman: "It's my understanding that DCCA is completely devoid of politics. It has nothing to do with politics."

Turner, J.: "DCCA has reviewed your Amendment and they are in agreement with it, as I understand it?"

Hoffman: "Yes."

Turner, J.: "Did you get a Fiscal Note on this?"

Hoffman: "I don't know if one was requested. I don't think one was requested, but there would be no cost unless it's funded."

Turner, J.: "And I forgot now, from the committee, but who did you say was in opposition to this Bill?"

Hoffman: "There's no opposition."

Turner, J.: "I believe you also indicated in committee who the proponent was of the Bill. Could you tell the Body that?"

Hoffman: "Yeah. Actually, this... I had said earlier that this was an initiative of the port districts. Some port

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

districts, not all of them. But, also, the Regional Commerce and Growth Association of the St. Louis metropolitan area, which essentially is the regional Chamber of Commerce for the entire St. Louis metropolitan area."

Turner, J.: "Have you personally spoken or have some of your staff or perhaps some of the other Members on your side of the aisle spoken with the other port districts other than the one you just referenced?"

Hoffman: "Well, the Tri-City Port District, the Kaskaskia Port District and their respective officers, is my understanding, talked with a variety of other port districts throughout the state."

Turner, J.: "Is there anything else that you want to tell the Body about this particular legislation?"

Hoffman: "I think that's all."

Turner, J.: "Thank you, Representative."

Speaker Madigan: "Mr. Churchill."

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

Speaker Madigan: "The Sponsor yields."

Churchill: "Thank you. Is there a separate Act for port authorities? Are they the same thing as a port district?"

Hoffman: "I believe that they're... Port districts, as they are referenced in this Bill, does not change the existing law with regard to how port districts are formed and I believe there is a separate substantive Act, yes. I'm not exactly sure, Representative, where that...where that Act is located, but we're just...we're not changing anything with regard to that."

Churchill: "Do you have a list of the port districts that would be covered by this Bill?"

Hoffman: "There are 13 of them. I apologize. I think..."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Obviously, I don't know the correct name for it. But, obviously, Chicago, the Chicago Port Authority, I guess. I'm not sure that that's the name of it. That would be the largest and I think..."

Churchill: "How about the Waukegan Port Authority? Would that be under this?"

Hoffman: "I'm not sure, but I would think it probably is, yes. If it's a port district as defined under the statutes of the State of Illinois, and there are 13 of them, it would be. And I apologize to you that I don't have the list of all 13, but this is not... If this is an initiative of the... This is going to provide needed capital dollars to those port districts if they are one of those 13."

Churchill: "The... I believe the Waukegan Port Authority is...has both a port on Lake Michigan and also an airport. So if there were multi-use port authorities, would this allow for funding to go to an airport for airport expansion?"

Hoffman: "Laid out in the Bill, I think that generally the intent of this legislation, generally, was for waterway transport. That was my intent. I wasn't aware, Representative, that there were port authorities that had the dual jurisdiction. It says in here who and how they will be eligible and, essentially, it says that they must demonstrate the proposed project shall generate sufficient revenue to support amortization of the loan and be willing to pledge revenues for the project for loan repayment. So, in a roundabout way, there are limits as to what it can be used for. I don't think that there is any limit as to that dual situation, but that wasn't what it was designed... I'll be very honest with you, that wasn't my intention when it was designed."

Churchill: "All right. So... But you're telling me that, say,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

like O'Hare Airport. There's no way that any funding from this program would go for O'Hare Airport?"

Hoffman: "No. That would... No way."

Churchill: "Okay, but, if a port authority did have a dual function, some of the money could go for expansion of runways or for improvements, towers, buildings on the site. In other words, the port authority is not restricted in terms of how they do their capital improvements by your Bill?"

Hoffman: "That's not the intention of this Bill. The intention is to aid in the utilization and the capital development of port districts to assist in waterway transportation of products."

Churchill: "Now, tell me. Some of the port authorities and port districts around the State of Illinois are for recreational watercraft only, right?"

Hoffman: "I don't believe that they would be... I'm not sure. There are 13 port districts under the law. If you look at page four of the Amendment, it also says the minimum criteria for getting out...giving out these...of these low interest loans for the projects."

Churchill: "Okay, but if you... I guess what I'm saying is if you had a port district that over time had changed from being a commercial port district to being a completely recreational port district, we could be talking about a revolving fund here that would provide money to a port district for putting improvements in for all of these boat owners that have their million dollar boats in a harbor, right?"

Hoffman: "The only... There are several criteria contained in the Bill, and like I said, one of them is that there would be sufficient revenue in order to ensure that this would be repaid? Cause the whole idea is we're going to put a pot

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

full of money there and they're going to borrow it for capital projects. Over time they will pay it back and then we can re-loan it out to other port districts for other capital projects. So the only concern, I guess, with the recreational issue is that it wouldn't be able to generate sufficient revenue in order to pay the loan back. So, essentially, that's..."

Churchill: "But, let me... But a factual situation could occur that you would have wealthy boat owners getting together with their port district and applying for loans under this program, to have money from the state coming to them to put in capital facilities on a loan program and they can pay it back over time. This is a low interest loan for rich guys and rich boats."

Hoffman: "The intent is...the intent of this is to produce economic development and to be an engine to assist in economic development; and it indicates that the department will conduct a cost-benefit analysis of each project to determine if it meets the minimum criteria for eligibility, which is contained in the Bill."

Churchill: "But my example would still be relevant because it could occur. I mean, even though it's not your intent, you're trying to help...you're trying to help the development, but it literally could occur where a bunch of rich guys that had a port district for their boats could get together and borrow from this program. Is there something in here that prohibits them from borrowing?"

Hoffman: "No, they...yes. They could not. The port district... because the actual borrower is the port district itself. Okay. It's not the individuals. So the port district, which is...is put together under Illinois law, which is contained somewhere else in the Illinois statute, how you

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

develop a port district and one of those 13 that currently exist would be the one, the actual borrower."

Churchill: "Okay. Do we... Are there bonding provisions in this Bill?"

Hoffman: "No. No bonding..."

Churchill: "So this program would not have the ability to go bond state money or any other kind of money. Tollway bonds? They're no..."

Hoffman: "No."

Churchill: "No tollway bonds. Representative Schoenberg is concerned about tollway bonds going into this revolving loan program."

Hoffman: "No tollway bonds."

Churchill: "Okay. So, then, how do we fund the revolving loan program."

Hoffman: "Well, that's kind of up...is going to be up to us, the Illinois Legislature, to determine. It can be general revenue funds. We could put some money in each year over the next few years in order to build up sufficient monies in order to have this program be a benefit to the port districts, or, as you said, I guess you could... You could, but it would be up to the Legislature to do, bond to put the money into that fund, but I don't anticipate that being the case."

Churchill: "So... But it's not your intent that this be covered by any borrowing mechanism, it'd only be covered by general revenue funds over a period of time where it'd build up the fund? That's your intent?"

Hoffman: "That's my intent, yeah. I mean, I want to make sure that we put money in here that can be utilized. I don't know that it could make a lot of sense, although I'm not...I'm not... I haven't talked to the Bureau of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Budget about it, but it doesn't...wouldn't...probably wouldn't make a lot of sense to borrow, the state to borrow, in order to borrow...to lend it to somebody else."

Churchill: "Now tell me about the port districts. Do they have the authority to go out and issue bonds?"

Hoffman: "I believe that they do, yes. I believe under Illinois law they do. Now they have to, obviously... They currently, I think... I don't want to tell you for sure, but I'm almost positive, cause otherwise they wouldn't have any way to currently build these...build these capital improvements that they have now. Now, obviously, to utili...the people who utilize these port districts, the businesses, or whatever, they pay fees to the port districts in order to pay off those bonds, I would assume, and they would pay fees to the port district in order to pay off our low interest loan that we would give them."

Churchill: "Do you know if the port authorities have taxing power? Do they have a general tax?"

Hoffman: "I don't... I know... I don't believe that they do. I don't want to say that blankedly, but I...ours does not tax. The Tri-City Port Authority does not tax. They may have the ability, but I'm not sure. That's somewhere else in the Illinois Statutes. This would not affect... If they have that ability, this has no effect on that."

Churchill: "Now, I'm trying to determine how they would get... Now, there's a matching fund in here. They have to match, right?"

Hoffman: "Yes."

Churchill: "So if they were going to do a \$3 million project and they wanted to borrow a million and a half from the revolving loan fund, they'd have to go out and raise a million and a half and that's why I'm asking the questions

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

about their ability to one, borrow money and, two, repay the money they borrowed from us and the money they borrowed from the marketplace."

Hoffman: "Right."

Churchill: "And that's why I'm asking for..."

Hoffman: "Essentially, it's my understanding that at least with regard to the port district that I'm familiar with, is the way they get their revenue is from fees from the users. So, essentially, the businesses who have a place at the port, pay in order to have that available."

Churchill: "I'm not going to ask about the other ones that I know about, but let me ask you, specifically, about the one that you know about. Are they running in the black. I mean, are they making a lot of money? Are they...or are they in the red or are they just breaking even?"

Hoffman: "It's... Representative Holbrook just told me that Tri-City is in the black. But the problem is..."

Churchill: "Do they have enough money..."

Hoffman: "...they don't have enough sufficient money for the capital improvements that are needed in order to provide the type of services that many of the businesses in the area would like."

Churchill: "So if they come and borrow money from the revolving fund, they come up with their half of the bill, which would be through probably local borrowing, I assume, then they're going to have to have a cash flow to repay the debt. Are they going to have a sufficient cash flow or are they going to have to come back in and raise the fees on the people who use the port?"

Hoffman: "Representative, I'm not sure. It depends on the project I would think. And normally... I mean, normally these things, it's my understanding, are done in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

conjunction with the local communities. I shouldn't say communities, but the local business communities because it obviously provides a way to get their products to transport or provides a means of transportation to get their products to market or vice versa, to bring products to them."

Churchill: "I just... I'm worried that if they have so much traffic today and they have to come back and increase the fees, that's going to reduce the amount of traffic. And in a sense, what you're doing is, it's not going to be a positive for your port authority, it's going to be a negative because you're going to chase business away. And I'm concerned that to pay back the loans they're going to have to pay so much money that they're not going to be able to recoup that from their operating expenses and then they're going to be looking either for us to bail them out or they're not going to be making their loan repayments, which means that we're going to have to bail them out or they're going to have to go back and try and seek some other taxing authority to do that which is a tax increase to the people that live in that area if they have the ability to do that."

Hoffman: "Well, the... Representative, I can only tell you that this Bill and the major proponent of this Bill is the Regional Commerce and Growth Association in our area. They essentially represent all of the businesses. They're the regional Chamber of Commerce, so to speak, of the St. Louis metropolitan area, both Missouri and Illinois, and they are the people who brought this to us. I don't think or I don't believe or I can almost tell you for sure, I can tell you for sure, that they would not be in favor of this provision if it was going to be negative towards the businesses that utilize this service and I don't think that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

your concerns are well founded. And I understand you have valid concerns, but I don't believe that that will happen."

Churchill: "If this... This is a loan, right, this is not a grant?"

Speaker Madigan: "Mr. Churchill. Mr. Churchill."

Churchill: "Yes. Yes, Mr. Speaker."

Speaker Madigan: "Could you bring your remarks to a close?"

Churchill: "Yeah. I'll ask one other question...line of questioning and I'll be done."

Speaker Madigan: "Thank you."

Churchill: "This is not a grant, Representative, it's a loan, right?"

Hoffman: "Yes. So they would have to pay back at a rate of five percent."

Churchill: "And all the loan documents would be normal state type of loan documents. And is it...is the loan either guaranteed by somebody or is it secured by any property?"

Hoffman: "Well, in the Bill it lays out the criteria and let me tell you where the criteria came from. There currently in Illinois is a revolving loan program that actually IDOT administers for the railroads. I don't know if you're familiar with that. But there's a certain criteria with regard to how do you get the loans and so we pretty much took that criteria that's been in place here in Illinois and made it apply to the ports."

Churchill: "Is it secured by the real estate or is it secured by the...any asset of the port authority or is this a non-secured loan?"

Hoffman: "Can I get back to you. I think... I would assume that...I would assume that through the criteria, the minimum criteria, that there must be a positive cost benefit ratio demonstrating economic feasibility, et

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

cetera, and that that port district has the ability to repay the loan will be taken into account. Before we're done with this, I'll get that answer."

Churchill: "Yeah. I just... My concern..."

Hoffman: "I don't know... I understand your concern."

Churchill: "Yeah, if we're secured by the property of the port authority and they don't pay, are we buying a port authority? I mean, we're going to end up taking a port authority back when we foreclose on the property? I don't think...I don't think we're in the...I don't think we want to be in the business of running somebody else's local port authority."

Hoffman: "Right. No, I think...I would think, that like any other loan, that it would be secured. You could foreclose like on any other loan and it would be secured by the property itself. Now, the question is, would the state want to take it. You know, that's obviously a question."

Churchill: "Thank you, Representative."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor signify by saying 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Reitz."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Floor Amendment #3 is a technical Amendment. It replaces, actually, Floor Amendment #1. It exempts gas and electric services at times. The intent of the original Bill is to allow them to put water and sewage systems in and recoup costs at a later date. So this one would exempt... It's just a technical Amendment that cleans it up a little bit."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, I'm not familiar with the history of port authorities, but your Amendment, if I read it correctly, says that the districts shall not acquire, own, construct, lease, operate, or develop and maintain systems or services if there are similar...if there are services provided by an investor owned public utility offering gas or electric. This appears to be a Bill or an Amendment that is geared to ensure a relationship by the port authorities with the electric and gas service companies. Is that what we're doing?"

Reitz: "It's basically giving them right of first refusal. If they are able to install the gas or electric lines that are needed by the port authority, they have 30 days to respond to that request and, if not, then the port authority is allowed to get an outside firm to take care of that."

Cross: "Are you doing this Amendment for one of the gas or service companies at their request?"

Reitz: "Yes. Yeah, we're doing it to assure that the utilities in that area have an opportunity to put this in. This language has been agreed on between the local utilities and the port district and we are cleaning it up for their purposes."

Cross: "Why are we saying to the port authority or the port districts, you make your own decision as to who you want to contract with or if you want to do it yourself. Why are we ensuring that these companies get the business?"

Reitz: "That is in discussion with the port district. They were not concerned about gas or electric. Their intent is the water and the sewer, was the original intent, and in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

discussions with the local utilities this is the language we ended up agreeing on."

Cross: "What if the district on their own can, on a more efficient basis, provide services by building something on site. Either it looks like we're talking about... I see electric and gas. I also see in your Amendment the discussion of sewage systems. Why wouldn't we let them find the most efficient, cheaper route?"

Reitz: "Excuse me. Why would we what?"

Cross: "Why wouldn't we let the port authority... Why do we have to legislate this? Why don't we say to the port authority, you make the most, you make the best decisions for you, you make the best decision as with respect to cost and efficiency. Why do we need to legislate that?"

Reitz: "This... As I said, this is language that the port authority is comfortable with. They're not concerned about this part and they...between negotiations with them and a different local utilities, we have agreed to put this language in. As I said, they're not concerned about...about the electric or the gas as much as...their main intent is water and sewer."

Cross: "I understand... You're saying that you haven't heard from them or that they don't have an objection to it, but... I mean, my understanding is we appoint some pretty...suppose to appoint pretty knowledgeable people to these port authority boards, and so we do it and we ask them to make decisions. In fact, with Amendment #2 we are saying they can apply for some pretty hefty revolving loan...under a revolving loan program, but we're not going to let them negotiate for services on gas and utilities. I mean, what if the...what if the local city has...already has a...provides utilities? We're not... Under this Bill they

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

are prohibited to go under the local...the city utility company. Now why do we want to tie their hands?"

Reitz: "No, they still have...they will still have the ability to negotiate. They're...what they're going to do is this will...you know, this will... They will act within accordance to the Public Utilities Act. They will submit their proposal because being in their service territory and essentially it shouldn't change a whole lot as far as the Kaskaskia Port District is concerned either way. We have... It falls between the...two different service areas. One way it helps clarify for our part because we have had a number of...well, at least two that I'm aware of when I was on the county board, instances where the business that wanted to locate in this area - the business that wanted to locate in that area was caught up between the different utilities."

Cross: "What happens, Representative, if the local gas company decides to raise their rates higher than everybody else, or higher than any other alternatives, and under this Bill we've said, the district shall not acquire, shall not own, shall not construct, lease, operate, provided, you know, that there's an investor owned public utility offering electric or gas. Seems like we're setting up the possibility of higher fees and higher expenses."

Reitz: "We don't anticipate that and as I said, it's...this language was agreed on by the..."

Cross: "Oftentimes we don't anticipate problems down the road and we get ourselves in trouble. So I don't understand why we...I still don't understand why we want to lock in port authorities to this scenario. It makes no sense. What is their benefit to being locked in to these companies? Why would they want it?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Reitz: "They negotiated...the port authority negotiated this language with the Illinois Power Company and they're comfortable with it and we are putting this on at the request of both the power company and in order to move this through with the port authority. They said they're very comfortable with this. They don't anticipate a problem. They said...mainly, they don't anticipate doing this. All this...this Bill just allows them to put in infrastructure to entice business into the area and the infrastructure that they are concerned about is the water and the sewer. In rural America we have a problem with water. We don't have a water company in Randolph County and they are wanting to try and put the water and sewer in. They really are not concerned with the utilities. If they are going to do it, there's a 99 percent chance they are going to use the power company that's in that service area anyway."

Cross: "In the previous ten to fifteen lines of your Bill or your Amendment, there's the discussion about sewage and treatment facilities. What's the signif...why do we...and there doesn't seem to be a transition from sewage treatment centers into the issue of electric and gas companies. What does this Amendment do with respect to sewage? Anything?"

Reitz: "The Amendment? No. No, it doesn't do anything in regards to sewage. What... In the initial drafting of this Bill they had in the Senate, they had just included... As I said, they are concerned about the water and the sewer. They put in electric and gas just to cover all the basic utilities and we're just trying to clarify it at this time, and as I said, their intent is just water and sewer."

Speaker Madigan: "Mr. Cross, could you bring your remarks to a close?"

Cross: "So...So, Representative, just so I understand. The port

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

authorities requested this. The port authorities want to be locked into having to use the local power companies. They want to be... They want that legislated? We want to put that in the law?"

Reitz: "They did not request it, no, but they have agreed on this language with Illinois Power."

Cross: "So, did Illinois Power... Is this an initiative of Illinois Power's?"

Reitz: "Yes."

Cross: "All right. I think... I don't...I don't think I have any other questions."

Speaker Madigan: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I rise for a personal point of privilege. I would like to inform the House that Representative Wood and I have a school from Oak Grove, Illinois. Green Oaks. Oak Grove is the name of the school and they are on both sides of the gallery and I wish the House to join me in welcoming them this morning."

Speaker Madigan: "Mr. Winters."

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

Speaker Madigan: "Sponsor yields."

Winters: "I promise I won't ask any questions about aircraft carriers this morning. The language on Amendment 3 appears to me to be a real confusing in the drafting process. All of the language, where it starts, talks about developing...the port authority developing water or sewage treatment facilities. And then in the language, which is the exception, which says, however, the port authority shall not do this if there is a public utility offering electric or gas services. It appears that you took language from some other Amendment dealing with electrical and gas generating facilities that the port authority may

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

put into effect. Can you clarify that? Is there, in fact, a drafting error in this? Is it... The two parts of that Amendment don't seem to touch each other."

Reitz: "No. I don't... I don't really see a drafting error in this. We're... As I said, it is, it's completely separate. The intent, the main intent, is for them to install water and sewer and allow them to recoup the cost after an entity comes in and they're not that concerned about the other part. And this was... In negotiations, they went through four or five different drafts of this and the intent is just to move this Bill through and allow them to bring in economic development in southwestern Illinois."

Winters: "Well, I think if you look at the actual language that you drafted, and it's not the intent of what we think we're trying to do in the legislative process, it's what we write down on paper and pass and put into the statute books, and what you have are two different parts of this Amendment that don't apply to each other. What if there is a city utility that provides sewer and water facilities? You're not giving them any veto power. So a port authority that may be covered by a sanitary district, they may have trunk lines run right through the port authority, and yet, they have no veto power. The port authority could go in and completely replicate everything that that sanitary district has done at an extremely high cost, but you're not giving the sanitary district any veto power over it whatsoever. The port authority, under the language that you drafted, can do whatever they want with sanitary districts because the public utility that you state in here is one that provides electric service or gas service. So what do they care if the port authority goes out and reduplicates a water and sewage treatment facility? They don't care."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Reitz: "That's right, they don't."

Winters: "So I think you've got a real problem and I suggest that you table this Bill until we can find a drafting error in here and bring an Amendment that actually deals with what we're trying to do. Let's get it correct before we pass it."

Reitz: "I would be glad to have someone from Illinois Power Company come and work with you, Representative, to clean this language up and we can bring it back from Third and put a technical Amendment on it, if you so wish. As I said, the intent, they're not concerned...we don't... We have no public utilities, any public entities at all that have water or sewer in this area. We just...we don't have rural water and rural sewer..."

Winters: "But we're drafting it not just for one area, we're drafting it statewide."

Reitz: "No, we're doing it for the Kaskaskia Port District."

Winters: "This Amendment doesn't state that this is for any particular port authority."

Reitz: "The Bill does where the preceding part of the Bill says the Kaskaskia Port District."

Winters: "Okay. One other question, then. In that... If we are dealing with a specific case, is there any non-investor owned utility? Is there a city utility that may be providing power or gas service to this port authority?"

Reitz: "None that we... No, none that we anticipate. There is a city owned gas and I guess electric probably 20 miles away, but I be...it was cost-prohibitive. There's been no discussions with them. As I said, they don't intend to implement any gas or electric service in this area. We're just trying to clean it up and allow them some time in the future instead of revisiting this. In case they want to,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

this allows the Illinois Power in this case, and there is a co-op that covers some of the area also, that will have an opportunity to bring that service in first. If it doesn't work out, they don't respond within 30 days, if it's not feasible. And that probably would be the case such in the gas line because we're talking about a long way for them to run a gas line. We have no natural gas near that port authority."

Winters: "Does the cooperatives meet the definition of an investor owned utility?"

Reitz: "That was the intent, yes."

Winters: "I'm sorry, I didn't hear that."

Reitz: "That was the intent for our part. I mean, for their purposes. As I said, the port district is really...they're not concerned about the electric or the gas service..."

Speaker Madigan: "Mr. Winters, your time is expired, Sir."

Winters: "Thank you very much."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, who requested this Floor Amendment #3?"

Reitz: "Illinois Power."

Turner, J.: "I tried to follow the debate as best that I could. What was their purpose in requesting it? I just...doesn't make a lot of common sense to me what you're trying to accomplish, but what was their purpose?"

Reitz: "Just to clarify the Bill to... If there is a need for additional, for any kind of service for electric or gas that they would have an opportunity to submit a proposal."

Turner, J.: "Well, why would they ask this General Assembly to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

provide them that opportunity? Why are they asking us to do this?"

Reitz: "It was just for their technical purposes to keep it...to keep it within the parameters of their authorization to allow them the opportunity to move in here. As I stated before, we really are not that concerned with electric and gas and this clarifies it and allows us to move along in our area in an amicable way."

Turner, J.: "Why are you laughing at me?"

Reitz: "Excuse me?"

Turner, J.: "Why are you laughing at me?"

Reitz: "Mr. Handley, here. I laugh at him a lot. I would never laugh at you, Representative."

Turner, J.: "You're a kind gentleman. There is a 30 day notice provision in your Amendment?"

Reitz: "Yes."

Turner, J.: "What's it...what does that do and what is the purpose of it?"

Reitz: "It allows the port authority then to move through in an expedient manner in case the utility, in this case whichever utility would decide not to submit a proposal, then they would be able to move ahead and look at installing it on their own, having a private contractor come in and put in the gas line, or electric lines or whatever it would take to bring these services to the potential employer or the potential business site."

Turner, J.: "And how did you decide upon 30 days versus a 90 day period or 60 days? What's the magic in the 30 days?"

Reitz: "That... In negotiations between the power company and the port authority it was just an arbitrary number, a number that allows them date...a number of days that allow them to move through so that they can go on with...explore other

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

options, if necessary."

Turner, J.: "Why do we want to put this kind of restriction on these districts?"

Reitz: "Our intent is just to try and move this through and allow them to have the opportunity to put water and sewer in. As I said, they're not concerned. Their primary concern is water and sewer. They're not concerned with electric or gas service. So they are...through negotiations, this is the number they picked out."

Turner, J.: "Representative."

Reitz: "Yes."

Turner, J.: "I don't have any other questions."

Reitz: "Thank you, Sir."

Speaker Madigan: "Mr. Biggins. Mr. Reitz to close."

Reitz: "Thank you. We'd appreciate adoption of this Amendment."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments, but a Fiscal Note, as amended by Amendments 2 and 3, has been requested on the Bill and the Note has not been filed."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Senate Bill 1602, Mr. Saviano. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1602, a Bill for an Act amending the Court Reporters Act. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Amendment #3 is a technical Amendment that corrects a typographic error in Amendment #1. There's really no substance to it. It just clarifies what line should be where, and I would ask that Floor Amendment #3 be adopted."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. On that question, Mr. Rutherford."

Rutherford: "Mr. Speaker, would the Representative tell us what line that is?"

Saviano: "I think it's line 12 or 13, to be honest with you. Twelve or thirteen got confused in the original Amendment and it..."

Rutherford: "And what page is that on?"

Saviano: "Well, that I can't remember."

Rutherford: "And you're committing that there's absolutely no quick-take for Highland Park in this Amendment?"

Saviano: "Absolutely not."

Rutherford: "Thank you."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, it looks like that your change is fairly simple. You just struck out the number '1', basically, with your Amendment. Is that all it does?"

Saviano: "Yes."

Turner, J.: "Now, I certainly don't have any problem with that. I guess my concern is that since we amended this Senate Bill, it's going to be going back to the Senate. Have you spoken with any of the Senators or the Senate Sponsor as to what this Bill will become once we send it back over to that chamber?"

Saviano: "All Amendments on this Bill were approved by the Senate Sponsor, Senator Molaro."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Turner, J.: "It's your understanding then if we approve this Floor Amendment, pass it back to the Senate, that it would not be changed in that chamber and would remain the way it is when it leaves this chamber?"

Saviano: "That's correct."

Turner, J.: "With that in mind, then, with the Floor Amendment added to what is already existing in language which is going back to the Senate, just as very generally then, what will the Bill in total state?"

Saviano: "Is that a question?"

Turner, J.: "Yeah. It was prefaced with the word 'what'. It's an interrogatory type thing. I could try to rephrase it, I guess. What does the Bill do with the Amendment?"

Saviano: "What the Bill does is twofold. Number one, it removes the caps on the salaries that the administrative and supervising court reporters could receive on the recommendation from the Chief Judge. The Bill only affects Cook, Will, and DuPage County."

Turner, J.: "Okay, Representative. Thank you very much."

Saviano: "Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative Edgar Lopez is recognized for the purpose of an announcement."

Lopez: "Thank you, Mr. Speaker and Members of the General Assembly. I would like to take the opportunity and it is my pleasure to introduce visiting dignitaries that are here with us this morning. This morning there was a signing ceremony of the Memorandum of Understanding and our

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Superintendent of Education will explain what that is in a couple of moments. I'd like to introduce Juan Antonio Puigserver Martinez. He's the Secretary General of Ministry of Education and Culture of Spain. Also with us is Gonzales Gomez Dacal. He's the Educational Administrator of the Office of Education for the Embassy of Spain in Washington, D.C. Our Superintendent, Joseph Spagnolo, will explain to you what was done this morning."

Joseph Spagnolo: "Thank you, Representative Lopez. I know you're very busy and I won't take but a minute of your time. But I do want to indicate to you today that we entered an historic agreement with the country of Spain to enable an exchange between American teachers and Spanish teachers, between the two countries. In addition, we're also going to engage in student exchanges between Illinois and Spain over the course of the next few years. The greatest benefit that we see for this program, initially, is that it will enable us to bring Spanish teachers who are highly educated and both fluent in Spanish and English to the United States, particularly, Illinois, to teach in bilingual programs. As you know, our objective is to raise the standard of education for every child and we believe that this will be a positive step forward. Thank you very much for your time and your attention."

Lopez: "Mr. Secretary General will say a few words."

Juan Antonio Puigserver Martinez: "Thank you very much. Thank you for giving me the opportunity to tell you a few words, in bad English, but I prefer to try. Members of the Parliament, Ladies and Gentlemen, it is a great pleasure to stand before you on this great occasion to sign the Memorandum of Understanding between the Illinois Department of Education and the Ministry of Education and Culture of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Spain. The Memorandum...is to the...program to design the education model of the next millennium of which interculturalism will be an essential element. The Illinois Department of Education and the Ministry of Education and Culture of Spain assumed the responsibilities in a spirit of educational cooperation to promote the quality and extend...and extend the teaching of Spanish to the students from Illinois and English to the students from Spain. I...the knowledge and appreciation of the culture shared by the two communities. Ladies and Gentlemen, in the 21st century the importance of the English and Spanish languages will carry as means of communication between individuals as well as countries and develop a role that will play...will mark the difference between the peoples. Spain and the State of Illinois, signing this Memorandum of Understanding, established the foundations to provide the students involved in these programs with bilingual and bicultural education, which prepares them for future success in personal, academic and professional fields. Finally, I would like to emphasize that the Memorandum we have just signed will be a way...will be a two-way instrument for the mutual benefit of both the State of Illinois and Spain. Members of Parliament, Ladies and Gentlemen, in the name of the Minister of Education and Culture of Spain...and the sovereign state of Spain, I offer my best wishes for the future of the State of Illinois, and especially for the future of its childhood and youth. The best future should be our common commitment and challenge. Thank you. 'Muchos gracias'."

Speaker Madigan: "Senate Bill 1707. Mr. Mike Smith. Mr. Smith. Take this out of the record. Senate Bill 1853. Mr. Morrow. Is Mr. Morrow in the chamber? Mr. Holbrook. Is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Mr. Holbrook in the chamber? Representative Flowers. Is Representative Flowers in the chamber? Back to Mr. Holbrook. Mr. Holbrook, Senate Bill 1878. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1878, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this Senate Bill. Committee Amendments 1, 2, 3, and 4 have been adopted to the Bill. No Motions have been filed. Floor Amendment #8, offered by Representative Burke, has been approved for consideration."

Speaker Madigan: "Mr. Burke. Mr. Burke on an Amendment."

Burke: "Mr. Speaker, I would ask this matter be taken out of the record."

Speaker Madigan: "Take the Bill out of the record. Mr. Smith, do you wish to call Senate Bill 1707? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1707, a Bill for an Act in relation to agricultural matters. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #4, offered by Representative Smith, has been approved for consideration."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 is a further attempt to improve the livestock language that we have been advancing as part of the language adopted by the, what's come to be called, the 'Peoria Six' group of Legislators. We listened to concerns, which were raised in the Livestock Management Committee last week, and we've attempted to address some of those concerns through Amendment #4, which was passed out of the committee yesterday. The chief concerns, or the main changes in this Amendment, rather, have to do with the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

provisions for joint and several liability. We have exempted financial institutions from that provision of the Act. We have further clarified our language with regard to facilities under common ownership and we've made a couple other changes that were drafting errors in the original Amendment. We've also lowered the number of days of capacity allowed in a pit structure facility. Those are the major changes in this Amendment. Again, it is a further clarification and improvement of our version of the mega hog farm legislation for this Session and I would move for its passage."

Speaker Madigan: "Mr. Noland."

Noland: "Would the Sponsor please yield?"

Speaker Madigan: "Sponsor yields."

Noland: "Representative Smith, we discussed this in committee yesterday, and there was a gentleman who came and was concerned about the Midwest Equipment Dealers. The joint and several liability question... they indicated they might lease or rent a piece of equipment to an operation. They read the Bill as, they would be held liable. Have you changed... have you met with them and appeased their concern in any way?"

Smith: "Yes, Representative Noland. As I stated in committee, that's not the intent of this Amendment. We have met with them and we are continuing those discussions, as you know, and other provisions of the Act and trying to address their concerns also."

Noland: "I believe I understand your intent, but for the record, would the Midwest Equipment Dealers still be in opposition to your Amendment with the language you have about joint and several liability?"

Smith: "I'm sorry, Representative Noland. You said the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Midwest..."

Noland: "Midwest Equipment Dealers."

Smith: "Equipment Dealers. I believe yes, as the Amendment stands, they would be."

Noland: "They would still be in opposition, because they feel like the net's too broad and they're being... they're not a controlling partner, but yet, your language would require them to be liable under your current language? Correct?"

Smith: "Again, Representative Noland, that's not the intent of this Amendment."

Noland: "Okay. And secondly, aquifer material. Representative Lawfer shared with me that he believes 70% of his legislative district would be excluded now because of that term. What are you trying to define with using the word, 'aquifer material'?"

Smith: "We have attempted, here, to address some of the concerns with the original language which, as you know, had dealt with high seasonal water table. We have attempted to bring that definition in line with the existing Act where aquifer material is already addressed."

Noland: "Okay. Well, then, to the Amendment. I rise in opposition. I respect Representative Smith's efforts. They are working very diligently towards good language, however, this Amendment's flawed. Number one, his intent is one thing, the language is another on joint and several liabilities. So, there is a problem with rental of equipment or lease of equipment to dispose of ma... waste or an operation of a livestock farm. So, that's the first flaw. The second flaw is, they are trying to put prohibitions in the Act. I don't know why, instead, they don't give standards and rules and regulations so you can, where you can build and construct an operation. Instead,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

they want to say, 'Thou shalt not,' and I'm afraid that's going to go way too far. It's going to cause hardship on family operations. Certain parts of the state will be totally excluded. If you had a sandy base or an area of the state, they would exclude totally any expansion or any operations over 500 animal units. So, this Amendment, although it has good intent, still has flaws and I rise in opposition."

Speaker Madigan: "Mr. Hartke."

Hartke: "Will the Sponsor of the Amendment yield, please?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Representative Smith, Representative Noland asked you if the Midwest Equipment Dealers were in opposition. Can you inform the Body of those groups that are for this Amendment?"

Smith: "I don't think we had any slips filed in committee, Representative Hartke. In general..."

Hartke: "I'm not sure anyone is for this Amendment. It's..."

Smith: "All right. I think that's..."

Hartke: "It's a reaction..."

Smith: "That's not a fair representation. This is supported by the Stewardship Alliance, by the Environmental Council, and by the Catholic Conference of Illinois."

Hartke: "Okay. Well, Mr. Speaker, I'm opposed to this Amendment. Should it receive the requisite number of votes and I would request a Roll Call vote on this. I'd like to seek a verification, please."

Speaker Madigan: "Mr. Myers."

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

Speaker Madigan: "Sponsor yields."

Myers: "Thank you. Representative Smith, can you explain to me why there are prohibitions in this Bill, and why you are

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

further amending the prohibition in this Amendment?"

Smith: "Representative Myers, as we indicated in testimony on the original language, we feel that there are certain environmental sensitive areas in the state, where we should draw the line and say that these facilities should not be constructed in those areas. As you know, we have three... three particular areas that we have addressed. We are attempting to clarify the provision on the high water table through this Amendment."

Myers: "Representative Smith, do you know of any other industry that is prohibited from building or constructing in these, what you call, sensitive areas?"

Smith: "No, I'm not aware of that."

Myers: "So, we can allow chemical companies that produce toxic chemicals, we can allow farm chemical applicators that load and unload farm chemicals in these areas, but we are not going to allow hog farms to be built. Is that correct?"

Smith: "Representative Myers, I can't speak to that. We're not addressing that in this Bill or in this Amendment."

Myers: "I'm sorry, Mr. Smith. I didn't hear you."

Smith: "I can't speak to those things you've said. We're not addressing that in this Bill or in this Amendment."

Myers: "But isn't it fact that there are already those kind of facilities in these sensitive areas and, in fact, they do, and are allowed, to build because the Environmental Protection Agency and others that oversee these types of operations have, in the past, required or brought about requirements for stronger construction measures, more protective construction measures that would allow these types of facilities to build and operate on aquifer type material. Is that correct?"

Smith: "Well, I think there are... clearly there are those

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

facilities in these areas. I can't say that it's a fact that they have met requirements of EPA or any other regulatory agency."

Myers: "Well, I think it is fact, because I know that a number of years ago, all of the farm chemical applicators and distributors had to go through a very costly program of updating their facilities. So, I think what this Amendment is saying, if I am reading it correctly, is that certainly, there are those industries that are allowed to go ahead and construct facilities, even though that they're handling toxic and poisonous chemicals. But, agriculture, which is producing an organic fertilizer, rather than a toxic waste, is not allowed to build there, and as a farmer, myself, an agriculture producer, I really consider this an insult to say or to suggest that agriculture is incapable of meeting further construction standards, of developing new construction standards and new buildings that protect the environment, and I think that to suggest that we are incapable of doing that is a great disservice to all of those in agriculture who have tried their best to protect the environment, not only in protecting the groundwater, but in other ways of protecting surface water and other resources in the state. To the Bill. I think that this is a measure that, while on the surface may be an attempt to correct some concerns that many people had with the original Bill. I still think it's flawed. I think that any prohibitions in those areas of the state that are designated in the Bill, while an attempt to regulate an industry, I think are an improper attempt when you consider that we are responsible for applying laws and regulations broadly across the spectrum of regulations, and to allow one industry to build, and to prohibit another industry

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

from building, I think, is discriminatory in view of the fact that we have construction standards that can be applied to both sides of industry."

Speaker Lang: "Representative Lang in the Chair. The Chair recognizes Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Mr. Speaker). Would the Sponsor yield for questions?"

Speaker Lang: "The Gentleman yields."

Lawfer: "Representative Smith, we discussed this Amendment in committee, as well as Amendment #1, but what is the purposes of these Amendments? Do you see... what do you see your purpose of these Amendments?"

Smith: "Representative Lawfer, the purpose of the Amendments is to enact some substantive changes to the Livestock Management Facilities Act. As you know, this is language which those of us in the Peoria area feel is very much needed to improve the existing law."

Lawfer: "Do you feel that these will improve the environment?"

Smith: "I'm sorry, could you repeat your question?"

Lawfer: "Do you feel that these Amendments, if adopted, would improve the environment in the rural area?"

Smith: "Yes, I do."

Lawfer: "In what way?"

Smith: "Well, in a number of ways, Representative Lawfer. I think that they provide significant environmental protections. The prohibition of construction in certain areas is the first step that we have been able to make in saying that there are environmental sensitive areas where these facilities should not be constructed."

Lawfer: "Are you aware of any livestock operation that has contaminated groundwater in the State of Illinois?"

Smith: "Not specifically, Representative Lawfer. I think that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

probably would be a question better asked to the department. I believe there have been indications in committee that there have been, but I don't have the information to substantiate that."

Lawfer: "But... but, you do not have a documented case of groundwater being polluted by any livestock operation in the State of Illinois?"

Smith: "I do not personally from incidences in Illinois, but certainly you're aware of incidences in other states."

Lawfer: "Representative, with the prohibition of building in certain areas of any facilities over 500 animal units, what percentage of the State of Illinois would be excluded from building livestock operations?"

Smith: "Could you repeat that? In what criteria?"

Lawfer: "Mr... Mr. Chairman (sic-Mr. Speaker), could we have a little order here? Could we have a little order on the floor?"

Speaker Lang: "The Gentleman's point is well-taken. Can we please have some order in the Chamber? Thank you very much."

Lawfer: "By excluding certain areas where livestock facilities could be built, what percentage of the State of Illinois would be excluded from building any facility of over 500 animal units? What percentage, land-wise?"

Smith: "I don't think we have concrete numbers on that. It was represented in committee by the Environmental Council that it would be approximately 15 to 20 percent."

Lawfer: "That's including... that would be the... where the aquifer was within five feet of the bottom of a storage facility. Is that correct?"

Smith: "That would be... that would be all three provisions, the flood plain and the karst topography, as well as the water

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

table."

Lawfer: "Okay. Now..."

Smith: "And there is a lot of overlap between those areas."

Lawfer: "Okay. I did some checking this morning in regards to my district. I think we're all sent here to represent a district. I represent more cows than I do people and when I refer to cows, to explain that, Mr. Chairman (sic-Mr. Speaker), these are mother cows, we're getting close to Mother's Day. These are milk cows and beef cows. So, I represent more cows, mother cows, than any other Representative in the State of Illinois. We've been talking about hog facilities, but this also pertains to dairy and beef facilities. I did some... Northwest Illinois, the area I represent, is... would, under this Amendment, would be changed considerably because there would be about 70% of my land area, 70% of my land area would not be allowed to construct facilities on them. Now, I might add that we have a tremendous amount of facilities already in my district. Family farms that are larger than 500 animal units, and they're doing it very well because they are protecting the environment. They are building facilities that protect the environment and we do have the engineering capability of building these facilities. So, the passage of this Bill would substantially change the landscape of my district, the Freeport-Galena area, if we had to move livestock out of it and I'm referring to dairy and beef, because not only would we be changing the farming operations, but we would be killing the hillsides. We would not have hay on those, hay or pasture, that are controlling the soil in those areas. So, Representative Smith, I know you've looked at this very closely, but the reality, the details of this are tremendous. We are

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

changing the complexity of the, one of the largest industries in the State of Illinois. One of the largest industries in my area that provides a scenic viewed beauty for tourism. This would change this. I would ask the other Members of the General Assembly to vote 'no' on this. The problem with this is going to be in the details. I sat through the Pollution Control Hearings two years ago when we came up with the original Livestock Management Act. The devil is in the details. We have put in place tremendous amount of regulations. They're very clear and concise at this time and we are attacking a problem, I believe, that does not exist. As I asked the Representative, he cannot document any area where there's been groundwater pollution by a livestock facility in the State of Illinois. So, here we are, trying to protect the environment. The farmers are already doing this. The family farmers in my district are very conscientious of the environment, because where do you think they get the water that they drink. They get the water that they drink from the wells that are on those farms. We don't have municipal water, but we have to... so we have to maintain our environment and, I think, all of the family farms in my district are doing an excellent job. We have a lot of large facilities. They're doing an excellent job in providing what you, as consumers, want, a consistent, a wholesome, a uniform, and a reasonably priced food everyday on your table, whether it be milk, meat, eggs. All of those facilities are under this Act. We would change, substantially, all those facilities, not only the hog production, but the beef, dairy and chickens that are in my district. Thank you very much. I urge a 'no' vote."

Smith: "Mr. Speaker, if I could respond. I don't really think that was a question, but I do want to clarify a statement

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Representative Lawfer made and this legislation has... would have no affect on existing facilities in terms of requiring them to cease operation."

Speaker Lang: "Chair recognizes Representative Scott."

Scott: "Thank you very much, Mr. Speaker. I rise on a point of personal privilege."

Speaker Lang: "State your point."

Scott: "Thank you. I'd like to introduce the 8th graders from St. Peter Cathedral School in Rockford, along with their teacher, Mrs. Fidaley. They come to Springfield every year and we'd like to welcome them. Thank you, Mr. Speaker."

Speaker Lang: "Thank you. Welcome to Springfield. The Chair recognizes Representative Winters."

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

Speaker Lang: "The Gentleman will yield."

Winters: "I really have questions on two different areas of this, Mike. Could you give me a really quick definition, the difference between the seasonal high water table and the definition that you're substituting, which is the aquifer material. What are you looking for? What does that aquifer material consist of, and do you have, as an adjunct to that question, do you have a list of the soil types where we could expect to run into that kind of aquifer material within a reasonable depth where a lagoon might be being placed?"

Smith: "Yes, Representative, the definition for aqua material is already in existing rules. Aquifer material means sandstone, which is five feet or more in thickness or fractured carbonate, which is ten feet or more in thickness, or sand, gravel, or sand and gravel, as defined herein, such that there is at least two feet or more present with any five foot section of a soil boring,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

performed in accordance with the section of this rule."

Winters: "Okay. So, you're talking about limestone or sandstone material of a certain depth as a geologic formation or sand and gravel materials. Do you have available, from the state geological survey, any forms of maps that would give us a general idea across the state of what areas might be impacted? Very similar to Representative Lawfer, my district does have some large livestock facilities on it. Those may be economically viable at this point, but you said that we weren't closing down any existing facilities, but if a family, in fact, has been raising livestock for generations, as we get more efficient operations, they may need to expand and this would, in fact, preclude almost all of the livestock facilities in my district from expansion, and that really cuts them out as a way to earn a living. Another question, I would appreciate seeing those maps. I see you have copies of those. The other provision is under the banking, removing the liability for a banking operation. If they become the owners of a livestock facility through foreclosure or some other financial operation that they have. Let me lay out a scenario. Small state bank in my area has lent to a livestock facility. It's a major employer. It uses a large amount of the grain produced in that bank's marketing area. For some reason, the underlying operation gets into financial trouble and the bank forecloses. Now, the way I read this, they might then continue to operate that facility. Say, the bank now owns that facility. We haven't found somebody that's capable of managing it and one of the loan officers came from a long line of hog producers. So, he volunteers in his spare time to go out and oversee the operation. The bank, as I read it, would be immune from the provisions of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

this law because they had received the ownership through foreclosure. Could you give me a response to that?"

Smith: "We have been told by the banking industry that this... we're talking about an interim period when they might take possession of a facility. I don't believe that it may be legal for them to continue to operate that facility beyond that interim period."

Winters: "Do you have any writing that would back that up, because the way I read this Amendment, there is no mention of a defined period when they might be excluded from this provisions but then the provisions would take place after that. I don't see... I don't see how they, there may be a loophole here that a bank could sneak through. If you could find a reference to that, I would appreciate it."

Smith: "Well, I'd certainly be glad to get that information for you. I'm sure the various groups representing the banking industry can do that."

Winters: "Okay. If you would do that, I would appreciate it. Until that time, I really do feel uncomfortable that we may be allowing one segment of the industry, the financial segment, to get around the rules that would affect a normal farmer or farming operation. With those questions, I will have to vote against the Amendment at this point. I do think that many of the provisions in the underlying Bill, in fact, are pretty decent provisions, but I will have to vote against it, until I get those questions more definitively answered. Thank you."

Speaker Lang: "Mr. Wirsing. Mr. Wirsing."

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

Speaker Lang: "The Gentleman yields."

Wirsing: "Thank you. Representative, why do you bring this Amendment to us today?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Smith: "Because... because, Representative, we got the Amendment called today. This is an attempt to improve upon the language that we have already adopted in committee."

Wirsing: "Give me a little more than that as far as what the Amendment is doing. Just some dot points of the importance of what you perceive as being the importance of the Amendment."

Smith: "The importance of this Amendment is to clean up the language, which we had already adopted in committee as Amendment #1, addresses concerns raised by the banking industry. It also clarifies the definition of the aquifer material."

Wirsing: "Does this Amendment deal with any of the issues from those recognized statewide agricultural organizations?"

Smith: "Yes, it does, Representative. All of these items were mentioned as concerns in committee when we debated Amendment #1."

Wirsing: "Then could you, perhaps, give me an explanation why none of those recognized agricultural... statewide agricultural organizations are in support of this menu, or of this Amendment?"

Smith: "I think their opposition rests with the underlying language."

Wirsing: "Their opposition is what?"

Smith: "We certainly didn't address all their concerns with this Amendment."

Wirsing: "But don't you find it interesting that we're looking at an Amendment that's making changes in an underlying Bill that will move a part of the #1 industry in this state into different directions and those recognized statewide organizations from the Ag community are... have no support for this Amendment. I find that very curious. I... I'm

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

wondering if you've wondered about that as you move this Amendment through the process, the fact that since I've been in the Legislature, I have not seen a piece of legislation that affected an industry in this state that at least had some support, a partial support from the industry it affected. This is the first time, since I've been in this... in the Legislature, that I've seen an Amendment or even a Bill that's being proposed in the underlying Bill, but in this Amendment, in which the industry that's being affected, nobody supports it. I find that curious. I'm wondering if you've given that some thought, as well, that as you carry this as the Sponsor of this Amendment."

Smith: "Well, Representative, we are... and our group has from the beginning, worked with all groups concerned with this issue. We continue to have those discussions. We continue to listen to them and to try to incorporate their concerns with what we're trying to do."

Wirsing: "Well, thank you, Representative. I think the issue here on this Bill is the fact that we're moving forward. We're going to vote as the judge and the jury on a industry that has not been worked with to the extent that at least some portion of the recognized representation of the Ag industry in this state, that at least some portion of that has not stepped forward and said, 'We can support this.' I find this... I just find this very curious. It's... I don't like to be in the position of being the judge and the jury. When we're affecting a part of the number one industry in this state, this has dramatic effects, if we move through this process with this Amendment, if it passes and as we move forward with the amended Bill, itself. It's great concern. We're talking about, bottom line, affecting hundreds of people, in my district alone, who are very

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

concerned. The calls that come in my district office all the time wondering what we're going to do to them here in the Illinois Legislature, not what we're going to do for them, and I find it very interesting that there is no support from Ag communities, the Ag organization when, in fact, the Ag organization has agreed and says there are parameters that we do need to put in place here from a statewide perspective and this Amendment has been put together with the unwillingness to come to terms with, at least, some portion of that aspect of the agricultural community. This is... this can affect, and if you're not from agriculture you may not understand it, it can dramatically affect, in my district, hundreds of jobs, not a few hundred, but hundreds and hundreds of jobs. I've got one entity that employs 1200 people in my district. If the Legislature messes around with the supply of livestock into that facility, in one month that operation will be gone and that's 1200, and these are not entry level jobs, but that's 1200 jobs. I think we have to recognize the full scope of this whole issue as we try to work it through. My concern with this Amendment is that it's premature. It is not thought out well and, as indicated by a previous speaker, the detail of how this would be implemented, potentially, has the... well, it's going to be disastrous, not potentially, but would be disastrous to the industry. A lot of people earn their living from agriculture. A lot of people earn their living from the livestock industry in a whole variety of ways, and if we're going to start playing God here in the Illinois Legislature, and being the judge and jury on an industry, I think we better take a second look at this and step back and review it. Let's approach the issue, not in a vacuum, let's approach it from a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

serious, non-emotional approach, using good, sound, scientific fact to address that issue. Thank you."

Speaker Lang: "We're going to take a brief pause on the debate of this Bill for an introduction. Representative Burke in the Chair."

Speaker Burke: "Thank you, Speaker. It is indeed a privilege today on this most important day in our Capitol when we honor those who are law enforcement who have fallen in the line of duty. Over at the Armory earlier, if I could have the Body's attention for a moment, as the Constitutional Officers and Members of our General Assembly met earlier today along with law enforcement representatives from throughout our state, this indeed is a very solemn day. In order to commemorate, it is my distinct privilege to introduce to the House of Representatives, along with our escort committee, the Emerald Society of the City of Chicago, led by the President of the FOP, Mr. Bill Noland. Ladies and Gentlemen, the Emerald Society of the City of Chicago. (Played) Ladies and Gentlemen of the Emerald Society, on behalf of the House Republicans, I would like to welcome you to the House of Representatives on this very special day in which we pay tribute to your brothers who have fallen in the line of duty. Thank you very much."

Acevedo: "Besides being a State Representative, I am also a fellow police officer. On behalf of the General Assembly, I'd like to wish my fellow officers a welcome to Springfield. God bless you and be safe."

Speaker Burke: "Again, Ladies and Gentlemen, thank you so much, the Emerald Society of the City of Chicago, and as they pipe themselves out, let's give a great round of applause for these fine police officers throughout the state. Thank you so much, Ladies and Gentlemen."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Lang: "The House will be in order. Mr. Clerk for an announcement."

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

Speaker Lang: "We return to Floor Amendment #4 on Senate Bill 1707. On that question, the Chair recognizes Representative Hannig. Mr. Hannig is not in the chamber at the moment. Mr. Clerk, Introduction of Resolutions."

Rossi: "House Resolution 484, offered by Speaker Madigan, is assigned to the Rules Committee."

Speaker Lang: "Mr. Moffitt."

Moffitt: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. As we address this issue, I think at least in certain parts of the State, without a doubt, that the issue of regulation of hogs has probably been one of the most perplexing issues that we, as Members of the General Assembly, have faced. I think we're ... there have been some very significant negotiations and discussions take place this year with both sides of this issue at the table, attempting to work out some reasonable compromises. We're probably closer than we've ever been. This Bill, this language has been referred to... it's been advanced by a group called the 'Central Illinois Six', which is bipartisan and bicameral. Our group, 'Central Illinois Six', realizes the need to protect our environment, protect our groundwater, protect our property values and at the same time we recognize the importance of agriculture and livestock to the State of Illinois and anything we do, we want to keep those things in mind. The 'Central Illinois Six' has really been advancing some concepts of some additional things that we needed to do in order to protect

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

those things that I just mentioned, and we feel that we're on the right road to do that. It would be a huge mistake if you viewed this as the final product. It will not be the final product, this is an ongoing process. We are nearly out of time this Session to enact any additional important regulations, agreed regulations, so we need to continue to advance the process so that those discussions can continue. Many long hours, as I indicated, have occurred this week and on a lot of issues we're very close to an agreement, so I think we need to support this legislation. We need to realize that it is not the final product and that those interested parties will be at the table. With that in mind, I would urge that you do give this your consideration and your vote so that this process can continue. Our 'Central Illinois Six' was concerned about the issue that sometimes is called corporate liability, sometimes it's called joint and several, but maybe it's really proportionate liability, but it's the concept that that corporate partner would also be liable. We address the issue of most limiting nutrient on the application of livestock waste. Currently, it's nitrogen and probably the science will require that we continue to use nitrogen, but we're saying that when the science is there to back it up, we may have to go to the issue of phosphorus. Our group has emphasized that decisions should be science-based and not just emotion, but we should base all these decisions on things that can be backed up with science. Realizing that the process will continue, this is not a final product, but that we do need to guarantee the citizens of the State of Illinois that we will protect the groundwater, protect the environment, protect property values and yet, recognize this important industry. I would

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

urge an 'aye' vote on this legislation. Thank you."

Speaker Lang: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "The Gentleman will yield."

Durkin: "Representative, with respect to the Amendment, I just have a few questions on one Section, that's on line 15 when you have indemnification language within that paragraph. What is the purpose of creating no liability for the financial institutions which you... which it states so in this Amendment?"

Smith: "It's at the request, Representative, of the banking industry who raised, I think, some legitimate concerns should they come in possession of a facility due to foreclosure or some other procedure."

Durkin: "What purpose is served by giving them blanket indemnification?"

Smith: "I think in those cases, they would have really no intention of operating the facility and so they have had no, really, role in the operation or the management of the facility up to that point."

Durkin: "All right. Let's move on to the next page on line 5. It says there'll also be no liability under this Section for a trustee, executor or administrative guardian, et cetera, whose ownership interest, control or specification arises in a fiduciary capacity. Once again, I don't see the logic between giving blanket indemnification for any one of these individuals for any act they commit which falls within this Section of the Illinois Code. What is the purpose of this?"

Smith: "I think that might be addressed elsewhere in the code. You might be able to deal with those situations elsewhere in the code. We're talking about an exemption under this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

particular Section."

Durkin: "Certainly, and when you have situations such as this, there are ... I mean, as you... I'm not sure if you're aware, but there are situations which an intentional tort may be committed by a trustee or an executor. For example, someone who commits a material misrepresentation of facts which does affect another individual. Now, the way I read this, that that individual will be indemnified for that intentional conduct and there is no recourse for the person who has been adversely affected by this intentional misrepresentation. No liability means no liability, whether or not it's negligence or it's an intentional tort."

Smith: "Well, with all due respect, Representative Durkin, I think that might be a matter of interpretation. That's certainly not the intent here."

Durkin: "Well, I understand it may not be the intent, but it's very clear on its face and if it's a question ... I mean, we only look to legislative intent if there is an ambiguity in the language, and I see no ambiguity in this language. No liability means that there is... it's blanket indemnification for any type of act, whether it's a negligent act or it's an intentional act, an action which is fraudulent or deceitful or it's, like I said, a material intentional misrepresentation, these individuals will be able to... I mean, they walk free. And I just do not know what the theory is behind...be up to the Legislature of giving this type of blanket immunity to anybody. I think it's... I would disagree with you on that Section and I think it's a bad precedent when we are going to start giving people blankets in immunity from any type of liability situation, whether it arises out of negligence or

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

intentional conduct."

Smith: "Representative Durkin, if you would, we'll... I certainly appreciate your concerns, and we'll try to get those answered for you from the banking industry."

Speaker Lang: "Mr. Cross."

Cross: "Thank you, Mr. Speaker, and I appreciate the opportunity for us to have open debate and to continue dialogue on issues important in the General Assembly, and we really appreciate you allowing all of us to ask legitimate questions, so we appreciate that. It's very kind of you and it's good government. Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Cross: "Representative, I think Representative Durkin hit some points that you ought to be real concerned about. I cannot believe the trial lawyers of this state support this Amendment. I'm looking at the last four lines on page 2 of your Amendment. 'There shall be no liability under this Section for a trustee, executor, administrator', the list goes on and on. If I'm the executor of an estate, it may take me five to six, maybe seven years to close that estate, maybe a federal tax return due, whatever the case may be. I could be running that hog operation for five or six years and have absolutely no liability on my part, absolutely no liability on my part. As the executor, I could be driving the hog farm truck, be drunk, cause an accident, kill three people, have no liability, if you read your Bill and Amendment the way it is. Is that your intention?"

Smith: "Clearly, Representative Cross, that is not the intention. As I stated earlier in debate, this language came to us from the community bankers and from the Illinois bankers. We'll be happy to take your concerns back to them and get

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

that clarified."

Cross: "I understand what you want to do and I applaud the community bankers and I don't blame them but, you know, as often the case around here, we put some language in and we cause new problems when we try to correct old ones. So, what you've done, if I'm reading this correctly, I put this... I can put this land or this hog farm into a land trust, maybe name myself as the trustee to avoid liability. Is that what... Once again, I'm sure you're going to say that's not what you want to do, but that's what... Is that not what's going to happen? The trustee has no liability under your Bill, no liability. He or she can run the hog farm operation as poorly as they want to because they have no liability."

Smith: "Representative Cross, as I stated earlier, that is not the intention of this Amendment. I am not an attorney, as you know, Sir. I cannot interpret what you're saying. That's not the intent. As Representative Moffitt said, discussions are continuing. We are trying to reach a compromise on this issue. We will..."

Cross: "Mike, let me just suggest... Let me, with all due respect. There's going to be a lawsuit filed against the executor and the executor's going to say, 'Sorry. I've got this language on page 2 of an Amendment of Mike Smith's that says the executor has no liability.' So, I'm just going to say, 'Well, Mike Smith said on the House Floor that's not what he meant.' And someone else is going to say, 'The Bill is very specific that there's no liability to the executor.' If this isn't your intention, with all due respect, pull this Bill out. Pull this Amendment out because you've got some grave errors in this. And you are going to let executors, trustees, administrators go for

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

years without any liability and that's not what you want to do. So, do you know how to... Do you have a better way to handle this than just saying that's not what you want to do?"

Smith: "As I've said, Representative Cross, this is a work-in-progress. We are attempting to improve language that we have already. We have been in discussions all this week with all the various parties on this issue. We're going to continue those discussions next week. We've talked to Senator Sieben, the Senate Sponsor of this Bill. It is our intent that we continue those discussions, that we continue to try to come up with the best possible legislation and we'll be back before this Body again this spring..."

Cross: "Well, then hold... I'm glad you're doing that, but I don't care where you are on the big issue of hog farms, you are allow... you are setting all of us up to give people blanket... blanket indemnification, blanket immunity, and that is not what you want to do, Mike. And if you want to come back here in a week when it's resolved, you should do it, but we're saying... we are going to say, 'Go ahead executor, do whatever you want wrong.' And that's going to be the reality. So, I would hope that you seriously think about pulling this out of the record. Get it... If you're going to continue to talk, stay here over the weekend, get it resolved and we'll come back next week and do a Bill that does what you intend it to do. Thank you, Mr. Speaker."

Speaker Lang: "The Chair recognizes Representative Poe."

Poe: "Mr. Speaker, will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Poe: "Yeah, Mike, are you bringing this Bill to the House Floor

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

for your concern about agriculture and their livestock industry or objection to the industry?"

Smith: "I think both, frankly, Representative. We do have concern about, certainly about agriculture and about the industry and about its continued viability in the State of Illinois. We also have some very serious concerns on behalf of the citizens that we represent who have some very serious environmental concerns."

Poe: "Will this Bill limit where hog facilities can be built in the State of Illinois?"

Smith: "Yes, this is the first time we've had the opportunity to vote on legislation, which would say that there are certain areas in the state that are environmentally sensitive, where we should not construct a facility."

Poe: "Have you identified areas in the state where we should be building these livestock management... or livestock facilities?"

Smith: "No, we have not. We have identified areas that we feel are environmentally sensitive."

Poe: "Do you feel if there's areas in the state where we can build these facilities, that we ought to protect them from urban development and those kind of things, and save that for agriculture where they can be developed?"

Smith: "Yeah, I think that's a whole other issue altogether, Representative."

Poe: "Well, it's not. Your... got the same issue. If you're going to limit where you're going to let someone build, then you better make some opportunities in the state where they can build. Now, if you're going to solve the problem, if you're just going to go out and go against the industry, you ought to be, also, facilitating some help."

Smith: "Representative Poe, are you talking about zoning issues,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

local control issues...?"

Poe: "At this point. You're going to say that we can't build in an area, but there's other areas in the state where we can, but yet, we can go out and have urban growth in those areas and then that also limits the growth. So you've got to identify areas where we can build these facilities."

Smith: "We are not doing that in this legislation, no. I think other Members have proposed legislation this Session that maybe would do what you're saying."

Poe: "What effect does this Bill have on the family farm?"

Smith: "Depends on your definition, Representative, of the family farm. Depends on how many animal units that that family farm might operate with."

Poe: "Do you feel that this will hurt the family farm as we know it in Illinois today?"

Smith: "No, I do not, Representative."

Poe: "Okay, let's say that I'm a family farmer. I have a hog operation on one of the aquifer soils that you're talking about. My son comes home from college. I applied to increase my operation and you're going to say, 'No, you can't.' So, tell me how that's not detrimental to the family farm."

Smith: "It depends on the size of the operation. Representative, we're talking about...definitely in that case, we're talking about large facilities in those areas, and we're saying that we definitely feel there are sensitive areas where we should not have construction or expansion."

Poe: "So, actually then, you're limiting the growth of a small family farm to try to get bigger, where he can bring his family home, bring them into the operation, and we're going to say, 'No, you can't do that.'"

Smith: "If they are in an environmentally sensitive area."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Poe: "What's this Bill do for economic development in Illinois? Expand the hog industry, it affects hog processors, all those kind of things. What's this Bill going to do to grow economic growth for the State of Illinois, more exports, more tax dollars we're going to receive?"

Smith: "This legislation is designed to protect the environment and maintain a quality of life in our rural areas."

Poe: "So, this Bill, how will it affect, in your insight, the future of agriculture in the State of Illinois? We are talking about an industry here."

Smith: "That's right. It is our hope that with the enactment of this legislation, we can provide some reasonable changes to the law to allow the industry to continue to prosper in the state, mindful of environmental concerns."

Poe: "Mr. Speaker, to the Bill. I feel that we're setting a terrible precedent in the State of Illinois to business in general. We're wanting to limit an industry from growth, we're wanting to affect the family farms and we send a message out to any business that wants to locate in the State of Illinois, that when they come to Illinois, if we don't like how they're running their business, we in the State Legislature will come in and try to run it for them. So I'd urge everybody here for a 'no' vote."

Speaker Lang: "Mr. Clerk, committee announcement."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on May 7, 1998, reported the same back with the following recommendations: 'direct floor consideration' for House Resolution 484; be 'approved for consideration' Senate Bill 1904, House Amendment #6; for Amendatory Vetoes, Senate Bill 363 be 'approved for consideration'."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Lang: "The Chair recognizes Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. First of all, let me commend Representative Smith and Representative Moffitt and the other parties to this 'Peoria Six' who have worked so hard to bring us a bipartisan concept on the question of how we deal with large pig farms here in Illinois. Now, they came to our Committee, Livestock Management, and Mike Smith presented his Amendment. It was adopted..."

Speaker Madigan: "Mr. Hannig, if I could interrupt for just a few moments. Ladies and Gentlemen, we have a very distinguished visitor with us this afternoon, the Police Superintendent from the City of Chicago, Superintendent Terry Hilliard, who has just assumed his position. He is a long time member of the police force; worked his way up the ranks, understands the problems of law enforcement in the City of Chicago and has been selected to be the Superintendent. Is already doing an outstanding job as the Superintendent. Let me give you Superintendent Terry Hilliard."

Terry Hillard: "Thank you. Good morning. Thank you, Mr. Speaker. I'd just like to ask you for one thing. Would you keep myself and those young police officers, not only in Chicago, but across this state and across this country in your prayers, and I really mean that from the heart. Other than that, please support us. Thank you very much."

Speaker Lang: "Representative Lang in the Chair. Mr. Hannig, please proceed."

Hannig: "Yes, thank you, Mr. Speaker. So, Representative Smith and the 'Peoria Six' came to our Livestock Committee and presented this concept to us. Now, we adopted their Amendment, a previous Amendment, in committee. But during

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

the debate on that Amendment there were some points raised by the banking industry as to what their liability might be when they foreclose, as well as some points raised by members of the Ag Committee and from the ag community. And so Representative Smith has come forward with an Amendment, which I believe and the members of the committee believed on a bipartisan basis yesterday, addresses those points. So it seems to me that what this Amendment tries to do is make this proposal a better proposal. It tries to clarify some language where people thought that there was some problems, and it tries to make some concessions and move in the direction that some of the folks from the ag industry suggested we should move. The Amendment was supported by the Stewardship Alliance very strongly. The Amendment, I believe, makes the Bill a better Bill, and so I would suggest that we give the Sponsor an opportunity to adopt this Amendment so when we debate this Bill on Third Reading, it can be in the best form possible for potential passage over back to the Senate. So, I would ask Members on both sides of the aisle to recognize that this working group of 'Peoria Six', a bipartisan group, have put in a lot of time on this proposal, that they do not belong to either side of the agenda, that they have worked very hard to address a problem in their area. They have received editorials from all over the state commending them for their efforts and I think that this Amendment is another effort on their behalf to solve an important problem here in the State of Illinois, and I'd urge Members to allow us to adopt this Amendment and put the Bill in good form for passage at a later date. Thank you."

Speaker Lang: "The Chair recognizes Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. Will the Gentleman

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

yield?"

Speaker Lang: "The Gentleman will yield."

Leitch: "Representative, if this Bill were to pass in the Illinois House and go to the Senate, what would happen to this Bill?"

Smith: "Representative Leitch, the intent, I believe of Senator Sieben, who is the Senate Sponsor, is to..."

Leitch: "Put it in conference, is that not correct?"

Smith: "...put it in conference so we can continue the negotiations and discussions."

Leitch: "Absolutely, because many of the questions that have been raised and many of the details that have been raised, won't be in the finished product, will they, Representative?"

Smith: "That's correct."

Leitch: "But the concerns that each of you should have, that we should have, is that we keep alive for the Conference Committee and for the negotiation for individual subjects that need to be addressed. Now, as Representative Moffitt who had it right suggested, we had language in there on the agronomic rate, but that's been agreed to be changed and will be refined because nitrogen still is...got the most science behind it and is most appropriate for this legislation. And we have another Section, because in your district and others there are farms that are locating close to each other so that they can escape the other rules. That, too, is a subject that needs to be kept alive and put into whatever final product emerges. And, yes, the issue of hundred year flood plains and the other subjects. Well, if you think that these mega hog farms ought to be constructed in hundred year flood plains without some special rule, without special consideration, then go ahead, vote against this proposal. Go ahead and tell your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

constituents that in the future, and if you think there shouldn't be some well-thought-out, admittedly it needs work, some well-thought-out language on liability, then fine. Many of us think it is gross that the small guys are the ones taking all the risks, limited upside on these contracts and the big guys are off the hook. And so, it is for those reasons that I urge you to keep this Bill alive. Send it to the Senate, send it to conference, and let us continue to work out these important issues that are critical to having a responsible Bill in Illinois. And so, with that, I would like to add my voice to the others who would urge you to pass this Amendment, pass this Bill and send it over to the Senate where these and other key issues can continue to be refined in a spirit of bipartisan, bichamber cooperation so that we can ultimately provide the very best for the citizens in Illinois. Thank you."

Speaker Lang: "Representative Biggins."

Biggins: "Mr. Speak... Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Lang: "State your inquiry."

Biggins: "Well, I'm very optimistic because a few minutes ago, maybe a half an hour ago now, I saw the President of the State Senate and Speaker of the House together in conference up there and I thought maybe, maybe the President of the Senate is asking the Speaker to call such Bills as the COLA Bill, House Bill 868, or perhaps the middle class tax relief, House Bill 3615, and the teachers 2.2 Bill, Conference Committee Report #1, or Representative Parke's outstanding idea for an income tax cut, or maybe even just the House Joint Resolution #12, requiring a three-fifths vote to raise taxes. So, I thought since maybe you're there and you probably had words with the real

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker of the House, you could report to us if that's the conversation they had, because subsequent to their having that conference, there was a Rules Committee that was called, and the Rules Committee may have pushed these Bills out. I just want to know if I can start reading my computer if they're going to be in there then be reported to the floor. Could you help me with that, Sir?"

Speaker Lang: "Mr. Biggins, I wasn't in the conference you refer to, so I would think you should direct your question and your inquiry to someone who was in that conference. The Chair recognizes Representative John Turner."

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

Speaker Lang: "The Gentleman yields."

Turner, J.: "Representative, I'm a little bit confused. I thought I knew what your Amendment said. One of the members of your 'Peoria Six', just a moment ago, said something about the one hundred year flood plain and voting against this Amendment would mean you're voting with regard to building or expansion on a hundred year flood plain. I don't see in your Amendment where your Amendment has a thing to do with the hundred year flood plain. Am I right or am I wrong?"

Smith: "That's in the underlying Bill, Representative Turner."

Turner, J.: "Does this Amendment say anything about a hundred year flood plain?"

Smith: "This Amendment does not."

Turner, J.: "Thank you. The Amendment, instead, speaks to something called the aquifer material, does it not?"

Smith: "I'm sorry, could you repeat that, Representative Turner?"

Turner, J.: "Yeah, the Amendment instead uses the phrase aquifer material, does it not?"

Smith: "That's correct."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Turner, J.: "And you've given us the definition of aquifer material, not that I think, I know I didn't understand it. I have a hard time believing anybody else in here could understand it. It's pretty technical. But I think what's important for us to understand is, where is this aquifer material? Do you have a map? You're from Tazewell County. What parts of Tazewell County have this aquifer material? What parts of your county will be excluded or be prohibited from either building a new facility or expanding an existing facility? Do you know that?"

Smith: "Well, Representative Turner, just to clarify. I am from Fulton County, not from Tazewell County. As you know, I do represent part of Tazewell County."

Turner, J.: "Oh, well, then the question should be rephrased. As to Fulton County, then?"

Smith: "We're talking about aquifer material very limited where it is only five feet from the bottom of the surface."

Turner, J.: "I'm not worried about that definition, I've read that. What I want to know is where does this exist in the State of Illinois? You're asking 118 persons in this chamber to determine whether or not to vote for your Amendment. How much of their particular counties does it affect or townships? Do you have a map for us so we can tell whether or not it affects our home counties and townships?"

Smith: "Yes, Representative Turner, we do have that map which is from the Illinois Department of Natural Resources. Be happy to share that with you or any other Member of the Body that would like to see that."

Turner, J.: "Well, let's start with Fulton County, that's where you're from. How much of Fulton County is going to be excluded if we pass this Amendment?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Smith: "A very small portion, Representative. I think you'll find in Fulton County that's areas that are adjacent to the Illinois River or to the Spoon River."

Turner, J.: "Representative, are there any areas in the state where a family hog farmer is raising hogs above aquifer material and by passing your Bill, they will be precluded from expanding their facilities?"

Smith: "I believe they would be grandfathered in up to 50 percent expansion."

Turner, J.: "They're going to be grandfathered in? Does this Amendment grandfather them in?"

Smith: "The underlying Bill, yes."

Turner, J.: "The underlying Bill will grandfather those persons in... or those family farms in?"

Smith: "That is correct."

Turner, J.: "One member of the... a different member of the 'Peoria Six' said that this is a... I think you said it was a work in progress, another Member said, let's advance the Bill, advance the process. To me, that presumes that you expect this Bill to be called in the Senate. Now, if this Amendment is put on, this Bill is passed, you're expecting the Senate to pass this same version? Have you had any discussions with the Senator or with the President of the Senate perhaps, as to where this Bill's going to go if it's a work in process?"

Smith: "I don't think I said, Representative Turner. I have talked to the Senate Sponsor, Senator Sieben. I think it would be his plan to begin the process of sending this Bill to Conference Committee."

Turner, J.: "So, what we're voting on is not what we're going to get? Are you assuring us right now, no matter what we vote on, we're not going to get it. That's basically what

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

you're saying, as I understand it, and from what your other colleagues have said, who are a member of the six."

Smith: "I am saying, Representative, that we want to advance this Bill so we can continue the discussions that have been taking place this week, so that we can come up with language and legislation that can be passed by both chambers so that we can do something substantive before we go home in a couple of weeks."

Turner, J.: "So, we need to come up with some correct language and the language we're going to pass right now is not correct. Is that what you're telling the Body?"

Smith: "I'm not willing to concede that, Representative. I'm saying that there are those who believe that, and we're willing to work with them to improve the language."

Speaker Lang: "Mr. Turner, your time has expired. Do you need additional time?"

Turner, J.: "Can I have another five minutes or so?"

Speaker Lang: "Representative Bost will yield his time to Mr. Turner."

Turner, J.: "Mr. Speaker, I thank you for that. All right, so you're conceding then, as many of your colleagues have conceded that we need to make some improvements on this. Now what improvements are we going to make, because I want to know what the final product's going to say? What are those improvements that you are contemplating putting on this Bill, as amended, assuming Amendment #4 goes through?"

Smith: "Representative Turner, we don't know what that is going to be. We are starting with the parameters of the Senate version and this version. I wish I could tell you that. I'd be happy to invite you to join in those deliberations."

Turner, J.: "Well Repre..."

Smith: "We'd be happy to expand the 'Peoria Six' to be the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

'Peoria Seven', if you would like to join us."

Turner, J.: "Well, thank you for the invitation. I'll consider that. If I were to come, would you take any of my ideas into consideration?"

Smith: "We've taken all ideas into consideration, Representative. As you know, we have listened to many parties on this issue."

Turner, J.: "All right, then consider me a member at this point. Here is my idea. Let's get this Bill in a position so that we all know what it's going to say, so that we know what we're voting on. Let's get it in final form before you ask for us to vote on it today. Let's take it out of the record, let's get that improved language, which we don't know what it is yet, and let's then present the Bill again so that when the Members are called upon to take this vote, which is very important, we'll know what we're going to get. That's my idea. Is it a welcome one?"

Smith: "Representative, I don't think your membership has been approved in the 'Peoria Six' just yet, but..."

Turner, J.: "It's revoked now?"

Smith: "Representative, as you know, when we get in the final weeks of Session this occurs on many issues. We're asking the Body to keep this Bill alive in the next two weeks at the Senate Conference Committee so that we can come back here with something this spring."

Turner, J.: "Well, Representative, whether or not Floor Amendment #4 is adopted, this Bill remains alive anyway, doesn't it? At least that's understanding of the procedure here."

Smith: "That's true, Representative, and this is just an attempt on my part and the other Sponsors of the Bill to improve the existing language we have here."

Turner, J.: "All right, but whether or not Floor Amendment #4

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

passes or fails today, the Bill is still alive. You're still going to bring it back before the Body with or without #4, so it's still alive, is it not?"

Smith: "That's right."

Turner, J.: "All right. Now, Representative Cross had found a problem with the Bill that I, frankly, had not discerned with regard to liability, and I know you said you included all groups in on your discussions and he had either explicitly or at least intimated that the trial lawyers probably would have a problem with the part of your Bill which simply says, that a conservator, whatever that is, or a executor or a fiduciary will have absolutely no liability. Now, were the trial lawyers a part of the discussion and have they approved of that language? And if not them, how about the Illinois State Bar Association?"

Smith: "No, Representative, neither group has filed any opposition to that language. We're not aware of their position."

Turner, J.: "This Amendment didn't come through the Agriculture Committee, did it?"

Smith: "This Amendment was heard in the Livestock Management Committee."

Turner, J.: "Well, you know, Representative, you and I have sat on the Ag Committee and we have talked about the Livestock Management Facilities Act since you and I have been here, essentially, as newly elected Representatives, and we have always until several weeks ago, dealt with it, as far as I know, in the Ag Committee. Now why was a specially created committee formed to hear this particular issue?"

Smith: "Well, Representative Turner, I can't answer that question."

Turner, J.: "Well, could we speculate then? Maybe because the Ag

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Committee, which was methodically plodding along trying to find legislation to accomplish all of our goals to protect the environment and protect the family farmer, was it maybe because there were certain persons who weren't getting the answer that they wanted from the Ag Committee, so they formed their own committee? Is that fair speculation?"

Smith: "I can't speculate on that, Representative Turner."

Speaker Lang: "Mr. Turner, your time has expired. The Chair recognizes..."

Turner, J.: "Can I have a little more?"

Speaker Lang: "...Representative Brady."

Brady: "Would the Sponsor yield?"

Speaker Lang: "Of course he will."

Brady: "Representative, you may have answered this already, but in this Amendment, you used the term 'aquifer material'. Can you define that for me?"

Smith: "Would you like the full definition, Representative Brady? Aquifer material is defined as sandstone which is five feet or more in thickness, or fractured carbonate which is ten feet or more in thickness, or sand or sand and gravel as defined, herein, such that there is at least two feet or more present within a five foot section of a soil boring performed in accordance with this Section."

Brady: "Thank you, Representative. To the other issue of your Bill, the one that Representative Turner began on and Representative Cross. I understand what you're trying to do here, and I applaud your effort, and I think there are certain things that this Body ought to do to improve the laws as they deal with livestock management facilities. But I don't believe that sending a bad piece of legislation over to the Senate is a good idea. And it seems to me, that it was brought up that you have unprecedented language

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

that limits liability in this Amendment that ought not to be voted on by anybody. In fact, anyone who votes for this could be hit with a direct mail piece or anything else, saying that they are limiting the liability in very serious circumstances for trustees and others associated in the terms of this Bill. Would you not agree with that?"

Smith: "I'm not sure of that, Representative Brady. We're investigating that point, which was brought up earlier."

Brady: "Representative, if that's is, in fact, true, do you really want this Body to vote on that?"

Smith: "Representative Brady, as it's been stated, we have put this language in this Amendment in an attempt to address concerns that were raised in committee. And we'll continue to work with the....."

Brady: "I understand that, Representative, but if that is true, if Representative Cross's allegations are... or his interpretation is true, do you really want this Body to vote on that?"

Smith: "No, Representative Brady, as I stated, that is not the intent..."

Brady: "Then don't you think it would be wise to pull this Bill from the record until you could, in fact, prove whether that it is true or not. You are, in fact, asking this Body to vote on something that you cannot deny to be negative. That you are putting the State of Illinois, the legislative Body in a position to pass a law or an Amendment that would not do, in fact, what you want. Now, if you want to gut this Bill and make it a Shell Bill and send it over for a Conference Committee to be worked on, that might be... in fact, I might even vote for that."

Smith: "Representative Brady, I believe..."

Brady: "But what you're doing here, Representative, is you're

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

putting us all in a position to vote for something that you have admitted you don't know what it means, and if it means what Representative Cross has indicated, that's a position I don't think you want to put us in."

Smith: "Representative Brady, I have stated that we are willing to address those concerns. I've also stated that is not the intent of this Amendment."

Brady: "Representative, we have 15 days... Our deadline is not until May 15th. What's the hurry? Why not take it out of the record, think about it, get an interpretation on it and come back with an explanation to this Body? Some of us feel that this is a very serious issue that needs to be dealt with and, frankly, I don't think this is the attention this issue needs. Legitimate questions have been raised about liability, legitimate questions that need to be addressed before you ask this Body to vote on this Amendment. Don't you agree? You've said that you don't know how to define or interpret this language. Don't you agree that this Body is at least entitled to an explanation conclusively by the Sponsor, before we're asked to vote on it?"

Smith: "Yes, Representative Brady, we will have that explanation when we vote on this Bill on Third Reading."

Brady: "Representative, we're asked to vote on it as an Amendment. That's the same thing. You're... You're asking us to make an opinion, a decision on whether or not this should become or be moving toward becoming legislation. I would ask you to define what you're trying to do before you ask us to do that and you have not done that. It may be, in fact, a perfectly good provision, but you can't answer to this Body whether it is or not, and I think that's a terrible position to put us in."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Smith: "I'm sorry you feel that way, Representative Brady. Again I would state that...that we're asking for permission to improve our Bill with this language. Those concerns have been raised and we will address those concerns..."

Brady: "That's not the issue, Representative, we're talking about a specific..."

Smith: "...before Third Reading, just as we do on many other legislation, just as I have...have extended that courtesy in voting for Amendments of other Members. Happens everyday, Representative."

Brady: "Representative, if, in fact, Representative Cross is right, do you want to do that? Do you want to limit the liability to the extent that he has indicated that's possible here. Is that your intention?"

Smith: "Representative Brady, I've stated to you and to others who have asked that question, that is not the intent of this Amendment."

Brady: "Thank you. To the Bill."

Speaker Lang: "Please Bring your remarks to a close."

Brady: "I will, thank you. With all do respect to the Sponsor of the Amendment, I think he is making a grave mistake here. This Body deserves an explanation before we're asked to vote on something that is contentious and could do as much harm as this could possibly do to the people of Illinois. Sure, it may become a Conference Committee Report later. If that's the case, strike all this language, send it to the Senate, create a Conference Committee Report. We'll all work on making the state laws better as they affect us, but don't ask us to vote for something that severely limits the protective rights of the people of Illinois. Vote 'no'."

Speaker Lang: "Representative Woolard."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

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

Speaker Lang: "The Gentleman will yield."

Woolard: "Mike, for my little history lesson, do you serve on the House Ag Committee?"

Smith: "Yes, I do, Mr. Chairman."

Woolard: "Thank you, Mike. Are you also a part of the newly formed Waste Management Committee that was established this year?"

Smith: "That's right."

Woolard: "When you avail yourself to the Ag Committee, I'm sure that you wanted to address those issues that you thought were important to the Ag community of this state or you wouldn't have chosen to participate, is that correct?"

Smith: "That's right."

Woolard: "Are you believing the same things dictate the addition of yourself to the new committee that was formed? Are you there for the sole purpose of making agriculture and the industry a better place and the people that live there a better area to reside in in this state?"

Smith: "That's right."

Woolard: "Has there been in the recent past, the last several weeks or days, has there been some concerted efforts on individuals to get the varying groups together to try and address some kind of compromise between the piece of legislation that was sent to us from the Senate and the direction that the great group of individuals who serve in the Peoria area, the 'Central Illinois Six', as has been referred to. Has there been some concerted effort to bring compromise to that issue?"

Smith: "Yes, there has, Representative. As you know, you've participated in those discussions and there has been considerable effort this week."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Woolard: "Is there... Is there some movement that you believe has already taken place that might make a difference for both of those groups, those residents that you're concerned about who live in rural Illinois, and those farmers who have been actively involved in the livestock business in this state for the last several years, hundred years even?"

Smith: "Yes, I do."

Woolard: "With that in mind, we concluded a meeting this morning. What was the atmosphere with which you felt when we left that meeting?"

Smith: "I thought the atmosphere was fairly positive, Representative."

Woolard: "And with that in mind, you believe that there truly is the chance and hopefully the reality of some success and...and making a difference for those...both areas of concern, the continuance of the agriculture business in this state, the agribusiness involving livestock, as well as protecting the environment and the neighbors of those farming communities?"

Smith: "Yes, I do."

Woolard: "Is there in... In your opinion, is there several ways that we could approach this subject, maybe this being one, pass something that the Senate would not accept and taking this to Conference Committee? Is there other ways that you believe that we could accomplish this, as well?"

Smith: "Yes, I think there are many schools of thought on this issue."

Woolard: "In believing that there are other approaches than passing this particular Amendment and then having the Senate reject it, what might be some of those other avenues of approach that might work?"

Smith: "I'm sorry, in what particular area, Representative?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Woolard: "Well, would there be the possibility of us successfully coming up with an Amendment on this Bill, which you're in control of, maybe the middle of next week or the first of next week, as far as that's concerned, that might, in fact, put us all in a position to where that we could agree, heading down the road that we've addressed the concerns and the great work that the 'Peoria Six' has involved themselves with, that we've accomplished much on behalf of both the citizenry of rural America and the environment of this state, as well as protect the interest of the agribusiness industry? Is that possible and coming up with an Amendment that would do that?"

Smith: "I think there is a possibility of doing that, Representative. If not, I have talked to Senator Sieben and certainly that would be a part of the Conference Committee."

Woolard: "Was...was it your understanding that maybe the majority of those people that were in the meeting this morning had kind of thought that that's the direction that we may be taking today?"

Smith: "That's right."

Woolard: "So, from the time that we left the meeting, which ended actually after we came to Session this morning, and now we've kind of changed our direction. Is that, is that... I mean maybe you've kind of changed your thought process?"

Smith: "No, not really, Representative. This Amendment was approved in committee last evening and all we're doing is adopting Amendment #4. Third action on this Bill would be sometime next week."

Speaker Lang: "Mr. Woolard, please bring your remarks to a close."

Woolard: "I think that Representative Reitz would like to yield

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

his time to me."

Speaker Lang: "Mr. Reitz yields five minutes to Mr. Woolard."

Woolard: "Following along this discussion, Representative Smith, do you...do you truly believe that this is the only approach that we can take or do you think it's the best approach? Two questions."

Smith: "No, I don't think it's the only approach. I think that it is the best approach before us in terms of the Bill that was sent over from the Senate and the language that we presented, and some of the other Bills that have been presented this Session."

Woolard: "Okay. Would your justification be for your belief that this is the best approach? Would that be because we need to see the 'Peoria Six' language in writing in a past form of some type in order to get the other side to come to the table and discuss this issue? Is that the intent of passing this? Is that to bring... Is that to leverage the other group to come to the table to discuss this issue?"

Smith: "We certainly want to advance our ideas as far as we can, Representative, and we want to continue this process so that...so that we can get something done this spring."

Woolard: "Okay, but...but your belief is not... Do you believe that the agribusiness industry has been less than receptive to discuss some kind of meaningful resolution to this issue using the parameters of that discussion, your concept, the 'Peoria Six' concept, and Representative Stephens Bill, which came to us, 1707, which has been referred to and believed to be the industry's Bill? Has there been meaningful discussion and hopefully resolution to some kind of middle ground compromise on these two pieces of legislation?"

Smith: "Yes, there's... there's been very meaningful discussion

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

and I would not characterize the industries as being less than responsive. I think they've been very responsive in... throughout the two years that we've been working on this legislation."

Woolard: "And I, too, would like to join others who have made comment about the fact that Representatives Smith and Slone and Leitch and Moffitt and Shadid and Hawkinson, from the Senate, have made a real impact and a real difference on this issue. To the Bill, Mr. Speaker."

Speaker Lang: "To the Bill."

Woolard: "But I question in my mind whether or not we're accomplishing anything when we proceed with trying to pass an Amendment, that it seems that there is consensus that it's not going to become law. I believe that we have in hand, at this time, the opportunity to proceed with the compromise that will accomplish many of the concerns that many people have had across this state. I believe that there has been genuine concerted effort to make that happen. There's not been one issue that's been put on the table using the parameters of these two Bills that was not discussed and come to conclusion. Every item that was put on the table came to conclusion in some meaningful fashion, and I truly believe that we have many people to commend for this taking place. I think that the Speaker, and the approach that he has taken, has been very positive. I think that Mike Smith, and Representative Smith and the others deserve much credit, but I also believe that the industry has made a significant progress and accepting the fact that the majority of the people of this state believe that there is a real problem, not just perceptual, but real problem, and we have to address it. I commend them, at the same time I wish that we could proceed with Amendment 5,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

which would, in fact, make a real difference at something that I believe can really hit the Governor's desk and could make a difference for everyone concerned. I hope that we can proceed using the leadership that Representative Smith and his group has provided in coming to this resolution, certainly within the next week. Let me just close in saying, every progressive thing that has taken place in the State of Illinois has happened with compromise and people working together. We do not need the passage of this Amendment to bring the opposition to the table..."

Speaker Lang: "The Chair recognizes..."

Woolard: "I think that everyone recognizes that all of the players have participated in this process and I thank you for that."

Speaker Lang: "The Chair recognizes Representative Slone."

Slone: "Thank you, Mr. Speaker. As a Cosponsor of the Bill and the Amendment, I'd just like to say that I believe, truly, that the number #1 industry in this state has nothing to fear from either this Amendment or from the underlying Bill, that responsible livestock producers around Illinois have nothing to fear from this Bill. The Bill is both the... the language that the 'Central Illinois Six' has put on the original Senate Bill and the Amendment are the results of many months of compromise. This has been referred to by many of the speakers, most recently Representative Woolard. The initiative that the 'Central Illinois Six' has taken came from rural residents and small family farmers who came to us because they had legitimate concerns about very large farms that were not addressed by their farm organizations, and they asked that we help protect them, protect their quality of life, and protect the natural resource space that has no one else to speak

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

for it. We tried to close loopholes in the existing law. We tried to expand the existing law in a way that would be fair to all the parties, and that would be protective of the environment, and protective of the quality of life in our rural areas. And I truly believe that that is the direction in which we have moved and we hope to continue to move in this debate. We would appreciate your support for the Amendment as part of an ongoing process. Many of the points that have been addressed today, I think have certainly got legitimacy, and I would appreciate your courtesy to Representative Smith, who has exercised tremendous leadership on this issue by passing the Amendment, and giving us the time we need to continue the process and bring it to a favorable conclusion before adjournment. Thank you."

Speaker Lang: "Chair recognizes Representative Brown."

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

Speaker Lang: "Sponsor yields."

Brown: "Representative, I come from McHenry County, which is one of two counties most susceptible to groundwater contamination in the State of Illinois, and we have been debating some grandiose ideas here this morning, but my questions have to do with the terminology aquifer material. Having checked with my County Planning and Development and a friend of mine who is a soil scientist in McHenry County, I'm told that the term aquifer material is not a recognized term that would have to be interpreted by soil scientists or the county and that the term, more correctly, should be groundwater bearing soils."

Smith: "Representative, the definition I read earlier is from Title 35, which is Pollution Control Rules."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Brown: "I'm sorry, I can't hear you."

Smith: "The definition I read earlier is from Title 35 of existing rules of the State Env... of the Environmental Protection Act."

Brown: "Well, I know that being on the County Board and having to deal with a lot of groundwater issues in my county, and the other county, incidentally, most susceptible is Winnebago. The precise definitions of the conditions are very, very important. If you leave it open to interpretation you have a real problem. I'm also told that when you remove seasonal high water table that you weaken the restrictions. Was that your intention?"

Smith: "The attempt was to narrow down that definition. When we had seasonal high water table we realized that that encompassed too broad of an area of the state. Aquifer material is a definition that is already recognized in the Environmental Protection Act."

Brown: "Well, I... Again, my county is one of two most susceptible to groundwater contamination in the state, and if my county doesn't understand or has not heard of aquifer material as a definable term, I... for me to vote for your...your Amendment and I...I would hope that you would put in the Amendment the correct geological term or soil scientists who would be able to understand or a county board would understand or the local Pollution Control Siting Faci...Committee would understand what soils you're referring to."

Smith: "Representative, I believe this is the correct geological term and I'd be happy to share this with you. It's straight out of the rules under the EPA Act."

Brown: "Are you a soil scientist?"

Smith: "No, I'm not."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Brown: "Well, I just finished speaking to a soil scientist in McHenry County, the man who does...whose firm does 80 to 85 percent of soil work in Lake, McHenry, Boone, and Winnebago County, and when I asked them what aquifer material was, he said he didn't have the foggiest idea. He's someone who comes here regularly and testifies as an expert witness."

Smith: "Do you know if he looked that up in the rules under the Environment Protection Act? I mean, I'd be happy to share with you the specific citation where this is clearly defined."

Brown: "Could you... Could you change the wording to groundwater bearing soils?"

Smith: "I don't think we can do that, Representative Brown, because then you... what we're talking about is referring to the definition that's already in the rules. So, you would have to change the rule."

Brown: "I'm told that the term that I just gave you, groundwater bearing soils, is the commonly recognized and most understood term, not aquifer material."

Smith: "It's not recognized, apparently, by the Pollution Control Board, which adopted this rule."

Brown: "So, you... you wouldn't change it or go back to your seasonal high water table?"

Smith: "The seasonal high water table, Representative, would have amounted to an exclusion of about 40 to 50 percent of the state."

Brown: "You... You changed the term... You took out seasonal high water table and substituted aquifer material."

Smith: "That is correct, because we felt this was a more exact definition."

Brown: "And I'm told that the two most susceptible counties, Winnebago and McHenry County, don't know what that means."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

How are they going... How is the local... How are the locals going to interpret the term?"

Smith: "Representative, again, I would be glad to share this with you and we'd be glad to share it with your constituent. I think that these are clearly recognized definitions by the state...by the state geological survey."

Brown: "How susceptible to groundwater contamination is Peoria and Tazewell County?"

Smith: "There are certain areas, Representative, that are. As you know, those counties are adjacent to the Illinois River. We'd be happy to share with you, as I said earlier, the map that would identify those areas."

Speaker Lang: "Mr. Brown, your time has expired. Can you bring your remarks to a close, please?"

Brown: "No."

Speaker Lang: "Representative Smith to close. Excuse me. Mr. Brown, for what reason do you rise?"

Brown: "No."

Speaker Lang: "Mr. Smith, please."

Smith: "Thank you, Mr. Speaker. Could we have... Thank you, then you cut me off, Representative... Mr. Speaker. Thank you to the Body for your indulgence in the debate on this, and again, Amendment #4 is an Amendment to clarify the language that we are presenting in the underlying Bill. We would ask for the Body's courtesy to allow those of us, who are the Sponsors of this legislation, to amend the existing Bill to improve the language that we have in there, to allow us to continue this process, to allow this legislation to move forward so that we can continue the very positive deliberations which have taken place this week so that we can do something positive on this issue this spring. Echo the comments of Representatives Moffitt,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Leitch and Slone in saying that this is a very important area, not important issue not just in our area of the state, but throughout the state. Please allow us to...to continue advancing legislation to improve the existing Act and do it this spring. Thank you."

Speaker Lang: "As a reminder to the Members, Mr. Hartke has asked for a Roll Call and a verification. The question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 1707?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This takes a simple majority. Have all those... Have all voted who wish? Mr. Clerk, please take the record. On this question there are 57 voting 'yes', 56 voting 'no' and 3 voting 'present', and Mr. Hartke has asked for a verification. Mr. Clerk, please name the Affirmative Roll."

Clerk Rossi: "Poll of those voting in the affirmative. Representatives Acevedo. Bergman. Biggert. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Clayton. Coulson. Crotty. Currie. Dart. Davis, Monique. Davis, Steve. Erwin. Feigenholtz. Flowers. Fritchey. Gash. Hannig. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Krause. Leitch. Lopez. Lyons, Eileen. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Andrea. Moore, Eugene. Murphy, Harold. Persico. Rodriguez. Ronen. Schoenberg. Silva. Skinner. Slone. Smith. Stroger. Tenhouse. Turner, Arthur. Winkel. Wood. Younge and Mr. Speaker."

Speaker Lang: "Mr. Hartke, Mr. Brunsvold has asked leave to be verified. Mr. Brunsvold leave is granted. Proceed please, Sir."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Hartke: "Representative Murphy."

Speaker Lang: "Representative Murphy? Representative Harold
Murphy? Mr. Clerk, please remove him."

Hartke: "Mr. Kenner."

Speaker Lang: "Mr. Kenner is in his chair."

Hartke: "Mr. Morrow."

Speaker Lang: "Representative Morrow? Representative Charles
Morrow? He's voting 'no'."

Hartke: "How about Representative Shirley Jones."

Speaker Lang: "Representative Shirley Jones? Is Representative
Shirley Jones in the chamber? Representative Jones.
Please remove her, Mr. Clerk."

Hartke: "Representative Silva."

Speaker Lang: "Representative Silva is in her chair, Mr. Hartke."

Hartke: "How about Representative Burke."

Speaker Lang: "Representative Burke? Representative Dan Burke?
Does not appear to be in the chamber. Mr. Clerk, please
remove Mr. Burke."

Hartke: "I don't see... Representative Crotty."

Speaker Lang: "Representative Crotty? Representative Crotty is
in the front by the press box, Mr. Hartke."

Hartke: "How about Representative Clayton."

Speaker Lang: "Representative Clayton? Representative Verna
Clayton? The Lady does not appear to be in the chamber.
Please remove her, Mr. Clerk."

Hartke: "Representative Stephens, Ron Stephens."

Speaker Lang: "Representative Stephens."

Hartke: "He's voted 'no'."

Speaker Lang: "Okay. Mr. Clerk, Representative Burke has
returned to the chamber. Please restore his 'yes' vote."

Hartke: "That will be all, Mr. Speaker."

Speaker Lang: "The Chair recognizes Representative Smith. For

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

what reason do you rise, Sir?"

Smith: "Yes, Mr. Speaker, I would like to poll those voting in the negative."

Speaker Lang: "The Gentleman's within his rights. Mr. Clerk, please poll those voting in the negative."

Clerk Rossi: "Poll of those voting in the negative. Representatives Ackerman. Beaubien. Biggins. Bost. Brady. Brown. Churchill. Cowlshaw. Cross. Julie Curry. Daniels. Deuchler. Durkin. Fantin. Giglio. Giles. Hartke. Hassert. Hoeft. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Kosel. Kubik. Lawfer. Lindner. McAuliffe. Meyer, J. Mitchell. Morrow. Mulligan. Myers, R. Noland. Novak. O'Brien. Pankau. Parke. Phelps. Poe. Reitz. Righter. Roskam. Rutherford. Tom Ryder. Saviano. Schakowsky. Scott. Scully. Stephens. Turner, John. Wait. Winters. Wirsing. Woolard and Zickus."

Speaker Lang: "Mr. Smith."

Smith: "Representative Saviano."

Speaker Lang: "Representative Saviano? Representative Angelo Saviano? He's not in the chamber. Please remove him."

Smith: "Representative Giles."

Speaker Lang: "Representative Giles? Mr. Giles? Mr. Giles is not in the chamber. Please remove him. Mr. Smith, Mr. Tim Johnson would like to be verified. He's up in the front. Representative Morrow would like to be verified. He's up in the front. Gentlemen both have leave."

Smith: "Representative Giglio."

Speaker Lang: "Representative Giglio? Representative Mike Giglio? Does not appear to be in the chamber. Please remove him."

Smith: "That's all, Mr. Speaker."

Speaker Lang: "Mr. Hartke, for what reason do you rise?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Hartke: "Yeah, do I get to try it again?"

Speaker Lang: "Not according to the Rules, Sir."

Hartke: "Why? Any time before the final vote is taken you can request a verification."

Speaker Lang: "Mr. Hartke, House Rule 56(d) says, 'a request for verification of the affirmative and negative results of a record vote may be made only once on each record vote.' Mr. Clerk, take the record. On this question there are 54 voting 'yes', 53 voting 'no' and 3 voting 'present', and the House does adopt Floor Amendment #4. Anything further, Mr. Clerk?"

Clerk Rossi: "No further Amendments, but a State Debt Impact Note has been requested on the Bill, as amended, by Floor Amendment #4."

Speaker Lang: "The Bill shall be held on the Order of Second Reading. Mr. Hartke, for what reason do you rise?"

Hartke: "In spite of your vote for or against this Amendment, you're all welcome to have cake over here up front. It happens to be my birthday today. Thanks a lot."

Speaker Lang: "Thank you, birthday boy Hartke. Thank you very much. If we bring the remainder of that cake to our apartment, maybe we can get your livestock out of my bedroom. Thank you very much. On page 12, there appears Senate Bill 1784 on the Order of Second Reading. Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1784, a Bill for an Act in relation to appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Lang: "Third Reading. Mr. Clerk, please read Senate Bill 1785."

Clerk Rossi: "Senate Bill 1785, a Bill for an Act regarding

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Lang: "Third Reading. Mr. Clerk, please read Senate Bill 1786."

Clerk Rossi: "Senate Bill 1786, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Lang: "Third Reading. Mr. Clerk, please read Senate Bill 1787."

Clerk Rossi: "Senate Bill 1787, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Lang: "Third Reading. On page 12 of the Calendar appears Senate Bill 1835, Representative Wood. Out of the record. House Bill... Sorry. Senate Bill 1846, Representative Eileen Lyons. Please read the Bill, Mr. Clerk. Representative Lyons, are you aware that there are Notes filed with no...that have not...there are...the Notes have not been filed on this, before we proceed? So, out of the record. On page 12 of the Calendar, Senate Bill 1878, Representative Holbrook. Mr. Holbrook. Please read the Bill. Mr. Holbrook, we need to take this out of the record, if you please. On page 11 of the Calendar appears Senate Bill 1627, Representative Wirsing."

Clerk Rossi: "Senate Bill 1627, a Bill for an Act relating to higher education. Second Reading of this Senate Bill.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The Fiscal Note that was requested on the Bill has been filed."

Speaker Lang: "Third Reading. Mr. Clerk, what is the status of Senate Bill 1938?"

Clerk Rossi: "Senate Bill 1938, a Bill for an Act concerning special license plates. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that were requested on the Bill have been withdrawn."

Speaker Lang: "Third Reading. Mr. Clerk, on page 6 of the Calendar, what is the status of Senate Bill 1028?"

Clerk Rossi: "Senate Bill 1028, a Bill for an Act amending the Illinois Controlled Substances Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Wojcik, has been approved for consideration."

Speaker Lang: "The Chair recognizes Representative Tenhouse. For what reason do you rise?"

Tenhouse: "Mr. Speaker, I rise at the request of the Sponsor of Floor Amendment #2 and ask that it be withdrawn from consideration."

Speaker Lang: "Withdraw the Amendment, Mr. Clerk."

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Lang: "Third Reading. On page 4 of the Calendar, under House Bills Third Reading, Third Reading, appears Senate Bill 1217, Mr. Dart. Please read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1217, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Lang: "Mr. Dart."

Dart: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill...or Senate Bill 1217 merely... Merely. It removes the affirmative defense for child pornography in the area of libraries. I've yet to find any opposition to this Bill. I believe it passed unanimously out of the Senate, I've had no opposition in committee and as I say, at this time I know of no opposition and I would move for the passage of Senate Bill 1217."

Speaker Lang: "The Gentleman moves for the passage of Senate Bill 1217, and on that question the Chair recognizes Representative Stephens."

Stephens: "Is the Third Reading bell broken again today?"

Speaker Lang: "There's your bell for your Bill. Is that all you had to talk about, Mr. Stephens? Do you have any questions on the Bill?"

Stephens: "Mr. Speaker, with all due respect, at this time that's all I wish to discuss."

Speaker Lang: "Thank you. Seeing no further discussion, the Gentleman moves for the passage of Senate Bill 1217. This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Senate Bill 1223, Representative Monique Davis. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1223, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Davis, M.: "Thank you, Mr. Speaker. This Bill is to eliminate a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

growing gap of tax years under the current law in which organizations with legitimate property tax exemptions, claims may be deprived of a forum in which to perfect those claims, sometimes exposing the exempt property to tax sales. And this Bill will allow exemption of claims to be approved by the circuit court for any specific tax year, but only where the State Department of Revenue or a Court on Administrative Review of the department has already approved a similar exemption for the same property for another year. Most important, together with existing Property Tax Code provisions and case law allowing tax sales of exempt property to be set aside at any time. Senate Bill 1233...1223 will authorize courts to void prior tax sales judgments, tax sale deeds or whatever they determine the property was legitimately entitled to exemption."

Speaker Lang: "No one seeking recognition, the question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no' and 1 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Birthday boy Representative Hartke in the Chair."

Speaker Hartke: "For what reason does Representative Hoeft rise, please?"

Hoeft: "Thank you. A matter of personal privilege. Would you lead us in the Happy Birthday song, please?"

Speaker Hartke: "No. For what reason does Representative Cross rise?"

Cross: "Do you care to explain the livestock comment made by your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

roommate?"

Speaker Hartke: "No comment."

Cross: "Was he saying there'd be another...there'd never be another you?"

Speaker Hartke: "You'll have to ask him, Representative Cross. Representative Novak, for what reason do you rise?"

Novak: "Yes, Mr. Speaker. I've been discussing your birthday with a few of my colleagues back here and there seems to be a lot of disagreement about the right age that you've reached today. Could you let this Body know the correct age of your body, today?"

Speaker Hartke: "I've been in this august Body for 14 years."

Novak: "No, we're not talking about this voluptuous Body, here. No, we're talking about your body. How old is your body today. We just... there's a number of us that just can't come to agreement. Could you... for the record, could you let us know?"

Speaker Hartke: "What's the average guess?"

Novak: "Well, Representative, I don't want to embarrass you on this one. It goes all the way from 62 to 83, but... just kidding. Could you... that's the high range. And it goes as low as 29. So are you going to let this Body know... you know, birthdays only happen once a year and I figured that you would let this Body know...this Body know what your body, how old your body is today."

Speaker Hartke: "I don't want to confuse the Body, but I'm 54."

Novak: "I'm sorry, Sir, there was some noise in the gallery here. What did you say?"

Speaker Hartke: "Fifty-four."

Novak: "Thank you very much. You are an honest man."

Speaker Hartke: "Representative Turner, for what reason do you rise?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Turner, J.: "Well, Mr. Speaker, I actually have a Motion. Glad to see you in the Chair now and now that you are there my Motion would be to overrule the Chair's decision which will not allow you to do a second polling on the Livestock Management Facilities Act. I'd like a roll call vote on that as well, please."

Speaker Hartke: "Would you restate your Motion, please?"

Turner, J.: "Not sure I could do that. I'll withdraw the Motion, Chuck, take you off the hook."

Speaker Hartke: "Thank you. On page 4, on Third Readings, appears House Bill 1249 (sic-Senate Bill 1249), Representative Lyons. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1249, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker. Senate Bill 1249 amends the Unified Code of Corrections. It adds gun running, a Class I felony, to the list of criminal offenses which are non-probational. Be happy to answer any questions."

Speaker Hartke: "You've heard the Lady's Bill. Is there any discussion? The Chair recognizes Representative Novak from Kankakee."

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

Speaker Hartke: "Indicates he will."

Novak: "Representative Lyons, what is the definition of gun running in the Bill?"

Lyons, E.: "Gun running is the act of transferring three or more firearms to any person who is disqualified from being the recipient of a firearm under Section 24-3 of the Criminal Code."

Novak: "The transfer. Would that... You mean, just giving

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

someone guns or does that mean a sale or what?"

Lyons, E.: "Either one."

Novak: "Either one. So if I had three shotguns and I sold them to my neighbor, would I fall un...would I be a gun runner?"

Lyons, E.: "Well, the persons who are disqualified under this Section include persons under 18, persons under 21 convicted of a misdemeanor, narcotics addict, those convicted of a felony at any age, a patient in a mental hospital..."

Novak: "Okay."

Lyons, E.: "...within the past five years, mentally retarded or persons under 18 without a valid FOID card."

Novak: "So what you're saying is, if they don't conform to the FOID card requirements they fall under this definition and that would be classified as gun running?"

Lyons, E.: "Correct."

Novak: "Okay, thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall Senate Bill 1249 pass?' This is final action. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1249 there are 116 Members voting 'yes', 0 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1288, Representative Kosel. Representative Kosel, do you care to call your Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1288, a Bill for an Act to amend the Toll Highway Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kosel."

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

House. This is a...the Senate version of the Bill that we discussed before concerning the Tollway Authority and this Bill requires hearings in each of the counties if we are going to increase the toll rate. It requires the tollway to form an advisory committee in any area where they are proposing a new toll road. It requires them to acquire property by negotiation. It requires them to hold public hearings before acquiring that property. It requires them to hold center lines for no longer than 10 years unless they hold hearings again to reaffirm the need for that and many other provisions that are to the benefit of the property owner. It allows the person to keep property within their own home if they so desire before acquiring. They can even keep their home under this provision. It requires them, the Tollway Authority, to pay for an additional appraisal at...appraiser that the homeowner may choose from a qualified list. I would ask for your positive consideration of this Bill, please."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As someone who has devoted a great deal of time and attention working to...with others from both sides of the aisle to make the Toll Highway Authority more accountable to everyone in Illinois, I certainly want to commend the Sponsor on her efforts and urge everyone to support this Bill. I had mentioned to the Sponsor in earlier debate that it would seem to be a logical...a logical thing to do to provide some form of alternative dispute resolution so that homeowners and small business people, who own property, could not get caught in a legal war of attrition with the Toll Highway Authority. However, a check of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Illinois State Constitution indicates that any eminent domain related issue has to go through a court proceeding and then an alternative dispute resolution mechanism, however logical, would be unconstitutional. This is something that I think we do need to explore more, however, because while this goes...makes great strides towards protecting property owners rights and ensuring that their property is justly compensated and that they do have some parity in these discussions. Nonetheless, the issue still remains, how do we prevent property owners, whether it's a small business person or a homeowner, from being on the short end of a protracted legal proceeding? And this has occurred time and time again. However, that is something that we'll have to discuss at another time and I'd certainly encourage everybody to support this Bill. One final note. I find it almost incredulous that we're going to, and incredible, that we're going to protect property owners here today who live in potential tollway corridors, yet by the same token we also have legislation pending where property owners could lose their rights without real recourse so Saks Fifth Avenue can have another store in downtown Highland Park. To me there's a certain amount of incongruity there and I certainly hope we reconcile it between now and the time we leave here. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Kosel to close."

Kosel: "Thank you very much, Ladies and Gentlemen. I would ask for your favorable vote on Bill 1288."

Speaker Hartke: "The question is, 'Shall Senate Bill 1288 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Senate Bill 1288 there were 116 Members voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1339, Representative Dart. Out of the record. Senate Bill 1384, Representative McKeon. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1384, a Bill for an Act concerning children. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McKeon."

McKeon: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1384 does three things. First, it amends the Illinois Public Aid Code for reporting of child abuse and provides that any child care provider receiving funds from the Child Care Assistance Program under the Public Aid Code, who is not required to be licensed under the Child Care Act, must authorize an investigation to ascertain if the provider has been the perpetrator of an indicated report of child abuse or neglect. Secondly, the Bill provides an interagency agreement regarding the investigation of child care providers. It specifically provides that the Department of Human Services must enter into a written agreement with DCFS to provide for interagency procedures to conduct these investigations. And, finally, Senate Bill 1384 amends the Abused and Neglected Reporting Act. It adds to the definition of abused child, a child whose parent or anyone responsible for that child's welfare who commits or allows to be committed an offense of female genital mutilation as defined in the Criminal Code which was passed by this House a year ago and is a Class X felony. I'll gladly answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

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

Speaker Hartke: "Indicates he will."

Cross: "Representative McKeon, the expansion of abuse and neglect is just in the area, if I'm reading this correctly, of female genital mutilation. Is that correct?"

McKeon: "That is correct."

Cross: "Don't...that, currently. I believe Representative Mulligan had that Bill a year ago. That currently is a crime right now, isn't it?"

McKeon: "That was House Bill 106, sponsored by Representative Mulligan. It made the performance of female genital mutilation a Class X felony. What this Bill does is merely put in the Abused and Neglect Reporting Act, which allows DCFS to report an allegation of child abuse."

Cross: "Are you saying that right now under the Reporting Act that no one has an obligation to report that to DCFS if they observe female genital mutilation?"

McKeon: "That's correct."

Cross: "There aren't some other areas in the law that would cover that?"

McKeon: "I don't believe so."

Cross: "Can you explain to us a little more, just from a clarification standpoint, the...the maintaining of the central register? What are you doing in that area?"

McKeon: "This is known as a CANTS check. It's a child abuse and neglect reporting system. Currently, licensed child care providers are checked. Every member of the household 13 years of age or older. In the situation in Illinois, about 50 percent of state funded child support are in nonlicensed child care settings. What this allows is that someone who is receiving payment in a nonlicensed setting, usually in a home that's publicly funded, would have to consent to the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

background check."

Cross: "All right. Representative, as I read this, there's no opposition is there to this Bill?"

McKeon: "There was no opposition to the Bill."

Cross: "And the Department of Human Services and Children and Family Services supports this Bill?"

McKeon: "That is correct. In fact, the Fiscal Note indicates that they could absorb the additional cost with existing staff and would not require a supplemental budgetary allocation."

Cross: "Thank you. Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "Indicates he will."

Turner, J.: "Representative, this is clearly an excellent idea. Who will be required to report under your Act?"

McKeon: "I'm not certain that I understand your question, Representative."

Cross: "Well, doesn't this involve the requirement of reporting abuse? Maybe I don't understand. If you could just run through the Bill real quickly for me again, if my question did not seem pertinent."

McKeon: "The abuse...the abuse report could come from anyone, a family member, a relative, a neighbor, the police, a medical professional."

Cross: "Okay, I understand that. If you don't mind, would you just quickly, in a sentence or two, just run through what the Bill does, then, for me? Because I apparently didn't, from the analysis, gather exactly what it does."

McKeon: "All right. There are three essential components. The first one requires that a CANTS check, child abuse and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

neglect record check, be made for those persons providing child care which is state funded that are not required to be licensed under state law. The second thing the Bill does is provide for an interagency agreement with DHS and the Department of Family and Children Services to conduct those checks of the record. And the third part of the Bill is the addition of female genital mutilization...mutilation to the Abused Reporting Act."

Cross: "Is this requirement for a written agreement already in another part of our statutory scheme under Section 9a-11.5?"

McKeon: "I'm not sure if I can totally answer your question. My understanding that...of this Bill, that it provides or requires an interagency agreement through the rulemaking process to implement the reporting...or the record searches for nonlicensed day care providers."

Cross: "Is DCFS going to provide the form for this or do the written agreement?"

McKeon: "That's my understanding."

Cross: "And your response to my prior question... It's kind of hard to hear over here. ...was that there is no other place in the statute where we require that agreement so we're codifying it by this measure today?"

McKeon: "That is my understanding."

Cross: "All right, thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kane, Representative Hoeft."

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

Speaker Hartke: "Indicates he will."

Hoeft: "I've always had a tremendous difficulty with the definitions of 'indicated', 'unfounded', the DCFS definitions. What is the definition of an indicated case,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

or to maybe to phrase it differently so I don't trap you. An indicated case does not mean a person is found guilty of abuse, but an indicated case says there is credible evidence of abuse. Is this not correct?"

McKeon: "That is my understanding and, Representative, part of the intent in the interagency agreement and rulemaking is to allow the department to establish, through the rulemaking process, how to deal with those records in each individual case, because there may be an unfounded record, an indicated record, a found record of abuse and the department would be able to establish rules approved by JCAR how to deal with those cases and to determine whether or not payment should be withheld."

Hoelt: "So a case is called into the hotline and they send out and they find that there might be evidence of some bruise on a child's arm and there is an indicated case that says there is credible evidence that something happened, but they never follow through with it. They do not prosecute, they do not do anything else, they just indicate it. This is going to block people from providing child care if they have an indicated case against them?"

McKeon: "Not necessarily. That's why it's important through the rulemaking process for the department to develop some guidelines so that they can look at these cases on an individual basis."

Hoelt: "Representative, your Bill addresses a major problem in this state and I commend you for that. It's just the whole question of when a person gets labeled as an indicated child abuser and they haven't had their time in court, they haven't been proved guilty, and yet they are denied or blocked the capacity to help children. I've seen a lot of indicated cases which there was no, absolutely no guilt

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

involved and yet they're indicated by DCFS. The rulemaking, obviously, is going to be very, very delicate. I have enormous problems with people being labeled, aren't given their time in court and because of that, they're going to be blocked from doing the thing they love to do and provide child care, yet, I understand the need to have a screening process with which we will make sure children are protected also. But I would ask if you could focus, please, on making sure that the rulemaking process allows people the legal right in court and individuals who are indicated are not blocked from providing child care until they are found guilty in a court of law where they can defend themselves properly. There is a lot of definitional problems in this Bill. It is a good Bill, it is a good area, but the definition of unfounded and indicated, really gives me grief. One last question. How long will a person's record, indicated record, be kept? It was my understanding that indicated cases are purged like every three years."

McKeon: "My understanding is that for proven cases they're kept indefinitely."

Hoelt: "Yeah."

McKeon: "Now, however, for those where it has not been substantiated, it's five years."

Hoelt: "So every five years the indicated cases are purged and I think that's right and just because this can be tagged onto a person. As you know, labels have a tendency to destroy peoples lives. Unfounded. They keep a record of the unfounded cases?"

McKeon: "It's my understanding that they do."

Hoelt: "So if there is no evidence and they say that there is, not guilty... Excuse me. Go ahead."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

McKeon: "I was just informed that if they're unfounded they're expunged from the record."

Hoefl: "Good. That also helps me considerably. I compliment you on bringing a needed Bill before us. I also say there is a tremendous need for us to focus on the definition so that good people don't get hurt with this also. Thank you, Sir."

McKeon: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Hartke: "He indicates he will."

Lindner: "Representative, I had a Bill that would authorize under the Freedom of Information Act that if there was a...if there was an indicated abuse, that this would be discoverable under the Freedom of Information Act. How does your Bill connect with that?"

McKeon: "This is not for public disclosure and these records are not covered by the Freedom of Information Act."

Lindner: "Okay, this is only a disclosure to DCFS?"

McKeon: "Could you repeat that, Representative?"

Lindner: "This is only within DCFS, this investigation?"

McKeon: "That's... That is correct. These... Within DCFS and the contracting agency, these records are only for the purpose of deciding who we do or do not contract services for day care with."

Lindner: "All right. Do you know... In the Bill it says that to ascertain if the child care provider has been determined to be a perpetrator? Now, would that mean the actual person who is the head of that child care facility or would that be anyone who is in the child care facility. What, actually, is the definition of child care provider?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

McKeon: "It would be the actual providers of care."

Lindner: "So it would be the person who owns the facility or would that extend to employees in that facility also?"

McKeon: "It would extend to employees as well. What this Bill, though, addresses, child care providers that are not required to be licensed, which is about 50 percent of the providers that are being paid by the State of Illinois. Generally, it's someone in their home. It is not, like a child care day center where there are staff. These are people, possibly a next door neighbor, and currently there is no requirement, even though public funds are expended, to provide for that day care to ensure that these providers have not been the perpetrators of child abuse or neglect in the past. For the licensed facilities, the day care centers, where all employees are checked and anyone that has contact with the children, these checks are routine. But what we find is that half of the child care providers that we have are not subject to the license requirement, and the vast majority of those are people like the next door neighbor or the grandmother or another relative in the extended family. This would extend that requirement if it's being paid with public funds to ensure that that person does not have a record of child abuse, and if a record is found, then it's up to the department to make a determination whether or not funds will be withheld."

Lindner: "Okay, and I understand that, but what I'm saying then is, if the neighbor had two other neighbors under his or her employ in the home and the neighbor in whose home it was, was not the perpetrator but maybe one of the people that was working for them was, would they not...would that perpetra...would they not be able to receive the funds, then?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

McKeon: "Anyone, when the investigation is authorized, they would have to identify anyone who would have contact with the child that's being cared for. So if the circumstances, as you addressed, those people would also be subject to a check."

Lindner: "Okay. I understand they'd be subject to the check, but then if the person whose home this was in, who for lack of a better word ran this child care facility in her home, say, and she had an employee who actually was the perpetrator of the child abuse but she didn't know it. Would she not be able to receive those funds for her home facility?"

McKeon: "That's why the second part of this Bill is important, the interagency agreement. Because there needs to be some rulemaking to deal with how the decisions are going to be made within the department, cause we can find scenarios as you have explained, that would make it very unfair to penalize the one person because of the past conduct of another person. So that would be left up to the department and those guidelines would be established through the rulemaking process."

Lindner: "And as Representative Hoeft pointed out, we have no idea right now what those guidelines would be. Is that correct?"

McKeon: "That is correct."

Lindner: "All right. And so we also don't know that... It would be subject to the rulemaking process. I assume, too, that if there was some kind of accusation of abuse that during that time of the investigation would that home care facility not receive funds?"

McKeon: "I would presume that that would be part of the rulemaking process and that JCAR, our elected Members,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

would have to consent to the implementation of those rules."

Lindner: "Okay, thank you. To the Bill. I mean, I think this is a very good idea and something that is needed, but I would express the same reservations that Representative Hoeft has about the rulemaking process. We have seen this year, certainly a lot of rules that have been made by agencies that have gone against the intent of legislation and I would hope that this certainly would not happen with this legislation and that the rules would refer to the intent of the legislation. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Johnson, Tom: "Larry, I share the concerns that have already been raised by Representative Hoeft and Lindner in terms of the definitions and unfounded incidents and so on. You know, and I want to emphasize that, that you know there could be an allegation that maybe it's not proven, but is maybe credible that might prohibit somebody. By the same token, somebody else can actually be put on trial, acquitted and that person's clean. You know, I think there's a lot of gray areas here, but a couple questions. Can you tell me, currently, nonlicensed day care providers, can you give me kind of an idea, a list of who that is? You've told me about the neighborhood, the home."

McKeon: "The vast majority involves neighbors, a friend or a member of the extended family."

Johnson, Tom: "Church related?"

McKeon: "Could be church related."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Johnson, Tom: "Okay. Not-for-profits and church related could be..."

McKeon: "Right."

Johnson, Tom: "...involved here as well. Okay. Is it your intent when you do these criminal background checks. Say, let's take a church day care provider, for example, who relies on volunteers, maybe from the congregation or whatever. Is it your intent in here that... Who would be checked in that case?"

McKeon: "It would be the same...the same scope of a check that's now required of a licensed day care center, which is...which currently about half of the child care services, paid by state dollars, come from licensed facilities. About one half come from licensed exempt..."

Johnson, Tom: "Well, I understand that. I'm saying, who within, say the not-for-profit day care, the church... Let's use a church related center because I'm familiar with those. You know, they have children there and they might end up using volunteer help, not paid help for day care. Would all those volunteers then be subject to this criminal background check?"

McKeon: "First of all, let me clarify this is not a criminal background check in the sense..."

Johnson, Tom: "You're right."

McKeon: "...the ordinary use of the term. There is a state database called CANTS..."

Johnson, Tom: "Right."

McKeon: "...which is the state child abuse and neglect database that's generated based on reports to DCFS. That's the background check that's being made. They're not checking with your local police department, with the state police..."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Johnson, Tom: "Yeah, okay, I understand that."

McKeon: "...or the county sheriff. But my understanding is that what's happening, and we're trying to make a level playing field here, is in a licensed day care facility, which are the larger facilities including some church based facilities, anyone that has contact with those children are checked. And what we would be doing in the nonlicensed or the license exempt child care facilities, which for the most part is in the home, is that the primary caretakers would be subject to the same check to maintain a level playing field in the system."

Johnson, Tom: "See, I guess I understand, Larry. If I'm a paid worker and I'm involved in child care, you know, I understand...you know, it's pretty easy to...they have ongoing checks. Now, what I'm saying is, where you have rotational volunteers within some of these unlicensed, not-for-profit type situations, is it your expectation that anybody who volunteers or from time to time within say a church day care, before that person could, in fact, volunteer or supply their name, would have to be submitted for a check? Is that your intent?"

McKeon: "Well, I personally don't believe, Representative, that this Bill addresses that circumstance because the circumstance you describe to me, I think, would be a licensed day care facility even though it was church based."

Johnson, Tom: "Well, I know some of those are not licensed."

McKeon: "My understanding..."

Johnson, Tom: "And qualified."

McKeon: "And you may have overreached my understanding of how DCFS handles it."

Johnson, Tom: "Okay. Let's go on to another case then, because I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

think what we're doing here is realizing within the rulemaking process... I hope these aren't emergency rules that are thrown out real fast, but, in fact, there will be a lot of thought given to these things. Now, let's say it's the home person. Now..."

McKeon: "How about grandma?"

Johnson, Tom: "Grandma."

Speaker Hartke: "Further discussion? Representative Bugielski, for what purpose do you rise?"

Bugielski: "A point of personal privilege, Mr. Speaker."

Speaker Hartke: "State your point."

Bugielski: "I'd like to welcome a group that's here from my district today from Foreman High School visiting Springfield to see how the process works. They're sitting up in the gallery. So we'd like to welcome Foreman High School to Springfield."

Speaker Hartke: "It's indicated that Representative Lyons would like to give Representative Johnson some more time."

Johnson, Tom: "Thank you. Grandma. You mentioned it. Grandma has five grandchildren and children living in her home. They are not providers, they are not taking care of the children, but they live in this home. Would they be subject to this background?"

McKeon: "My understanding is that, yes, they would."

Johnson, Tom: "Okay. So anybody who resides in the home. What about..."

McKeon: "If grandma's caring for three or more children, she needs to get a license."

Johnson, Tom: "Okay."

McKeon: "And then she falls under the existing."

Johnson, Tom: "Okay. Unlicensed would be two or one, right?"

McKeon: "Correct."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Johnson, Tom: "But in that case even if she has her sons and daughters or grandchildren living there and she's only taking care of two and she has the contract or she's receiving these funds..."

McKeon: "Yes. Let me correct myself."

Johnson, Tom: "...everybody in that household..."

McKeon: "Right."

Johnson, Tom: "...would need to be checked out. Correct?"

McKeon: "Right. Right. And let me correct myself. It's three or fewer are license exempt."

Johnson, Tom: "Right."

McKeon: "If it's done in the home or in the home of the children that are being cared for."

Johnson, Tom: "Okay. Now what if grandma doesn't even have any of those people living in the homes, but her sons and daughters and grandchildren, or whatever, are constantly coming to the home. Maybe they come there for lunch. Maybe they come there for supper and it's there everyday. Would those people also have to be checked? Is that your intention?"

McKeon: "No."

Johnson, Tom: "Okay. These checks would have to take place prior to the providing of care. Correct?"

McKeon: "Actually, it would be prior to the release of payment for services."

Johnson, Tom: "Okay. How long does it take to perform one of these checks?"

McKeon: "Well, I think it would vary. My understanding from the department is they estimate that it would be about 29 thousand a year that they're doing. Excuse me. It'd take about 29 thousand to get caught up because they'd have to do all the child care providers that currently they're not

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

checking. But they know who they are because they get a voucher, they get a..."

Johnson, Tom: "Right."

McKeon: "...they get a payment. And it would be about 19 thousand providers on an annual basis. They indicated that it would take the equivalent of two full time people which they would absorb through reassignment and cover under their existing budget. So they're not asking for anymore money."

Johnson, Tom: "But, conceivably, I might need to get my check because I want to get paid, but it might be three or four months before the check is complete. Now am I going to get paid in the interim or am I not?"

McKeon: "I don't know and I think that's an issue, an implementation, that needs to be dealt with."

Johnson, Tom: "Okay. We also have a high turnover rate in day care. How is it proposed that... You know, I have a contract today and my person who is working with the children is checked. That person leaves, I hire the next person who maybe hasn't had the check yet. Maybe that person is gone and I hire a third one before even my payment is due. Now, isn't this in a sense going to become pretty unmanageable for us to monitor this? Couldn't you have people coming and going between payments?"

McKeon: "My understanding... Representative Johnson, for half of the state funded day care providers that are in licensed settings, this is going on now, and it takes...there's about a week turnaround between, you know, the request for the check and the results being provided."

Johnson, Tom: "We're adding a whole bunch of people into the system very fast."

McKeon: "Under the current system... Yeah, we are adding. The

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

department indicates that they think it'll be two additional personnel, which they will reassign from other duties without a request for additional or supplemental funding."

Johnson, Tom: "Okay, thank you."

Speaker Hartke: "Further discussion? Seeing none, Representative McKeon to close."

McKeon: "I'd appreciate your favorable vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 1384 pass?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1384 there were 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On page 13 of the Calendar appears Senate Bill 1904, Representative Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1904, a Bill for an Act concerning financial management of insurers. Second Reading of this Senate Bill. Amendment #5 was adopted in committee. No Motions have been filed. Floor Amendment #6, offered by Representative Flowers, has been approved for consideration."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #6 delete the provision in House Amendment #5, providing for an assessment against managed care plans for the purpose of financing the expense of a managed care ombudsman program and as amended by House Amendment #6, Senate Bill 1904, and poses no assessments of any kind. And I move for the adoption of Amendment #6 to Senate Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

1904."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "Indicates she will."

Parke: "Representative, I'm not sure I understand. You're going to set up an ombudsman and it's not going to cost anything?"

Flowers: "Sir, we're going to pay for it through appropriations."

Parke: "You're going to pay for it through appropriations, so somebody's going to pay for it. So it's going to cost something. Right?"

Flowers: "You're right."

Parke: "How much do you think it's going to cost?"

Flowers: "Oh, about less than \$250,000."

Parke: "Two hundred and fifty thousand dollars, is that for salary and benefits for one person?"

Flowers: "According to the Department of Insurance estimate, \$250,000 is what they said."

Parke: "This is for one per... this is for the office and for phones and stuff plus salary and benefits?"

Flowers: "That is exactly what the Department of Insurance said."

Parke: "So, you don't know what basis they made that..."

Flowers: "They didn't provide that information."

Parke: "And why is... why do you think this is necessary? Why... if there's a complaint, why don't they just go through the Attorney General's Office? Why is this necessary?"

Flowers: "This is regular consumer assistance dealing with the Department of Insurance and also, Representative, the insur... this is a new industry out here, so to say, and people need a way to find their way through this industry, so this office would be the one to help them get through

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

the maze."

Parke: "Doesn't the Department of Insurance already have a hotline or a way that consumers can inquire about an HMO or a managed care system and if they have a problem, doesn't the Department of Insurance have staff already in place?"

Flowers: "Only to a certain extent, but this takes it a little further for a specific office, I mean for a specific reason, not just dealing with insurance in general. It deals specifically with the managed cares."

Parke: "Did this Amendment go through... which committee heard this Amendment?"

Flowers: "Pardon me, Representative?"

Parke: "Which committee did you bring this Amendment before?"

Flowers: "That came through the Rules Committee, Representative Parke."

Parke: "So this Amendment has not been debated in any of the department of... the Insurance Committee or the Human Service Committee?"

Flowers: "Well, Representative Parke, the underlying provision of the Bill was debated in committee. This only deals with the assessment office, the assessment of the office, and I took that out. So, this is just a technical Amendment, so I didn't think it was necessary."

Parke: "This is not a technical Amendment."

Flowers: "It's a simple technical Amendment."

Parke: "I don't see how it could be a simple technical Amendment at all. It's going to cost \$250,000 and what is the position of the Department of Insurance on this Amendment?"

Flowers: "Representative Parke, I don't know their position just yet."

Parke: "Well, I've been noted by our staff that the Department of Insurance is opposed to this because of the cost and on top

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

of that, with the... the reason I'm bringing this to the attention of the Body... to the Bill, Mr. Speaker, is that the..."

Speaker Hartke: "To the Bill."

Parke: "...the Department of Insurance already does this. If a consumer has a complaint, and they're not in one of the state managed care programs, they go to the Department of Insurance and it's in the brochures of the managed care programs that they could go to that managed care system with complaints or they could go to the Department of Insurance with complaints. What we're doing here, Ladies and Gentlemen, is we're creating another layer of bureaucracy. It's going to cost taxpayers money. It's a duplication. I'm sure that the Sponsor means well. She's trying to be pro-consumer, but you know every time I turn around we're pro-consumering this and pro-consumering that and it's costing the taxpayers more money and we already have duplication with this attempt. So, I don't think that this is really what we want to do. This is good... this is not good public policy. It's a duplication of efforts and we ought not to be passing this."

Speaker Hartke: "Further discussion? Seeing none, the question is, 'Shall Amendment #6 to Senate Bill 1904 pass?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. Several Notes have been requested on the Bill as amended by Amendment #6."

Speaker Hartke: "Let the Bill remain on Second. On page 11 of the Calendar, appears Senate Bill 1705. Representative Hassert. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1705. A Bill for an Act concerning

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

environmental remediation tax credits. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Representative Hassert. Third Reading. On page 7 of the Calendar, appears Senate Bill 1195. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1195. The Bill's been read a second time previously. Amendments #1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative Brunsvold, has been approved for consideration."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Amendment #3, simply is a redraft of Amendment #1 and 2 that was technically incorrect when they were adopted, and that's all that Amendment #3 is, it's a redraft of Amendment 2 and 3 and I ask...1 and 2, and I ask for the adoption of Floor Amendment #3."

Speaker Hartke: "Is there any discussion? Representative Parke."

Parke: "Thank you, Mr. Speaker. Representative Brunsvold, do you yield?"

Brunsvold: "Yes."

Parke: "Can you again, review what this Amendment does one more time?"

Brunsvold: "Well, Amendment #1 was worked on between the Department of Natural Resources on an issue of increased penalties for poaching of deer and then a set up of probation situation which Mr. Turner and Representative O'Brien worked on together. That was Amendment #1. Number two, was added on in committee also, which was DNR's addition of a 24 hour fishing license and some electronic purchase of licenses and things like that that the department was trying to update on their procedures for

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

giving out licenses."

Parke: "I understand that. What is...correct me if I'm wrong, but aren't we debating Amendment #3? What does Amendment #3 do Representative?"

Brunsvold: "Amendment #3 is exactly the same as Amendment 1 and 2. There was a technical problem with the drafting and the meshing of 1 and 2, and our staff said we had to redo it because they didn't come together as they should in the drafting."

Parke: "Thank you. You...I understand now. On the crossbow for handicap, many, many years ago, I sponsored a Bill to do that very thing. What are we doing that the previous legislation did not do?"

Brunsvold: "We're adding another area for handicap hunters with crossbows. That was Senator Madigan's original Bill, and we worked on that for a couple years. Last year it got caught up in the process and died, and it's not opposed by anyone. We're adding, I think, believe it's turkey hunting to crossbow hunting."

Parke: "Do you know if anybody's opposed to your Bill as amended?"

Brunsvold: "I know of no one."

Parke: "Thank you, Representative."

Speaker Hartke: "Further discussion? Representative Noland."

Noland: "Mr. Speaker, I just rise in support of Amendment #3. It just reiterates Amendments #1 and 2 and puts them in the proper form. It's good legislation with the crossbow for handicapped people. It issues a 24 hour, one day fishing license, and gives a lot of good cleanup for conservation and natural resources, so, I rise in support of his Amendment."

Speaker Hartke: "Further discussion? Representative Cross, do

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

you have anything to add?"

Cross: "No, Mr. Speaker. I move the previous question."

Speaker Hartke: "That's not necessary, no one's seeking recognition. The question is, 'Shall Amendment #3 to Senate Bill 1195 be adopted?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it, and Amendment #3 has been adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. Several notes have been requested on the Bill as amended, and those notes have not yet been filed."

Speaker Hartke: "The Bill will remain on Second Reading. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1273. Representative McGuire."

Clerk Bolin: "Senate Bill 1273. A Bill for an Act to amend the Bingo License and Tax Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker and happy birthday young man."

Speaker Hartke: "Thank you."

McGuire: "I have Senate Bill 1273. It's a very simple Bill. It allows the fire district in my district to hold a one day bingo during their homecoming on the property of the local park district without obtaining a license from the Revenue Department, and I understand this is done in many other places on occasion. I have no opposition to the Bill. And to make it very brief, I would ask for your support."

Speaker Hartke: "The Chair recognizes the Gentleman from Kendall, Representative Cross. This Bill is on Short Debate."

Cross: "I'm joined by five or seven or eight of my colleagues to take it off of Short Debate, Mr. Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Hartke: "Indicates he will."

Cross: "Now, that's not a very happy birthday smile that you're showing Representative...Mr. Speaker. Mr...Representative McGuire..."

McGuire: "Yes, Sir."

Cross: "At least from our records, it appears that the Department of Revenue opposes this Bill, is that your understanding?"

McGuire: "No, not at all. I haven't heard from them."

Cross: "Mr. Speaker, I..."

McGuire: "No opponents listed, Sir."

Cross: "I request a verification in the event this Bill gets the requisite number of votes."

Speaker Hartke: "Acknowledged."

Cross: "Thank you. Well, Representative, our notes, our files, our analysis, our letters, all show that they are opposed. Was there a time during the life of this Bill that the Department of Revenue was and maybe they've taken it away?"

McGuire: "I had never heard from them that there was any opposition, and I don't believe it surfaced in the Senate, so, I'm just completely unaware of what you're saying."

Cross: "Maybe we could take it out of the record, see why the Department of Revenue is down on this, cause I don't think any of us want to take on the Department of Revenue."

McGuire: "Our little T.V. screen show no opponents. I'm not sure that you're on the right Bill. I'm not sure of what you're speaking."

Cross: "Well, our little screen shows on Senate Bill 1273, the Department of Revenue is opposed. Now this Bill would allow gambling in Manhattan?"

McGuire: "Bingo. Bingo in Man...I'm sure there's already bingo in Manhattan. This would allow the fire district to have a one day bingo in the summertime at their homecoming on the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

park district property without obtaining a license from the Revenue Department. That's the extent of the Bill. It doesn't expand gambling, it's bingo."

Cross: "Is the park district in support of this?"

McGuire: "I haven't heard from the department. No position. I have not heard from them. No position."

Cross: "From the park district locally? In Manhattan."

McGuire: "Park district, what, Sir?"

Cross: "Pardon me?"

McGuire: "What did you say, the park district opposes it?"

Cross: "Is the Manhattan Park District opposed to this?"

McGuire: "No, Manhattan Park District is the one that wants to provide the grounds that have the bingo game. So, they're not opposed to it. Revenue Committee, which I'm no longer a Member, said they had no opposition in the hearing."

Cross: "Now, Representative, I think that most people that want to get a license to have bingo in their facility, has to get a license fee or providers license. Isn't that correct?"

McGuire: "I presume so, but I've been told that on one day affairs, they have waived that in past and previous instances."

Cross: "Is perhaps the reason the Department of Revenue is down, is that they're not going to be able...your Bill exempts Manhattan from having to pay that fee?"

McGuire: "Yes. Yes."

Cross: "I guess Representative, we're concerned that just the precedent we're setting...what if the posse comatose in our... in your area, I know they exist all over the state, came in and wanted to do bingo at the park district, would we want them not to pay the \$200 fee?"

McGuire: "We're just talking about this one Bill, Representative,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

in Manhattan, in my district. It has nothing to do with any other area of the state. We're addressing one issue."

Cross: "Pardon me?"

McGuire: "We're addressing one issue in the Village of Manhattan. It does impact anywhere else in the state but it mirrors what has been done in other areas of the state."

Cross: "Why are you waiving the \$200 license fee? And it appears, if I'm reading the Bill correctly, that we're talking about all park districts."

McGuire: "It would affect statewide, yes."

Cross: "Well, I think..."

McGuire: "But it's primarily...the genesis is the Manhattan situation."

Cross: "But once again we're trying to focus on one area, we're affecting the whole state, and our understanding is, the Department of Revenue is opposed to this Bill, and I'm sure it's because of their concern for the extreme loss, large loss of income they're going to receive from these license fees."

McGuire: "I have no indication that they are opposing it. No indication at all."

Cross: "Perhaps you could have someone check on it, but our understanding is..."

McGuire: "We have, we have done that..."

Cross: "...the Department of Revenue...they're telling us they're opposed to it."

McGuire: "We're doing that right now."

Cross: "Well, Representative, I think we're establishing a horrible precedence. We're waiving the fee. I see absolutely no reason to waive the fee, and I would encourage..."

McGuire: "It's not a precedent."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Cross: "...everybody to take a strong, hard look at this Bill."

McGuire: "It does not set a precedent. It follows a precedent already set."

Cross: "Well, the Governor's Office is here Representative, you might want to ask them if the Department of Revenue..."

McGuire: "Who's office?"

Cross: "...continues to..."

McGuire: "There was no one in committee that..."

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

Lang: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Lang: "Thank you. I'd like to introduce to the Body, quite a few numbers of young people and parents from the Fairview South School, in Skokie. They're right up here in the gallery. Please say hello to them. Thank you."

Speaker Hartke: "Welcome to Springfield. Further discussion? The Chair recognizes the Gentleman from...excuse me, the Lady from DuPage, Representative Cowlshaw. Representative Cowlshaw."

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

Speaker Hartke: "He indicates he will."

Cowlshaw: "There seems to be considerable confusion over whether the language of this Bill applies only to one park district in all of Illinois, or whether the provisions that are suggested, apply to all park districts in Illinois. Could you, as the Sponsor of this Bill, please tell us as a certainty, and perhaps consulting with your staff people who are there beside you, whether in fact, this applies to only some park district in your area, or whether it applies

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

to all park districts in Illinois?"

McGuire: "It would cover all park districts, Representative. The request is from one park district."

Cowlshaw: "Mr. Speaker, I couldn't hear one word he said."

Speaker Hartke: "Let's have a little order here in the House so that we can understand the speakers. Please give them some respect."

McGuire: "Yes, Representative, I said it affects park districts statewide, but it is generated by one park district."

Cowlshaw: "Okay, it does affect all park districts in the state."

McGuire: "Apparently, that's what I'm told. Yes."

Cowlshaw: "Well, that's what I thought was correct. So, when you suggested that it wasn't, I was kind of concerned."

McGuire: "Now, I'm having trouble hearing you."

Cowlshaw: "We all already make all kinds of strange exemptions for one thing or another in regard to all of these gambling rules and regulations and laws and what have you that we have here in Illinois. I realize we already have an exemption for municipalities, and I realize perhaps there may be some thought that this would be putting park districts sort of in accord with the provisions that already apply to municipalities about not having to have a license in order to use the premises for playing bingo. However, this does apply statewide and it would entitle every park district in the state, to provide a spot to play bingo without a license. A license costs \$200, and I can understand not only why the Department of Revenue is opposed to this, because of the possible loss in revenue, but I will have to tell you that anybody who cares about funding the schools, ought to be opposed to this. Half of that \$200 goes to the Common School Fund. I am opposed to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

this Bill because it will take money away from our schools."

McGuire: "We're talking of approximately 20 park districts, \$4000 loss to the State of Illinois, but all I can emphasize is, there was no opposition from the Revenue Department."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

McGuire: "Sure."

Speaker Hartke: "He indicates he will."

Turner, J.: "Is there a fiscal note, Representative?"

McGuire: "Yeah, we have that. Yeah, we have the fiscal note. The answer...John, the answer's, yes."

Turner, J.: "And what does that fiscal note provide?"

McGuire: "What does it say? It says the Department of Revenue issues approximately ten bingo providers licenses to park districts per year. Each license costs \$200, so the state could realize a loss of approximately \$2000 per year in annual license fees. It said that the Bill provides that a park district may provide a premise for conducting bingo games, without obtaining a provider's license from the Department of Revenue."

Turner, J.: "So, the total cost to the state then is going to be \$2000 per year?"

McGuire: "Yes. Yes. That's the fiscal note."

Turner, J.: "Is that why the Department of Revenue is against it, because of the \$2000 loss to the state?"

McGuire: "You said, is it a \$2000 loss to the state?"

Turner, J.: "Is that because of that \$2000 annual loss to state coffers, is that why the Department of Revenue is opposed to this Bill?"

McGuire: "Well, I didn't know they were opposed, but if they are,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

that might be the reason, but we never had any indication, John, that they were opposed. Passed through the Senate. I don't believe they were anywhere to be found then."

Speaker Hartke: "While Mr. Turner is thinking of another question, would we please give the speakers some attention here. It's very hard and difficult to hear in here. Thank you. Mr. Turner, have you concluded?"

Turner, J.: "Mr. Speaker, I believe the Representative was checking with the department. No."

Speaker Hartke: "Mr. McGuire."

McGuire: "Okay, we're told now, that the department is opposed because of that, but I never heard that until this moment. Evidently they didn't appear in committee or whatever. I wasn't there."

Turner, J.: "Representative Cowlshaw a moment ago, asked you if this was legislation only for Manhattan. I think, I couldn't hear, but I think you said, no it is not, is a statewide statute which would affect more than just that one park district."

McGuire: "That's correct. Yes. That's correct."

Turner, J.: "Okay, that's all I have."

McGuire: "I may have misspoke, maybe I didn't hear her right, but yes, it's statewide, but it's generated by the Manhattan situation."

Turner, J.: "Thank you, Representative, thank you, Mr. Speaker."

McGuire: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Stephens. He's declined. The Gentleman from Livingston, Representative Rutherford. The Sponsor indicates he will yield."

Rutherford: "I appreciate that. Representative Holbrook...Representative McGuire, I looked at the wrong

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

thing."

McGuire: "Thank you."

Rutherford: "Does your Bill have anything to do with quick take?"

McGuire: "Not a thing."

Rutherford: "So, there's no attempt to try to take anybody's private, personal property in Highland Park in a quick take?"

McGuire: "Not Highland Park or anywhere."

Rutherford: "Okay, further questions then, Representative. Did the...the fiscal loss to the state would be about \$2000?"

McGuire: "Yes."

Rutherford: "What is the personal exemption level right now on our income taxes?"

McGuire: "One thousand."

Rutherford: "One thousand dollars."

McGuire: "It has nothing to do with this Bill."

Rutherford: "No, I...it could have fiscal impact on it though. And Representative Parke had a Bill that would double the personal exemption to \$2000, so, at \$2000 there and then the fiscal impact of \$2000 here, we're going to have a loss to the state treasury because of this if this Bill did become law. And I...you know...Mr...Representative McGuire, I acknowledge that it's actually not that much, but tried to highlight the fact that we do and should have the opportunity to try to bring about some type of property tax relief or some personal income tax benefits for our taxpayers in our state, and Representative Parke tried to do that earlier. Let me ask does...how many park districts are there in this state?"

McGuire: "According to the fiscal note, ten...you're talking about bingo providers?"

Rutherford: "No, I'm talking about total..."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

McGuire: "Oh, total park districts?"

Rutherford: "...park districts in the state."

McGuire: "Oh, I don't know."

Rutherford: "And the reason to this is..."

McGuire: "Thousands, maybe. I'm not sure."

Rutherford: "The reason this is germane to the Bill, is I see the Speaker starting to squirm as to wonder if we are sticking to the Bill. The reason is, we are exempting every park district in the state, and everyone, and I just want to know how many that is?"

McGuire: "I couldn't answer that."

Cross: "Germane to the Bill."

McGuire: "I don't know how many park districts."

Rutherford: "Pardon me? I'm sorry."

McGuire: "I said I don't know how many park districts there are in the state. I couldn't answer that."

Rutherford: "Okay. The number of park districts that have applied in the past has been ten?"

McGuire: "That's the number that they have right now, ten, provide for park districts that they provide the license."

Rutherford: "And that is over..."

McGuire: "Ten."

Rutherford: "...what period of time?"

McGuire: "For a year."

Rutherford: "For a year."

McGuire: "Over a year."

Rutherford: "Where were they?"

McGuire: "In the State of Illinois."

Rutherford: "But what ten were they?"

McGuire: "I have no idea where the ten are. I don't know if that's germane."

Rutherford: "What caused...what precipitated the park district in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

your area to come to you? Was there a problem? Did they not have the \$200? Or did they feel that they would have too much access, over regulation, burdensome paperwork to follow because of the rules and regulations promulgated through JCAR on the behest of the Department of Revenue to implement a bingo licensing procedure? What was the genesis to their problem in trying to waive or try to get out of having to have a license?"

McGuire: "I would imagine it was the cost, number one. It's a one day affair and I would..."

Cross: "I'm sorry I can't hear you."

McGuire...think the cost. I would think the cost would have been the primary motive."

Rutherford: "The \$200 fee?"

McGuire: "Two hundred dollars for a one day a year bingo, for a fire department that's volunteer."

Rutherford: "Why do...why does the state today, license bingo?"

McGuire: "Probably to generate revenue and control it. Have some control."

Rutherford: "Who else can obtain a bingo license aside from park districts? I wonder if this is opening up a pandora's box?"

McGuire: "No, I don't think it is."

Rutherford: "Alright, who else..."

McGuire: "No, this has nothing to do with someone else obtaining a license. This has to do with this particular park district allowing the fire department to have a one day bingo and not pay \$200 for a license. It doesn't have anything to do with veterans homes or churches or anyone else as far as bingo licenses go."

Rutherford: "How much does a veteran's home have to pay for their license?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

McGuire: "How much does what?"

Rutherford: "A veteran's home have to pay for their license?"

McGuire: "Two hundred dollars."

Rutherford: "So, what we're doing here...so, a veteran's home has to pay \$200 for a bingo license."

McGuire: "Yes."

Rutherford: "And now what we're suggesting here, is that a park district would be exempt from having to pay the 200, but yet we're still requiring the men and women of the armed services who have fought for our nation's freedom, to have to pay in their veteran's homes, the \$200 for a bingo license."

McGuire: "No. The municipalities are exempt from paying this license fee now."

Rutherford: "I understand that and I recognize we only have a few more seconds left. I just want to verify that there is no quick take language..."

McGuire: "No quick take."

Rutherford: "...for Highland Park to try to take away people's private properties unbeknownst to them, whatsoever."

McGuire: "No. Not at all. Not at all."

Rutherford: "Thank you, Representative McGuire."

McGuire: "Thank you."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Excuse me. I have a point of personal privilege, Mr. Speaker."

Speaker Hartke: "State your point."

Davis, M.: "I believe that the pigs from the county that you represent, should have a say so today, and this is what they'd like to say to you."

Price, Mary: "Happy birthday to you, happy birthday to you, happy

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

birthday Representative Hartke, happy birthday to you."

Speaker Hartke: "Thank you. Thank you very much. Further discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Hartke: "The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it. Representative McGuire to close."

McGuire: "Yes, it's a very simple Bill, and I think it just requires a 'yes' vote, and I would appreciate your support. Thank you."

Speaker Hartke: "The Gentleman has asked for the passage of Senate Bill 1273. All those in favor signify by voting 'aye'; those opposed 'no'. The voting is open. Mr. Clerk. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 61 Members voting 'yes', 54 Members voting 'no', and there has been a request for a verification. Representative Cross. Mr. Clerk."

Cross: "We persist."

Speaker Hartke: "Mr. Clerk. Read the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Durkin. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Andrea. Moore, Eugene. Morrow. Murphy. Novak. O'Brien. Pankau. Pugh. Rodriguez. Ronen. Schakowsky.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Schoenberg. Scott. Scully. Silva. Slone. Smith.
Stroger. Turner, Arthur. Woolard. Younge, and Mr.
Speaker."

Speaker Hartke: "Representative Cross, questions of the affirmative?"

Cross: "Yes, Mr. Sp... Yeah, Mr. Speaker, about to go to those names in just a second, but I am a bit concerned about the fact that we had lights on while we were trying to discuss that Bill and they were ignored. We also had lights on to question the moving of the previous question. Now, as you know, we can ask for a roll call vote on that and it takes 71 votes."

Speaker Hartke: "It was not requested."

Cross: "Well, that's 'cause we didn't get called on, so, in the future, we'd appreciate you recognizing our lights. I know Representative Biggins is on the Revenue Committee and requested the opportunity to discuss the impact on the Common School Fund, so I would hope that we could, as this Bill does adversely affect it. So, I'll proceed with my verification. Representative McCarthy."

Speaker Hartke: "Representative McCarthy. In his chair."

Cross: "Representative Crotty."

Speaker Hartke: "Representative Crotty's in his (sic-her) chair."

Cross: "Representative Brosnahan."

Speaker Hartke: "Representative Brosnahan. Is Representative Brosnahan in the chamber? Representative Constance Howard requests verification. Representative Brosnahan. Remove Representative Brosnahan."

Cross: "Representative O'Brien."

Speaker Hartke: "Representative O'Brien is in the back of the chamber. Representative Granberg seeks verification."

Cross: "He wants to leave? Alright. Representative Harold

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Murphy."

Speaker Hartke: "Representative Harold Murphy. Representative Harold Murphy. Representative Schoenberg asks leave to be verified. Mr. Cross."

Cross: "Repre...I'm sorry, what'd we do about Murphy?"

Speaker Hartke: "Representative Schoenberg asked to be leave."

Cross: "That's fine."

Speaker Hartke: "Okay. Mr. Murphy. Remove him."

Cross: "Representative Lou Jones."

Speaker Hartke: "Representative Lou Jones. Representative Lou Jones. Representative Lou Jones. Mr. Clerk, remove Representative Lou Jones."

Cross: "Representative Novak."

Speaker Hartke: "Representative Novak. Representative Phil Novak. Representative Phil Novak. Representative Phil Novak's in the rear of the chamber. Mr. Clerk, replace Mr. Brosnahan to the roll."

Cross: "Representative Shirley Jones."

Speaker Hartke: "Representative Shirley Jones. Representative Shirley Jones. Representative Shirley Jones. Mr. Clerk, remove Representative Shirley Jones."

Cross: "Representative, I want to make sure I prono...Reitz or Reitz, I'm not sure how you pronounce it. Representative Reitz. Well, it was a good vote. I didn't realize that. Thank you. It was a good vote."

Speaker Hartke: "I think that's pronounced Reitz."

Cross: "And a right vote by Mr. Reitz."

Speaker Hartke: "Yeah, Ryder, Reitz and...did you want Ryder removed?"

Cross: "Representative Erwin."

Speaker Hartke: "Representative Erwin. Judy Erwin. Is Representative Judy Erwin in the chamber? Judy Erwin. Mr.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Clerk, remove Representative Erwin."

Cross: "Representative Scully."

Speaker Hartke: "Mr. Cross, if you'll notice the Lady in back with the red blouse."

Cross: "Yeah, I do see Representative Erwin back there."

Speaker Hartke: "That's Representative Erwin. Mr. Clerk, would you put Representative Erwin back on the affirmative roll."

Cross: "Representative Giglio."

Speaker Hartke: "Representative Giglio is sitting in his chair. I believe you requested Representative Scully. Move just a little bit and the shine will change. You'll see Representative Scully."

Cross: "Whoaaaa. Thank you. Whoaaaa, whoaaaa Chuck. I guess you can do that when it's your birthday, can't you? Representative Younge."

Speaker Hartke: "Representative Younge is seated in her chair."

Cross: "Representative Fritchey. Ah, he tricked us, he's right behind us."

Speaker Hartke: "Representative Fritchey. Okay."

Cross: "Representative Lang."

Speaker Hartke: "What was that? Excuse me."

Cross: "That guy that was up there before you, I...Lang I guess."

Speaker Hartke: "Representative Lang. Representative Lou Lang. Is Representative Lou Lang in the chamber?"

Cross: "I'm sure he'd let you know if he was here."

Speaker Hartke: "Mr. Clerk, remove Representative Lang."

Cross: "Representative Monique Davis."

Speaker Hartke: "Representative Monique Davis. Standing right here in the..."

Cross: "I see her."

Speaker Hartke: "...in the well."

Cross: "Representative Hoffman."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Hartke: "Representative Jay Hoffman is..."

Cross: "Oh, I'm sorry, I see he's in his chair."

Speaker Hartke: "...in his chair. As always."

Cross: "Representative Gash."

Speaker Hartke: "Lauren Beth Gash is in her chair.
Representative Scott had request leave."

Cross: "Representative Burke."

Speaker Hartke: "Representative Burke. Representative Dan Burke.
Representative Dan Burke. Mr. Clerk, remove Representative
Burke."

Cross: "Representative Bugielski."

Speaker Hartke: "Representative Bugielski is in the back of the
chamber."

Cross: "Representative Boland."

Speaker Hartke: "Representative Boland. In his chair."

Cross: "Representative Moore."

Speaker Hartke: "Representative Andrea Moore. Representative
Andrea Moore. She's right here."

Cross: "Now, if I stop this now, are you going to do your thing
quickly or are you going to go slow?"

Speaker Hartke: "What thing, Sir?"

Cross: "You know what I'm talking about. Alright, we stop."

Speaker Hartke: "Representative McGuire."

McGuire: "Consideration. Could you hear me? Consideration."

Speaker Hartke: "The Gentleman asks for Postpone Consideration.
Yes, Mr. Cross. Mr. Clerk, what is the status of Senate
Bill 1339?"

Clerk Bolin: "Senate Bill 1339, is on the Order of Senate Bills -
Third Reading."

Speaker Hartke: "The Sponsor has requested that be placed back on
Second Reading for the purpose of an Amendment. For what
purpose does Representative Biggins rise?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Biggins: "Thank you, Mr. Speaker. I was wondering if on your birthday, you could find enough in your heart to put my request to speak on the last Bill on Postponed Consideration with the Bill, because my light's been on for 30 minutes and I was hoping to ask a couple of questions, since I'm on the Revenue Committee. So, maybe my request to speak, is that also on Postponed Consideration?"

Speaker Hartke: "Your light's not on now, but I did call on you, but that Bill is not in the record right now. The Chair recognizes Representative Ryder. For what purpose do you rise?"

Ryder: "Thank you, Mr. Speaker. I'd ask for a point of personal privilege if I may."

Speaker Hartke: "State your point."

Ryder: "Today I filed an Amendment to Senate Bill 1372 and 1315, to do with a very serious health care and economic problem. It is a substantive effort to solve a very serious problem. In Illinois, we've created an agency to review the expenditure of funds for capital expenditures on health care. The Illinois Health Finance Board, IHFPB. In today's world, it's clear the consolidation of health care facilities pose problems as serious for consumers as establishment of new facilities. Leverage of a monopolistic consolidated empty, can be as serious as waste from unnecessary facilities. Several years ago, this Legislature explicitly authorized the planning board to adopt rules to govern these consolidations. For once, we're ahead of the problem. For once the regulatory agency did what we wanted and we ratified the planning board action with JCAR approval of those rules. This year, one such proposed consolidation tried to avoid a substantive review by the IHFPB. It proposed \$1 billion for being a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

health corporation consolidation, the Illinois Health Facility's Authority subsequently chose not to finance the entity for being a health...now we have a different state agency trying to do this financing in order to get the fees. This legislation is designed to prevent that in the future, and if possible, to stop this transaction now. If the agency assigned to review consolidation denies them, another agency should not be trying to finance them. It does not matter that in this case there is an injunction overruling the Illinois Health Facilities Planning Board because the judge did so with no evidentiary hearing and report considering the record on administrative review. His order could be overruled on appeal or even still in a trial court after hearing on the merits. If so, this financing should not complicate unwinding this consolidation. Hospital costs matter. Systems consolidations are increasingly important. The only agency which has heard this transaction, has denied it. It's against public policy. 'Provena' should not be the beneficiary of a tax exempt \$600 million financing to generate fees for investment bankers and lawyers as financing is against public policy. It's my intent to pursue this Amendment for the remainder of this Session if necessary and the Veto Session and in the coming Sessions. Thank you for this opportunity."

Speaker Hartke: "Thank you, Mr. Ryder. On page 4 of the Calendar, appears Senate Bill 1307. Representative Skinner. Out of the record. On page 5 of the Calendar - Third Reading, appears Senate Bill 1426. Representative Klingler. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1426. A Bill for an Act in relation to criminal defacement of school buildings. Third Reading of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

this Senate Bill."

Speaker Hartke: "Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. Senate Bill 1426, passed the Senate unanimously. And this was an issue that was brought to the General Assembly by school districts throughout the state, that have been faced with the problem of defacement of school property through criminal acts, from painting, from breakage, and it's a difficult problem for school boards throughout the state to deal with. This Bill would increase the penalty for damage of school property that exceeds \$300 to a Class III felony. But in addition, and very importantly, it gives an option to the court to require the defendant or defendants to clean up, remove, or paint over the defacement as part of community service. And this part of the courts being able to order such clean up of the school buildings or painting over or removal of graffiti, was something that was very important in the discussion in the Senate Committee. I would urge the House to support this Bill."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking discussion, the question is, 'Shall Senate Bill 1426 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1426, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, appears Senate Bill 1427. Representative Zickus. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1427. A Bill for an Act in relation to the unlawful use of weapons. Third Reading of this Senate

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1427, increases the penalty from a Class A misdemeanor to a Class IV felony, for the possession with the intent to use unlawfully against another person, a dagger, dirk, billy, dangerous knife, razors, stiletto, broken bottle, or other piece of glass. Stun gun or taser, razor or other dangerous or deadly weapon or instrument or like character, in a school, public housing property, public park, courthouse, or public way within a 1000 feet of any of these properties. It permits the court to impose an extended term sentence upon a offender convicted of unlawful use of weapons for possessing a weapon that is not distinguishable as one of the weapons enumerated in the unlawful use of the weapons statute."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall Senate Bill 1427 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1427, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Senate Bill 1428. Representative Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1428. A Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1428 amends the Criminal Code of 1961. Provides that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

endangering the life, health of a child, is...will become a Class IV felony, if the violation...if the violation results...I'm sorry, will become a Class III felony if the violation results in the cause of death. Basically, what it does is, it just requires...what we've got is, we've got a lot of situations around the State of Illinois where people have left their children in homes. The homes have caught fire. Those children then pass away, and this actually gives the state's attorneys the opportunity to pursue a tougher line."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall Senate Bill 1428 pass?' All those in favor signify by voting 'aye'; those 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1428, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, appears House (Senate) Bill 1455. Representative Righter. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1455. A Bill for an Act in relation to gasohol. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1455 would simply extend the sunset date on the gasohol sales tax initiative for five years, so that it would now be a date of July 1, 2003. The Bill would also remove the requirement that a certain percentage of gasoline sold in the State of Illinois contain alcohol in order to qualify for that sales tax initiative. This

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

is an important Bill for agriculture in our state. It's an important Bill for research on alternative fuels, and it's an important Bill for our environment because it helps us develop cleaner fuels, and I'm happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Farmer Schoenberg."

Schoenberg: "Thank you, Farmer Hartke. Will the Sponsor yield for a question?"

Speaker Hartke: "Indicates he will."

Schoenberg: "Representative, have we considered a similar or identical version to this previously? This Session."

Righter: "Representative, I'm advised that we did pass similar legislation earlier in the Session."

Schoenberg: "And what is the annual fiscal impact of this tax break?"

Righter: "Thirty million dollars."

Schoenberg: "A \$30 million tax break? And who is the beneficiary of this \$30 million tax break?"

Righter: "Well, there are several, Representative. Those are people who are interested in helping our environment because this helps us move toward compliance with the Clean Air Act. It also helps agriculture in our state with regards to new use of agricultural products. I think it's a broad base benefit for the people of the state."

Schoenberg: "I'm just... there's a broad base interest, however, in committee, did anybody... did anybody file a witness slip in support of this measure? Who are the proponents?"

Righter: "The proponents of this legislation include the Illinois Farmers Union, the Illinois Farm Bureau, the Illinois Corn Growers Association, and the Renewable Fuels Association."

Schoenberg: "I see. And is there a particular private concern in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Illinois that would, perhaps a supermarket to the world that would tend to benefit from this \$30 million tax break more than any other private entity?"

Righter: "You mean a particular identified market? Is that what you're asking about?"

Schoenberg: "A particular private concern."

Righter: "No, not to my knowledge."

Schoenberg: "Sir, I asked if it was a private concern that is perhaps known popularly as a supermarket to the world?"

Righter: "Well, I've heard that term before, but I don't know that it's part of this legislation. I don't think I'll find that anywhere in this legislation."

Schoenberg: "I see. Let me rephrase the question. Is this a \$30 million tax break for Archer Daniels Midland?"

Righter: "I would assume, with regards to Archer Daniels Midland's industrial activities, that they'll benefit from this. Absolutely."

Schoenberg: "I see. And did Archer Daniels Midland not recently... were they not recently involved in federal action regarding their pricing activities?"

Righter: "I don't know concerning that specifically. I have read the newspaper, such as you have, but I think this legislation's got more to do with..."

Schoenberg: "I'm sorry. I can't hear you."

Righter: "...agriculture... I read the newspapers like you have, Representative, however, I think this legislation's got more to do with the agriculture producers in this state and this state's efforts to comply with the Clean Air Act and that."

Schoenberg: "Certainly, and I'm entirely supportive of complying with the Clean Air Act, but are they or are they not... are they or are they a primary beneficiary, in light of their

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

recent reprimand to the tune of \$450 million in a federal fine for price fixing activity, are they the primary beneficiary of this tax break?"

Righter: "I think that the primary beneficiary of this legislation, Representative, is the people who are involved in agriculture in this state and the people who are concerned about the environment and this state's compliance with environmental regulations, most importantly, in my opinion, probably the family farmers, Representative."

Schoenberg: "I understand. But this, so that I understand better, this is annualized at... estimated, the fiscal impact would be \$30 million annually, and this is to benefit, and this is to benefit two plants, correct?"

Righter: "Two, two...I didn't hear the last part of your question."

Schoenberg: "This is to benefit a handful of private concerns or facilities, is it not?"

Righter: "No. Again, as I said before, Representative, this benefits the family farms, this benefits the entire people of the State of Illinois. It's an effort to help advance our fuels research so that we have cleaner burning fuels, and also, I would note that this, in regards to the family farms, helps support them by advancing the corn prices per bushel in this state by an average of 15 to 20 cents per bushel."

Schoenberg: "To the Bill, Mr. Speaker. With all due respect to the Gentleman, and I know he has a bedrock commitment to supporting family farmers and promoting the environment, this is corporate welfare. Everyday we hear all kinds of screaming and chest pounding and this is a \$30 million corporate welfare tax break for certain private concerns and we've made the mistake of passing a similar Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

previously, and sending it to the other chamber. I would encourage people, particularly in light of the great human cry that we hear for property tax relief, to do more for our schools, for all these other compelling needs, I don't think we need a \$30 million corporate welfare tax break. Thank you."

Speaker Lang: "Representative Julie Curry. Representative Lang in the Chair."

Curry: "Thank you. Thank you, Mr. Speaker. You know, I take exception to some of the remarks that my colleague just made because the company that you're speaking of is in my district, in the 101st district, and it benefits not only working people in my district, but it benefits the agricultural community. Not too long ago, I remember this same Representative sent me a letter and was concerned about the environment and clean air and what not. The... encouraging businesses in this state to use gasohol, ethanol and all other sorts of renewable fuels, I think, is the kind of direction that we need to go in. By providing a tax incentive for businesses like the company that you mentioned, we're going to put... we're going to be able to sell more corn, which means farmers in not only my district, but all across Illinois, central and southern Illinois are going to benefit from this program. So, we can talk about corporate welfare, but, you know, we need to do something for folks down in central and southern Illinois, and that's what this is going to help. So, I stand in full support of this legislation."

Speaker Lang: "The Chair recognizes Representative Novak."

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

Speaker Lang: "Yes, the Sponsor yields."

Novak: "Yes, Representative Righter, our analysis indicates

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

there's a financial hit on the Common School Fund. Is that correct?"

Righter: "On the what? I didn't hear the last part of your question."

Novak: "Our analysis, our Democratic analysis, indicates there is a financial hit on the Common School Fund. Is that correct?"

Righter: "I'm not aware of that. I don't believe that's correct, Representative."

Novak: "Okay. Doesn't 7% of the sales tax receipts go to the Common School Fund?"

Righter: "This legislation does not change, at all, the amount of money that goes into the Common School Fund, Representative."

Novak: "Well, we're doing, I know is simply extending the July '99 deadline, correct?"

Righter: "That's right. This, Representative, does not change any money."

Novak: "Pardon me, Dale? I can't hear you."

Righter: "This does not change any of the money that goes into the Common School Fund."

Novak: "Okay."

Righter: "That's right."

Novak: "But, it extends the deadline on the expiration date for the current law, correct?"

Righter: "That's right."

Novak: "Okay. Can you tell me how many plants in Illinois produce ethanol?"

Righter: "I'm not aware of that number."

Novak: "Well, to my knowledge, I think there's three. There's ADM, there's Pekin Energy, and I think there's another one in South-Central Illinois and I have always supported

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

ethanol subsidies for our corn growers in this state. I don't think anybody has any qualms about not trying to... trying to help corn growers produce more corn so we can export it or use it in other good environmentally conscientious ways like producing ethanol, but don't you think we, as a state, since we're providing tax incentives to an industry for many years, and they're doing it on the federal level as well, but don't you think we should sort of refocus our economic incentives and try to create a more competitive market out there? Why does...since Illinois produces the most ethanol than any other state in the nation, why does one or two, why do one or two companies have to dominate the market in this state? We have the technology, we have the technology, we have other business incentives to create more ethanol producing plants to have a competitive, more of a competitive atmosphere. I'm going to support this Bill, Representative Righter. I think, you know, more ethanol production is good, but I think, whoever the new Governor is in 1999 should take DCCA, should take the Department of Agriculture and refocus our efforts in this ethanol industry in this state to encourage more plants to be produced by companies other than the companies that currently produce ethanol in Illinois. Thank you."

Righter: "Representative, I'm all for competitiveness, but again, I think that the broad base benefit that this Bill provides needs to be looked at from the perspective of the family farm."

Speaker Lang: "The Chair recognizes Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. Just to respond to the Gentleman from Cook comments about corporate welfare. Nothing could be further from the truth. Let's remember that Illinois is, and has been, remains, and will be, an

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

agricultural state. The very foundation of the economy of the State of Illinois is based on corn and soy beans. It's as simple as that. The fact that we are enhancing the ability to market Illinois products that are the basis of our whole economy, makes good sense. I stand in strong support of this Bill. Representative Righter has brought us a sound piece of legislation simply extending this current language in the law, is no hit on the Common School Fund, as was suggested. It is just common sense, basic economics, Economics 101, and it's interesting to see Gentlemen and Ladies on the other side of the aisle, excuse me, Gentlemen on the other side of the aisle stand in verbal opposition to the Bill, but then tell us, 'By the way, to protect myself back home, I'm going to vote for it,' because they know to do otherwise, it flies in the face of common sense of your own district. The Gentleman has a good Bill. Everybody should stand in support of this legislation."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. I certainly take issue with the comment that this is corporate welfare. It's not corporate welfare, it's a win/win for the people. What this legislation really means is reduced dependence on foreign oil. It means keeping jobs in the United States, instead of shipping them abroad. It means using a domestic and renewable resource for fuel, instead of imported and nonrenewable. A 'yes' vote for this means a vote for our environment. It's a vote that's cost effective because it keeps jobs here that stimulates the economy. A vote against this Bill, a vote against it, is really a vote

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

against clean air, against keeping jobs here, and against a market for our corn. I think it's a very easy 'yes' vote. I'd urge casting a 'yes' vote. It really should be a unanimous vote in here. Thank you."

Speaker Hartke: "Representative Hartke in the Chair. The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "I wonder if the Sponsor could tell us where the \$30 million that's going to be lost would go, otherwise? The \$30 million a year in taxes that won't be paid."

Righter: "There's nothing to be lost, Representative Skinner, because this is an extension of a current initiative."

Skinner: "Well, go back before the tax started. There certainly was some loss, because we're abating taxes on gasohol. It's my opinion, and I just wonder if the staffer standing next to you can answer the question, whether this will mean there will be a \$30 million loss to the Motor Fuel Tax and the Motor Fuel Tax to the Road Fund, which will mean fewer road projects in all of our districts?"

Righter: "There isn't any loss, Representative."

Skinner: "Is that true or false?"

Righter: "It's just an extension."

Skinner: "Is it a Motor Fuel Tax which is being abated?"

Righter: "No."

Skinner: "Well what is it, a sales tax?"

Righter: "It's a sales tax initiative where sales tax is 70% of what it would otherwise be."

Skinner: "So, it's a loss to the General Fund."

Righter: "It's not a loss. It's an extension, Representative."

Skinner: "You sound like me."

Righter: "I appreciate the compliment, Representative."

Skinner: "Thank you for the answers."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign County, Representative Johnson."

Johnson, Tim: "Mr. Speaker, I move the previous question."

Speaker Hartke: "The question is, 'Shall the previous question be put?' All those in favor signify by voting 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the previous question is put. Mr. Righter to close."

Righter: "Thank you, Mr. Speaker. I urge your support of this legislation. It's important legislation for the people of this chamber. It's important legislation for the family farms in this state. Thank you."

Speaker Hartke: "The question is, 'Shall Senate Bill 1455 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1455, there are 100 Members voting 'yes', 14 Members voting 'no', 1 Member voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1203?"

Clerk Rossi: "Senate Bill 1203, is on the Order of Senate Bills - Third Reading."

Speaker Hartke: "Per request of the Sponsor, please place that Bill on Second Reading for the purpose of an Amendment. Mr. Clerk, what is the status of Senate Bill 1853?"

Clerk Rossi: "Senate Bill 1853. A Bill for an Act to amend the Public Utilities Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The notes that were requested on the Bill, have been filed."

Speaker Hartke: "Third Reading. Agreed Resolutions."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Clerk Rossi: "Agreed Resolutions. House Resolution 449, offered by Representative Erwin. House Resolution 450, offered by Representative O'Brien. House Resolution 451, offered by Representative Gash. House Resolution 452, offered by Representative Gash. House Resolution 453, offered by Representative Gash. House Resolution 454, offered by Representative Gash. House Resolution 455, offered by Representative Silva. House Resolution 456, offered by Representative Gash. House Resolution 457, offered by Representative Erwin. House Resolution 458, offered by Representative Gash. House Resolution 460, offered by Speaker Madigan. House Resolution 461, offered by Representative Krause. House Resolution 462, offered by Representative Silva. House Resolution 463, offered by Representative Howard. House Resolution 464, offered by Representative Durkin. House Resolution 465, offered by Representative Morrow. House Resolution 466, offered by Representative Crotty. House Resolution 467, offered by Representative Crotty. House Resolution 468, offered by Representative Morrow. House Resolution 469, offered by Speaker Madigan. House Resolution 470, offered by Representative Coulson. House Resolution 472, offered by Representative Noland. House Resolution 473, offered by Representative Capparelli. House Resolution 474, offered by Representative Bergman. House Resolution 475, offered by Representative Noland. House Resolution 476, offered by Representative Schoenberg. House Resolution 477, offered by Representative Noland, and House Resolution 478, offered by Representative Biggert."

Speaker Hartke: "Representative Currie, now moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

the Chair the 'ayes' have it and the Agreed Resolutions are adopted. Mr. Clerk, what is the status of Senate Bill 1707?"

Clerk Rossi: "Senate Bill 1707, was held on the Order of Second Reading, pending the filing of a state debt impact note, and that note has been filed."

Speaker Hartke: "Third Reading. On page 5 of the Calendar, appears House (sic-Senate) Bill 1473. Representative Ryder. Representative Ryder, do you care to call that Bill? Mr. Clerk."

Clerk Rossi: "Senate Bill 1473. A Bill for an Act concerning health care facilities. Third Reading of this Senate Bill."

Ryder: "Thank you."

Speaker Hartke: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill contains an Agreed Amendment with the Illinois Hospital Association and representatives of surgical centers indicating a necessity for a report on the pilot projects that have been instituted. I'd be happy to answer any questions."

Speaker Hartke: "Any discussion? The Chair recognizes the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. I rise in support of this Bill. This Bill has the language which we negotiated earlier this Session, regarding the recovery centers and the hospitals. I would ask that everybody support this. This is a good piece of legislation, and I would thank you for your consideration."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I want to echo Representative Saviano's remarks. I too stand in support of this Bill."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, this is final passage. All those in favor of Senate Bill 1473 vote 'aye'; all those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1473, there are 109 Members voting 'yes', 3 Members voting 'no', and 3 Members voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 1510. Representative Daniels. Representative Stephens. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1510. A Bill for an Act in relation to state revenue. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What Senate Bill 1510 does is to correct a flaw in the legislation last year which would raise the pull tab limits from \$2,250 per event, to \$5,000 per event. That is currently the law in three counties in the state. What this Bill would do is bring the other 99 counties up to that prize limit number. I'd be happy to respond to any questions and would appreciate your support."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Speaker. I simply rise in support of the legislation. I believe I'm suppose to be a Sponsor as well, and as Representative Kubik said, this is designed specifically to correct the problem created last year when we thought we were covering the entire state and ended up covering only three counties. A lot of your service organizations who do a lot of the community work, need this change and are asking that we do this, and so, stand in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

support and I'll believe I'll check and see I think I should be up there as a Sponsor as well."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Sinclair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman (sic-Speaker). I stand in support of this Bill also. We thought we had this covered last year. It passed out of here with huge margins, and I support this Bill and stand in favor of it. Thank you."

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

Fantin: "Thank you, Mr. Speaker. I also stand in support. We had many hearings this last year. We had five hours of hearings and during these five hours, there were many organizations present, and many of these organizations that are requesting this, are charitable organizations that help handicap children, schools, churches, et cetera, and I would ask my colleagues for a favorable vote. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Hartke: "That's not necessary. Representative Kubik to close."

Kubik: "I urge your support."

Speaker Hartke: "The Gentleman asks for the passage of Senate Bill 1540...excuse me, 1510. All those in favor signify by voting 'aye'; those opposed vote 'no', and the polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk...Mr. Clerk, take the record. On Senate Bill 1510, there are 85 Members voting 'yes', 28 Members voting 'no', and this Bill having received the Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, on Third Reading,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

appears Senate Bill 1544. Representative Dart. Out of the record. On page 5 of the Calendar, appears Senate Bill 1547. Representative Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1547. A Bill for an Act to amend the Liquor Control Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1547, amends the Liquor Control Act, to prevent an increase from 12 ounces to 16 ounces, the quantity of beer that may be offered as a sample at licensed pubs and restaurants. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Senate Bill 1547 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1547, there are 86 Members voting 'yes', 28 Members voting 'no', and this Bill having received the Constitutional Majority, is hereby declared passed. Senate Bill 1555. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1555. A Bill for an Act concerning the safety and soundness of public investments. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, thank you for your patience, Mr. Speaker. Senate Bill 1555, is a product of the public investor task force and a measure initiated by Treasurer Topinka, and requires a written investment policy for public funds within a public agency's control. And we passed a Bill very similar to this out of the House, and the Senate has

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

added a Amendment which is why it's back to us again. And the House Committee vote was unanimous and Senate Third Reading was passed with one voting 'no', and the rest voting in the affirmative. So, I'd be happy to answer any questions that anyone may have."

Speaker Hartke: "Further discussion? Is there any questions? The Chair recognizes Representative Cross."

Cross: "I don't have any questions."

Speaker Hartke: "The Chair recognizes Representative Gash."

Gash: "Thank you, Mr. Speaker. I'd like the record to reflect that on Senate Bill 1455, I intended to vote 'no'."

Speaker Hartke: "The record will so reflect. Further discussion? Seeing no one is seeking recognition, the question is, 'Shall Senate Bill 1555 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1555, there are 115 Members voting 'yes', 0 voting 'no', and this Bill having received the Constitutional Majority, is hereby declared passed. Senate Bill 1561. Representative Ryder. Out of the record. Senate Bill 1565. Representative Granberg. Out of the record. On page 6 of the Calendar, appears Senate Bill 1598. Representative Ryder. Out of the record. Senate Bill 1599. Representative Winkel. I'm sorry, that Bill's on Second Reading. Out of the record. Senate Bill 1664. Representative Biggert. Representative Biggert. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1664. A Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Biggert."

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

House. Senate Bill 1664, is from the State Board of Education's Private Business and Vocational School State Advisory Council and makes several changes to the Act based on recommendations made during industry surveys and public hearings. Changes to add specific authorization for private business schools to offer courses by distance learning recognizes in the statute. The offering of short courses and prescribes a shorter application process and the lowering of the application fee. Requires institutions exempt from the act of filing annual finance reports. Establishes the uniform reporting period for all schools from July 1st to June 30th. Makes changes to enrollment agreements. Requires private sch...business schools to submit a alphabetical list of students. Changes the cancellation deadline from six days after enrollment to... before midnight of the fifth business day. Raises the cap on application fees. Changes the language specifying tuition. Requires schools that offer placement assistance to disclose to students statistics on school admissions and be happy to answer questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "Indicates she will."

Cross: "Representative, was there a Committee Amendment added to this Bill?"

Biggert: "Yes, there was, Senate Bill 1598."

Cross: "What was...what's contained in the language of that Amendment?"

Biggert: "That language is to eliminate the statutory language that says a disabled child eligible for special education is not covered by provisions for payment of school tuition

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

by a student's district of residence to another district in which the school receives...the student receives residential program services. And this is really the practice that is being done right now, but it wants to clarify that if they're in a residential program for alcohol or drug dependency, that their home school district will cover the costs of the education."

Cross: "Can we find out who the proponents of this Bill are? Other than the State Board. And, Mr. Speaker, it's a little difficult to hear in here."

Biggert: "The proponents of the Bill are the State Board of Education and the private business and vocational schools state advisory committee. There are no opponents."

Cross: "Who makes up the private business and vocational school group?"

Biggert: "That's comprised of the schools themselves and student representatives."

Cross: "Representative, the private schools themselves are part of that group?"

Biggert: "That's correct. The private business and vocational schools."

Cross: "Who are the private businesses as part...that make up this group?"

Biggert: "It's business schools."

Cross: "What business schools are we talking about at... Is this at the secondary level?"

Biggert: "It would be, for example... Well, it would be, for example, DeVry. For example, DeVry Institute. It's vocational schools."

Cross: "How about... Does this affect K through 12, or just..."

Biggert: "No, this is for colleges. There is, also, a provision in this Bill for technical...a technical program which

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

involves high school students."

Cross: "Why the...some language in here that talks about raising the cap on the application fees. Can you explain that and tell us why that's in there?"

Biggert: "It rai... Well, the cap goes from \$100 to the lessor of \$150 or 50 percent of the tuition costs. So it really could be more or less than the \$100. Right now it's a straight \$100 for any...any tuition."

Cross: "Is there a chance with the 50 percent language that we'd end up below 150?"

Biggert: "It could, but this really is adjusted for inflation for the last 10 years."

Cross: "Is the refund policy for the short courses new language or is that...has that been the law?"

Biggert: "There has always been a policy by the State Board for refunds, but the... It's a change in the law for the short courses because there haven't been short courses before. A short course is the study of up to 20 hours. So, obviously, that...that policy was changed to provide a different proration for short courses."

Cross: "The Amendment that was adopted in committee deals, if I'm reading correctly, with disabled children and their eligibility for special education. Can you explain that to us?"

Biggert: "What it says, is that if a child who is disabled is put into a drug treatment out of the school district, that their home district pays for that education. And that is just a clarification. Right now, the law says that if a regular student is placed in one of those programs, that the home district. And what's happened is that the home school for disabled children have been paying for it in most cases, but this is a clarification."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

Cross: "All right. Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Could the Lady tell me if this is just undergraduate...not undergraduate. Is this post high school or pre-high...or high school?"

Biggert: "The... It is post high school for the private business and vocational schools. There's also a provision in here to establish a partnership for a career grant program and that is to empower the State Board of Education to make grants subject to appropriations for this purpose, for school districts upon receipt of the applications from school district and business partnerships. And this really does involve high school students to be in a work force in partnership with businesses and their school."

Skinner: "What I'm trying to find out is whether these schools have to be located in Illinois, number one; and, number two, are the students able to get scholarships through the...our state assistance program?"

Biggert: "Well, that kind of depends on whether you're talking about either amending the Private Business and Vocational Schools Act or you're talking about the partnership for career opportunities."

Skinner: "I'm talking about post high school."

Biggert: "The post high school. Those schools, the base may not be located in the State of Illinois, but they are doing business in the State of Illinois."

Skinner: "So we... I mean, currently, we do not give scholarships to Illinois students who go to the University of Michigan, right?"

Biggert: "That's correct."

Skinner: "But if there were a private school located in Michigan

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

and you were taking a class via the telephone line, they could get a state scholarship?"

Biggert: "No. This has nothing to do with scholarships."

Skinner: "Well, that was part of my question. Does this have any... I mean, that was my basic question, does it have anything to do with scholarships?"

Biggert: "That's right."

Skinner: "Okay, thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Biggert to close."

Biggert: "Thank you. This is a Bill to amend the Private Business and Vocational Schools Act and I would ask for your favorable vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 1664 pass?' All those in favor signify by voting 'aye'; those opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1664 there are 99 Members voting 'yes, 0 voting...15 Members voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read the Adjournment Resolution."

Clerk Bolin: "Senate Joint Resolution #64 (sic-#66). RESOLVED, BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, May 7, 1998, the Senate stands adjourned until Tuesday, May 12, 1998, at 4:00 o'clock p.m.; and the House of Representatives stands adjourned until Tuesday, May 12, 1998, at 1:00 o'clock p.m."

Speaker Hartke: "Representative Pankau now moves that the House stand adjourned. All those in favor say 'aye'; opposed

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

May 7, 1998

'no'. The House stands adjourned allowing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 479, offered by Representative Younge. House Joint Resolution 64, offered by Representative Monique Davis and House Resolution 471, offered by Representative McKeon, are assigned to the Rules Committee. Messages from the Senate by Mr. Jim Harry, Secretary. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in the passage of a Bill of the following title, to wit: House Bill 3162, a Bill for an Act in relation to orders of protection, together with Senate Amendment #1. House Bill 3374, a Bill for an Act concerning school buses, together with Senate Amendment #1. House Bill 2565, a Bill for an Act in relation to higher education, together with Senate Amendments 1 and 2. House Bill 2367, a Bill for an Act regarding standby and short-term guardians, together with Senate Amendment #1. House Bill 2257, a Bill for an Act to amend the Criminal Code of 1961, together with Senate Amendment #1.'"