

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

72nd Legislative Day

May 30, 1997

Speaker Brunsvold: "The House will come to order. All unauthorized personnel please retire to the Gallery. Will be led in prayer today by Representative Coy Pugh, who is the Assistant Pastor at Fernwood United Methodist Church in Chicago. Guest in the Gallery may wish to rise for the invocation. Representative Pugh."

Pugh: "Shall we pray. O Gracious God our Father Lord, we come before You this afternoon with our hearts bowed and our knees bent, O Lord, often times not aware of Your gracious goodness. Lord we ask that You uplift our hearts, ignite our spirits, pull back all those layers of ignorance, O Lord God that lead us down the wrong roads. Lord true to our hearts that we may know what it is for You would have us to do, O Lord God. Teach us that we may become not perfect but better than we are. We ask these things and many much more in Your blessed name. We'll continue to pray and give You all the praise. Amen."

Speaker Brunsvold: "We will be led in the Pledge today by Representative Moffitt."

Moffitt - 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 Brunsvold: "Mr. Clerk, Roll Call for Attendance. Mr. Biggins, for what purpose do you rise?"

Biggins: "Well, good morning. Thank you, Mr. Speaker. Good afternoon, I should say. You know, I'm stirred very much by Representative Pugh's opening prayer and I thank him for that. One of my favorite biblical stories concerns the loaves and the fishes and the miracle surrounding them. I think we may be seeing a similar miracle like that today in relation to the lights and the Members that are present."

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So, I just look forward to working with everybody this day."

Speaker Brunsvold: "Thank you, Mr. Biggins. Mr. Cross, with the Republican absentees."

Cross: "We're all here, Mr. Speaker. Thank you very much for asking today."

Speaker Brunsvold: "I can see that, Mr. Cross."

Cross: "You're very kind."

Speaker Brunsvold: "Mr. Hartke, the Democrat absentees."

Hartke: "Mr. Speaker, I don't have a clue who's missing."

Speaker Brunsvold: "Your honesty is refreshing, Mr. Hartke. Mr. Clerk, take the Roll. We have 110 Members answering the Roll, we do have a quorum. Committee Reports."

Clerk Rossi: "Representative Novak and Persico, Chairpersons from the Committee on Electric Utility Deregulation to which the following Amendment was referred, action taken on May 29, 1997. Reported the same back: To 'be adopted' Floor Amendment #1, to Senate Bill 55. Messages from the Senate by Mr. Jim Harry, Secretary. Mr. Speaker, I am directed to inform the House that the Senate has refused to Concur with the House in the adoption of their Amendments to a Bill of the following title: Senate Bill 797, a Bill for an Act to amend the Illinois Aeronautics Act, together with House Amendments 1, and 2."

Speaker Brunsvold: "Mr. Novak, are you preparing to call the DEREG Bill?"

Novak: "Yes, Mr. Speaker."

Speaker Brunsvold: "Mr. Clerk, Senate Bill 55. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 55, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representatives Novak and Persico."

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Speaker Brunsvold: "The Gentleman from Kankakee, Representative Novak, on Floor Amendment #1."

Novak: "Mr. Speaker, could we advise the Clerk to add Representative Persico's name as the hyphenated Cosponsor with myself?"

Speaker Brunsvold: "We'll proceed to do that, Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. After many, many months of negotiations and with intensified meetings and hours, and hours, and days and weeks of meetings with diverse elements from around the State of Illinois, we have a Bill to present before the General Assembly. And, Representative Persico, my Cochairman of the Utility Deregulation Committee and I wish to present this Bill today and certainly allow our Members to ask as many questions as they can. Probably there hasn't been a significant issue with the exclusion of yesterday, in this Chambers dealing with education funding that has faced the citizens of Illinois. For the last 60 to 75 years we have lived in a regulated utility environment, where the Commerce Commission has regulated utility rates for citizens, residents, commercial and industrial users. There is a trend going around this country, it's call Utility Restructuring and Deregulation. A number of other states have implemented plans. Our major concern is that Illinois should have the flexibility to fashion their own deregulation plan. Illinois should have the resources through the General Assembly and with the participants of all groups involved to put together a plan that's best for its citizens, for our residential consumers as well as for our small businesses and our large industrial consumers. We have major concerns about what's happening on the federal level. There is federal

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legislation pending in Washington and I think the last thing that all Members of this Body would like to see would be some type of a federal mandate emanating from Washington with respect to how we regulate and how we deal with the electric utilities industries within our respective states. It's one of the major reasons why we're pushing forth with this Bill. Representative Persico, as I indicated and I have watched this process and participated in this process every day, every hour, whether it was 8:00 in the morning or 2:00 in the morning. Vince and I have played hand and hand, and let me say one thing, Ladies and Gentlemen. Politics sometimes often rears its ugly head in issues before this Body. We all realize that. There has not been one iota, there has not been one intimation of partisan politics in this negotiating process and we applaud Members of both Parties in that. This has been a situation where both Parties have agreed to sit down with all the diverse elements to come together and put a...not a perfect Bill together, but put a good Bill together for the citizens of Illinois. One second, Mr. Speaker. So I know this is a very technical issue, it's about 250 pages long. So, I know we can get into the significance of the debate but I now move that we adopt Amendment #1, House Amendment #1, to Senate Bill 55."

Speaker Brunsvold: "What was your request, Mr. Novak?"

Novak: "Mr. Speaker, to repeat. I know we have many questions to be asked and answered but in the interest of time, I would now move that we adopt House Amendment #1, to Senate Bill 55 and proceed with questions on Third Reading. Thank you."

Speaker Brunsvold: "The Gentleman has moved for the adoption, and on that question the Gentleman from Madison, Mr. Stephens."

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Stephens: "I would like to yield my time to Representative Persico who is also seeking recognition and make sure that all of our Members understand what we're doing here and why it's so important."

Speaker Brunsvold: "The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. An Inquiry of the Chair first of all."

Speaker Brunsvold: "State your request."

Black: "Is it the intent of the Chair to adopt the Amendment and then go immediately to the Bill? I would suggest if you're thinking that, I would suggest if that's the plan, you may want to reconsider that."

Speaker Brunsvold: "I believe the request from the Sponsor would be to go to third and hold it there."

Black: "Okay. I think there's a number of... we would like a little more time to study it obviously and debate it on third and as I look around the Chamber obviously we don't want to move this Bill on third immediately."

Speaker Brunsvold: "Mr. Novak, is that..."

Novak: "That's fine."

Speaker Brunsvold: "That's fine with you. Okay, the Gentleman from DuPage, Mr. Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think that Representative Novak and myself and Representative Black had a very good idea that we would just like to adopt Floor Amendment #1 and to get it to Third Reading for right now."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out to you that this Amendment is not on our screens. I do not have a copy of this Amendment, nor have I seen the copy of this Amendment."

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And how can we vote on something that is not available to the Members of the Body? I think this is inappropriate and until we have it on our screen or until..."

Speaker Brunsvold: "Mr. Clerk, the status of the Amendment on the laptops?"

Clerk Rossi: "The Amendment is on the laptops."

Speaker Brunsvold: "Mr. Parke, the Clerk indicates that the...your electronic wonder has the Amendment on it."

Parke: "I understand it's being downloaded right now. I see. It does not give us a lot of time to evaluate this Amendment to be able to have us ask any questions on the Second Reading as we're supposed to be able to do when an Amendment is being adopted. That is part of the problem with this legislation, as that the Body, who is supposed to make intelligent informed decisions, do not have the ability to make those decisions because we have nothing available to us. This is not the way to do the work of the people and we ought to be embarrassed that we're trying to do it this way."

Speaker Brunsvold: "Any further discussion? Seeing none the Gentleman has moved for the adoption of the Amendment. All in favor say 'aye'; opposed 'nay'. They 'ayes' have it and Floor Amendment #1, has been adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, House Bill 1327. Representative Clayton. Representative Clayton, this has become a habit, I just can't get out of it. The Gentleman from Cook, Mr. Bugielski. What reason do you rise?"

Bugielski: "Thank you, Mr. Speaker. I rise as a Point of Personal Privilege. I would like to..."

Speaker Brunsvold: "Proceed."

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Bugielski: "...welcome Devers School from the Northwest side of Chicago, from my district, who is up in the Gallery on the Democratic side. We would like to welcome them to Springfield."

Speaker Brunsvold: "Mr. Clerk, Senate Bill 55."

Clerk Rossi: "Senate Bill 55, a Bill for an Act to amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Kankakee, Mr. Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen, thank you very much. We adopted, earlier adopted the Amendment to Senate Bill 55. Once again I want to indicate to the Members of this Body the complexity and the technicality of the issues at hand. We have had some historic opportunities this Session to deal with major issues facing the citizens of Illinois and yesterday was a perfect example on school funding. Today we have another historic opportunity to deal with some major consumer issues in Illinois. And that is taking a regulated monopoly for the past 60 to 75 years and restructure it, guarantee immediate and specific, in real and substantial rate reductions in utility bills, allow utilities the flexibility to compete in a competitive market. And allow people choice. Allow people the opportunity to shop on the open market, like they do now for telephone service. You can do that right now for long distance service and very soon in Illinois you can shop on the open market for your local telephone service. This is going to allow people to shop on the open market for electric power. Safe and reliable electric power."

Speaker Brunsvold: "Mr. Novak, excuse me for the interruption. Mr. Tenhouse."

Tenhouse: "Mr. Speaker, the House Republican's would request a Conference in Room-118."

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Speaker Brunsvold: "The Republican's have requested a Conference in Room-118 for approximately one hour. Mr. Hartke."

Hartke: "The Democrats may finish their lunch and wait for the Republicans to return."

Speaker Brunsvold: "The Republican's have requested a Conference in Room-118. The House will be in recess until the hour of 3:00, 3:00 p.m. Representative Stephens. What reason do you rise?"

Stephens: "Well, Representative Tenhouse asked asked for an hour. You give him 56 minutes. You're starting to push a little too hard, Mr. Speaker."

Speaker Brunsvold: "I'm sure if he's there at 3:30, we'll be waiting for him."

Stephens: "Are we going to get out of here tonight?"

Speaker Brunsvold: "I hope."

Stephens: "Tomorrow night?"

Speaker Brunsvold: "I hope."

Stephens: "Sunday? Sunday sounds good."

Speaker Brunsvold: "I have no knowledge of that, Mr. Stephens."

Stephens: "Let's vote on something Sunday."

Speaker Brunsvold: "Thank you, Sir. Representative Schakowsky. Your light is on. Okay, thank you."

Speaker Brunsvold: "House come to order. All unauthorized personnel, please leave the Floor. Mr. Clerk, Senate Bill 55."

Clerk Rossi: "The Bill has been read a third time previously."

Speaker Brunsvold: "The Gentleman from Kankakee, Mr. Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. As I indicated, this General Assembly has dealt with some major issues that impact every consumer in the State of Illinois. And I know, yesterday we dealt with a very significant public policy issue dealing with the

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adequate way to form...to reform public school financing. Today, we have another major issue that we would like the Body to consider. After numerous hours, and weeks, and months, of negotiations we do have a Bill to restructure the Public Utilities Industry in the State of Illinois. I did give you a brief overview and I know we have a lot more to talk about so, I will defer to my Cochairman, Representative Persico, to go into discussions on some pertinent parts of the Bill."

Speaker Brunsvold: "The Gentleman has yielded to the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 55 is the end result of over two years of public hearings and negotiations that have taken place. I don't believe any Bill in the history of the State of Illinois has received more debate, more discussions, more give and take than this Bill that you are about to vote on today. If I can take you back a little bit to two years ago with Senate Joint Resolution #21. It was a Resolution that requested the General Assembly to look at whether or not to restructure the Electric Utility industry in the State of Illinois. From this Senate Joint Resolution we held public hearings. We held them in DuPage County, we held them in the City of Chicago, we held them in downstate. We had seminars on it. The ICC held a seminar in Springfield this past spring. There was a...the Kellogg School of Business at Northwestern University, held a seminar last fall. From that process a technical advisory group was formed, again that spent literally hundreds of hours looking, and debating, and discussing all the aspects of what would go into the restructuring the Utility Industry in Illinois. From that process came House Bill

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361, which was introduced in the Fall Veto Session. House Bill 361, was a Bill designed by a coalition of the Illinois Manufacturing Association, the two major utilities, and other utilities, the large industrial users and other groups. This Bill was a good starting point. It was not a Bill that was ready for your consideration. For example, it was a Bill that did not give residential customers the opportunities that we needed for free competition in the State of Illinois. The General Assembly found it unacceptable and said, let's go further. At this time then, we gathered together in March, all the CEO's of the large companies that were going to be involved in this issue, and we set down 12 guiding principles, which we will talk about later. And from this we opened up negotiations with between 80 and 100 people for the past seven weeks. No one thought at this time that any issue of this magnitude could be settled by this many people sitting around a table negotiating what would be one of the biggest Bills in the history of this state. I think we surprised a lot of people. From these negotiations we reached by consensus 90 to 95% of the Bill that's in front of you. From this process at the Howlett Building and the new State Library in Room-400, and other places we came up with a Bill, at least the framework of a good Bill. There were 160 hours of negotiations just at that table alone. There were literally hundreds of hours of sidebar negotiations on particular issues to reach a consensus. No one was ever excluded from these. We had the large consumer groups, we had the utilities, we had the manufacturers, we had the large industrials, we had environmentalists, we had the coal people, the muni's, the City of Chicago, the power marketers. Everyone was involved in this issue. We worked

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off four proposals that were introduced this spring. The Coalition Bill, House Bill 361, CILCO Bill, a CUB Bill, and the Alliance Bill. When impasse was reached on the economic issues which we realized that it probably would be because of the diverse interests of this group, the Legislature then decided it was time that they stepped in and decide what they felt was going to be good, sound, and reasonable public policy. And from those negotiations and those decisions made by Legislators, we come to you with Senate Bill 55. It is a proconsumer Bill, that insures rate reductions. It's a Bill that insures the financial viability of our utilities. It encourages competition. It guarantees rate reductions for consumers. It prevents the loss of literally thousand of jobs in the State of Illinois, and it insures that there will be no loss of revenue to the state or municipalities on the tax side. It will put billions of dollars back into our economy to be spent on food, college tuition, clothing, cars or whatever. It is not a perfect Bill, but it is a very good Bill. It is a Bill that I think each and everyone of you will be very proud to go back to your districts and say, this is what we did for the consumers of the State of Illinois. And with that, I'm going to return it back to Representative Novak, so that he can explain some of the details of the Bill."

Speaker Brunsvold: "Representative Novak."

Novak: "Thank you, Representative Persico, for that well put introduction on this Bill. We indicated, Ladies and Gentlemen, at the result of all of these meetings and the result of the different types of principles that were outlined when the commission ended its business in 1996. And all of you received memos, you received memos from your

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Cochairman on the Republican side of the aisle and you received memos from myself. Dealing with major issues that we dealt with at the table and let me just briefly just reiterate those. One of the major issues that took a number of hours to negotiate, was the obligation to serve and it is simply defined as this, is that if you decide to leave your host utility, if you live in Commonwealth Edison area for example, and you want to go on the open market to shop for power at a lower cost, and if something should happen two, or three, or five years down the road and let's say that other source of power would go out of business or something would cause them not to be able to generate power to your home, your host utility has the obligation to take you back and serve. That was a major bone of contention. It was a major issue that was negotiated. Along with the help of the Citizens Utility Board we were able to put specific provision, this is a consumer protection provision in this Bill. Another major point was consumer education on competition and choice. The Illinois Commerce Commission as well as the utilities will be expending great resources on educating the consumers with respect to how to choose their electric supplier. What choices to make. What kind of information to follow. This is another major consumer education and consumer protection provision that was put into the Bill at the insistence of the Citizens Utility Board and Citizens Action. Another provision was posting prices and conditions clearly for consumers. We certainly didn't want any type of subterfuge involved by any type of power generators or power marketers. And we talked about bundled rates where everybody pays a bundled rate now on their utility bill, and once they enter the deregulated market, those rates become unbundled so they

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are more clearly understandable. Another consumer protection was anti-slamming, we've heard about those provisions, or that concept in telephone deregulation. We have a very anti-slamming and anti-discrimination clause put in this legislation. We also have anti-red lining provisions for competitive electric services. No utility, whether they are the incumbent utility or power marketers or new power suppliers, once deregulation starts will be able to discriminate because of where you live, your income, or your status. We also talked about an independent system operator which is very important, a neutral third party that would be in charge of the transmission and distribution lines. This is a major aspect of the Bill. Penalties for suppliers who violate the Act, there are very punitive penalties in the Act as currently written that requires that all the suppliers of power live up to the proposed rules and regulations or they will be subject to punitive actions. Any alternative retail electrical supplier, those individuals outside the realm of your host utilities or incumbents have to be certified by the Illinois Commerce Commission. This is another important Consumer Protection Bill. We're certainly not going to let any type of company, let's say that might have a disreputable character or not of high quality of assurances and service to provide to come into the State of Illinois and supply electric power to our citizens. There is also reciprocity for customer access required of alternative suppliers. This is another major consideration, certainly dealing with consumer...consumer groups. The unbundling of delivered services was another memo you received which describes the way the current system is now on bundled services which means generated

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power and transmission and distribution charges and what happens when we go into an unregulated market and how these unbundled services are simply lined out or lined out on the form or your bill for better understanding by our consumers. Regulation of utility mergers, the ICC still maintains top authority and significant statutory authority to regulate mergers of utilities. Keeping the electric market competitive is another indication that the ICC will have much authority in that line. We certainly don't want to see any utility have an advantage of market power. Flexibility for electric coops and municipal systems. You know, a lot of parts of Southern Illinois and Central Illinois we have what we call coops that are democratically controlled, electric suppliers that are owned by the consumers that pay those bills. Currently they are unregulated, as well a municipal systems, such as the system in the City of Springfield. There are provisions in here for reciprocity if those entities wish to get into the competitive markets. Prohibiting cross subsidization among affiliates, this is another major CUB issue that we dealt with in during all of these meetings over at the Howlett Building and other areas. Optional metering for consumers for metering experiments. Everybody wants to make sure that once they go into an open market, they will still be able to use their same meter. Utilities creating generating companies, this is another very important segment of this Bill that will require more oversight by the ICC for guidelines and rules and regulations. And phasing out fuel cost adjustments as well as regulatory streamlining for utilities. You all received those memos. Now let me just take a few minutes to get into the most significant, economic issues of the Bill. Ladies and

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Gentlemen, the Electric Service Customer Choice and Rate Retail, Rate Relief Law of 1977, provides as follows: If you live in the Commonwealth Edison and Illinois Power territory, which makes up roughly 90% of the market in Illinois, you have guaranteed real substantial rate reductions beginning January 1, of 1998, of 10%. That 10% rate reduction will continue through the year of 1999. In October 1, of the year 2000, there is an additional 5% rate reduction. So, by October 1, of 2000, there's a total of 15% rate reduction if you live in Commonwealth Edison and Illinois Power territories. Now, we all know that not every Legislator represents territories that are serviced by Commonwealth Edison and Illinois Power. There are other utilities that provide electric services to our consumers in this state. Such as, if you live in Rock Island, it's the Mid-America Energy Corporation. If you live in the Central Illinois Light Company area, that's CILCO, which is Peoria-based. If you live in the Central Illinois Power Service, which is CIPS that is many areas in downstate Illinois. And if you live in tiny Wabash County, in Southeastern Illinois, it's called Mt. Carmel Electric. In those areas the average kilowatt per hour...average kilowatt per hour is much lower, excuse me, the kilowatt per hour charge is much lower than Commonwealth Edison or Illinois Power areas. So, for those consumers living in that area in year #1, of 1-1-98, there is an automatic 5% rate reduction. Then in the second year of 1999, there is another 5% rate reduction and the third year a 10-1-2000 there is another 5% rate reduction. But for the last two years it is contingent upon whether those utilities outside of Illinois Power and Com Ed are at or below the Mid-west average of cents per kilowatt hour. This was an

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arrangement and a compromise worked out by those utilities. Let's talk about customer choice. Representative Persico said, we want to phase in, everybody agreed at that table that we should phase in consumer choice. We do not want to disrupt the safety and and reliability of our current electrical service providers. We do not want to put 20 thousand union members lives and safety in jeopardy by having transmission lines overflow with power or grid overflow with power. We have human beings that work on the line everyday, Ladies and Gentlemen, that's 17 to 20 thousand members of the AFL-CIO that work for power companies all over the State of Illinois. So we talk about residential consumers phasing in over two years beginning on October 1, 2000. The first percent is 10%, it was to be chosen by a lottery of the Commerce Commission. The second segment is 30% of residents, chosen by a lottery from the Commerce Commission, and in the last and final segment of 60%, shall once again be chosen by lottery as determined by the Commerce Commission. Customer choice phased in for residential consumers is only two years and one day. Two years and one day, under the old coalition Bill, that was filed in 1996, our residents would not be able to have choice until the year 2005, well after what has been characterized by the Citizens Utility Board is those big dogs, those large manufacturing companies that wanted their customer choice quicker than the residents. Once again this is a consumer friendly Bill. There is additional savings for all customers for competition. There is a savings of almost 25% over current residential rates by the year 2000. In the year 2004, even if you wish not to leave your host utility, even if you remain in Illinois Power territory or if you remain in Commonwealth Edison

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territory, you simply want...if you want to stay with your utility, you simply call them up and they have to give you the market price power option. That is in the law. After the year 2003, all customers eligible for additional savings, even if they don't shop for power, are eligible for this. There are strong consumer protections to prevent red-lining, slamming, and misleading marketing practices through consumer education programs, including utility bill inserts to insure customers understand all their options. There is a permanent obligation to serve, as I indicated, insuring reliable service for all customers, suburban, urban and rural. There is a new low income assistance program providing \$76 million per year on top of the federal funds we receive to help our seniors, to help our low income individuals that cannot help themselves during times of the year when they cannot pay their heating bills. There is a new environmental program that will raise \$130 million over 10 years, to advocate coal research for our Southern Illinois people and also to invest in renewable energy resource programs and energy efficient programs. This Bill is a pro consumer Bill. Its proponents include the Citizens Utility Board, the Illinois Retail Merchants Association that represents over 23 thousand businesses in the State of Illinois, the International Brotherhood of Electrical Workers, the Illinois Municipal League that represents our cities and villages, the City of Chicago, the Northwest Municipal Conference, the West Central Municipal League, the South Suburban Mayors and Managers, the DuPage County Mayors and Managers, the Will County Mayors and Managers, many school districts and Chambers of Commerce across the State of Illinois. It is also supported by Illinois Power and Commonwealth Edison, two of

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the largest utilities in the State of Illinois. I spoke to you about the consumer and residential savings under this Bill. I would now like to defer back to my Cochairman, Representative Persico, so he can explain the commercial and industrial advantages for those consumers under this legislation."

Speaker Brunsvold: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Novak explained the moving and quicker access that residential customers have from the original Bill of House Bill 361. I would like now to talk about the commercial and industrial classes. Commercial and industrial classes will begin direct access on October 1, 1999, according to the following schedule. Any 4 megawatt and above of single site will be included in the first wave, 9.5 megawatt and above for multi-site aggregation is also included, as well as one-third of the remaining commercial and industrial classes. So, on October 1, one-third of all commercial and industrial classes in anything 4 megawatt and above, or multi-site aggregation of 9.5 megawatts. One year, one day later, or I should say, 12/31/2000, the remaining commercial and industrial customers will be on-board and have the ability to have direct access and free competition. So, within one year, three months all commercial and industrial classes will be on-board and as Representative Novak said, by the year 2002, all residential customers will be on-board. Compare that to 2005 for all residential customers under House Bill 361 and 2004 for the commercial classes under House Bill 361 and I believe 2002 for the large industrials. This is a good Bill, not only for residential customers but also for the commercial and industrial

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classes of Illinois. It will keep businesses in Illinois, it will retain jobs. The savings of this Bill alone in the first three years is \$1.6 billion, over a 10-year period it's around \$11 billion in savings to all customers and consumers in the State of Illinois. This is a Bill, as I said before, you can all be proud to vote on and I think at this time we will open up to any questions the Members of the General Assembly might have."

Speaker Brunsvold: "Are you finished, Mr. Persico?"

Persico: "Yes, I am."

Speaker Brunsvold: "Mr. Novak, completed your explanation of the Bill?"

Novak: "Yes, Mr. Speaker, but I failed to mention one significant aspect and I know there's...this is a 250 plus page Bill and there are many complex provisions in the Bill but I understand Representative Tom Dart has indicated he would like to speak to the subject of reliability of electrical service. And if I could defer a few minutes to Tom Dart, I would appreciate it."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. As the previous speakers have mentioned, this is a complex Bill with a lot of different aspects to it but one of the ones I think is most important and we talked to your constituents out there. They are going to ask you what...you ask them what are the two most important things, they are going to say, rate reduction and they are going to say reliability. They want to know that when they turn the switch on in their house that they are going to get electricity, and they don't want to risk that. So, what was done through negotiations and a lot of hard work by the two previous speakers, we're to put in some of the most comprehensive

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reliability provisions you're ever going to see in a Bill. Right now as this Bill exists, it has provisions in there which will allow for an independent operating entity to be established to assure reliable operation of the transmission system. That's something that we don't have right now. This would insure that the transmission systems which will bring the power to the different areas, will make sure that we can be assured of reliability in that area. In addition to that, there's going to be new requirements placed on the ICC, ones that presently don't exist. To that once again are dramatic in their impact on how it's going to help the consumer and your constituents. What it's going to do is, it's going to change some of the things with the ICC to require them to adopt new transmission reliability rules covering previously neglected aspects of reliability in oversight. An example of that would be for investment plans, for the age of equipment and I don't think we have to be reminded about the problems that have been caused about equipment outages because of their age. And due to outages exacerbated by utility inaction. It also requires the ICC to establish criteria for assessing the reliability performance in the enhanced reports on utilities delivery services and facilities. It's also going to require the ICC to make periodic reviews of reliability and once again as I said, something that isn't done now. These are provisions that are going to insure that the second part in addition to reduction is going to followed through on, namely reliability that our constituents know that they are going to have electricity. The other provision that I think is very important was the measure that we passed out of committee and was on the Floor as a separate Bill that

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dealt specifically with constituents who had had problems with outages. For the first time ever, this would allow individuals to bring lawsuits for losses caused by outages and this would not be outages based on the acts of God and nature like that. This would be outages that have been caused by inaction or neglect by the company itself and this would allow for the recovery for those individuals who had damages as a result of it. As I said, you're going to find upon examination that it's very rare to have a Bill like this that has so many aspects of it, allowing our constituents, our consumers to feel that they are going to have power. The reliability provisions in here are immense and they go from top to bottom, as I say, I commend the two previous speaker's for the amount of work they did but I do think that when you examine this you are going to find that the reliability provisions provided in this Bill are something that we have never seen before and are going to insure that not only do we have rate reduction, real reduction, but we're also going to have reliable sources of energy, power, electricity for all the consumers. Thank you."

Speaker Brunsvold: "The Gentleman from Kankakee has asked for the passage of Senate Bill 55 and on that the Gentleman from Vermilion, Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. The noise level was so high in here, I couldn't hear the explanation that Representative Persico and Representative Novak gave. Could they...could they do that again?"

Speaker Brunsvold: "I don't think the rest of the Members want to hear that again."

Black: "All right. Someone said that we were listening to the monotone caucus. I don't understand that. I want a little

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excitement in Representative Novak's voice, he's worked...why he's worked literally, he and Vince have worked literally around the clock on this issue. And I want you to know that I understand just enough to ask about four questions, if they would yield?"

Speaker Brunsvold: "Which Sponsor would you like to yield or all three of them."

Black: "Oh, either one. They are both outstanding Gentlemen."

Persico: "Well, Mr. Persico and Mr. Novak yield."

Black: "Yeah. The first questions is, somebody, Representative Novak, I think it was you talked about the LIHEAP money. Did I hear you say 76 million?"

Novak: "Yes, Representative."

Black: "Is that state money or state money plus the Federal pass through?"

Novak: "Currently, we receive about 68 million to 70 million from the Federal Government. This will be generated through the payment of the bills, everybody's bill."

Black: "Do I understand then that we will no longer make application to the Federal Government for such funds?"

Novak: "No, we will. We will continue to, yes."

Black: "Okay. President Clinton wanted to get rid of that a year or two ago. I wasn't sure where he was. See, it doesn't get cold in Arkansas. How much did we spend out of that fund last year, do you have any idea?"

Novak: "No, from what I understand, the fund is separated into two different functions. One, to help seniors and low-income people pay their heating bills in the wintertime, the other one is a weatherization program. I don't have the exact figures but all I know in talking to the DCCA representatives, that there are 700 thousand households in this state that are eligible for LIHEAP

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funding."

Black: "Right."

Novak: "This in no way even meets half."

Black: "Okay."

Novak: "It's unfortunate, but we thought this was a good step. At least it's double what we currently spend."

Black: "What scenario exists? Last winter we got into a really major problem with the purchased gas adjustment pass through and many gas bills went up 50, 60, 70% and I know at one time in my district there were absolutely no assistance funds available. As best I recall, I think we did get an emergency appropriation from Washington. Now, is that going to be taken into consideration under this rewrite?"

Novak: "Yes. This has nothing to do whether emergency funds come from Washington."

Black: "Okay."

Novak: "It's still up to our governmental bodies to try to secure that through our Congressional delegation."

Black: "At one time we had talked about a funding program that might be, not only in the cold months but of course, the heat wave in Chicago two or three years ago, killed several people. Is there any component in here that would allow for...a literally a year round assistance program?"

Novak: "Well, in our talks and negotiations were on the table on that specific subject matter it was certainly advocated by the consumer advocates for the low-income groups but it was decided that we just could not raise enough money."

Novak: "This goes, this doubles what the current program provides. It covers more families although it cannot cover every family that eligible in Illinois. At least we've reached out and approached more eligible individuals."

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Black: "I think you've done some good work on this. Let me make sure I understand how it will be funded. Raising the money for LIHEAP, is it a pass through cost to the ratepayer?"

Novak: "Yes, it is."

Black: "Is there any cap on that or do we know what the actual ratepayers' cost will be?"

Novak: "For individual homeowners its 35 cents, excuse me, 40 cents."

Black: "Is that per-therm measurement or..."

Novak: "That's per month. Okay."

Black: "Okay. All right."

Novak: "Then for you commercial and industrials, it's based on kilowatt hour usage and therm usage."

Black: "Okay. The other concern I have, there is considerable language in the Bill about municipal taxes, utility taxes that municipalities and local units of government can levy. If Mr. Persico could give me some assurance on how that is to be levied and exactly what does that mean. Is it...are we giving them the ability to increase taxes or how is that language explainable to the people back home?"

Persico: "Representative, this is an issue again, that was brought up in those large negotiating sessions and with the Department of Revenue and all interested parties and basically, what we did was we set up a 10 tiered system to insure revenue neutrality through the taxing. And through this system we will raise...it will be revenue neutral, it will raise exactly what we were raising in previous years. Unfortunately, you know, we couldn't make sure that it was revenue neutral for everyone involved and especially some of the CNI customers so we set up a tiered system where a few of them will pay slightly more and a few will pay slightly less. But overall no municipality, no state

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will...or state revenue will be impacted."

Black: "If a community has not chosen in the past to levy a utility tax, I assume that is still within their purvey of whether they do or do not levy such a tax?"

Persico: "Yes, it is, Representative."

Black: "Would this give a carte blanche to any community, who say, was levying 3% tax and under this Bill then could go to 5 or 6?"

Persico: "Representative, we capped it for the first three years at that 3%. By city ordinance they can raise it after the third year."

Black: "Okay. The last question, I have and either one of you. In my area I have several people who get their power from electric cooperatives and that rate, is quiet frankly, often higher than the highest rate that I've heard discussed. If...if I go back home and tell my rural constituencies who are on electric coops that they cannot access the marketplace or they will not get a rate decrease, how is that explainable to people who have paid relatively high rates the last few years?"

Persico: "Representative, coop's are not regulated right now as you know..."

Black: "I understand that."

Persico: "...and one of the reasons that, you know, that they formed these was to provide electricity for these rural customers and that. And if they so desire, I mean the coop's and the muni's came in to us and said, just leave us alone unless we want to go into the marketplace. And if they do they are subject to the same terms. So if you have a Co-op with a board of directors who would like to sell electricity outside of that area, then they would have to vote that way and they would be subject to the same rate

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decreases."

Black: "How will a member of a co-op, what do they do? Do they petition the Board of Directors if they want to disconnect or if they are upset that they don't get a 10% rate reduction? What recourse does the individual consumer have to an electric co-op?"

Persico: "Representative, for that to happen they must petition the governing board of their...their board in order to do this and convince them that it is a wise idea."

Black: "But in your opinion, Vince, will it be possible for a rural resident to petition for a disconnect or when choice comes, can a member of a co-op, just say, look your rate is not competitive, I choose to go with another supplier? Since they are not in the Bill, many have called me and said, we don't know that we'll be given this choice when the market allows it."

Persico: "Representative, that is an issue that we did struggle with in negotiating sessions and that and we felt that after talking about and discussing about it at length and they came in to discuss their concerns that we felt it was best to leave it up to the democratically elected board to make those decisions."

Black: "Okay. Well, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I congratulate both of them for hours and hours of work. I would simply submit, this is an extremely complicated piece of legislation and I look forward to the remaining questions and debate on the Bill before we're asked to cast our vote. And I do appreciate, not only your work but your ability to answer the questions that I have. Thank you."

Speaker Brunsvold: "The Chair would like everyone to realize we've got the timer on now for questioning. The Lady from

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Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to just issue a warning to my colleagues to be careful with this legislation. In my view, a 'yes' vote is a risky vote. I also want you to know that Senator Mahar just held a press conference saying that the Senate will not consider this Bill, they are not going to deal with this Bill until the fall. This Bill, is going nowhere. Now, to be honest, all of us have in the past voted for Bills where we don't know the implications of every detail, but never have we voted on a Bill that involves billions and billions of dollars, that is going to effect every single consumer in this state. Every residence, every family, every small business, every large industrial customer of the utilities. And we've never voted for a Bill of this magnitude that has been principally written by Illinois Power and Commonwealth Edison, the two businesses that stand the most to win or lose in the outcome of this vote. This is a 256 page Bill. One of it, one of those pages deals with the much touted rate decrease. This is clearly a work in progress. Every day there seems to be a change in this legislation. Items have been found, items have been changed, items have been made better. The AARP, by the way, found a... found that in the Bill, that even though rates might go down, the bills might go up. Let me quote. 'Clearly, the proposed electrical deregulation plan will not provide residential customers with a guaranteed permanent reduction of 15% in their electric utility bills.' Now, we've heard a lot about CUB support. Make no mistake, all consumers are, and all consumer groups are not behind this Bill. Three of CUB's original allies, Citizen Action, the AARP, all those

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seniors across the state, and the Illinois Environmental Council are asking for a 'present' or 'no' vote on this Bill, so that it can be considered in the fall. There is nothing lost by waiting. Nothing in this Bill goes into effect until January of 1998. So, waiting until the fall will not jeopardize any of the good things, and there are many, in this Bill, but it will help us to do better. You don't have to trust me on this, but you can ask your consumers and your constituents whether they think that the exit fee that's required in here is a good idea. Because, in this Bill, if prices go down in the open market the exit fee actually goes up for consumers. This is hardly giving consumers access to a competitive market, and besides, residential consumers do not get access at the same time. Except for 10% of us, of residential customers, we have to wait two years beyond industrial consumers, the large consumers, before we have access to a competitive market. We could hold hearings over the summer, and we can come back in the fall. And when we come back in the fall, we can still do the right thing for the workers of the utility companies, and that's a very important concern to me and to you. We can do the right thing for the low-income energy consumers. That's in this Bill and we want it to be there. And we can do the right thing for the municipalities, you know the City of Chicago is very concerned. But we can do a lot better, a lot better, for average residential consumers. Don't be confused. When they say a 10% reduction in January, that is not on the whole Bill, you add the taxes on top of that, it's going to be less than a 10% decrease in January. We can do better by waiting, by understanding, by involving our constituents in the process here, by letting those who really understand this Bill look

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more carefully at it. I urge a 'no' or a 'present' vote, and when we come back in the fall we can have a Bill we can really be proud of."

Speaker Brunsvold: "Thank you, Representative. The Gentleman from Cook, Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 55. First I'd like to congratulate and applaud all the participants that sat around the table for hours and hours, particularly, Members of this House. Mr. Persico, Mr. Novak, I know Mr. Morrow was there, and there were others there. Certainly, Mr. Granberg involved himself in this situation. Months ago when we started to talk about what to do about this issue people came to me, of course on both sides of it, people who had an interest and said to me, 'Where are you going to be?' And I said, 'Well, I'm for rate cuts for my constituents. I want them to have the benefit of rate cuts.' And people said, 'Well, you know, Com-Ed is not going to be for this Bill because they will never be for those kinds of rate cuts.' And then they said to me, 'You know, the unions will never be for this Bill because if there are going to be rate cuts, if there is going to be competition, all these thousands of IBEW workers are going to be out of work. They will never be for it.' Then people came to me and said, 'Well, CUB, the Citizens Utility Board, will never be for it. They can't be for it because they will never be for anything Commonwealth Edison is for, even if Commonwealth Edison is for it.' And then I was told that the first thrusts of different Bills that were introduced indicated that consumers would be at the end of the line, our constituents, our next door neighbors, our voters, our friends, the people that live in homes in

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our districts, would be at the end of the line. The big users would be up front, and the little guy, the people we care most about, would be at the back end. And I said, 'Well, I can't be for that.' I won't be for that. And so I set up some very simple guidelines before I would commit to supporting any electricity deregulation Bill. One was that both Commonwealth Edison and CUB had to be for it. Well, they are. Another was, that the unions had to be for it, because I certainly did not want 25 thousand electrical workers in this state to be out of work, or to have the threat of being out of work. Well, they're for it. They've been protected. And I said, 'The neighbors and friends on my block, who pay electric bills must not be at the end. They must not have to wait 10 years to get the benefits that the big guys, the big dogs get.' And they were taken care of here, and everyone is phased in at the same time. And finally, I said, 'If I'm going to support this there must be real rate cuts, and any taxes that are in the Bill must be revenue neutral.' Well, there are real rate cuts, and all taxes and fees that are referred to in the Bill are revenue neutral. Ladies and Gentlemen, you all have to set up your own criteria, your own standards, for what you think must be in this Bill. But the four or five things that I required in January when people came to me and said, 'Will you support this?', have all been resolved to my satisfaction. There are flaws in this Bill for sure, but the flaws do not outweigh the great value in this Bill, do not outweigh our need to have competition in this industry, do not outweigh our need to bring to our constituents a rate reduction. Yesterday, we brought our constituents, if it moves in the Senate, an income tax increase. Yes, a property tax cut, but an income tax

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increase. Today, with the opportunity to help them in another direction, and that is to give them a cut in their electric rates. Some now, but much more later. And so I say to you, let's put all the red herrings aside, and I say to you let's applaud the people that sat around the table and drafted a pretty darn good piece of legislation, a very complicated piece of legislation, a piece of legislation that will be good for our constituents, and a piece of legislation that certainly meets all the criteria I laid out. To me, those are the important issues, and to see a Bill involving the electric industry, where Commonwealth Edison and Illinois Power and the Citizens Utility Board are all on the same side, I think just that fact alone should make us stand up and take notice and give the strongest possible consideration to joining them in protecting our constituents and lowering their electric utility rates. I would suggest 'aye' votes."

Speaker Brunsvold: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I, too, would like to add my word of respect and congratulations to my friend Vince and my friend Phil Novak for the many, many hours that they and others of us have worked on this important legislation. Yes, this is important legislation. This is probably the most important Bill that any of us will vote on in our careers here. Because, as has been previously described, what this Bill does is change relationships and monopoly relationships and consumer relationships that have been in place for literally generations. The problem that we have with this Bill, and it gives me no pleasure, no joy to rise in opposition to it, but I must say to you that when we

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embarked on this deregulation journey, we were embarking on a very noble cause. We were embarking on a cause that would bring leadership to Illinois, that would bring competition to Illinois in the area of electric deregulation. Because, while the Midwest average in electric rates is 6.9¢ today, our state, for many years, has been handicapped by having the highest rates in the Midwest. And sadly, this Bill, in my opinion, continues to lock Illinois into the highest rates in the Midwest for another 10 years. And sadly, this Bill deprives our citizens, and our businesses, and our industrial base in Illinois of the immediate \$2.7 million impact in savings and electricity were we to have this Bill in place next year. It deprives our state of the economic benefit that is promised and in the promise of the electric deregulation. Yes, this Bill does serve to deregulate the market. The very, very great problem with this Bill, however, is in the course of deregulating the market it does not provide for competition in the market. And so, the effect of this Bill is to serve and to strengthen the monopolies who are already in place in our state, and it is the effect of this Bill to strip away and weaken the power of the Commerce Commission to protect our citizens and to serve us as they have and ought to do. There's much that has been made of the residential rate cut, promised to be 10%, and then again, another 5% in this Bill. And yes, all the details are very complicated and it's a very complex and technical subject, but all you have to do is look at the Bill, and it does not say in this Bill that you will get a 10% cut in your bill. It says, in this piece of legislation, that you will get a 10% cut in the rate base. And let me assure you that the last minute changes which

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came into this Bill as they relate to the fuel adjustment clauses, paragraphs E and paragraphs F that showed up, assure you that, over time, that these promised reductions in residential rates are not true. And many other things can happen to that rate base as well. And as we heard last night, such things as the so-called phantom taxes, because there is one calculation that's made by utilities, perfectly legal and I have no quarrel with it. For the purpose of paying taxes, the IRS and another one for determining... related to depreciation, what goes into the rate base calculations. We've heard many others. But at the end of the day, you should not represent to your residential people that they can be confident of the 10% and the 5% cuts. Now, how does this mitigation factor and how do these stranded costs work in this Bill? This Bill, through its mitigation schedules, have the effect of not 58% or 50% stranded cost recovery as has been advertised, because that recovery implies, that level of recovery implies that there is incentive in this program for choice. And I will tell you, without going into all these details, that the savings is so small that there is no incentive for many years down the road for people to choose and move to an open market. And so, while that is true, that means that instead of a 58% stranded cost recovery or a 50% stranded cost recovery we are really looking upwards of 80, 90, 100, and some would say over 100%. This is made especially more critical because, unlike any other state, we have the most broadly and weakest and loosest securitization plan authorized in this Bill. What this Bill would permit, the moment it is signed, is Commonwealth Edison to issue \$6 1/2 billion worth of bonds, Illinois Power to issue \$6 1/2 billion worth of bonds. And yes,

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where in other states there has been securitization, there has also been a requirement that the ICC, the Commerce Commission in those states, determine that such is in the public interest. That does not happen here. And so, we have a situation where it is possible in the course of transferring this level of debt out of the company into another entity, and the full faith and credit of your constituents, the rate payers, are on the hook for this debt. And no, there is no, there is no provision. There is no clear provision in this Bill to credit consumers for what they are retiring in stranded costs through the securitization in the mitigation factors, which we have already described. So for those and many other reasons, it is important for you to look very, very carefully at this Bill. It is a Bill that is very, very important. It is a Bill that we need to fix. It is a Bill that we need to truly use to bring to the promise of Illinois, the economic benefits of a truly deregulated, competitive market. Thank you, Mr. Speaker."

Speaker Brunsvold: "The Gentleman from Madison, Representative Davis. Representative Steve Davis."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 55 for a number of reasons. It isn't often that we have a chance to vote on a piece of legislation that will have a long-lasting and positive impact on every single utility ratepayer in the State of Illinois. It isn't often that we see a piece of legislation that is agreed to by the major utility companies, the Citizens Utility Board, the retail merchants, organized labor, and literally dozens of other proponents. Deregulation of the utility industry is not a choice for us. It is a mandate by the Federal Government.

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And in light of this fact, we have taken the correct steps to assure the ratepayers in our state will receive the maximum benefit from this precedent setting legislation. I want to commend the Utility Deregulation Committee, Chairmen Novak and Persico, Democrat and Republican staff alike, David Vite, and all those who have worked literally hundreds of hours on this legislation. Ladies and Gentlemen, this should not be a hard vote for anyone in this Chamber. This should be an easy vote. This should be a 'yes' vote. You can vote 'yes' on this piece of legislation, and you can go back to your districts and tell your constituents that they are going to realize an immediate 10% reduction in their electric bill on the residential rates on January 1, 1998. And with an additional 5% reduction on October 1, 2000. You can vote 'yes' on this Bill, and you can go back to your districts and tell your industries and your small businesses that they can expect a 2% reduction on their utility rates, and that they are going to be able to shop around for even lower rates. You can go back into your districts and guarantee your constituents that by the year 2003 every ratepayer in the state of Illinois will be able to choose their electric supplier, which should result in further reductions in their utility rates. We should also be extremely proud of the fact that this legislation has language in it that is proposed to protect the employees and the communities from any necessary reductions in the utility work force directly caused by this restructuring of the utility industry. There are provisions to protect workers should the utilities sell or spin off any of their divisions or business units and/or generating stations or generating units. There are provisions to require the

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utilities to offer voluntary severance, retraining, early retirement, outplacement, and related benefits to the more than 20 thousand unionized employees in this industry. There are provisions to require the utility to present to its employees or their representatives a work force reduction plan that would outline the means by which the utility intends to mitigate the impact of any such work force reduction. Any acquiring entity would be required to hire a sufficient number of nonsupervisory personnel to insure the operation and maintenance of our current facilities. Safe, uninterrupted, reliable electric service is a must for the people who rely upon this industry. There are other worker protections as well that are guaranteed in this Bill that would assure comparable wage rates, equivalent fringe benefits, and terms and conditions of employment that are currently in place should one of the utilities be sold, transferred, or spun off. These protections would be in effect for a 30 month period. I don't think I have to tell the Members of this Body how important organized labor is to the State of Illinois. And I am extremely proud to stand up here and support this measure. And I am happy that organized labor is on board and supports this measure as well. Ladies and Gentlemen, this is undoubtedly the most complex issue that we have faced all year. This is not a perfect Bill, but I can stand here today and honestly say that this Bill is good for the consumer. This Bill is good for business and industry, and this Bill is good for the employees who work everyday to insure the residents in this state that we have an uninterrupted, safe, reliable, and affordable energy source. Don't let the naysayers sway your vote on this Bill. Don't be distracted by double talk about stranded

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costs, securitization, or fuel adjustment clauses. The only reason they are opposed to this historic piece of legislation is because, Ladies and Gentlemen, they want more. They are greedy. They want more. Yesterday, we voted to give the residential property owners, the farmers, and the renters the largest property tax relief measure in the history of the State of Illinois. Today, Ladies and Gentlemen, let's continue our pro consumer, pro family, and pro worker agenda, and vote 'yes' for Senate Bill 55. Thank you."

Speaker Brunsvold: "The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I hate to go back into time and talk about history, but I have to do this on this issue. I am a Member of the General Assembly going into my 11th year. I asked to serve on this committee back in January and I was not selected to serve on this committee originally because there were other people that I was told that had an interest in this issue. So I went to the Speaker and I told the Speaker and I reminded the Speaker that I am the only Democrat on this side of the aisle that has served on Energy and Environment and Public Utilities every year that I've served in this General Assembly. So what did the Speaker do? Rather than remove a person that had less seniority than me on this issue, he removed someone else who had more seniority. And I called that person and apologized to him because I didn't want that person to think that I had anything to do with him being removed from that committee. He took it with honor and he took it like a gentleman, and I want to commend Representative Phelps for allowing me to be on this committee. The reason why I wanted to be on this committee

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is because there was an issue that was dear to me in this Bill, and that was the LIHEAP, the Low-Income Energy Assistance. And so, one of the things I did as a Member of this committee, I made sure that I went to every meeting, public and not so public. And I would say by the end of the final draft of this Bill, Vince Persico, and Phil Novak, and Senator Mahar were sick and tired of Charles Morrow talking about LIHEAP. Now I'll admit, I didn't get everything that I wanted in LIHEAP. We're only generating \$76 million. I wanted \$100 million so that my good colleague on the other side of the aisle, Representative Black, had questions about a year-around program, we would have had a year-around program. But when I hear talk about why we need to wait, well if you had shown up to the meetings and put your input into the Bill, there would be no need to wait. But you didn't show up to the meetings. Why should we not wait? Because if we wait the Federal Government can pass a deregulation Bill that we would have to abide by. Now, some of the Members of this General Assembly said they want local control. What better control than we dictating how deregulation is going to be within the State of Illinois, or do we want the Federal Government in Washington, D.C. telling us how we should run deregulation? I heard an argument that we should wait on this Bill because the Senate won't consider it. Well, Ladies and Gentlemen, we voted on a Bill yesterday that dealt with school funding, that has died in the Senate. I'm not sent here to vote on legislation based on what the Senate may or may not do. I'm sent here to vote on legislation as it comes before the House of Representatives. I would have liked to have seen more of a decrease in the rates, and even some of our leadership

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wanted to see a decrease of 20 to 25%. But then we would have hurt our friends in labor. And one of the reasons why I was on this committee, because when we had meetings in Senator Mahar's office our friends in labor said, 'Charles, can you make sure that we get our word heard?' What did I do? I invited them in to the meeting. Well, you can't take care of a person's interests if you're not there. So for someone to get up here and knock a Bill and they weren't there when they had the opportunity to sit at the table, I find ludicrous. Now some people were mentioning about CUB. I, until this year, was probably one of the biggest haters of CUB. I didn't like CUB, didn't like their tactics, didn't like the way they tried to twist my arm on public utility Bills. But CUB got smart. CUB matured. And CUB came to the table with respect and was given respect. Some of the other consumer groups out there ought to take that to heart, and I won't mention who they are. Because... I'm going to leave them nameless, but I'm going to tell you about the tactics of this other consumer group. Several years ago, I received a 100% rating from this consumer group. Did not get endorsed. You know why? Because they say I didn't turn in my questionnaire. Now, is that Forrest Gump or is that Forrest Gump? You sent a press release out expounding that I'm one of the top-rated Members in the General Assembly when it comes to your issues, but then you can't endorse me because I don't send in a questionnaire. Well, you're stupid is as you stupid does. They're mad because they were delegated to second class citizenship at the table. And you know why? You know why? Because when you act like kids, you get treated like kids. What this group did to Vince and Phil is abominable, and I told them if they every came into my

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district and try that tactic with me, you would have a problem. Second, and I'm going to close on this because I did my speech yesterday in committee. This Bill is not perfect, but the opponents of this Bill didn't come to the table. They should have been at the meetings. If they were so interested and dedicated in this issue, they should have been there. There were times that we had meetings during the time we had committee process, where we all had Bills that we wanted to get out of committee. I sacrificed some of my Bills this Session, because I felt that this Bill was more important than any other Bill that I might have had this Session."

Speaker Brunsvold: "Mr. Morrow, Mr. Cross is yielding you his five minutes."

Morrow: "He's yielding me that time because I found the Bill. He couldn't find his. So, I feel comfortable voting 'yes' on Senate Bill 55. I feel very comfortable. I want to thank Vince Persico. I want to thank Phil Novak. I want to thank Dave Leitch, because even though Dave Leitch is opposed to this Bill, Dave Leitch did the right and honorable thing. He showed up and he made his concerns known. Now, we didn't address it, but he was there fighting, and he didn't quit. It's easy to vote on these Bills when they're 118 to 0, but we weren't sent here to vote on the easy Bills, we were sent here to vote on the difficult ones. Yesterday, we had a difficult Bill, and it showed to test of character and courage in many Members of this General Assembly, whether they voted 'yea' or 'nay'. I respect the Members of this Body because we do have courage, but I detest those who don't participate and don't show their courage. Give green votes on Senate Bill 55."

Speaker Brunsvold: "The Gentleman from Cook, Representative

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Bugielski."

Bugielski: "Thank you, Mr. Speaker. I ask that we Move to the Previous Question."

Speaker Brunsvold: "The Gentleman Moves the Previous Question. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the question has been moved. Mr. Novak, to close."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. And I will close with the assistance of my esteemed Cochairman, Representative Persico. As I indicated at the beginning of this debate, politics often rears its ugly head down here in many forms, and it gets entangled and it mires down very important social and public policy issues. But let me once again reiterate that politics never reared its ugly head in these negotiations. There was never any intimation at all about political motivations in this Bill. As was said before, this Bill is not perfect. And I agree. But it is a significant Bill, Ladies and Gentlemen. It is a significant Bill as we approach the 21st century. Let me admonish this Body, what's happening on the Federal level, Ladies and Gentlemen. There is a number of pieces of legislation that would ram deregulation down our throats. We do not want that to occur. Illinois deserves and needs the flexibility on its own, with its own resources, and its own people, and its own state government, and its own industry, to govern themselves. Utility industries, citizens groups, business groups, consumers, and residents. This is a good Bill. These are guaranteed rate reductions. And these rate reductions begin January 1 of 1998, two months before the third Tuesday in March of 1998. These are real savings. You will see them on the Bill. There is no smoke and mirrors, as some of these other groups have said. And even some other person said, 'Well the Senate

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just had a press conference and they're going to hold the Bill over to the Senate.' Look what they did to the Education Bill over there. They emasculated it, they killed it. You know, it's really unfortunate that one entity down here has enough power to stop a process. Well, Ladies and Gentlemen, the train is moving. We're going to pass this Bill significantly. When it gets over to the Senate it is eventually going to be passed so our consumers can realize real and substantial savings. With that, I'll yield the balance of my time to Representative Persico."

Speaker Brunsvold: "Mr. Persico."

Persico: "Before closing, Mr. Speaker, I do need to read into the record for legislative intent. For purposes of legislative intent it is the intent of this Body that Section 16-121 establish nondiscrimination as the governing principle for each identified aspect of electric utilities relationship with their affiliates, and in particular, the provision of information and cost allocation, and not just of utilities provisions of services. That was for legislative intent. Now to close. Remember some figures, Ladies and Gentlemen of the House, \$1.6 billion in the first three years, \$11 billion after 10 years. No Bill has received such debate and discussion, as I mentioned previously. A lot of red flags were thrown up. Some were legitimate, which we answered. Some were just smoke screens. But this is a real Bill with real savings. A 25% rate reduction by law, by the year 2007. If you do absolutely nothing, nothing, by the year 2007 you will be guaranteed, if you live in the Com-Ed or IP area, a 25% reduction in your present rates. One of the criticisms of this Bill, one of the criticisms of this Bill is that it locks in rates for a number of years. I welcome that. It does insure competition at a

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later time. But I welcome this locked in rates. If somebody came to you and said, you have a small boy or girl and the college tuition is \$8 thousand a year this year. I can guarantee you in 10 years, when they're ready to go to college, that we will have a 25% rate reduction of what the college tuition is now, I'd sign up. If somebody said you were paying 25% less for your food bills in 10 years, I would sign up, or a car, or a new home. This is a great Bill. I mean it's not a perfect Bill. But it is a very, very good Bill. We represent 96 thousand people. We are Members of the Illinois House, this process was driven by the House. Every time there was a slowdown we picked up the gauntlet and carried it forward. We started the large negotiations. When it looked like we were going to get a Bill out of that, we had the other side join us. Let's send a message to the Senate, that the Illinois House is ready, willing and able to guarantee a 25% rate reduction to the citizens of Illinois. Vote 'aye' on Senate Bill 55."

Speaker Brunsvold: "For legislative intent the Chair will go to Representative Erwin. Representative Erwin."

Erwin: "Thank you, Speaker, I appreciate that. I don't know about the rest of my colleagues, but I suspect that there were a number of lights still on when this question was moved. So, I do appreciate you returning to this. I first would like to just say that I do want to extend my appreciation to all the work that has been done in this Bill by the Sponsors. I rise to ask you to proceed with caution. I would urge a 'present' vote. I think that this is not only a very, very complicated..."

Speaker Brunsvold: "Representative Erwin, legislative intent."

Erwin: "Thank you, Speaker. What I had indicated to the Speaker

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was that I felt that there were very serious questions that I, for one, cannot answer today to my constituents. I cannot answer to condominium owners, and to people who live in high-rise buildings in the City of Chicago, whether or not, for instance, the wiring, the electrical wiring in their building will, in fact, require that they have to go and register with the ICC, whether or not they are an alternative retail..."

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

Erwin: "Additionally, I think that we need to know that the amount of funds that are available in this Bill for environmental issues is a pittance compared to our neighboring states. So, Speaker, I actually did not ask for a special, for special consideration here. I indicated my unhappiness that debate was cut off. I do believe that the environmental provisions in this Bill are very minimal. I think that there's an opportunity to make this Bill better if we wait until this summer(sic-fall). I think all of us will be able to go home and explain to our constituents with full knowledge of what is in this complicated Bill. I urge you to vote 'present'."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 55 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 85 voting 'yes'; 12 voting 'no'; 20 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports, Mr. Clerk."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules to which the following Conference Committee Report

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were referred, action taken on May 30, 1997. Reported the same back, recommend: 'Be adopted' Conference Committee Report #1, to House Bill 994. Conference Committee Report #1, to Senate Bill 454. Conference Committee Report #1, to Senate Bill 663. Conference Committee Report #1, to Senate Bill 670. Conference Committee Report #1, to Senate Bill 939."

Speaker Brunsvold: "Supplemental Calendar announcement, Mr. Clerk."

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

Speaker Brunsvold: "Mr. Clerk, House Bill 1375. Order of Concurrence, Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 1375 is a Bill that we called last week, I think there was a misunderstanding. There is no tax increase in this Bill. What it does is extend the bonding authority from December 31, 2001 to December 31, 2006. It does not increase the districts tax, what it actually does, these bonds are used to provide a long term stable source of funding so that Federal Government pays 60 to 70% of the project. I ask for a favorable vote. It's good for Cook county and good for the people of Illinois. Thank you."

Speaker Brunsvold: "And on that question, the Gentleman from Cook, Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. I also make a Motion that we Concur with Amendment #1, to House Bill 1375. I stand up in strong support of this piece of legislation, back a few weeks ago we Concurred with and passed Senate Bill 435 which also was for the water reclamation district. This was a companion Bill. The fact is, that when we passed 435, it was essential that we go ahead and Concur with Senate Amendments #1, to 1375 to implement the projects

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which were authorized in Senate Bill 435. If you remember back, Senate Bill 435 enabled the district to continue on with the deep tunnel project through most of our suburban Cook County suburbs and also to benefit DuPage County with our flooding problems. Senate Amendment #1, is the enabling legislation which will allow the legislation under Senate Bill 435 to be enacted. And I also will stand for any questions if there are any. Thank you, Mr. Speaker."

Speaker Brunsvold: "And on the question, the Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative, is this in anyway supersede the tax cap legislation?"

Capparelli: "Would you repeat that, please. Would it supersede what?"

Parke: "Tax cap legislation that we passed."

Capparelli: "No, it does not. It still applies for some tax cap."

Parke: "I didn't hear your answer."

Capparelli: "It's still under the 5% tax cap."

Parke: "This does bypass it?"

Capparelli: "It does have a 5% tax cap, yes."

Parke: "Now, you say it's 5%, is it the CPI or 5% of whatever is less or just 5%?"

Capparelli: "The bonding is for and it's the district is still under a 5% tax cap as the rest of the county."

Parke: "Is it your knowledge of who's...if there is any opposition to this?"

Capparelli: "Not in Cook...no, no one that I know of really, other than the Members of the House there might be some objection to it, yes. But not in Cook County."

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Parke: "Okay, thank you."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentleman. I rise in support of the Gentleman's Motion. There have been a few red herrings thrown about about this Bill in the last several weeks. But it's really a very simple Bill, it simply continues the districts bonding authority beyond the current expiration date for five years. These bonds are used...these bonds are used for flood control projects and I remind those in the Cook County area that this involves the deep tunnel project, would keep sewage out of Lake Michigan and protects our drinking water supply. So, ignore the red herrings, ignore everything that you've heard. It's a very simple Bill, this does not increase their bonding authority, it extends the current bonding authority so that the district can complete these flood control projects and protect the citizens of Cook County from sewage in their drinking water. It's a pretty simple Bill. It's a good consumer Bill. It's good for the people of Cook County, I would recommend that you vote for it."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 1375 and I echo the comments of the previous speakers. This is a compromise Bill, the original Bill was a much more expansive Bill. This Bill allows for an increase of 5 years beyond the current expiration date of the bonds. The Water Reclamation District must come back to the Legislature at that particular time to seek an extension if they wish to continue this bonding program. So, I think that this is a good Bill, it's been worked on very hard by the Water Reclamation District and rather than having a long term

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extension, it has reduced it and they will have to come back to the Legislature and make a request when these bonds are finished. So, I rise in support, this is a good Bill. I might remind the Members those that are concerned about tax gaps, I would ask them to understand that there are some unique forms of government, the Water Reclamation District is one of those forms of government, where it is impossible to put this issue on a ballot and vote on it. So, they must come to the Legislature for this authorization, I think it's a fair authorization. I think it's a good Bill and I plan to support it and I hope you will support it as well."

Speaker Brunsvold: "The Gentleman from Cook, Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support of Senate Amendment #1, to Concur to House Bill 1375. For a long time we've been looking for relief along the Des Plains river corridor. I live within a half a mile of that and people in my district and the neighboring districts are always looking to us, the General Assembly, to give any kind of help that we can and any kind of relief for the flooding and it's a dangerous and a very costly predicament we get when we get flooded and I would just urge everyone to give an 'aye' vote in support of House Bill 1375 and Concur with Senate Amendment #1."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Capparelli to close."

Capparelli: "Thank you, Mr. Speaker. The district is handling the bonding authority in a very fiscally prudent manner over the years and they will continue to do so. I would ask for a favorable Roll Call."

Speaker Brunsvold: "The question is, 'Shall the House Concur in

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Senate Amendment #1, to House Bill 1375?' This is final action. All in favor vote 'aye'; all 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. And on that question, there are 76 voting 'yes'; 39 voting 'no'; 2 voting 'present'. And the House does Concur in Senate Amendment #1, to House Bill 1375 and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 994. The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 994, was amended by the Senate limiting the Downstate Mass Transportation change to one district. This would allow the one mass transportation district to come in and establish a new base of funding. This in no way would impact any other Downstate Mass Transient District. It does not take any money away from any other existing district. I would appreciate your support."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Conference Committee Report and on that, the Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative Granberg, how are you going to fund this transportation district?"

Granberg: "This is currently out of the existing fund, Representative. It would allow this one transportation district to come in and reestablish their base rate for reimbursement."

Parke: "I'm not sure I understand your answer. Is the money coming out of General Revenue Funds?"

Granberg: "It comes out of the Downstate Public Transportation

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Fund."

Parke: "Which is part of the General Revenue Fund or is it Transportation Fund?"

Granberg: "It comes out of the Transportation Fund, the Downstate Public Transportation Fund which has..."

Parke: "So taxpayers money will be used to fund this." How do they...how do you get this money from the taxpayer? We just appropriate it through the transportation budget?"

Granberg: "Yes, and the Department of Transportation decides, makes the determination for the Downstate Mass Transportation Districts."

Parke: "Do we do this because you downstate help us with the RTA and so you're setting up yours so you can take care of your needs down there and is this sort of a reciprocal kind of thing that we help you downstate because you're helping us up state. Is that a trade-off?"

Granberg: "This fund has always been in existence, Representative. It is not being expanded."

Parke: "Well, why do we have this Bill. You want to expand how much money you can get for it."

Granberg: "There is currently a certain fund balance. This would allow one Mass Transient District who inadvertently came in with the wrong number. This would give the Department of Transportation the ability to provide them more money if that money became available. It would not impact any other Downstate Mass Transient District."

Parke: "How much more money is this?"

Granberg: "It could be, it could result in maybe \$200 thousand possibly."

Parke: "Are you saying it probably not any greater than that?"

Granberg: "Representative, it is my understanding that would be the approximate figure, it could be 300 thousand. It would

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depend on their budget, they submitted the wrong budget when they make the determination for the downstate formula."

Parke: "Do you have trailer Bill of some sort for the appropriation or is it just going to be part of the transportation appropriation?"

Granberg: "It will be part of the transportation appropriations."

Parke: "To be negotiated later?"

Granberg: "Yes."

Parke: "Okay, well I certainly...I see Representative Black's light on. I think he might be able to shed more light. I'm confused, I'm not necessary opposed. I'm just confused as to why this is being done this way."

Speaker Brunsvold: "The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, you and I had worked last year on a very similar concept about letting Downstate Mass Transit Districts access that money in a little quicker fashion and I think the only concern, and I do appreciate the fact and let me say for the record, that Representative Granberg has kept in touch with me the entire time this Bill has been under discussion and he's been very up front and very helpful. In your opinion, if we adopt this Conference Committee Report would we be putting any funding for the other Downstate Mass Transit Districts in jeopardy?"

Granberg: "No, Mr. Black."

Black: "It isn't going to take any money from my district, as I understand it."

Granberg: "Mr. Black, I would never attempt to take money from your district."

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Black: "I know, but I wanted it on the record, Sir."

Granberg: "This would have no impact on any other Downstate Mass Transit District."

Black: "In fact, It only impacts one district, doesn't it?"

Granberg: "That is correct, Sir."

Black: "Is this a new district in that definition of a Mass Transit or just an expansion of existing?"

Granberg: "This is an existing district. They expanded their service region and that has become a fundamental problem for them."

Black: "Okay, so I remember some of the problems I had with this Bill a year ago, some of our colleagues in other parts of the state were concerned that we would be accessing money that could go to Metro, or the CTA, or Mass Transit in their district and that is not the case. There is a set aside fund for Downstate Mass Transit Districts and all we're doing is to accelerate who can access the money. We're not taking money from anybody else's district. Isn't that the case?"

Granberg: "Mr. Black, as always you are right on point when we dealt with your Bill last year. This in no way impact any other Mass Transient District whether in Downstate or Central Illinois or Northern Illinois. This is a special set aside fund that is currently in existence. It would be applicable only to this one Mass Transit District but it would in no way take any money away from anyone else."

Black: "Well, I appreciate that Representative. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Black: "I think Representative Granberg has very carefully outlined the impact of this Bill and on occasion we need to help other districts who need to expand mass transit, it's

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going to be extremely important in the future in getting people to and from work as certainly of the owning and operating of automobile becomes more and more expensive in contemporary life. This doesn't harm anybody else's Mass Transit District; it doesn't rob Peter to pay Paul. It simply will allow an existing district to expand service to people who need it. I stand in support of the Conference Committee Report."

Speaker Brunsvold: "Further discussion? The Lady from Lake, Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I have just a couple of questions about the Bill."

Speaker Brunsvold: "The Gentlemen yields."

Moore, A.: "Representative, this debate that I have heard between one of the other Representatives from downstate and yourself is sounding vaguely familiar to some debate that may have occurred on the House Floor earlier in the year. I seem to recall Representative Gash had a Bill that was just for Lake County and it was to use transportation funds just for Lake County. It wasn't going to increase those funds. It wasn't going to take funds away from anybody else but it was one of those issues that the downstate people seem to have some difficulty with, now did I understand this debate correctly from the other Representative that you, this is not going to increase the amount of funding for your area."

Granberg: "Representative, staff informs me that I'm not familiar with Representative Gash's Bill, but it's completely different because she had access to additional motor fuel tax dollars. This is a special set aside fund for downstate districts. The money is currently there. This in no way impacts any mass transit in your district, in no

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way impact mass transit anywhere else in the State of Illinois."

Moore, A.: "Her Bill actually was only to utilize the funds that were assigned to her area. It wasn't for additional funds, it was in no way for additional funds. It was only funds for her area but she was wanting the flexibility to be able to utilize those funds, the way that her area was. So, you're saying that yours does not increase funding for your area, is that correct? Yours does not increase funding."

Granberg: "Representative Moore, this would allow this expansion but what it does, it does not take money from any other source. Representative Gash's Bill took money from someone else's source."

Moore, A.: "No, no that's not correct, Representative. Representative Gash's Bill allowed flexibility of the existing pool of funds that Lake County got, it did not increase funds in anyway."

Granberg: "I'm not, Representative I'm not..."

Moore, A.: "So, there is some similarity in there. I'm trying to point out that there is from time to time, we do run into these regional differences there and if your idea is a good one, which it really does sound like a good one. Sounds like something that I might want to support. But I would like to let the Body understand that from time to time we need to support each other when there isn't an increase funding amount but there is greater flexibility that's needed."

Granberg: "Representative, I understand your concern and I have been supportive of other Members when they have come, whether it's on school aid or something of that nature but again, this impacts no other region, impacts no other Mass Transit District and it does not take any existing funds

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away from any other Mass Transit District, it will in no way impede any growth in any other Mass Transit District throughout the State of Illinois."

Moore, A.: "Okay. And the one last question then, my analysis tells me that IDOT is opposed to this. Could you tell me why, please?"

Granberg: "No, they are now in favor of it. This was their idea in the Senate. They put the Amendment on in the Senate."

Moore, A.: "And so, my analysis is incorrect and IDOT is now in favor of this."

Granberg: "IDOT is now in favor. They are the ones who suggested this language in the Senate. The Amendment was put on, I spoke with Representative Black and Representative Novak, because it changed the original Bill. We did not want to make those changes unless the Representatives in these other districts Concurred. This is IDOT's suggestion, this is not mine."

Moore, A.: "Representative, I'm going to support your Bill but I want you to remember today the discussion that we had and how it's important for us to support the regional differences that exist in this state."

Granberg: "Representative Moore, I always remember your questions."

Speaker Brunsvold: "Further discussion? Hearing none, the Gentleman from Clinton to close, Mr. Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to thank Representative Black, again I appreciate Representative Moore's comments. This in no way takes funds from any existing Mass Transit District, whether located in Central, Southern, or Northern Illinois. This comes out of a dedicated fund for downstate. Even downstate, it does not impede or impact any other downstate

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Mass Transit District. It has no negative effect on any existing Mass Transit District. So, with that I would appreciate your support and I move to adopt the First House Conference Committee Report to 994."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 994?' This is final action. All in favor vote 'aye'; all 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. And on this question, there are 105 voting 'yes'; 11 voting 'no'; 1 voting 'present', and the House does adopt the First Conference Committee Report to House Bill 994. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 939, Mr. Stephens. Out of the record. The Chair is prepared to adjourn. The Chair would like to inform the Members that we will in all likelihood be here late tomorrow night. Mr. Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair. In the event we do not complete everything tomorrow night should we plan on being here on Sunday morning or Sunday during the day?"

Speaker Brunsvold: "I don't think we know that yet, Mr. Cross."

Cross: "When might we know."

Speaker Brunsvold: "I think it depends on what kind of work gets done tomorrow and usually in these last few days we do a flurry of Bills and then we have to wait for paperwork to catch up, so that usual procedure will probably exist tomorrow."

Cross: "Well, how late are we going to go tomorrow night?"

Speaker Brunsvold: "I would say, past midnight, Mr. Cross."

Cross: "So, we'll be here Sunday morning?"

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Speaker Brunsvold: "I would probably get a room for tomorrow night, yes. Unless you intend to stay up all night."

Cross: "Well, should we, to be safe for those of us that like to plan ahead should we get one for Sunday night?"

Speaker Brunsvold: "I do not know that, Mr. Cross."

Cross: "Will we need to be looking for another Bill tomorrow night anywhere?"

Speaker Brunsvold: "I don't think so."

Cross: "Oh, really. Okay, thank you."

Speaker Brunsvold: "One more piece of business, Mr. Bugielski. House Senate Bill 670."

Bugielski: "Thank you, Mr. Speaker. I make a Motion to refuse to accept the First Conference Committee Report on Senate Bill 670, and ask that a Second Conference Committee be appointed."

Speaker Brunsvold: "Any discussion on that? The Gentleman has moved to refuse for the First Conference Committee Report. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and we...the House does refuse to accept the First Conference Committee Report on Senate Bill 670, and the Gentleman has requested a Second Conference Committee be appointed. We are going to adjourn. Mr. Hartke."

Hartke: "Coming. Mr. Deering."

Speaker Brunsvold: "Mr. Hartke."

Hartke: "Thank you, Mr. Speaker, the Democrats would request an immediate Caucus in Room 114."

Speaker Brunsvold: "The Democrats have...upon adjournment, have requested a Conference in Room 114. Mr. Black, for a Motion."

Black: "Yes, thank you very much, Mr. Speaker. I have forgotten the Motion but I would move that we adjourn sine-die."

Speaker Brunsvold: "You are not recognized for that Motion, Mr."

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Black."

Black: "Oh, okay. Allowing Perfunctory time for the Clerk, I move the House adjourn and if the Republicans don't have a caucus perhaps Leader Daniels will take us all out to dinner."

Speaker Brunsvold: "Mr. Rossi, with the final announcement on Committees."

Clerk Rossi: "A Committee schedule is being passed out for Saturday morning. The following Committees will meet at 9:30 a.m. Energy and Environment, in Room 114. Exec. in Room D-1. Insurance in 118. Judiciary I, Civil Law, in C-1, and Personnel and Pensions in 122-B."

Speaker Brunsvold: "Okay, Mr. Black has move the House adjourn until May 31, Saturday at the hour of 10:00 a.m., 10:00 a.m., Ladies and Gentlemen. All in favor say 'aye'; opposed 'nay'. The House does stand adjourned until Saturday May 31st, at the hour of 10:00 a.m. Democratic Caucus immediately in Room 114, Members. Democrat Members."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 196, offered by Representative Giglio. House Resolution 197, offered by Representative Mautino. House Resolution 198, offered by Speaker Madigan. House Resolution 199, offered by Representative McKeon. These Resolutions are assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 2292, offered by Representative Stephens, a Bill for an Act to amend the Personnel Code. First Reading of this House Bill. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment 16, offered by Speaker Madigan."

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HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 15 of Article VI of the Illinois Constitution as follows:

ARTICLE VI

THE JUDICIARY

(ILCON Art. VI, Sec. 15)

SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his consent, may be assigned by the Supreme Court to judicial service for which he shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

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(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairperson ~~chairman~~, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform

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his duties.

(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State.

First Reading of this Constitutional Amendment. Being no further business, the House Perfunctory Session stands adjourned."